



CITY OF HOBART

AGENDA
OPEN PORTION OF THE COUNCIL MEETING
MONDAY, 10 OCTOBER 2022
AT 5:00 PM



THE MISSION

Working together to make Hobart a better place for the community.

OUR VALUES

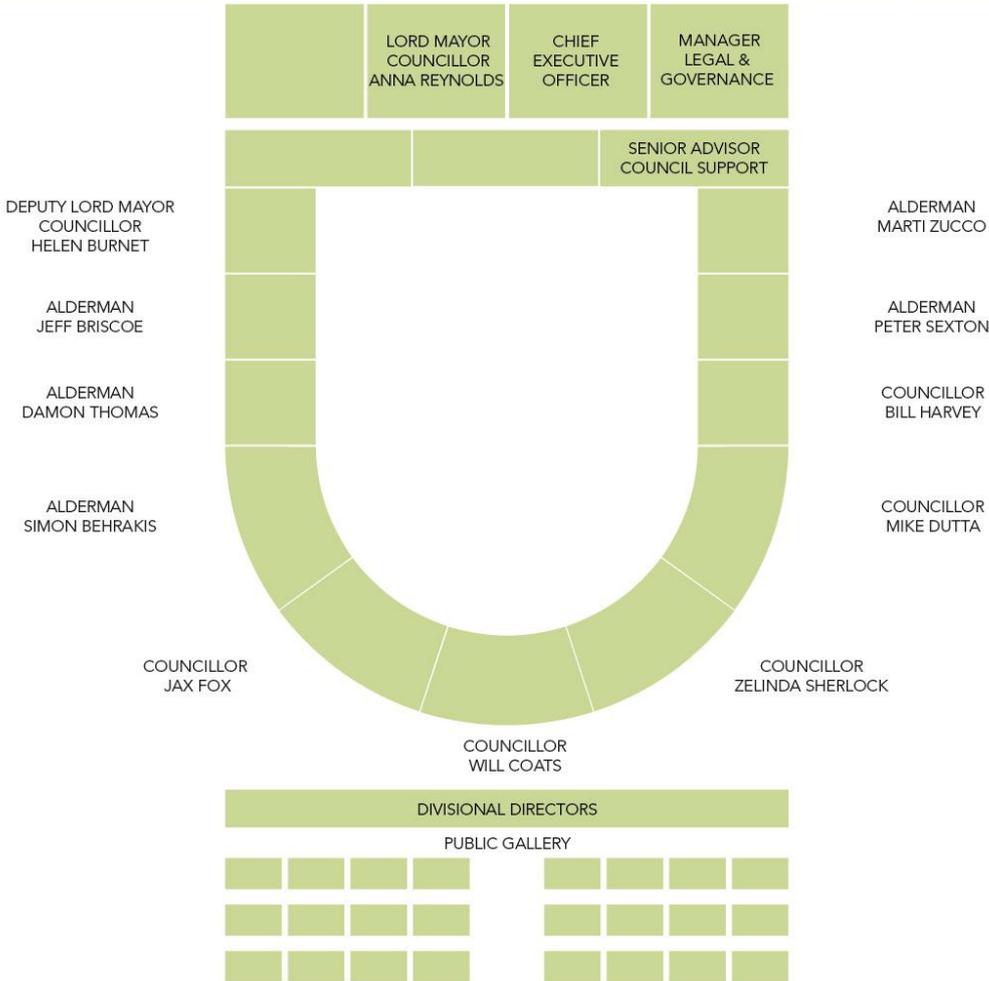
THE COUNCIL IS:

<p>PEOPLE We care about people – our community, customers and colleagues</p>	<p>TEAMWORK We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community.</p>	<p>FOCUS AND DIRECTION We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.</p>	<p>CREATIVITY AND INNOVATION We embrace new approaches and continuously improve to achieve better outcomes for our community.</p>	<p>ACCOUNTABILITY We work to high ethical and professional standards and are accountable for delivering outcomes for our community.</p>
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VISION

OUR VISION, MISSION AND VALUES HOBART: A COMMUNITY VISION FOR OUR ISLAND CAPITAL

Hobart breathes.	Connections between nature, history, culture, businesses and each other are the heart of our city.	We are brave and caring.	We resist mediocrity and sameness.	As we grow, we remember what makes this place special.	We walk in the fresh air between all the best things in life.
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**A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE
COUNCIL CHAMBER, TOWN HALL ON MONDAY, 10 OCTOBER 2022 AT
5:00 PM.**

**Kelly Grigsby
Chief Executive Officer**

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).

This meeting of the Council 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.

ELECTED MEMBERS:

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

APOLOGIES:

LEAVE OF ABSENCE: Nil.

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 26 September 2022](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

2. TRANSFER OF AGENDA ITEMS

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

3. COMMUNICATION FROM THE CHAIRMAN

4. NOTIFICATION OF COUNCIL WORKSHOPS

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

5. PUBLIC QUESTION TIME

Regulation 31 *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 16/119-001

5.1 Public Questions

5.2 Responses to Public Questions Taken On Notice

“In accordance with the procedures approved in respect to Public Questions Time, the following responses to questions taken on notice are provided to the Council for information.

The Council is reminded that in accordance with Regulation 31(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairperson is not to allow discussion or debate on either the question or the response.”

