



CITY OF HOBART

MINUTES

City Planning Committee Meeting

Open Portion

Monday, 25 June 2018 at 5:00 pm

ORDER OF BUSINESS

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

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City Planning Committee Meeting (Open Portion) held on Monday, 25 June 2018 at 5:00 pm in the Lady Osborne Room, Town Hall.

COMMITTEE MEMBERS

Briscoe (Chairman)
Ruzicka
Burnet
Denison

ALDERMEN

Lord Mayor Christie
Deputy Lord Mayor Sexton
Zucco
Cocker
Thomas
Reynolds
Harvey

PRESENT: Alderman J R Briscoe (Chairman), Aldermen E R Ruzicka, H C Burnet, T M Denison and P S Cocker.

Alderman Cocker was co-opted to the Committee.

APOLOGIES: Nil.

LEAVE OF ABSENCE: Nil.

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

BURNET

That Alderman Cocker be co-opted to the Committee.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison

2. CONFIRMATION OF MINUTES

COCKER

The minutes of the Open Portion of the City Planning Committee meeting held on [Tuesday, 12 June 2018](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

The minutes were signed.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

DENISON

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the General Manager.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

4. 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 conflicts of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the committee has resolved to deal with.

No interest was indicated.

5. TRANSFER OF AGENDA ITEMS

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

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

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

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

No items were transferred.

6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

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

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

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

BURNET

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

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

7. COMMITTEE ACTING AS PLANNING AUTHORITY

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

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

The Committee is reminded that in order to comply with Regulation 25(2), the 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.

7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

Mr Scott McElwee and Ms Joann Lovell (Representors) addressed the Committee in relation to item 7.1.1.

Mr Steve Tsiakis (Applicant) and Mr Mark Maumill addressed the Committee in relation to item 7.1.1.

7.1.1 98 Augusta Road, Lenah Valley - Change of Use to Food Services, Partial Demolition, Alterations and Signage PLN-17-480 - File Ref: F18/70520

DENISON

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 15 November 2017, be adopted.

AMENDMENT

BURNET

“ADVICE

That the Applicant be strongly encouraged to consider installing an industrial gas fired pizza oven within the premises.”

AMENDMENT LOST

VOTING RECORD

AYES	NOES
Briscoe	Ruzicka
Burnet	Denison
	Cocker

AMENDMENT

BURNET

"That the approved hours of operation as stipulated in PLN 6 being 7:00am to 9:30pm Monday to Sunday be substituted with 7:00am to 9:00pm Monday to Thursday and 7:00am to 9:30pm Friday to Sunday."

AMENDMENT LOST

VOTING RECORD

AYES	NOES
Ruzicka	Briscoe
Burnet	Denison
	Cocker

SUBSTANTIVE MOTION CARRIED

VOTING RECORD

AYES	NOES
Briscoe	
Ruzicka	
Burnet	
Denison	
Cocker	

COMMITTEE RESOLUTION:

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a change of use to food services, partial demolition, alterations and signage at 98 Augusta Road for the reasons outlined in the officer's report, marked as item 7.1.1 of the Open City Planning Committee agenda of 25 June 2018, 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-17-480 - 98 AUGUSTA ROAD LENA VALLEY TAS 7008 - 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 2017/01029-HCC dated 07/07/2017 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 10

The illuminated sign on each facade of the awning must not be flashing or intermittently illuminated. The signs must only be illuminated during the approved opening hours for the business, and must be turned off at all other times.

Reason for condition

To clarify the scope of the permit.

PLN 14

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

Reason for the condition

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

PLN 17

All external lighting on the site must operate in accordance with Australian Standard AS4282 - Control of the obtrusive effects of outdoor lighting.

External lighting (other than security lighting) must only be illuminated during the approved hours of operation (7:00am to 9:30pm Monday to Sunday). External lighting must be turned off at all other times.

Reason for condition

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

PLN 6

The approved hours of operation are Monday - Sunday: 7:00am to 9:30pm.

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

Reason for condition

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

PLN s2

Commercial deliveries to, and garbage collection from, the premises are prohibited before 7:00am and after 6:00pm Monday to Friday, and before 9:00am and after 6:00pm on weekends and public holidays.

Advice: For the purpose of this condition, commercial vehicles do not include private cars used for the delivery of foods such as pizza that are cooked and sold from the premises.

