



CITY OF HOBART MINUTES

OPEN PORTION
MONDAY, 20 MAY 2019
AT 5:04 PM
COUNCIL CHAMBER, TOWN HALL



ORDER OF BUSINESS

PRESENT, APOLOGIES AND LEAVE OF ABSENCE

1. CONFIRMATION OF MINUTES.....	5
2. TRANSFER OF AGENDA ITEMS.....	6
3. COMMUNICATION FROM THE CHAIRMAN	6
4. NOTIFICATION OF COUNCIL WORKSHOPS.....	6
5. PUBLIC QUESTION TIME	6
6. PETITIONS	7
7. CONSIDERATION OF SUPPLEMENTARY ITEMS	11
8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST	11
REPORTS OF COMMITTEES	12

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY.....	12
9.1 8 Flint Avenue, New Town - Carport.....	12
9.2 209-213 and 215-217 Harrington Street, Hobart and Adjacent Road Reserve - Demolition and New Building for 39 Multiple Dwellings, Food Services and General Retail and Hire	13
9.3 55 Mount Stuart Road, Mount Stuart - PLN-18-716	41
10. 2019-20 Fees and Charges - City Planning Division	75
11. Penalties for Illegal Demolition	76
12. Affordable Housing Inclusionary Zoning - Consideration of Deferred Item.....	77
13. Monthly Building Statistics - 1 April 2019 - 30 April 2019.....	78
14. COP24 - Katowice Poland - 4 to 14 December 2018.....	79

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

15. Climate and Biodiversity Emergency	80
16. Trans and Gender-Diverse Posters in Public Convenience Facilities	88

CITY INFRASTRUCTURE COMMITTEE

17. 2019-20 Fees and Charges - City Infrastructure Division 90
18. 2019-20 Fees and Charges - City Amenity Division - Cleansing
and Solid Waste 90

COMMUNITY, CULTURE AND EVENTS COMMITTEE

19. 2019-20 Fees and Charges - Community Life 91

ECONOMIC DEVELOPMENT & COMMUNICATIONS COMMITTEE

20. 2019/20 Fees and Charges - Communications Function 92

FINANCE AND GOVERNANCE COMMITTEE

21. Local Government Association of Tasmania - Membership 93
22. National Redress Scheme - LGAT 93
23. Insurance Policy 94
24. Social Food Service Delivery 94
25. 2019-20 Fees and Charges - Financial Services 95
26. 2019-20 Fees and Charges - City Governance 96
27. 2019-20 Fees and Charges - Parking Operations 96
28. 2018-19 Annual Plan - Progress Report Period Ended 28
February 2019 98

PARKS AND RECREATION COMMITTEE

29. Review of the Dog Management Strategy 2014-2018 98
30. 2019-20 Fees and Charges - Community Life - Doone Kennedy
Hobart Aquatic Centre 102
31. 2019-20 Fees and Charges - City Amenity Division - Bushland
and Parks and Recreation 103
32. Marievill Esplanade - Derwent Sailing Squadron - Extension of
Lease Area 103
33. Royal Tasmanian Botanical Garden - Annual Grant - 2018/2019 104
34. Swan Street Park, North Hobart - Concept Plan of Proposed
Refurbishment - Results of Community Engagement 105

35. Non-Chemical Treatment in Weed Control Within Urban Streetscapes - Trial Outcome	106
36. CLOSED PORTION OF THE MEETING.....	107

PRESENT:

The Lord Mayor Councillor A M Reynolds, Aldermen J R Briscoe, Dr P T Sexton, D C Thomas, Councillor W F Harvey, Alderman S Behrakis, Councillors M S C Dutta, H Ewin and Z Sherlock.

APOLOGIES:

Alderman T M Denison.

LEAVE OF ABSENCE:

Deputy Lord Mayor Councillor H Burnet.
Alderman M Zucco.

Aldermen Briscoe, Thomas and Behrakis left the meeting at 6.05 pm and was present at the reconvening of the meeting at 6.13 pm.

Alderman Behrakis left the meeting at 5.22 pm after declaring an interest in item 9.3, returning at 5.30 pm.

Councillor Ewin left the meeting at 6.38 pm, after declaring an interest in item 32, returning at 6.40 pm.

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, 6 May 2019](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

HARVEY
SEXTON

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

The minutes were signed.

2. TRANSFER OF AGENDA ITEMS

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

3. COMMUNICATION FROM THE CHAIRMAN

No communication was received.

4. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager reports that the following Council workshop has been conducted since the last ordinary meeting of the Council.

Date: 16 May 2019
Purpose: Strategic Plan Workshop

5. PUBLIC QUESTION TIME

5.1 Ben Lohberger - Pedestrian Bridge Between New Town High School and Central Avenue

Mr Lohberger put the following question and was provided with a response from the Lord Mayor.

Question:

It is now more than a year since the pedestrian bridge between New Town High School and Central Avenue was closed due to flood damage. Is there a timeline for the repair and reopening of this bridge?

And what steps has the HCC taken to advise the local community about the fate of the bridge?

Response:

The storm event of May 2018 caused significant damage to the pedestrian bridge that provides access from the Central Avenue side of the Rivulet to New Town High School.

Significant engineering, geotechnical and flood modelling has been required in the design of the new bridge, that has taken more time than we would have liked. However, the project is now currently out for tender to allow replacement of the bridge to proceed.

During this period, the City has had regular contact with the School to keep them up to date, with onsite signage also indicating that investigations into repairs or replacement of the bridge were underway.

6. PETITIONS

6.1 Hobart Not Highrise - Petition Seeking Elector Poll

The General Manager tabled a petition from Mr Brian Corr requesting a poll of electors be held in relation to building heights.

There were 1820 signatures on the petition.

The petition form states:

I ask the Hobart City Council to conduct a poll of electors, asking the following question:

Do you agree that Council should adopt the professional planning staff's full recommendations regarding heritage buildings, view-lines, streetscapes, and absolute maximum building heights as recommended, or lower as Council might decide?

The General Manager reported in the following terms:

“There are three pre-conditions required to be met which would require the Council to conduct an elector poll:

1. If the petition was received within 30 days after the public meeting in relation to the same subject matter as that contained in the petition requesting the public meeting.

2. If the petition is signed by at least 5% of the electors in the municipal area or 1,000 of those electors, whichever is the lesser; and
3. The petition complies with s57(2) of the Act.

“s57(2) A person lodging a petition is to ensure that the petition contains –

- (a) a clear and concise statement identifying the subject matter and the action requested; and
- (b) in the case of a paper petition, a heading on each page indicating the subject matter; and
- (c) in the case of a paper petition, a brief statement on each page of the subject matter and the action requested; and
- (d) a statement specifying the number of signatories; and
- (e) at the end of the petition –
 - (i) in the case of a paper petition, the full name, address and signature of the person lodging the petition; and
 - (ii) in the case of an electronic petition, the full name and address of the person lodging the petition and a statement by that person certifying that the statement of the subject matter and the action requested, as set out at the beginning of the petition, has not been changed.”

The public meeting was held on 16 April 2019 and the petition was provided to me on Wednesday 15 May 2019 – so within 30 days of the public meeting.

The petition has been signed by 1,169 electors, which exceeds the 1,000 required.

The petition complies with s57(2) – which relates to the form and information provided with the petition.

There is no need to follow the usual practice and refer a petition to the relevant committee.

The Council is therefore required to conduct an elector poll. The petition is required to be held within 60 days of its receipt unless Mr Corr, as the person who lodged the petition, agrees that it can be held in conjunction with the next ordinary election. I will write to Mr Corr enquiring in that regard and advise the Council accordingly.

The elector poll is to be conducted as determined by the Electoral Commissioner and I will liaise with him regarding that process. He will ultimately determine the question to be asked.

Once the elector poll has concluded, the Council is to discuss its result at its next ordinary meeting and the result is not binding on the Council. The Council will be kept informed in relation to conducting the elector poll.”

DUTTA
BRISCOE

That the petition be received and noted.

MOTION CARRIED














VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

Attachments

- A. Part 1 - Petition Seeking Elector Poll ⇒ 
- B. Part 2 - Petition Seeking Elector Poll ⇒ 
- C. Part 3 - Petition Seeking Elector Poll ⇒ 
- D. Part 4 - Petition Seeking Elector Poll ⇒ 
- E. Part 5 - Petition Seeking Elector Poll ⇒ 
- F. Part 6 - Petition Seeking Elector Poll ⇒ 
- G. Part 7 - Petition Seeking Elector Poll ⇒ 
- H. Part 8 - Petition Seeking Elector Poll ⇒ 
- I. Part 9 - Petition Seeking Elector Poll ⇒ 
- J. Part 10 - Petition Seeking Elector Poll ⇒ 
- K. Part 11 - Petition Seeking Elector Poll ⇒ 
- L. Part 12 - Petition Seeking Elector Poll ⇒ 
- M. Part 13 - Petition Seeking Elector Poll ⇒ 

6.2 Mark Howard - Building Heights

The General Manager tabled a petition calling for the Council to retain the existing height limit of 45 metres in Hobart.

The petition contains 314 signatures and states:

“At the public meeting in Hobart City Hall on Tuesday 16th April, over 1000 people attended. The vast majority voted to retain the existing height limits of Hobart CBD of 45 metres, whilst overwhelmingly rejecting a call to raise the limit to 60 metres.

“Hobart not Highrise” is still, inexplicably, urging adoption of 60 metre (20 storey) height limits for Hobart.

We the undersigned, request the Hobart City Council hold an electors’ poll that reflects the overwhelming vote for the successful motion from the public meeting of 16 April 2019. The motion passed was:

This meeting calls on the Hobart City Council to protect the heritage character of Hobart by:

- 1) Acknowledging the great economic and social value of the City’s character and working to ensure that new development complements that character.*
- 2) Establishing a maximum height of 45 metres, which in part allows 15 storey buildings but restricts such buildings to sites where they don’t impact on heritage buildings, streetscapes and precincts.*
- 3) Strongly tighten the use of discretion in planning approvals, which has led to serious abuse.*

We believe that, to respect the outcome of the vote, the question in the Electors’ Poll should read:

Do you agree that Council should retain its existing height limits of 45 metres and set absolute maximum building heights in the CBD of no more than 45 metres (15 storeys)? YES/NO”

The General Manager reported in the following terms:

Whilst this petition does relate to the building height issue, it is not seeking the conduct of an elector poll itself. However, given the issues raised I will ensure that these are available to the Electoral Commissioner as part of his undertaking the elector poll. Given this, there is no need to follow the usual practice and refer a petition to the relevant committee.

