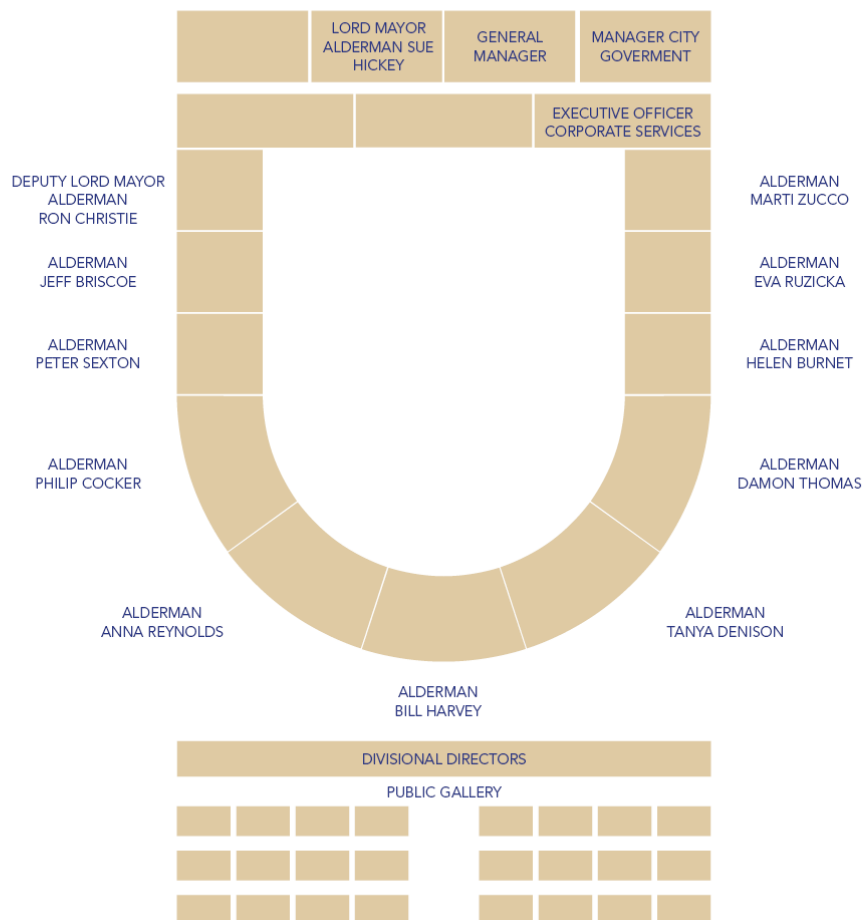




CITY OF HOBART

AGENDA
OPEN PORTION OF THE COUNCIL MEETING
MONDAY, 23 OCTOBER 2017
AT 5.00 PM





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A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL ON MONDAY, 23 OCTOBER 2017 AT 5.00 PM.

N D Heath
General Manager

ALDERMEN:

Lord Mayor S L Hickey
Deputy Lord Mayor R G Christie
Alderman M Zucco
Alderman J R Briscoe
Alderman E R Ruzicka
Alderman P T Sexton
Alderman H C Burnet
Alderman P S Cocker
Alderman D C Thomas
Alderman A M Reynolds
Alderman T M Denison
Alderman W F Harvey

APOLOGIES: Nil

LEAVE OF ABSENCE:

Alderman D C Thomas

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, 2 October 2017](#), 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

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 General Manager 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*.

Aldermen 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 committee has resolved to deal with.

REPORTS OF COMMITTEES

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY

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

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

The Council is reminded that in order to comply with Regulation 25(2), the General Manager 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 16-20 Davey Street and 3 Argyle Street, Hobart - Hydraulic Infrastructure PLN-17-615 - File Ref: F17/135844

Ref: Open [CP 7.1.1](#), 9/10/2017
Application Expiry Date: 15 November 2017
Extension of Time: Not applicable

Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for Hydraulic Infrastructure at 16-20 Davey Street and 3 Argyle Street HOBART for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 9 October 2017 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-17-615 - 16-20 DAVEY STREET AND 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 2017/01348-HCC dated 29 August 2017 as attached to the permit.

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 Application No. 5401 dated 22 September 2017 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

HER 6

All onsite excavation and disturbance must be monitored. If any features or deposits of an archaeological nature are 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 one (1) days of the discovery; and
5. A copy of the archaeologists advice, assessment and

recommendations obtained in accordance with (2) above must be provided to Council within three (3) 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 as required in the *Sullivans Cove Planning Scheme 1997*.

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.

OCCUPATION OF THE PUBLIC HIGHWAY

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.

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

DIAL BEFORE YOU DIG

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

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9.2 1-3 Elizabeth Street, Hobart - Public Art (Installation)
PLN-17-603 - File Ref: F17/135872

Ref: Open [CP 7.1.2](#), 9/10/2017
Application Expiry Date: 25 October 2017
Extension of Time: Not applicable

Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for Public Art (Installation) at 1-3 Elizabeth Street, Hobart for the reasons outlined in the officer's report attached to item 7.1.2 of the Open City Planning Committee agenda of 9 October 2017 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-17-603 - 1-3 ELIZABETH 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 2017/01316-HCC dated 23/08/2017 as attached to the permit.

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 Application No. 5395 dated 13 September 2017, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN S1

The statue is only approved while the Mawson's Hut Replica Museum use is in operation. The statue must be removed within three months of that use ceasing to operate.

Advice:

The Mawson's Hut Replica Museum has planning approval until 28 February 2019 pursuant to PLN-16-1065.

The intent of this condition is to ensure that the statue is removed at the same time that the Mawson's Hut Replica Museum is removed, when that use ceases to operate.

Reason for condition

To ensure that the temporary structure is removed at the expiration of the permit and the site restored to its original condition.

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

Building permit in accordance with the *Building Act 2016*. Click [here](#) for more information.

DIAL BEFORE YOU DIG

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

9.3 29 Morrison Street, Hobart - Outdoor Dining - PLN-17-614

File Ref: F17/135813

Ref: Open [CP 7.1.3](#), 9/10/2017

PART A

That pursuant to the Sullivans Cove Planning Scheme 1997, the Council refuse the application for outdoor dining at 29 Morrison Street Hobart and adjacent road reserve for the following reasons:

1. The proposal does not meet clause 22.4.5 'Discretionary' 'Building or works' in Schedule 1 – Conservation of Cultural Heritage Values of the Sullivans Cove Planning Scheme 1997 because the location, bulk and appearance of the proposal would dominate the Place of Cultural Significance and fail to complement and contribute to its character and appearance; and would therefore adversely affect the heritage values of the Place of Cultural Significance.

PART B

That the City Infrastructure Committee request an investigation into the possible removal of three car parking spaces located in front of 29 Morrison Street.

9.4 10 David Avenue, Sandy Bay - Partial Demolition and Front Fencing PLN-17-142 - File Ref: F17/135841

Ref: Open [CP 7.2.1](#), 9/10/2017

Application Expiry Date: 31 October 2017

Extension of Time: Not applicable

PART A

Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for Partial Demolition and Front Fencing at 10 David Avenue SANDY BAY for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E.13.8.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the partial demolition of the existing front fence results in the loss of fabric or landscape elements that contribute to the historic cultural heritage significance of Heritage Precinct Sandy Bay 9 and the following do not apply: (i) there are environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place; (ii) there are no prudent or feasible alternatives and (iii) the

replacement fence is more complementary to the heritage values of Heritage Precinct Sandy Bay 9.

2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E.13.8.2 A4 and P4 of the *Hobart Interim Planning Scheme 2015* because the new front fence and gates are not sympathetic in design (including height, form, scale and materials), and setback to the style, period and characteristics of Heritage Precinct Sandy Bay 9.
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 10.4.7 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the new front fence and gates do not provide mutual passive surveillance between the road and the dwelling and are not compatible with the height and transparency of fences in the street.

PART B

That the Council significantly promote the risk of building front fences without appropriate Council approval and for this information to be promoted in writing to the architectural community and via suitable media platforms such as City News and social media.

9.5 43 Runnymede Street, Battery Point - Change of Use to Visitor Accommodation PLN-17-589 - File Ref: F17/135852

Ref: Open [CP 7.2.2](#), 9/10/2017
Application Expiry Date: 18 November 2017
Extension of Time: Not applicable

Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a partial change of use to visitor accommodation at 43 Runnymede Street, Battery Point for the reasons outlined in the officer's report attached to item 7.2.2 of the Open City Planning Committee agenda of 9 October 2017 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-17-589 - 43 RUNNYMEDE STREET BATTERY POINT TAS 7004 - Final Planning Documents except where modified below.

