



CITY OF HOBART

# **MINUTES**

## **City Planning Committee Meeting**

**Open Portion**

**Tuesday, 15 June 2021 at 5:00 pm**

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## ORDER OF BUSINESS

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**City Planning Committee Meeting (Open Portion) held on Tuesday, 15 June 2021 at 5:00 pm in the Council Chamber, Town Hall.**

**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*.**

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

**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 the Lord Mayor Councillor A M Reynolds.

Councillor Harvey left the meeting at 5.22 pm, returning at 5.24 pm.

Alderman Behrakis left the meeting at 6.35 pm, returning at 6.36 pm.

**APOLOGIES:** Nil.

Councillor Dutta left the meeting at 7.25 pm, returning at 7.28 pm.

**LEAVE OF ABSENCE:** Nil.

The Lord Mayor was present for items 1 to 7.1.1 and 7.1.6, retiring from the meeting at 6.35 pm.

**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, 31 May 2021](#) and the Special City Planning Committee meeting held on [Monday, 7 June 2021](#), 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*.

**Recommendation**

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer.

No supplementary items were received.

**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 Chief Executive Officer 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.

DUTTA

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 Chief Executive Officer 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 7.1.6 was then taken.

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

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Mr Brian Corr, Ms Helen Gasparinatos, Ms Pauline Calder (Representors), Mr Mark O'Brien and Mr Martin Stephenson (Applicant) addressed the Committee in relation to item 7.1.1

#### **7.1.1 201 Macquarie Street, 49 Molle Street, 199 Macquarie Street, Hobart and Adjacent Rivulet - Partial Demolition, Alterations, Partial Change of Use to Office and Two Multiple Dwellings, New Building for 45 Multiple Dwellings, Signage and Associated Works PLN-19-768 - File Ref: F21/54743**

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BEHRAKIS

That the recommendation contained in the report of the Senior Statutory Planner and the Manager Development Appraisal of 4 June 2021, be adopted.

MOTION LOST

#### VOTING RECORD

AYES	NOES
Behrakis	Deputy Lord Mayor Burnet
Coats	Briscoe
	Harvey
	Dutta

DUTTA

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition, alterations, partial change of use to office and two multiple dwellings, new building for 45 multiple dwellings, signage and associated work at 201 Macquarie Street, 199 Macquarie Street, 49 Molle Street, and adjacent rivulet, Hobart, for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 15.4.1 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because the building height is not compatible with the scale of nearby buildings, does not allow for a transition in height between adjoining buildings, and does not make a positive contribution to the streetscape.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.7.2 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because the grade of the vehicular access is not safe, efficient or convenient, having regard to suitability for the type and volume of traffic likely to be generated by the use and development, and ease of accessibility and recognition for users.
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because there will be loss of the historic cultural significance of the place because of the development's incompatible design, including its height, bulk, and siting.
4. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A2 or P2 of the *Hobart Interim Planning Scheme 2015* because the development has not been designed to be subservient and complementary to the place, due to its scale, bulk, and siting.
5. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A3 or P3 of the *Hobart Interim Planning Scheme 2015* because the materials, built form and fenestration do not respond to the dominant heritage characteristics of the place.

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 partial demolition, alterations, partial change of use to office and two multiple dwellings, new building for 45 multiple dwellings, signage and associated work at 201 Macquarie Street, 199 Macquarie Street, 49 Molle Street, and adjacent rivulet, Hobart, for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 15.4.1 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because the building height is not compatible with the scale of nearby buildings, does not allow for a transition in height between adjoining buildings, and does not make a positive contribution to the streetscape.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.7.2 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because the grade of the vehicular access is not safe, efficient or convenient, having regard to suitability for the type and volume of traffic likely to be generated by the use and development, and ease of accessibility and recognition for users.
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because there will be loss of the historic cultural significance of the place because of the development's incompatible design, including its height, bulk, and siting.
4. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A2 or P2 of the *Hobart Interim Planning Scheme 2015* because the development has not been designed to be subservient and complementary to the place, due to its scale, bulk, and siting.
5. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A3 or P3 of the *Hobart Interim Planning Scheme 2015* because the materials, built form and fenestration do not respond to the dominant heritage characteristics of the place.