Reason for condition

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

PLN s3

The removal of hard waste (e.g glass and cans, etc) to garbage receptacles located outside the building is prohibited before 7:00am and after 8:00pm Monday to Friday and before 9:00am and after 8:00pm on weekends and public holidays.

Reason for condition

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

ENG sw6

All stormwater from the proposed development (including hardstand runoff) must be discharged to the Council's infrastructure with sufficient receiving capacity prior to commencement of use. All costs associated with works required by this condition are to be met by the owner.

Design drawings and calculations of the proposed stormwater drainage and connections to Council infrastructure must be submitted and approved by Council prior to obtaining any plumbing Certificate of Likely Compliance under the *Building Act 2016*.

The design drawings and calculations must:

1. Be prepared by a suitably qualified person;
2. Include long section(s)/levels and grades to the point of discharge; and
3. Identify Council and private stormwater infrastructure.

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

Advice: Once the design drawings and calculations have been approved 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 that stormwater from the site will be discharged to a suitable Council approved outlet.

ENG 3c

The on site parking module (parking spaces, aisles and manoeuvring area) and bicycle parking facility shown on the site plan for the proposed works does not comply with the Australian Standard AS/NZS2890.1:2004 and is not approved. The on site parking module (parking spaces, aisles and manoeuvring area), bicycle parking facility and stormwater drainage must be constructed in accordance with the design drawings approved in accordance with conditions ENG 14 and ENG sw6.

Prior to the commencement of use, documentation by a suitably qualified engineer certifying that the parking module, bicycle parking facility and stormwater drainage has been constructed in accordance with the above drawings must be lodged with the Council.

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

Reason for condition

To ensure the safety of users of the parking module, bicycle parking facility, compliance with the relevant Australian Standard and the site is properly drained.

ENG 5

The number of car parking spaces to be provided on the site is five (5).

Prior to commencement of use parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004.

Reason for condition

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

ENG 7

The number of bicycle parking spaces to be provided on the site is six (6).

Reason for condition

To ensure suitable bicycle parking facilities are provided.

ENG 14

Design drawings for the on site car parking module (parking spaces, aisles and manoeuvring area) and bicycle parking facility must be submitted and approved, prior to the commencement of work.

The design drawings must:

1. Be prepared by a suitably qualified person;
2. Show the car parking module (parking spaces, aisles and manoeuvring area) is generally in accordance with the Australian Standard AS/NZS 2890.1-2004;
3. Show vehicle swept path of a B85 vehicle in accordance with AS/NZS 2890.1-2004 such that vehicles can enter and exit all parking spaces such that no vehicle encroaches upon other parking spaces and is clear of all structures and fixed objects;
4. Show bicycle parking facility is generally in accordance with AS/NZS 2890.1-2004;
5. Where the design deviates from AS/NZS 2890.1:2004, include documentation certified by a suitably qualified engineer such that the design will provide a safe and efficient car parking module (parking spaces, aisles and manoeuvring areas), and bicycle parking facility to enable safe, easy and efficient use;
6. Show dimensions, levels, gradients and other details as Council deem necessary to satisfy the above requirements;
7. Show linemarking in accordance with AS/NZS 2890.1:2004;
8. Show pavement and surface treatment details; and
9. Show any other relevant engineering details.

Advice: Once the design drawings have been approved 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 that the car parking module and bicycle parking facility for the development is to accepted standards.

ENG 1

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 or as otherwise determined by the Council.

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

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

Reason for condition

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

ENV 1

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

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

Reason for condition

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

ADVICE

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

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

CONDITION ENDORSEMENT

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

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

PLUMBING PERMIT

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

NEW SERVICE CONNECTION

New service connection (please contact the Hobart City Council's City Infrastructure Division to initiate the application process).

STORM WATER

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

RIGHT OF WAY

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

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

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.

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.

USE

This permit grants approval for use of the site as food services only. Any other use requiring approval must be the subject of a separate planning application. Please note that a bar is a prohibited use in the Inner Residential Zone.

Delegation: Council

Item 7.1.4 was then taken.

**7.1.2 94 Barrack Street, Hobart Adjacent Road Reserve - Partial
Demolition and Alterations to Access Including Tree Removal
PLN-18-80 - File Ref: F18/70535**

DENISON

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 18 June 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

COMMITTEE RESOLUTION:

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a partial demolition and alterations to access including tree removal at 94 Barrack Street and adjacent road reserve, Hobart, TAS 7000 for the reasons outlined in the officer's report, marked as item 7.1.2. of the Open City Planning Committee agenda of 25 June 2018 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-18-80 - 94 BARRACK STREET AND ADJACENT ROAD RESERVE HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG 1

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 or as otherwise determined by 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.

