



CITY OF HOBART MINUTES

OPEN PORTION
TUESDAY, 14 JUNE 2022
AT 5:00 PM
COUNCIL CHAMBER, TOWN HALL

This meeting of the Council was conducted in accordance with a Notice issued by the Premier on 31 March 2022 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.



ORDER OF BUSINESS

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PRESENT:

The Lord Mayor Councillor A M Reynolds, the Deputy Lord Mayor Councillor H Burnet, Aldermen M Zucco, J Briscoe, Dr P T Sexton, D C Thomas, Councillor W F Harvey, Alderman S Behrakis, Councillors M S C Dutta, J Fox, Dr Z E Sherlock and W N S Coats.

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

Nil.

Councillor Dutta left the meeting at 7.06pm, returning at 7.09pm.

Alderman Behrakis left the meeting at 7.13pm, returning at 7.15pm.

Councillor Fox left the meeting at 7.15pm, returning at 7.17pm.

Councillor Sherlock left the meeting at 7.18pm, returning at 7.21pm.

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 30 May 2022](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

SHERLOCK
DUTTA

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Harvey	
Behrakis	
Dutta	
Fox	
Sherlock	
Coats	

The minutes were signed.

2. TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*?

No items were transferred.

3. COMMUNICATION FROM THE CHAIRMAN

No communication was received.

4. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer reports that the following Council workshops have been conducted since the last ordinary meeting of the Council.

Date: 7 June 2022

Purpose: 2022/23 Budget

5. PUBLIC QUESTION TIME

5.1 Public Questions

No public questions were received.

5.2 Responses to Public Questions Taken on Notice

That the following responses to public questions taken on notice, be received and noted.

5.2.1 UTAS proposed move into the City

5.2.2 UTAS transition to the CBD and accessibility

5.2.3 State of trial parklets in Elizabeth Street

BURNET
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Fox
Sherlock
Coats

Meeting date: 14 April 2022

Raised by: Ms Louise Elliot

Response Author: Kelly Grigsby (CEO)

Topic: **UTAS PROPOSED MOVE INTO THE CITY**

Question 1:

What evidence is the Council relying on to form the view that UTAS' relocation to the City is in the interests of our city and community, and where can the public access this evidence?

Response:

The report coming to Council on 30 May 2022 which will respond to the Notice of Motion submitted by Alderman Briscoe on 15 March 2022, will provide you with the council reports, decisions and actions relating to the UTAS relocation to the city since 2009.

Question 2:

Does the Council think it is appropriate to state that it will "support and facilitate" UTAS' move given this very strongly implies that applications that come before the Council must be supported given the Council has already predetermined that

it will “support and facilitate” UTAS’ move and voting against applications is not in keeping with this direction?

Response:

The Council has two functions with one being the need to consider and provide strategic direction for the City and develop plans for it. The Central Hobart Precincts Plan is part of that function. The statement in the directions paper is a potential future direction that has been consulted with the community, noting that the discussion paper states that the paper has been ‘endorsed by Council for engagement purposes only.’

The Council also has a function as a planning authority in which it must consider individual development applications and make decisions based on legislation, the provisions of the planning scheme and the evidence it has before it. Ultimately, any application when finalised and the qualified advice from Council officers on the merits or otherwise of an application, is provided on the public record. Furthermore the determination of the application by elected members is conducted in open Council. There is also opportunity for members of the public to provide a representation on the merits or otherwise of the proposal when amendments are publicly notified. All this information is taken into account when making a decision on individual applications.

Question 3:

What commitments has the Council made to UTAS about their relocation, including those made in the meetings that the Lord Mayor has had with the Vice Chancellor over recent years?

Response:

The report coming to Council on 30 May 2022 which will respond to the Notice of Motion submitted by Alderman Briscoe on 15 March 2022, will provide you with the council reports, decisions and actions relating to the UTAS relocation to the city since 2009, including correspondence between Lord Mayors and Vice Chancellors.

Question 4:

How does the Council respond to the strong and warranted perception that the Hobart City Council is applying favouritism and not treating UTAS like any individual or organisation?

Response:

“Favouritism” has not been provided for the relocation of UTAS to the CBD, as each Development Application submitted by UTAS, or any other individual or organisation is considered on its planning merit.

The Council in its role as a planning authority considers individual development applications and makes decisions based on legislation, the provisions of the planning scheme and the evidence it has before it. Ultimately, any application

when finalised and the qualified advice from Council officers on the merits or otherwise of an application, is provided on the public record.

Furthermore the determination of the application by elected members is conducted in open Council. There is also opportunity for members of the public to provide a representation on the merits or otherwise of the proposal when amendments are publicly notified. All this information is taken into account when making a decision on individual applications.

Question 5:

Does the Council agree that UTAS is just like any other individual or organisation with no special rights, privileges or influence when it comes to the future direction of our city?