**Delegation: Council**

Mr Wayne Priddle, Mr Brian Corr, Mr Bevan Rees, Mr Leslie Lauder (Representors), Ms Sarah Lindsay (Applicant) addressed the Committee in relation to item 7.1.2

**7.1.2 98 Argyle Street, Hobart and Adjacent Road Reserve - Demolition and New Building for 20 Multiple Dwellings  
PLN-20-706 - File Ref: F21/54650**

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COATS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 3 June 2021, be adopted.

MOTION LOST

VOTING RECORD

AYES	NOES
Briscoe	Deputy Lord Mayor Burnet
Behrakis	Harvey
Coats	Dutta

DUTTA

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for demolition and new building for 20 multiple dwellings at 98 Argyle Street, Hobart, for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 23.4.1 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because the building height is not compatible with the scale of nearby buildings, does not allow for a transition in height between adjoining buildings, and does not make a positive contribution to the streetscape.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 23.4.8 A5 or P5 of the *Hobart Interim Planning Scheme 2015* because the private open space provided for the dwellings does not provide reasonable amenity, having regard to the size and dimensions of the space.
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 23.4.8 A6 or P6 of the *Hobart Interim Planning Scheme 2015* because no communal open space is provided on site, and the private open space provided for the dwellings does not provide reasonable amenity, having regard to the size and dimensions of the space, and in terms of access to sunlight.

MOTION LOST

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Briscoe
Harvey	Behrakis
Dutta	Coats

**COMMITTEE RESOLUTION:**

That the item be referred to the Council without recommendation.

**Attachments**

- A Wayne Priddle - Deputation Supporting Information - 98 Argyle Street ⇒ 
- B Bevan Rees - Deputation Supporting Information - 98 Argyle Street ⇒ 

**Delegation: Council**

Ms Philippa Edwards, Mr Andrew Edwards (Representors), Mr Andrew Fidler and Ms Jennifer Lavers (Applicant) addressed the Committee in relation to item 7.1.3

**7.1.3 15 Parliament Street, Sandy Bay - Outbuilding (Garage)**  
**PLN-21-128 - File Ref: F21/54501**

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BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 3 June 2021, 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 an outbuilding (garage) at 15 Parliament Street Sandy Bay TAS 7005 for the reasons outlined in the officer's report attached to item 7.1.3 of the Open City Planning Committee agenda of 15 June 2021 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-21-128 15 PARLIAMENT STREET SANDY BAY TAS 7005 - 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 2021/00305-HCC dated 25/03/2021 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

**PLN s1**

The garage is not approved for any commercial use.

Reason for condition

To clarify the scope of this permit.

**PLN s2**

The south eastern eaves must be no higher than 4.23m above natural ground level and the south western eaves must be no higher than 3.32m above natural ground level.

*Advice:*

*The plans submitted to Council on 1st June 2021 are considered to satisfy the above condition.*

Reason for condition

To clarify the scope of this permit.

PLN s3

The roof design must be changed so that the gable is located on the front (west) and rear (east) facades, with a maximum ridge height of 4.66m above natural ground level on the western facade.

*Advice:*

*The plans submitted to Council on 1st June 2021 are considered to satisfy the above condition.*

Reason for condition

To clarify the scope of this 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 into the existing gully pit located on the 9 CRISP STREET via a drainage easement at the eastern boundary 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.

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater detention for stormwater discharges from the development must be installed.

A design must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The design must be prepared by a suitably qualified engineer and must:

1. include detailed design and supporting calculations of the detention tank showing:
  - a. detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
  - b. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
  - c. the discharge rates and emptying times; and
  - d. all assumptions must be clearly stated;
2. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

### ENG 3a

Prior to first occupation or commencement of use (whichever occurs first), the access driveway, and parking module (parking spaces, and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS 2890.1:2004 (including the requirement for physical controls where required), or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

*Advice:*

*It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*

#### Reason for condition

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

### ENG 3b

The access driveway, and parking module (parking spaces, and manoeuvring area) design must be submitted and approved as a Condition Endorsement, prior to the commencement of work, issuing of any approval under the *Building Act 2016*.

