



CITY OF HOBART

# **MINUTES**

## **City Planning Committee Meeting**

**Open Portion**

**Monday, 22 August 2022 at 5:00pm**

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## ORDER OF BUSINESS

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**City Planning Committee Meeting (Open Portion) held on Monday, 22 August 2022 at 5:00 pm in the Council Chamber, Town Hall.**

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

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

**COMMITTEE MEMBERS**

Deputy Lord Mayor Councillor H Burnet  
(Chairman)  
Alderman J R Briscoe  
Councillor W F Harvey  
Alderman S Behrakis  
Councillor M Dutta  
Councillor W Coats

**NON-MEMBERS**

Lord Mayor Councillor A M Reynolds  
Alderman M Zucco  
Alderman Dr P T Sexton  
Alderman D C Thomas  
Councillor J Fox  
Councillor Dr Z Sherlock

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

Alderman Behrakis left the meeting at 5.50pm, returning at 5.51pm.

**APOLOGIES:** Nil.

**LEAVE OF ABSENCE:** Nil.

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

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No elected members were co-opted to the Committee.

**2. CONFIRMATION OF MINUTES**

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DUTTA

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 8 August 2022](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

The minutes were signed.

**3. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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

BEHRAKIS

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

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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

Members of the Committee are requested to indicate where they may have any pecuniary or conflicts of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Committee has resolved to deal with.

No interest was indicated.

## 5. TRANSFER OF AGENDA ITEMS

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Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

A Committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the Committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

No items were transferred.

## 6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

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In accordance with the requirements of Part 2 Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer is to arrange the agenda so that the planning authority items are sequential.

In accordance with Part 2 Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee by simple majority may change the order of any of the items listed on the agenda, but in the case of planning items they must still be considered sequentially – in other words they still have to be dealt with as a single group on the agenda.

Where deputations are to be received in respect to planning items, past practice has been to move consideration of these items to the beginning of the meeting.

BRISCOE

That in accordance with Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee resolve to deal with any items which have deputations by members of the public regarding any planning matter listed on the agenda, to be taken out of sequence in order to deal with deputations at the beginning of the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe

Harvey  
Behrakis  
Dutta  
Coats

## **7. COMMITTEE ACTING AS PLANNING AUTHORITY**

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In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Committee to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted.

In accordance with Regulation 25, the Committee will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Committee is reminded that in order to comply with Regulation 25(2), the Chief Executive Officer is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

Item 7.2.1 was then taken.

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

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#### **7.1.1 19 Morrison Street, Hobart and Adjacent Road Reserve - Outdoor Dining including Furniture PLN-22-419 - File Ref: F22/82727**

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BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 17 August 2022, be adopted, as amended with the addition of the following advice clause:

*“Advice*

*The Applicant is encouraged to make available some space for people with mobility devices within the seating arrangements to allow for a more equitable access to this facility.”*

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for outdoor dining including furniture, at 19 Morrison Street 7000 and adjacent road reserve, Hobart for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 22 August 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-22-419 - 19 MORRISON STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

**PLN 6**

Use of the outdoor dining space must not occur outside of the following hours:

12pm to 12am, seven days per week

Reason for condition

To clarify the scope of the permit

**ENG 1**

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

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

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

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any,

pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

#### Reason for condition

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

#### ADVICE

The Applicant is encouraged to make available some space for people with mobility devices within the seating arrangements to allow for a more equitable access to this facility.

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

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

#### BUILDING PERMIT

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

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

#### OCCUPATION OF THE PUBLIC HIGHWAY

You will be required an occupational licence for use of Hobart City Council highway reservation (e.g. outdoor seating, etc). Click [here](#) for more information.

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

#### GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

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

#### WORK WITHIN THE HIGHWAY RESERVATION

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

#### FEES AND CHARGES

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

#### DIAL BEFORE YOU DIG

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

#### **Delegation: Committee**

Item 7.2.3 was then taken.

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

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Mr Lindsay Bogg (Representor) addressed the Committee in relation to item 7.2.1.

### **7.2.1 325 Elizabeth Street, 321-323A Elizabeth Street and 16A Lefroy Street, North Hobart - Partial Demolition, Alterations, Partial Change of Use to Carpark and Associated Works PLN-22-266 - File Ref: F22/82778**

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#### BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 12 August 2022, be adopted, as amended by the inclusion of the following advice clause:

#### *“Advice*

*The Applicant is encouraged to have further discussion with all parties who have rights to use the laneway from Elizabeth Street to the new car park, regarding access (provision of keys to the bollards), provision of adequate loading facilities, provision of signage to identify access to businesses and lighting of the laneway.”*

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

NOES

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, partial change of use to car park, and associated works at 325 Elizabeth Street and 321-323A Elizabeth Street and 16A Lefroy Street, North Hobart 7000. for the reasons outlined in the officer's report attached to item 7.2.1 of the Open City Planning Committee agenda of 22 August 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-22-266 325 ELIZABETH STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/00686-HCC dated 18 May 2022 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 17

The lighting within the car park at 321-323A and 325 Elizabeth Street must

operate in accordance with Australian Standard AS 4282 - Control of the obtrusive effects of outdoor lighting.