ENGR 3

Prior to the commencement of use, the proposed driveway crossover within the Patrick Street highway reservation must be designed and constructed in general accordance with the following Municipal Standard Drawings:

1. Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing; and
2. Footpath - Urban Roads Footpaths TSD-R11-v1.

Engineering design drawings must be submitted and approved prior to the commencement of work. The drawings must:

1. Show the cross and long sections of the driveway crossover within the highway reservation and onto the property.
2. Detail any services or infrastructure (i.e. light poles, pits, awnings) at or near the proposed driveway crossover.
3. Show relevant swept path templates in accordance with AS/NZS 2890.12004.
4. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
5. Be prepared and certified by a suitable qualified person.

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

Advice: Once the engineering design 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 that works will comply with the Council's standard requirements.

ENV 1

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

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

Reason for condition

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

OPS s2

Prior to the commencement of works the amenity value of the tree (*Corymbia ficifolia*) identified for removal in "Drawing C100 Revision C 21.05.18 - Site distances and works" must be paid by the developer to the Hobart City Council. The amenity value of the tree is \$8343.

The developer must also carry out and pay for all works associated with the tree's removal.

The developer must provide tree protection for the neighbouring tree (*Corymbia ficifolia*) identified for protection in Drawing C100 Revision C 21.05.18 - Site distances and works" by establishing an excavation exclusion zone with a 3.7m radius around the tree, defined by temporary fencing to the satisfaction of the Council. Approval of the exclusion zone must be obtained from the Council before works commence.

Advice: To initiate payment of the fee of \$8,343 for the value of the tress to be removed, please contact the Council's Senior Park Planner on 6238 2887 or coh@hobartcity.com.au.

To gain approval for the excavation exclusion zone, please contact Council's Program Leader Arboriculture and Nursery on 6238 2711 or coh@hobartcity.com.au.

Reason for condition

The Council's Director Parks and City Amenity has approved the removal of the tree, the protective measures, and the required compensation. The advice is contained in a report prepared by a contract tree consultant which advises that the trees are in good condition and have the potential for some decades of further service. The report advises that the tree contributes to a regularly spaced planting along the south-eastern side of Patrick Street and provides considerable local amenity. Loss of this tree will impact on the local streetscape and its amenity. Payment of the fee will compensate the Council for the loss of the amenity value of the tree. This attributed value does not include the cost of removal or replacement planting. The tree protection zone around the retained neighbouring street tree is to prevent damage to the tree during construction.

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

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

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

OCCUPATION OF THE PUBLIC HIGHWAY

You 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 will require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve by a private contractor). 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.

ACCESS

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

CROSS OVER CONSTRUCTION

The construction of the proposed crossover can be undertaken either by the Council or by a private contractor, subject to Council approval of the design. Click [here](#) for more information.

YOUR OBLIGATIONS UNDER THE BURIALS AND CREMATION ACT 2002

Due care must be taken during the excavation for the works to avoid any disturbance of human remains within the former burial ground. In the event that human remains are encountered, all work is to cease immediately, and the Director of Public Health is to be notified. Any subsequent exhumation is to fully comply with the requirements of section 38 of the [Burials and Cremation Act 2002](#).

Delegation: Council

7.1.3 Partial Change of Use to Home Based Business (Re-Advertised - Administrative Correction) - 85 Swanston Street and 87 Swanston Street, New Town PLN-18-245 - File Ref: F18/69159

BURNET

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 6 June 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

COMMITTEE RESOLUTION:

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial change of use to home based business (re-advertised – administrative correction) at 85 Swanston Street and 87 Swanston Street, NEW TOWN for the reasons outlined in the officer's report, marked as item 7.1.3 of the Open City Planning Committee agenda of 25 June 2018 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-18-245 - 85 SWANSTON STREET NEW TOWN TAS 7008 - 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 2018/00728-HCC dated 22 May 2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN S1

The operator of the home-based business approved by this planning permit must be a resident of the dwelling at 85 Swanston Street, New Town.

Advice: Residing at the dwelling at 85 Swanston Street from Monday to Friday while the home-based business is operating, as proposed by the applicant, is considered to constitute being a resident of that dwelling for the purposes of meeting the definition of 'home-based business' within the Hobart Interim Planning Scheme 2015.

