



CITY OF HOBART

MINUTES

City Planning Committee Meeting

Open Portion

Monday, 2 August 2021 at 5:00pm

ORDER OF BUSINESS

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**APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME
1997**

- 11 28 Davey Street. 30 Davey Street, Hobart and Adjacent Road Reserve - Demolition, New Building for Visitor Accommodation, Function Centre, and Eating Establishments, Bar, and Shop, Lot Consolidation, and Associated Works in the Road Reserve including Removal of Carparking Spaces, Relocation of Public Street Furniture, Lighting and new Stairs 47

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

- 12 120 Pottery Road, Lenah Valley, and Adjacent Road Reserve - Dwelling 49

City Planning Committee Meeting (Open Portion) held on Monday, 2 August 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 and W Coats.

Councillor Harvey left the meeting at
5.54pm, returning at 5.56pm.

Alderman Behrakis left the meeting at
6.06 pm, returning at 6.08pm.

APOLOGIES: Nil.

Councillor Dutta left the meeting at
6.26pm, returning at 6.30pm.

LEAVE OF ABSENCE: Nil.

Councillor Coats retired from the meeting
at 6.34pm and was present for items 1 to
7.1.2 and supplementary item 11.

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

No Elected Members were co-opted to the Committee.

2. CONFIRMATION OF MINUTES

BEHRAKIS

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 19 July 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

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

BRISCOE

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

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

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.

HARVEY

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

NOES

Deputy Lord Mayor Burnet
Briscoe

Harvey
Behrakis
Dutta
Coats

7. COMMITTEE ACTING AS PLANNING AUTHORITY

In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the 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.

7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

Mr Hayden Moore (Representor), Mr Tim Gourlay and Mr Matthew Clark (Applicant) addressed the Committee in relation to item 7.1.1

7.1.1 43A Pirie Street, 43 Pirie Street New Town and Adjacent Road Reserve - Demolition, Six Multiple Dwellings, Front Fencing, and Associated Works PLN-21-200 - File Ref: F21/73342

BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 18 June 2021, be adopted, as amended by the addition of the following clause HER 12:

“HER 12

The palette of exterior colours, materials and finishes must reflect the palette of colours, materials and finishes within the local streetscape and precinct.

Prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first), revised plans and details (including a materials board if appropriate) must be submitted and approved as a Condition Endorsement showing exterior colours, materials and finishes in accordance with the above requirement.

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

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.”

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 demolition, six multiple dwellings, front fencing, and associated works at 43A PIRIE STREET NEW TOWN TAS 7008 for the reasons outlined in the officer’s report attached to item 7.1.1 of the Open City Planning Committee agenda of 2 August 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-21-200 - 43A PIRIE STREET NEW TOWN TAS 7008 - 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 2021/00511-HCC dated 13/04/2021 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 15a

A demolition waste management plan must be implemented throughout demolition. The demolition waste management plan must include

provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.

Advice:

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

PLN s1

The approved building must be contained within the building envelope prescribed by clause 11.4.2 A3 of the *Hobart Interim Planning Scheme 2015* (version 38).

Revised plans must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016*, that clearly demonstrate compliance with the above requirement.

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

In accordance with the applicant's planning report

PLN s2

Each dwelling must be provided with a north facing deck at first floor level that is at least 20sqm in area, with a minimum horizontal dimension of 3m, and a north facing deck at second floor level that is at least 10sqm in area (except the westernmost unit which can have an 8sqm deck).

Prior to the issue of any approval under the *Building Act 2016*, excluding for demolition, revised plans must be submitted and approved as a Condition Endorsement, demonstrating compliance with the above.

All work required by this condition must be undertaken in accordance with the approved revised plans, prior to first occupation.

Advice:

The plans submitted to Council on 6 July are considered to satisfy the requirements of this condition.

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 future occupants of the dwellings have an area of private open space that affords them a reasonable level of amenity

PLN s3

A landscape plan must be prepared for the soft and hard landscaping of the site, by a suitable qualified landscape designer/architect.