RECOMMENDATION

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

5.2.1 Kelly's Steps and Princes Park Toilets, Battery Point

5.2.2 Report Production – Funding

Meeting date: 29 August 2022
Raised by: Mr Edwin Johnstone
Response Author: Ms Kelly Grigsby (CEO)
Topic: **KELLY'S STEPS AND PRINCES PARK TOILETS,
BATTERY POINT**

Question:

1. The lighting above Kelly's Steps is no longer adequate and lately has been not working at all. Does the council have any plans to upgrade the lighting and undertake more routine cleaning of the steps? Are there any longer term plans for the dangerous wearing of the steps?
2. The Princess Park toilets in Battery Point were due to be reopened in May. What is the expected completion date now of the refurbishment and will the council take any additional measures to minimise any potential damage in the future such as CCTV cameras and more vandal proof fixtures?

Response:

Since the time of your questions, you may have noticed some changes occurring at Kelly's steps. New poles have been installed in Kelly's Steps and in the lane leading to Salamanca Place, to house new public safety cameras. These cameras came online on 26 August 2022.

With the addition of the new pole in Kelly's Steps, lighting is also programmed to be installed to light the top section of the steps, which was previously unlit. Installation will be completed in the coming weeks.

An inspection has confirmed issues with the lighting halfway up the steps and work is underway to have this repaired as soon as possible.

The refurbishment works at Princes Park toilets are being managed by the City's insurance provider.

The latest update from the insurer indicated while a majority of the work has been completed some elements have been delayed due to supply issues. For example, lighting has to come from Europe and is 8 – 10 weeks away, this delays the completion of joinery and external cladding.

At this stage, it is anticipated works will be completed by the end of November subject to no further unforeseen delays with the contractor.

Unfortunately, we are not able to fully ensure the toilets are arson proof without significantly compromising the architectural integrity of the design but I can report a new camera system was installed in Princes Park which covers the toilet area. It is hoped this will discourage such attacks in future.

Meeting date: 15 August 2022
Raised by: Ms Isla MacGregor
Response Author: Ms Kelly Grisby (CEO)
Topic: **REPORT PRODUCTION - FUNDING**

Question:

For any decision passed by Council to allocate funding for production of a report on a proposal should funding equally be allocated to proponents of an alternative view to enable an inclusive approach and preparation of a transparent and historically factual final report?

Response:

While your question was directed to all elected members, it is more appropriate that I, as Chief Executive Officer, provide a response as it is the responsibility of the Chief Executive Officer under the *Local Government (Meeting Procedures) Regulations 2015* ("the MPR") to ensure that elected members are provided with the agenda and any associated reports and documents relating to a meeting.

When the Council resolves to have a report prepared on a particular matter, it is also my obligation to ensure that a report is prepared and that any advice, information or recommendation given to the Council or a Council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation (s65(1) of the *Local Government Act 1993* ("the Act")).

Section 65 goes further to state that:

- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
 - (a) the general manager certifies, in writing –
 - (i) that such advice was obtained; and
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

As part of discharging my obligations under the Act and the MPR I ensure that the advice and recommendations provided to the Council take into account relevant alternative views. This is achieved through the Council's Community Engagement Framework.

6. PETITIONS

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

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

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

REPORTS OF COMMITTEE

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY

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

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

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

**9.1 3 Argyle Street, Hobart, Salamanca Place, Battery Point, Morrison Street, Hobart, Kennedy Lane, Battery Point, Franklin Wharf, Hobart, 30 Morrison Street, Hobart, 18 Hunter Street, Hobart - 15 Water Supply Facilities
PLN-22-439 - File Ref: F22/98663**

Ref: Open [CPC 7.1.1](#), 3/10/2022
Application Expiry Date: 17 October 2022

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for 15 water supply facilities, at 3 Argyle Street, 30 Morrison Street, Morrison Street Road Reservation, 18 Hunter Street, Franklin Wharf, Salamanca Place, and Kennedy Lane for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 3 October 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-22-439 - 3 ARGYLE 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 (TBC) dated (TBC) as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s2

Prior to the installation of any of the water supply facilities, revised plans to the satisfaction of Council's Director of City Life must be submitted and approved as a Condition Endorsement. The revised plans must:

1. Set out the exact number, location, and design of the Water Supply Facilities, to satisfy the above requirement; and
2. Demonstrate that places of cultural significance and places of archeological potential are either avoided entirely or that appropriate strategies are in place to manage impacts.

All work required by this condition must be undertaken in accordance with the approved revised plans

Advice:

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

Reason for condition

To define the scope of the permit

HER 9

The water bubblers must be fully demountable and attached using non-corrosive fittings. eg screws and bolts must be specified rather than chemical adhesives. Surfaces must be made good with matching colors and finishes.

Reason for condition

To ensure that works in Sullivans Cove are fully reversible to ensure that the historically clear space of the working port is not permanently obstructed and new infrastructure does not result in the loss of historic cultural heritage values.

HER 10

Substitution of artwork is not approved. The artwork must be as per documentation submitted on 2 August 2022 showing blue and white graphics by artist David Edgar.

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

Reason for condition

To ensure that works in, or adjacent, a place of cultural heritage significance does not result in the loss of historic cultural heritage values.

HER 6

All onsite excavation and disturbance within places of archeological significance must be monitored. Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

1. All excavation and/or disturbance must stop immediately; and
2. A qualified archaeologist must be engaged to attend the site and provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and
3. All and any recommendations made by the archaeologist engaged in accordance with 2. above must be complied with in full; and
4. All features and/or deposits discovered must be reported to the Council with 7 days of the discovery; and
5. A copy of the archaeologist's advice, assessment and recommendations obtained in accordance with 2. above must be provided to Council within 30 days of receipt of the advice, assessment and recommendations.

Excavation and/or disturbance must not recommence unless and until approval is granted from the Council.

Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve and manage significant archaeological evidence.