Reason for condition

To clarify the scope of the permit and reflect the planning scheme's definition of 'home-based business'

ADVICE

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

CLIENTS AND PARKING

It is recommended that the business owner allows for a 5 to 10 minute window between customers to reduce the number of clients parking in Swanston Street at any one time.

Delegation: Committee

Supplementary item 12 was then taken.

**7.1.4 PAM-18-80 - 3 Lasswade Avenue Sandy Bay - S.56 Minor
Amendment to Planning Permit
File Ref: F18/70602**

RUZICKA

That the recommendation contained in the memorandum of the Manager Development Appraisal of 20 June 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

COMMITTEE RESOLUTION:

That the planning permit PLN-17-844 - 3 LASSWADE AVENUE SANDY BAY TAS 7005 be amended as detailed below pursuant to section 56 of the *Land Use Planning and Approvals Act 1993*:

1. Amend GEN condition to refer to Amended (s56) Planning Documents as follows:

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-17-844 - 3 LASSWADE AVENUE SANDY BAY TAS 7005 - Amended (s56) Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

Note: Condition amended pursuant to section 56 of the Land Use Planning and Approvals Act 1993 and approved by the Council on 9 July 2018.

2. Delete condition PLN s1 and include the following advice:

Note: Condition deleted pursuant to section 56 of the Land Use Planning and Approvals Act 1993 and approved by the Council on 9 July 2018.

3. Add the following advice to the permit:

The date that this planning permit took effect was 22 January 2018 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 9 July 2018.

Delegation: Council

Supplementary item 11 was then taken.

8. REPORTS

8.1 Trafalgar Place and Collins Court - Extension to Smoke-Free Area File Ref: F18/60029; 16/237

BURNET

That the recommendation contained in the report of the Manager Environmental Health and the Director City Planning of 20 June 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

COMMITTEE RESOLUTION:

That under the provisions of 67B(1)(c) of the *Public Health Act 1997*, the Council resolve to declare a portion of Trafalgar Place and CT173149/1 as a smoke-free area as outlined in Attachment B to item 8.1 of the Open City Planning Committee agenda of 25 June 2018.

Delegation: Council

8.2 Delegated Decisions Report (Planning)
File Ref: F18/69903

BURNET

That the recommendation contained in the memorandum of the Director City Planning of 19 June 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

COMMITTEE RESOLUTION:

That the information contained in the memorandum titled 'Delegated Decisions Report (Planning)' of 19 June 2018 be received and noted.

Delegation: Committee

8.3 City Planning - Advertising List
File Ref: F18/70216

BURNET

That the recommendation contained in the memorandum of the Director City Planning of 20 June 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

COMMITTEE RESOLUTION:

That the information contained in the memorandum titled 'City Planning – Advertising List' of 20 June 2018 be received and noted.

Delegation: Committee

9. QUESTIONS WITHOUT NOTICE

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

9.1 Alderman Burnet - Factual Content of Deputations **File Ref: 13-1-10**

Question: When lodging development applications or interacting with the website, there is an obligation to provide truthful information. Could the Director please advise what is the obligation in relation to developers and applicants providing deputations to Council committees?

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

9.2 Alderman Burnet - Mandating of Factual Content of Deputations **File Ref: 13-1-10**

Question: If there is no obligation in relation to developers and applicants providing deputations to Council committees, could the Director please advise if the Council can mandate this obligation to be truthful?

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

9.3 Alderman Burnet - Development Applications for Telecommunications Infrastructure **File Ref: 13-1-10**

Question: Could the Director please advise if it would be factual to imply that when installing telecommunication infrastructure, it is no longer a requirement to lodge a development application?

Answer: The Director City Planning advised that it was not factual to imply that a development application was no longer required to be lodged in regards to telecommunication infrastructure as it was dependant on criteria established under Federal and State legislation. If it represented a low impact facility under Federal government legislation, then a development application would not be required, however if it did not meet the requirement of low impact facility, then a permit may be required.

9.4 Alderman Briscoe - Driveways Requiring Surveyor Sign-Off
File Ref: 13-1-10

Question: Could the Director please advise if the Council has any ability to insist that development applications in relation to the installation of a driveway will require the sign-off of a qualified surveyor going forward and if not why?

Answer: The Director City Planning advised that a surveyor would not sign-off and certify a driveway as a driveway does not fall within a surveyor's jurisdiction and is not controlled under the building code.