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.

VISITOR ACCOMMODATION

Building approval is required for investment property dwellings or residential premises (which are not occupied by the owner).

If building work is required then both planning and building approval may be required.

You should consult with your insurance provider to ensure appropriate insurance coverage.

More information on visitor accommodation can be found [here](#).

PARKING LIMITATIONS:

That the Applicant consider encouraging guests to explore other modes of transport apart from a motor vehicle whilst utilising the visitor accommodation due to the limited public parking spaces within the vicinity.

9.6 162 Macquarie Street, Hobart and Adjacent Road Reserve - Alterations and Signage
PLN-17-661 - File Ref: F17/135848

Ref: Open [CP 7.2.3](#), 9/10/2017
Application Expiry Date: 24 October 2017
Extension of Time: Not applicable

Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for alterations and signage at 162 Macquarie Street, Hobart and Adjacent Road Reserve for the reasons outlined in the officer's report attached to item 7.2.3 of the Open City Planning Committee agenda of 9 October 2017 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-17-661 - 162 MACQUARIE STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

HER 5

The illuminated wall sign at fourth floor level to the Macquarie Street elevation is not approved.

Prior to the commencement of works, amended drawings must be submitted and approved, which do not show the illuminated wall sign at fourth floor level to the Macquarie Street elevation to satisfy the above requirement.

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

Advice:

Once the amended drawings have been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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.

Reason for condition

To ensure the size, design and siting of signs complements and does not impact on the cultural heritage significance of the City Centre Heritage Precinct as listed in the Historic Heritage code.

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 a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning](#)

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.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied). Detailed instructions can be found [here](#).

BUILDING PERMIT

Building permit in accordance with the *Building Act 2016*. Click [here](#) for more information.

OCCUPATION OF THE PUBLIC HIGHWAY

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.

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.

Road closure permits for construction or special event. Click [here](#) for more information.

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

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

WORK WITHIN THE HIGHWAY RESERVATION

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

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](#).

9.7 15-17 Liverpool Street, 61 Brooker Avenue, 71 Brooker Avenue, CT 160498/2, Brooker Avenue Road Reservation, Bathurst Street Road Reservation, Hobart - Shared Use Bicycle and Pedestrian Bridge PAM-17-183 - File Ref: F17/137714

Ref: Open [CP 12](#), 9/10/2017

Application Expiry Date: Not applicable

Extension of Time: Not applicable

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a shared use bicycle and pedestrian bridge at 15-17 Liverpool Street, 61 Brooker Avenue, 71 Brooker Avenue, CT 160498/2, Brooker Avenue Road Reservation, Bathurst Street Road Reservation, Hobart for the reasons outlined in the officer's report attached to the supplementary item 6.1.4 of the Open City Planning Committee agenda of 4 July 2016 and a permit containing the following conditions be issued:

GENERAL

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-16-00386-01 - 15-17 Liverpool Street - 61 Brooker Avenue - 71 Brooker Avenue - CT 160498-2 - Brooker Avenue Road Reservation - Amended (s56) Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

Note: Condition 1 amended pursuant to section 56 of the Land Use Planning and Approvals Act 1993 and approved by the Council on 23 October 2017.

TASWATER

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 2016/00479-HCC dated 26/04/2016 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

HERITAGE

HERs1

The recommendations detailed in Section 9 of the Kostoglou/Watton Statement of Historical Archaeological Significance (submitted as part of the application documentation) must be implemented throughout the construction works.

A report on the findings of those archaeological works must be submitted to the planning authority within six months of the completion of works.

Reason for condition

To protect the heritage values of the area.

HERs2

The recommendations of the Arborist Impact Assessment (Romanski 27/11/15 as submitted with the application) for trees 1 and 2 as identified in that document must be implemented throughout the construction works.

Reason for condition

To protect the heritage values of the area.

ENVIRONMENTAL

ENV1

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

Advice:

For further guidance in preparing Soil and Water Management Plans in

accordance with Fact Sheet 3 Derwent Estuary Program go to www.hobartcity.com.au development engineering standards and guidelines.

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.

ENV2

The landslide risk mitigation measures recommended in the letter from Terroir Pty Ltd dated 16 May 2016 must be implemented during the works.

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides.

ENGINEERING

ENG1

The cost of repair of any damage to the Council's infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development.

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 strip, 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.

ENGsw

The cost of any alterations to the Council's or third-party infrastructure incurred as a result of the proposed development works must be met by 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.

ENGsw1

The Council's stormwater infrastructure within five metres of the proposed works must be protected from damage during the construction of the development.

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.

ENGsw3

The proposed works (including footings and overhangs) must be designed to ensure the long term protection of and access to the Council's stormwater infrastructure.

A detailed design certified by a suitably qualified engineer must be submitted and approved prior to issue of any consent under the Building Act 2000. The detailed design must:

- Demonstrate that no additional loads are imposed on the stormwater main;
- Demonstrate that the structure is entirely independent of the main

and its trenching;

- Demonstrate how adequate access to the main is maintained for both maintenance and future capacity upgrade works;
- Include cross-sections which clearly state minimum separation; and
- Include certification by a suitably qualified engineer that the works do not impose any loads on the stormwater main and the structure is entirely independent of the main and its trenching.

Prior to issue of any Certificate of Completion a suitably qualified engineer must confirm the installation of the works within five metres of Council's stormwater main is in accordance with the approved drawings and complies with this condition. Should any remediation works be required, these must be carried out at the developer's cost.

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

Advice:

Once the detailed design drawings has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

In this case, Council will accept a minimum separation of 3m from footings on the western side of Park Street Rivulet, with any works within this zone to be demountable.

Reason for condition

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

ENGsw4

Council stormwater infrastructure must be carefully and accurately located onsite, and marked on the ground.

Prior to construction of the footings, the stormwater pipe and clearance must be inspected and confirmed by the Council's Project and Development Inspector to ensure the minimum separation is achieved.

Reason for condition

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

ENGsw5

Construction of the works must not adversely impact Park Street Rivulet.

A Construction Management Infrastructure Protection Report must be submitted and approved prior to commencement of works. The report must:

- Be prepared by a suitably qualified and experienced engineer;
- Detail the proposed construction methodology and identify all potential risks to the Rivulet during construction including but not limited to construction loading, excavation works, footing construction, vibrations, undermining, flood, and environmental harm;
- Provide treatment measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks; and
- Include a monitoring regime.

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

Reason for condition

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

ENGsw7/8

The development must be drained to Council infrastructure. Any new public stormwater infrastructure required, including connections, must be constructed prior to issue of a Certificate of Completion.

Detailed design drawings showing both existing and proposed services must be submitted and approved, prior to issue of any consent under the Building Act 2000.

The detailed design drawings must include:

- The title boundaries, with each Lot serviced separately by Council infrastructure and all private plumbing contained within each Lot;
- The location, size and design of the connection(s);
- Long-sections of the proposed infrastructure clearly showing any

nearby services, cover, size, material, access points (including safe working space); gradients;

- The public piped stormwater infrastructure must be sized to accommodate at least the 5% AEP flows from the catchment;
- Clearly distinguish between public and private infrastructure, and the ownership of any private plumbing; and
- Be checked and certified by a qualified and experienced engineer.

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

Advice:

Once the detailed design drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement). Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to initiate an application for service connection.

The construction of public infrastructure will require a Permit to Construct Public Infrastructure.

Reason for condition

To ensure the site is drained adequately.

ENGtr1

The proposed bridge and associated infrastructure within the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings and structural certificates of the bridge and associated infrastructure within the Brooker Avenue and Bathurst Street highway reservation must be submitted and approved, prior to the commencement of work and must:

- Be prepared and certified by a suitable qualified person and experienced engineer;
- Demonstrate that the bridge will not undermine the stability of the highway reservation;
- Take into account and reference accordingly any geotechnical

findings;

- Show the location of existing and proposed services and infrastructure;
- Include a lighting design in accordance with AS 1158 standards;
- Show any changes to traffic lanes and parking in detail;
- Show the construction of any new footpath in accordance with the (IPWEA) LGAT – Tasmanian Standard Drawings;
- Include design and certification of any pedestrian and vehicle barriers in accordance with the Department of State Growth Specifications Guidelines and procedures, Australian/New Zealand Standard AS / NZS 1170.1 and/or the (IPWEA) LGAT – Tasmanian Standard Drawings;
- Be in accordance with the Department of State Growth Specifications and all other relevant Standards, Guidelines and procedures; and
- Include a safe design of structures assessment in accordance with the Safe Design of Structures Code of Practice (as adopted under section 274 of the Work Health and Safety Act 2012) and supply to the Council any documentation from the norm for the ongoing maintenance and replacement of any structures within the Highway Reservation.

