

# AGENDA City Planning Committee Meeting Open Portion

Monday, 9 May 2022

at 5:00 pm Council Chamber, Town Hall

# **SUPPLEMENTARY ITEM**

# **ORDER OF BUSINESS**

CO	MMITTEE ACTING AS PLANNING AUTHORITY	3
API 199	PLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 7	
11	20 McVilly Drive Hohart - Signage	4

# The Chief Executive Officer reports:

"That in accordance with the provisions of Part 2 Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*, these supplementary matters are submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act."

# **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.

# 11 20 MCVILLY DRIVE, HOBART - SIGNAGE PLN-22-196 - FILE REF: F22/41861

Address: 20 McVilly Drive, Hobart

Proposal: Signage

Expiry Date: 17 May 2022

Extension of Time: Not applicable

Author: Michael McClenahan

# RECOMMENDATION

That pursuant to the *Sullivan's Cove Planning Scheme 1997*, the Council approve the application for signage, at 20 McVilly Drive, Hobart 7000 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

#### **GEN**

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-22-196 - 20 MCVILLY DRIVE HOBART TAS 7000 -Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

# **ADVICE**

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

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

# OCCUPATION OF THE PUBLIC HIGHWAY

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

You may require a 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.

# **COUNCIL RESERVES**

A Public Spaces By-law permit will be required for installation of the paintings on the Inter City Cycle way within Hobart municipality. Information about these permits, and the application form to undertake works in a public space, can be found here.

# **WORK PLACE HEALTH AND SAFETY**

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

Attachment A: PLN-22-196 - 20 MCVILLY DRIVE HOBART TAS 7000 -

Planning Committee or Delegated Report !

Attachment B: PLN-22-196 - 20 MCVILLY DRIVE HOBART TAS 7000 - CPC

Agenda Documents I



# **APPLICATION UNDER SULLIVANS COVE PLANNING SCHEME 1997**

Type of Report: Committee
Council: 17 May 2022
Expiry Date: 17 May 2022
Application No: PLN-22-196

Address: 20 MCVILLY DRIVE , HOBART
Applicant: Judith Abell (City of Hobart)

50 Macquarie Street

Proposal: Signage Representations: Zero

Performance criteria: Schedule 4 - Signs

#### 1. Executive Summary

- 1.1 Planning approval is sought for Signage, at 20 McVilly Drive, Hobart.
- 1.2 More specifically the proposal includes:
  - · Installation of a single public artwork on the surface of the Intercity Cycle Way
  - Installation of a pole mounted interpretive sign on concrete footing adjacent to the artwork
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 Schedule 4 Signs
- 1.4 No representations were received during the statutory advertising period between 20/04/2022 05/05/2022.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council, because Council is the applicant of the proposal and works are occurring on Council land.

# 2. Site Detail

2.1 The subject site is located at 20 Mcvilly Drive, Hobart and comprises a large and irregular shaped lot approximately 8.71 Hectares and spans the south eastern area of Queens Domain which includes the Cenotaph, Regatta Grounds, and entrance to the Intercity Cycle Way. The area of proposed works will be on the northern boundary of the site at the entrance to the Cycle Way.



Figure 1: Aerial image of the subject site (bordered in blue) and surrounding area.

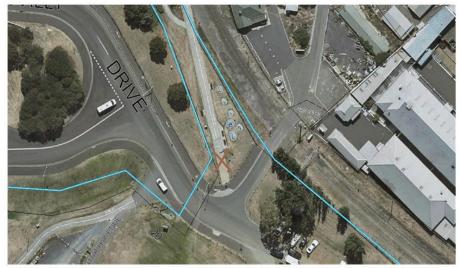


Figure 2: Detailed aerial image of location of proposed works (marked by red cross).

# 3. Proposal

- 3.1 Planning approval is sought for Signage, at 20 McVilly Drive, Hobart.
- 3.2 More specifically the proposal is for:
  - Installation of a single public artwork on the surface of the Intercity Cycle Way
  - Installation of a pole mounted interpretive sign on concrete footing adjacent to the artwork



**Figure 3**: Indicative illustration of the size and location of the proposed artwork and sign.

# 4. Background

4.1 This is an application for public artwork supported by the City of Hobart's CityPILOTS program and lodged on behalf of the artist by Council. The proposed artwork is for one component of a larger work that stretches along the Intercity Cycle Way.