Response:

The City of Hobart engages with many stakeholders including UTAS, State Government, Macquarie Point Corporation and other interested parties about their development and investment in our city. All are considered relative to the contribution they may make on shared public value and amenity. However, as mentioned above, all must undergo the relevant development planning process and ultimately the planning authority must consider individual development applications and make decisions based on legislation.

Question 6:

What actions must another individual or organisation take to achieve the same level of support from the Hobart City Council? For example, if a large tourism, hospitality or retail operator wanted public statements made by the Council that it will “support and facilitate” their intentions, what does that individual or organisation need to do?

Response:

As mentioned, the statement in the directions paper is a potential future direction that has undergone consultation with the community. The discussion paper states that the paper has been ‘endorsed by Council for engagement purposes only’.

As stated, the City’s engagement with a wide variety of stakeholders is a continuing and core function of facilitating the future design and build of our City. All proponents or potential proponents for development are encouraged to make contact to discuss their intentions.

The Central Hobart Precincts Structural Plan will enable further conversation to take place with those who express interest in investing in our city through development, activation or simply residence over the next 20 years as it’s a long term plan for the 64 blocks that make up Central Hobart.

Further plans such as the North Hobart Precinct Plan will also be reviewed this year as well as others over the coming years. They will also provide opportunities for any interest parties to express their interest in being part of bringing those future plans to life.

Meeting date: 15 March 2022
Raised by: Ms Tammy Milne
Response Author: Kelly Grigsby (CEO)

Topic: **UTAS TRANSITION TO THE CBD AND ACCESSIBILITY**

Question:

My question is that as an alumni of the University of Tasmania and a person with a disability my struggles with basic access to the old out of date buildings was horrendous and I would not want anyone to have to go through the same physical difficulties I went through to access education at the highest level in Tasmania.

The move of UTAS into the city will enable buildings to be purpose built according to today's accessible building codes giving people with disabilities equitable access to higher education. There are other benefits as well to this move, both financial and physical that will reintroduce university to the city as it was in the past. Look how well integrated existing campus life is in the city now with medicine, the arts and music already occupying space in the city.

It seems an emotional attachment to the old buildings is an irrational argument as to why the move should be curtailed, but is this argument really thinly veiling the real reason and that is of Sandy Bay residents concerned about their property values if a bunch of social housing is introduced to their suburb.

The benefits from where I sit in my wheelchair far outweigh the negatives, put simplistically there will be a stock of land available to build housing which is so greatly needed in the Hobart once UTAS vacates the Sandy Bay Campus. There will be greater access for students like myself, people with disabilities.

So my question was will Hobart City Council facilitate a smooth transition for UTAS to come to the city?

Response:

People with a disability have the right to expect they will be able to access and use a public building in a dignified manner. The Premises Standards [*Disability (Access to Premises Building) Standards 2010*] sets performance requirements and references technical specifications to ensure this occurs. These requirements are applicable to all public buildings and will lead to widespread improvements in the accessibility and safety of all new and upgraded buildings. It is noted that The Premises Standards only apply where new work is undertaken that requires a building approval, such as a new building, an extension or renovation.

The City through the Hobart Access Advisory Committee (AAC) advocates for accessibility to all buildings and it is noted that the University of Tasmania (UTAS) has attended a committee meeting to discuss access to their proposed Hobart City Campus. The AAC will continue to engage with UTAS to advocate for the rights of people with a disability to have equitable access to all UTAS buildings.

Meeting date: 15 March 2022
Raised by: Ms Louise Bloomfield
Response Author: Kelly Grigsby
Topic: **STATE OF TRIAL PARKLETS IN ELIZABETH STREET**

Question:

The parklets installed in Elizabeth Street are a disgrace. Nearly 50% of the plant life is now dead and it looks dreadful.

I have pictures evidencing at 12:20pm both Thursday 10 March and Friday 11 March 2022, there is no-one using these areas.

When are they going to be admitted as an utter failure for the area and be removed? The small businesses in the area are in desperate need of these parking spaces back.

Response:

The outdoor dining decks (parklets) have been well utilised around the city during the day and in the evening with the spaces regularly maintained by the City and traders including the plants within the planter boxes.

There have been significant design and community engagement learnings as part of the trial and we have fed these learnings into both our outdoor dining guidelines and a general review and positioning of parklets; both of these are currently in final review internally and will be shared through Council in the coming months.

We have two more actions before finalising our report and forging next steps. Those actions are a final survey to businesses and a second measurement of the Place Score assessment for the area.

We expect to finalise the report specifically on the midtown parklets trial and provide the report to the Council for inclusion in a meeting in June.

6. PETITIONS

6.1 Petition - Request to conduct an elector poll into the UTAS move into the City - Professor Pamela Sharpe

A petition was tabled calling for the Council to hold an elector poll into the relocation of the University of Tasmania's campus from Sandy Bay into the Hobart Central Business District.

