



CITY OF HOBART MINUTES

OPEN PORTION
MONDAY, 26 SEPTEMBER 2022
AT 5:00 PM
COUNCIL CHAMBER, TOWN HALL

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



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PRESENT:

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

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

The Deputy Lord Mayor Councillor H Burnet

Councillor Fox arrived at the meeting at 5.13pm and was not present for items 1 to 9.1 inclusive.

Alderman Thomas left the meeting at 5.19pm, returning at 5.31pm and was not present for items 9.4 and 9.5.

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 12 September 2022](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

ZUCCO
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

The minutes were signed.

2. TRANSFER OF AGENDA ITEMS

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

No items were transferred.

3. COMMUNICATION FROM THE CHAIRMAN

No communication was received.

4. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer reports that no Council workshops have been conducted since the last ordinary meeting of the Council.

5. PUBLIC QUESTION TIME

5.1 Mr Brian Corr - Woolley Report - General Directions

Mr Corr put the following question and was provided with the corresponding response by the Lord Mayor.

Question:

Could the City please confirm that the general directions of the Woolley Report are still a determinant, particularly absolute maximum height limits in a number of zones, plus the protection of Hobart's heritage, view-lines, and streetscapes?

Response:

The draft Central Hobart Precincts Structure Plan (PSP), which follows the Central Hobart Precincts Plan Discussion Paper (October 2021) as you quoted Mr Corr, continues to consider and take note of the thinking and analysis provided in the Building Height Standards – Review Project by Leigh Woolley (June 2018).

The building height review is informing the development of appropriate built form controls and guidelines, which will form part of the draft PSP documents.

The built form controls and guidelines incorporate and balance a number of considerations such as amenity for building occupants, views and vistas to the surrounding landscape, responding to heritage listed properties, improved ground floor activation and amenity for the city centre streets and accommodating the potential for residential and employment uses for a more prosperous city. All seeking to shape central Hobart into a better place that accommodates change in a manner that responds to our distinctive place character.

5.2 Mr Edwin Johnstone - Kelly's Steps

Mr Johnstone put the following question and was provided with the corresponding response by the Chief Executive Officer.

Question:

Is the Council going to do any general maintenance to the steps including cleaning, is there any long term plans to the maintenance, wear and tear on the steps which are starting to become dangerous?

Response:

The issues will be taken on notice and arrangements will be made for immediate emergency maintenance to be done including cleaning. We will continue to keep you progressed of the works that we shall facilitate.

6. PETITIONS

6.1 Petition - Macquarie Street - Name Change - Miss Rosie Booker

The Chief Executive Officer tabled a petition calling for a name change of Macquarie Street to kunyani Street or a suitable alternative.

There were 279 signatories to the petition.

ZUCCO
SHERLOCK

That the petition be received and noted a referred to the appropriate committee.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

Attachment

A Petition - Macquarie Street - Name Change ⇒ 

6.2 Petition - Keep Council Local - Mr Brian Corr

The Chief Executive Officer tabled a petition calling for the Council to:

We, your petitioners, ask the City to investigate the options of:

- contacting, each year, those not-for-profit voluntary groups that represent the interests of our electors, ratepayers, and residents; groups like residents' associations, sporting clubs, cultural groups, etc;
- asking each of them to submit a list of what the City can do for them;
- having these items evaluated regarding feasibility, community-value, costs, timeline, possible grants, etc; and
- recommending to Council those items that could be included in the budget process.

There were 225 signatories to the petition.

ZUCCO
DUTTA

That the petition be received and noted a referred to the appropriate committee.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds

Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Sherlock
Coats

Attachment

A Petition - Keep Council Local ⇨ 

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

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

No supplementary items were received.

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

The following interest was indicated:

1. Alderman Thomas - item 9.5

REPORTS OF COMMITTEES

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY

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

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

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

9.1 90 Melville Street, Hobart and Adjacent Road Reserve - Demolition and New Building for 22 Multiple Dwellings and Business and Professional Services and Associated Works PLN-22-321 - File Ref: F22/94403

Ref: Open [CPC 7.1.1](#), 19/09/2022
Application Expiry Date: 26 September 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for demolition and new building for 22 multiple dwellings and business and professional services, and associated works, at 90 Melville Street 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 19 September 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-22-321 - 90 Melville Street Hobart TAS 7000 - Final Planning Documents except where modified below.