# 5. Concerns raised by representors

5.1 No representations were received during the statutory advertising period between 20/04/22 - 05/05/22.

# 6. Assessment

6.1 The Sullivans Cove Planning Scheme 1997 is a performance based planning scheme. This approach recognises that there are in many cases a number of ways in which a proposal can satisfy desired environmental, social and economic standards. In some cases a proposal will be 'permitted' subject to specific

'deemed to comply' provisions being satisfied. Performance criteria are established to provide a means by which the objectives of the planning scheme may be satisfactorily met by a proposal. Where a proposal relies on performance criteria, the Council's ability to approve or refuse the proposal relates only to the performance criteria relied on.

- The site is located in the Domain Open Space Activity Area of the *Sullivans Cove Planning Scheme* 1997.
- 6.3 The existing use is Passive Recreation. There is no proposed change of use. The existing use is a Exempt use in the Activity Area.
- 6.4 The proposal has been assessed against:
  - 6.4.1 Parts A and B Strategic Framework
  - 6.4.2 Part D Clause 2.1 Activity Area Controls
  - 6.4.3 Part E Schedule 4 Signs
- The proposal relies on the following performance criteria to comply with the applicable standards:
  - 6.5.1. Signs clauses 25.13 and 25.14
- 6.6 Each performance criterion is assessed below.
- 6.7 Schedule 4 Signs clauses 25.13 Matters to be Considered
  - 6.7.1 The Planning Scheme provides that, in addition the acceptable solutions and performance criteria provided in table 25.1, assessment of signs must also consider the following:

In addition to meeting the relevant Alternative Performance Criteria in Table 25.1 of clause 25.14 of this Schedule, the following matters must be taken into account when considering an application:

- The individual or cumulative effect of the sign or signs on the amenity of the area including the need to avoid visual disorder or clutter of signs.
- The individual or cumulative effect of the sign or signs on the building and/or surrounding area, considering its effect and means of attachment on places of cultural significance.

- The cumulative effect of the sign or signs on existing or approved signs, including signs on buildings and outdoor uses that constitute a sign.
- The size and likely impact of the sign having regard to the size of the premises on which it is to be displayed and the scale of surrounding buildings.
- The effect of the sign on the safety and security of premises and the area.
- The effect of the sign on the appearance, efficiency and safety of a road, railway, waterway or other public way, having particular regard to the sign's colour, brightness and location.
- The effect of the sign on pedestrian movement and safety.
- Compliance with objectives of this Schedule.

# 6.7.2 The objectives of the Signs Schedule are as follows:

- To maintain a balance between the established built form and historic character of the Cove and commercial need to advertise goods and services.
- To ensure that signs do not intrude into and detrimentally affect the visual amenity of the area.
- To ensure that signs are complementary to the overall character of Sullivans Cove, and complement the historic character of the building on which they are mounted.
- To prevent visual clutter through the proliferation of signs by encouraging fewer more effective signs.
- To ensure that signs do not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.
- To ensure signs on places of cultural significance are responsive to the cultural heritage values and the significance of the building or place, both in terms of impact and by means of attachment, by protecting and enhancing those values.
- To prevent multiple signs on a single building, unless the cumulative effect of existing and proposed signs will not adversely affect the character and/or cultural heritage values of the building.
- 6.7.3 'Public Artwork' does not have a defined category under the *Sullivans Cove Planning Scheme 1997* Signs standards and as such must be assessed under the closest aligned category which is 'Interpretive Sign.'