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

Once the works have been completed, the as constructed drawings must be submitted to the Council.

Advice:

Once the design drawing has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

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

ENGtr2

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, prior to commencement work. The construction traffic and parking management plan must:

- (a) Be prepared by a suitably qualified person, by the Council;
- (b) Develop a communications plan to advise the wider community of the traffic and parking impacts during construction;
- (c) Include a start date and finish dates of various stages of works;
- (d) Include times that trucks and other traffic associated with the works will be allowed to operate;
- (e) Nominate a superintendant or like to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works.

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

Advice:

Once the construction traffic and parking management plan has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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.

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 www.hobartcity.com.au 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.

If a condition endorsement is required by a planning condition above, please forward documentation required to satisfy the condition to rfiinformation@hobartcity.com.au, clearly identifying the planning permit number, address and the condition to which the documentation relates.

Once approved, the Council will respond to you via email that the condition/s has been endorsed (satisfied). Detailed instructions can be found at [www.hobartcity.com.au/Development/Planning/How to obtain a condition endorsement](http://www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement).

- Building permit in accordance with the Building Act 2000;
www.hobartcity.com.au/Development/Building
- Plumbing permit under the Tasmanian Plumbing Regulations 2014;
www.hobartcity.com.au/Development/Plumbing..
- Permit for the occupation of the public highway for construction e.g. placement of crane, scissor lift etc)
[http://www.hobartcity.com.au/Transport/Permits/Construction Activities Special Events in the Road Reservation](http://www.hobartcity.com.au/Transport/Permits/Construction_Activities_Special_Events_in_the_Road_Reservation).
- Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve)
[http://www.hobartcity.com.au/Transport/Lighting Roads Footpaths and Street Cleaning/Roads and Footpaths](http://www.hobartcity.com.au/Transport/Lighting_Roads_Footpaths_and_Street_Cleaning/Roads_and_Footpaths).
- Temporary parking permits for construction vehicles i.e. residential or meter parking/loading zones.
[http://www.hobartcity.com.au/Transport/Permits/Parking Permits](http://www.hobartcity.com.au/Transport/Permits/Parking_Permits).
- Any damage to council's infrastructure must be reported to Council's compliance area. Please note the developer is liable for any damage to property or person due to unsafe and/or damaged infrastructure within or supporting the highway reservation and the developer should review their insurance.
- Please note development must be in accordance with the Council's Highways By –law <http://www.hobartcity.com.au/Council/Legislation>.
- Fees and charges
[http://www.hobartcity.com.au/Council/Fees and Charges](http://www.hobartcity.com.au/Council/Fees_and_Charges)

- Dial before you dig www.dialbeforeyoudig.com.au.
- If you do not have access to the Council's electronic webpage, please phone the Council (City Planning) on 6238 2715 for assistance.
- The date that this planning permit took effect was 11 July 2017 and you have two years from this date to substantially commence the development/use, before the permit lapses, pursuant to section 53(5) of the *Land Use Planning and Approvals Act 1993*. The Council may grant extensions to this period if requested in writing at any time before the end of the period of six months from the day on which the permit has lapsed.

Note: Advice added pursuant to section 56 of the Land Use Planning and Approvals Act 1993 and approved by Council on 23 October 2017.

**9.8 260 Sandy Bay Road, Sandy Bay and Adjacent Road Reserve - Signage and Alterations to Car Park Access and Layout
PLN-17-637 - File Ref: F17/141521**

Ref: Open Special [CP 2.1.1](#), 23/10/2017
Application Expiry Date: 18 October 2017
Extension of Time: Not applicable

A recommendation will be submitted to the meeting.

**10. Building Height Standards Review - Hobart Interim Planning Scheme
2015 - Sullivans Cove Planning Scheme 1997 - Project Brief
File Ref: F17/126151; 17/167**

Ref: Open [CP 8.1](#), 9/10/2017

That the Council endorse the project brief provided marked as Attachment A to item 8.1 of the Open City Planning Committee agenda of 9 October 2017 and invite Leigh Woolley – Architect and Urban Design Consultant to submit a quotation to undertake the project.

COMMUNITY, CULTURE AND EVENTS COMMITTEE
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11. 2017-18 Fees and Charges - Salamanca Market

File Ref: F17/134504; 17/41

Ref: Open [CCE 6.1](#), 18/10/2017

A recommendation will be provided under separate cover.

12. Five Year Review of Salamanca Market Stallholder Licence Agreement

File Ref: F17/111631; 15/153-53

Ref: Open [CCE 6.2](#), 18/10/2017

A recommendation will be provided under separate cover.

13. Urban Art Walls: Iteration 4 - Bidendopes Lane

File Ref: F17/111421; S30-001-13/08-002-001

Ref: Open [CCE 6.3](#), 18/10/2017

A recommendation will be provided under separate cover.

14. Australia Day

File Ref: F17/137949; 2017-0063

Ref: Open [CCE 6.4](#), 18/10/2017

A recommendation will be provided under separate cover.

15. Late Night Toilet Provision - Salamanca/Waterfront Precinct

File Ref: F17/136150; RFS14-0100

Ref: Open [CCE 6.5](#), 18/10/2017

A recommendation will be provided under separate cover.

16. Community Development Grants Program - Recommendations - Round Two 2017 Round
File Ref: F17/138582; 17/213

Ref: Open [CCE 6.6](#), 18/10/2017

A recommendation will be provided under separate cover.

17. Musica Viva Tasmania - Extension of Partnership Arrangement
File Ref: F17/139256; 17/215-001

Ref: Open [CCE 6.8](#), 18/10/2017

A recommendation will be provided under separate cover.

18. 2017 The Taste of Tasmania - New Year's Eve, Ticket Pricing and Retail Recommendations
File Ref: F17/140288; S13-046-01/39

Ref: Open Special [CCE 6](#), 23/10/2017

A recommendation will be submitted to the meeting.

ECONOMIC DEVELOPMENT & COMMUNICATIONS COMMITTEE

19. Community Development Grants Program - Recommendations Marketing Grants 2017

File Ref: F17/138216; 16/194

Ref: Open Special [EDC 4.1](#), 23/10/2017

A recommendation will be submitted to the meeting.

FINANCE COMMITTEE

20. 2016-17 Financial Statements

File Ref: F17/134786

Ref: Open [FC 6.2](#), 17/10/2017

That the Council formally adopt the financial statements for the year ended 30 June 2017 marked as Attachment A to item 6.2 of the Open Finance Committee agenda of 17 October 2017.

GOVERNANCE COMMITTEE

21. City of Hobart - Draft Customer Service Charter
File Ref: F17/125280

Ref: Open [GC 6.1](#), 10/10/2017

- That:
1. The text for a revised draft customer service charter, shown as Attachment A to item 6.1 of the Open Governance Committee agenda of 10 October 2017t, be approved for release for public comment for a four week period.
 2. Following the comment period, a further report be provided presenting the results of consultation and a final draft charter for endorsement.
 3. The Charter be further reviewed to coincide with the implementation of the Council's customer request management system in the first half of next year, so as to capture the increased functionality available from that system to enhance customer relationship management.

22. Proposed 2018 Council and Committee Meeting Schedule and Temporary City Planning Committee Delegation
File Ref: F17/125692

Ref: Open [GC 6.2](#), 10/10/2017

- That:
1. The proposed 2018 Council and Council Committee meeting schedule, marked as Attachment A to item 6.2 of the Open Governance Committee agenda of 10 October 2017, be adopted.
 2. In the event that any urgent matters arise which cannot be accommodated within the 2018 meeting schedule, special meetings be convened as required.
 3. The City Planning Committee be provided with the following delegation in order to facilitate the processing of planning permit applications during the Christmas period:
 - (i) To determine all planning permit applications which would otherwise be determined by the Council, between 12 December 2017 and the first ordinary scheduled Council meeting in January 2018, in circumstances where it would not otherwise be possible to determine the application within the statutory time period required under Sections 57(6), 57(6A),

58(2) or 58(2A) of the *Land Use Planning and Approvals Act 1993*, and an extension of time cannot be obtained, unless an Alderman has requested the convening of a special meeting or meetings to determine the application.