Prior to the issue of any approval under the *Building Act 2016*, a landscape plan must be submitted and approved as a Condition Endorsement, in accordance with the above requirement. The landscaping plan must include:

1. Details of the landscaping of the front gardens of the dwellings, paying particular attention to the area within one metre of the road reservation.
2. Details of the landscaping (hard and soft) proposed within the communal garden area
3. The species and size at planting of each tree.
4. The location of footpaths, lighting and any proposed or existing underground infrastructure within the Communal garden.
5. A maintenance schedule sufficient to ensure the long term viability of the landscaping. The maintenance schedule must include provision for routine maintenance including irrigation servicing, pest control and replacement of failed plantings where necessary and appropriate.

All landscaping must be planted and installed in accordance with the

approved landscaping plan. Prior to occupancy, confirmation from the landscape designer/architect who prepared the approved landscaping plan (or another suitably qualified landscape designer/architect) that the all landscaping works required by this condition have been implemented, must be submitted to the satisfaction of the Directory City Planning.

Once planted and installed, the landscaping must be maintained in accordance with the maintenance schedule.

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 that the development provides landscaping of the site that will afford a reasonable level of amenity for the future occupants of the dwelling, and be complementary to the streetscape

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.

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 sw4

The new stormwater connection must be constructed and existing abandoned connections sealed by the Council at the owner's expense, prior to the first occupation.

Detailed engineering drawings must be submitted and approved as part of an application for a new stormwater connection, prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first). The detailed engineering drawings must include:

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

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

Advice:

The applicant is advised to submit detailed design drawings via a Council City Amenity Division [application for a new stormwater connection](#). If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to submit an application for a new stormwater connection with Council City Amenity Division.

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

Reason for condition

To ensure the site is drained adequately.

ENG sw6

All stormwater from the proposed development (including hardstand runoff) must be discharged to the Council's stormwater infrastructure with

sufficient receiving capacity prior to first occupation. 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 connections to the Council's stormwater infrastructure must be submitted and approved prior to the commencement of work. The design drawings and calculations must:

1. prepared by a suitably qualified person; and
2. include long section(s)/levels and grades to the point of discharge.

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 to a suitable Council approved outlet.

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater pre-treatment 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 of the proposed treatment train, including final estimations of contaminant removal

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 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS 1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

Advice:

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

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

Reason for condition

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

ENG 2b

Prior to the issue of any approval under the *Building Act 2016* or the commencement of works on site (whichever occurs first), a certified vehicle barrier design (including site plan with proposed location(s) of installation) prepared by a suitably qualified engineer, compliant with Australian Standard AS/NZS 1170.1:2002, must be submitted to Council as a Condition Endorsement.

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

ENG 2c

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers must be inspected by a qualified engineer and certification submitted to the Council confirming that the installed vehicular barriers comply with the certified design and Australian Standard AS/NZS 1170.1:2002.

Advice:

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

Reason for condition

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

ENG 3a

Prior to first occupation or commencement of use (whichever occurs first), the access driveway, circulation roadways, ramps, and parking module (parking spaces, aisles and, manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS 2890.1:2004 (including the requirement for vehicle safety barriers where required), or a

Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

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

The access driveway, circulation roadways, ramps, and parking module (parking spaces, aisles, and manoeuvring area) design must:

1. Be prepared and certified by a suitably qualified engineer;
2. Be generally in accordance with the Australian Standards, AS/NZS 2890.1:2004;
3. Where the design deviates from AS/NZS2890.1:2004, the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use;
4. Show dimensions, levels, gradients and transitions, and any other details as Council deem necessary to satisfy the above requirement; and
5. Have a minimum vertically clear driveway width of 3 meters and provide sufficient headroom to comply with Section 5.3 of AS/NZS 2890.1:2004

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.