The access driveway, and parking module (parking spaces, and manoeuvring area) design must:

1. Be prepared and certified by a suitably qualified engineer,
2. Be generally in accordance with the Australian Standard AS/NZS 2890.1:2004, and
3. Where the design deviates from AS/NZS 2890.1:2004 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

*It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*

Reason for condition

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

ENG 3c

The access driveway, and parking module (parking spaces, and manoeuvring area) must be constructed in accordance with the design drawings approved by Condition ENG 3b.

Prior to first occupation or commencement of use (whichever occurs first), documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the above drawings must be lodged with Council.

*Advice:*

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

Reason for condition

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

ENG 5

The number of car parking spaces approved to be used on the site is three:

- Two (2) within the Proposed Garage
- One (1) in-place of the Proposed Tandem

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 17a

The palette of exterior colours and materials must reflect the palette of materials of the existing house on site and precinct.

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

Reason for condition

To ensure that development at Sandy Bay 2 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.

## CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, 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](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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.

## 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.

## STORMWATER

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

## 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**

### **7.1.4 8 Old Proctors Road, Tolmans Hill - Public Toilets, Barbecue Shelter and Associated Works PLN-21-249 - File Ref: F21/54357**

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#### BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 31 May 2021, be adopted.

MOTION CARRIED

#### VOTING RECORD

##### AYES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

##### NOES

#### **COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for public toilets, barbecue shelter and associated works, at 8 Old Proctors Road, Tolmans Hill TAS 7007. for the reasons outlined in the officer's report attached to item 7.1.4 of the Open City Planning Committee agenda of 15 June 2021 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-21-249 - 8 OLD PROCTORS ROAD TOLMANS HILL TAS 7007 - 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 2021/00582-HCC dated 23 April 2021 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 17

Lighting and security lighting must operate in accordance with Australian Standard AS4282- Control of the obtrusive effects of outdoor lighting.

Reason for condition

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

ENG sw1

Prior to first occupation or commencement of use (whichever occurs first), 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.

*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 3a

Prior to commencement of use, the parking module(s) must be designed and constructed in accordance with Australian Standard AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.

Reason for condition

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

ENG 4

Prior to commencement of use (whichever occurs first), the access and parking module (parking space for people with disabilities) 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.

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

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 9

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

Reason for condition

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

## ENG 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 10

To ensure the protection of trees not approved for removal, in particular the large Blue Gum (*Eucalyptus globulus*), a Tree Protection Plan must be submitted and approved as a Condition Endorsement prior to the issuing of any consent under the Building Act. The Tree Protection Plan must include (but is not limited to) details in relation to the following:

1. installation of tree protection fencing around the Blue Gum, at a distance from the trunk that avoids compaction to the roots, with the installation
2. to occur before works commence and the fencing maintained in position for the duration of the works,
3. the location of the site office and amenities, storage and stockpile areas, machinery storage, washing areas for chemicals, parking etc. outside the tree protection fencing,
4. the location of site access and circulation,
5. no works occurring within the tree protection fencing, and
6. the location of two new trees to replace every tree to be removed during the development.

All work required by this condition must be undertaken in accordance with the approved Tree Protection Plan.

### *Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit. Note also condition HER 18 below.*

### Reason for condition

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

## 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 18

The large *Eucalyptus globulus* (Blue Gum) tree at the centre of the circular footpath must be protected throughout excavation and post construction.

A notation must be added to construction documentation, and that documentation must be submitted and approved as a Condition Endorsement prior to the commencement of work. The notation must;

1. Clearly identify that the tree is a Significant Tree and protected by E 24.0 in the *Hobart Interim Planning Scheme, 2015*.
2. Clearly state that the tree is to be retained and protected during works as per Her 18.

All work required by this condition must be undertaken in accordance with the approved and notated construction documentation

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit. Note also condition ENV 10 above.*

Reason for condition

To ensure that significant trees are not unnecessarily destroyed and are managed in a way that maintains their health and appearance.