There were 1204 signatures to the petition.

BRISCOE
BURNET

That the petition be received and noted and referred to the appropriate Committee.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Fox
Sherlock
Coats

Attachment

A Petition - Request for Elector Poll ⇒ 

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

That the Council resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

No supplementary items were received.

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

Elected members 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 Council has resolved to deal with.

No interest was indicated.

REPORTS OF COMMITTEES

CITY PLANNING COMMITTEE

9. COUNCIL 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 Council 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 Council will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Council 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.

**9.1 209-213 Harrington Street, 215-217 Harrington Street, Hobart -
Demolition, New Building for Food Services, Signage, Subdivision (Lot
Consolidation), and Associated Works
PLN-20-651 - File Ref: F22/52410**

Ref: Open [CPC 7.1.1](#), 6/06/2022

Application Expiry Date: 14 June 2022

That the Council refuse the application for demolition, new building for food services, signage, subdivision (lot consolidation), and associated works at 209–213 Harrington Street and 215–217 Harrington Street, Hobart 7000 for the following reasons:

1. The proposed use of a restaurant, which is discretionary, is inappropriate for this location and is inconsistent with the zone purpose statements.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E5.5.1 Existing road accesses and junctions, because the increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, is not safe and unreasonably impacts on the efficiency of the road, having regard to paragraphs (a) to (g).
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.6.1 Number of parking spaces, because the acceptable solution requires 39 spaces and only 20 are proposed; and The number of onsite car parking spaces must be sufficient to meet the reasonable needs of users, having regard to the specific matters listed in P1 (a) to (e).

BEHRAKIS
BURNET

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	Behrakis
Briscoe	Coats
Sexton	
Thomas	
Harvey	
Dutta	
Fox	
Sherlock	

**9.2 136 Wentworth Street and 112 Cascade Road and 106 Cascade Road,
South Hobart - Temporary Housing
PLN-22-133 - File Ref: F22/52386**

Ref: Open [CPC 7.1.3](#), 6/06/2022
Application Expiry Date: 22 June 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for temporary housing at 136 Wentworth Street and 112 Cascade Road and 106 Cascade Road, South Hobart 7004 for the reasons outlined in the officer's report attached to item 7.1.3 of the Open City Planning Committee agenda of 6 June 2022 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-22-133 - 136 WENTWORTH STREET & 112 CASCADE ROAD & 16 CASCADE ROAD, SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

This permit is valid for a maximum period for three years from 25 June 2020, on which date the occupancy permit was issued in accordance with Part 17 of the *Building Act 2016*. At the completion of this period and not more than 6 month after the date on which the permit lapses, all development associated with this permit must be removed and the site made good to the satisfaction of the Director City Life.

Reason for condition

To clarify the scope of the permit in accordance with the application documentation and Planning Directive 7.

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.

COUNCIL RESERVES

There is an existing lease agreement for occupation of a portion of Wellesley Park for this development. The lease expires on 31st December 2022. Therefore, it will need to be extended to cover the extended planning permit period. The terms will be negotiated separately to this planning permit.

NOISE REGULATIONS

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

BEHRAKIS
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Harvey	
Behrakis	
Dutta	
Fox	
Sherlock	
Coats	

9.3 1 Bell Street, New Town - Upgrading of Existing Telecommunications Facility and Associated Works
PLN-21-823 - File Ref: F22/52191

Ref: Open [CPC 7.1.5](#), 6/06/2022
Application Expiry Date: 18 July 2002

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for upgrading of existing telecommunications facility and associated works at 1 Bell Street New Town 7008 for the reasons outlined in the officer's report attached to item 7.1.5 of the Open City Planning Committee agenda of 6 June 2022 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-21-823 - 1 BELL 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 2022/00045-HCC dated 2/5/2022 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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

Advice:

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

Reason for condition

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

ENG sw2.1

A pre-construction CCTV recording of the Council's stormwater main within/adjacent to the proposed development, along with photos of any drainage structures to be connected to or modified, must be submitted to Council prior to the commencement of work.

The pre-construction CCTV recording and photos will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with pre-construction CCTV recording then any damage to Council's infrastructure identified in the post-construction CCTV recording will be deemed to be the responsibility of the owner.

Reason for condition

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

ENG sw2.2

A post-construction CCTV recording of the Council's stormwater main within/adjacent to the proposed development, along with photos of any existing drainage structures connected to or modified as part of the development, must be submitted to Council upon completion of work.

The post-construction CCTV recording and photos will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with pre-construction CCTV then any damage to Council's infrastructure identified in the post-construction CCTV will be deemed to be the responsibility of the owner.

Reason for condition

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

ENG sw3

The proposed works must be designed to ensure the protection and access to the Council's stormwater main.