DUTTA
BRISCOE

That the petition be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

Attachment

A. Petition - Building Heights ⇨ 

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*.

No supplementary items were received.

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

The following interest was indicated:

1. Alderman Behrakis – item 9.3
2. Councillor Ewin - item 32

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 8 Flint Avenue, New Town - Carport PLN-19-167 - File Ref: F19/52290

Ref: Open [CPC 7.1.1](#), 13/05/2019
Application Expiry Date: 18 June 2019
Extension of Time: Not applicable

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for Carport at 8 Flint Avenue, New Town, Tas, 7008 for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 11.4.2 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the setback of the carport does not have regard to streetscape qualities or assist the integration of the carport into the streetscape;
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 11.4.2 A2 and P2 of the *Hobart Interim Planning Scheme 2015* because the setback of the carport does not provide separation from the frontage that complements or enhances the existing streetscape; and
3. The proposal does not meet the acceptable solution or the performance criteria with respect to clause 13.8.2 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the proposed carport, by reason of its location forward of the front building line, would have a detrimental impact upon those features which contribute to the historic cultural significance of the Flint Avenue Heritage Precinct (NT12) as set out in table E.13.2.

BEHRAKIS
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

**9.2 209-213 and 215-217 Harrington Street, Hobart and Adjacent Road Reserve - Demolition and New Building for 39 Multiple Dwellings, Food Services and General Retail and Hire
PLN-18-770 - File Ref: F19/53211**

Ref: Open [CPC 7.1.2](#), 13/05/2019
Application Expiry Date: 20 May 2019
Extension of Time: Not applicable

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for demolition and new building for 39 Multiple Dwellings, food services and general retail and hire at 209-217 Harrington Street, HOBART and adjacent road reserve for the reasons outlined in the officer's report, attached to item 7.1.2 of the Open City Planning Committee agenda of 13 May 2019, 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-18-770 209-217 HARRINGTON 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 2018/01768-HCC dated 14/12/2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

Internal access must be provided between the two retail tenancies and the ground floor garbage area prior to the commencement of use, and must be maintained for the life of the building.

Reason for condition

To avoid the operators of the retail tenancies using public footpaths and streets to access the ground floor garbage area

PLN s2

The palette of exterior colours and materials must reflect those within the local streetscape to the satisfaction of the Council's Director City Planning.

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

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

Reason for condition

To ensure that the development is undertaken in a manner that is sympathetic with the local streetscape.

PLN s3

The outdoor area at first floor level adjacent to the rear (northwestern) boundary of 81-83 Patrick Street must be landscaped to the satisfaction of the Council's Director City Planning prior to the commencement of the residential use of the building.

A landscaping plan must be submitted and approved by the Council's Director City Planning prior to the issue of any building permit (excluding demolition). The landscaping plan must:

1. show the species and location of proposed trees and shrubs, and other structures, finishes, and the like for the outdoor area.

All work required by this condition must be undertaken in accordance with the approved landscaping plan and maintained by the building owners for the life of the building.

Advice:

Once the landscaping 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 provide landscaping on an area of the building with an unspecified use

ENG 12

A construction waste management plan must be implemented throughout construction.

A construction waste management plan must be submitted and approved, prior to commencement of work on the site. The construction waste management plan must include:

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

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

Advice:

- *Once the construction waste management 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.*
- *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 can also be found on the Council's [website](#).*

Reason for condition

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

ENG sw1

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

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

ENG sw4

The development must be drained to Council infrastructure taking into account the limited receiving capacity of Council's infrastructure. Any new stormwater connection(s) required must be constructed, and existing redundant connections must be sealed, by the Council at the owner's expense prior to issue of a Certificate of Completion / first occupation/ sealing of the final plan, whichever comes first.

Detailed design drawings showing both existing and proposed services and calculations must be submitted and approved, prior to issue of any consent under the *Building Act 2016*. The detailed design drawings must be checked and certified by a qualified and experienced engineer and include:

1. The location of the proposed connections and all existing connections;
2. The size and design of the connection(s) such that they are appropriate to safely service the development given the limited receiving capacity of Council infrastructure (e.g backflow prevention, temporary stormwater storage, overflows);
3. Long-sections of the proposed connection(s) clearly showing any nearby services, cover, size, material and delineation of public and private infrastructure; and
4. A clear distinction between public and private infrastructure.

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).*
- *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.*
- *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.*

Reason for condition

To ensure the site is drained adequately.

ENG sw7

Stormwater pre- treatment from the development car park must be installed prior to issue of a certificate of completion or first occupancy.

A stormwater management report and design must be submitted and approved, prior to issue of any consent under the *Building Act 2016*. 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; and
3. 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).*

OR

A stormwater management report and design must be submitted and approved, prior to issue of any consent under the *Building Act 2016*. The stormwater management report and design must:

1. Be prepared by a suitably qualified engineer; and
2. Include detailed design of the car park area draining to sewer, including approval from Taswater.

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.

ENG sw8

Stormwater detention for stormwater discharges from the development must be installed prior to issue of a certificate of completion or first occupancy, whichever comes first.

A stormwater management report and design must be submitted and approved, prior to issue of any consent under the *Building Act 2016*. The stormwater management report and design must be prepared by a suitably qualified engineer and include:

1. Detailed design and supporting calculations of the detention tank, sized such that there is no increase in flows from the developed site up to 16 l/s for a worst case 5% AEP storm event. All assumptions must be clearly stated;
2. Design drawings of the detention tank showing the layout, the inlet and outlet (including long section), and the overflow mechanism;
3. Clarification of the emptying times and outlet size;
4. A supporting maintenance plan; and

5. A Stormwater Management Summary Plan that outlines the obligation for future property owners to stormwater management.

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 ensure the development's stormwater system takes into account limited receiving capacity of Council's infrastructure.

ENG 13

An ongoing waste management plan for all commercial and domestic waste and recycling must be implemented post construction.

A waste management plan must be submitted and approved, prior to commencement of work on the site. The waste management plan must include provisions for commercial waste services for the handling, storage, transport and disposal of domestic waste and recycle bins from the development.

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

Advice:

- *Once the waste 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 that solid waste management from the site meets the Council's requirements and standards.

ENG tr2

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

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

1. Be prepared by a suitably qualified person;
2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction;
3. Include a start date and finish dates of various stages of works;
4. Include times that trucks and other traffic associated with the works will be allowed to operate; and
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, 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.*
- *A separate construction traffic and parking management plan may be submitted for each stage of the proposed development (i.e. demolition, excavation, construction).*

Reason for condition

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

ENG 3a

The access driveway, and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed prior to the first occupation and in accordance with Australian Standard AS/NZS2890.1:2004, unless approved otherwise by Council.

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 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*.

The access driveway 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;

3. Demonstrate safe and efficient access, and use, where the design deviates from AS/NZS2890.1:2004;
4. Show all class 1A car parking spaces;
5. Show the locations of all structural columns and obstruction with regard to car parking spaces and provide clearance in accordance with Figure 5.2 of AS/NZS 2890.1:2004;
6. Show all bicycle parking spaces; and
7. Show dimensions, levels, gradients & transitions, and other details as Council deem necessary to satisfy the above requirement.

Advice:

- *A minimum of one (1) bicycle parking space must be provided that is accessible to the customers and a minimum of three (3) bicycle spaces must be provided that is accessible for employees of the commercial use component of the development.*
- *The maximum number of bicycle parking spaces should be provided to offset the deficiency in car parking spaces. Bicycle parking spaces accessible by visitors of the residential component of the development should be provided and may be located in areas such as lobby and/or entrance alcoves, however should not create a hazard for pedestrians or obstruct pedestrian access. Bicycle parking spaces for residents for the residential component of the development should be provided and may be located in any available spaces accessible by residents such as the on-site car park, however should not impact on any of the car parking spaces. All areas that can practically provide for bicycle parking spaces are to be utilised and clearly shown on the design.*
- *All bicycle parking spaces are to be fully contained within the property boundaries of the subject site and not to encroach on to the highway reservation. A statement should also be provided describing the amount and location of the bicycle parking spaces to be provided.*
- *There is no requirement to provide an on-site carparking space for people with disabilities for the residential use component of the development. The on-site car park will only be able to provide car parking for the residents and there will be no on-site car parking for customers or employees of the commercial component of the development. There is no on-site car parking for customers or employees of the commercial component of the development and*

therefore no requirement to provide an on-site car parking space for people with disabilities for the commercial component of the development. The car parking space for people with disabilities may be removed to accommodate the minimum number of class 1A car parking spaces to be provided.

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

ENG 3c

The access driveway and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the design drawings approved by Condition ENG 3b.

Prior to the first occupation, documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the above 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 first occupation.

Reason for condition

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

ENG 5

The minimum number of class 1A car parking spaces to be provided on the site for the residential use component of the development is thirty nine (39), unless approved otherwise by Council. All car parking spaces must be in accordance with Australian Standards AS/NZS 2890.1:2004 or a Council approved alternate design.

All parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1:2004, prior to first occupation.

Advice:

- *There is no requirement to provide an on-site car parking space for people with disabilities for the residential use component of the development. The on-site car park will only be able to provide car parking for residents and there will be no on-site car parking for customers or employees of the commercial component of the development. There is no on-site car parking for customers or employees of the commercial component of the development and therefore no requirement to provide an on-site car parking space for people with disabilities for the commercial component of the development. The car parking space for people with disabilities may be removed to accommodate the minimum number of class 1A car parking spaces to be provided.*

Reason for condition

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

ENG 6

The minimum number of bicycle parking spaces to be provided on the site for the commercial use (general retail and hire, and food services) component of the development is four (4), unless approved otherwise by Council. A minimum of one (1) bicycle parking space must be accessible to the customers and a minimum of three (3) bicycle spaces must be accessible for employees of the commercial use component of the development.

All bicycle parking spaces must be in accordance with Australian Standards AS 2890.3: 2015 or a Council approved alternate design and provided prior to commencement of use.