PARKS AND RECREATION COMMITTEE

23. Naming - Pedestrian Bridge Across Tasman Highway from the Cenotaph to the Domain

File Ref: F17/114212; F17/8678

Ref: Open [PR 6.1](#), 19/10/2017

A recommendation will be provided under separate cover.

24. Request for Easement - Queens Domain

File Ref: F17/96881; 72-25-17

Ref: Open [PR 6.2](#), 19/10/2017

A recommendation will be provided under separate cover.

25. Request for Lease - Sandown Park - Optus

File Ref: F17/138083

Ref: Open [PR 6.3](#), 19/10/2017

A recommendation will be provided under separate cover.

26. Response to Petition - Girrabong Park (Corner of Firth and Girrabong Roads), Lenah Valley

File Ref: F17/137747

Ref: Open [PR 6.4](#), 19/10/2017

A recommendation will be provided under separate cover.

SPECIAL REPORT – GENERAL MANAGER

27. Public Meeting in Response to Building Height Petition
File Ref: F17/141445; 15/10-001-001

Report of the General Manager of 18 October 2017 and attachments.

Delegation: Council



City of **HOBART**

MEMORANDUM: COUNCIL

Public Meeting in Response to Building Height Petition

The Council convened a public meeting at the Hotel Grand Chancellor on Monday 16 October 2017 at 6.00pm as the result of being petitioned in accordance with s 59 2 of the *Local Government Act 1993* (the Act).

The petition was lodged by Hobart Not Highrise and was initially presented to the Council at its meeting held on 7 August 2017.

The petition raised concerns with oversized buildings breaching height limits and sought actions from the Council including the conduct of a public meeting.

The Council formally considered the petition at its meeting of 18 September 2017 whereat it noted that the number of signatories met the criteria required under S 59 2 of the Act to require the Council to hold a public meeting, and therefore resolved to do so.

Notice of the meeting was published in The Mercury newspaper on Wednesday 20 and Saturday 30 September and written submissions were received until midnight on Wednesday 11 October 2017. Seventeen written submissions were received and a summary of those submissions was available at the public meeting.

Section 60A(5) of the Act states that the minutes of the next ordinary meeting of the council following the public meeting are to record:

- a) A summary of any submission received under this section; and
- b) Any decision made at a public meeting held under this section.

Attachment A to this memorandum are minutes from the public meeting capturing the information required under section 60A(5).

RECOMMENDATION

That the information be received and noted.

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.

A handwritten signature in black ink, appearing to read 'N.D. Heath', is positioned above the printed name and title.

N.D Heath
GENERAL MANAGER

Date: 18 October 2017
File Reference: F17/141445; 15/10-001-001

Attachment A: Minutes from the Public Meeting held on 16 October 2017 ↓

MINUTES

of a public meeting held on Monday 16 October 2017 at 6:00pm at the Hotel Grand Chancellor, Hobart, in response to a petition submitted to the City of Hobart by Hobart Not Highrise.

1. Introduction from the Chairperson

The Chairperson, Leon Compton opened the meeting and welcomed those in attendance.

2. City of Hobart Context Setting

The Lord Mayor Alderman Sue Hickey addressed the meeting on behalf of the City of Hobart.

3. Background on Building Height Issue

Mr Neil Noye, Director City Planning addressed the meeting on behalf of the City of Hobart.

4. Speakers

The following presentations were made to the meeting:

1. Hobart Not Highrise's song 'Don't Get Tall' was played to the meeting as a presentation.
2. Mr Brian Corr – President, Hobart Not Highrise.
3. Mr Peter Black – Treasurer, Hobart Not Highrise.
4. Mr Robert Vincent.
5. Mr Peter McGlone – Director, Tasmanian Conservation Trust.
6. Mr Eric Pinkard – Council of Hobart Community Associations.
7. Ms Sophie Underwood – Coordinator, Planning Matters Alliance Tasmania (PMAT).

Copies of each presentation are attached.

5. Questions for Speakers

The Chairperson took questions from the floor for the speakers.

6. Noting of Summary of Submissions Received on the Subject Matter of the Meeting

A copy of the summary of submissions received is attached.

Moved: *Chris Merridew*

Seconded: *Marshall Kimber*

That the meeting receive and note the summary of submissions.

Motion Carried

7. Motions/Discussions

The Chairperson invited motions from the floor.

Motion 1

Moved: *Brian Corr*

Seconded: *Andrew Brodribb*

That Hobart City Council:

1. PROTECT Hobart's skyline and prevent oversized buildings obscuring views of the mountain from the waterfront;
2. SUPPORT AND DEFEND the current planning rules for building height limits in Hobart, to avoid problems with wind and shadow;
3. REJECT development applications for buildings that breach height limits, such as the Fragrance Group's proposals for 2-6 Collins St and 28-30 Davey St.; and
4. INTRODUCE, as a matter of urgency, non-discretionary maximum heights, that are reasonable and in line with 1 to 3 above.

Motion Carried

Motion 2**Moved:** *Brian Corr***Seconded:** *Cassy O'Connor*

That the State Government CHANGE the Land Use Planning and Approvals Amendment (Major Projects) Act 2017 as follows:

Section 60 H (3) – CHANGE to “the Minister must not declare a major project if the height of any part of the project is greater than the acceptable solution for building height that applies...”;

Section 60 H (3) states now:

In determining whether to declare a project, other than-

- (a) a project that consists of public infrastructure; or
- (b) a project that is for a public purpose – to be a major project, the Minister is not to have regard to whether the height of any building that is to form part of the project is greater than the acceptable solution for building height that applies, in relation to such a building, under the planning scheme in respect of the land to which the project relates.

Motion Carried**Motion 3****Moved:** *Brian Corr***Seconded:** *Jeff Briscoe*

That the State Government CHANGE the Land Use Planning and Approvals Amendment (Major Projects) Act 2017 as follows:

Section 60 H (2) (b) – either DELETE in full, or MODIFY so that “unreasonably delayed” is not at the sole discretion of the minister;

Motion 3 (cont)

Section 60 H (2) (b) states now:
... a project warrants declaration as a major project if, in the opinion of the Minister – the determination by a planning authority of an application for a permit in relation to the project has been unreasonably delayed.

Amendment

Moved: **Robyn Goodrem**

Seconded: **Sue Carlisle**

That the words *or modify* following the word *full* be deleted.

Amendment Lost

Motion Carried

Motion 4

Moved: **Brian Corr**

Seconded: **Liz Eastone**

That the State Government CHANGE the Land Use Planning and Approvals Amendment (Major Projects) Act 2017 as follows:

Section 60 O (4) – DELETE;

Section 60 O (4) states now:
A person may only be appointed to be a member of a Panel if the appointment of the person as a member is approved by the Minister.

Motion Carried

Motion 5**Moved:** *Brian Corr***Seconded:** *Peter McGlone*

That the State Government CHANGE the Land Use Planning and Approvals Amendment (Major Projects) Act 2017 as follows:

ADD a section clarifying that projects approved under the act can be appealed to the planning tribunal.

Motion Carried**Motion 6****Moved:** *Chris Merridew***Seconded:** *Rosalie Woodruff*

That the meeting call on the Tasmanian Government to amend the Land Use Planning and Approvals Act 1993, whereby Councils will only be required to receive and consider development applications that are clearly within the criteria of the Planning Scheme.

Amendment**Moved:** *Jean Elder***Seconded:** *Andrew Brodribb*

That the word *relevant* be inserted prior to the word *planning*, second occurring.