OPS 5

Installation works, including plumbing, must be undertaken in a way that avoids impact to all trees including those in gardens, parks, and on Port Authority land. Any excavation works within the Tree Protection Zone of existing trees must be overseen by a project arborist to ensure the tree is retained and protected in accordance with AS4970 Protection of trees on development sites. Installation works, including plumbing, must be undertaken in a way that avoids impact to all other nearby park assets.

Prior to installation, the contractors must confirm the placement and scope of works with the Program Leader Arboriculture and Nursery. Damage to trees and assets must be avoided.

Reason for condition:

To ensure that the amenity, character and cultural heritage values of the Cove's roads and other public spaces are conserved and enhanced.

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.

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.

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 City Resilience Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

9.2 71A Letitia Street, North Hobart - 29 Multiple Dwellings and Associated Works PLN-22-287 - File Ref: F22/98535

Ref: Open [CPC 7.2.1](#), 3/10/2022

Application Expiry Date: 11 October 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for 29 multiple dwellings and associated works at 71A Letitia Street, North Hobart 7000, for the reasons outlined in the officer's report attached to item 7.2.1 of the Open City Planning Committee agenda of 3 October 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-22-287 - 71A Letitia Street North Hobart TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

Advice

The approved use is multiple dwellings for social housing, which will be managed as a collective by one entity. Social housing is housing that is provided for individuals that would otherwise face financial hardship if required to secure housing on the open market, or would be unable to secure such housing. The use of this site is not suitable for a strata scheme to create individual lots for each multiple dwelling. Further planning permission would be required to support the creation of a strata scheme of this nature.

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 2022/00693-HCC dated 1/7/2022 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 2

Prior to the first occupation, screening with no more than 25% uniform transparency must be installed and maintained along the edge of the decks that would provide private open space for units 17 and 18 facing the north-western boundary of the site. The screening must be of sufficient height to minimise overlooking of a dwelling on an adjoining property or its private open space.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing screening in accordance with the above requirement. The revised plans should include sufficient detail, such as sight line diagrams, to demonstrate that the height of the screening will satisfy the above requirement.

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

Advice:

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

Reason for condition

To provide reasonable opportunity for privacy for dwellings.

PLN s4

Additional landscaping must be provided between the development and the site boundaries to reduce the visual and privacy impact of the development.

Prior to the issue of any approval under the *Building Act 2016*, revised plans prepared by a suitably qualified landscape expert must be submitted and approved as a Condition Endorsement showing additional landscaping. The revised plans should include boundary fences and additional planting between the development and the site boundaries in order to reduce the visual impact of the development when viewed from adjoining properties and the potential for overlooking of adjoining properties from the development.

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

Prior to occupancy or the commencement of the use (whichever occurs first), confirmation from a suitably qualified landscape expert that all landscaping works required by this condition have been implemented, must be submitted.

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

To reduce the visual impact of the development and to provide reasonable opportunity for privacy for dwellings.

ENG 12

A construction waste management plan must be implemented throughout construction.

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

The construction waste management plan must include:

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

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

Advice:

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

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

Reason for condition

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

ENG sw1

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

Overland surface flow from the 1% AEP events, including from the Brooker Avenue and its embankment, must be conveyed safely through the site.

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), pre-treatment of 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 final detailed design of the proposed treatment train, including estimations of contaminant removal, in general accordance with Aldanmark Stormwater Report and engineering plans (i.e. Drainage Plan- Ground Floor H1.01 RevD and Hydraulic Details H4.01 Rev D) submitted under this application;
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 tr2

A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).

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

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

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

Advice:

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

Reason for condition

To ensure the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 3a

The access driveway and parking area must be constructed in accordance with the following documentation which forms part of this permit:

PLN-22-287 - 71A LETITIA STREET NORTH HOBART 7000 - Civil Drawings (received by the Council on 28th of July 2022). Any departure from that documentation and any works which are not detailed in the documentation must be either:

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

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

Reason for condition

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

ENG 3c

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

Advice:

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

The reason this condition has been imposed as part of your planning permit is that the driveway is outside the Australian Standard gradients or design parameters. If the driveway is not constructed as it has been approved then this may mean that the driveway will either be unsafe or will not function properly. An example certificate is available on our [website](#).

Reason for condition

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

ENG 5

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, prior to first occupation/commencement of use.

The number of bicycle parking spaces approved on the site is a minimum of twelve (12). All bicycle parking spaces must be designed and constructed in accordance with Australian Standard AS/NZS 2890.3:2015 prior to first occupation/commencement of use.

Reason for condition

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

ENG 9

All car parking spaces for people with disabilities must be delineated to Australian/NZS Standard, Parking facilities Part 6: Off-street parking for people with disabilities AS/NZS 2890.6: 2009, prior to the commencement of the use.

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 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 excavations and footings 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 footbridge and staircase structure near the Brooker Avenue highway reservation must be submitted and approved as a Condition Endorsement, prior to any approval under the *Building Act 2016*, 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. Take into account any additional surcharge loadings as required by relevant Australian Standards;
4. Take into account and reference accordingly any Geotechnical findings;
5. Detail any mitigation measures required;
6. Detail the design and location of the footing adjacent to the Brooker Avenue highway reservation.

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.

ENG r3

Prior to the commencement of use, the proposed driveway crossover on the Letitia Street highway reservation must be designed and constructed in general accordance with Urban - TSD-R09-v3 – Urban Roads Driveways and TSD R14-v3 Type KC vehicular crossing.

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

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property;

2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover;
3. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings;
4. If the design deviates from the requirements of the TSD, then demonstrate that a B85 vehicle or a B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2), can access the driveway from the road pavement into the property without scraping the vehicle's underside;
5. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.; and
6. Be prepared and certified by a 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.