  The artwork will have a width of 2.5m and will be located on the surface of the Intercity Cycle Way, close to the entrance off Mcvilly Drive. The artwork will be subservient to the surrounds, will not have a detrimental impact to the amenity of the area, and will not present as visual clutter. The artwork

will be painted using Deck and Exterior paint which is designed for flooring and foot traffic and will not present as a risk to pedestrian movement and safety or users of the Cycle Way. A separate sign on a pole will be located adjacent to the artwork which will explain the title, artist, and scope of the work. This sign will respect the surrounding and will not present visual clutter, or pose a safety risk for pedestrians or users of the Cycle Way.

- 6.7.4 The proposal complies with the Planning Scheme Standards.
- 6.8 Schedule 4 Signs clauses 25.14 Requirements for Signs
  - 6.8.1 Clause 25.14 requires that signs meet the standards outlined in table 25.1 of the Scheme.
  - 6.9.2 The proposal is for an interpretive sign on the surface of the Intercity Cycle Way.
  - 6.9.3 There is no acceptable solution for interpretive signs in table 25.1.
  - 6.9.4 The performance criterion for interpretive signs in table 25.1 provides as follows:
    - Must be capable of forming an integral part of the streetscape without appearing dominant.
    - Must not detract from the cultural or architectural significance or amenity of a place or building.
  - 6.9.5 The proposed artwork will be painted directly on the Intercity Cycle Way footpath. The location of this work and the adjacent sign will not appear dominant due to its location. Due to the nature of the area, the artwork is assessed as being capable of forming part of the wider streetscape and it will not detract from nearby places of cultural and architectural significance.
  - 6.9.6 The proposal complies with the performance criterion.

# 7. Discussion

- 7.1 Planning approval is sought for Signage, at 20 McVilly Drive, Hobart.
- 7.2 The application was advertised and no representations were received.

- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Open Space Officer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

# 8. Conclusion

8.1 The proposed Signage, at 20 McVilly Drive, Hobart satisfies the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, and as such is recommended for approval.

#### 9. Recommendations

That:

Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for Signage, at 20 McVilly Drive, Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

#### **GEN**

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-22-196 - 20 MCVILLY DRIVE HOBART TAS 7000 -Final Planning Documents except where modified below.

Reason for condition

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#### **COUNCIL RESERVES**

A Public Spaces By-law permit will be required for installation of the paintings on the

Inter City Cycleway within Hobart municipality. Information about these permits, and the application form to undertake works in a public space, can be found here.

# **WORK PLACE HEALTH AND SAFETY**

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

(Michael McClenahan)

**Development Appraisal Planner** 

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Cluy

(Karen Abey)

# **Manager Development Appraisal**

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 6 May 2022

# Attachment(s):

Attachment B - CPC Agenda Documents

# Supplementary Agenda (Open Portion) City Planning Committee Meeting - 9/5/2022

nning: #253292	
operty	
20 MCVILLY DRIVE HOBART TAS 7000	
eople	
Applicant *	City of Hobart Judith Abell
	50 Macquarie Street
	HOBART TAS 7000 0429 356 787
	abellj@hobartcity.com.au
Owner *	City of Hobart
	Judith Abell 50 Macquarie Street
	HOBART TAS 7000
	6238 2494 abellj@hobartcity.com.au
Entered By	JUDITH ABELL
	50 MACQUARIE STREET HOBART TAS 7000
	03 6238 2494
	abellj@hobartcity.com.au
se	
3C	
Other	
etails	
Have you obtained pre application advice	9?
⊚ Yes	
If YES please provide the pre application	advice number eg PAE-17-xx
Email advice, no number	
Standards? Click on help information but	commodation as defined by the State Government Visitor Accommodation ton for definition. If you are not the owner of the property you MUST
include signed confirmation from the owr	ner that they are aware of this application. *
₩0	
Is the application for SIGNAGE ONLY? If y number of signs under Other Details below	res, please enter \$0 in the cost of development, and you must enter the w. *
⊚ Yes	