Reason for condition
To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/01350-HCC dated 8/9/22 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 15a

A demolition waste management plan must be implemented throughout demolition. The demolition waste management plan must include provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.

Advice:

It is recommended that the developer liaise with the Council's 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

PLN 7

The minimum approved number of bicycle parking spaces on site is 25. Of these at least 17 must be either a class 1 or class 2 security level facility (as per Table E6.2 of the *Hobart Interim Planning Scheme 2015*). The design of the bicycle parking spaces must accord with AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities, in particular section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use".

Bicycle end of trip facilities must be provided as follows:

- At least two showers; and
- At least one change room facility.

Prior to the issue of any consent for approval under the *Building Act 2016* (excluding for demolition), a bicycle parking plan must be submitted and approved as a Condition Endorsement to the satisfaction of the Director City Life, in accordance with the above requirements.

The bicycle parking spaces and facilities must be in accordance with the approved bicycle parking plan and must be installed prior to first use.

Advice:

The applicant is strongly encouraged to provide more bicycle parking and facilities than required by this condition, and to provide additional facilities for bicycle parking like power points for ebikes, and space to clean and repair bikes.

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 there is adequate and appropriate bicycle parking provided for the development

PLN s5

Public artwork must be implemented in the forecourt and laneway area within three months of completion of the development.

Prior to the issue of any approval under the *Building Act 2016* (excluding for demolition, excavation and works up to the ground floor slab), details of the public artwork must be submitted and approved as a Condition Endorsement, to the satisfaction of the Council's Director City Life.

The details be substantially in accordance with the Final Planning Documents, and must include, but are not limited to, the following:

- Plans and other associated and relevant documentation demonstrating what the artwork will be, and where it will be located, which are substantially in accordance with the Final Planning Documents.
- Identifying the procurement process, and specifying the artist/artists selected.
- Setting out how the project will be managed, including details of installation oversight.

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

Advice:

For further advice in relation to the acceptable provision of public art you are encouraged to contact Council's Public Art team on 6238 2494.

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

Reason for condition

In the interest of the amenity and activation of the space.

PLN s6

A landscape plan must be prepared for all the soft and hard landscaping for the development including for the forecourt and laneway area, the two roof terraces on the fifth floor, and the communal open space area on the fifth floor, by a suitably qualified landscape architect.

Prior to the issue of any approval under the *Building Act 2016* (excluding for demolition, excavation and works up to the ground floor slab), revised plans must be submitted and approved as a Condition Endorsement to the satisfaction of the Director City Life in accordance with the above requirement.

All work required by this condition must be undertaken in accordance with the approved revised plans. Prior to occupancy, confirmation from the landscape architect who prepared the approved landscaping plan that the all landscaping works required by this condition have been implemented, must be submitted to the satisfaction of the Directory City Life.

The vegetation which is planted on the site pursuant to the landscaping plan must be maintained and must not be disturbed. If any vegetation dies or is destroyed, replacement vegetation of a similar size must be planted within 30 days of the death or destruction.

Advice:

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

Reason for condition

In the interest of the amenity of the space.

PLN s1

Prior to commencement of use, the laneway must be gated after hours to prevent public access, until a through site link is provided.

Prior to the issue of any approval under the *Building Act 2016* (excluding for demolition, excavation and works up to the ground floor slab), further

details of how the laneway will be effectively gated in accordance with the above requirement must be submitted and approved as a Condition Endorsement, to the satisfaction of the Council's Director City Life.

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

Advice:

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

Reason for condition

To prevent the creation of an entrapment space before a through site link is established.

PLN s2

No air conditioning units are to be located within the private open space decks of any of the apartments.

Reason for condition

To ensure occupants have adequate private open space.

PLN s3

Each apartment must be provided with a dedicated and secure storage space of no less than 6m³, located externally to the dwelling.