Advice:

- *The maximum number of bicycle parking spaces should be provided on site to offset the deficiency in car parking spaces. Bicycle parking spaces accessible by visitors of the residential component of the development should be provided and may be located in areas such as lobby and/or entrance alcoves, however should not create a hazard for pedestrians or obstruct pedestrian access. Bicycle parking spaces for residents of the residential component of the development should be provided and may be located in any available spaces accessible by residents such as the on-site car park, however should not impact on any of the car parking spaces. All areas that can practically provide for bicycle parking spaces are to be utilised. All bicycle parking spaces are to be fully contained within the property boundaries of the subject site and not to encroach on to the highway reservation.*

Reason for condition

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

ENG 11

Prior to the first occupation, the driveway crossovers to be abandoned must be reinstated and the proposed crossover on the Patrick Street highway reservation must be designed and constructed in general accordance with the following Tasmanian 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.

Advice:

- *Any deviation from the Tasmanian Standard Drawings will require Council City Amenity Division approval.*
- *Redundant crossovers are required to be reinstated under the Hobart City Council's Highways By-law.*
- *You will require a Permit to Open Up and Temporarily Occupy a Highway (for works within the road reserve) in order to reinstate the existing and construct the proposed crossovers.*

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

ENG s1

An adequate overland flow path must be maintained through the site, such that flows are excluded from the dwelling and not redirected onto third-party land, for the 1% AEP as at 2100 (including climate change loading) storm event.

Plans certified by a suitably qualified and experienced engineer as meeting the above requirement must be submitted prior to issue of any consent under the *Building Act 2016* or commencement of works (whichever occurs first).

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

Advice:

- *Overland flow paths will need to demonstrate the excess flows caused from 1% AEP with climate change comply with the above condition, and are direct to public infrastructure.*

Reason for condition

To ensure that the risks associated with inundation are adequately managed.

ENG s2

A loading zone on Harrington Street (or equivalent Council approved location) must be installed prior to the commencement of use of the commercial use (general retail and hire, and food services) components of the development.

Advice:

- *Approval will be required from Council's City Planning Division Manager Traffic Engineering in a process separate to the planning process. All works will be at the developer's expense. Please contact Council's City Planning Division Manager Traffic Engineering with regard to the application for any proposed loading zone and/or other changes to on-street parking.*

Reason for condition

To ensure facilities for commercial vehicles are provided within 50m of the site.

ENV 2

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

A SWMP must be submitted 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 6

All onsite excavation and disturbance must be monitored by a qualified archaeologist. Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

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

HER 7

In the event of the Statement of Archaeological Potential (see HER s3 below) confirming the likelihood of nineteenth century structures remaining on the site, archival quality annotated photographs and drawings of the building and features to be demolished must be recorded prior to commencement of work.

The photographs and drawings must be submitted and approved, prior to the commencement of work. The photographs and drawings must include:

1. Each elevation of the building;
2. The interior of the building;
3. Architectural design detailing of the building;
4. Both electronic and hard copy colour images;
5. Photographs of any detail that may be of historical or architectural interest; and
6. Cross referencing of all photographs to an “as existing” plan showing the location and orientation of the camera.

Advice:

- *Once the annotated photographs and 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 recognition of the historic cultural heritage significance of the place.

HER 8

Salvage must be undertaken to ensure the protection and/or reuse of heritage fabric.

Documentation must be submitted and approved, prior to the commencement of work. The documentation must outline the proposed salvage, retrieval and recycle options of the following building fabric, to satisfy the above requirement.

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

Advice:

- *Once the documentation 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 demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values unless there are exceptional circumstance.

HER s3

A certified Statement of Archaeological Potential, a certified Archaeological Impact Assessment, and a certified Archaeological Method Statement, all prepared by a suitably qualified archaeologist, must be provided to the Council prior to the commencement of work.

All works, required by this condition must be undertaken in accordance with the certified Archaeological Method Statement.

Reason for condition

To ensure that the works is done to the satisfaction of the Council, and to comply with Clause E13.10, requiring protection of historical archaeological values.

HER s4

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing:

1. Compliance with all recommendations of the Archaeological Method Statement.
2. Any design amendments required to mitigate impact upon historical archaeological values, in accordance with the Archaeological Method Statement.

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

Reason for condition

To comply with clause E13.10, by protecting historical archaeological values.

ENVHE 1

Recommendations in the report *Environmental Site Assessment 209 - 215 Harrington Street, Hobart September 2018 by Geo Environmental Solutions* must be implemented, for the duration of the building works.

Reason for condition

To ensure that the risk to future occupants of the building remain low and acceptable.

SURV 8

The applicant, at no cost to the Council, must have prepared, entered into, and have registered at the Land Titles Office, a deed pursuant to Section 75CA of the *Conveyancing and Law of Property Act 1884* for the awning encroachments over Harrington and Patrick Streets, prior to the issue of a completion certificate.

Advice:

- A Section 75CA Conveyancing & Law of Property Act 1884 certificate for the occupation of a Highway requires that the encroachment is a minimum 2.40 metres above the footpath or 4.25 metres above the road carriageway. A 600mm set back from the back of kerb may also be required.
- The applicant must prepare and forward the required instrument pursuant to section 75CA Conveyancing & Law of Property Act 1884, including a survey plan of the encroachment (certified by a registered surveyor), the associated \$230 Council application fee and the Land Titles Office registration fee, to the Council for execution and subsequent registration within the Land Titles Office.

Reason for condition

To ensure that the proposed or existing building encroachments over Harrington and Patrick Streets are formalised in accordance with statutory provisions.

SUB s1

The titles comprising the development site (CT 197488/1, CT 247958/1, CT 203787/1, CT 232390/1, CT 52395/1 and CT 52394/1) must be adhered in accordance with the provisions of section 110 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*, to the satisfaction of the Council prior to the issue of any occupancy permit.

Advice:

- *The application for an adhesion order to the Council has a fee of \$230. Evidence will be required that the owners and mortgagees do not object to the adhesion and the condition is considered completed when a copy of the engrossed receipt of the Land Titles Office lodgement slip for the adhesion order has been received by the Council.*

Reason for condition

To ensure compliance with statutory provisions.

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 PLANNING

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 portal](#).

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](#).

CONDITION ENDORSEMENT ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

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

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

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

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

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 stormwater 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.

STRUCTURES CLOSE TO COUNCILS' STORMWATER MAIN

The design of structures (including footings) must provide protection for the Council's infrastructure. For information regarding appropriate designs please contact the Council's City Infrastructure Division.

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.

CBD AND HIGH VOLUME FOOTPATH CLOSURES

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

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

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

For more information about this requirement please contact the Council's Traffic Engineering Unit on 6238 2804.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

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

REDUNDANT CROSSEVERS

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.

TITLE ADHESION

An adhesion of your titles is required because a portion of your development is across one or more title boundaries. Contact your solicitor or a registered land surveyor to initiate the process.

WORK PLACE HEALTH AND SAFETY

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

PROTECTING THE ENVIRONMENT

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

NOISE REGULATIONS

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

WASTE DISPOSAL

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

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

RESIDENTIAL PARKING PERMITS ELIGIBILITY

It is advised that this development will not be eligible for residential parking permits for on-street parking.

URBAN DESIGN ADVISORY PANEL

The Council's Urban Design Advisory Panel considered this application at its meeting of 22 March 2019 and made the following recommendations which are provided for the applicant's consideration:

- The protection of residential amenity (setback) with the balconies and windows located on the boundary of the site. The Panel raised concern that the design is unlikely to comply with the Building Code of Australia and that the applicant should seek advice from a building surveyor before proceeding further with the Application.
- The Panel felt that the design of the lobby was awkward as it lacked a linkage to the stairs. It was also noted that the split floor levels incorporating steps leading to alternate fire exits may raise concerns around the adequacy of disability access and fire safety.
- The first floor of the proposal above the car park shows an outdoor area of vacant space. The Panel raised the opportunity for landscaping within this space and suggested this could be utilised as a common area for residents.
- The ground floor shows no internal access to garbage disposal area. The Panel felt that there should be an internal connection to the garbage disposal area for both residents and the occupiers of the retail space.
- The Panel notes that the proposal includes no external common spaces or landscaping and suggests that consideration be given to the provision of outdoor dining, landscaping and greenery that would encourage interaction from the street and where possible with neighbouring properties. The canopy/awning projection over the footpath was also noted as being very shallow.
- The Panel did consider the elevational treatment patterns to be an improvement on the previous application however believes that the lobby / entrance section to the north-west end of the building could be improved with a glazed panel or similar for additional natural light.

- Concerns were raised regarding the colour palette and finishes. The Panel believed that the black, white and grey concrete finishes were particularly austere for a prominent residential complex in this location.

BEHRAKIS
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

Alderman Behrakis declared an interest in item 9.3 and left the meeting at 5.22 pm.

9.3 55 Mount Stuart Road, Mount Stuart - PLN-18-716
File Ref: F19/53467

Ref: Open [CPC 7.1.3](#), 13/05/2019

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for four multiple dwellings and works in road reserve at 55 Mount Stuart Road, Mount Stuart and adjacent road reserve for the reasons outlined in the officer's report, attached to item 7.1.3 of the Open City Planning Committee agenda of 13 May 2019, 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-18-716 - 55 MOUNT STUART ROAD MOUNT STUART 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 2019/00266-HCC dated 1/3/2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s3

Parking and vehicle circulation roadways and pedestrian paths must be provided with lighting to a standard which satisfies all of the following:

1. Enables easy and efficient use of the area;
2. Minimises potential for conflicts involving pedestrians, cyclists and vehicles;
3. Prevents unreasonable impact on the amenity of adjoining users through light overspill; and
4. Is appropriate to the hours of operation of the use.

Prior to the issue of any approval under the *Building Act 2016*, plans demonstrating compliance with this condition must be submitted and approved by the Council's Director City Planning.

Once the plans are approved, the approved lighting must be installed prior to the issue of a Certificate of Occupancy, and must be maintained in place in accordance with the approved plans by the owners of the property.

Reason for condition

To ensure parking and vehicle circulation roadways and pedestrian paths are provided with lighting to a standard which: Enables easy and efficient use; Promotes the safety of users; Minimises opportunities for crime or anti-social behaviour; and Prevents unreasonable light overspill impacts.

PLN s4

The first floor kitchen/office area window on the eastern elevation of Townhouse 1, must be in accordance with that shown in the shading studies, not the highlight window shown on plan A19.

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

All work required by this condition must be undertaken prior to occupancy of Townhouse 1 in accordance with the approved revised plans.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

ENG sw4

If a new stormwater connection is required, the new stormwater connection must be constructed and existing abandoned connections sealed by the Council at the owner's expense, prior to the first occupation.