If this application is relate	d to an enforcement action please e	nter Enforcement Number	
Details			
What is the current approx	ved use of the land / building(s)? *		
public cycle way (Interc	ity Cycleway)		
Please provide a full desc	ription of the proposed use or devel	opment (i.e. demolition and new dwelling,	swimming
painted artwork on the i	ntercity cycleway, depicting compon	ents of the solar system	
Estimated cost of develop	ment *		
0.00			
Existing floor area (m2)	Proposed floor area	a (m2)	
Site area (m2)			
Carparking on Site			
Total parking spaces	Existing parking spaces	N/A	
0	0	☑ Other (no selection chosen)	
Other Details			
Does the application inclu	de signage? *		
	advised that you are required to lodge	plans of the sign. The plans should show:	
		illumination, does it flash, method of fixing to	
How many signs, please of this application? *	enter 0 if there are none involved in		
1			
Tasmania Heritage Re	egister		
Is this property on the Tas	manian Heritage Register?		
Documents			
Required Documents			
Title (Folio text and Plan and Schedule of Easements) *	d 20 mcvilly text lot 4.pdf		
Plans (proposed, existing) *	20 mcvilly plans.pdf		
GM or Crown consent	GMC-22-25 - 20 MCVILLY DRIVE HO a Pla.pdf	BART TAS _of Land Owner Consent to Lodge	
Covering Letter	CityPILOTS_TomOHern_DA_Forevere	ver_Coverletter.pdf	
Supporting Documents			
Photos or Montages	Foreverever_TOHern_Developed Design	gn Proposal_DA.pdf	



abellj@hobartcity.com.au

Our Ref. CityPILOTS

:JA

(p:\1comdev\cultural development\public art\current projects\citypilots\project management\tom ohern\development application scps\citypilots\_tomohern\_da\_foreverever.docx)

29 March 2022

Dear Development Application Assessment team,

# Re: 20 McVilly Drive, Tom O'Hern artwork, Foreverever

Please find attached a Development Application for a public artwork entitled *Foreverever*, which has one component located on land within the Sullivan Cove Planning Scheme. Included are a Developed Design proposal from the artist Tom O'Hern, showing the relevant component from the work. The whole work will incorporate a solar system which stretches from the McVilly drive site, along the Intercity Cycle Way, through to its junction with Bay Rd (beside New Town Station Nursery). But it should be noted that it is only the sun, as shown in the attached proposal, that sits within this planning scheme.

Should you have any further questions about this application, please do not hesitate to contact me.

Yours faithfully

(Judith Abell, Public Art Coordinator)



Enquiries to: City Life

Phone: (03) 6238 2711

Email: coh@hobartcity.com.au

1 April 2022

Jane Castle (City of Hobart) 50 Macquarie St HOBART TAS 7000

Dear Sir/Madam

mailto: castlej@hobartcity.com.au

20 MCVILLY DRIV	E, HOBART - PUBLIC A	RT NOTICE OF LAI	ND OWNER CONSENT	10
	LODGE A PLANNING A	APPLICATION - GM	C-22-25	

Site Address:

20 McVilly Drive, Hobart

**Description of Proposal:** 

Public Art

Applicant Name:

Jane Castle City of Hobart

PLN (if applicable):

N/A

I write to advise that pursuant to Section 52 of the *Land Use Planning and Approvals Act* 1993, I grant my consent on behalf of the Hobart City Council as the owner/administrator of the above land for you to make application to the City for a planning permit for the development described above and as per the attached documents. I granted consent pursuant to delegation, a copy of which is enclosed.

Please note that the granting of the consent is only for the making of the application and in no way should such consent be seen as prejudicing any decision the Council is required to make as the statutory planning authority.

This consent does not constitute an approval to undertake any works and does not authorise the owner, developer or their agents any right to enter or conduct works on any Council managed land whether subject to this consent or not.

If planning approval is granted by the planning authority, you will be required to seek approvals and permits from the City as both landlord, land manager, or under other statutory powers (such as other legislation or City By-Laws) that are not granted with the issue of a planning permit under a planning scheme. This includes the requirement for you to reapply for a permit to occupy a public space under the City's Public Spaces By-law if the proposal relates to such an area.

Accordingly, I encourage you to continue to engage with the City about these potential requirements.