Advice:

It is anticipated that the storage would be provided on levels Basement 1 and 2 as per the architectural plans.

Reason for condition

To ensure each dwelling has adequate storage.

PLN s4

The palette of exterior colours and materials must be provided.

Prior to the issue of any approval under the *Building Act 2016* (excluding for demolition, excavation and works up to the ground floor slab), revised plans, and montages and samples where appropriate, must be submitted and approved as a Condition Endorsement to the satisfaction of the Director City Life showing exterior colours and materials in accordance with the above requirement.

Particular attention should be paid to the predominate use of concrete façade on the upper apartment levels, and the use of a visible vertical inlay pattern, and more variety in the size, location, colour, texture, and contrast of the panels, should be pursued.

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

Advice:

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

Reason for condition

In the interest of the streetscape and townscape values of the surrounding area.

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;

1. Provisions for the handling, transport, and disposal, of demolition material, including any contaminated waste and recycling opportunities, and
2. 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 by the approved plan 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

All stormwater from the proposed development (including but not limited to: roofed areas, 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).

All stormwater practicable to be drained via gravity must do so.

The driveway crossover must be designed such that the floodway capacity within Melville St is maintained (ie back of footpath level is maintained).

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 adjacent to the proposed development must be submitted to the City of Hobart as a Condition Endorsement.

The condition assessment must include at least:

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

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

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

Advice:

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

SW 2

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

The condition assessment must include at least:

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

The post-construction condition assessment will be relied upon to establish the extent of any damage caused to the Hobart City Council's stormwater infrastructure during construction. If the owner/developer fails to provide the City of Hobart with an adequate 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 3

The proposed works, including ground anchors, must be designed and constructed to ensure the protection and access to the Hobart City Council's stormwater infrastructure.

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), a detailed design must be submitted and approved as a Condition Endorsement. The detailed design must be prepared by a suitably qualified engineer and must clearly state the minimum clearance of the soil nails to the public infrastructure, including the Lot stormwater connection and manhole, and side entry pit along the road frontage.

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

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit. Previous plans submitted have assumed depth of the connection and manhole, with no ability to lower the system. Plans have been inconsistent re the extent of proposed works to the manhole.

SW 6

All altered and new stormwater infrastructure must be designed and constructed prior to occupancy or the commencement of the approved use (whichever occurs first).

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted and approved as a Condition Endorsement. The detailed engineering drawings must be certified by a suitably qualified and experienced civil engineer and must:

1. be substantially in accordance with the Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020), as varied by the City of Hobart's published departures from those Drawings; and the Local Government Association of Tasmania, Tasmanian Subdivision Guidelines (October 2013);
2. clearly distinguish between public and private infrastructure;
3. show in both plan and long-section the proposed stormwater alterations, including but not limited to the new connection, manhole reconstruction, and side entry pit reconstruction. The plans must detail lid/ grating type, surveyed levels, flows, hydraulic grade lines, clearances (including from soil nails, and other services), cover, gradient, sizing, material, and pipe class, and a private access point immediately within the Lot boundary;

All work required by this condition must be undertaken in accordance

with the approved detailed engineering drawings.

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit. The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.

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

A separate Permit to Construct Public Infrastructure will be required once the detailed engineering plans have been approved.

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), 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 and long-section demonstrating adequate head for treatment and gravity discharge;
2. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

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

Advice:

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

ENG tr1

Prior to first occupation or commencement of the use (whichever occurs first) Traffic Management within the parking area (including access driveway, circulation roadways, ramped sections, and parking aisles and spaces) must be installed.

Traffic Management design drawings (including signage and line marking), must be submitted and approved as a Condition Endorsement. The design drawings submitted must;

1. Be prepared by a suitably qualified person,
2. Include indicative signage as required by this permit for the private car parking facility and designated parking bays,
3. Pedestrian safety bollards for egress to/from lifts and doorways (where applicable), and
4. Signage within the car park advising that vehicles travelling up the ramps should give way to vehicles travelling down.