It is advised that designers consider the minimum vertical clearances (headroom) with respect to small and medium rigid vehicle classifications, 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, circulation roadways, ramps, and parking module (parking spaces, aisles, 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 4

Prior to first occupation or commencement of use (whichever occurs first), the access driveway, and parking module (parking spaces, aisles, and manoeuvring area) approved by this permit must be constructed to a

sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) 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

The number of car parking spaces approved to be used on the site is Thirteen (13).

The approved visitor car parking space must be clearly sign marked as such.

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.

ENG 13

The frontage fencing for 43A Pirie Street must allow adequate sight distance between user vehicles, cyclists and pedestrians.

Reason for condition

To ensure the safety of vehicles entering and leaving the development and of pedestrians and traffic in the vicinity.

ENG r3

Prior to the commencement of use, the proposed driveway crossover on the Roope Street highway reservation must be designed and constructed in accordance with:

- Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v3 Type Open wedge vehicular crossing.

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. Show swept path templates in accordance with AS/NZS 2890.1 2004(B85 or B99 depending on use, design template);
4. 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;
5. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
6. 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 2

Sediment and erosion control measures, in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

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

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 avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

HER 9

A construction management plan must be prepared and contain protocols and recommendations for all contractors working in close proximity to the stone foundations along the boundary of 31 Pirie Street (Flint House) to be briefed on the heritage values of the heritage listed site and for the need to protect the structure whilst undertaking the proposed works to upgrade infrastructure.

Prior to the commencement of works (including demolition and excavation), all workers and managers must be briefed on the importance of the cultural heritage values of the site as part of a site induction. This must be undertaken by a suitably qualified heritage practitioner.

Prior to the issue of any approval under the Building Act 2016, the construction management plan must be submitted and approved as a Condition Endorsement in accordance with the above requirements. All works must be undertaken in accordance with the approved construction management 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.

Reason for condition

To ensure that there is no loss or damage to the heritage values or significant fabric of the site.

HER 11

The turning circle at 43 Pirie Street must be retained and the curve to the right of way shown on drawing DA02 must be implemented.

Prior to the issue of any approval under the *Building Act 2016*, plans must be submitted and approved as a Condition Endorsement showing the retention of the turning in accordance with the above requirement.

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 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 palette of exterior colours, materials and finishes must reflect the palette of colours, materials and finishes within the local streetscape and precinct.

Prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first), revised plans and details (including a materials board if appropriate) must be submitted and approved as a Condition Endorsement showing exterior colours, materials and finishes in accordance with the above requirement.

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

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.

HER 17a

The works within the right of way off Roope Street must be constructed with an exposed aggregate finish and be of a cream / sandstone colour.

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 proposed right of way in accordance with the above requirement.

All work required by this condition must be undertaken in accordance with the approved 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 ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

HER 18

The English Oak Tree noted as T4 at 43 Pirie Street must be protected throughout excavation and post construction in accordance with the Arboricultural Impact Assessment and Tree Protection Specification report and in accordance with AS 4970-2009 Protection of Trees on Development Sites. All recommendations must be complied with.

Prior to the issue of any approval under the *Building Act 2016*, plans must be submitted and approved as a Condition Endorsement showing Tree Protection Zones and all recommendations in the above report.

Reason for condition

To ensure that significant trees on the adjoining and subject site are not unnecessarily destroyed and are managed in a way that maintains their health and appearance.

SUB s1

The existing Right of Way burdening 43A Pirie Street, (CT 107319/1) in favour of 43 Pirie Street, (CT 199999/1) is to be extinguished and a new replacement Right of Carriageway is to be created to the satisfaction of the Council over the new concrete driveway that will provide access for both properties, prior to the first occupation of the Units on 43A Pirie Street.

Reason for condition

To ensure that the property at 43 Pirie Street will continue to have legal access via an unobstructed Right of Way through 43A Pirie Street.

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.

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. 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.

REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

ACCESS

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

CROSS OVER CONSTRUCTION

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

STORMWATER / ROADS / ACCESS

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

RIGHT OF WAY

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

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

NOISE REGULATIONS

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

Delegation: Council

Supplementary item 11 was then taken.