Reason for condition

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

ENG 12

Prior to commencement of any work on site (including demolition and/or site disturbance), a Construction Waste Management Plan must be submitted and approved as a Condition Endorsement.

The Construction Waste Management Plan must include;

- Provisions for the handling, transport, and disposal, of demolition material, including any contaminated waste and recycling opportunities, and
- Provisions for commercial waste services (e.g., service areas) for the handling, storage, transport and disposal of post-construction solid waste and recycle bins from the development.

The approved Construction Waste Management Plan must be implemented throughout construction, and all work required must be undertaken in accordance with the approved 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

Prior to first occupation or commencement of use (whichever occurs first), all stormwater from the proposed development (including but not limited to;

roofed areas, ag drains, retaining wall ag drains, and impervious surfaces, such as roadways or paved areas) must be drained to the Council's stormwater infrastructure.

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

*Advice:*

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

Reason for condition

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

SW 1

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

The condition assessment must include at least:

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

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

owner/developer.

*Advice:*

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

SW 2

Prior to occupancy or the commencement of the approved use (whichever occurs first), a post-construction structural condition assessment and visual record (eg video and photos) of the Hobart City Council's stormwater infrastructure within/adjacent to the proposed development (including mains and open R/vulet), must be submitted to the City of Hobart.

The condition assessment must include at least:

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

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

SW 5

An approved Construction Management Plan must be implemented.

A Construction Management Plan (CMP) must be submitted and approved prior to commencement of works. The CMP must be prepared by suitably qualified and experienced persons and must:

1. detail the proposed construction methodology and timing, including extent of earthworks;

2. identify all potential risks to the Rivulet and the wider environment from construction works including, but not limited to, construction loading, traffic loading, excavation works, footing construction, vibrations, undermining, flood, noise, pollution and environmental harm;
3. include:
  - identification and disposal of any potentially contaminated waste and asbestos;
  - proposed hours of work;
  - identification of potentially noisy construction phases, such as operation of rock- breakers, explosives or pile drivers, and proposed measures to minimise the potential for noise nuisance;
  - a soil and water management plan, generally consistent with the Soil and Water Management Plan by Pitt & Sherry dated 24 May 2022, but providing plans and details, and addressing the timing of in-stream works and need for flow diversion;
4. specify measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks; and
5. include a monitoring regime. SW 9

SW 9

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

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

1. include detailed design of the proposed treatment train, including final estimations of contaminant removal;
2. include detailed design and supporting calculations of the detention sized such that there is no increase in flows from the developed site up to 5% AEP event showing
  1. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
  2. 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. The likely lifecycle costs and requirements for any Council assets must be acceptable to the proposed asset owner.

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.*

SW 11

Measures to minimise impact on the overland flow path and mitigate flood risk from the critical 1% AEP at 2100 event must be installed prior to occupancy or issue of any completion (whichever occurs first). All works within the flood zone, including the walls, bridge and lowered bed of the Rivulet, must be designed, constructed and maintained to ensure the long-term protection and access to the Rivulet void.

Detailed engineering drawings must be submitted 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). These must include (but are not limited to):

1. certification from an accredited and qualified structural engineer that all proposed structures within the flood zone are designed to resist inundation, erosion, undermining and likely forces from a flood event (including debris loading such as vehicle impacts) and the long-term base flows of the Rivulet
2. detailed design of works within/over the Rivulet and mitigation measures such as permeable fencing, wall heights and kerb levels in accordance with the Pitt and Sherry Inundation Assessment Rev01 dated 30/6/22.
3. details of management of the flood zone including signage and measures to prevent blockage of the overland flow path (such as

bollards and/or restrictions on use of the area);

4. a flood management summary plan from a suitably qualified and experienced expert that outlines the obligations for future property owners to flood and overland flow management, including:
  - a) the flood risk to the site, including depth, extent and hazard ratings for the 1% AEP at 2100 event;
  - b) identification of all measures to maintain and maximise the overland flow path through the site and their maintenance and;
  - c) identification of all measures within/over the flood zone, including the works over/within the Rivulet and the flood mitigation measures, and their required maintenance and inspections.

All work required by this permit must be undertaken and maintained in accordance with the approved documents.

*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.*

*Council notes separate consent under s13 of the Urban Drainage Act and s73 of the Building Act 2016 will be required for the works. This will require appropriate insurances, and ongoing indemnities.*

SW 13

All structures within the flood zone, and over or within the Rivulet (including Rivulet wall, bridge, fencing, and kerbing) 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 commencement of use or completion of these works (whichever occurs first).

SW 14

All structures within the flood zone and within one metre of/ over the Rivulet must be inspected by a registered surveyor.