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

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

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

Advice:

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

Reason for condition

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

SW 13

All structures within the flood zone including buildings and flood mitigation measures must be inspected by a suitably qualified and accredited engineer.

Certification from a suitably qualified and accredited engineer that the installation has been constructed in accordance with the approved design must be provided to the City of Hobart prior to occupancy or commencement of use (whichever occurs first).

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.

ENVHE 2

A contamination Environmental Site Assessment report prepared by a suitably qualified and experienced person in accordance with the procedures and practices detailed in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM) as amended 2013 must be submitted

prior to commencement of work. The report must conclude:

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

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

Advice:

The Environmental Site Assessment Report prepared by Greencap, dated February 2022 (J176373) and submitted by the applicant on 23 March 2022, meets this condition, and no further report is required to be submitted.

Reason for condition

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

OPS s1

The developer must have a build schedule in place to ensure that the removal of the flood light panels do not disrupt any hockey games. Prior to the removal of the flood lights the developer must prepare a build schedule in consultation with Hockey Tasmania and Council. The removal of the flood lights must be

undertaken in accordance with the build schedule.

Advice:

Please contact the Council's Parks and Recreation Program Leader on 6238 2956 in relation to this condition.

Reason for condition

To maintain the functionality of the adjacent sports fields.

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.

BUILDING OVER AN EASEMENT

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

STORMWATER

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

STRUCTURES CLOSE TO COUNCILS' STORMWATER MAIN

The design of structures (including footings) must provide protection for the Council's infrastructure. For information regarding appropriate designs please contact the Council's City Life Division. You may need the General Manager's consent under section 13 of the *Urban Drainage Act 2013* and consent under section 73 or 74 of the *Building Act 2016*.

STREET LIGHTING

The relocation of a light pole must be in accordance with TasNetworks and Hobart City Council requirements. Click [here for](#) more information.

WASTE DISPOSAL

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

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

BEHRAKIS
BURNET

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Fox
Sherlock
Coats

9.4 ETA-21-158 - 209-213 Harrington Street, Hobart - Demolition and New Building for 39 Multiple Dwellings, Food Services and General Retail and Hire
File Ref: F22/49954

Ref: Open [CPC 7.1.6](#), 6/06/2022

- That:
1. The Council approve the application for an extension of time in which to substantially commence planning permit PLN-18-770.
 2. The Council delegates the power to grant a further extension of time to substantially commence planning permit PLN-18-770 pursuant to section 53 of the Land Use Planning and Approvals Act 1993 to the Director City Life.

BEHRAKIS
BURNET

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
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9.5 156 New Town Road, New Town - Demolition, Subdivision (Lot Consolidation) and New Building for 19 Multiple Dwellings and Fitness Centre (Sports and Recreation)
PLN-22-272 - File Ref: F22/56391

Ref: Open [CPC 3.1.1](#), 14/06/2022
Application Expiry Date: 16 June 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for demolition, subdivision (lot consolidation), and new building for 19 multiple dwellings and fitness centre (sports and recreation) at 156 New Town Road, New Town, 7008 for the reasons outlined in the officer's

report attached to item 3.1.1 of the Special City Planning Committee Meeting agenda of 14 June 2022 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-22-272 - 156 NEW TOWN ROAD NEW TOWN TAS 7008 - Final Planning Documents.

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. TW 2022/00654-HCC dated 12/5/2022 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 14

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 that demonstrate that the habitable rooms of the dwellings adjacent to New Town Road will achieve internal noise levels in accordance with relevant Australian Standards for acoustics control (including *AS3671:1989 – Road Traffic Noise Intrusion (Building Siting and Construction)* and *AS2107:2016 – Acoustics (Recommended Design Sound Levels and Reverberation Times for Building Interiors)*)

The revised plans must be certified by a suitably qualified person as demonstrating likely 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

To ensure that buildings for residential use provide reasonable levels of residential amenity.

PLN 6

Hours of operation for the fitness centre (except for office and administrative tasks) must be within:

- 7.00 am to 9.00 pm Mondays to Fridays inclusive;
- 8.00 am to 6.00 pm Saturdays;
- 9.00 am to 5.00 pm Sundays and Public Holidays;

Reason for condition

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

PLN s1

The combined area of windows and door openings at ground floor level in the front façade of the approved building must be equivalent to no less than 40% of the surface area of the ground floor level façade, unless further planning approval is obtained. Any glazing provided within the front façade at ground floor level must have predominantly clear glass and must not be obscured through the use of obscure glass or film, or otherwise obscured without further planning approval.

Reason for condition

To ensure that building design for non-residential uses contributes positively to the streetscape.

ENG 12

A construction waste management plan must be implemented throughout construction.

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

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

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

Advice:

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 recommended that the developer liaise with the Council's City Resilience Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill. Further information can also be found on the Council's [website](#).