9.5 Alderman Cocker - 15-19 Warwick Street Building Works
File Ref: 13-1-10

Question: Could the Director please provide further detail on the scope of works to be undertaken at 15-19 Warwick Street?

Answer: The Director City Planning advised that the works to be undertaken at 15-19 Warwick Street was a part demolition, new showroom and car yard. Further information will be circulated to the Aldermen for their information under separate cover.

10. CLOSED PORTION OF THE MEETING

BURNET

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

- Possible legal action to be taken by, or involving the Council.

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 Consideration of supplementary items to the agenda
- Item No. 3 Indications of pecuniary and conflicts of interest
- Item No. 4 Responses to Questions Without Notice
- Item No. 4.1 98 Augusta Road, Lenah Valley
LG(MP)R 15(2)(i)
- Item No. 5 Questions Without Notice

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

SUPPLEMENTARY ITEMS

APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

- 11. 2 Davies Avenue, Adjacent Road Reserve, Hobart - Partial Demolition, Alterations and Extensions to Aquatic Centre including Alterations to Carparking
PLN-18-127 - File Ref: F18/70792**
-

RUZICKA

That the recommendation contained in the report of the Consultant Planner and the Senior Statutory Planner of 18 June 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

COMMITTEE RESOLUTION:

That: Pursuant to the *Hobart Interim Planning Scheme 2015* and *Sullivans Cove Planning Scheme 1997*, the Council approve the application for partial demolition, alterations and extensions to aquatic centre including alterations to car parking at 2 DAVIES AVENUE, HOBART for the reasons outlined in the officer's report, marked as supplementary item 11 of the Open City Planning Committee agenda of 25 June 2018, 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-18-127 - 2 DAVIES AVENUE HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

STAGING

The construction works for the development must be carried out in accordance with the two stages listed below (noting that these may occur separately, concurrently or in any order).

- Stage 1 - New entrance area, Davies Avenue carpark modification and change room redevelopment.
- Stage 2 - New wellness area, water slide, dry diving, leisure pool extension and Aberdeen Street carpark modifications.

Reason for condition

To clarify the timing for conditions 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 2018/00342-HCC dated 6 April 2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 17

External lighting of car parking areas must be in accordance with AS/NZS 1158.3.1:2005 Lighting for Roads and Public Spaces, or otherwise provide for a safe environment for all users outside of daylight hours.

Prior to the commencement of works associated with the car park modification of each stage (refer to condition STAGING, Stage 1 - Davies Avenue, Stage 2 - Aberdeen Street), an external lighting plan of each car park must be submitted and approved, demonstrating compliance with the above requirement.

All work required by this condition, must be undertaken in accordance with the approved external lighting plan.

Advice: Once the external lighting plan has 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 that the non-residential use does not unreasonably impact residential amenity.

ENG sw2.1

The Council's stormwater infrastructure within the subject site must be protected from damage during the construction of the development.

Digital copies of a pre-construction CCTV video and report of the Council stormwater infrastructure must be undertaken and submitted to Council prior to the issue of consent under the Building Act or commencement of work (whichever occurs first).

The post construction CCTV 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 pre construction CCTV video of the Council's infrastructure, then any damage to the Council infrastructure identified in the post construction CCTV will be deemed to be the responsibility of the owner.

Reason for condition

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

ENG sw2.2

A post-works CCTV video and associated report of the remaining public stormwater infrastructure within two metres of the proposed works (including alteration of levels) must be undertaken and submitted to Council on completion of all work.

The post-construction CCTV 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 pre construction CCTV video of the Council's infrastructure, then any damage to the Council infrastructure identified in the post construction CCTV will be deemed to be the responsibility of the owner.

Reason for condition

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

ENG sw3

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

Detailed engineering design of all works within two metres of the Council's stormwater infrastructure must be submitted and approved prior to issue of any consent under the *Building Act 2016* or commencement of works (whichever occurs first). (Stage 1 and 2 design and approval may be assessed independently or concurrently).

The detailed design must:

1. Demonstrate how the design will maintain the overland flow path, provide adequate access to the main, impose no additional loads onto the main and that the structure will be fully independent of the main and its trenching.
2. Include cross-sections clearly showing the relationship both vertically and horizontally between Council's stormwater infrastructure and the proposed works (including footings), and stating the minimum setbacks from the works to the nearest external surface of the main.
3. Include a long-section of the Council's stormwater main clearly showing proposed cover. If the cover is less than 600mm, engineering details and full calculations to relevant Australian standards (including construction traffic loading) must be submitted to demonstrate the mains can withstand the likely forces and will be adequately protected. All assumptions must be stated.
4. Show all pipes currently shown as public infrastructure which do not service land outside the aquatic centre complex or road reserves as to be abandoned as public infrastructure. A formal request to abandon pipes must be made, including a plan and details of how the land serviced by

the pipes was determined.