Amendment Carried***Substantive Motion Carried***

Motion 7**Moved:** *Brian Corr***Seconded:** *Andrew Brodribb*

That a vote of thanks be recorded to :

1. City of Hobart Staff, including General Manager, Nick Heath, Deputy GM Heather Salisbury, Director of Planning, Neil Noye, also Margaret Johns, James McIlhenny, and Paul Jackson for being obliging and helpful, above and beyond our expectations;
2. Lord Mayor, Sue Hickey and those Aldermen who have supported the decision to have non-discretionary maximum heights. A special thanks to Alderman Jeff Briscoe for always allowing deputations, some at short notice; to Aldermen Helen Burnet, Anna Reynolds, and Eva Ruzicka for being approachable and helping us to stay on track with procedures etc;
3. Sophie Underwood of Planning Matters Alliance Tasmania [PMAT] for her advice and support; Peter McGlone & Jack Redpath, of Tasmanian Conservation Trust [TCT], particularly for advice re the Major Projects legislation; Anne Harrison of Tasmanian Planning Information Network [TasPIN] for work on the Statewide Planning Scheme.
4. Jess Feehely, of Environmental Defenders Office [Edo] Tasmania, for legal advice on planning issues over the past few months;
5. The Mercury and the ABC for terrific coverage. Both of these serve the local community well.
6. The petitioners, and the residents of Hobart, for being active and vocal in your campaign against high-rise.

Motion Carried**8. Closure**

The Chairperson thanked all those in attendance and closed the meeting at 7:56 pm.

Item 4 – Hobart Not Highrise Public Meeting – Speakers' Presentations

Presentation 1

Speaker: Hobart Not Highrise Song 'Don't Get Tall'.
<https://www.youtube.com/watch?v=IpcBckSFcBM>

Presentation 2

Speaker: Mr Brian Corr
President
Hobart Not Highrise Inc

Hobart Not Highrise started as a protest to stop two monstrous skyscrapers proposed for the waterfront area, with a petition calling on Hobart City Council to protect Hobart's skyline, protect views, support & defend the current planning rules for building height limits in Hobart, and reject development applications for buildings that breach height limits, such as the Fragrance Group's proposals for 2 monstrous skyscrapers.

Also, the petition requested that Hobart City Council hold a public meeting (that's tonight) about the concerns raised in this petition, as the first step for residents to vote on these issues in an elector poll.

Over 6,000 have signed our petition. This is what drives us; knowing that so many people don't want high-rise. Hobart is doing rather well without high-rise.

The comments included in the petition, and on facebook, clearly show that people are outraged by the Fragrance high-rise skyscrapers. The community is demanding a say in proposals that would irrevocably change the future shape of our city.

This is now a people's movement against the destruction of Hobart.

Next Monday, 23rd, we expect Council to commission Leigh Wooley to include non-discretionary maximum heights in a second report, due to be completed on or before the end of March 2018. This means that, if and when, caps on heights are introduced next year, any application above these caps will not be considered at all.

As a result, our recommendation now is that we do not ask for a poll of electors at this time, noting that the option of a poll could be re-activated quickly and effectively in the future. Also, we are mindful of the cost of an electors' poll, some say \$150,000, and we do not wish to waste ratepayers' funds.

Item 4 – Hobart Not Highrise Public Meeting – Speakers' Presentations

So, where do we direct our attention in the months ahead?

We will remain active on the Council front, with the following issues, and ask that you all do to:

- Leigh Wooley's first report coming to the Planning Committee soon and then to Council;
- the Development Applications for Frangere skyscrapers, not yet in the public arena;
- Leigh Wooley's second report, when it is submitted; and
- any other planning issue that arises relating to our petition.

We also plan to direct our attention to the state government, particularly the main parties' policies on "Major Projects". This legislation gives too much power to the Minister for Planning. In particular:

1. the Minister can take over a development that he/she considers to be "unreasonably delayed";
2. the Minister is not to take into account any height limits in place;
3. all panel members must be approved by the Minister; and
4. there is no appeal to the planning tribunal.

Put simply, having such power in the hands of one person, is un-democratic and a recipe for corruption.

Planning schemes should make it difficult for corrupt developers, corrupt lobbyists, and corrupt politicians. As it stands, the Major Projects legislation makes corruption easy. Make corruption easy and there will be corruption.

The Mercury state-wide poll in July showed strong support for not having high-rise.

Hobart Not Highrise supports our residents and their push for good city design – design that's good for Hobart's future whilst treasuring the elements and features of Hobart that are the fabric of its character and uniqueness.

I received an email yesterday (15th); It says: Hi Brian, I'm in Greece at the minute. In Athens, which has in excess of 25 million tourists a year, there are no buildings in the city over seven or eight stories. Don't let them tell us we need high rise. What rubbish. Good luck. Liz

Brian Corr
President
Hobart Not Highrise Inc

Item 4 – Hobart Not Highrise Public Meeting – Speakers' Presentations

Presentation 3

Speaker: Mr Peter Black
Treasurer
Hobart Not Highrise Inc

I am a relatively new Hobartian. I've only been here for 2 years and cannot claim to any heritage or family ties to this wonderful city.

My wife and I moved from Melbourne to Sydney in 1990 and having retired we frequently asked ourselves why do we put up with all the difficulty of living in a city like Sydney. We briefly considered moving back to Melbourne, but sadly the same problems exist.

While on holidays in Tasmania we discovered our townhouse on the market and the lightbulb moment occurred – we could move to Tassie! Knowing that the Roberts site would be developed one day I spoke to HCC planning officers and was advised that the site was covered by the Sullivans Cove Planning Scheme and that it was in the "Inner City Residential Zone". Further I also contacted the then owners of the site (Fairbrother Constructions) and was advised that they had no current plan to develop the site, however they would as a general rule seek to comply with the planning scheme.

Having satisfied ourselves that a complying residential development would only improve the locale we went ahead and purchased our property in late 2015.

Imagine my shock to read in October 2016 of Frangrance's plans for a monstrous Convention Centre and Hotel on the site.

While we are yet to see detailed plans, there were some rudimentary plans provided with the "Landowner Consent" request made to HCC in May this year. They show the podium level which takes up the entire site (and then some if you add the overhangs) is >24m high. This is more than twice the height of our building which is 12 metres, and importantly the lane is only 5 metres wide. To put the size into context the podium will be taller than the round tower building at 1 Collins Street and it will take up the entire block along Collins St from Ragged Lane to the Brooker Highway extending back to the Old Woolstore Hotel's car park.

In what was either sleight of hand or a convenient error, all the artist's impressions of the proposed structure show our building to be roughly the same height as the podium.

Not only would we lose any sun, such a massive building (without even considering the tower) would no doubt cause massive winds, and given that the top 4 levels of the podium are to house the car park, the noise and carbon monoxide emitted would make our balcony uninhabitable.

Quotes from SCPS 1997:

Item 4 – Hobart Not Highrise Public Meeting – Speakers' Presentations

6.2 ... Future developments within the Cove should respect the scale of the Cove's built form - new buildings should not be out of scale with neighbouring buildings, or the general character of the Cove.

7.3.2 ... No new development or part of a development is to be individually prominent particularly when viewed from Sullivans Cove or the River Derwent.

15 ACTIVITY AREA 1.0 INNER CITY RESIDENTIAL (WAPPING)

15.2 Objectives of the Activity Area

To ensure that building masses and facades appropriately relate to the spaces they form. Streets within the Zone be considered as spaces in their own right.

These commercial uses must not themselves diminish the amenity of or the potential for adjacent residential development.

15.3.4 'Discretionary' Uses

Hotel is a discretionary use.

Must meet the objectives and performance criteria of the Activity Area to the satisfaction of the Planning Authority. Otherwise 'prohibited'.

15.5.7 In all cases the non-residential use must demonstrate that it will not negatively impact on the adjacent or surrounding residential uses or the prospects of development for such uses.

15.5.10 ... The design and siting of new development should consider the shading effects of both existing and new buildings, and appropriate orientation to allow optimal solar access to all dwellings.

23.2

☐ New buildings must not be individually prominent in terms of contrast with neighbouring buildings by being significantly higher or having a larger apparent size when viewed in street elevation.

Interim Planning Directive No. 2 – Exemption and Standards for Visitor
Accommodation in Planning Schemes

- makes Visitor Accommodation permitted in 1.0 Activity Area – Inner City Residential (Wapping) in the *Sullivans Cove Planning Scheme 2000*, and

The state treasurer wants planning to be predictable – but it seems he only wants certainty for developers. I want planning to be predictable also. I want to know that the rules in place when I purchased my property will remain and that my amenity will not be destroyed by an out of place development.

The proposed Statewide Planning Scheme allows the minister to override any council decision where he decides that the proposed development is of State significance. This is far too much power to invest in any individual. The current minister may well be the most honest person in the state, but there is no guarantee that his successors will be also. Anywhere there is a lot of money there is scope for corruption. Laws should be made so that corruption cannot occur, and this is not achieved by empowering individuals.