Reason for condition

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

ENG sw1

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

All impervious areas which can be drained to New Town Road via gravity (including charged systems) must be drained via gravity. The pump system must be limited to capture stormwater only from areas which cannot be drained via gravity. All pump rising main discharges must occur to a private dispersion pit such that only gravity flow from the property to the Council stormwater connection.

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, and the pump system is designed and maintained to minimise risk to third-party land.

SW 7

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

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted and approved. The detailed engineering drawings must include:

1. the location of the proposed connections and all existing connections, including details of abandonment of the existing redundant connections,
2. the size and design of the connection such that it is appropriate to safely service the development,
3. clearances from any nearby obstacles (eg services, crossovers, trees, poles, walls),
4. long-sections of the proposed connection clearly showing levels, cover, size, grade, material and delineation of public and private infrastructure;
5. connections which are free-flowing gravity driven, and,
6. be in general accordance with Council's departures from the LGAT Tasmanian Standard Drawings, available from [here](#).

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

Advice:

Upgraded or new connections can be approved separately from the CEP process, via the Application for New Connection form available from [here](#). The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.

A single connection for the property is required under the Urban Drainage Act 2013.

SW 9

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

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

1. include detailed design and long-section of the proposed treatment train, including final estimations of contaminant removal and driving head requirements;
2. include detailed design and supporting calculations of the detention tank showing:
 - detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and flows do not exceed the receiving capacity of the kerb and gutter as per the planning documentation;
 - the layout and long section showing the inlet and outlet, any internal weir, outlet size, overflow mechanism and invert levels; the discharge rates and emptying times; and
 - all assumptions must be clearly stated;
3. 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 13

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

A waste management plan must be submitted and approved as a Condition Endorsement, prior to commencement of work on the site. A waste management plan must include:

1. the number of bins,
2. adequate bin storage area,
3. bin cleaning area that is appropriately drained,
4. the method of collection,
5. the time of day of collection; the frequency of collection,
6. access to bin storage areas, including consideration of gradient, site lines, manoeuvring, direction of vehicle movement and pedestrian access
7. distance from vehicle stopping point to bins if not collected on site, and,
8. confirmation by a private contractor that they are able and willing to provide collection services according to the waste management plan.

All work required by this condition must be undertaken in accordance with the approved waste 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 solid waste management from the site meets the Council's requirements and standards and collecting waste do not compromise the safety, amenity and convenience of surrounding occupants, vehicular traffic, parking, cyclists, pedestrians and other road and footpath users

ENG tr1

Traffic management within the access driveway, circulation roadway and parking module (parking spaces and aisles) must be installed prior to the commencement of the use.

Traffic management design drawing(s) (including signage and line marking), 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 works on site (whichever occurs first). The design drawing(s) and management plan must show but not limited to, the following information:

1. Be prepared by a suitably qualified person,
2. Signage indicating that the car parking area is a private car park,
3. Signage to be installed at the driveway entrance/exit informing users access is restricted to left in – left out only (as per Clause 3.2.3 of AS2890.1),
4. Pavement arrows for the control and direction of circulating traffic within the car park and associated access in accordance with Australian/NZS Standard, *Parking facilities Part 1: Off-street car parking AS/NZS 2890.1: 2004*,
5. The turning bay must be delineated by means of white or yellow pavement lines and suitable signage,
6. Pedestrian safety bollards for egress to/from lifts and doorways, and,
7. Delineation of pedestrian pathways.

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

Reason for condition

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

ENG tr2

A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition). The construction traffic (including cars, public transport vehicles, service vehicles,

pedestrians and cyclists) and parking management plan must be submitted and approved as a Condition Endorsement, prior to commencement work (including demolition). The construction traffic and parking management plan must:

1. Be prepared by a suitably qualified person.
2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.
3. Include a start date and finish dates of various stages of works.
4. Include times that trucks and other traffic associated with the works will be allowed to operate.
5. Nominate a superintendent, or the like, to be responsible for the implementation of the approved traffic management plan and available as a direct contact to Council and/or members of the community regarding day to day construction traffic operations at the site, including any immediate traffic issues or hazards that may arise.

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking 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 the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 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 Code 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

The access driveway and parking area must be constructed and line marked in accordance with the following documentation which forms part of this permit: Basement Plan / DA-05 / Revision C/ dated 04/05/2022.

The works required by this condition must be completed prior to first occupation.

Reason for condition

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

ENG 3c

Prior to the first occupation, a suitably qualified engineer must certify that all aspects of the the access driveway and parking area have been constructed in accordance with design drawings approved by Condition ENG 3a.

Advice:

We strongly encourage you to speak to your engineer before works begin so that you can discuss the number and nature of the inspections they will need to do during the works in order to provide this certification. It may be necessary for a surveyor to also be engaged to ensure that the driveway will be constructed as approved.