5. Be certified by a suitably qualified engineer.

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

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 some pipes shown as public infrastructure may need to be abandoned and / or relocated clear of the proposed works for permission to be granted for works within one metre of their external surface.

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 protection of the Council's hydraulic infrastructure.

ENG sw5

All alterations required to the public stormwater system, including new connections, relocation of mains and abandonment of mains, must be designed and constructed prior to the commencement of the use or issue of any completion certificate (whichever occurs first).

Engineering drawings must be submitted and approved, prior to commencement of work or issue of consent under the *Building Act 2016* (whichever occurs first). (Stage 1 and 2 design and approval may be assessed independently or concurrently).

The engineering drawings must:

1. Be certified by a qualified and experienced civil engineer.
2. Include plans and long-sections of the proposed stormwater infrastructure.

3. Clearly distinguish between public and private, and confirm no third- party land or roads drain through any pipes to be abandoned as public infrastructure.
4. Minimise connections to the DN450 public main passing through the site.
5. Include the associated calculations and catchment area plans. These should include, but not be limited to, connections, flows, velocities, clearances, cover, gradients, sizing, material, pipe class, and inspection openings

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

Advice: Once the engineering drawings have been approved 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 obtain a Permit to Construct Public Infrastructure.

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 Council's hydraulic infrastructure meets acceptable standards.

ENG sw7

Stormwater pre-treatment and detention for stormwater discharges from the development must be installed prior to commencement of use or issue of a Certificate of Completion (whichever occurs first).

A stormwater management report and design must be submitted and approved, prior to commencement of Stage 2 work or issue of any consent under the *Building Act 2016* for Stage 2 (whichever occurs first).

The stormwater management report and design must:

1. Be prepared by a suitably qualified engineer.
2. Include detailed design of the proposed treatment train, including final estimations of contaminant removal.
3. Include detailed design and supporting calculations of the proposed private detention tank, sized to prevent unsafe flooding in the relevant 100yr ARI event. All assumptions must be clearly stated. Clearly address the emptying time of the tank versus the receiving capacity of the pipework.
4. Include design drawings of the detention tank showing the layout, the inlet and outlet (including long section), the overflow mechanism.
5. Include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and 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: Once the stormwater management report and design has 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 avoid the possible pollution of drainage systems and natural watercourses, to comply with relevant State legislation, and to ensure the development's stormwater system takes into account limited receiving capacity of Council's infrastructure.

ENG tr1

Traffic management within the car parking area must be installed prior to the commencement of the use (Stage 1 and 2 design and approval may be assessed independently or concurrently).

Traffic management design drawing(s) of the proposed traffic management within the car park (including signage and linemarking), must be submitted and approved, prior to commencement of the works (Stage 1 and 2 design and approval may be assessed independently or concurrently). The design drawings and management plan must include, but not be limited to:

1. Signage and other warning devices at the exit to the Aberdeen Street Car Park parking module advising that vehicles exiting should give way to vehicles entering.
2. Signage and other devices advising entering vehicles that the Aberdeen Street Car Park is for permit parking only.
3. Boom gate design and details of the special permit system for the Aberdeen Street Car Park.

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

Advice: Once the traffic management design drawings have been approved 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

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

ENG tr2

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

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved for each stage, prior to commencement work. 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 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).

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

ENG 2a

Prior to the commencement of use, vehicular barriers compliant with the Australian Standard AS/NZS1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

Advice:

- *The Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes greater than 1 in 4 will require a vehicular barrier or wheel stop.*
- *Designers are advised to consult the [National Construction Code 2016](#) to determine if pedestrian handrails or safety barriers compliant with the NCC2016 are also required in the parking module this area may be considered as a path of access to a building.*

Reason for condition

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

ENG 2b

Prior to the issue of any approval under the *Building Act 2016* for Stage 1 or the commencement of Stage 1 works on site (whichever occurs first), a certified vehicle barrier design (including site plan with proposed location(s) of installation) prepared by a suitably qualified engineer, compliant with Australian Standard AS/NZS1170.1:2002, must be submitted to Council.

