



CITY OF HOBART

MINUTES

City Planning Committee Meeting

Open Portion

Monday, 19 September 2022 at 5:00pm

ORDER OF BUSINESS

APOLOGIES AND LEAVE OF ABSENCE

1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY	5
2. CONFIRMATION OF MINUTES.....	5
3. CONSIDERATION OF SUPPLEMENTARY ITEMS	5
4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST	6
5. TRANSFER OF AGENDA ITEMS.....	6
6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS	6
7. COMMITTEE ACTING AS PLANNING AUTHORITY	8
7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015	8
7.1.1 90 Melville Street, Hobart and Adjacent Road Reserve - Demolition and New Building for 22 Multiple Dwellings and Business and Professional Services and Associated Works.....	8
7.1.2 90 Melville Street, 137 Harrington Street Also known as 100 Melville Street, Hobart, 80 Melville Street, 164 Murray Street, 133 Bathurst Street, 144-160 Murray Street, 127 Bathurst Street, Hobart - Structural Works.....	34
7.1.3 Unit 2, 6 Nelson Road, Sandy Bay and Common Land of Parent Title - Change of Use to Visitor Accommodation	42
7.1.4 11 Scott Street, Glebe - Change of Use to Visitor Accommodation	44
7.1.5 11 and 17 Smithurst Avenue, South Hobart - Subdivision (Boundary Adjustment)	49
7.1.6 66 Burnett Street, North Hobart - Partial Change of Use to Visitor Accommodation	60
7.1.7 175, 177, 179, 169-173 Campbell Street and Adjacent Road Reserve - Partial Demolition, Alterations, New Building for 31 Multiple Dwellings, Food Services, Business and Professional Services, General Retail and Hire, Subdivision (Lot Consolidation), and Associated Works in the Road Reserve including Tree Removal	62
7.1.8 343 Park Street, New Town - Change of Use to Visitor Accommodation	63
8. REPORTS	64

8.1	City Planning - Advertising Report	64
8.2	Delegated Decision Report (Planning)	65
9.	RESPONSES TO QUESTIONS WITHOUT NOTICE.....	65
10.	CLOSED PORTION OF THE MEETING.....	66
	SUPPLEMENTARY ITEM	67
	APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015	
7.1.9	18 McDevitt Avenue, 5A Zomay Avenue, 5B Zomay Avenue, Dylnyrne - Two Multiple Dwellings.....	67

City Planning Committee Meeting (Open Portion) held on Monday, 19 September 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: Alderman S Behrakis
(Chairman), Alderman J R Briscoe,
Councillors W F Harvey and M Dutta.

Alderman Behrakis chaired the meeting
in the absence of the Chairman.

APOLOGIES: Nil.

LEAVE OF ABSENCE:

Deputy Lord Mayor Burnet

BRISCOE

That Alderman Behrakis chair the meeting in the absence of the Chairman.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Harvey
Behrakis
Dutta

Alderman Behrakis assumed the Chair.

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

No elected members were co-opted to the Committee.

2. CONFIRMATION OF MINUTES

DUTTA

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 5 September 2022](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Behrakis		
Briscoe		
Harvey		
Dutta		

The minutes were signed.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

DUTTA

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
Behrakis		
Briscoe		
Harvey		
Dutta		

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

No interest was indicated.

5. TRANSFER OF AGENDA ITEMS

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

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

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

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

No items were transferred.

6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

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

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

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

HARVEY

That in accordance with Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee resolve to deal with any items which have deputations by members of the public regarding any planning

matter listed on the agenda, to be taken out of sequence in order to deal with deputations at the beginning of the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Harvey
Dutta

7. COMMITTEE ACTING AS PLANNING AUTHORITY

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

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

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

Item 7.1.5 was then taken.

7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.1.1 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

BRISCOE

That the recommendation contained in the report of the Senior Statutory Planner and the Manager Development Appraisal of 13 September 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Harvey
Dutta

COMMITTEE RESOLUTION:

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 affect 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 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 CROSSOVERS

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

ACCESS

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

CROSS OVER CONSTRUCTION

The construction of the crossover can be undertaken 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.