Yours faithfully

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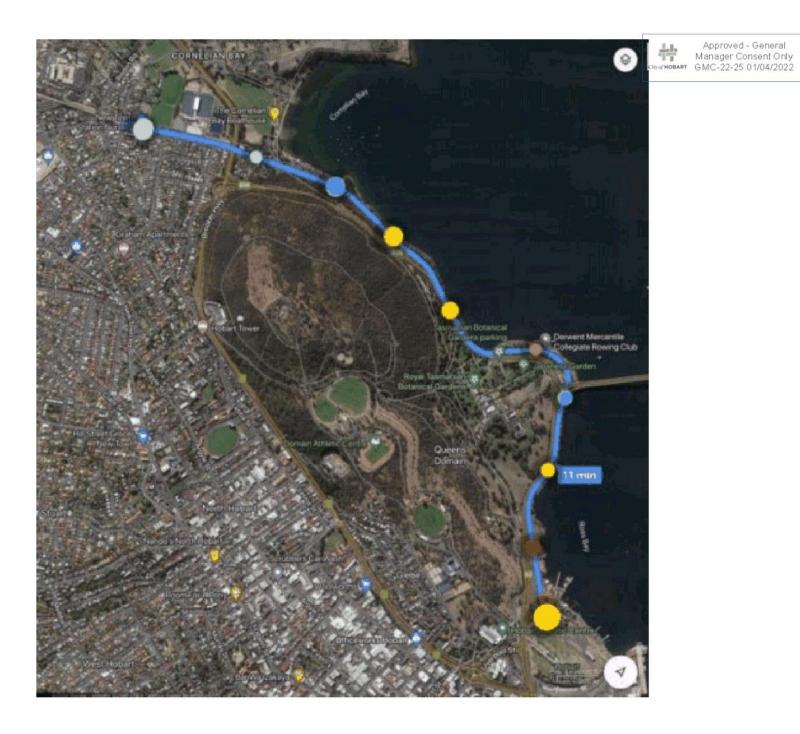
(Glenn Doyle)
HEAD OF CITY PROJECTS

Relevant documents/plans:

DA-22-12791 - Plans

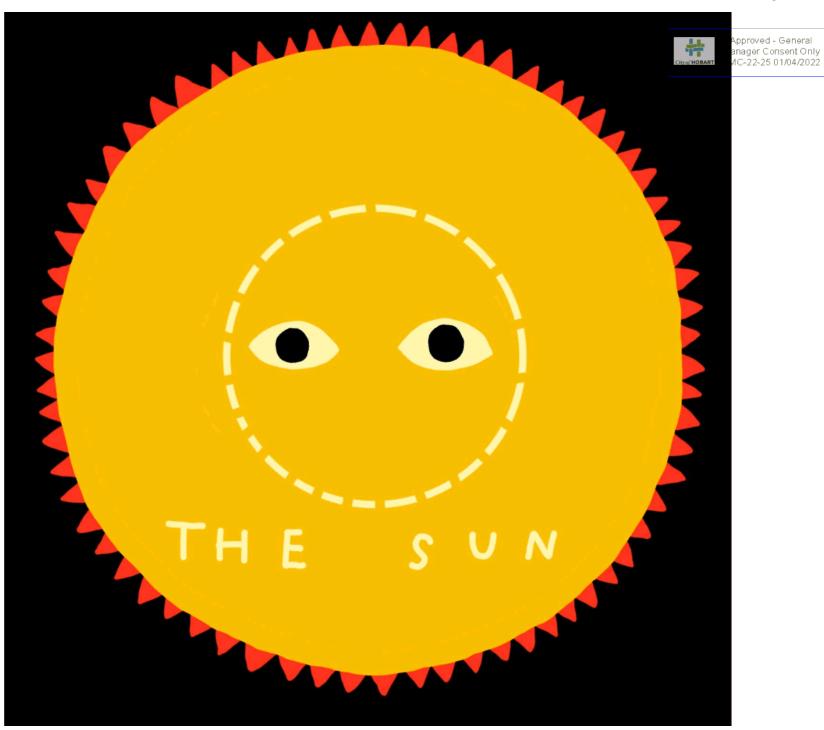












**Developed Design Proposal** 

Foreverever - Tom O'Hern

The work proposed is a scale replica of the solar system painted along the bike path.