Advice:

- *Once the certification has been accepted, 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.*
- *The future ramp shown on the car parking drawings (giving access from the proposed memorial bridge (by others)) may require vehicular barriers on the side if the drop from the aquatic centre car park access to the ramp pavement is greater than 600mm and a kerb if greater than 150mm. Please consider this requirement as part of the overall design.*

Reason for condition

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

ENG 2c

Prior to the commencement of use of Stage 1 DDA compliant accessible car parking module, vehicular barriers must be inspected by a qualified engineer and certification submitted to the Council confirming that the installed vehicular barriers comply with the certified design and Australian Standard AS/NZS1170.1:2002.

Advice:

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

Reason for condition

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

ENG 3a

The access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required), or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

Reason for condition

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

ENG 3b

The access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) design must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016* (Stage 1 and 2 design and approval may be assessed independently or concurrently).

The access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) design must:

1. Be prepared and certified by a suitably qualified engineer.
2. Be generally in accordance with the Australian Standard AS/NZS2890.1:2004, including parking module gradients.
3. Where the design deviates from AS/NZS2890.1:2004, demonstrate that it will provide a safe and efficient access, and enable safe, easy and efficient use.
4. In relation to the Aberdeen Street car park, include a dedicated turning bay to ensure vehicles may exit in a forward direction.
5. In relation to the Davies Avenue car park, include a dedicated turning bay within the DDA compliant accessible car parking module.

All work required by this condition must be undertaken in accordance with the approved access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) design.

Advice:

- *Once the access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) design has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Although not the formal facilities for commercial vehicle deliveries, it is noted that the proposed overhand of the new Dry Diving Area over the Aberdeen Street Car Park entry may not have sufficient clearance for a Small Rigid Vehicle if required for pool maintenance activity.*

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 commencement of use (Stage 1 and 2 works may be assessed independently or concurrently), documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the approved drawings must be lodged with Council.

Advice:

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

Reason for condition

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

ENG 4

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

Reason for condition

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

ENG 11

Prior to the commencement of the use of Stage 1 works, the proposed access crossover to Davies Avenue must be constructed in general accordance with Australian Standards AS/NZS 2890.1 and AS/NZS 2890.2, and Local Government Association Tasmania Municipal Standard Drawings, including but not limited to:

1. Minimum access width to be in accordance with AS/NZS 2890.1 Table for Category 3 (6m entry and 4m exit).
2. LGAT Standard Drawing - Commercial Urban- TSD-R09-v1 – Urban Roads Driveways and TSD R16-v1 Type KCR & B1 or Type KCRB & B1.
3. LGAT Standard Drawing - Footpath - Urban Roads Footpaths TSD-R11-v1.
4. Or a Council City Infrastructure Division approved alternate design.

Design drawings must be submitted and approved prior to the commencement of Stage 1 work. The design drawings must:

1. Show the cross and long section of the driveway crossovers within the highway reservation and onto the property.
2. Detail any services or infrastructure (i.e. light poles, pits, awnings) at or near the proposed driveway crossover.

3. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings.
4. Show swept path templates in accordance with AS/NZS 2890.1 2004 (Coach design template), noting clearance from heritage trees.
5. If the design deviates from the requirements of the TSD, then demonstrate that a coach can access the driveway from the road pavement into the property without scraping the underside.
6. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004, or are to the same standard as approved in this permit.
7. Be prepared and certified by a suitable qualified person, to satisfy the above requirement.

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

Advice:

- *Local Government Association (LGAT) Tasmanian Standard Drawings (TSD) can be viewed electronically via the [LGAT Website](#).*
- *It is advised that designers consider the detailed design of the crossover, access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*
- *Please contact Council City Infrastructure Division to discuss approval of alternate designs. Based on a site specific assessment, Council City Infrastructure Division Road Engineer may permit non-standard designs.*
- *You are likely to require a Permit to Open Up and Temporarily Occupy a Highway (for work within the highway reservation). Click [here](#) for more information.*
- *Once the design 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

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

ENG 1

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 or as otherwise determined by the Council. Any damage must be immediately reported to Council.

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

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

Reason for condition

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

ENV 2

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

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

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

Advice: Once the SWMP has 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 avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

HER 17

The palette of exterior colours and materials must reflect the palette of materials within the local streetscape and precinct.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing exterior colours and materials in accordance with the above requirement.

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

Reason for condition

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

HER 18

The following listed significant trees which are in proximity to the proposed works must be protected throughout excavation, construction and post construction. This includes any excavation for new or current in ground infrastructure such as stormwater, fire service, lighting, heat recovery or communications.