Detailed engineering drawings must be submitted and approved, prior to commencement of work. The detailed engineering drawings must include:

1. The location of the proposed connection;
2. The size of the connection appropriate to satisfy the needs of the development; and
3. A long section of the connection showing the cover on the pipe.

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

Advice:

- *The applicant is advised to submit detailed design drawings via a Council City Infrastructure Division [application for a new stormwater connection](#). If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to submit an application for a new stormwater connection with Council City Infrastructure Division.*

- *Where building / plumbing approval is also required, it is recommended that documentation to satisfy this condition is submitted well before submitting documentation for building/plumbing approval. Failure to address planning condition requirements prior to submitting for building/plumbing approval may result in unexpected delays.*

Reason for condition

To ensure the site is drained adequately.

ENG sw7

Stormwater pre-treatment for stormwater discharges from the development must be installed and a Treatment Train Maintenance Contract entered into prior to the commencement of use.

The stormwater pre-treatment system must incorporate a treatment system of a size and design sufficient to achieve the stormwater quality targets in accordance with the State Stormwater Strategy 2010.

The stormwater pre-treatment system must be maintained for the life of the development.

Reason for condition

To avoid the possible pollution of drainage systems and natural watercourses, and to comply with relevant State legislation.

ENG sw8

Prior to first occupation or commencement of use (whichever occurs first), an onsite stormwater detention system must be installed to limit stormwater discharge from the site to the pre-development level. The permissible site discharge for a 1:20 Average Recurrence Interval (ARI) storm event of any duration is 12 L/s.

Prior to any approval under the *Building Act 2016*, a stormwater management report and detention design must be submitted and approved by Council. The stormwater management report and detention design must be prepared by a suitably qualified engineer and include:

1. Detailed design and supporting calculations of the detention tank, sized such that the permissible site discharge of 12 L/s is not exceeded for all duration 1:20 ARI storm events. All assumptions must be clearly stated;
2. Design drawings of the detention tank showing the layout, the inlet and outlet (including how outflows will be limited), the overflow mechanism; and

3. 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:

- *If the parking module is proposed to be free draining from the site, this condition can be met by providing a single 6000L tanks with a maximum driving head of 1.75m and 45mm sharp edged orifice plate outlet. If the developer wishes to utilise four (4) of 1500 Litre detentions tanks (one for each dwelling positioned in parallel), it is recommended to plumb these into a single flow restriction pit with a single flow limiting device (as four individual orifice plate flow restrictors [one on each dwelling's tank] will be too small diameter to be practical).*
- *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 and the associated fees).*
- *It is advised that documentation for condition endorsement is lodged well before a building / plumbing permit is required, as failure to address design requirements until building / plumbing permit stage may result in unexpected delays.*

Reason for condition

To ensure that the stormwater runoff quantity is managed to take into account the limited receiving capacity of the downstream Council stormwater infrastructure.

ENG tr2

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

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to any approval under the *Building Act 2016* or commencement of work on site (whichever occurs first). A plan may be provided for each individual stage or the whole development. 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, 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 safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), 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* or the commencement of 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:

- *If the development's building approval includes the need for a Building Permit from Council, the applicant is advised to submit detailed design of vehicular barrier as part of the Building Application.*
- *If the development's building approval is covered under Notifiable Work the applicant is advised to submit detailed design of vehicular barrier as a condition endorsement of the planning permit condition. Once the certification has been accepted, the Council will issue a 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 standard.

ENG 2c

Prior to the first occupation, 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 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) with the following exception that the maximum gradient for the centreline of turning areas is to be 15%.

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 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*.

The 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;
3. Include within the design mechanism to provide protection to the heritage wall;
4. Demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use, where the design deviates from AS/NZS2890.1:2004; and
5. Show dimensions, levels, gradients and transitions, and other details as Council deem necessary to satisfy the above requirement.

Advice:

- *It is advised that designers consider the detailed design of the 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.*

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

ENG 3c

The circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the design drawings approved by Condition ENG 3b.

Prior to the first occupation, documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the above 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 first occupation.

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

ENG 13

The front wall/fencing and gate at the Mount Stuart Road and Byard Street vehicular accesses must allow adequate sight distance between user vehicles, cyclists and pedestrians.

Amended drawings must be submitted and approved, prior to the commencement of work. The amended drawing must demonstrate how the fence either side of the driveway/s provides for adequate sight distance between user vehicles, cyclists and pedestrians by one of the following methods:

1. Compliance with Australian/NZ Standard, Parking facilities Part 1: Off-street car parking AS/NZS 2890.1: 2004 Fig 3.3;
2. Increasing the gate width of the driveway(s) to 5m; or
3. Increasing the transparency of fencing for at least 1m on each side of driveway/s so that those sections of fencing are greater than 50% transparent; or
4. Reducing the wall/fence height to a maximum of 1.2m for a distance 1.5m either side of the access.

All work required by this condition must be undertaken prior to the commencement of use in accordance with the approved drawings.

Advice:

- *The applicant may submit amended drawings to satisfy this condition as either part of an application for building approval, or alternatively via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]).*
- *Failure to address condition 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 of pedestrians and traffic in the vicinity.

ENG R3

Prior to the commencement of use, the proposed driveway crossovers within the Mount Stuart Road and Byard Street highway reservations, and the proposed footpath realignment on Mount Stuart Road, must be designed and constructed in accordance with:

- TSD-R09-v1 – Urban Roads Driveways, TSD-R14-v1 Type KC vehicular crossing and TSD-R11-v1 Urban Roads Footpaths; or
- A Council City Amenity approved alternate design.

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

1. Show the cross and long section (both wheel paths) of the driveway crossover within the highway reservation and onto the property.
2. Show the cross and long section of the proposed footpath realignment within the highway reservation.
3. Detail any services, infrastructure (e.g. light poles, pits, awnings) or street trees at or near the proposed driveway crossover / footpath realignment.
4. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings.
5. Show swept path templates in accordance with AS/NZS 2890.1 2004(B85 or B99 depending on use, design template).
6. Demonstrate that a B85 vehicle or B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the car's underside ,if the design deviates from the requirements of the TSD.

7. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004 or as approved under conditions of this permit.
8. 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 drawings.

Advice:

- *The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- *Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

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

ENV 2

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

A SWMP must be submitted 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 20

The developer must provide and plant an Irish Yew (*Taxus baccata* 'Aurea') and a Bay Tree (*Laurus nobilis*) on the site to replace the significant trees that will be removed. Prior to the issue of any approval under the *Building Act 2016*, a landscaping plan demonstrating compliance with this condition must be submitted to and approved by the Council's Director City Planning.

The landscaping plan must show:

1. the location of an Irish Yew (*Taxus baccata* 'Aurea') and a Bay Tree (*Laurus nobilis*) on the site;
2. the location of the stone footings at the base of the southern wall of the remains of the original dwelling on the site, required to be retained by condition HER s1;
3. a scale, dimensions and north point;
4. all proposed buildings and impervious surfaces, including details of surface finishes of pathways and driveways
5. all buildings and trees (including botanical names) on neighbouring properties within three metres of boundaries shared with the subject site.

The planting of the Irish Yew (*Taxus baccata* 'Aurea') and Bay Tree (*Laurus nobilis*) required by this condition must be completed in accordance with the approved landscaping plan prior to first occupation of the development. The trees must be maintained by the property owners, and replacement vegetation must be planted if any is lost.

Reason for condition

To replace significant trees that would be removed as a result of the development.

HER s1

Demolition of the stone footings at the base of the southern wall of the remains of the original dwelling on the site (i.e. not that of the enclosed sunroom addition) is not approved. The stonework and any structures up to floor level within this elevation must be retained and protected. Any development above or adjacent to the footings must allow the footings to be visible from the adjacent section of Mount Stuart Road, and from the adjacent part of the proposed driveway.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing how the above footings will be:

1. Incorporated into the design of the development in accordance with the above requirements; and
2. Protected during construction of the development; and
3. Protected once construction of the development is complete, including how the parts of the footings adjacent to the driveway would be protected from vehicle impact.

All work required by this condition must be undertaken in accordance with the approved plans, and must be maintained in accordance with the approved plans by the owners of the property.

Reason for condition

To ensure that development at a heritage place is:

- (a) undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance; and
- (b) designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics.

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 ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

As you are constructing new crossovers and realigning footpaths you will require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

NEW SERVICE CONNECTION

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

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.

STREET LIGHTING

The relocation of a light pole must be in accordance with TasNetworks and Hobart City Council requirements. 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](#).

NOISE REGULATIONS

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

WASTE DISPOSAL

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

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

BRISCOE
EWIN

That the recommendation be adopted.

AMENDMENT

DUTTA
SHERLOCK

That the following condition be included:

'Prior to the commencement of work onsite, the owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993*, which requires that:

1. The landscaping plan as depicted on drawing A05 (plot date 25/10/2018, Rev: -) must be implemented.
2. If either or both of the Bay Tree (*Laurus nobilis*) and the Irish Yew Tree (*Taxus baccata* 'Aurea') as depicted in the above landscape plan are destroyed, damaged, or die, they must be replaced by trees of the same species.
3. The removal of either or both of the Bay Tree (*Laurus nobilis*) and Irish Yew Tree (*Taxus baccata* 'Aurea') is prohibited unless the written consent of the Council's Director City Planning is obtained prior to their removal.

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

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

Advice: For further information with respect to the preparation of a Part 5 agreement please contact the Council's Development Appraisal Unit on 6238 2715.

Reason for condition

To ensure that the required trees are retained and properly maintained.'

AMENDMENT CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Briscoe	
Sexton	
Thomas	
Harvey	
Dutta	
Ewin	
Sherlock	

SUBSTANTIVE MOTION CARRIED

VOTING RECORD

AYES	NOES
Sexton	Lord Mayor Reynolds
Thomas	Briscoe
Harvey	Dutta
Ewin	
Sherlock	

COUNCIL RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for four multiple dwellings and works in road reserve at 55 Mount Stuart Road, Mount Stuart and adjacent road reserve for the reasons outlined in the officer's report, attached to item 7.1.3 of the Open City Planning Committee agenda of 13 May 2019, 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-18-716 - 55 MOUNT STUART ROAD MOUNT STUART 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 2019/00266-HCC dated 1/3/2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s3

Parking and vehicle circulation roadways and pedestrian paths must be provided with lighting to a standard which satisfies all of the following:

1. Enables easy and efficient use of the area;
2. Minimises potential for conflicts involving pedestrians, cyclists and vehicles;
3. Prevents unreasonable impact on the amenity of adjoining users through light overspill; and
4. Is appropriate to the hours of operation of the use.