Certification from a registered surveyor that the void space within the Rivulet (ie wall locations and bridge soffit and rivulet invert level) have not been reduced from those shown on the approved engineering drawings and Inundation Assessment must be provided to the City of Hobart prior to

commencement of use or completion of these works (whichever occurs first).

ENG tr1

Prior to first occupation or commencement of use (whichever occurs first) the parking area (including circulation roadways, parking modules, aisles, and spaces, pedestrian pathways, including those used by people with disabilities) approved by this permit must be signed and line marked in accordance with AS/NZS 2890.1:2004, or the design documentation (including reports and plans) which form part 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 submitted and approved as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* (including demolition) or commencement works (e.g., site disturbance) (whichever occurs first).

The Construction Traffic and Parking Management Plan must;

- Be prepared by a suitably qualified person,
- Develop a communications plan to advise the wider community (including but not limited to; users, permit holders, businesses, neighbors etc.) of the traffic and parking impacts during construction, Include start dates and finish dates of various stages of works,
- Include times that rigid vehicles (e.g., MRV) and other traffic associated with the works will be allowed to operate, and
- Nominate a superintendent (or the like) responsible for the implementation of the approved plan, who must also be available as a direct contact to the City of Hobart and/or
- community/public members regarding all relevant operations, any immediate traffic issues, and hazards that may arise.

The approved Construction Traffic and Parking Management Plan must be implemented throughout construction, and all work required must be undertaken in accordance with the approved 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), physical controls (as defined by AS/NZS 2890.1:2004) must be installed where and how required by the Australian Standard, and the design documentation (including reports and plans) which form part of this permit. This includes (vehicular) barriers compliant with the Australian Standard AS/NZS 1170.1:2002, to prevent vehicles running off the edge of a parking (trafficable) area. Physical controls installed must;

1. not limit the parking area approved by this permit, and
2. be in accordance with the Australian Standard AS/NZS 2890.1:2004.

Any departure from the design documentation (including reports and plans) which form part of this permit must be approved by the Director City Life via a condition endorsement application.

Reason for condition

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

ENG 3a

Prior to first occupation or commencement of use (whichever occurs first), the parking area (including circulation roadways, parking modules, aisles, and spaces) must be constructed in accordance with AS/NZS 2890.1:2004, or the design documentation (including reports and plans) which form part of this permit.

Any departure from the design documentation (including reports and plans) which form part of this permit must be approved by the Director City Life via a condition endorsement application.

Reason for condition

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

#### ENG 4

Prior to first occupation or commencement of use (whichever occurs first), the parking area (including circulation roadways, parking modules, aisles, and spaces) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers, or equivalent Council approved) and surface(s) drained to the Council's stormwater infrastructure.

#### Reason for condition

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

#### ENG 5

The number of off-street car parking spaces;

- approved for use on site by this permit is Thirty-Six (36), and
- maintained on site by this permit is Thirty-two (32).

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

#### Reason for condition

To ensure the provision of parking for the use is safe and efficient.

#### ENG 5b

Prior to first occupation or commencement of use (whichever occurs first), all bicycle parking must be constructed in accordance with with AS/NZS 2890.3:2015, or the design documentation (including reports and plans) approved by this permit.

#### Reason for condition

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

#### ENG 6

The number of bicycle parking spaces approved for use on site by this permit is Six (6).

#### Reason for condition

To clarify the scope of the permit.

#### ENG 9

Prior to first occupation or commencement of use (whichever occurs first), all car parking spaces for people with disabilities must be constructed and delineated in accordance with AS/NZS 2890.6: 2009.

Reason for condition

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

#### ENG s1

Prior to first occupation or commencement of use (whichever occurs first) the parking area (including, circulation roadways, parking aisles, parking spaces, pedestrian pathways, including those used by people with disabilities) approved by this permit must be adequately lit in accordance with the minimum lighting levels specified in AS/NZS 1158.3.1:2020, or the design documentation (including reports and plans) which form part of this permit.

Reason for condition

To ensure easy and efficient use, promote safety of users, minimize opportunities for crime or antisocial behavior, and prevent unreasonable light overspill impacts.

#### ENV 12

A weed management plan, prepared by a suitably qualified and experienced person, must be submitted and approved as a Condition Endorsement, prior to the commencement of work. The weed management plan must:

1. Detail the initial treatment of weeds declared under the *Tasmanian Weed Management Act 1999* and any other weeds that should be removed from the site
2. The control methods should be appropriate for this waterway site.
3. A follow-up treatment is also to be specified.

All work required by this condition must be undertaken in accordance with the approved weed 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 use/development does not result in unnecessary or unacceptable loss of waterway and biodiversity values.

#### 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), available [here](#).
- be prepared in accordance with the DPIPWE Works in Wetlands and Waterways Manual 2003;
- reflect the recommendations of any Contaminated Site Assessment and the Pitt & Sherry Soil and Water Management Plan dated 24/5/22 submitted under this application; and
- be in accordance with the Construction Management Plan required in the above conditions.