From a personal perspective I hope that Hobart's unique character is not ruined by a desire to welcome development which is incongruous to our beautiful low rise city. True we

Item 4 – Hobart Not Highrise Public Meeting – Speakers' Presentations

already have some ugly and too large buildings, however these should not be used as a precedent for more. Rather sensible planning should see them replaced with sympathetic buildings as they reach their "use by dates". Contrast this building where we are meeting with Maq01 for instance.

Hobart does not need high rise. It does not need to compete with cities that do. There is a lot of land which by mainland standards is very cheap so there is no economic imperative to build tall buildings.

Don't let even one of these buildings to be built. Paris has more tourists than any other city in the world and it is a low rise city. All their skyscrapers are outside the town in La Defense, across the Seine. If Tasmania must have high rise buildings they should be sited where they do not detract from our beautiful city.

Item 4 – Hobart Not Highrise Public Meeting – Speakers' Presentations

Presentation 4

Speaker: Mr Robert Vincent

A Planning Scheme review commenced in the Hobart heritage suburb of Battery Point in 1973. Based on a public participation model from the United Kingdom, it resulted in reducing local land speculation and creating a degree of local certainty and confidence for existing occupants. This then led to residential urban activism in an additional inner suburb, North Hobart. This work was occurring in parallel with the restructuring of Hobart, especially in the Sullivans Cove precinct around the waterfront and the abutting Battery Point. During the last 30 years there has also been a discussion about the future heritage character and the historic potential that underlies and/or is embedded in Hobart as part of its unique ambience.

How can learning from urban and collective experience be applied to future circumstances with appropriate interactivity, management and programming?

The zoning of the city of Hobart Plan from 1945 has been modified at the edges and especially in regard to areas once designated as *old and decadent*. They are now highly sought after, because they are no longer blighted by zoning or road widening schemes. But the actual pattern of the 1945 Plan has only changed in terms of the transition of industrial zoning to more tertiary and service uses. The significant changes in Hobart are concentrated between 1973 and 2015. Yet there is not a reflective study on how the city has been shaped in this period. The purpose of this project is to focus attention on this period and provide methodologies for analysis.

Community engagement is essential in the face of inappropriate development pressure. It is important to develop and provide real participative engagement

Item 4 – Hobart Not Highrise Public Meeting – Speakers' Presentations

strategies for accountable at the local level. There needs to be a social license about process and outcome. A degree of certainty needs to be established so people can have reasonable expectations about future actions. This needs to be an informed public discussion at the start of planning process that effectively allows for negotiation and appreciation of various interests and the potential real impact. It needs to be provided at the appropriate local level in a highly accessible and interactive form. Not just by overwhelming and going through the legal motions but by genuine and realistic engagement.

The challenge is to separate out planned actions with future intentions, from prescriptive development control processes that do not inform people of potential context and neighboring implications or environmental outcomes. Underlying processes of intervention in the social and economic formulations are fundamental, as opposed to just establishing the specific parameters for development proposals and imposing the formulaic consequences.

Planning and our environment is part of everybody's domain. It has to be made to work in a positive environmental, contributive and cultural manner. We have to adapt and effect positive and sustained change or collectively face the law of diminishing returns.



1.0

1.0 In 1992 HCC did a survey of streetscape and shop fronts.

This included a survey of the age built, the above awning facade, the awning and the detail of the shop front. A large range of fontages and streetscapes were identified as being significant.

NB the shadow at 11 am 9 Aug from UTAS tower centre right.



2.0 Detail of sun on colonial buildings. Part of my representation to flaws in the design

NB the shadow at 11 am 9 Aug from UTAS tower centre right, despite Leigh Woolley's urban design guidelines were applied to this project. This is not the worst situation as that is 22nd June.



3.0 Between Bathurst and Bathurst Street.

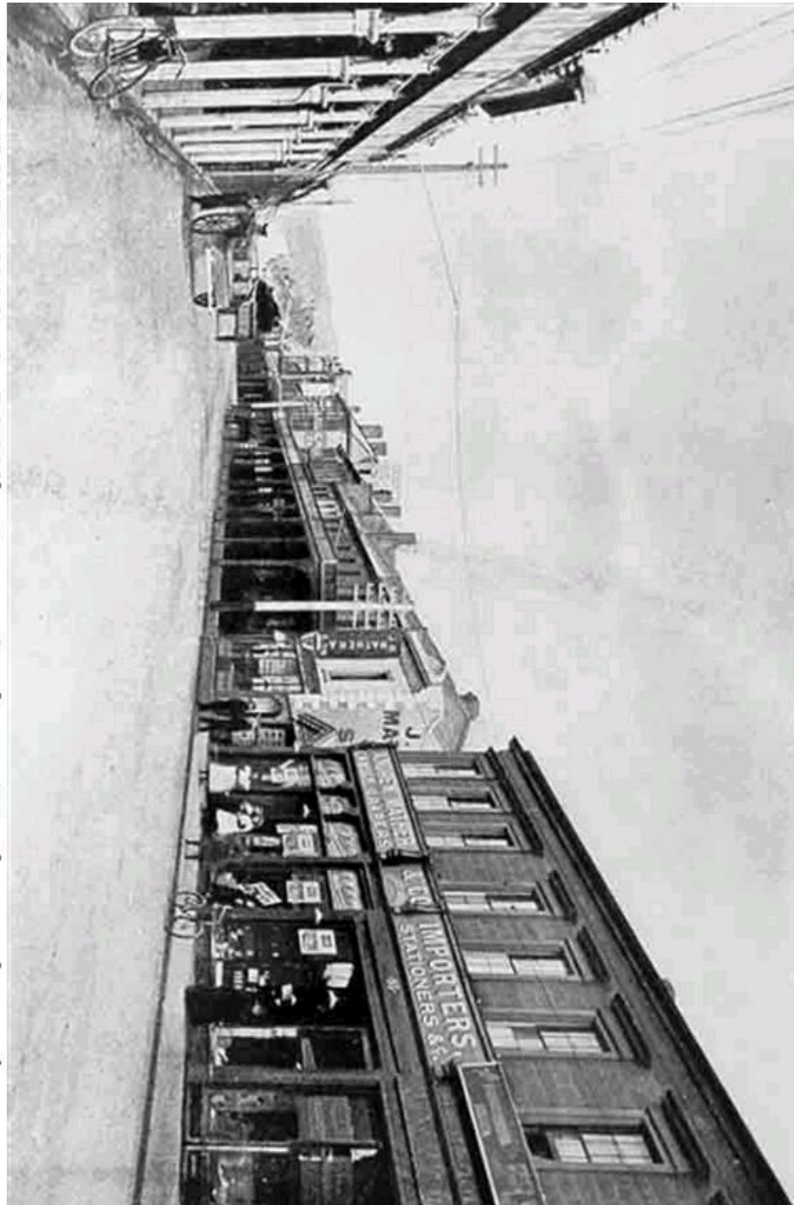
But further down Elizabeth St and the sun penetrates below awning on the 9th
Aug by 11am.

This makes Hobart a livable city{(Gehl 2010)}

6.0 Liverpool Street east at 11.20am

A whole block of 2 storey buildings and an historic streetscape.





7.0 TAHO PH13_1_38 What was Andrew Mathers above is
still extant as Lees and beyond.

8.0 Liverpool Street east at 11.25am

Bolt's survey of 1991 indicated 6 of these extant buildings pre date 1850, meaning they are unique colonial buildings. This is not unusual in Hobart's CBD.