**7.1.2 40-50 Molle Street, Hobart and adjacent Road Reserve -
Roadworks including Traffic Signals and Subdivision
PLN-21-375 - File Ref: F21/73299**

HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 20 July 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Behrakis
Briscoe	
Harvey	
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 traffic signals and subdivision at 40-50 Molle Street, Hobart 7000 and adjacent road reserve for the reasons outlined in the officer's report attached to item 7.1.2 of the Open City Planning Committee agenda of 2 August 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-21-375 - 40-50 MOLLE 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 2021/00927-HCC dated 18 June 2021 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw3

The proposed traffic light footings 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.

SW 1

Prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first), a pre-construction structural condition assessment and visual record (eg video and photos) of the Hobart City Council's stormwater infrastructure within/adjacent to the proposed development must be submitted to the City of Hobart as a Condition Endorsement.

The condition assessment must include at least:

1. a site plan clearly showing the location of the investigation, with access points and all segments and nodes shown and labelled, with assets found to have a different alignment from that shown on the City of Hobart's plans to be marked on the ground and on the plan;
2. a digital recording of a CCTV inspection and written condition assessment report in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia, in a 'Wincan' compatible format; and

3. photos of any existing drainage structures connected to or modified as part of the development.

The pre-construction condition assessment will be relied upon to establish the extent of any damage caused to Hobart City Council's stormwater infrastructure during construction. If the owner/developer fails to provide the City of Hobart with an adequate pre-construction condition assessment then any damage to the City of Hobart's infrastructure identified in the post-construction condition assessment will be the responsibility of the owner/developer.

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 2

Prior to occupancy or the commencement of the approved use (whichever occurs first), a post-construction structural condition assessment and visual record (eg video and photos) of the Hobart City Council's stormwater infrastructure 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 the City of Hobart.

The condition assessment must include at least:

1. a site plan clearly showing the location of the investigation, with access points and all segments and nodes shown and labelled, with assets found to have a different alignment from that shown on the City of Hobart's plans shall be marked on the ground and on the plan;
2. a digital recording of a CCTV inspection and written condition assessment report in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia, in a 'WinCan' compatible format; and
3. photos of any existing drainage structures connected to or modified as part of the development.

The post-construction condition assessment will be relied upon to establish the extent of any damage caused to the Hobart City Council's

stormwater infrastructure during construction. If the owner/developer fails to provide the City of Hobart with an adequate post-construction condition assessment then any damage to the Hobart City Council's infrastructure identified in the postconstruction CCTV will be deemed to be the responsibility of the owner/developer.

SW 6

The new and amended stormwater infrastructure must be designed and constructed prior to completion or commencement of the approved use (whichever occurs first).

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 and approved as a Condition Endorsement. The detailed engineering drawings must be certified by a suitably qualified and experienced civil engineer and must:

1. be substantially in accordance with the Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020), as varied by the City of Hobart's published departures from those Drawings, and the Local Government Association of Tasmania, Tasmanian Subdivision Guidelines (October 2013);
2. clearly distinguish between public and private infrastructure;
3. show in both plan and long-section the proposed stormwater mains, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, and inspection openings (lids and benching);
4. include the associated calculations and catchment area plans. The stormwater system (including defined overland flow paths) must cater for all 1% AEP event flows as at 2100 (i.e including climate change loading) from a fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP event flows from a fully- developed catchment;
5. include cross-sections demonstrating structural independence of the proposed traffic signal footings from Council's stormwater infrastructure and detailing the minimum clearances.

A structural condition assessment and visual record of new or altered public infrastructure must be submitted prior to issue of practical completion.

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

SW 15

Stormwater drainage for both the Balance Lot CT 47718/1 and the future Road (Lot 1 from CT47718/1 and the dedicated land) must be designed and installed to meet the needs of current and future development, prior to the sealing of the final plan or commencement of the use (whichever occurs first).