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

Advice:

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

Reason for condition

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

ENG tr2

A Construction Traffic and Parking Management Plan must be 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;

1. Be prepared by a suitably qualified person,
2. 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,
3. Include start dates and finish dates of various stages of works,
4. Include times that rigid vehicles (e.g., MRV) and other traffic

- associated with the works will be allowed to operate, and
5. 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 by the approved plan 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 must be installed as required by the Australian Standard AS/NZS 2890.1:2004 where and how applicable. 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.

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 access driveway, circulation roadways, ramped sections, parking aisles and spaces) must be constructed in accordance with the approved documentation which forms part of this permit, with particular reference to the following plans prepared by;

1. *JAWSARCHITECTS* titled Lower Ground Floor Plan DWG 22103_DA04 REV 03 dated 07/07/2022,
2. *JAWSARCHITECTS* titled Basement 1 Floor Plan DWG_22013_DA03 REV 02 dated 17/06/2022,
3. *JAWSARCHITECTS* titled Basement 2 Floor Plan DWG_22013_DA02 REV 02 dated 17/06/2022,
4. *ADG* titled Roadwork Sight Distance Layout Plan DWG C32 REV B dated 12/08/2022, and
5. *ADG* titled Roadwork and Drainage Layout Plan DWG C30 REV E dated 12/08/2022.

Any departure from the approved documentation, must be:

1. Approved by the Director City Life, via a Condition Endorsement application, and/or
2. Be designed and constructed in accordance with the Australian Standard AS/NZ 2890.1:2004.

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 first occupation or commencement of use (whichever occurs first), a suitably qualified engineer must certify that the parking area (including access driveway, circulation roadways, ramped sections, parking aisles and spaces) has been constructed in accordance with the design documentation approved by Condition ENG 3a.

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 access driveway, circulation roadways, ramped sections, parking 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 car parking spaces approved for use on site by this permit is One Hundred and Eight (108). Of these;

1. One (1) *Office* car parking space, on the *Lower Ground* level, must be allocated for people with disabilities, (including shared areas),
2. The remaining One (1) *Office* car parking space, on the *Lower Ground* level, must be allocated for office use,
3. Eight (8) *Res* car parking spaces, on the *Lower Ground* level, shall be in tandem (i.e., jockey) configurations, therefore One (1) of each of the Four (4) pairs of tandem car parking spaces must be allocated to a dwelling as its sole dedicated parking provision,
4. One (1) of each of the Eighteen (18) remaining *Res* car parking spaces, on the *Lower Ground* level, must be allocated to a dwelling as its sole dedicated parking provision,
5. Twenty Two (22) *Office* car parking spaces, on the *Basement 1* level, must be allocated for office use,
6. Four (4) *Office (SC)* small car parking spaces, on the *Basement 1* level, must be allocated for office use,
7. One (1) *PVP (SC)* small car parking space, on the *Basement 1* level, must be allocated for vehicle parking,
8. Thirteen (13) *PVP* car parking spaces, on the *Basement 1* level, must be allocated for vehicle parking,
9. Thirty-Five (35) *PVP* car parking spaces, on the *Basement 2* level, must be allocated for vehicle parking, and
10. Five (5) *PVP (SC)* small car parking spaces, on the *Basement 1* level, must be allocated for vehicle parking.

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

1. 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, and
2. Signage in accordance with Australian Standards AS/NZS 1742.11:2016 must be erected at the entrance to private car parking facility to indicate access to the area is for authorized users only.

Advice:

User Classes shall be as per Australian Standards AS/NZS 2890.1:2004.

Reason for condition

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

ENG 5b

The number of motorcycle parking spaces approved for use on site by this permit is Two (2).

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

1. All motorcycle parking spaces must be constructed and 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, and
2. Signage in accordance with Australian Standards AS/NZS 1742.11:2016 must be erected at each motorcycle parking space to indicate the parking space is designated for motorcycle use only.

Reason for condition

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

ENG 8

The number of small car parking spaces (i.e., bays less than 5.4m but no less than 5.0m in length) approved for use on site by this permit is Ten (10).

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

1. All small 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, and
2. Signage in accordance with Australian Standards AS/NZS 1742.11:2016 must be erected at each small car parking space to indicate the bay is designated for small car use only.