HER 17c

The external colours, materials and finishes of the approved development must be substantially in accordance with the approved plans. Any substantial change in the colours, materials and finishes requires further approval.

Reason for condition

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

ENVHE 4

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

A 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 excavation 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 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 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](#).

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.

WORK WITHIN THE HIGHWAY RESERVATION

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

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

9.3 66 Hampden Road, Battery Point - Signage PLN-22-521 - File Ref: F22/98496

Ref: Open [CPC 7.2.2](#), 3/10/2022
Application Expiry Date: 2 November 2022

That in the absence of a decision from the City Planning Committee the matter is referred to the Council for determination.

Attachment A: Original Report - CPC 3 October 2022 - Item 7.2.2 - 66 Hampden Road

City of **HOBART****APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Council:	10 October 2022
Expiry Date:	2 November 2022
Application No:	PLN-22-521
Address:	66 HAMPDEN ROAD , BATTERY POINT
Applicant:	Sharon Pakzmir 66 Hampden Road
Proposal:	Signage
Representations:	Zero
Performance criteria:	Signs Code

1. Executive Summary

- 1.1 Planning approval is sought for Signage, at 66 Hampden Road, Battery Point.
- 1.2 More specifically the proposal includes:
 - Installation of one non-illuminated ground based panel sign on the Hampden Road frontage
 - The sign will be 1050mm high and 800mm wide and be supported on a stand 750mm high
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Signs Code - Standards for Signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts
- 1.4 No representations were received during the statutory advertising period between 18/08/22 - 01/09/22.
- 1.5 The proposal is recommended for refusal.
- 1.6 The final decision is delegated to the Council, because the proposal is recommended for refusal

2. Site Detail

- 2.1 The subject site is located at 66 Hampden Road, Battery Point and comprises a single title corner lot approximately 430m² in size. The site features a two storey commercial building to the north, facing the Hampden Road frontage, and a separate single storey commercial building to the south, facing the Waterloo Street frontage. The surrounding area is characterised by a combination of Residential, Commercial, Food Services, and Visitor Accommodation uses. A site visit was undertaken of the property during the statutory advertising period.



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

3. Proposal

- 3.1 Planning approval is sought for Signage, at 66 Hampden Road, Battery Point.

3.2 More specifically the proposal is for:

- Installation of one non-illuminated ground based panel sign on the Hampden Road frontage
- The sign will be 1050mm high and 800mm wide and be supported on a stand 750mm high

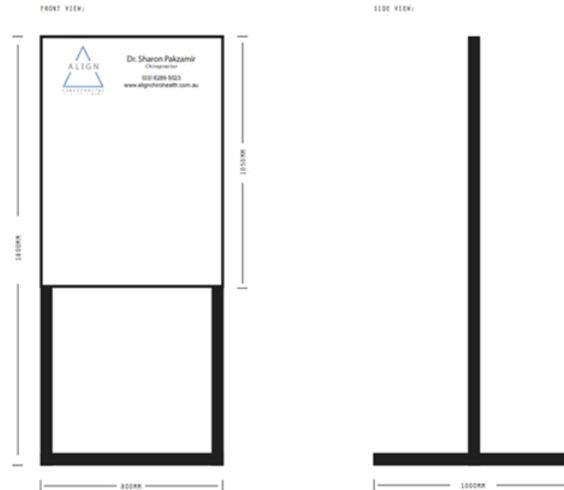


Figure 2: Elevations of proposed signage.

4. Background

- 4.1 A ground based panel sign was installed on the Hampden Road frontage of the site in 2021 without Council approval and was subsequently subject to compliance action from Council under ENF-21-292 with advice to seek retrospective planning approval for the sign.
- 4.2 Approval was granted in 2014 under PLN-14-00929-01 for a round projecting wall sign at the entrance to the building on the Hampden Road frontage.

5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period between 18/08/22 - 01/09/22.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Urban Mixed Use Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Business and Professional Services. There is no proposed change of use. The existing use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 D15.0 Urban Mixed Use Zone
- 6.4.2 E17.0 Signs Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Signs Code:
- Standards for Signs on Heritage Places subject to the Heritage Code or within Heritage Precincts – E17.7.2 P1*
- 6.6 Each performance criterion is assessed below.
- 6.7 Standards for Signs on Heritage Places subject to the Heritage Code or within Heritage Precincts – E17.7.2 P1
- 6.7.1 There is no acceptable solution for 17.7.2 A1
- 6.7.2 The proposal includes a sign on a Heritage Place subject to the Heritage

Code and within a Heritage Precinct.

6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.7.4 The performance criterion at clause 17.7.2 P1 provides as follows:

A sign on a Heritage Place listed in the Historic Heritage Code or within a Heritage Precinct or Cultural Landscape Precinct must satisfy all of the following:

(a) be located in a manner that minimises impact on cultural heritage significance of the place or precinct;

(b) be placed so as to allow the architectural details of the building to remain prominent;

(c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;

(d) be placed in a location on the building that would traditionally have been used as an advertising area if possible;

(e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;

(f) have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;

(g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;

(h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;

(i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.

6.7.5 Referral was made to Council's Senior Cultural Heritage Officer who has provided the following assessment:

Background:

This application is for a sign located in Hampden Road, Battery Point. The applicant is seeking retrospective approval for a sign that has already been installed and subject to enforcement.

The proposed sign is a ground based panel sign and is located in the front yard of a heritage listed place in Table E13.1 of the Historic Heritage Code and also located in the Battery Point Heritage Precinct BP1.