The reason this condition has been imposed as part of your planning permit is that the driveway is outside the Australian Standard gradients or design parameters. If the driveway is not constructed as it has been approved then this may mean that the driveway will either be unsafe or will not function properly.

An example certificate is available on our [website](#).

Reason for condition

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

ENG 4

The access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

Reason for condition

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

ENG 5

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

- The number of car parking spaces approved on the site is twenty six (26),
- The number of motorcycle parking spaces approved on the site is two (2),
- The number of bicycle parking spaces approved on the site is twelve (12).
- No visitor parking is provided on site,
- A minimum of one (1) parking space must be allocated to each dwelling, and,

- Each pair of tandem parking spaces must serve the same dwelling.

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 r1

The excavation and/or earth-retaining structures (i.e. cuttings, retaining walls) and/or footings within or supporting the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings, structural certificates, and associated geotechnical assessments of the basement building wall supporting the New Town Road highway reservation must be submitted and approved as a Condition Endorsement, prior to the commencement of work and must:

1. Be prepared and certified by a suitably qualified person and experienced engineer,

2. Not undermine the stability of the highway reservation,
3. Take into account any additional surcharge loadings as required by relevant Australian Standards,
4. Take into account and reference accordingly any Geotechnical findings,
5. Detail any mitigation measures required,
6. Detail the design and location of the footing adjacent to the New Town Road highway reservation, and,
7. Include a structural certificate which notes the excavation near the highway will not adversely impact the stability of the road reservation.

Include a structural certificate which notes the excavation near the highway will not adversely impact the stability of the road reservation.

The structural certificates and drawings should note the above. All work required by this condition must be undertaken in accordance with the approved design drawings and structural certificates.

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 stability and integrity of the Council's highway reservation is not compromised by the development.

ENG r3

Prior to the commencement of use, the proposed driveway crossover on the New Town Road highway reservation must be designed and constructed in general accordance with:

- Urban - TSD-R09-v3 – Urban Roads Driveways and TSD R14-v3 Type KC vehicular crossing,
- Redundant vehicle crossovers to be reinstated - TSD-R14-v3 - Type KC kerb and channel, and,
- Footpath - Urban Roads Footpaths TSD-R11-v3.

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 (i.e. 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, and,
6. Be prepared and certified by a suitably 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 Program Leader Road Services 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, sufficient to prevent sediment leaving the site and 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), and,
- reflect any Contamination Management Plan or Environmental Site Assessment for the site

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 17a

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*, revised plans 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.

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/precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

ENVHE 1

Recommendations in the report GES Environmental Site Assessment 156 New Town Road, New Town, Tasmania, dated November 2020, must be implemented prior to the commencement of works.

Specifically:

1. Documentation stating the Underground Petroleum Storage System(UPSS) has been decommissioned and removed,
2. Contamination Management Plan (CMP) relating to human receptors, including mitigation measures post construction for residential use, and also include soil management onsite during construction, and,
3. All contaminated soils must be managed in accordance with IB105 (EPA document and process).

Reason for condition

To ensure that the risk to future occupants of the building remain low and acceptable.

To manage excavated soils onsite in relation to contamination.

To ensure the safety of workers

ENVHE 4

A construction management plan must be implemented throughout the construction works.

A construction management plan must be submitted and approved as a Condition Endorsement prior to the issuing of any approval under the *Building Act 2016*. The plan must include but is not limited to the following:

1. Identification and disposal of any potentially contaminated waste and asbestos,
2. Proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on site),
3. Proposed hours of construction,
4. Identification of potentially noisy construction phases, such as operation of rock- breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings,
5. Control of dust and emissions during working hours
6. Proposed screening of the site and vehicular access points during work, and,

7. Procedures for washing down vehicles, to prevent soil and debris being carried onto the street.

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

Advice:

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

SURV 16

The titles comprising the development site (CT 171514/1 and CT 171514/2) are to be adhered in accordance with the provisions of Section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, to the satisfaction of Council prior to the issue of any building approval pursuant to the *Building Act 2016*, or the commencement of works on site (whichever occurs first).

Advice:

The application for an adhesion order to Council has a fee of \$300. Evidence will be required that the owners and mortgagees do not object to the adhesion. This condition will be considered to be satisfied when a copy of the receipt for the Land Titles Office lodgement slip for the adhesion order has been received by Council.

Reason for condition

To ensure compliance with statutory provisions

Part 5 r1

Prior to any works commencing on site (including demolition), the owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* with respect to the protection of the retaining wall adjacent to the New Town Road highway reservation.

The owner must not undertake any works (including excavation and building) that will have any effect on the integrity of the New Town Road highway reservation or any adjacent retaining structure.

All costs for the preparation and registration of the Part 5 Agreement must be met by the owner. The owner must comply with the Part 5 Agreement which will be placed on the property title.