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

## STORMWATER

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

## WORK WITHIN THE HIGHWAY RESERVATION

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

## DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

## COUNCIL RESERVES

A separate Public Spaces By-law permit to undertake works will be required before works commence. Please allow two weeks for a permit application to be assessed. There may be charges associated with the by-law permit. The permit application form can be found [here](#) or; <https://www.hobartcity.com.au/Community/Parks-reserves-and-sporting-facilities/Apply-for-a-permit>.

## 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**

**7.1.5 14 Thelma Drive, West Hobart - Dwelling  
PLN-21-123 - File Ref: F21/54403**

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BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 3 June 2021, 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 a dwelling, at 14 Thelma Drive, West Hobart TAS 7000 for the reasons outlined in the officer's report attached to item 7.1.5 of the Open City Planning Committee agenda of 15 June 2021 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-21-123 - 14 THELMA DRIVE WEST HOBART TAS 7000 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/00366-HCC dated 13/05/2021 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 4

Vegetation screening must be planted along the south western side of the dwelling, between the dwelling and the Thelma Drive frontage, prior to first occupation. The screening must incorporate a variety of (preferably native) species, a variety of heights, and be of a suitable level of density.

Prior to commencement of works, a landscaping plan must be submitted and approved as a Condition endorsement, in accordance with the above requirement.

All work required by this condition must be undertaken in accordance with the approved landscaping plan. The vegetation must be maintained for the life of the dwelling, and replacement vegetation must be planted if any is lost.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

*No plantings within the Council's road reservation is approved by this permit.*

Reason for condition

To ensure that a safe and attractive landscaping treatment enhances the appearance of the site and assists to integrate the building into the streetscape and surrounds.

PLN s4

The proposed colour and material for the south western wall of the dwelling must help the dwelling integrate with the streetscape.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing the colour and finish of the south western wall in accordance with the above requirement. The finish should be in the form of a textured material.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

To assist with the integration of the dwelling into the streetscape.

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).

Any private or private shared stormwater system passing through third-party land must have sufficient receiving capacity.

*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 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 pre-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 sw3

The proposed development (footings and overhangs) must be designed to ensure the protection and access to the Council's stormwater main.

A detailed design must be submitted and approved as a Condition Endorsement prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first). The detailed design must:

1. Demonstrate how the design will ensure the protection and provide access to the Council's stormwater main.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater detention for stormwater discharges from the development must be installed.

A stormwater design must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The design must be prepared by a suitably qualified engineer and must:

1. include detailed design and supporting calculations of the detention tank showing:
  - a. detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
  - b. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
  - c. the discharge rates and emptying times; and
  - d. all assumptions must be clearly stated;
2. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

ENG 3a

Prior to first occupation or commencement of use (whichever occurs first), the access driveway, and parking module (parking spaces) must be designed and constructed in accordance with Australian Standard AS/NZS 2890.1:2004 (including the requirement for physical controls where required), or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

*Advice:*

*It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*

Reason for condition

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

ENG 3b

The access driveway, and parking module (parking spaces) design must be submitted and approved as a Condition Endorsement, prior to the commencement of work, issuing of any approval under the *Building Act 2016*.

The access driveway, and parking module (parking spaces) design must:

1. Be prepared and certified by a suitably qualified engineer,
2. Be generally in accordance with the Australian Standard AS/NZS 2890.1:2004,
3. Where the design deviates from AS/NZS 2890.1:2004 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:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

*It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*

Reason for condition

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

ENG 3c

The access driveway, and parking module (parking spaces) must be constructed in accordance with the design drawings approved by Condition ENG 3b.

Prior to first occupation or commencement of use (whichever occurs first), documentation by a suitably qualified engineer certifying that the access driveway, and parking module, has been constructed in accordance with the above drawings, must be lodged with Council.

*Advice:*

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

Reason for condition

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

ENG 4

Prior to first occupation or commencement of use (whichever occurs first), the access driveway and parking module (parking spaces) 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.

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 r3

Prior to the commencement of use, the proposed driveway crossover on the highway reservation for 14 Thelma Drive must be designed and constructed in general accordance with:

Urban - TSD-R09-v1 – Urban Roads Driveways;

Design drawings must be submitted and approved as a Condition Endorsement prior to any approval under the *Building Act 2016*. The design drawings must:

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property;
2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover;

3. If the design deviates from the requirements of the TSD, then demonstrate that a B85 vehicle or a B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2), can access the driveway from the road pavement into the property without scraping the vehicle's underside;
4. Be prepared and certified by a suitable qualified person, to satisfy the above requirements.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

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

Reason for condition

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

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.

#### CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, 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](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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.

## BUILDING PERMIT

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

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

## PLUMBING PERMIT

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

## OCCUPATION OF THE PUBLIC HIGHWAY

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

## BUILDING OVER AN EASEMENT

In order to build over the service easement, you will require the written consent of the person on whose behalf the easement was created, in accordance with section 74 of the *Building Act 2016*.

## STORMWATER

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

## WORK WITHIN THE HIGHWAY RESERVATION

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

## DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

## ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click [here](#) for more information.

## CROSS OVER CONSTRUCTION

The construction of the crossover can be undertaken by the Council or by a private contractor, subject to Council approval of the design. Click [here](#) for more information.

## NOISE REGULATIONS

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

## FEEES AND CHARGES

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

## DIAL BEFORE YOU DIG

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

Item 7.1.7 was then taken.

**7.1.6 4 /160 Elizabeth Street, Hobart - Alterations and Change of Use to  
Bulky Goods Sales and Food Services  
PLN-21-215 - File Ref: F21/54689**

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BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 8 June 2021, 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 alterations and change of use to bulky goods sales and food services at 4/160 Elizabeth Street, Hobart TAS 7000 for the reasons outlined in the officer's report attached to item 7.1.6 of the Open City Planning Committee agenda of 15 June 2021 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-21-215 4/160 ELIZABETH STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

This permit does not approve: the obscuring of any of the existing glazing; or any signage.

*Advice:*

*Obscuring the window is considered to be both placing physical obstructions in front of the window (e.g. office equipment) as well as attaching things to the window like signage or obscure film.*

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 approval under the *Building Act 2016*.

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

Reason for condition

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

## ENG s1

A vehicle movement permit must be applied for and approved, prior to the commencement of use.

### Reason for condition

To ensure that the Council's road infrastructure is protected.

## 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*.

## 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 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.

#### 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 7.1.1 was then taken.

#### **7.1.7 289 Lenah Valley Road, 269 Lenah Valley Road, Lenah Valley and Adjacent Rivulet - Partial Demolition, Alteration, Extension and Associated Hydraulic Infrastructure PLN-21-111 - File Ref: F21/54698**

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#### HARVEY

That the recommendation contained in the report of the Development  
Appraisal Planner and the Senior Statutory Planner of 7 June 2021, be  
adopted.

MOTION CARRIED

#### VOTING RECORD

#### AYES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

#### NOES

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alteration, extension and associated hydraulic infrastructure, at 289 Lenah Valley Road, 269 Lenah Valley Road and adjacent rivulet, Lenah Valley TAS 7008 for the reasons outlined in the officer's report attached to item 7.1.7 of the Open City Planning Committee agenda of 15 June 2021 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-21-111 - 289 Lenah Valley Road and 269 Lenah Valley Road Lenah Valley TAS 7008 & adjacent rivulet - 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).

Any private or private shared stormwater system passing through third-party (in this case City of Hobart) land must have sufficient receiving capacity.

*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.

## SW 5

Construction of the development connection must not adversely impact the New Town Rivulet.

A construction management plan (CMP) must be submitted and approved as a Condition Endorsement prior to commencement of works. The CMP must be prepared by a suitably qualified and experienced engineer and must:

1. detail the proposed construction methodology and identify all potential risks to the New Town Rivulet and the public reserve riparian zone during construction including but not limited to construction loading, traffic loading, excavation works, footing construction, vibrations, undermining, flood, and environmental harm;
2. provide treatment measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks;
3. include a monitoring regime.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

## SW 7

Prior to occupancy or the commencement of the use (whichever occurs first), any new stormwater connection must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense.

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted via the City of Hobart's online request form which is available on its website and approved. The detailed engineering drawings must include:

1. the location of the proposed connections and all existing connections;
2. the size and design of the connection such that it is appropriate to safely service the development;
3. long-sections of the proposed connection clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure;
4. connections which are free-flowing gravity driven;
5. any connections to watercourse must demonstrate adequate erosion and scour control and minimise hydraulic intrusion. The cross-sections must clearly show the top of bank and invert of watercourse.