The proposed sign must be assessed against E17.7.2 P1 of the Signs Code and satisfy all of the sub clauses (a) to (i). This clause is specific to signage on heritage places and in a heritage precinct.

The proposal:

The sign is 1.8m above the ground level which is higher than the footpath. The face of the sign is 800mm wide by 1050mm high and it is mounted on a metal frame. See image below.



Sign at 66 Hampden Rd - as existing. Source: Council image.

The design of the sign is a white panel background with small blue and black lettering and logo. This is the same graphic as on the existing round projecting wall sign. Note: This sign is not part of this application. It will be one of three signs on the subject site, the other is an A-board which is on the footpath.

Assessment:

Clause E17.7.2 states:

A sign on a Heritage Place listed in the Historic Heritage Code or within a Heritage Precinct or Cultural Landscape Precinct must satisfy all of the following:

- (a) be located in a manner that minimises impact on cultural heritage significance of the place or precinct;*
- (b) be placed so as to allow the architectural details of the building to remain prominent;*
- (c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;*
- (d) be placed in a location on the building that would traditionally have been used as an advertising area if possible;*
- (e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;*
- (f) have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;*
- (g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;*
- (h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;*
- (i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.*

The sign must be considered in relation to signage on Hampden Road where signage is modest in scale and restrained. Signage in Hampden Road is of a traditional form. The existing projecting wall sign on the subject property which is shown below is one such example.



Existing projecting wall sign - not the subject of this application. Source: Council image.



Subject property without signage in 2007. Source: Council image



Subject property with existing signage. Source: Council image.

The sign is free standing and not affixed to the sandstone facade, has an acceptable graphic design with minimal modern logos and is not illuminated. In this regard the sign proposal satisfies (b), (d), (e), (f), (g), (h) and (i).

While the size and design of the sign is simple and rectangular there are no other examples of signs of this type on Hampden Road. This building in Hampden Road is in a highly visible location in one of Hobart's most historically significant streets in the historic Battery Point where signage is, and should be carefully designed and well considered in a heritage environment. All signage in Hampden Road should be of the highest standard and consider the quality of the streetscape. Three signs on an individual property is highly irregular and unnecessary. It is also worth considering how, since 2007, where there were no signs, to the current situation where there are three signs. This signage proposal is not a good heritage outcome and unsophisticated. It fails to complement the place through its location and diminishes the cultural significance of the place and precinct. The sign does not satisfy the provisions E17.7.2 P1 (a) and (c). It is recommended for refusal.

Reason for refusal:

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E17.7.2 P1 (a) and (c) of the *Hobart Interim Planning Scheme 2015* because the location, size and design of the sign diminishes and does not minimise the impact on the historic cultural heritage significance of the heritage listed place and heritage precinct as described in Table E13.1 and Table E13.2.

Sarah Waight
Senior Cultural Heritage Officer
5 September 2022

6.7.6 The proposal does not comply with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Signage, at 66 Hampden Road, Battery Point.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Cultural Heritage Officer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Signage, at 66 Hampden Road, Battery Point does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for refusal.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for Signage, at 66 Hampden Road, Battery Point for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause 17.7.2 A1 and P1 (a) and (c) of the *Hobart Interim Planning Scheme 2015* because the location, size and design of the sign diminishes and does not minimise the impact on the historic cultural heritage significance of the heritage listed place and heritage precinct as described in Table E13.1 and Table E13.2.



(Michael McClenahan)
Development Appraisal Planner

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



(Ben Ikin)
Senior Statutory Planner

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

Date of Report: 15 September 2022

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Report

Planning: #262394

Property

66 HAMPDEN ROAD BATTERY POINT TAS 7004

People

Applicant *

Sharon Pakzmir
66 Hampden Road
BATTERY POINT TAS 7008
0433462 299
info@alignchirohealth.com.au

Owner *

Mountain Air Investments Pty Limited

229 Elizabeth Street
HOBART TAS 7000
6232 4999
david@elsproperty.com.au

Entered By

SHARON PAKZAMIR
66 HAMPDEN ROAD
BATTERY POINT TAS 7004
0433 462 299
info@alignchirohealth.com.au

Use

Commercial

Details

Have you obtained pre application advice?

No

If YES please provide the pre application advice number eg PAE-17-xx

Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Standards? Click on help information button for definition. *

No

Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the number of signs under Other Details below. *

Yes

If this application is related to an enforcement action please enter Enforcement Number

Details

What is the current approved use of the land / building(s)? *

Commercial

Please provide a full description of the proposed use or development (i.e. demolition and new dwelling, swimming pool and garage) *

Signage

Estimated cost of development *

0.00

Existing floor area (m2) Proposed floor area (m2)

Site area (m2)

Carparking on Site

Total parking spaces Existing parking spaces N/A

Other (no selection chosen)

Other Details

Does the application include signage? *

Yes

** Please be advised that you are required to lodge plans of the sign. The plans should show: dimensions, location, colours, wording, method of illumination, does it flash, method of fixing to wall, etc.*

How many signs, please enter 0 if there are none involved in this application? *

1

Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register? Yes

Documents

Required Documents

Title (Folio text and Plan and FolioText-226083-1.pdf
Schedule of Easements) *

Title (Folio text and Plan and FolioPlan-226083-1.pdf
Schedule of Easements) *

Plans (proposed, existing) * ALIGN Signage LAYOUT 2 (3).pdf

Supporting Documents

Heritage Report Exemption 3378.pdf

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 226083	FOLIO 1
EDITION 4	DATE OF ISSUE 26-Jul-2012