Detailed engineering drawings 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 drawings must be certified by a suitably qualified and experienced engineer and must:

1. be generally in accordance with Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020), as varied by the City of Hobart published departures from those drawings, and Tasmanian Subdivision Guidelines (October 2013);
2. clearly distinguish between public and private infrastructure; and existing and proposed (including works installed as private to be taken over as public assets);
3. show the location of all existing connections and private services passing through the future Road;
4. show the final lot boundaries, with the Balance lot serviced separately by Council infrastructure; and all private plumbing and surface flows from the Balance Lot not intruding into the future Road;
5. show the proposed location, levels and size of each lot connection such that the majority of the lot can be adequately drained via gravity;
6. include supporting calculations for the stormwater works demonstrating flows from the 5% AEP will be adequately captured and directed to public infrastructure, and a defined 1% AEP overland flow path.

7. show in plan and long-section the proposed public stormwater infrastructure (including existing private to be taken over), including but not limited to, delineation of public vs private, clearances from structures and other services, grate/lid details (eg class, heel-safe), cover, grade, sizing, material, pipe class, and inspection openings;

A structural condition assessment and visual record of new or altered public infrastructure must be submitted prior to issue of practical completion or sealing of the final plan (whichever occurs first).

All work required by this condition must be constructed in accordance with the approved engineering drawings. All services must be installed prior to the sealing of the final 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. Kerbing or alternate adequately sized surface runoff collection within the Balance Lot above the proposed Lot boundary, directed to a new Lot connection to the public stormwater mains via a private pit is required. A clear delineation of private vs public trench grate (should Council take over part) will also be required.

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 2

Sediment and erosion control measures, in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

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

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 avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

HER 6

Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

1. All excavation and/or disturbance must stop immediately; and
2. A qualified archaeologist must be engaged to attend the site and provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and
3. All and any recommendations made by the archaeologist engaged in accordance with (2) above must be complied with in full; and
4. All features and/or deposits discovered must be reported to the Council with 1 day of the discovery; and
5. A copy of the archaeologists advice, assessment and recommendations obtained in accordance with paragraph (2) above must be provided to Council within 60 days of receipt of the advice, assessment and recommendations.

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

Reason for condition

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

ENVHE 1

Recommendations in the report *GES - Environmental Site Assessment - Intersection of Collins and Molle Streets, Hobart February 2021* must be implemented for the duration of the development.

Specifically:

- A Soil and Water Management Plan (SWMP) should be put in place to account for the management and erosion of soil with potential ecological impacts,
- Due to variable and elevated levels of heavy metals and hydrocarbons - any excavated material must be stockpiled and resampled for offsite disposal in accordance with IB105 and the controlled waste regulations,
- Material excavated from hole 'H1' should be segregated due to the elevated levels of benzo(a)pyrene observed in that vicinity.

Reason for condition:

To ensure that the risk to workers and the environment remains low and acceptable, and to comply with Contaminated sites requirements.

OPS s1

The Hobart Rivulet Park entrance sign is to be erected in a location that meets the satisfaction of the Director City Amenity.

Reason for condition

To ensure the Hobart Rivulet Park sign is installed in a location that satisfies design, safety and user functionality.

OPS s2

Landscaping and garden beds are to be installed to the satisfaction of the Director City Amenity.

Reason for condition

To maintain the amenity of the City's streetscapes, parks and gardens.

SURV 1

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

Reason for condition

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

SURV 2

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

Reason for condition

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

SURV 5

The proposed Road lot is to be transferred in fee simple to the Council at nominal consideration.

Prior to the sealing of the final plan an executed and stamp duty assessed Land Titles Office transfer instrument is to be forwarded to the Council together with a cheque made payable to the Land Titles Office for the associated Land Titles Office registration fees.

Reason for condition

To ensure that the title to the proposed road lot issues in the Council.

Advice: Lot 1 should be notated as Road on the final plan of survey and the balance of CT 47718/1 should be shown on a Plan of Title Balance Plan.

ENG 16

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

Reason for condition

To ensure that each lot is services separately.