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. The SWMP required under this condition must include plans clearly detailing and locating all protection measures required for each stage of the works (eg one for excavating and construction within the Rivulet, another for the carpark construction).*

#### 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.

#### ENVHE 1

Recommendations in the following report must be implemented:  
Environmental Site Assessment, 321-323A and 325 Elizabeth Street, North Hobart, by Pitt and Sherry dated 17 December 2021, and Stormwater Management Plan, 321-323A Elizabeth Street Car Park, dated 25 March 2022 developed by Pitt and Sherry.

#### Reason for condition

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

#### OPS 4

The two *Eucalyptus pulchella* street trees along the Lefroy Street frontage must not be damaged to the satisfaction of the Director City Life. No vehicular access, excavation, placement of fill, storage of materials or soil disturbance is to occur within 4.5 m of the larger eucalypt or within 2.4 m of the smaller eucalypt along Lefroy Street. There must be no pruning, lopping or damage to the street trees including their trunks and roots.

Details of street tree protection measures must be clearly notated on all plans used as part of the contract specifications.

#### *Advice:*

*Once the specification documents showing adequate tree protection have been approved, City Life will issue a condition endorsement (see general advice on how to obtain condition endorsement). It is recommended that documentation for condition endorsement be submitted well before submitting documentation for other approvals. Failure to address condition endorsement requirements may result in unexpected delays.*

#### Reason for condition

To maintain the amenity value of street trees as per the City of Hobart Street Tree Strategy.

#### OPS 5

The Council must be compensated for the removal of the three trees from the Lefroy Street carpark in accordance with the following and to the satisfaction of the Director City Life:

1. The planting of three replacement trees on the site, within 12 months of the date of this permit, or a timeframe as otherwise agreed to by the Director City Life; and

2. Cash compensation in lieu of the planting of three further trees at a cost of \$880 per tree (\$2,640 total).

*Advice:*

*Please call Council's Program Leader Arboriculture and Nursery, on 6238 2807, to arrange the details of the three replacement trees and to arrange payment of the cash compensation.*

*Once the replacement trees and the replacement fee has been arranged, City Life will issue a condition endorsement. It is recommended that documentation for condition endorsement be submitted well before submitting documentation for other approvals. Failure to address condition endorsement requirements may result in unexpected delays.*

Reason for condition

Trees that are removed as part of Council projects are required to be replaced at a minimum 2 for 1 basis as per the City of Hobart Tree Removal Policy.

ADVICE

The Applicant is encouraged to have further discussion with all parties who have rights to use the laneway from Elizabeth Street to the new car park, regarding access (provision of keys to the bollards), provision of adequate loading facilities, provision of signage to identify access to businesses and lighting of the laneway.

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*.

#### NEW SERVICE CONNECTION

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

#### STORMWATER

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

#### 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*.

#### RIGHT OF WAY

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

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

#### PRIVATE COVENANTS

Please be advised that this property is subject to covenants contained within the schedule of easements.

The approved development may require consent and/or a modification to the covenant to ensure it is undertaken lawfully. You must not act on this planning permit until you have obtained any necessary consent or modification to the covenant which is required for the approved development.

If you proceed with the development inconsistent with the terms of the covenant, the parties with the benefit of the covenant may be entitled to make an application in the Courts to restrain a breach. The grant of this planning permit does not constitute a waiver, modification or release of the terms of the covenant nor approval under the terms of the covenant to undertake the proposed development.

#### WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment [website](#).

#### NOISE REGULATIONS

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

#### WASTE DISPOSAL

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

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

#### FEES AND CHARGES

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

#### DIAL BEFORE YOU DIG

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

#### **Delegation: Council**

Ms Gaby Jung (Representor) and Ms Adelle Drury (Applicant) addressed the Committee in relation to item 7.2.2.

#### **7.2.2 2/38A MacFarlane Street, South Hobart - Partial Demolition, Alterations and Extension PLN-22-271 - File Ref: F22/81828**

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#### HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Manager Development Appraisal of 15 August 2022, be adopted.

MOTION CARRIED

#### VOTING RECORD

#### AYES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

#### NOES

#### **COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for partial demolition, alterations and extension at 2/38A MacFarlane Street, South Hobart 7004, for the reasons outlined in the officer's report attached to item 7.2.2 of the Open City Planning Committee agenda of 22 August 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-22-271 - 2/38A MACFARLANE STREET SOUTH HOBART TAS 7004 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

## PLN s1

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing:

1. design treatments on/near the study windows W6 and W7 that minimise overlooking of the adjoining properties windows and private open space areas.

Works must be completed in accordance with the approved design treatments.

*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 provide reasonable opportunity for privacy for dwellings and private open space.

## 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 1

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

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

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

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

Reason for condition

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

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

*Advice:*

*For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).*

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

ADVICE

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

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

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

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

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

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

prior to submitting for building approval may result in unexpected delays.