SEARCH DATE : 09-Aug-2022
SEARCH TIME : 11.12 AM

DESCRIPTION OF LAND

City of HOBART
Lot 1 on Plan 226083
Derivation : Part of 0A-1R-10Ps. (Section B.4.) Gtd. to A.
Haig and Part of 17.1/2Ps. (Section B.4.) Gtd. to R. Brown.
Prior CT 2878/71

SCHEDULE 1

C642696 TRANSFER to CAROLINE HELOISA ATKINS, KEITH DAVID
ATKINS, ANDREW MALCOLM ATKINS and RICHARD GERALD
ATKINS as tenants in common in equal shares
Registered 26-Jul-2012 at noon

SCHEDULE 2

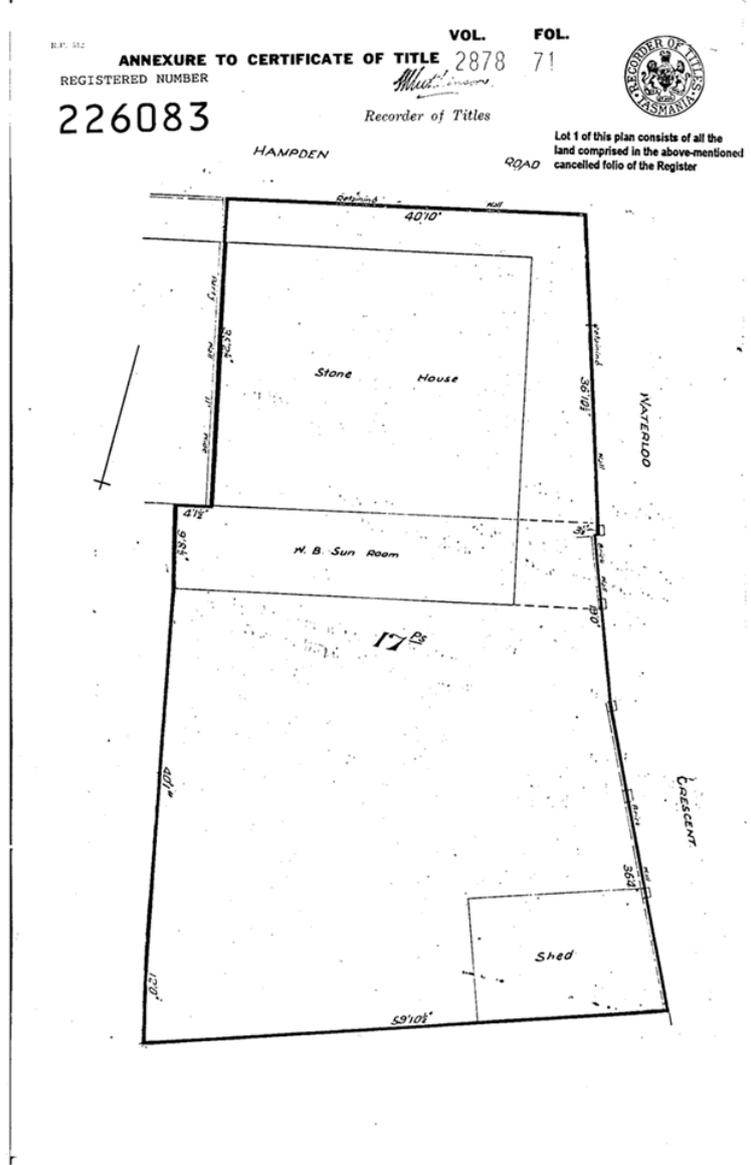
Reservations and conditions in the Crown Grant if any