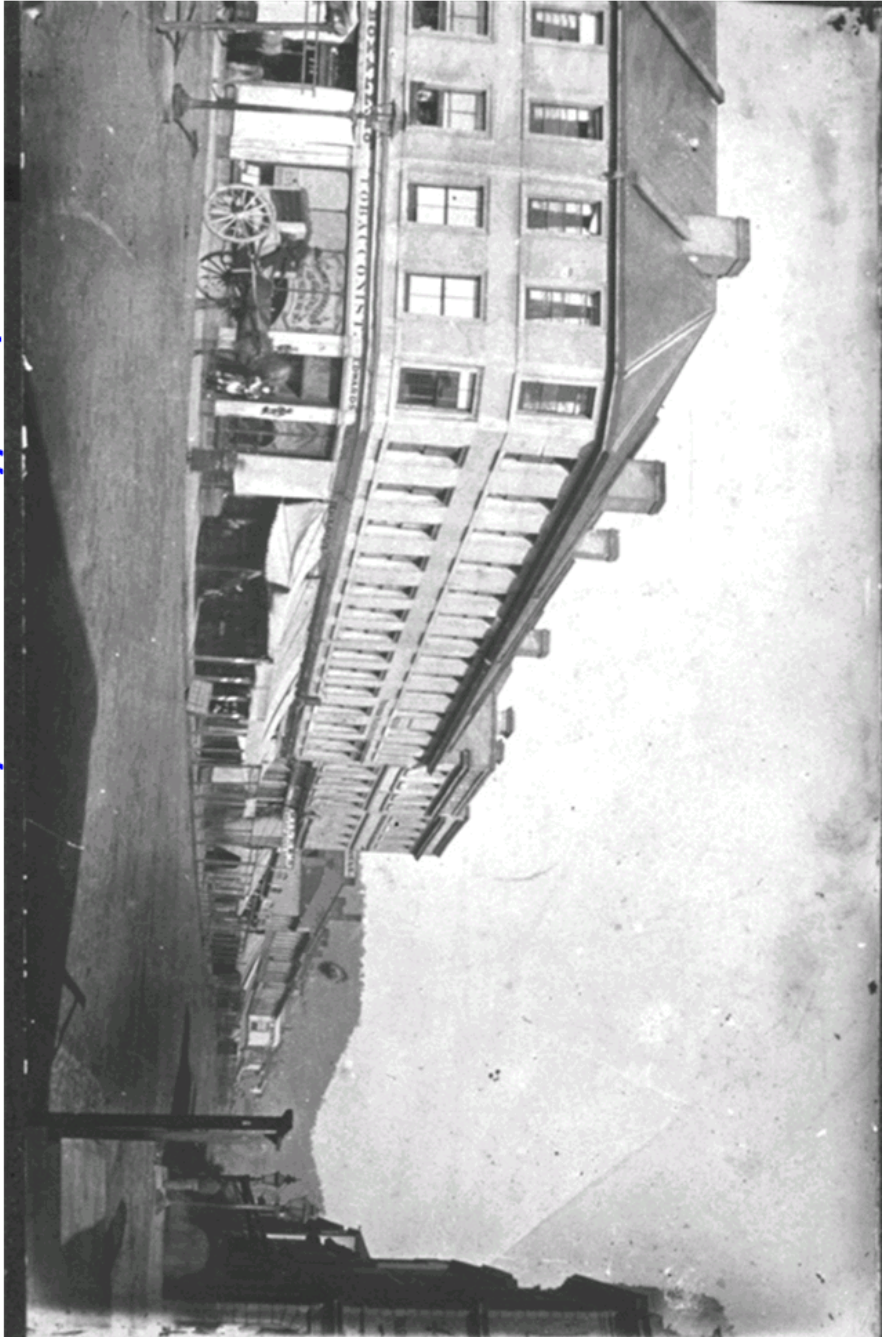


9.0

This building can be directly compared with a historic photo from TMAG.



10.0 TAHO PH_1_16 and below the identical extant building in 2017. The heritage fabric has been compromised but the basic structure are all still existing.



11.0 TAHO <https://stors.tas.gov.au/11.0>

AUTAS001125298851w800

The degree of extant buildings as a streetscape is remarkable in 2017.

Revitalization should be the policy along with appropriate conservation.

Not intensification approved 20m of 6 storeys. Even 4 storeys as an adjoining building would be out of character and is in the case of Myers.



12.0 Murray St

A remarkable 1912 intact shop front of what was Bidencope's by Alan Cameron Walker.



13.0 Watchorn Street

Prime, typical vacant and under utilised land. The hollowing out of blocks without establishing lively and viable uses to keep the City going at night. These places can only be called dead alienated areas.

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Presentation 5

Speaker: Mr Peter McGlone
Director
Tasmanian Conservation Trust

I am concerned that maximum height limits even if established in a planning scheme are not secure as they can be changed, including in response to an individual development application, and may potentially be circumvented through an approval under the government's proposed major projects legislation.

Councils don't currently have any sure way of stopping planning scheme changes except if a proposal is grossly contrary to the objectives of the act. In theory planning schemes must be consistent with regional planning strategies and they have been used to stop at least one famous proposed scheme change in Clarence - but the council had to be pressured by the community into upholding its own strategy and refuse the proposal. The regional strategies have their faults and get applied selectively by councils.

We need greater certainty in relation to maximum height limits. We need a state policy that sets statutory statewide objectives in relation to maximum heights for cities and other urban places that planning schemes must be consistent with. The state policies process is a thorough and consultative process that would be the best way to determine what all Tasmanian's want in regard to very tall buildings.

Instead of certainty for the community we are facing the opposite – the state government's proposed major projects legislation would be a developer's safety net (or insurance policy).

Under these proposed new laws, the Minister Gutwein could call-in the Fragrance projects and over-ride council height limits or other constraints. Minister Gutwein has sole power to decide which projects are declared major projects.

Once declared a major project, the assessment, consultation and approval of is taken away from elected local councils and the community (even local residents) have no rights to appeal the final approval. Court challenges would be limited to procedural matters. The Fragrance projects could be assessed and approved by a panel of 'experts' that the minister has the power to veto.

Minister Gutwein could declare the Fragrance projects to be major projects if he thinks they will make "significant financial or social contribution to a region or the state". They could be called in because, "in the opinion of the Minister", the councils have "unreasonably delayed" the project's assessment ('unreasonably' is not defined).

During the public consultation period (from 28 August to 2 October) the Minister mislead the community claiming, incorrectly, that the Fragrance projects could not be fast tracked using the Major Projects Legislation.

In Parliament on the 19 September Greens member Andrea Dawkins asked Minister Gutwein to:

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“rule out... using the powers you would have under the proposed major projects legislation to fast-track” the Launceston Fragrance hotel.

The minister did not directly answer the question and did not rule fast-tracking the project.

He falsely insinuated that the project could not be declared a major project stating that: "it will be up to the community of Launceston to determine the right height for their city" and "it is not for me to call them in".

You can assume he spoke for the Hobart and Launceston Fragrance proposals.

On 21 September 2017 the Examiner stated that:

Planning Minister Peter Gutwein has unequivocally confirmed that skyscrapers, such as those proposed by the Fragrance Group in Launceston and Hobart, would not be assessed under the proposed major projects legislation.

Mr Gutwein said his advice was that even if the future plans for [a 25-storey hotel development in Launceston](#) met other criteria, such as having a large economic impact, it would not be a major project.

“If a project would make a significant financial or social contribution as a result of it being tall, then the fact that it’s tall basically rules it out because I have got to disregard height,” he said.

The Minister is wrong.

He is incorrectly referring to Section 60H(3) of the draft legislation that states that failure to comply with height limits in a planning scheme alone cannot be grounds for a project to be declared as a major project, but nor does it rule it out.

There is nothing in the legislation that will rule out a very tall building being declared a major project.

The Fragrance projects would just have to fit one of the other criteria and Mr Gutwein was just plain wrong for saying otherwise.

You can decide if the Minister did this deliberately, got bad advice or was confused.

On 18 September 2017 (during the consultation period) Minister Gutwein was quoted in the Examiner saying:

“I have to say I do not like tall buildings and I have made that perfectly clear ... but it is not for me to call them in.”

Two days after the public comment period for the major projects legislation closed Minister Gutwein stated his enthusiasm for the Fragrance proposals:

“we should also welcome groups like Fragrance that are now actively interested and considering significant investment in our cities.” (Examiner, 4 October 2017)

We understand that the Major Projects Legislation will be tabled in the Lower House of the parliament tomorrow.

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Presentation 6

Speaker: Mr Eric Pinkard
Council of Hobart Community Associations

I believe that the Hobart City Council should establish absolute height limits for the Central Business Zone, Central Business Fringe Area and the area covered by the Sullivans Cove Planning Scheme.

Currently, Hobart City Council has height limits of 18m for the Sullivans Cove planning area and 45m for the Central business zone. The Council has discretion to approve taller buildings, but with no limitations whatsoever. This has resulted in developers submitting plans for approval with building heights which are substantially above the respective limits.