ENG 17

Prior to the sealing of the final plan, the developer must verify compliance with condition ENG 16 by supplying the Council with an as-installed services plan clearly indicating the location and details of all relevant services (entirely contained within their respective lots or appropriate easements). The as- installed services plan must be accompanied by certification from a suitably qualified person that all engineering work required by this permit has been completed.

Advice:

Any final plan submitted for sealing will not be processed unless it is accompanied by documentation by a suitably qualified person that clearly certifies that this condition has been satisfied and that all the work required by this condition has been completed. A 'suitably qualified person' must be a professional engineer or professional surveyor or other persons acceptable to Council.

Reason for condition

To ensure that the developer provides the Council with clear written confirmation that the separation of services is complete.

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.

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. Click [here](#) for more information.

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

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

NEW SERVICE CONNECTION

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

STORMWATER

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

RIGHT OF WAY

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

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

Delegation: Committee

7.1.3 35 Melville Street, Hobart - Alterations to Previously Approved Development PLN-21-351 - File Ref: F21/73423

BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 27 July 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Behrakis
Briscoe	
Harvey	
Dutta	

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for alterations to the previously approved development at 35 Melville Street, Hobart 7000 for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A1 or P1 (a) of the *Hobart Interim Planning Scheme 2015* because it will result in the loss of historic cultural heritage significance to the place through its incompatible design including its height, scale, bulk, form, siting, colours and finishes.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P2 (a) to (d) of the *Hobart Interim Planning Scheme 2015* because it will not be subservient and complementary to the listed place due to its scale, bulk, built form, setback from frontage, siting with respect to listed elements.

Delegation: Council

**7.1.4 3/68-70 Forster Street, 72 Forster Street, New Town - Alterations and Subdivision (Boundary Adjustment)
PLN-21-321 - File Ref: F21/73319**

BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 21 July 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for alterations and subdivision (boundary adjustment), at 3/68-70 Forster Street and 72 Forster Street, New Town 7008 for the reasons outlined in the officer's report attached to item 7.1.4 of the Open City Planning Committee agenda of 2 August 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-21-321 - 3/68-70 FORSTER STREET NEW TOWN TAS 7008 - Advertised Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG 5

No off-street parking is approved on the site as part of this development.

Reason for condition

To clarify the scope of the permit.

SURV 1

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

Reason for condition

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

SURV 3

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

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

Over any existing private rights of way and drainage easements in favour of the lots they are required to serve.

Reason for condition

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

SURV 9

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

The final plan must include notations in accordance with section 111 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, in relation to the lot on the final plan for the boundary adjustment to satisfy the above requirement.

Reason for condition

To ensure compliance with statutory provisions.

SUB s1

An amendment to Strata Plan 143071 must be submitted with the final plan for the boundary adjustment and approved by Council in accordance with the requirements of sections 19 and 31 of the Strata Titles Act 1998, concurrently with the sealing of the final plan for the boundary adjustment.

Reason for condition

To enable Lot 100 on the Plan of Subdivision to be added to Lot 3 of the Strata Scheme at 68, 70 and 70A Forster Street.

SUB s2

The Benefiting Easement in favour of CT 40781/1: Right to pass and repass over the land marked ABCD on Diagram No. 40781 shall be extinguished prior to the sealing of the final plan for the boundary adjustment.

Advice:

This right of way has not been exercised for many years and when the boundary adjustment has occurred the right of way will no longer touch Council land.

Reason for condition

To ensure that this right of way is not brought forward onto the sealed plan for the boundary adjustment.

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*.

RIGHT OF WAY

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

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

STRATA AMENDMENT

You will be required to amend the strata plan pursuant to the provisions of the *Strata Titles Act 1998* in order to reflect the completed development works. Click [here](#) for more information.

COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council land. Any act that causes, or is likely to cause, damage to Council's land may be in breach of Council's Public Spaces By-law and penalties may apply. A permit is required for works on Council land. The by-law is available [here](#).

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

SUBDIVISION ADVICE

For information regarding standards and guidelines for subdivision works click [here](#).

All conditions imposed by this permit are in accordance with the *Local Government Building & Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*.