Prior to the issue of any approval under the *Building Act 2016*, plans demonstrating compliance with this condition must be submitted and approved by the Council's Director City Planning.

Once the plans are approved, the approved lighting must be installed prior to the issue of a Certificate of Occupancy, and must be maintained in place in accordance with the approved plans by the owners of the property.

Reason for condition

To ensure parking and vehicle circulation roadways and pedestrian paths are provided with lighting to a standard which: Enables easy and efficient use; Promotes the safety of users; Minimises opportunities for crime or anti-social behaviour; and Prevents unreasonable light overspill impacts.

PLN s4

The first floor kitchen/office area window on the eastern elevation of Townhouse 1, must be in accordance with that shown in the shading studies, not the highlight window shown on plan A19.

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

All work required by this condition must be undertaken prior to occupancy of Townhouse 1 in accordance with the approved revised plans.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

ENG sw4

If a new stormwater connection is required, the new stormwater connection must be constructed and existing abandoned connections sealed by the Council at the owner's expense, prior to the first occupation.

Detailed engineering drawings must be submitted and approved, prior to commencement of work. The detailed engineering drawings must include:

1. The location of the proposed connection;
2. The size of the connection appropriate to satisfy the needs of the development; and
3. A long section of the connection showing the cover on the pipe.

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

Advice:

- *The applicant is advised to submit detailed design drawings via a Council City Infrastructure Division [application for a new stormwater connection](#). If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to submit an application for a new stormwater connection with Council City Infrastructure Division.*

- *Where building / plumbing approval is also required, it is recommended that documentation to satisfy this condition is submitted well before submitting documentation for building/plumbing approval. Failure to address planning condition requirements prior to submitting for building/plumbing approval may result in unexpected delays.*

Reason for condition

To ensure the site is drained adequately.

ENG sw7

Stormwater pre-treatment for stormwater discharges from the development must be installed and a Treatment Train Maintenance Contract entered into prior to the commencement of use.

The stormwater pre-treatment system must incorporate a treatment system of a size and design sufficient to achieve the stormwater quality targets in accordance with the State Stormwater Strategy 2010.

The stormwater pre-treatment system must be maintained for the life of the development.

Reason for condition

To avoid the possible pollution of drainage systems and natural watercourses, and to comply with relevant State legislation.

ENG sw8

Prior to first occupation or commencement of use (whichever occurs first), an onsite stormwater detention system must be installed to limit stormwater discharge from the site to the pre-development level. The permissible site discharge for a 1:20 Average Recurrence Interval (ARI) storm event of any duration is 12 L/s.

Prior to any approval under the *Building Act 2016*, a stormwater management report and detention design must be submitted and approved by Council. The stormwater management report and detention design must be prepared by a suitably qualified engineer and include:

1. Detailed design and supporting calculations of the detention tank, sized such that the permissible site discharge of 12 L/s is not exceeded for all duration 1:20 ARI storm events. All assumptions must be clearly stated;
2. Design drawings of the detention tank showing the layout, the inlet and outlet (including how outflows will be limited), the overflow mechanism; and

3. 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:

- *If the parking module is proposed to be free draining from the site, this condition can be met by providing a single 6000L tanks with a maximum driving head of 1.75m and 45mm sharp edged orifice plate outlet. If the developer wishes to utilise four (4) of 1500 Litre detentions tanks (one for each dwelling positioned in parallel), it is recommended to plumb these into a single flow restriction pit with a single flow limiting device (as four individual orifice plate flow restrictors [one on each dwelling's tank] will be too small diameter to be practical).*
- *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 and the associated fees).*
- *It is advised that documentation for condition endorsement is lodged well before a building / plumbing permit is required, as failure to address design requirements until building / plumbing permit stage may result in unexpected delays.*

Reason for condition

To ensure that the stormwater runoff quantity is managed to take into account the limited receiving capacity of the downstream Council stormwater infrastructure.

ENG tr2

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

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to any approval under the *Building Act 2016* or commencement of work on site (whichever occurs first). A plan may be provided for each individual stage or the whole development. 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, 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 safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), 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* or the commencement of 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:

- *If the development's building approval includes the need for a Building Permit from Council, the applicant is advised to submit detailed design of vehicular barrier as part of the Building Application.*
- *If the development's building approval is covered under Notifiable Work the applicant is advised to submit detailed design of vehicular barrier as a condition endorsement of the planning permit condition. Once the certification has been accepted, the Council will issue a 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 standard.

ENG 2c

Prior to the first occupation, 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 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) with the following exception that the maximum gradient for the centreline of turning areas is to be 15%.

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 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*.

The 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;
3. Include within the design mechanism to provide protection to the heritage wall;
4. Demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use, where the design deviates from AS/NZS2890.1:2004; and
5. Show dimensions, levels, gradients and transitions, and other details as Council deem necessary to satisfy the above requirement.

Advice:

- *It is advised that designers consider the detailed design of the 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.*

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

ENG 3c

The circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the design drawings approved by Condition ENG 3b.

Prior to the first occupation, documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the above 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 first occupation.

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

ENG 13

The front wall/fencing and gate at the Mount Stuart Road and Byard Street vehicular accesses must allow adequate sight distance between user vehicles, cyclists and pedestrians.

Amended drawings must be submitted and approved, prior to the commencement of work. The amended drawing must demonstrate how the fence either side of the driveway/s provides for adequate sight distance between user vehicles, cyclists and pedestrians by one of the following methods:

1. Compliance with Australian/NZ Standard, Parking facilities Part 1: Off-street car parking AS/NZS 2890.1: 2004 Fig 3.3;
2. Increasing the gate width of the driveway(s) to 5m; or
3. Increasing the transparency of fencing for at least 1m on each side of driveway/s so that those sections of fencing are greater than 50% transparent; or
4. Reducing the wall/fence height to a maximum of 1.2m for a distance 1.5m either side of the access.

All work required by this condition must be undertaken prior to the commencement of use in accordance with the approved drawings.

Advice:

- *The applicant may submit amended drawings to satisfy this condition as either part of an application for building approval, or alternatively via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]).*
- *Failure to address condition 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 of pedestrians and traffic in the vicinity.

ENG R3

Prior to the commencement of use, the proposed driveway crossovers within the Mount Stuart Road and Byard Street highway reservations, and the proposed footpath realignment on Mount Stuart Road, must be designed and constructed in accordance with:

- TSD-R09-v1 – Urban Roads Driveways, TSD-R14-v1 Type KC vehicular crossing and TSD-R11-v1 Urban Roads Footpaths; or
- A Council City Amenity approved alternate design.

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

1. Show the cross and long section (both wheel paths) of the driveway crossover within the highway reservation and onto the property.
2. Show the cross and long section of the proposed footpath realignment within the highway reservation.
3. Detail any services, infrastructure (e.g. light poles, pits, awnings) or street trees at or near the proposed driveway crossover / footpath realignment.
4. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings.
5. Show swept path templates in accordance with AS/NZS 2890.1 2004(B85 or B99 depending on use, design template).
6. Demonstrate that a B85 vehicle or B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the car's underside ,if the design deviates from the requirements of the TSD.

7. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004 or as approved under conditions of this permit.
8. 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 drawings.

Advice:

- *The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- *Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

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

ENV 2

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

A SWMP must be submitted 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 20

The developer must provide and plant an Irish Yew (*Taxus baccata* 'Aurea') and a Bay Tree (*Laurus nobilis*) on the site to replace the significant trees that will be removed. Prior to the issue of any approval under the *Building Act 2016*, a landscaping plan demonstrating compliance with this condition must be submitted to and approved by the Council's Director City Planning.

The landscaping plan must show:

1. the location of an Irish Yew (*Taxus baccata* 'Aurea') and a Bay Tree (*Laurus nobilis*) on the site;
2. the location of the stone footings at the base of the southern wall of the remains of the original dwelling on the site, required to be retained by condition HER s1;
3. a scale, dimensions and north point;
4. all proposed buildings and impervious surfaces, including details of surface finishes of pathways and driveways
5. all buildings and trees (including botanical names) on neighbouring properties within three metres of boundaries shared with the subject site.

The planting of the Irish Yew (*Taxus baccata* 'Aurea') and Bay Tree (*Laurus nobilis*) required by this condition must be completed in accordance with the approved landscaping plan prior to first occupation of the development. The trees must be maintained by the property owners, and replacement vegetation must be planted if any is lost.

Reason for condition

To replace significant trees that would be removed as a result of the development.

HER s1

Demolition of the stone footings at the base of the southern wall of the remains of the original dwelling on the site (i.e. not that of the enclosed sunroom addition) is not approved. The stonework and any structures up to floor level within this elevation must be retained and protected. Any development above or adjacent to the footings must allow the footings to be visible from the adjacent section of Mount Stuart Road, and from the adjacent part of the proposed driveway.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing how the above footings will be:

1. Incorporated into the design of the development in accordance with the above requirements; and
2. Protected during construction of the development; and
3. Protected once construction of the development is complete, including how the parts of the footings adjacent to the driveway would be protected from vehicle impact.

All work required by this condition must be undertaken in accordance with the approved plans, and must be maintained in accordance with the approved plans by the owners of the property.

Reason for condition

To ensure that development at a heritage place is:

- (a) undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance; and
- (b) designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics.

PART 5 1

Prior to the commencement of work onsite, the owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993*, which requires that:

1. The landscaping plan as depicted on drawing A05 (plot date 25/10/2018, Rev: -) must be implemented.
2. If either or both of the Bay Tree (*Laurus nobilis*) and the Irish Yew Tree (*Taxus baccata* 'Aurea') as depicted in the above landscape plan are destroyed, damaged, or die, they must be replaced by trees of the same species.
3. The removal of either or both of the Bay Tree (*Laurus nobilis*) and Irish Yew Tree (*Taxus baccata* 'Aurea') is prohibited unless the written consent of the Council's Director City Planning is obtained prior to their removal.

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

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

Advice: For further information with respect to the preparation of a Part 5 agreement please contact the Council's Development Appraisal Unit on 6238 2715.

Reason for condition

To ensure that the required trees are retained and properly maintained.'

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 ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

As you are constructing new crossovers and realigning footpaths you will require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

NEW SERVICE CONNECTION

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

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.