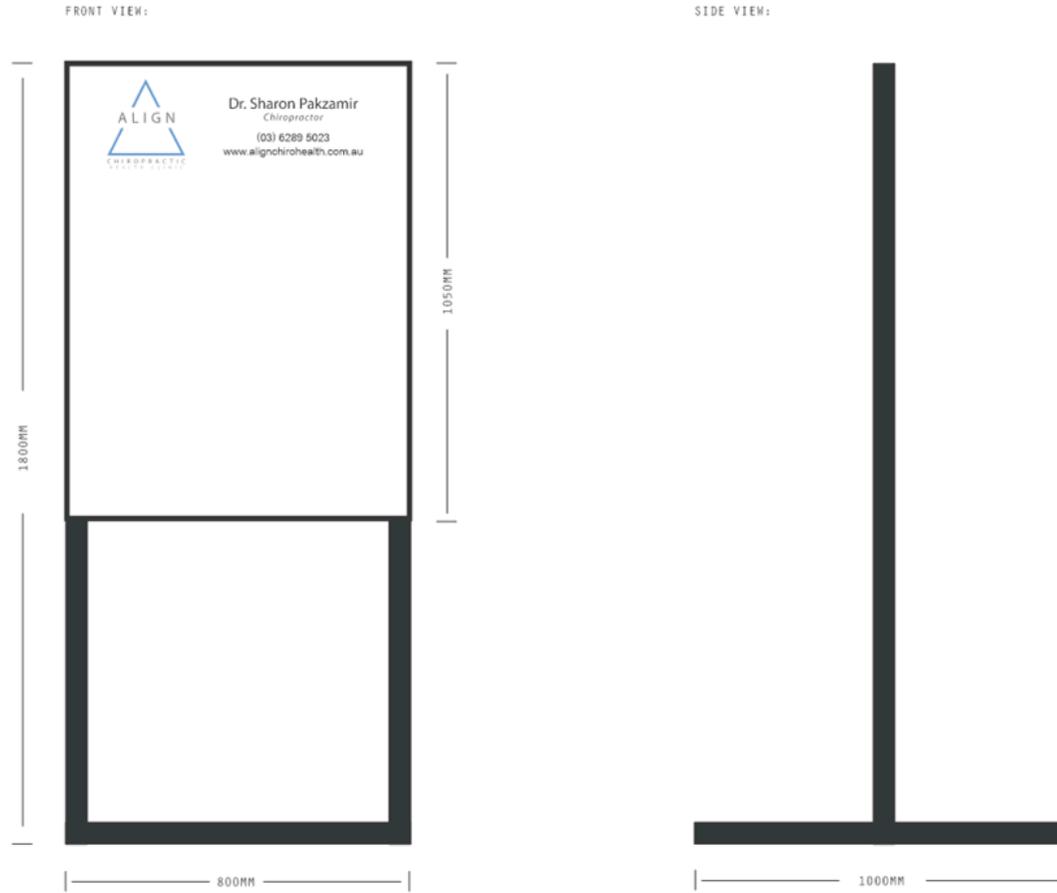
UNREGISTERED DEALINGS AND NOTATIONS

M980735 PRIORITY NOTICE reserving priority for 90 days
TRANSFER CAROLINE HELOISA ATKINS, KEITH DAVID ATKINS,
ANDREW MALCOLM ATKINS AND RICHARD GERALD ATKINS TO
MOUNTAIN AIR INVESTMENTS PTY LIMITED AS TRUSTEE FOR
ADJA FAMILY TRUST Lodged by OGILVIE JENNINGS on
14-Jul-2022 BP: M980735



FOLIO PLAN
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980





Customer Signature: _____



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Client	Date	Scale	Design No	Revisions	Sign Type	Sheet
Align Chiropractor	07.12.20	NTS	NA	1	Saf	1 of 3

Artwork should be checked for layout, colours, spelling and content to ensure all is correct and ready to produce. Please note colours may vary between screens and final produced colours. Claude Neon will not accept responsibility for any artwork errors once final proof has been approved, re-prints will be at the expense of the customer.



Customer Signature _____



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Client	Date	State	Design No	Revisions	Sign Type	Sheet
Align Chiropractor	07.12.20	NTS	NA	1	Saf	2 of 3

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Tasmanian Heritage Council
GPO Box 618 Hobart Tasmania 7000
Tel: 1300 850 332
enquiries@heritage.tas.gov.au
www.heritage.tas.gov.au

PLANNING REF: N/A
EXEMPTION NO: 3378
REGISTERED PLACE NO: 1766
FILE NO: 07-08-06 THC
APPLICANT: Sharon Pakzimir
DATE: 12 April 2021

CERTIFICATE OF EXEMPTION

(Historic Cultural Heritage Act 1995)

The Place: 66 Hampden Road, Battery Point.

Thank you for your application for a Certificate of Exemption for works to the above place. Your application has been approved by the Heritage Council under section 42(3)(a) of the *Historic Cultural Heritage Act 1995* for the following works:

Works: New freestanding signage to the front of the place.

Documents: 1. Exemption Certificate Application form.
2. Drawings 1 & 2 prepared by Claude Neon.

Comments: The proposed works are consistent with the requirements of section 14 of the Tasmanian Heritage Council's Works Guidelines as being eligible for a certificate of exemption.

A copy of this certificate will be forwarded to the local planning authority for their information. Please note, this certificate of exemption is an approval under the *Historic Cultural Heritage Act 1995* only. This certificate is not an approval under any other Act. Further approvals such as planning, building or plumbing may be required. For information regarding these or any other approval, contact your local Council.

Information on the types of work that may be eligible for a certificate of exemption is available in the Tasmanian Heritage Council's *Works Guidelines for Historic Heritage Places* (Nov. 2015). The Works Guidelines can be downloaded from www.heritage.tas.gov.au

Please contact the undersigned on 1300 850 332 332 if you require clarification of the matters contained in this certificate.

Russell Dobie
Regional Heritage Advisor – Heritage Tasmania
Under delegation of the Tasmanian Heritage Council

Application Referral Cultural Heritage - Response

From:	Sarah Waight
Recommendation:	Proposal is unacceptable.
Date Completed:	
Address:	66 HAMPDEN ROAD, BATTERY POINT
Proposal:	Signage
Application No:	PLN-22-521
Assessment Officer:	Michael McClenahan,

Referral Officer comments:**Background:**

This application is for a sign located in Hampden Road, Battery Point. The applicant is seeking retrospective approval for a sign that has already been installed and subject to enforcement.

The proposed sign is a ground based panel sign and is located in the front yard of a heritage listed place in Table E13.1 of the Historic Heritage Code and also located in the Battery Point Heritage Precinct BP1.

The proposed sign must be assessed against E17.7.2 P1 of the Signs Code and satisfy all of the sub clauses (a) to (i). This clause is specific to signage on heritage places and in a heritage precinct.

The proposal:

The sign is 1.8m above the ground level which is higher than the footpath. The face of the sign is 800mm wide by 1050mm high and it is mounted on a metal frame. See image below.



Sign at 66 Hampden Rd - as existing. Source: Council image.

The design of the sign is a white panel background with small blue and black lettering and logo. This is the same graphic as on the existing round projecting wall sign. Note: This sign is not part of this application. It will be one of three signs on the subject site, the other is an A-board which is on the footpath.

Assessment:

Clause E17.7.2 states:

A sign on a Heritage Place listed in the Historic Heritage Code or within a Heritage Precinct or Cultural Landscape Precinct must satisfy all of the following:

- (a) be located in a manner that minimises impact on cultural heritage significance of the place or precinct;*
- (b) be placed so as to allow the architectural details of the building to remain prominent;*
- (c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;*
- (d) be placed in a location on the building that would traditionally have been used as an advertising area if possible;*
- (e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;*
- (f) have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;*
- (g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;*
- (h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;*
- (i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated*

that such illumination will not detract from the character and cultural heritage values of the building.