#### BUILDING PERMIT

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

#### PLUMBING PERMIT

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

#### STORMWATER

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

#### FEES AND CHARGES

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

#### DIAL BEFORE YOU DIG

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

#### **Delegation: Committee**

Item 7.1.1 was then taken.

#### **7.2.3 98 Augusta Road, 100 Augusta Road, Lenah Valley - Partial Demolition and Alterations PLN-22-236 - File Ref: F22/82734**

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#### HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Manager Development Appraisal of 11 August 2022, be adopted as amended by a revised condition PLN 17 to read as follows:

*"PLN 17*

*All external lighting on the site must operate in accordance with Australian Standard AS 4282 - Control of the obtrusive effects of outdoor lighting.*

*External lighting (other than security lighting) must only be illuminated during the approved hours of operation (6:00am to 6:00pm Monday to Sunday). External lighting must be turned off at all other times."*

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition and alterations at 98 and 100 Augusta Road, Lenah Valley 7008 for the reasons outlined in the officer's report attached to item 7.2.3 of the Open City Planning Committee agenda of 22 August 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-22-236 - 98 and 100 AUGUSTA ROAD LENA VALLEY TAS 7008 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 10

All illuminated signs must not be flashing or intermittently illuminated. Signs are only permitted to be illuminated during the permitted opening hours of the site, and must be switched off at all other times.

Reason for condition

To clarify the scope of the permit.

PLN 11

The Sky Sign is not approved and must be omitted from the final signage scheme for the site.

Reason for condition

To ensure compliance with the Signs Code of the *Hobart Interim Planning Scheme 2015*.

PLN 14

The noise generated by the use of the site must not cause environmental harm when measured at the site's southern and eastern boundaries.

Reason for the condition

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

PLN 17

All external lighting on the site must operate in accordance with Australian Standard AS 4282 - Control of the obtrusive effects of outdoor lighting.

External lighting (other than security lighting) must only be illuminated during the approved hours of operation (6:00am to 6:00pm Monday to Sunday). External lighting must be turned off at all other times.

Reason for condition

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

PLN 6

The approved hours of operation are Monday – Sunday 6am – 6pm.

*Advice:*

*The planning scheme defines 'hours of operation' as 'the hours that a business is open to the public or conducting activities related to the business, not including routine activities normally associated with opening and closing for business'.*

Reason for condition

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

PLN s2

Commercial deliveries to, and garbage collection from, the premises are prohibited:

before 7:00am and after 6:00pm Monday to Friday, and  
before 9:00am and after 6:00pm on weekends and public holidays.

Reason for condition

To avoid unreasonable impact upon the residential amenity through commercial vehicle movements that are unreasonable in their timing, duration or extent, consistent with Clause 11.3.1 P1 and P4 of the Hobart Interim Planning Scheme 2015.

PLN s3

The removal of hard waste (e.g glass and cans, etc) to garbage receptacles located outside the building is prohibited before 7:00am and after 6:00pm Monday to Friday and before 9:00am and after 6:00pm on weekends and public holidays.

Reason for condition

To avoid unreasonable impact upon surrounding residential amenity through noise emissions that are unreasonable in their timing, duration or extent, consistent with Clause 11.3.1 P1 of the Hobart Interim Planning Scheme 2015.

ENG sw1

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

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

*Advice:*

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

Reason for condition

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

### ENG 3a

The on site car parking spaces layout area must be provided in accordance with the following documentation which forms part of this permit: Associated Projects Drawings A02 version 7 and A04 version 7 dated 6 July 2022 received by the Council on 6 July 2022.

Any departure from that documentation and any works which are not detailed in the documentation must be either:

- a) approved by the Director City Life, via a condition endorsement application; or
- b) designed and provided in accordance with Australian Standard AS/NZ 2890.1:2004.

The works required by this condition must be completed prior to commencement of use.

#### 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 parking module (car parking spaces, aisles and manoeuvring area) provided must be sealed (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the commencement of use.

#### Reason for condition

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

### ENG 5

The number of car parking spaces to be provided on the site is five (5) unless approved otherwise. The on site car parking spaces provided are to be for employee use only.

Prior to commencement of use 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.

#### Reason for condition

To ensure safe and efficient parking adequate to provided for the use.

#### ENG 7

The number of bicycle parking spaces to be provided on the site is six (6) unless approved otherwise. Four (4) of the spaces are for employee use and two (2) spaces are for customer use.

Bicycle parking spaces shall be in accordance with AS 2890.3-2015 and provided prior to commencement of use.

Reason for condition

To ensure suitable bicycle parking facilities are provided.

#### ENG 1

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

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

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

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

Reason for condition

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

#### ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site,

and maintained until all areas of disturbance have been stabilized or re-vegetated.

*Advice:*

*For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).*

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

ADVICE

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

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

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

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

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

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

result in unexpected delays.