Delegation: Council

**7.1.2 90 Melville Street, 137 Harrington Street Also known as 100 Melville Street, Hobart, 80 Melville Street, 164 Murray Street, 133 Bathurst Street, 144-160 Murray Street, 127 Bathurst Street, Hobart - Structural Works
PLN-22-314 - File Ref: F22/94603**

BRISCOE

That the recommendation contained in the report of the Senior Statutory Planner and the Manager Development Appraisal of 13 September 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Harvey
Dutta

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for structural works at 90 Melville Street, 80 Melville Street, 137 Harrington St, 144-160 Murray Street, 164 Murray Street, 127 Bathurst Street, and 133 Bathurst Street for the reasons outlined in the officer's report attached to item 7.1.2 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-22-314 - 90 MELVILLE STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

SW 1

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

The condition assessment must include at least:

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

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

Advice:

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

SW 2

Prior to occupancy or the commencement of the approved use (whichever occurs first), a post-construction structural condition assessment and visual record (eg video and photos) of the Hobart City Council's stormwater infrastructure within/adjacent to the proposed development, along with photos of any existing drainage structures

connected to or modified as part of the development, must be submitted to the City of Hobart.

The condition assessment must include at least:

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

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

SW 3

The proposed development must be designed 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. In addition to plans provided 12/8/22 (ADG, our ref DA-22-38996), the detailed design must be prepared by a suitably qualified expert and must:

1. demonstrate how the design will ensure the protection of and provide access to the Hobart City Council's stormwater main;
2. show detailed clearances of all structural elements from public infrastructure including access chambers.

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.

ENG 1

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

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

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

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

Reason for condition

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

ENG r1

The excavation and/or earth-retaining structures 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 rock anchor and retaining walls supporting the Melville Street 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 Melville Street highway reservation; and
8. Include a structural certificate which notes the driveway slab will not transfer additional loads onto the existing retaining wall.

The structure certificated and/or drawings should note accordingly the above

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.

ENV 2

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

A SWMP must be submitted as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and

Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

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

Advice:

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

Reason for condition

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

ENVHE 1

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

Specifically:

- Excavated soils for disposal must be stockpiled and sampled by a suitably qualified person in accordance with the EPA's IB105 guidelines , and,
- 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.

Part 5 r1

Part 5 agreement and/or legal agreement during construction and after for private structures supporting or within the highway reservation.

Part 5 1 The owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* with respect to the protection of retaining wall adjacent to the Melville Street highway reservation prior to the commencement of work.

The owner must not undertake any works at any time (including

excavation and building) that will have any effect on the integrity of the Melville Street highway reservation or any retaining structure adjacent to Melville Street highway reservation or the road formation themselves or undermine the structural integrity of the highway reservation.

All costs for the preparation and registration of the Part 5 Agreement must be met by the owner.

The owner must comply with the Part 5 Agreement which will be placed on the property title.

Advice:

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

Reason for condition

To ensure the protection of Council are retained.

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*.

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](#).

WASTE DISPOSAL

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

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

DIAL BEFORE YOU DIG

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

Delegation: Committee

**7.1.3 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**

BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 6 September 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Harvey
Dutta

COMMITTEE RESOLUTION:

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.

Delegation: Council

7.1.4 11 Scott Street, Glebe - Change of Use to Visitor Accommodation PLN-22-452 - File Ref: F22/94073

DUTTA

That the City Planning Committee recommends that the Council refuse the application for a change of use to visitor accommodation at 11 Scott Street, Glebe, 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 reasons:

1. The proposal does not meet the acceptable solution or the performance

criterion with respect to clause 3.1(e) A2 or P2 of *Planning Directive No. 6* because the proposal is part of a strata scheme and the proposal would cause an unreasonable loss of residential amenity to long term residents occupying another lot within the strata scheme.

2. 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
Dutta		Behrakis Briscoe Harvey	

BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 6 September 2022, be adopted.

MOTION CARRIED

VOTING RECORD

	AYES		NOES
Behrakis Briscoe Harvey		Dutta	

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 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.

Delegation: Council

Mr Ben Smith (Applicant) addressed the Committee in relation to item 7.1.5

**7.1.5 11 and 17 Smithurst Avenue, South Hobart - Subdivision
(Boundary Adjustment)
PLN-21-716 - File Ref: F22/94165**

HARVEY

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.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Harvey
Dutta

COMMITTEE RESOLUTION:

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.

Delegation: Council

Item 7.1.8 was then taken.