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings. The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.

#### SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater detention for stormwater discharges from the development must be installed.

A stormwater management report and design must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. include detailed design and supporting calculations of the detention tank showing:
  - a. detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
  - b. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
  - c. the discharge rates and emptying times; and
  - d. all assumptions must be clearly stated;

2. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this 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 10

An approved Construction Tree Protection Plan must be implemented and complied with.

A Construction Tree Protection Plan must be submitted and approved as a Condition Endorsement, prior to the commencement of works and prior to the granting of building consent (whichever occurs first). The Construction Tree Protection Plan must:

1. show the tree protection zones (TPZs) of the *Eucalyptus globulous* and *Acacia dealbata* trees identified in the Aboricultural Assessment by Element Tree Services dated 18 March 2021, as determined in accordance with Australian Standard AS 4970-2009 *Protection of trees on development sites*;
2. show all proposed works and development that would encroach into the TPZs and the area of the TPZs where works are to be excluded; and
3. include the location and construction details of fencing/barriers for the tree protection zone that will delineate areas where works are to be excluded.

### *Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

### Reason for condition

To ensure the development does not result in unnecessary loss of priority biodiversity values

## 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.

OPS s1

Approval is granted for the stormwater design as shown on drawing H010 Revision B Project 20.0518 by Gandy and Roberts. If the pipe is proposed to be installed in a different position, this could result in more than a ten percent incursion into the Tree Protection Zone of park trees. Therefore, either the trenches would have to be dug by hand or vacuum pump, or the tree/s would have to be removed at the applicant's cost and the tree's amenity value paid by the applicant.

A Public Spaces By-law permit will be required for the installation works within New Town Rivulet Linear Park. To apply for a by-law permit to undertake works, use this link;  
[hobartcity.com.au/Community/Parks-reserves-and-sporting-facilities/Apply-for-a-permit](http://hobartcity.com.au/Community/Parks-reserves-and-sporting-facilities/Apply-for-a-permit)

*Advice:*

*Please note that if the pipe is not installed substantially in accordance with the location in the Final Planning Documents, further planning approval may be required.*

Reason for condition

To protect the City's trees and the amenity of public parks.

## 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

If any condition requires that further documents are submitted and approved, 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](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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.

## 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.

## PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

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

## NEW SERVICE CONNECTION

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

## COUNCIL RESERVES

A Public Spaces By-law permit is required for installation of the new stormwater pipe within New Town Rivulet Linear Park. You can apply for a permit to undertake works here;  
<https://www.hobartcity.com.au/Community/Parks-reserves-and-sporting-facilities/Apply-for-a-permit>.

## FEES AND CHARGES

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

## DIAL BEFORE YOU DIG

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

**Delegation: Council**

## 8. REPORTS

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### 8.1 Golf Links Estate Heritage Precinct Provisions File Ref: F21/41661

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BRISCOE

That the recommendation contained in the report of the Development Planner and the Director City Planning of 9 June 2021, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

#### **COMMITTEE RESOLUTION:**

That no further controls be introduced into the *Hobart Interim Planning Scheme 2015* in relation to the Golf Links Heritage Precincts Provisions given the Tasmanian Planning Scheme is close to being publicly exhibited.

**Delegation: Council**

### 8.2 Monthly Planning Statistics - 1 May - 31 May 2021 File Ref: F21/54429

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HARVEY

That the recommendation contained in the memorandum of the Director City Planning of 9 June 2021, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

**COMMITTEE RESOLUTION:**

That the planning statistical report of the Director City Planning be received and noted:

During the period 1 May 2021 to 31 May 2021, 90 permits were issued to the value of \$14,148,684 which included:

- (i) 13 new single dwellings to the value of \$7,579,759;
- (ii) 6\* multiple dwellings to the value of \$110,000 (\*includes the change of use of an existing dwelling to two dwellings; and internal alterations to an existing building to create four new dwellings);
- (iii) 36 extensions/alterations to dwellings to the value of \$5,069,830;
- (iv) 12 extensions/alterations to commercial properties to the value of \$1,032,758;
- (v) No major projects:

During the period 1 May 2020 to 31 May 2020, 48 permits were issued to the value of \$46,131,446 which included:

- (i) 3 new single dwellings to the value of \$910,000;
- (ii) 93 multiple dwellings to the value of \$38,242,335;
- (iii) 22 extensions/alterations to dwellings to the value of \$3,559,000;
- (iv) 7 extensions/alterations to commercial properties to the value of \$2,004,611;
- (v) 2 major projects:
  - (a) 9 Sandy Bay Road, Hobart - demolition and new building for 28 multiple dwellings and associated works within adjacent road reserve - \$7,000,000;

- (b) 127 Bathurst Street, Hobart - demolition and new building for 55 multiple dwellings, food services, business and professional services, general retail and hire and associated works within the adjacent road reserve - \$30,000,000

*# This report includes permits issued, exempt and no permit required applications*

**Delegation: Council**

### **8.3 Monthly Building Statistics 1 May - 31 May 2021** **File Ref: F21/54408**

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BEHRAKIS

That the recommendation contained in the memorandum of the Director City Planning of 8 June 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

**COMMITTEE RESOLUTION:**

That the building statistical report of the Director City Planning be received and noted:

During the period 1 May 2021 to 31 May 2021, 55 permits were issued to the value of \$19,187,498 which included:

- (i) 36 for extensions/alterations to dwellings to the value of \$4,129,609;
- (ii) 10 new dwellings to the value of \$3,033,800;
- (iii) 0 new multiple dwellings; and

(iv) 1 major project:

- (a) 85-99 Collins Street, Hobart - Commercial Internal Alterations  
\$8,480,000

During the period 1 May 2020 to 31 May 2020, 36 permits were issued to the value of \$9,947,195 which included:

- (i) 15 for extensions/alterations to dwellings to the value of \$2,056,000;  
(ii) 6 new dwellings to the value of \$3,146,228;  
(iii) 0 new multiple dwellings; and  
(iv) 0 major projects:

In the twelve months ending May 2021, 686 permits were issued to the value of \$214,649,847; and

In the twelve months ending May 2020, 575 permits were issued to the value of \$243,777,218

**Delegation: Council**

#### **8.4 Delegated Decision Report (Planning) File Ref: F21/54223**

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BEHRAKIS

That the recommendation contained in the memorandum of the Director City Planning of 8 June 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES  
Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

NOES

**COMMITTEE RESOLUTION:**

That the information contained in the memorandum *Delegated Decision Report (Planning)* be received and noted.

**Delegation: Committee**

**8.5 City Planning - Advertising Report  
File Ref: F21/54133**

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HARVEY

That the recommendation contained in the memorandum of the Director City Planning of 8 June 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

**COMMITTEE RESOLUTION:**

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

**Delegation: Committee**

The Deputy Lord Mayor vacated the Chair for item 9.1.

HARVEY

That Alderman Behrakis Chair the meeting for item 9.1

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

Alderman Behrakis assumed the Chair.

**9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

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**9.1 Local Housing Solutions**  
**File Ref: F21/54013; 13-1-9**

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DEPUTY LORD MAYOR BURNET

That in accordance with Council's policy, the following Notice of Motion which was adopted by the City Planning Committee, be considered by the Council.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Behrakis	
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Dutta	
Coats	

**COMMITTEE RESOLUTION:**

**Motion:**

"That a report be prepared that investigates ways Council can provide advice to property owners regarding dwelling and property modifications, with a view to increase accommodation options across Hobart.

The advice be tailored for people who might want the flexibility to remain living at their property as their lifestyles might change or as they age, and also to increase the dwelling capacity on their property.

The report would:

- 1) Structure “plain English” explanations as to options for home modifications, planning requirements and how to meet building codes and heritage considerations.
- 2) Identify suitable properties where an increase in the number of dwellings could be possible
- 3) Provide more information for such opportunities in partnership with organisations such as the Australian Institute of Architects or Housing Industry Association
- 4) Consider allocating officer time as point of contact on finding these local housing solutions
- 5) Consider the financial return to Council in order for the program to be successful.”