#### BUILDING PERMIT

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

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

#### PLUMBING PERMIT

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

#### STORMWATER

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

#### RIGHT OF WAY

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

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

#### NOISE REGULATIONS

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

#### WASTE DISPOSAL

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

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

## FEES AND CHARGES

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

## DIAL BEFORE YOU DIG

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

**Delegation: Council**

### **7.2.4 369 Huon Road, South Hobart - Partial Demolition, Alterations, and Swimming Pool PLN-22-124 - File Ref: F22/81807**

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## BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 29 July 2022, be adopted as amended by the addition of the following advice clause:

*“Advice*

*The Applicant is encouraged to have further discussions with their neighbour to explore options to minimise the overshadowing impacts on the neighbouring land.”*

MOTION CARRIED

### VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Dutta
Briscoe	
Harvey	
Behrakis	
Coats	

## COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, and swimming pool at 369 Huon Road South Hobart TAS 7004 for the reasons outlined in the officer's

report attached to item 7.2.4 of the Open City Planning Committee agenda of 22 August 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-22-124 369 HUON ROAD SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

The northern end of the pool must be:

1. excavated to a depth of 700mm below existing ground level; and
2. the wall height reduced to no more than 2.87m above existing ground level.

*Advice:*

*The amended plans dated 12/07/2022 are considered to meet this condition.*

Reason for condition

To reduce the visual impacts of the bulk and scale of the boundary wall to the eastern neighbour.

PLN s2

The existing deck between the patio and pool structure must be retained, and the wall length of the pool structure must be reduced to no more than 9m.

*Advice:*

*The amended plans dated 12/07/2022 are considered to meet this condition.*

Reason for condition

To reduce the visual impacts of the bulk and scale of the boundary wall to the eastern neighbour.

PLN s3

The surface on the eastern neighbour's side of the wall must be finished with the same stone-facing as indicated for the north eastern and north western elevations.

Reason for condition

To reduce the visual impacts of the bulk and scale of the boundary wall to the eastern neighbour.

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

*Advice:*

*For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).*

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

ADVICE

The Applicant is encouraged to have further discussions with their neighbour to explore options to minimise the overshadowing impacts on the neighbouring land.

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

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

#### BUILDING PERMIT

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

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

#### PLUMBING PERMIT

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

#### NOISE REGULATIONS

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

#### WASTE DISPOSAL

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

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

#### FEES AND CHARGES

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

#### DIAL BEFORE YOU DIG

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

**Delegation: Council**

**7.2.5 7/337 Churchill Avenue, Sandy Bay and Common Land of Parent  
Title - Change of Use to Visitor Accommodation  
PLN-22-449 - File Ref: F22/81786**

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BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Manager Development Appraisal of 10 August 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

NOES

Deputy Lord Mayor Burnet

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a change of use to visitor accommodation at 7/337 Churchill Avenue, Sandy Bay 7005 and the common land of parent title, for the reasons outlined in the officer's report attached to item 7.2.5 of the Open City Planning Committee agenda of 22 August 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-22-449 - 7 337 CHURCHILL AVENUE SANDY BAY TAS 7005 - Final Planning Documents.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved as a Condition Endorsement, to the satisfaction of the Council's Director City Life.

The management plan must include measures to limit, manage, and mitigate unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:

1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
2. To limit, manage, and mitigate potential behavioural issues caused as a result of the visitor accommodation.
3. To specify the maximum permitted occupancy of the visitor accommodation.
4. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with the above point 4 ) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

*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 visitor accommodation does not cause an unreasonable loss of residential amenity.

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

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information, or call our Environmental Health team on 6238 2711.

**Delegation: Council**

**7.2.6 4 Rupara Avenue, West Hobart - Change of Use to Visitor  
Accommodation  
PLN-22-161 - File Ref: F22/81794**

---

BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Manager Development Appraisal of 10 August 2022, be adopted as amended by the inclusion of the following GEN condition and advice clauses:

*“GEN*

*The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-22-161 - 4 Rupara Avenue - Final Planning Documents except where modified below.*

*Reason for condition*

*To clarify the scope of the permit.*

*Advice*

*The Applicant is encouraged to explore options for on-site parking (such as widening the driveway up to the house), which may require further planning approval.”*

MOTION LOST

VOTING RECORD

AYES

Briscoe  
Behrakis  
Coats

NOES

Deputy Lord Mayor  
Harvey  
Dutta

HARVEY

That the City Planning Committee recommends that the Council refuse the application for a change of use to visitor accommodation at 4 Rupara Avenue, West Hobart 7000 pursuant to the *Hobart Interim Planning Scheme 2015* for the following reason:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.6.1 A1 or P1 because the lack of on-site parking will not meet the reasonable needs of users, having regard to the matters listed in (a) to (m) of P1.

MOTION LOST

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Briscoe
Harvey	Behrakis
Dutta	Coats

BRISCOE

That the parking layout within Rupara Avenue West Hobart be further investigated and reported to the City Infrastructure Committee.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

**COMMITTEE RESOLUTION:**

PART A

That the item be referred to the Council without recommendation from the City Planning Committee.