STREET LIGHTING

The relocation of a light pole must be in accordance with TasNetworks and Hobart City Council requirements. 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](#).

NOISE REGULATIONS

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

WASTE DISPOSAL

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

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

BRISCOE
SEXTON

That item 29 be now taken.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

Item 29 was then taken.

10. 2019-20 Fees and Charges - City Planning Division
File Ref: F19/48470

Ref: Open [CPC 8.1](#), 13/05/2019

The attached schedule of fees and charges be endorsed for the City Planning Division for the 2019-20 financial year, marked as Attachments A-M and as referenced below:

- Development Compliance (Attachment A)
- Public Health Infringements (Attachment B)
- Public Health Registrations / Licences (Attachment C)
- Public Health Services – Other (Attachment D)
- City Inspector (Attachment E)
- Development Compliance Infringements (Attachment F)
- Development Compliance Plumbing (Attachment G)
- Legal and Animal Management (Attachment H)
- City Planning Publications (Attachment I)
- Scheme Amendments (Attachment J)
- Development Appraisal (Attachment K)
- Development Appraisal Engineering (Attachment L)
- 3D GIS Services (Attachment M)

BEHRAKIS
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

11. Penalties for Illegal Demolition
File Ref: F19/52253; 16/117

Ref: Open [CPC 8.2](#), 13/05/2019

That: 1. The Council write to the State Government requesting a legislative amendment to increase the penalties in the *Land Use Planning and Approvals Act 1993* for unlawful use or development and introduce alternative sentencing options consistent with the provisions introduced in NSW as set out in Attachment B to item 8.2 of the Open City Planning Committee agenda of 13 May 2019.

- (i) The Council write to the Local Government Association of Tasmania to seek support in lobbying the State Government to implement the legislative amendment as stipulated in Clause 1.

BEHRAKIS
HARVEY

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

12. Affordable Housing Inclusionary Zoning - Consideration of Deferred Item
File Ref: F19/51945; 17/167

Ref: Open [CPC 8.3](#), 13/05/2019

That Council:

- (i) Further consider the options for the provision of affordable housing and long term rental housing through the planning system when the Minister for Planning formally consults with planning authorities when drafting the Settlement and Liveable Communities and the Infrastructure Tasmanian Planning Policies;
- (ii) Obtain further advice from Mr McElwaine in relation to the ability of planning schemes to contain provisions related to affordable housing given the recent amendments to *Land Use Planning and Approvals Act 1993* in relation to Tasmanian Planning Policies; and
- (iii) Consider the need to commission an economic and development feasibility study to determine whether or not planning incentives such as inclusionary zoning, density or height bonuses would act to provide more affordable housing and long term rental housing in the Hobart housing market when the process for making the Settlement and Liveable Communities and the Infrastructure Tasmanian Planning Policies has been completed.

BEHRAKIS
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

13. Monthly Building Statistics - 1 April 2019 - 30 April 2019

File Ref: F19/50209

Ref: Open [CPC 8.4](#), 13/05/2019

That the information be received and noted.

The Director City Planning reports:

- A. 1. During the period 1 April 2019 to 30 April 2019, 35 permits were issued to the value of \$11,543,331 which included:
- (i) 19 for Extensions/Alterations to Dwellings to the value of \$5,513,115;
 - (ii) 14 New Dwellings to the value of \$4,457,201; and
 - (iii) 3 Major Projects:
 - (a) 92-96 Argyle Street, Hobart - Commercial Internal Alterations to office and retail - \$2,400,000;
 - (b) 128 Strickland Avenue, South Hobart - Demolition, Five Multiple Dwellings and Associated Works - \$2,000,000;
 - (c) 40 Melville Street, Hobart - Staged Application - Student accommodation early works (up to the completion of LG slab only) - \$1,545,328.
2. During the period 1 April 2018 to 30 April 2018, 71 permits were issued to the value of \$24,016,869 which included:
- (i) 37 Extensions/Alterations to Dwellings to the value of \$5,122,271
 - (ii) 18 New Dwellings to the value of \$6,626,025; and
 - (iii) 3 Major Projects:
 - (a) 2 Melville Street, Hobart - Commercial Fit Out (IVF Clinic) - \$5,000,000;
 - (b) 85-89 Collins Street, Hobart - Commercial Internal Alterations (H&M Fitout) - \$3,060,000;
 - (c) 14 Stephanie Close, Sandy Bay - New House - \$1,750,000.
- B. 1. In the twelve months ending April 2018, 695 permits were issued to the value of \$420,913,820; and
2. In the twelve months ending April 2019, 610 permits were issued to the value of \$335,262,071.

BEHRAKIS
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

14. COP24 - Katowice Poland - 4 to 14 December 2018
File Ref: F19/52904; 13-1-10

Ref: Open [CPC 8.5](#), 13/05/2019

- That: 1. The information contained in the report, titled COP24 Katowice Poland – 4 to 14 December 2018 dated 11 April 2019, be received and noted, as amended by the deletion of the following dot point from the section titled 'Outcomes':
- Council officers continue to mentor smaller regional councils located in the south of Tasmania with the development of appropriate climate change initiatives.
2. *Council officers be officially acknowledged for their important work with both mitigating and adapting to climate change regionally and locally.*
3. A media release communicating the outcomes as outlined in Councillor Harvey's report titled COP24 Katowice Poland – 4 to 14 December 2018 dated 11 April 2019, be issued at the appropriate time.

BEHRAKIS
HARVEY

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

**IN ACCORDANCE WITH REGULATION 16(5) OF THE LOCAL GOVERNMENT
(MEETING PROCEDURES) REGULATIONS 2015**

15. Climate and Biodiversity Emergency
File Ref: F19/56096; 13-1-10

Councillor Harvey

Preamble:

There is a growing awareness across that world that political leaders have failed to respond to the urgency of addressing climate change and to meeting global emissions reduction targets to limit global warming to below 2 degrees. Failure to achieve this target is projected to lead to catastrophic outcomes for humanity, habitat and biodiversity. The overwhelming body of scientific evidence conclusively points to this and we have had consistent warnings that time is running out to act.

At the March 2019 meeting of the UN General Assembly, speakers warned that humanity only has 11 years to prevent irreversible damage from climate change. <https://www.un.org/press/en/2019/ga12131.doc.htm>

In December 2017, 20,000 scientists from 184 nationalities issued a second notice to humanity warning of the urgent need to change direction.

The Alliance of World Scientists (AWS)

The AWS is a new international assembly of scientists, which is independent of both governmental and non-governmental organizations and corporations. We submit, that in order to prevent widespread misery caused by catastrophic damage to the biosphere, humanity must practice more environmentally sustainable alternative to business-as-usual. Our vital importance and role comes from scientists' unique responsibility as stewards of human knowledge and champions of evidence-based decision-making. The main goal of the AWS is to be a collective international voice of many scientists regarding global climate and environmental trends and how to turn accumulated knowledge into action. Other organizations do laudable work toward this goal, but to our knowledge, AWS is the only independent, grass-roots organization comprised of scientists from around the world committed to the well-being of humanity and the planet.

<http://scientistswarning.forestry.oregonstate.edu/>

On the 6th May 2019, the Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services (IPBES) reported that around 1,000,000 species are now threatened across the globe with extinction, many within decades and that nature is declining globally at unprecedented rates in human history. They reported the rate of species extinctions is accelerating, with grave impacts on people around the world likely.

It is without doubt that humanity needs to change direction to address the emergency of climate change and biodiversity extinction and failure to do so will have catastrophic consequences for future generations, natural habitat, biodiversity and life on earth.

To date, as a response to the failure of commitment from national governments, over 520 councils across 8 countries representing 50 million people have already declared a climate emergency. In Australia, 17 councils have made this declaration.

Recently, the United Kingdom and Ireland both declared climate emergencies with Ireland also including a biodiversity emergency in their declaration.

Motion:

“That the City of Hobart:

Affirms its commitment to future generations in addressing catastrophic climate change and biodiversity loss through its on-going policies, strategies and leadership by supporting the declaration of a climate and biodiversity emergency.

Writes to the incoming Prime Minister urging them and their Government to declare a climate and biodiversity emergency and to commit to implementing strong national policy, regulation, strategy and resources to secure the well-being of future generations of Australians and to secure the country's indigenous habitat, ecosystems and ecosystem services on which we all depend and to address the catastrophic causes pushing 1000s of Australian mammal, marine, plant and insect species towards extinction.

Submit urgency motions to the Local Government Association of Tasmanian and the Australian Local Government Association to declare a national climate and biodiversity emergency.

Include acknowledgement of the declaration of a climate and biodiversity emergency in the Council's new Strategic Plan."

Rationale:

"The City of Hobart has been actively working to address climate change issues for close to two decades through its Climate Change Strategies, the Regional Climate Change Initiative (RCCI) and now a comprehensive adaptation strategy to be released soon.

To date, significant progress has been made with energy efficiency, reduction in greenhouse gas emissions and community engagement with regard to adaptation plans and preparedness.

A record that the council can be very proud of. The council has shown initiative and leadership at a local, state, national and recently international level.

It is on the back of this leadership that council can demonstrate its commitment and advocate strongly for national action and leadership.

Council already is well aware that climate change looms as a huge risk to this council and its community. The May 2018 floods and recent fires across the island are symptomatic of a changing climate that will threaten and challenges us going forward. The council is already acutely aware and operationally working hard towards preparing communities for a climate altered future and is preparing a new Climate Adaptation Strategy.

The following extract demonstrates the council's understanding, commitment and leadership: City of Hobart: Responding to Climate Change Background Paper highlights key issues and the urgency.

"KEY ISSUES

- The world is taking action to limit global warming to below 2 °C. While it is a global issue, the solutions are local.
- All weather, including extreme weather events, is being influenced by climate change.

- Extreme weather events are putting pressure on our local economies, health systems, built and urban infrastructure, ecosystems and food production systems.
- Climate change will have a long-term impact on our communities.
- Individuals, communities, businesses and governments all have a role to play in responding to climate change.
- Local governments have a role around informing the community and managing its assets and services.
- Hobart has highly valued and unique natural and built environments. To protect these requires adaptation actions now.
- The City of Hobart works with other local governments, networks and stakeholders. It has led a range of 'adaptation actions', including the development of an adaptation policy and an adaptation action plan that was replicated across all Tasmanian local Councils.
- The City of Hobart is working with communities in areas vulnerable to climate impacts such as sea level rise and storm surge at Marieville Esplanade, Long Beach and Nutgrove foreshores reducing bushfire hazard across bushland area improving Hobart's resilience and sustainability through improved transport and waste management.
- The City of Hobart influences community adaptation by working towards: a low emissions future—increased renewable energy generation, low carbon transport, energy efficient buildings, zero waste to landfill a healthy and robust built and natural environment people being connected, empowered and feeling part of the community well-informed decision-making at all levels.
- The City of Hobart is seeking feedback on what actions—for the community and the City—are priorities for the next critical decade.