**Rationale:**

“ABS figures suggest that in 2016, there were 2.6 occupants per dwelling in Hobart. Much of Hobart’s housing stock is free standing on large blocks. Some properties have been used as family homes and whilst children have since moved on, family homes are still being used with many empty rooms. There may be the chance to down-size on the same property and to increase the number of dwellings, even within the footprint of the original house for example, that may not have been thoroughly contemplated.

The current housing shortage provides Council with good reason to be proactive in finding more solutions by both pointing out what is possible, and where the Planning Schemes limit such options.

Some properties, depending on their zone may lend themselves to having greater numbers of dwellings on the site. This could be floors or sections of a free-standing house that may be strata titled, or could have other freestanding dwellings such as granny flats built on the property.

Providing proactive advice as to possible options that fit with the Planning Schemes and the neighbourhood could help provide dwellings that are low cost but that provide tangible outcomes to Hobart’s housing shortage.”

**The Chief Executive Officer advises:**

“That this matter relates to planning and building controls and the promotion of housing outcomes consistent with current controls.”

**Delegation: Council**

The Deputy Lord Mayor resumed the Chair.

## 10. RESPONSES TO QUESTIONS WITHOUT NOTICE

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Regulation 29(3) *Local Government (Meeting Procedures) Regulations 2015*.  
File Ref: 13-1-10

### 10.1 Central Business District - Amenity File Ref: F21/14019; 13-1-10

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Memorandum of the Director City Planning of 9 June 2021.

### 10.2 Golf Links Estate - Possible Subdivision File Ref: F21/24434; 13-1-10

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Memorandum of the Director City Planning of 9 June 2021.

### 10.3 Residential Density File Ref: F21/41381; 13-1-10

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Memorandum of the Director City Planning of 9 June 2021.

BRISCOE

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**Delegation: Committee**

## 11. QUESTIONS WITHOUT NOTICE

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

### 11.1 Councillor Dutta - Building Heights - Hobart CBD File Ref: 13-1-10

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Question: Can the Director advise when the report on the social and economic impact of the CBD building heights is due to be received ?

Answer: The Director City Planning advised that consultants have been appointed for that task, SGS Economics and Preston Lane Architects are preparing a response to briefs on the issues and it is expected to be reported back to Committee in September/October 2021.

## **11.2 Alderman Behrakis - Local Planning Schemes**

**File Ref: 13-1-10**

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Question: Can the Director advise what is the current status of the Hobart LPS and is there a hold up in its formulation?

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

## **11.3 Deputy Lord Mayor Burnet - Planning Scheme - Design Guidelines**

**File Ref: 13-1-10**

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Question: Can the Director advise if a workshop could be convened between Elected Members and the Urban Design Advisory Panel to discuss potential amendments to the planning scheme to better incorporate stronger design excellence guidelines into the scheme for city developments ?

Answer: The Director City Planning advised that he would liaise with the Chairman of the City Planning Committee in order to facilitate a workshop between Elected Members, UDAP and relevant Council officers.

## **11.4 Deputy Lord Mayor Burnet - Light Aircraft Noise - Hobart**

**File Ref: 13-1-10**

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Question: In regard to the light aircraft flights over Hobart, could the Director please indicate the number and whether there is any exclusion (including floor and ceiling range) over the built up area of the city?

In regard to flights to the Royal Hobart Hospital helipad, could the Director please indicate:

How many flights there have been since the K Block was completed?

How many flights are for emergency and non-emergency transport?

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

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

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BRISCOE

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	Responses to Questions Without Notice
Item No. 4.1	Economic Impact Assessment Report LG(MP)R 15(2)(c)(i)
Item No. 4.2	Aboriginal Heritage Site Assessment LG(MP)R 15(4)(a)
Item No. 5	Questions Without Notice

MOTION CARRIED

### VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

**Delegation: Committee**

The Chairman adjourned the meeting at 8.10 pm for a comfort break.

The meeting was reconvened at 8.30 pm.

Item 7.1.4 was then taken.

There being no further business the Open portion of the meeting closed at 9.01 pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
28<sup>TH</sup> DAY OF JUNE 2021.

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**CHAIRMAN**