PART B

That the parking layout within Rupara Avenue West Hobart be further investigated and reported to the City Infrastructure Committee.

**Delegation: Part A Council / Part B Committee**

**7.2.7 1 Ascot Avenue, Sandy Bay and Adjacent Road Reserve  
PLN-22-319 - File Ref: F22/81813**

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HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Manager Development Appraisal of 15 August 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for partial demolition and alterations to access, driveway, and parking at 1 Ascot Avenue, Sandy Bay 7005 and adjacent road reserve for the reasons outlined in the officer's report attached to item 7.2.7 of the Open City Planning Committee agenda of 22 August 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-22-319 - 1 ASCOT AVENUE SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/00785-HCC dated 30/5/2022 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 3a

The access driveway and parking area must be constructed in accordance with the following documentation which forms part of this permit: PLN-22-319 - 1 ASCOT AVENUE SANDY BAY TAS 7005 - Driveway Plans submitted to Council on the 22 July 2022.

Any departure from that documentation and any works which are not detailed in the documentation must be either:

- (a) approved by the Director City Life, via a condition endorsement application; or
- (b) designed and constructed in accordance with Australian Standard AS/NZ 2890.1:2004.

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 the access driveway and parking area has 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 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 earth-retaining structures and removing part of a retaining wall within 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 items above within the Ascot Avenue 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 suitable qualified person and experienced engineer;
2. Not undermine the stability of the highway reservation;
3. Be designed in accordance with AS 4678, with a design life in accordance with table 3.1 typical application major public infrastructure works;

4. Take into account any additional surcharge loadings as required by relevant Australian Standards;
5. Take into account and reference accordingly any Geotechnical findings;
6. Detail any mitigation measures required;
7. Detail the design and location of the footing adjacent to the Ascot Avenue highway reservation;

The structural certificate and/or drawings should note the above as required.

All work required by this condition must be undertaken in accordance with the approved select design drawing 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 Ascot Avenue highway reservation must be designed and constructed in accordance with:

- Urban - TSD-R09-v3 – Urban Roads Driveways and TSD R14-v3 Type KC vehicular crossing, without the invert lip in the gutter;
- 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.
  6. Be prepared and certified by a suitable qualified person, to satisfy the above requirements.

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

*Advice:*

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

*Please note that the 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 approval. 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.

ADVICE

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

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

Council.

## BUILDING PERMIT

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

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

## PLUMBING PERMIT

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

## OCCUPATION OF THE PUBLIC HIGHWAY

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

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

## STORMWATER

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

## WORK WITHIN THE HIGHWAY RESERVATION

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

## DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

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

## FEES AND CHARGES

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

## DIAL BEFORE YOU DIG

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

**Delegation: Committee**

Supplementary item 13 was then taken.

## 8. REPORTS

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### 8.1 Six Monthly update on Visitor Accommodation Approvals - July 2022 File Ref: F22/82637

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#### BEHRAKIS

That the recommendation contained in the report of the Director City Life of 17 August 2022, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

#### COMMITTEE RESOLUTION:

That:

1. The information contained in the memorandum titled Six Monthly update on Visitor Accommodation Approvals - July 2022 be received and noted.

**Delegation: Committee**

**8.2 City Planning - Advertising Report**  
**File Ref: F22/80167**

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BEHRAKIS

That the recommendation contained in the memorandum of the Director City Life of 10 August 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

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

**Delegation: Committee**

**8.3 Delegated Decision Report (Planning)**  
**File Ref: F22/82108**

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BRISCOE

That the recommendation contained in the memorandum of the Director City Life of 16 August 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

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

**Delegation: Committee**

**9. COMMITTEE ACTION STATUS REPORT**

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**9.1 Committee Actions - Status Report**  
**File Ref: F22/79884**

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BEHRAKIS

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

**Delegation: Committee**

**10. RESPONSES TO QUESTIONS WITHOUT NOTICE**

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

**10.1 Visitor Accommodation - Concerns / Breaches**  
**File Ref: F22/8323; 13-1-10**

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Memorandum of the Director City Life of 2 August 2022.

**10.2 Approval Conditions**  
**File Ref: F22/71035; 13-1-10**

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Memorandum of the Director City Life of 26 July 2022 and attachments.

BRISCOE

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

**Delegation: Committee**

## **11. QUESTIONS WITHOUT NOTICE**

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

### **11.1 Councillor Harvey - Hobart Airport - Passenger Increases** **File Ref: 13-1-10**

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Question: Can the Director advise if the Council has been consulted on how it may accommodate the projected additional 3M passengers projected using the Hobart Airport by 2042?

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

### **11.2 Alderman Briscoe - Parking Prosecutions** **File Ref: 13-1-10**

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Question: Can the Director advise why the Council is using external lawyers to deal with the prosecution of parking matters where potential costs would outweigh the potential penalty imposed by a magistrate?