Delegation: Council

BRISCOE

That supplementary item 12 be now taken.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	

8. REPORTS

**8.1 Southern Tasmania Regional Land Use Strategy Amendment
Proposal - Cygnet Township
File Ref: F21/72190**

BEHRAKIS

That the recommendation contained in the report of the Development Planner and the Director City Planning of 27 July 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	

COMMITTEE RESOLUTION:

That the Council advises the Huon Valley Council that it has no objection to Huon Valley Council's proposal to amend the growth management strategy for the Cygnet township under the Southern Regional Land Use Strategy 2010-2035.

Delegation: Council

**8.2 City Planning - Advertising Report
File Ref: F21/73295**

DUTTA

That the recommendation contained in the memorandum of the Director City Planning of 27 July 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	

COMMITTEE RESOLUTION:

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

Delegation: Committee

8.3 Delegated Decision Report (Planning)
File Ref: F21/73608

BRISCOE

That the recommendation contained in the memorandum of the Director City Planning of 28 July 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	

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

Delegation: Committee

9. QUESTIONS WITHOUT NOTICE

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

9.1 Councillor Dutta - Cable Car - Development Application File Ref: 13-1-10

Question: Can the Director advise if it is true that each ground for refusal raises a separate matter under the *Hobart Interim Planning Scheme 2015* and the *Wellington Park Management Plan 2013* and even if some of the grounds could be and if grouped or consolidated the number of areas of non-compliance would still remain at 21?

Answer: The Director City Planning advised that he agreed that the number of areas of noncompliance would remain at 21 even if the grounds were grouped.

9.2 Alderman Briscoe - Cable Car - Assessment Cost File Ref: 13-1-10

Question: Can the Director advise when the exact cost of the assessment of the cable car development application will be known?

Answer: The Director City Planning advised that it is hoped the final invoices in relation to the assessment would be received within the next 2 to 4 week period allowing a calculation of the exact cost of the assessment.

10. CLOSED PORTION OF THE MEETING

DUTTA

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
- Appeal mediation

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 Planning Authority Items – Consideration of Items with Deputations
- Item No. 5 City Acting as Planning Authority
- Item No. 6 Questions Without Notice
- Item No. 7 PLN-20-750 33 Mary Street North Hobart TAS 7000 - Appeal - Mediation
LG(MP)R 15(4)(a)

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta

NOES

Delegation: Committee

SUPPLEMENTARY ITEMS

APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

Mr Chris Merridew (Representor) and Mr Phil Gartrell (Applicant) addressed the Committee in relation to supplementary item 11.

- 11 28 Davey Street. 30 Davey Street, Hobart and Adjacent Road Reserve - Demolition, New Building for Visitor Accommodation, Function Centre, and Eating Establishments, Bar, and Shop, Lot Consolidation, and Associated Works in the Road Reserve including Removal of Carparking Spaces, Relocation of Public Street Furniture, Lighting and new Stairs
PLN-20-499 - File Ref: F21/74888**
-

DUTTA

That the recommendation contained in the report of the Development Appraisal

Planner and Senior Statutory Planner of 29 July 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Behrakis
Briscoe	
Harvey	
Dutta	
Coats	

COMMITTEE RESOLUTION:

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council refuse the application for demolition, new building for visitor accommodation, function centre, and eating establishments, bar, and shop, lot consolidation, and associated works in the road reserve including removal of car parking spaces, relocation of public street furniture, lighting and new stairs, at 28 and 30 Davey Street, Hobart, and the adjacent road reservations for the following reasons:

- 1 The proposal does not meet objective (a) and the associated performance criteria with respect to clause 16.2 of the *Sullivans Cove Planning Scheme 1997* because it fails to respect the cultural heritage and character of the Activity Area and fails to demonstrably contribute to, and enhance, the cultural heritage, built form (bulk, height, volume, urban detail) and spatial characteristics of the Activity Area.
- 2 The proposal does not meet objective (c) and the associated performance criteria with respect to clause 16.2 of the *Sullivans Cove Planning Scheme 1997* because it fails to facilitate safe pedestrian circulation within the Cove.
- 3 The proposal does not meet the permitted standard at clause 22.5.4 and fails to meet the associated discretionary standard at clause 22.5.5 of the *Sullivans Cove Planning Scheme 1997* because: it dominates and is more prominent than adjacent places of cultural significance; is of a disparate scale resulting in significant visual impact; does not complement and contribute to adjacent places of cultural significance and is of a bulk and appearance that adversely affects the heritage values of adjacent places of cultural significance.
- 4 The proposal does not meet the 'permitted' standards at clauses 23.6.1 (Building Form) and 23.7.1 (Building Surfaces) and also fails to meet the

associated discretionary standards at clause 23.6.2 (Building Form) and 23.7.2 (Building Surfaces) of the *Sullivans Cove Planning Scheme 1997* because it fails to conserve the traditional urban pattern of Sullivans Cove, it does not have a respectful relationship to buildings of identified cultural significance, and it will be individually prominent in terms of contrast with neighbouring buildings, by being significantly higher or having a larger apparent size when viewed in street elevation.

- 5 The proposal does not meet the Public Urban Space Function for Brooke Street at clause 24.4.10A of the *Sullivans Cove Planning Scheme 1997* because the new stair does not prioritise improving the safe movement of pedestrians.
- 6 The proposal does not meet the Principles of development control at clause 26.2(a), (c), (e), and (f), or the Matters to be Considered at clause 26.5 of the *Sullivans Cove Planning Scheme 1997* because it will not facilitate mutual compatibility of public and private transport, it will create traffic flows and movements that are detrimental to safety and amenity, it does not make adequate provisions for the direction, access, turning and parking of vehicular traffic, it does not provide for pedestrian movement, and it will not minimise footpath crossovers and disruption to footpath movements.

Delegation: Council

Item 7.1.2 was then taken.

APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

**12 120 Pottery Road, Lenah Valley, and Adjacent Road Reserve - Dwelling
PLN-21-44 - File Ref: F21/74870**

BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 29 July 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey

Behrakis
Dutta

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 dwelling at 120 Pottery Road, Lenah Valley and adjacent road reserve for the reasons outlined in the officer's report attached to supplementary item 12 of the Open City Planning Committee agenda of 2 August 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-21-44 - 120 POTTERY ROAD LENA VALLEY TAS 7008 - Final Planning Documents.

Reason for condition

To clarify the scope of the permit.

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, gully drains, retaining wall gully 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 sw4

The new stormwater connection must be constructed and existing abandoned

connections sealed by the Council at the owner's expense, prior to the first occupation.

Detailed engineering drawings must be submitted and approved as part of an application for a new stormwater connection, prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first). The detailed engineering drawings must include:

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

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

Advice:

The applicant is advised to submit detailed design drawings via a Council City Amenity Division [application for a new stormwater connection](#). If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to submit an application for a new stormwater connection with Council City Amenity Division.

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

Reason for condition

To ensure the site is drained adequately.

ENG sw6

All stormwater from the proposed development (including hardstand runoff) must be discharged to the Council's stormwater infrastructure with sufficient receiving capacity prior to first occupation. 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

connections to the Council's stormwater infrastructure must be submitted and approved prior to the commencement of work. The design drawings and calculations must:

1. prepared by a suitably qualified person; and
2. include long section(s)/levels and grades to the point of discharge.

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 to a suitable Council approved outlet.

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), 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 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS 1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

Advice:

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

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

Reason for condition

To ensure the safety of users of the access driveway and parking module and

compliance with the standard.

ENG 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 vehicle safety barriers where required), or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

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, and 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,
3. Where the design deviates from AS/NZS2890.1:2004 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 any 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, 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 4

The access driveway, and parking module (parking spaces, and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure.

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.

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.

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.

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

Item 8.1 was then taken.

There being no further business the Open portion of the meeting closed at 6.41pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
16TH DAY OF AUGUST 2021.

CHAIRMAN