It will consist of ten individual pieces painted directly onto the cement using Cabot's Deck and Exterior Paint. The paint is hardwearing and designed for flooring and foot traffic.

The designs are bright, bold and graphic so they can be read while moving on a bike. The eyes on each planet are centred so the work can be viewed from either direction. The work will be made in the simple colour pallet below.



Each painting will measure the width of the bike path at 2.5 metres and will be accompanied by a label and smaller white painting to accurately represent their scale to the Sun.

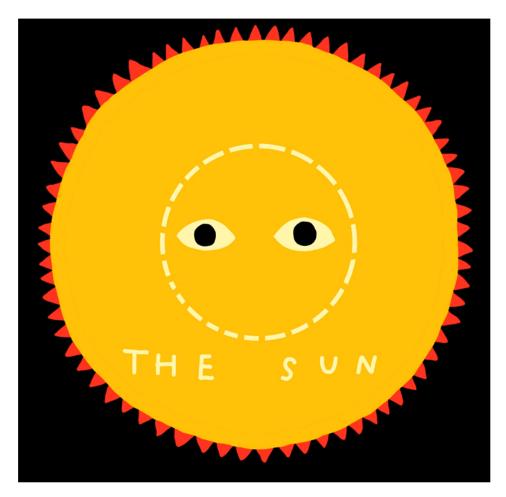
The work will begin before the barrier at the Regatta Ground end of the bike track and finish at Bay Road (Station Nursery) with Pluto.

The position for each painting is to be measured out at:

Mercury	38 m
Venus	70 m
Earth	97 m
Mars	148 m
Jupiter	508 m
Saturn	931 m
Uranus	1874 m
Neptune	2938 m
Pluto	3861 m

The Sun and each planet will be painted one half at a time. One side of the bike track will be closed at a time to allow traffic through.

From the council I will need barriers and signs to direct traffic around me while I work. I will supply paint, brushes and all other equipment.



1. Mock Up depicting the style of painting for the Sun.



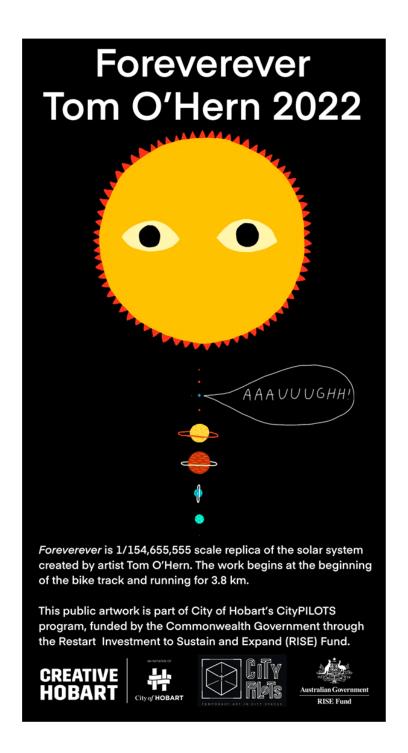
2. Mock up depicting the size and position of the Sun and signage beside the exercise equipment at the Regatta Grounds.



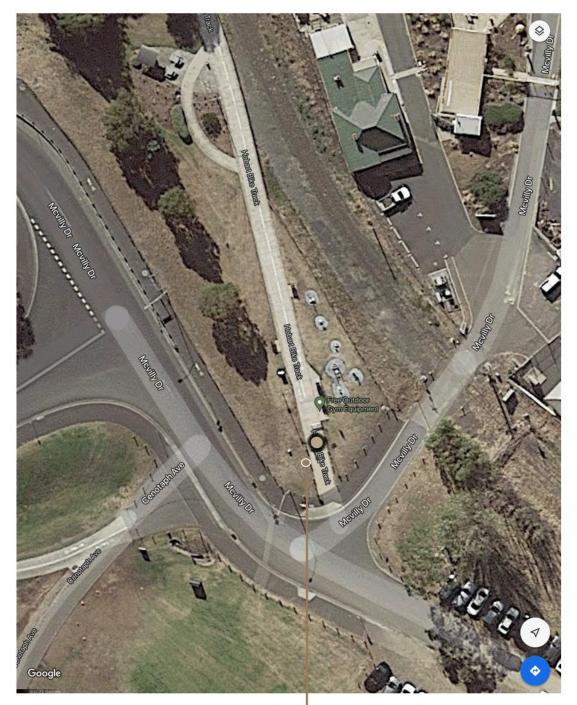
3. Mock up depicting the Earth with the scaled planet and label beneath.