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

**11.3 Councillor Coats - Hobart Smoke Free Project**  
**File Ref: 13-1-10**

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Question: Can the Director advise of the current status of the Hobart Smoke Free Project?

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

**12. CLOSED PORTION OF THE MEETING**

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DUTTA

That the Committee resolve by majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Confirm the minutes of the Closed portion of the meeting
- Questions without notice in the Closed portion

The following items were discussed:-

Item No. 1	Minutes of the last meeting of the Closed Portion of the Committee Meeting
Item No. 2	Consideration of supplementary items to the agenda
Item No. 3	Indications of pecuniary and conflicts of interest
Item No. 4	Planning Authority Items – Consideration of Items with Deputations
Item No. 5	City Acting as Planning Authority
Item No. 6	Questions Without Notice

MOTION CARRIED

VOTING RECORD

AYES  
Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

NOES

**Delegation: Committee**

## SUPPLEMENTARY ITEMS

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### APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

13. 100 Pinnacle Road, Mount Wellington - Upgrade to Water Infrastructure  
(Fern Tree Bower)  
PLN-22-138 - File Ref: F22/83944
- 

BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 27 July 2022, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

#### COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for upgrade to water infrastructure (Fern Tree Bower), at 100 Pinnacle Road, Fern Tree 7054 for the reasons outlined in the officer's report attached to supplementary item 13 of the Open City Planning Committee agenda of 22 August 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-22-138 - 100 PINNACLE ROAD MOUNT WELLINGTON TAS 7054 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 7948 dated 18 August 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).

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

*Advice:*

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

Reason for condition

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

ENG 1

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

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

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

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

the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

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

ENV 9

All recommendations in section 4 of the Natural Values Assessment report by ERA Planning & Environment dated 2 November 2021 must be implemented.

Reason for condition

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

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

*Advice:*

*For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).*

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

HER 12

Any fixings into the external walls of the water system bower infrastructure should be with noncorrosive materials and into the mortar joints rather than the face of the stone or brick units. Penetrations for cables or pipes should also be through mortar joints where possible.

Reason for condition

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

HER 17a

The palette of exterior colours, materials and finishes must reflect the palette of colours, materials and finishes within the place / cultural landscape precinct. The electrical pit service lids must be of a coloured finish similar to the track surface 'Tolosa Gold'.

Reason for condition

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

OPS s1

All recommendations and proposed methodologies in the Arboricultural Assessment by Element Tree Services dated 21 May 2021 must be implemented.

Before works commence, the tree protection zone extents of all swamp gums (*Eucalyptus regnans*) along the section of the Pipeline Track to be trenched, must be marked on the ground e.g. with flagging tape. Trenching must not occur within these zones if at all possible. If it is unavoidable, trenching must be done by a vacuum truck not an excavator.

Within the marked tree protection zone areas there must be no:

- machine excavation including trenching;
- physical damage to the trees; excavation for silt fencing; storage;
- preparation of chemicals including cement products;
- parking of vehicles or machinery;
- placement of fill; or
- temporary or permanent installation of utilities or signs.

Reason for condition

Conservation of areas of significant vegetation or individual trees that have important aesthetic, heritage and environmental values.

OPS s2

A suitably qualified and experienced supervising arborist must be present during the trenching works. If roots are encountered, the trench is to be excavated using a vacuum truck. The arborist must also be present during excavation adjacent to the Fern Tree Bower box. Works must be done in accordance with the arborist's advice.

The supervising arborist must certify in writing that they were present during all relevant works and that the works were undertaken in accordance with the Element Tree Services Arboricultural Assessment. This certification must be submitted to Council within one week of the works being completed.

Reason for condition

Conservation of areas of significant vegetation or individual trees that have important aesthetic, heritage and environmental values.

#### ADVICE

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

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

#### BUILDING PERMIT

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

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

#### COUNCIL RESERVES

A Public Spaces By-law permit will be required for all Fern Tree Bower upgrade works occurring outside Wellington Park, for example the new cabling and signal box. Information about the permits, and the application form to undertake works in a public space, can be found [here](#).

#### WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment [website](#).

#### DIAL BEFORE YOU DIG

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

**Delegation: Council**

**REPORT**

**14. Significant Tree Nomination - Glenrose Park 110 Pottery Road, Lenah Valley**

**File Ref: F22/75860**

HARVEY

That the recommendation contained in the report of the Strategic Planner | Urban Futures and the Director City Life of 19 August 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

- That:
1. The nominated trees adjoining the creek within Glenrose Park at 110 Pottery Road, Lenah Valley not be listed as significant trees in the Significant Tree Register, and the Significant Tree Code of the *Hobart Interim Planning Scheme 2015*.
  2. The nominee be advised of Council's decision.

**Delegation: Council**

Item 8.1 was then taken.

There being no further business the Open portion of the meeting closed at 6.45pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
5<sup>TH</sup> DAY OF SEPTEMBER 2022.

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**CHAIRMAN**