7.1.6 66 Burnett Street, North Hobart - Partial Change of Use to Visitor Accommodation PLN-22-493 - File Ref: F22/94195

HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 13 September 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Harvey
Dutta

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for partial change of use to visitor accommodation at 66 Burnett Street North Hobart 7000, for the reasons outlined in the officer's report attached to item 7.1.6 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-22-493 - 66 Burnett Street North Hobart TAS 7000 - Final Planning Documents.

Reason for condition

To clarify the scope of the permit.

ADVICE

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

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

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*.

FEES AND CHARGES

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

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.

You are encouraged to have in place a management plan for the operation of the visitor accommodation. The management plan should include measures to limit, manage and mitigate unreasonable impacts upon the amenity of permanent residents, including addressing issues like noise, waste management, customer behaviour, security, and maximum occupancy.

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.

Delegation: Committee

Supplementary item 7.1.9 was then taken.

**7.1.7 175, 177, 179, 169-173 Campbell Street and Adjacent Road Reserve - Partial Demolition, Alterations, New Building fo 31 Multiple Dwellings, Food Services, Business and Professional Services, General Retail and Hire, Subdivision (Lot Consolidation), and Associated Works in the Road Reserve including Tree Removal
PLN-21-471 - File Ref: F22/94540**

PROCEDURAL MOTION

DUTTA

That the item be deferred to allow further consideration of the application by the applicant.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Harvey
Dutta

COMMITTEE RESOLUTION:

That the item be deferred to allow further consideration of the application by the applicant.

Delegation: Committee

Item 7.1.1 was then taken.

Ms Sandra Taglieri (Representor) and Mr Matt Barnard (Applicant) addressed the Committee in relation to item 7.1.8.

**7.1.8 343 Park Street, New Town - Change of Use to Visitor
Accommodation
PLN-22-537 - File Ref: F22/94628**

DUTTA

That the City Planning Committee recommends 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.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Harvey
Dutta

Behrakis

COMMITTEE RESOLUTION:

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.

Delegation: Council

Item 7.1.7 was then taken.

8. REPORTS

8.1 City Planning - Advertising Report
File Ref: F22/91515

HARVEY

That the recommendation contained in the memorandum of the Acting Director City Life of 14 September 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Harvey
Dutta

COMMITTEE RESOLUTION:

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

Delegation: Committee

**8.2 Delegated Decision Report (Planning)
File Ref: F22/93249**

HARVEY

That the recommendation contained in the memorandum of the Acting Director City Life of 14 September 2022, be adopted.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Behrakis		
Briscoe		
Harvey		
Dutta		

COMMITTEE RESOLUTION:

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

Delegation: Committee

9. RESPONSES TO QUESTIONS WITHOUT NOTICE

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

**9.1 Hobart Smoke Free Project
File Ref: F22/86188; 13-1-10**

Memorandum of the Director Connected City of 6 September 2022.

**9.2 Short Stay Accommodation Applications
File Ref: F22/39460; 13-1-10**

Memorandum of the Director City Life of 2 September 2022.

BRISCOE

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Harvey
Dutta

Delegation: Committee

10. CLOSED PORTION OF THE MEETING

HARVEY

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:

- Minutes of a closed meeting
- Matters relating to an appeal

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 | City Acting as Planning Authority |
| Item No. 4.1 | Applications under the Hobart Interim Planning Scheme 2015 |
| Item No. 4.1.1 | PLN-22-328 - 18 Grosvenor Street, Sandy Bay - Appeal LG(MP)R 15(4)(a) |
| Item No. 5 | Reports |
| Item No. 5.1 | Planning Authority Decisions Subject to Appeal before the Tasmanian Civil and Administrative Tribunal - Monthly Update LG(MP)R 15(4)(a) |

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Harvey

Dutta

Delegation: Committee

SUPPLEMENTARY ITEM

APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

**7.1.9 18 McDevitt Avenue, 5A Zomay Avenue, 5B Zomay Avenue, Dynnyrne -
Two Multiple Dwellings
PLN-22-251 - File Ref: F22/94457**

HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 15 September 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Harvey
Dutta

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for two multiple dwellings, at 18 McDevitt Avenue, 5A Zomay Avenue, and 5B Zomay Avenue for the reasons outlined in the officer's report attached to supplementary item 7.1.9 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-22-251 - 18 McDevitt Avenue Dynnyrne 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 2022/00653-HCC dated 15/08/2022 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s4

Each dwelling must have a waste storage area adjacent to the driveway (within the property boundaries) with the dimensions of at least 0.75m wide by 1.2m deep.