Reason for condition

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

ENG 9

The number of car parking spaces for people with disabilities approved for use on site by this permit is One (1).

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 11

Prior to first occupation or commencement of use (whichever occurs first), the redundant crossover(s) along the Melville Street highway reservation, fronting the subject site, must be reinstated in general accordance with;

- LGAT Standard Drawing - Urban - TSD R11-v3 and TSD R14-v3 Type KC.

Advice:

Local Government Association (LGAT) Tasmanian Standard Drawings (TSD) can be viewed electronically via the [LGAT Website](#).

You are likely to require a Permit to Open Up and Temporarily Occupy a Highway (for work within the highway reservation). Click [here](#) for more information.

Reason for condition

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

ENG 1

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

1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
2. Be repaired and reinstated by the owner to the satisfaction of the
1. 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 underground car park and associated walls supporting the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings, structural certificates, and associated geotechnical assessments, of the retaining structures adjacent the highway reservation must be submitted and approved, prior to the commencement of work and must;

1. Be prepared and certified by a suitably qualified and experienced engineer,
2. Not undermine the stability of the highway reservation,
3. Be designed in accordance with AS4678, 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, and
6. Detail any protection measures/works required during construction.

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

Advice:

The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement

process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the *Building Act 2016*.

Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Where the Council Infrastructure By-Law applies, an Infrastructure Protection Bond is payable for construction works, refundable upon completion and reinstatement of any damage to the highway.

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 Melville Street 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;
- Urban - TSD-R14-v3 - Redundant vehicle crossover to be reinstated to KC kerb and channel; and
- Footpath - Urban Roads Footpaths TSD-R11-v3.

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

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property.
2. Show the cross and long section of the footpath within the highway reservation.
3. Detail any services or infrastructure (i.e. light poles, pits, awnings) at or near the proposed driveway crossover.
4. Show on the plan the blue banner pole to be removed.
5. Show swept path templates in accordance with AS/NZS 2890.1 2004(B85 or B99 depending on use, design template).
6. 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.

7. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
8. Be prepared and certified by a suitable qualified person, to satisfy the above requirements.

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

Advice:

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

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

Reason for condition

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

ENG s1

All waste storage and collection associated with the development must occur wholly within the subject site's parking area approved by this permit (i.e., access driveway and circulation roadways).

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 s2

The use of Inclined Ground Anchors (i.e., Soil Nails) shown on plans, in any capacity (e.g., for protection or construction works, as temporary/permanent shoring), does not form part of this planning application, and are not approved as part of this planning permit.

Reason for condition

To clarify the scope of the permit.

ENVHE 1

Recommendations in the report Environmental Site Assessment, 90 Melville Street, dated December 2019 must be implemented, for the duration of the development.

Specifically:

1. Excavated soils for disposal must be in stockpiled and sampled by a suitably qualified person in accordance with the EPA's IB105 guidelines , and,
2. A soil and water management plan should be documented and actioned for general sediment control to reduce loadings into the storm water infrastructure and waterways.

Reason for condition

To ensure that the risk to the environment remains low and acceptable.

ENVHE 4

A Demolition and Construction Environmental Management Plan, prepared by suitably qualified persons, must be implemented.

A Demolition and Construction Environmental Management Plan must be submitted and approved prior to the commencement of works and prior to the issue of any approval under the *Building Act 2016*.

The plan must include, but is not limited to, the following:

1. Details of the proposed demolition and construction methodologies and expected likely timeframes.
2. The proposed days and hours of work and proposed hours of activities likely to generate significant noise emissions (including volume and timing of heavy vehicles entering and leaving the site, rock breaking and concrete pouring).
3. Details of potential environmental impacts associated with the demolition and construction works including noise, vibration, erosion and pollution (air, land and water).
4. Details of proposed measures to avoid or mitigate all identified potential environmental impacts during demolition and construction works including, but not limited to:
 - a. A noise and vibration management plan certified by a suitably

qualified person as being generally consistent with *AS 2436-2010 - Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites* and the *Interim Construction Noise Guidelines* (New South Wales Department of Environment and Climate Change, July 2009), and with any relevant guidelines or standards referenced by those documents.