The sign must be considered in relation to signage on Hampden Road where signage is modest in scale and restrained. Signage in Hampden Road is of a traditional form. The existing projecting wall sign on the subject property which is shown below is one such example.



Existing projecting wall sign - not the subject of this application. Source: Council image.



Subject property without signage in 2007. Source: Council image



Subject property with existing signage. Source: Council image.

The sign is free standing and not affixed to the sandstone facade, has an acceptable graphic design with minimal modern logos and is not illuminated. In this regard the sign proposal satisfies (b), (d), (e), (f), (g), (h) and (i).

While the size and design of the sign is simple and rectangular there are no other examples of signs of this type on Hampden Road. This building in Hampden Road is in a highly visible location in one of Hobart's most historically significant streets in the historic Battery Point where signage is, and should be carefully designed and well considered in a heritage environment. All signage in Hampden Road should be of the highest standard and consider the quality of the streetscape. Three signs on an individual property is highly irregular and unnecessary. It is also worth considering how, since 2007, where there were no signs, to the current situation where there are three signs. This signage proposal is not a good heritage outcome and unsophisticated. It fails to complement the place through its location and diminishes the cultural significance of the place and precinct. The sign does not satisfy the provisions E17.7.2 P1 (a) and (c). It is recommended for refusal.

Reason for refusal:

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E17.7.2 P1 (a) and (c) of the *Hobart Interim Planning Scheme 2015* because the location, size and design of the sign diminishes and does not minimise the impact on the historic cultural heritage significance of the heritage listed place and heritage precinct as described in Table E13.1 and Table E13.2.

Sarah Waight
Senior Cultural Heritage Officer
5 September 2022

**9.4 1/8 Oberon Court, Dynnyrne - Change of Use to Visitor Accommodation
PLN-22-483 - File Ref: F22/98177**

Ref: Open [CPC 7.2.5](#), 3/10/2022

Application Expiry Date: 6 November 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for change of use to visitor accommodation at 1/8 Oberon Court, Dynnyrne 7005 for the reasons outlined in the officer's report attached to item 7.2.5 of the Open City Planning Committee agenda of 3 October 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-22-483 - 1/8 Oberon Court Dynnyrne 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 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 must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (2), and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than 2 vehicles 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 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.

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*.

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.

9.5 4 Thelma Drive, West Hobart - Change of Use to Visitor Accommodation PLN-22-553 - File Ref: F22/98456

Ref: Open [CPC 7.2.6](#), 3/10/2022
Application Expiry Date: 13 October 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a change of use to visitor accommodation at 4 Thelma Drive West Hobart TAS 7000 for the reasons outlined in the officer’s report attached to item 7.2.6 of the Open City Planning Committee agenda of 3 October 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-22-553 4 Thelma Drive West Hobart TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

The submitted Visitor Accommodation 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 and contact details 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.

ENG 5

The number of car parking spaces approved for use on-site, by this (change of use) permit is Two (2).

Reason for condition

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

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.

**9.6 1/26 Davey Place, South Hobart - Change of Use to Visitor Accommodation
PLN-22-378 - File Ref: F22/98474**

Ref: Open [CPC 7.2.7](#), 3/10/2022

Application Expiry Date: 11 October 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for change of use to visitor accommodation at 1/26 Davey Place, South Hobart 7004 for the reasons outlined in the officer's report attached to item 7.2.7 of the Open City Planning Committee agenda of 3 October 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-22-378 - 1 26 Davey Place South Hobart TAS 7004 - 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 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 must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (2), and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than 2 vehicles 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 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.

ENV 8

Prior to commencement of the use, a Landslide Risk Management Report in accordance with the Australian Geomechanics Society's *Practice Note Guidelines for Landslide Risk Management (2007c)*, and taking into account the matters specified in performance criterion E3.6.1 P2(c) of the Landslide Code of the *Hobart Interim Planning Scheme 2015*, must be submitted and approved.

The landslide risk management report must:

- a) include a risk assessment that assesses whether the proposed use would be subject to an acceptable level of landslide risk;
- b) include a schedule of risk mitigation measures required to reduce the estimated risk to tolerable levels, if risk mitigation measures are required to reduce the landslide risk to tolerable levels; and
- c) be prepared by a 'suitably qualified person (landslide)' as defined in the Landslide Code.

Any risk mitigation measures specified in the approved Landslide Risk Management Report to reduce the landslide risk to tolerable levels must be implemented.

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 landslides

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 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.

**9.7 20 Bayley Street, Glebe - Change of Use to Visitor Accommodation
PLN-22-552 - File Ref: F22/98492**

Ref: Open [CPC 7.2.8](#), 3/10/2022

Application Expiry Date: 11 October 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for change of use to visitor accommodation, at 20 Bayley Street, Glebe 7000, for the reasons outlined in the officer's report attached to item 7.2.8 of the Open City Planning Committee agenda of 3 October 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-22-552 - 20 Bayley Street Glebe TAS 7000 - 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 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 clarify that parking is not available on the site and that parking will need to be sought in nearby streets, if required. Further detail should be provided to ensure that guests aware of the timed limited parking areas nearby, and that these may not be suitable for parking for longer periods during the day. Additionally, at the booking stage, guests should be discouraged from bringing more than one (1) vehicle.
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.

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 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.

10. CLOSED PORTION OF THE MEETING

RECOMMENDATION

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

- Confirm the minutes and the closed portion of the meeting
- Leave of absence

The following items are listed for discussion:-

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