Prior to the issue of any approval under the *Building Act 2016*, revised plans demonstrating the waste storage areas in accordance with the above requirement, must be submitted and approved as a Condition Endorsement.

All work required by this condition must be undertaken in accordance with the approved revised plans. The waste storage areas must be installed prior to first use.

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 for the storage of waste and recycling bins for multiple dwellings.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, g drains, retaining wall g 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.

SW 9

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

A stormwater management report and design 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 stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. include detailed design and supporting calculations of the detention tank showing:
 1. detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
 2. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
 3. the discharge rates and emptying times; and
 4. all assumptions must be clearly stated;
2. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

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

ENG 2a

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

Advice:

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

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

Reason for condition

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

ENG 2b

Further detailed designs are required for vehicle barriers in the following locations:

1. Along the edge of each of the driveways.

This documentation must be submitted and approved as a condition endorsement, prior to the issuing of any approval under the *Building Act 2016*.

The detailed designs must:

1. be prepared and certified by a suitably qualified engineer;
2. be in accordance with the Australian Standard AS/NZS 1170.1:2002, if possible; and
3. show dimensions, levels, and other details as Council deem necessary to satisfy the above requirement.

The vehicle barriers must be installed in accordance with the approved detailed designs prior to first occupation.

Advice:

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

Reason for condition

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

ENG 2c

Prior to the first occupation, a suitably qualified engineer must certify that the vehicle barriers have been installed in accordance design drawings approved by Condition ENG 2b.

Advice:

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

Reason for condition

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

ENG 3a

The access driveway and parking area must be constructed in accordance with the following documentation which forms part of this permit: Aldanmark Consulting Engineers drawings C101 rev B, C102 rev C, C301 rev B, C302 rev B, C303 rev B, C304, rev B and C401 rev B received by the Council on 8 August 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 4

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

Reason for condition

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

ENG 5

The number of car parking spaces approved to be used on the site is four (4) and to be located within the garages.

Advice:

No on-site parking is approved within the driveways.

Reason for condition

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

ENG 6

The existing concrete crossover on the McDevitt Avenue frontage of the property must not be used for vehicular parking.

Advice:

Redundant crossovers are required to be reinstated under the Hobart City Council's Infrastructure By Law.

Reason for condition

To ensure that parking areas for cars are located, designed and constructed to enable safe, easy and efficient use.

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 s1

The excavation and/or earth-retaining structures (ie embankments, cuttings, retaining walls), footings and driveway deck within embankment easement supporting the Right of Way must not undermine the stability and integrity of the Right of Way and its infrastructure.

Prior to the first occupation, documentation by a suitably qualified engineer certifying that all works within the embankment easement have not undermined the stability and integrity of the Right of Way and its infrastructure, is to be submitted to Council.

Advice:

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

Reason for condition

To ensure that the stability and integrity of the right of way is not compromised by the development.

ENV 2

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

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

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

Advice:

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

Reason for condition

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

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.

REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under 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.

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](#).

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.

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.

MCDEVITT AVENUE PART 5 AGREEMENT

In accordance with the Part 5 agreement D103577 which is applicable to this Title, the following requirements are made:

- The dwelling should be constructed to Bushfire Rating BAL12.5.
- A 5000L rainwater tank for re-use on site must be installed.

Please note that Part 5 Agreement D103577 with Hobart City Council requires the owner(s) of the property to:

- implement and maintain the Bushfire Management Plan in relation to the property;

- comply with the advice and recommendations of the geotechnical assessment report by Geo-Environmental Solutions;
- implement and maintain the Weed Management Plan in relation to the land; and
- Implement and maintain the Stormwater Management Plan in relation to the land.

Copies of the plans and reports are attached to the Agreement. Copies of Part 5 Agreements can be obtained via the 'Scanned Dealings' section of the [The LIST website](#).

Delegation: Committee

There being no further business the Open portion of the meeting closed at 6.17pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
3RD DAY OF OCTOBER 2022.

CHAIRMAN