INTRODUCTION

There is an expansive and growing body of scientific evidence that the global climate has changed, and will continue to change over the coming century. Climate change modelling undertaken in Tasmania shows that Hobart faces greater risks and challenges from more frequent bushfires, extended heatwaves, heavier rainfall, sea level rise and storm tide events. The City of Hobart recognises that local governments have a key role in working with communities, to prepare for and manage climate change impacts. Local governments have local knowledge and experience, understanding of community needs and vulnerabilities, and has a key role in shaping our urban landscapes and responding to emergencies. Around the world, cities like Hobart are leading the way on climate action. In 1999, the City of Hobart was the first Tasmanian local government to formally commit to and take action on climate change. It has a program in place that has seen it both reduce greenhouse gas emissions and energy usage as well as preparing Hobart to respond to climate risks. The City of Hobart has a commitment to see the capital evolve into a strong, vibrant, resilient and sustainable city through the

provision of local government services and infrastructure.

The Capital City Strategic Plan 2015–2025, the City's key document to guiding development and delivery of our assets, programs and services, identifies the need for increased resilience to climate change. Reviewing and updating our climate strategy therefore presents an opportunity to make sure that we have in place actions that continue to decrease our carbon footprint and assist in responding to climate change impacts (Strategic Objective 3.1).

The City of Hobart, through a range of programs, provides resources to build climate resilience. The City offers grants for climate and energy-saving projects, provides climate change information, and encourages behaviour change. The City of Hobart works closely with the following organisations to deliver adaptation projects:

- Southern Tasmanian Regional Councils Authority;
- Southern Tasmanian Local Governments;
- Tasmanian Government, particularly with the Tasmanian Climate Change Office;
- Local Government Association of Tasmania.

WHY ARE LOCAL GOVERNMENTS TAKING CLIMATE ACTION?

Local governments are the closest level of government to communities and has a responsibility under the Local Government Act 1993 to provide for the health, safety and welfare of the community. This role includes taking action on climate change.

The Australian Local Government Association, the peak body representing local governments, identifies climate change as one of the top five priorities to act on. It states that effective mitigation of greenhouse gas emissions and adaptation to the impacts of climate change will transform the Australian economy, environment and society.

1. The case for climate action is also made by the Southern Tasmanian Councils Authority which recognises that "in managing and preparing for climate change impacts, local governments are best positioned to work with communities due to their:
 - responsibility to support and assist local communities
 - local knowledge and experience
 - understanding of community needs and vulnerabilities
 - role in preparing for, supporting responses to and recovering from emergencies
 - role in infrastructure design, construction and maintenance

- role in review and update of planning schemes (in relation to identified local impacts and threats)
- ability to effectively disseminate information and provide support to the community.

CITY OF HOBART'S PRINCIPLE BASED APPROACH

Building on its existing leadership role, and highlighting the role of local government in responding to climate change, the City of Hobart recognises that:

- climate change is a global issue requiring local solutions
- climate change action is a shared responsibility between local, state and federal governments, communities and the private sector
- local government has an important role in educating communities at the municipal and regional level on climate change as a risk, and options for adaptation and mitigation
- local government must prepare for and manage the impacts of climate change on its assets and services and work to reduce its emissions and energy use
- early climate change adaptation and mitigation action is more cost effective than delayed action
- in many instances, mitigation actions like renewable energy and energy efficient lights can help bring down overall running costs
- collaboration and cooperation on climate change adaptation and mitigation actions by local government provides more effective use of resources.

The City of Hobart is guided in how it responds to climate change by the following principles, which are to:

- administer relevant Tasmanian and/or Australian legislation to promote climate action, including the application of relevant codes, such as the Building Code of Australia
- provide leadership and collaborate across local governments and with the Tasmanian Government to act on climate change
- manage risks and impacts, and consider opportunities, to assets it owns and manages and services it provides
- ensure policies and regulations under its jurisdiction incorporate climate change considerations and are consistent with Tasmanian and Australian government approaches to adaptation and mitigation
- facilitate resilience building and adaptive capacity in the local community by providing information on local climate change risks and mitigation

- work in partnership with the community, local non-government organisations, businesses and other key stakeholders to implement adaptation and mitigation initiatives contribute appropriate resources to prepare, prevent, respond and recover from detrimental climatic impacts and to reduce greenhouse gas emissions.”

From a City of Hobart risk perspective, the impact of climate change, include catastrophic bush fire, floods, drought leading to threats to life and property, increasing insurance premiums as well as threats to native habitat and loss of terrestrial and marine species biodiversity”

In February 2019, the council signed off on the City of Hobart Biodiversity Action Plan. A comprehensive and ground-breaking document to guide council operations. The following extract from the introductory pages highlights the issues.

Biodiversity Action Plan - bushland and reserves

1.1 What is Biodiversity?

Biodiversity - or biological diversity - is a term used to describe the variety of life on Earth. It refers to the number, variety and variability of living organisms (animals, plants, fungi, microbes, etc.), the genetic differences among them, and the ecosystems in which they occur.

Why is protecting Biodiversity important?

Biodiversity provides us with many goods and services, such as food, fuel, medication, materials and clean water. It supports both our economy and our lifestyles. Its beauty inspires and enriches our lives, and we have a moral duty to protect it and ensure its survival (and in the long-term our own survival) for future generations (IUCN, 2018).

No matter how technologically advanced we consider ourselves to be, food, fibre, materials and energy from nature are the foundation of our livelihoods. We rely on the life-supporting ecosystem services that nature provides including the production of oxygen, soil formation and retention, water and nutrient cycling and climate regulation (Natural Resource Management Ministerial Council 2010).

Today, the principal mechanism for the conservation of biodiversity is protected areas.

A protected area has been defined by the IUCN as ‘[a] clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values’ (Worboys et al., 2013).

Protected areas and their establishment and professional management are particularly a 20th and 21st-century phenomenon. They are critical for maintaining healthy ecosystems and a healthy environment for people and all other species. They are essential for biodiversity conservation; they deliver clean water and air; they are vital to the cultures and livelihoods of traditional and indigenous communities for sustainable sustenance; they bring sustainable development benefits to millions of people through nature-based tourism; and they are a critical natural solution for climate change. They are also important for their rich history and the cultural associations they conserve including grand historical sites, and their special cultural landscapes, features and sites of spiritual, social and historical significance to a nation's peoples.

The City of Hobart Bushland Unit has direct responsibility for the management of nearly 4,600 hectares of 'protected areas' within our Bushland Reserves system within and adjacent to the Hobart municipal area and is the stronghold for much of the City's biodiversity.

City of Hobart Vision

Since September 2017, the City of Hobart has been collaborating with community members and stakeholders to share what they love about Hobart and how they would like to see it move into the future. *Hobart: A community vision for our island capital* is the document that guides City's work.

The Vision has three parts which work together to inform the City's strategic planning: the vision statement, the identify statements and the pillars. The connection to the natural environment is at the forefront of this Vision with the recognition that we all live, work and play in the midst of our mountain, our river and the land around us. Our identity in Hobart is shaped by where we live, a place where we are deeply connected to nature and wilderness, in, around and above our city.

The natural environment pillar represents what Hobart communities would like to see for Hobart in the future and is represented by the following statement:

We are a city whose people see ourselves as part of a beautiful and unique natural environment, from the mountain to the river, which embrace us and shape our identity. We are proud custodians and advocates, ensuring resources are appreciated rather than wasted, supporting biodiverse ecosystems in honour of past, current and future generations.

The City of Hobart is extremely well-placed to make a difference to biodiversity in our region as we operate at the appropriate scale to make decisions, carry out actions and measure change. In their report, *Beyond roads, rates, and rubbish: opportunities for local government to conserve native vegetation*, Binning et al (1999) writes:

Whilst strategic policies may be developed by higher levels of government, it is Local Government that must make detailed decisions that balance ongoing development with the need to protect natural resources. It may be argued that Local Government is the most significant sphere of government in regulating land use."

The General Manager reports:

"In line with the Council's policy in relation to Notices of Motion, I advise that the matter is considered to be within the jurisdiction of the Hobart City Council as it relates to the City of Hobart's Corporate Climate Adaptation Policy."

HARVEY
SHERLOCK

That the Council consider the motion urgent.

The motion lapsed due to the lack of a quorum.

The General Manager noted that the item will be listed on the next City Planning Committee agenda in accordance with the Council policy.

16. Trans and Gender-Diverse Posters in Public Convenience Facilities
File Ref: F19/51117

Ref: Open [PRC 7.1](#), 9/05/2019

Councillor Ewin

Motion:

"PART A

That the City of Hobart promote its Community Safety Commitment to community inclusion through the display of trans and gender-diverse posters in the City's public convenience facilities, as part of its current public facilities safety information program, with the wording and content of the posters being developed in collaboration with relevant organisations (such as Working It Out and Transforming Tasmania).

PART B

A further report be provided in relation to installing the posters within the City's public convenience facilities on a more permanent basis."

Rationale:

“Trans and gender-diverse people are the targets of significant discrimination in their day-to-day lives which is one of the reasons they have been identified as a priority population in the City of Hobart’s Community Safety Commitment. This ongoing discrimination, harassment, and at times violence, contributes to continued social exclusion, stigmatisation and negative mental health outcomes. You can access some horrifying statistics on LGBTI mental health [here](#); most of which are directly linked to social exclusion and stigmatisation.

It is timely for Hobart City to show support and solidarity with the queer community given the levels of gendered vitriol prevalent in public discourse, sparked by the recent debate around birth certificates and forced divorce in State Parliament.

In line with our commitment to our Community Vision values of inclusivity, accessibility and celebrating diversity, installing such signs will contribute to the safety and sense of belonging of some of the most marginalised people in our community.”

The General Manager reports:

“In line with the Council’s policy in relation to Notices of Motion, I advise that the matter is considered to be within the jurisdiction of the Hobart City Council as the proposal aligns with the City of Hobart’s Community Safety Commitment and the public facilities safety information program.”