The petition submitted to the Hobart City Council seeks to get the Council to impose absolute height limits to avoid further approvals of buildings which are not appropriate for Hobart. We should heed the mistakes of the past, such as Empress Towers and the Marine Board building, although the Hobart City Council may have had no control over the latter. These buildings are 42m and 39m high, so not that high, but in the wrong place. Other mistakes, in my opinion, include 134 and 144 Macquarie Street, which deserve mention as they are built on a ridge.

Currently there are 9 buildings over 45m in Hobart and Sullivans Cove, but there are another 4 which have been approved. And there are at least two others which have been submitted to Council. Another application which has apparently been lodged with the Council is the Lenna of Hobart extension for a 33.2m high building, which is nearly twice the Sullivans Cove height limit and 6.2m higher than the existing building. This might have been discussed with the Council planners, but judging by the newspaper article, which is all I have to go on at this stage, I think approving it as submitted would be another mistake.

Solar penetration and heritage should be factored in to every planning decision in Hobart, but particularly in the Central Business Zone, the Central Business Fringe Area and the Sullivans Cove planning area.

Overshadowing is a big issue in Hobart, particularly in midwinter, when the sun is a maximum of 22.5° above the horizon. At midday in midwinter, a 50m high

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building could throw a 114m shadow. A building which is 200m high will cast a shadow of over 450m.

I also believe it is very important that vistas of the City and its streetscapes are not adversely affected by developments. Hobart City Council has nominated three vistas which need to be protected, but I consider that there are a lot more vistas which could easily be identified and maintained and even enhanced if possible. It is also important to realise that it is not just views from the port area that need to be retained, but views from surrounding suburbs. One only needs to look at the views from Earl Street in Sandy Bay over Battery Point to Hobart with cranes standing out like sore thumbs to realise that constructing buildings as high as, or even higher than the cranes, would be a huge mistake.

One other issue which Council needs to consider when approving developments is wind tunnelling. We all know that there are lots of wind tunnels in Hobart, including near the NAB (ex-AMP) building, the rear of the police building in Bathurst Street, the buildings at 134 and 144 Macquarie Street and the buildings at 39 and 45 Murray Street.

Setting absolute height limits may result in development applications which are at or very close to the maximum permissible height for that location. Council will need to carefully manage these to ensure that other criteria are considered in making its planning decisions. Rest assured that we, the community, will be monitoring these applications carefully.

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Presentation 7

Speaker: Ms Sophie Underwood
Coordinator
Planning Matters Alliance Tasmania (PMAT)

I am the coordinator of the Planning Matters Alliance Tasmania (also known as PMAT) which is a growing network of almost 50 community groups from across Tasmania.

The alliance, launched in July this year, has come together, essentially because of the their concerns regarding the proposed Tasmanian Planning Scheme (or the statewide scheme as it is often referred to).

We are hoping, that by working together we can reinstate robust planning laws across the state that protect the special things that make the Tasmania we all love.

Hobart Not Highrise is one of our 49 groups.

The Tasmanian Planning Scheme is set to come into full effect in 2018 and PMAT is committed to making it better and ensuring that planning works for everyone – not just developers.

Just to be clear, PMAT is not against the statewide scheme or development.

But we want a strategic and integrated planning system that will deliver sustainable outcomes and be a balance, as any worthy planning scheme should be, between three really important things:

1. Development
2. Community amenity (that is why you live where you do – sunshine, views, privacy, good parking and so on)
3. Your right to have a say – (that is appeal rights)

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The proposed Tasmanian Planning Scheme has unfortunately got that balance wrong – and it will favour developers over local communities.

PMAT is about protecting the things that make Tasmania such a beautiful and unique place to live and visit.

We want to help create a solid foundation for our future prosperity – with an economy which reflects community values and not just short term economic gain and interest.

In Hobart, the discussion around building heights, is a clear example of why we need to ensure that our planning rules reflect the kind of place that we want Tasmania to be for now and future generations.

- A Hobart that protects our special view fields from the Derwent River to our beautiful skylines,
- And to have a human scale liveable city.

Thanks to similar past movements of motivated citizens of Hobart who had the insight to stand up and articulate a different vision for Hobart – has made the city what it is today.

For one example, the infamous Fred Cook Plan of 1945, Hobart's first town plan, advocated the wholesale demolition of Battery Point, Salamanca and the Glebe – not to mention the demolition of the Theatre Royal.

The Citizen Committee of Hobart, a community association, stopped the plan going ahead.

The 1945 plan gave rise to community associations that intervened in the implementation of the plan – that would have been a total disaster for our city.

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To put the discussion around the building height limits in Hobart into context with the Tasmanian Planning Scheme – this is the scenario – and a very important part of this debate to understand.

The Tasmanian Planning Scheme is being implemented in two stages:

1. The first – which was completed this year – was the development of the State Planning Provisions (or the SPP's as they are also known).

This is the core part of the scheme – which outlines the 23 zones and 16 codes.

The SPPs set default acceptable building heights, and discretionary criteria for taller buildings, but do not set absolute height limits.

2. The Second part of the implementation of the Tasmanian Planning Scheme is the development of the Local Provisions Schedules.

These will be developed by the Hobart City Council and is an opportunity for HCC to seek special provisions allowing height restrictions to protect the unique natural and cultural setting of our city.

So it is really important that all of you are involved in this process – that is commenting and be engaged in the development of the Local Provisions Schedules.

The Local Provisions Schedules will be advertised by the Tasmanian Planning Commission, for public comment sometime during 2018.

According to the Planning Minister, Peter Gutwein, it is through the Local Provisions Schedules that we are supposed to be able to protect local character.

Obviously, building heights and protecting important view fields, is an integral part of Hobart's local character, so make your voices heard about how you want your local area protected.

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There is one other really other important issue – which is how the major projects legislation could override the local planning rules, that is the Local Provisions Schedules, around building heights in the city.

PMAT shares the concerns outlined by previous speakers about the potential for the major projects legislation to undo any special protections the public have fought for in the Local Provisions Schedules.

The Bill for the major projects legislation, we have heard, could be tabled tomorrow and debated in the last sitting week of the year, that is between 28 - 30 November 2017.

This will be the last sitting period before the 2018 state election.

It will be interesting to see which way the opposition parties vote on the Bill – especially Labor. Who has been particularly quiet on their planning policy.

To end, please Like the PMAT Facebook page and visit the PMAT website to find out more.

This planning scheme will change Tasmania forever.

Thank you.

Item 6 – Hobart Not Highrise Public Meeting – Summary of Submissions

Public Meeting Summary of Submissions

17 submissions were received from members of the community.

All submissions supported the rejection of any proposal to increase building height limits and requested the current height standards/restrictions be maintained and defended.

Some submissions mentioned existing buildings that exceeded the standards and commented that we should learn from these mistakes.

There was strong support to maintain and protect the City's historic appeal to residents, visitors and tourists to the city. Concerns were expressed that introducing high-rise buildings, on the grounds of providing more accommodation for tourists, would compromise the reasons tourists visited the city, many noting Hobart as a scenic, low-rise city with old-world character and charm provided by the many historic buildings and unique uninterrupted views of wilderness from the city.

Many submissions were opposed to any obstruction of views of the mountain from the waterfront.

Concerns were also raised about increased population density, as a result of the increased accommodation, causing further traffic congestion issues and destroying amenity for residents, workers and visitors.

Some submissions were not opposed to increasing accommodation in the city, provided it was with buildings that enhance the city charm and honoured its historic buildings.

One submission called for high-rise development to only be considered in areas that didn't impinge on the city or surrounds – noting the Casino as a good, but modest example.

Other concerns raised were about high-rise buildings lowering property value, creating shadow and winds tunnel and a general loss of appeal.

28. CLOSED PORTION OF THE MEETING

The following items were discussed:-

- | | |
|--------------|---|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Council Meeting |
| Item No. 2 | Communication from the Chairman |
| Item No. 3 | Leave of Absence |
| Item No. 4 | Consideration of supplementary items to the agenda |
| Item No. 5 | Indications of pecuniary and conflicts of interest |
| Item No. 6.1 | 186 Bathurst Street, Hobart
Planning Appeal - Mediation - PLN-16-701
LG(MP)R 15(4)(a) |
| Item No. 7 | Application for Remission of Rates - 110 Burnett Street, North Hobart
LG(MP)R 15(2)(j) |
| Item No. 8 | Battery Point Slipyards Master Plan Options Paper
LG(MP)R 15(2)(c)(i) |