- b. A soil and water management plan including:
 - i. measures to minimise erosion and the discharge of contaminated stormwater off-site;
 - ii. measures to minimise dust emissions from the site;
 - iii. measures to manage the disposal of surface and groundwater from excavations (if relevant); and
 - iv. measures to prevent soil and debris being carried onto the street.
- 5. Details of proposed responsible persons, public communication protocols, compliance, recording and auditing procedures and complaint handling and response procedures.

A copy of the approved Demolition and Construction Environmental Management Plan must be kept on site for the duration of the works and be available for inspection.

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 minimise the impact of construction works.

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.

SPECIAL CONNECTION PERMIT

You may need a Special Connection Permit (Trade Waste) in accordance with the *Plumbing Regulations 2014* and the Tasmanian Plumbing Code. Click [here](#) for more information.

PUBLIC HEALTH

You may be required to provide approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. Click [here](#) for more information.

FOOD BUSINESS REGISTRATION

Food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information.

SINGLE USE PLASTICS

The City of Hobart has a 'Single-Use Plastics By-Law' in force, which applies to retailers who provide or sell food to be taken from the retailer's premises in food packaging. Retailers must not provide to a person any food packaging which is wholly or partly comprised of plastic and a single use product. Please click [here](#) for more information.

OCCUPATION OF THE PUBLIC HIGHWAY

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

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

You may require a road closure permit for construction or special event. Click [here](#) for more information.

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

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.

PLANNING

The applicant is strongly encouraged to liaise with Tasnetworks to find an alternative substation location, to help improve the amenity, usability, safety, and long term viability of the proposed through site link.

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*.

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.

CBD AND HIGH VOLUME FOOTPATH CLOSURES

Please note that the City of Hobart does not support the extended closure of public footpaths or roads to facilitate construction on adjacent land.

It is the developer's responsibility to ensure that the proposal as designed can be constructed without reliance on such extended closures.

In special cases, where it can be demonstrated that closure of footpaths in the CBD and/or other high volume footpaths can occur for extended periods without unreasonable impact on other businesses or the general public, such closures may only be approved by the full Council.

For more information about this requirement please contact the Council's Mobility Unit on 62382711.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

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

REDUNDANT CROSSEOVERS

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

ACCESS

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

CROSS OVER CONSTRUCTION

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

WORK PLACE HEALTH AND SAFETY

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

PROTECTING THE ENVIRONMENT

In accordance with the *Environmental Management and Pollution Control Act 1994*, local government has an obligation to "use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution." Click [here](#) for more information.

LEVEL 1 ACTIVITIES

The activity conducted at the property is an environmentally relevant activity and a Level 1 Activity as defined under s.3 of the *Environmental Management and Pollution Control Act 1994*. For further information on what your responsibilities are, click [here](#).

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.

BEHRAKIS

THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

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

**9.2 Unit 2, 6 Nelson Road, Sandy Bay and Common Land of Parent Title -
Change of Use to Visitor Accommodation
PLN-22-520 - File Ref: F22/94025**

Ref: Open [CPC 7.1.3](#), 19/09/2022

Application Expiry Date: 2 November 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for change of use to visitor accommodation at Unit 2/6 Nelson Road, Sandy Bay 7005 for the reasons outlined in the officer's report attached to item 7.1.3 of the Open City Planning Committee agenda of 19 September 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-22-520 - UNIT 2/6 NELSON ROAD SANDY BAY TAS 7005 - Final Planning Documents, except where modified below.

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 implemented.

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 behaviour issues caused as a result of the visitor accommodation.
3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.
4. To specify the maximum permitted occupancy of the visitor accommodation.
5. To specify that guests must utilise the site for the parking of vehicles, and detail the location and number of vehicles to be parked on the site. Additionally, at the booking stage, guests should be discouraged from bringing more than 1 vehicle and the parking of any additional vehicles in nearby streets should also be discouraged.
6. 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 management plan must be updated with new contact details.

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 management plan must be provided to adjacent property owners and occupiers prior to the commencement of use. If the property is sold, the updated management plan (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

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.