4. Proposed position of the Sun at the Regatta Grounds



5. Proposed signage



6. Proposed signage location - to the left of the path, shown with red dot. (NOTE: There will be a corresponding sign at the other end of Foreverever, but this is outside of the scope of this application)

Signage to be fixed off to a simple mass concrete footing, as per standard Parks signage, and use a standard signage system (printed vinyl and anti graffiti coat on galvanised sign, with standard rails, fixed off to 70mm diameter pole, bolted off to footing).

# Supplementary Agenda (Open Portion) City Planning Committee Meeting - 9/5/2022

# Page 33 ATTACHMENT B



# **RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



#### SEARCH OF TORRENS TITLE

VOLUME 135056	FOLIO 4
EDITION	DATE OF ISSUE
1	11-Dec-2000

SEARCH DATE : 23-Mar-2022 SEARCH TIME : 09.17 AM

# DESCRIPTION OF LAND

City of HOBART

Lot 4 on Plan 135056

Derivation: Whole of Lot 4 Gtd to the Hobart City Council

Derived from Grant No.358/26

#### SCHEDULE 1

HOBART CITY COUNCIL

#### SCHEDULE 2

358/26 Land is limited in depth to 15 metres, excludes minerals and is subject to reservations relating to drains sewers and waterways in favour of the Crown 358/26 Grant made Subject To use (subject to the Hobart Corporation Act 1963) for the recreation, amusement, health & enjoyment of the inhabitants of the city and other persons resident in or coming into the city

# UNREGISTERED DEALINGS AND NOTATIONS

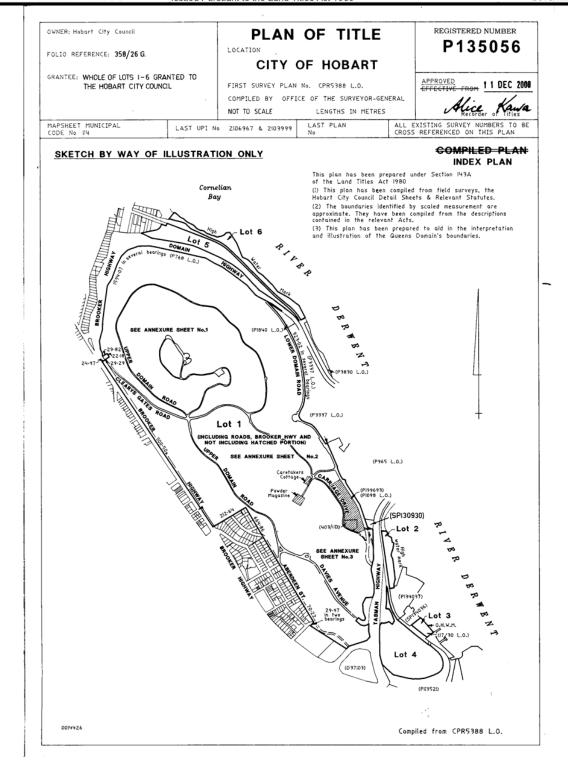
No unregistered dealings or other notations