1. D9, *Pinus canariensis* Canary Island Pine in proximity to the Proposed Dry Diving facility.
2. D8, *Cedrus atlantica*, Atlas Cedar in proximity to the Proposed Dry Diving facility.
3. D7, *Pinus nigra var. maritima*, Corsican Pine in proximity to the Proposed Dry Diving facility.
5. D6, *Pinus wallichiana*, Bhutan Pine in proximity to the Proposed Dry Diving facility.
6. The six trees shown as 'existing tree' on the drawing ASK11 revision B dated February 2018, Proposed Carpark Plan, two of which are associated with the Soldiers Ave Memorial.
7. The five trees shown on the drawing EX01 revision 2 dated May 2018 Existing Site Plan, made up of three original Soldiers Ave Memorial trees and two new/replacement trees. Two are on the western side of the footpath (one replacement, one original) and one replacement tree on the eastern side of the footpath, all adjacent to the gymnasium and office area; two on the eastern side of the footpath (one original and one replacement); and one on the western side of the footpath adjacent to the entry carpark. All have plaques.

Prior to the issue of any approval under the *Building Act 2016*, a report must be submitted and approved. The report must;

1. Be prepared by a suitably qualified arborist; and

2. Show all tree protection zones and relevant measures specified under Section 3 Determining the Protection Zones of the Selected Trees, Section 4 Tree Protection Measures and Section 5 Monitoring and Certification of AS4970-2009 Protection of trees on development sites, around all those trees listed above.

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

Reason for condition

To ensure that listed significant trees and those within a cultural landscape precinct as part of the Soldiers Memorial Ave are not unnecessarily destroyed, damage or negatively impacted upon and are managed in a way that maintains their health and appearance.

HER 20

Prior to the issue of any approval under the *Building Act 2016*, a heritage construction management plan must be submitted and approved.

The heritage construction management plan must include the following:

1. That a briefing on the importance of all the trees described in condition HER 18 to be provided to all contractors as part of a site induction by a suitable qualified/experienced arborist and the Friends of the Soldiers Memorial Avenue.
2. Detail of methods to enforce a machinery exclusion zone around the Charles Meredith Memorial Fountain (including cobblestone paving) during the course of works.
3. Detail as to whether any trees will be overhanging any works compound associated with the proposed development, and what measures will be taken to protect those trees against possible damage, as guided by an arborist.

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

Reason for condition

To ensure that development in a cultural landscape precinct and adjacent to significant trees is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

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](#).

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

BUILDING OVER AN EASEMENT

In order to build over the service easement, you will require the written consent of the person on whose behalf the easement was created, in accordance with section 74 of the *Building Act 2016*.

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Infrastructure Division to initiate the permit process).

NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Infrastructure Division to initiate the application process for your new service connection.

STORM WATER

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

WORKS WITHIN ONE METRE OF COUNCILS' STORMWATER MAIN

You will need separate permission under s73 of the *Building Act 2016* and s13 of the Urban Drainage Act for any works (including cut/fill) within one metre horizontally of the nearest external surface of the stormwater main. Please contact Hobart City Council's City Infrastructure Division to discuss.

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.

REDUNDANT CROSSOVERS

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

ACCESS

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

CROSS OVER CONSTRUCTION

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

STORM WATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT standard drawings. Click [here](#) for more information.

WEED CONTROL

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

Delegation: Council

Item 7.1.2 was then taken.

**12. 32 Broadwaters Parade, Sandy Bay - Driveway, Retaining Walls, Landscaping and Front Fence
PLN-18-192 - File Ref: F18/71249**

BURNET

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 13 June 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe
Ruzicka
Burnet
Denison
Cocker

NOES

COMMITTEE RESOLUTION:

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for driveway, retaining walls, landscaping and front fence at 32 Broadwaters Parade for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.7.2 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the access is not safe, efficient or convenient for users.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.7.5 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the layout of the access is not located, designed or constructed to enable safe, efficient and easy use (including access, egress and manoeuvring on-site).
3. The proposal does not meet the acceptable solution and there is no performance criterion with respect to clause E6.7.14 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the access to Broadwaters Parade is not in accordance with the requirements of the road authority, and is therefore not appropriately provided.

Item 8.1 was then taken.

There being no further business the open portion of the meeting closed at 6:11 pm.

**TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
16TH DAY OF JULY 2018.**

CHAIRMAN