NOISE REGULATIONS

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

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 in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

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.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable “bed and breakfast” parking permit.

BEHRAKIS

DUTTA

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Coats

NOES

Lord Mayor Reynolds
Fox
Sherlock

**9.3 11 Scott Street, Glebe - Change of Use to Visitor Accommodation
PLN-22-452 - File Ref: F22/94073**

Ref: Open [CPC 7.1.4](#), 19/09/2022

Application Expiry Date: 1 November 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a change of use to visitor accommodation at 11 Scott Street Glebe TAS 7000 for the reasons outlined in the officer's report attached to item 7.1.4 of the Open City Planning Committee agenda of 19 September 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-22-452 11 SCOTT STREET GLEBE TAS 7000 - 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: 7956 dated 31 August 2022, as attached to the permit.

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 behaviour issues caused as a result of the visitor accommodation.
3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.

4. To specify the maximum permitted occupancy of the visitor accommodation.
5. To specify that guests are aware that there is no parking on site. Additionally, at the booking stage, guests should be aware that should they bring a vehicle that on street parking for no more than one (1) vehicle should be anticipated. Parking of any additional vehicles in nearby streets should be discouraged.
6. 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 6. above) 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.

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.

NOISE REGULATIONS

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

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 in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

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.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable “bed and breakfast” parking permit.

BEHRAKIS
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Coats

NOES

Lord Mayor Reynolds
Dutta
Fox
Sherlock

9.4 11 and 17 Smithurst Avenue, South Hobart - Subdivision (Boundary Adjustment)
PLN-21-716 - File Ref: F22/94165

Ref: Open [CPC 7.1.5](#), 19/09/2022

Application Expiry Date: 28 September 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for subdivision (boundary adjustment), at 11 and 17 Smithurst Avenue, South Hobart 7004, because the proposal meets the requirements of clause 9.3.1 (adjustment of a boundary) of the planning scheme and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-716 - 11 and 17 Smithurst Avenue South Hobart TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/01842-HCC dated 17/02/2022 as attached to the permit.

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.

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.

ENV 3

The bushfire hazard management plan (BHMP) and the requirements of the bushfire report dated 8 August 2022 must be implemented prior to sealing the Subdivision Plan.

On-going compliance with the BHMP and the requirements of the bushfire report must also be required via a Part 5 Agreement pursuant to section 71 of the *Land Use Planning and Approvals Act 1993*. The Agreement must be registered on the Titles for both lots at the time of issue. The Agreement must require the BHMP to be implemented and maintained, unless the prior written consent of the Planning Authority is obtained.

The Planning Authority will have its solicitors prepare the Agreement, upon request and payment of fees, for signing by property owner(s). The Planning Authority will then lodge the Agreement with the Lands Titles Office. The cost of preparing the Agreement and registration with the Land Titles Office is to be met by the applicant.

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 reduce the risk to life and property, and the cost to the community, caused by bushfires

SURV 1

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

Reason for Condition

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

SURV 3

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

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

Over any existing water or sewer mains passing through the lots on the final plan, in favour of TasWater. The easement over the DN300 mm water main must be a minimum of 6.0 m wide.

Over the existing creek line along the lower boundary of Lot 1, in favour of Hobart City Council. This easement must extend a minimum 3m from the centre of the creek.

Advice: please note a Watercourse Protection Zone extends 10m from the top of bank of the creek, and any future works proposed in this zone may also require separate approval from Council under the Urban Drainage Act.

Reason for Condition

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

SURV 12

Lot 2 on the final plan is to be notated in accordance with the provisions of section 83(5)(a)(ii) of the *Local Government (Building & Miscellaneous Provisions) Act 1993*, to the effect that the Hobart City Council cannot provide a means of gravity reticulated stormwater disposal from the North-Western corner of the Lot.

The final plan must be submitted for approval by the Council. The final plan must be notated to the satisfaction of the Council.

The owner's Registered Land Surveyor must supply an indicative level on State Datum defining the area in the north-western corner of Lot 2 practicable to be drained by gravity, taking excavation depth and minimum grade of any future private pipes into consideration.