Advice:

For further information with respect to the preparation of a Part 5 Agreement please contact Council's Development Engineering Unit.

Reason for condition

To ensure the protection of Council infrastructure.

SUB s1

The right of carriageway appurtenant to CT 7973/1 (18 Roope Street) over the Roadway shown on Plan No. 171514 burdening the titles comprising the development site (CT 171514/1 and CT 171514/2) is to be extinguished in accordance with the provisions of section 108 of the *Land Titles Act 1980* prior to the issue of any building approval pursuant to the *Building Act 2016*.

Reason for condition

To ensure that building works do not occur over the right of carriageway.

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](#).

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

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.

REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's

Infrastructure By law. Click [here for](#) more information.

NOISE REGULATIONS

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

WASTE DISPOSAL

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

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

BEHRAKIS
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Fox
Sherlock
Coats

NOES

Deputy Lord Mayor Burnet
Dutta

10. Amendment PSA-21-4 - Enterprise Road Rezoning - Report on Representations
File Ref: F22/42681

Ref: Open [CPC 8.1](#), 6/06/2022

- That: 1. Pursuant to Section 39(2) of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council endorse the report marked as item 8.1 of the Open City Planning Committee agenda of 6 June 2022 as the formal statement of its opinion as to the merit of the representations received during the exhibition of the draft PSA-21-4 amendment.
2. Pursuant to Section 39(2) of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council recommend to the Tasmanian Planning Commission that the PSA-21-4 amendment to the Hobart Interim Planning Scheme 2015 be approved as certified.

BEHRAKIS
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
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11. Amendment to Planning Legislation (Major Projects)
File Ref: F22/44598

Ref: Open [CPC 8.2](#), 6/06/2022

That the Council endorse the response to the proposed amendments to the *Land Use Planning and Approvals Act 1993* for major projects, dated 12 May 2022, and shown as Attachment A to item 8.2 of the Open City Planning Committee agenda of 6 June 2022.

BEHRAKIS
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Fox
Sherlock
Coats

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

**IN ACCORDANCE WITH REGULATION 16(5) OF THE LOCAL GOVERNMENT
(MEETING PROCEDURES) REGULATIONS 2015**

12. Chairperson Protocols
File Ref: F22/53914; 13-1-9

Alderman Zucco

Motion

“That an urgent report be prepared setting out the protocols for the chairperson around elected members using direct and explicit or inappropriate language at any formal Council or committee meetings.”

Rationale:

“At the Council meeting on May 30th the Lord Mayor as chairperson was definite in the chair role during discussion on item 4 being transfer of agenda items. The chair made it clear to an elected member the protocols of the meeting procedures and was emphasising the role of the Lord Mayor as chairperson of the Council meeting and that the chair was in control.

At a later point in debate on a planning item regarding a development application on short stay accommodation an elected member made a direct inappropriate quote which in my opinion seemed premeditated in the manner it was conveyed.

It is completely obvious that the Lord Mayor as chair was surprised by the comments (as were other elected members and the CEO) based on body language but it was extremely obvious with the Lord Mayors stuttering and unsure as per what action to take. The action was obvious but not forthcoming by the chair.

Considering that this inappropriate comment occurred at around the 27 minute period of the meeting and the Lord Mayor had made it very clear to “other” elected members of the chairperson’s role and meeting procedures moments prior. It is imperative that there is an understanding of protocols around inappropriate language considering that the chair failed to act on the language used by one elected member.

When the incident occurred I did immediately text a fellow elected member regarding the language. I was expecting the chair to act but no action was taken when it was clearly obvious what had occurred.

Given this latest incident it is imperative that a report be prepared setting out the protocols around any such future incidents similar to that of May 30th.”

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

- Pillar: 8 – Governance and Civic Involvement
Outcome: 8.1 Hobart is a city of best practice, ethical governance and transparent decision-making.
- Strategy: 8.1.1 Practise integrity, accountability, strong ethic and transparent in the City's governance, policymaking and operations.
8.1.2 Practise and communicate good city governance and decision-making.
- Pillar: 8 – Governance and Civic Involvement
Outcome: 8.3 City leadership is accessible and reflects Hobart communities.
Strategy: 8.3.3 Support the elected representatives to undertake their role.

Legislation and Policy

- Legislation: *Local Government (Meeting Procedures) Regulations 2015*
Policy: Meetings: Procedures and Guidelines

Financial Implications

1. None arise from this notice of motion.

ZUCCO
SHERLOCK

That the motion be adopted.

AMENDMENT

THOMAS
BEHRAKIS

That the report also provide clarification in relation to the appropriate method for dealing with points of order raised against the chairperson of a meeting.

AMENDMENT LOST

VOTING RECORD

AYES

Zucco
Briscoe
Sexton
Thomas
Behrakis
Coats

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Harvey
Dutta
Fox
Sherlock

SHERLOCK
HARVEY

That Councillor Dutta be granted an additional three minutes to address the meeting.