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Volume Number: 135056

Revision Number: 02

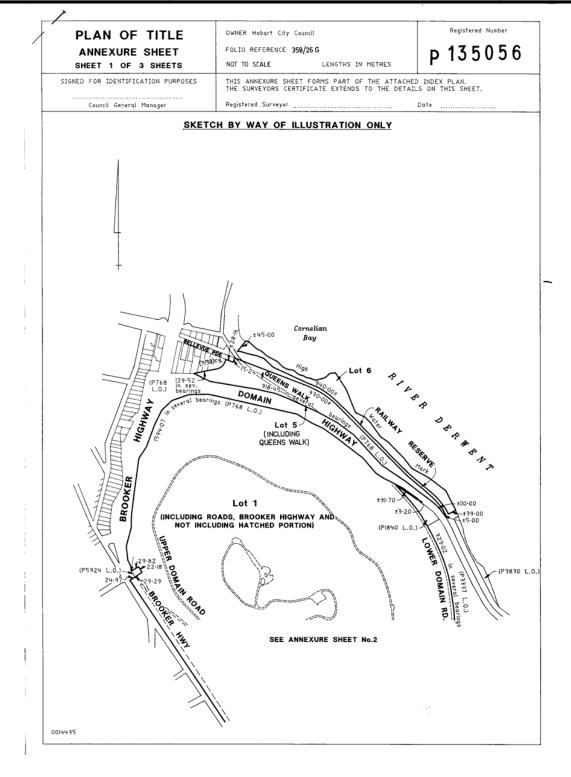
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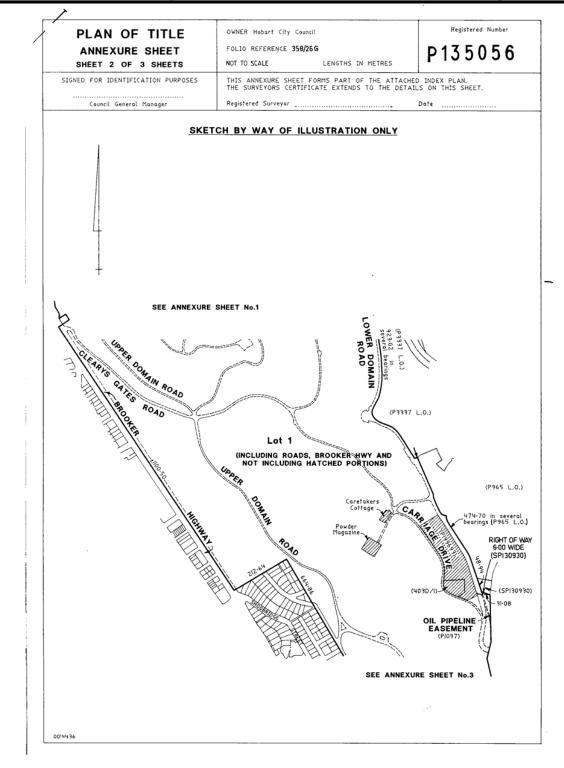
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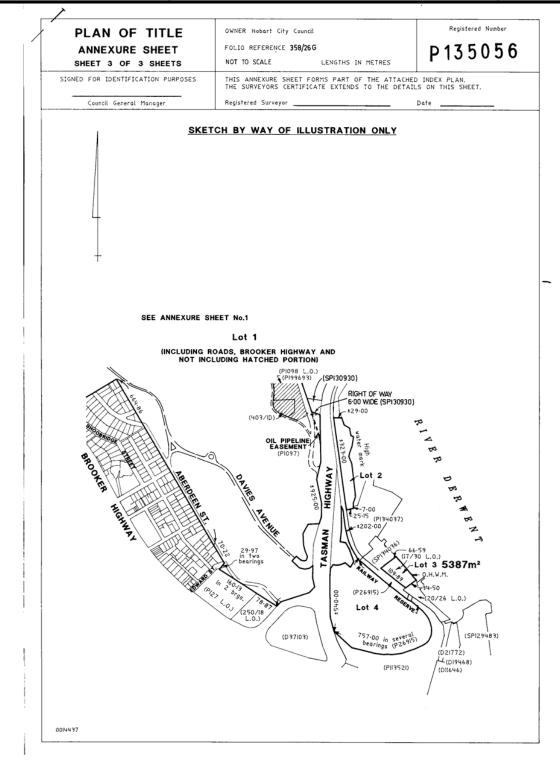
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