Reason for condition

To ensure that the restriction in the Council's ability to provide a means of gravity reticulated stormwater disposal is noted on the final plan.

ENG 14

Services to each lot must be designed and installed to meet the needs of existing and future development, prior to the sealing of the final plan.

Detailed engineering drawings must be submitted and approved prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The drawings must be certified by a suitably qualified and experienced engineer and must:

1. be generally in accordance with Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020), as varied by the Council's published departures from those Drawings, and Tasmanian Subdivision Guidelines (October 2013);
2. clearly distinguish between public and private infrastructure;
3. show the final lot boundaries, with each lot serviced separately by Council infrastructure
4. demonstrate all existing private stormwater (including any onsite disposal and surface runoff) is contained within each lot;
5. show lot stormwater connections to public infrastructure on Smithurst Avenue draining the lower parts of the existing driveways;
6. show in plan and long-section the required stormwater connections, including but not limited to, clearances from structures, boundaries and other services, cover, grade, sizing, material, and a private boundary transition structure (ie pit or IO);

All work required by this condition must be constructed in accordance with the approved engineering drawings. All services must be installed prior to the sealing of the final plan.

Advice:

Council cannot locate records of approved onsite disposal for some of the existing development on the sites. The applicant must demonstrate that no concentrated runoff or soakage from these works would likely leave the lot boundaries. Council is particularly interested in the buildings along the Northern boundary of 17 Smithurst and the driveway of 11 Smithurst. Council notes the public infrastructure system has limited receiving capability for drainage of existing and future development.

ENG 16

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

Reason for condition

To ensure that each lot is services separately.

ENG 17

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

Advice:

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

Reason for condition

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

ADVICE

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

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

CONDITION ENDORSEMENT

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

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

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

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

SUBDIVISION ADVICE

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

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

PRIVATE UNDERGROUND ELECTRICAL CONNECTIONS

The City of Hobart does not allow the installation of private underground electrical services within the road reservation. Click [here](#) for more information.

BEHRAKIS
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

**9.5 343 Park Street, New Town - Change of Use to Visitor Accommodation
PLN-22-537 - File Ref: F22/94628**

Ref: Open [CPC 7.1.8](#), 19/09/2022
Application Expiry Date: 28 September 2022

That the Council refuse the application for a change of use to visitor accommodation at 343 Park Street, New Town 7008, pursuant to the *Hobart Interim Planning Scheme 2015* and *Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes*, for the following reason:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 3.1(e) A1 or P1 of *Planning Directive No. 6* because the gross floor area is in excess of 200m², and the proposal is not compatible with the character and use of the area and would cause an unreasonable loss of residential amenity.

BEHRAKIS
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Zucco
Briscoe
Sexton
Harvey
Dutta
Fox
Sherlock
Coats

Behrakis

SPECIAL REPORT – CHIEF EXECUTIVE OFFICER

10. City Shaping Program Update
File Ref: F22/90677; 19/79

- That: 1. The report titled *City Shaping Program Update* be received and noted.
2. The Engagement Report on the Central Hobart Precincts Structure Plan Discussion Paper, marked as Attachment A be received and endorsed for release through the Central Hobart Precincts Structure Plan projects page on the City of Hobart website.

BEHRAKIS
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

11. CLOSED PORTION OF THE MEETING

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

- Minutes of the closed portion of the meeting
- Leave of absence
- Planning appeal

The following items were discussed:-

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council Meeting
Item No. 2	Communication from the Chairman
Item No. 3	Leave of Absence
Item No. 4	Consideration of supplementary Items to the agenda
Item No. 5	Indications of pecuniary and conflicts of interest
Item No. 6.1	PLN-22-328 - 18 Grosvenor Street, Sandy Bay - Appeal LG(MP)R 15(4)(a)

BEHRAKIS
COATS

That the recommendation be adopted.

MOTION CARRIED BY
ABSOLUTE MAJORITY

VOTING RECORD

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

There being no further business the Open portion of the meeting closed at 5.43pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
10TH DAY OF OCTOBER 2022.

CHAIRMAN