MOTION LOST

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Harvey
Dutta
Fox
Sherlock

NOES

Zucco
Briscoe
Sexton
Thomas
Behrakis
Coats

HARVEY
ZUCCO

That Councillor Dutta be granted an additional one minute to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Fox
Sherlock
Coats

DUTTA
SHERLOCK

That Deputy Lord Mayor Burnet be granted an additional two minutes to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Fox
Sherlock
Coats

PROCEDURAL MOTION

DUTTA
SHERLOCK

That the motion be now put.

PROCEDURAL MOTION LOST

VOTING RECORD

AYES	NOES
Dutta	Lord Mayor Reynolds
Fox	Deputy Lord Mayor Burnet
	Zucco
	Briscoe
	Sexton
	Thomas
	Harvey
	Behrakis
	Sherlock
	Coats

HARVEY
SHERLOCK

That Alderman Zucco be granted an additional two minutes to sum up the motion.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Harvey	
Behrakis	
Dutta	
Fox	
Sherlock	

Coats

MOTION LOST

VOTING RECORD

AYES

Zucco
Briscoe
Sexton
Thomas
Behrakis
Coats

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Harvey
Dutta
Fox
Sherlock

COUNCIL RESOLUTION:

The motion was lost.

CITY INFRASTRUCTURE COMMITTEE

13. E-Scooter Trial Consultation Report

File Ref: F22/46178

Ref: Open [CIC 6.1](#), 1/06/2022

- That:
1. Council officers continue to investigate the viability of creating more mixed-use micromobility lanes in inner city corridors.
 2. Council officers work with e-scooter operators Beam and Neuron, as well as other relevant organisations of the City, to create opportunities for training and safety awareness for senior Tasmanians.
 3. Council officers attend the series of round table discussion forums convened by Department of State Growth around e-scooters, and that any outcomes arising from the round table, relevant to the Council's e-scooter trial, be included in the E-scooter Trial Assessment Report, to be prepared upon completion of the trial.
 4. The City's Access Advisory Committee be requested to consider (and action as appropriate) the inequity of legislation covering mobility scooters and e-scooters.

HARVEY
BEHRAKIS

That the recommendation be adopted.

AMENDMENT

BRISCOE
SHERLOCK

That the words 'and dedicated parking spaces' be included after the word 'lanes' in clause 1.

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Fox
Sherlock
Coats

AMENDMENT

ZUCCO
THOMAS

That the words 'and any further input on the trial by and' be included after the word 'awareness' in clause 2.

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Fox
Sherlock
Coats

SHERLOCK
DUTTA

That Alderman Behrakis be granted and additional one minute to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Fox
Sherlock
Coats

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Fox
Sherlock
Coats

COUNCIL RESOLUTION:

- That:
1. Council officers continue to investigate the viability of creating more mixed-use micromobility lanes and dedicated parking spaces in inner city corridors.
 2. Council officers work with e-scooter operators Beam and Neuron, as well as other relevant organisations of the City, to create opportunities for training and safety awareness and any further input on the trial by and for senior Tasmanians.
 3. Council officers attend the series of round table discussion forums convened by Department of State Growth around e-scooters, and that any outcomes arising from the round table, relevant to the Council's e-scooter trial, be included in the E-scooter Trial Assessment Report, to be prepared upon completion of the trial.
 4. The City's Access Advisory Committee be requested to consider (and action as appropriate) the inequity of legislation covering mobility scooters and e-scooters.

FINANCE AND GOVERNANCE COMMITTEE

14. 2022 - 2023 Fees and Charges

File Ref: F22/38032

Ref: Open [FGC 4.1](#), 14/06/2022

- That:
1. The schedule of fees and charges for Council services marked as Attachment B (inclusive of Attachment A variations) to the Special Finance and Governance Committee agenda of 14 June 2022, be adopted for the 2022-23 financial year, with the exception of existing fees and charges relating to Food Truck Permits which are to be maintained at the 2021-22 rate.
 2. Officers prepare a report considering separate fees for residential planning applications for developments costing between \$200,001 and \$600,000 to recognise affordable housing development.

ZUCCO

SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Fox
Sherlock
Coats

15. CLOSED PORTION OF THE MEETING

That the Council resolve by absolute 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
- Leave of Absence

The following items were discussed:-

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council Meeting
Item No. 2	Communication from the Chairman
Item No. 3	Leave of Absence
Item No. 4	Consideration of supplementary Items to the agenda
Item No. 5	Indications of pecuniary and conflicts of interest

BURNET
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED BY
ABSOLUTE MAJORITY

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Harvey	
Behrakis	
Dutta	
Fox	
Sherlock	
Coats	

There being no further business the Open portion of the meeting closed at 7.52pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
27TH DAY OF JUNE 2022.

CHAIRMAN