EWIN
BRISCOE

That the motion be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Dutta
Ewin
Sherlock

NOES

Behrakis

CITY INFRASTRUCTURE COMMITTEE

17. 2019-20 Fees and Charges - City Infrastructure Division
File Ref: F19/29557; 18/20

Ref: Open [CIC 6.1](#), 17/04/2019

That the schedules of fees and charges be approved for the services delivered by the City's Infrastructure Division for the 2019-20 financial year as marked as Attachment A to item 6.1 of the Open City Infrastructure Committee agenda of 17 April 2019.

BEHRAKIS
SEXTON

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

18. 2019-20 Fees and Charges - City Amenity Division - Cleansing and Solid Waste
File Ref: F19/38405

Ref: Open [CIC 6.2](#), 17/04/2019

That the schedule of fees and charges be approved for the provision of Cleansing and Solid Waste services for the 2019-20 financial year as marked as Attachment A to item 6.2 of the Open City Infrastructure Committee agenda of 17 April 2019.

BEHRAKIS
SEXTON

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

COMMUNITY, CULTURE AND EVENTS COMMITTEE

19. 2019-20 Fees and Charges - Community Life
File Ref: F19/32221; 18/20

Ref: Open [CCEC 6.1](#), 8/05/2019

That the schedules of fees and charges for the Community Life Division as referenced below and attached to the report marked as item 6.1 of the Open Community, Culture and Events Committee agenda of 8 May 2019, for the 2019-20 financial year be approved.

1. Positive Ageing – Mathers House (Attachment A).
2. Positive Ageing – Criterion House (Attachment B).
3. Youth Arts and Recreation Centre (Attachment C).
4. Mobile Food Vendors (Attachment D).
5. Salamanca Market (Attachment E).

HARVEY
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

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

ECONOMIC DEVELOPMENT & COMMUNICATIONS COMMITTEE

20. 2019/20 Fees and Charges - Communications Function
File Ref: F19/34304; 18/20

Ref: Special Open [EDCC 4.1](#), 20/05/2019

That the schedule of fees and charges for the Communications Function for the 2019/20 financial year, marked as Attachment A to this report, be approved.

THOMAS
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

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

FINANCE AND GOVERNANCE COMMITTEE

21. Local Government Association of Tasmania - Membership

File Ref: F19/49400

Ref: Open [FGC 6.1](#), 14/05/2019

- That:
1. The Council remain a member of the Local Government Association of Tasmania.
 2. The Council pursue opportunities for the formation of a metropolitan councils association as soon as possible.
 3. The Council write to the Local Government Association of Tasmania seeking an amendment to the Rules to provide for eligibility for the Hobart City Council for membership of the General Management Committee as a Southern Electoral District nominee.

SEXTON
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

22. National Redress Scheme - LGAT

File Ref: F19/43454

Ref: Open [FGC 6.2](#), 14/05/2019

That the Council participate in the National Redress Scheme as part of the Local Government Association of Tasmania's whole-of-sector response.

SEXTON
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

23. Insurance Policy
File Ref: F19/44929

Ref: Open [FGC 6.3](#), 14/05/2019

The Council approve the Insurance Policy marked as Attachment A to item 6.3 of the Open Finance and Governance Committee agenda of 14 May 2019.

SEXTON
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

24. Social Food Service Delivery
File Ref: F19/52782; 17/181

Ref: Open [FGC 6.4](#), 14/05/2019

That: 1. The Council note the actions taken to-date in relation to social food delivery services in North Hobart.

2. The City of Hobart continue with the implementation of its own enforcement measures to create additional visitor parking spaces and control the use of social food delivery vehicles in the North Hobart, and other suburban restaurant precincts.
3. The General Manager provide a report on the capacity for the Council to provide a by-law to regulate the carriage of food in social food delivery vehicles.
4. The Council write to the State Government highlighting concerns of the lack of regulation around social food delivery vehicles.

SEXTON
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

25. 2019-20 Fees and Charges - Financial Services
File Ref: F19/46716; 19/9

Ref: Open [FGC 6.6](#), 14/05/2019

That the schedule of fees and charges for Financial Services marked as Attachment A to item 6.6 of the Open Finance and Governance Committee agenda of 14 May 2019, be adopted for the 2019-20 financial year.

SEXTON
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton

Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

26. 2019-20 Fees and Charges - City Governance
File Ref: F19/51867

Ref: Open [FGC 6.7](#), 14/05/2019

- That: 1. The schedule of fees and charges for City Governance, marked as Attachments A, B and C, to item 6.7 of the Open Finance and Governance Committee agenda of 14 May 2019 be adopted for the 2019-20 financial year.
2. The basement space below the Town Hall be named the Town Hall Underground.
3. A fees structure be investigated which represents potential full cost recovery or a percentage thereof.

SEXTON
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

27. 2019-20 Fees and Charges - Parking Operations
File Ref: F19/33658; 19/9

Ref: Open [FGC 6.8](#), 14/05/2019

- That: 1. The schedule of fees and charges for the City Innovation Division - Parking Enforcement and Off-Street Parking, referenced below and marked as Attachments A-E to item 6.8

of the Open Finance and Governance Committee agenda of 14 May 2019, be adopted for the 2019-20 financial year.

- (i) Parking Enforcement (Attachment A).
 - (ii) Off-Street Parking Long Term (Attachment B).
 - (iii) Off-Street Parking Short Term (Attachment C).
 - (iv) Off-Street Parking Short Term Motor Bikes (Attachment D).
 - (v) Meters and Voucher Machines (Attachment E).
2. In accordance with section 96(1) of the *Local Government Highways Act 1982*, amendments to the operational hours of Dunn Place, Condell Place, Lefroy Street and Salamanca Square Car Parks be approved.
3. The following parking initiatives be subject of a workshop in July:
- (i) Early bird parking;
 - (ii) First 90 minute parking in multi-story car parks;
 - (iii) Pensioner parking scheme.
4. Investigations be undertaken with appropriate hotel and accommodation establishments for the use of the Council's off street parking facilities outside of normal business hours.
5. An appropriate media release be prepared on the abolition of the \$3 minimum transaction fee for credit card payments.

SEXTON
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES
Lord Mayor Reynolds
Briscoe

NOES

Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

**28. 2018-19 Annual Plan - Progress Report
Period Ended 28 February 2019
File Ref: F19/52738**

Ref: Open [FGC 6.9](#), 14/05/2019

- That: 1. The Council endorse the Annual Plan Progress Report for the period ending 28 February 2019, marked as Attachment A to item 6.9 of the Open Finance and Governance Committee agenda of 14 May 2019.
2. The Council endorse a change to the reporting periods for the Annual Plan progress reports for 2019/20 to quarterly with detailed reports being provided for the second and fourth periods and summaries only provided for the first and third periods.

SEXTON
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

PARKS AND RECREATION COMMITTEE

**29. Review of the Dog Management Strategy 2014-2018
File Ref: F19/50800; 18/108**

Ref: Open [PRC 6.1](#), 9/05/2019

- That: 1. Pursuant to section 24 of the *Dog Control Act 2000*, the Council notes the public submissions received during the public consultation

period and provided under separate cover.

2. Pursuant to section 7 of the *Dog Control Act 2000*, the Council adopt the policy marked as Attachment A to item 6.1 of the Open Parks and Recreation Committee agenda of 9 May 2019, as the Dog Management Policy for dog management in the City of Hobart for the period 2019-2023.

3. Pursuant to section 20 of the *Dog Control Act 2000* the Council declare the areas in Attachment B to item 6.1 of the Open Parks and Recreation Committee agenda of 9 May 2019, excluding the following variations:

- (a) *City of Hobart Dog Management Policy 2019-2023:*

RESTRICTED AREAS – Girrabong Play Area to read as follows:

Dogs are permitted off-lead between 7:00pm to 9:00am except within any area within 10 metres of the basketball area which is prohibited.

Dogs are prohibited between 9:00am to 7:00pm.

RESTRICTED AREAS – Beaches to read as follows:

Dogs are permitted off-lead between 6:00pm and 10:00am during daylight savings time and between 3:00pm and 10:00am at all other times.

Dogs permitted on-lead between 10:00am and 6:00pm during daylight savings time and between 10:00am and 3:00pm at all other times.

- Nutgrove Beach

4. Council endorse notification of the declared areas pursuant to section 25 of the *Dog Control Act 2000* by public notice on 25 May 2019 to take effect on 24 June 2019 and to remain in force until 23 June 2023.
5. The Council endorse the amendments to Radfords Track, Mathers Place, Queens Domain, Hobart Regatta Grounds and Reids Track in Attachment C to item 6.1 of the Open Parks and Recreation Committee agenda of 9 May 2019 and the amendments to Girrabong Play Area and Nutgrove Beach for release for public comment to be advertised by public notice in accordance with the requirements of the *Dog Control Act 2000*.
6. A further report be prepared on Radfords Track, Mathers Place, Queens Domain, Hobart Regatta Grounds, Reids Track, Girrabong Play Area and Nutgrove Beach for consideration by the Council following the advertisement referred to in paragraph 5.
7. Council officers further investigate into the removal of the basketball facility at Girrabong Park and therefore remove the 10 metre exclusion zone from the basketball facility as stipulated in

*RESTRICTED AREAS – Girrabong Play Area of the City of Hobart
Dog Management Policy 2019-2023.*

8. Further discussions be undertaken between Council officers and the Hobart Dog Training Club into the possible promotion of the free dog training classes for new dog ownership in certain circumstances.
9. A review of the dog walking area maps, currently available on the City of Hobart website be undertaken and ascertain if improvements can be implemented to provide a more interactive and user friendly resource for dog owners.

BRISCOE
EWIN

That the recommendation be adopted.

AMENDMENT

THOMAS
HARVEY

That: 1. The following be deleted from clause 3 (a):

“(a) *City of Hobart Dog Management Policy 2019-2023:*

RESTRICTED AREAS – Girrabong Play Area to read as follows:

Dogs are permitted off-lead between 7:00pm to 9:00am except within any area within 10 metres of the basketball area which is prohibited.

Dogs are prohibited between 9:00am to 7:00pm.”

2. The following words be deleted from clause 5:

“Girrabong Play Area and”

3. The following words be deleted from clause 6:

“Girrabong Play Area”

AMENDMENT CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey

NOES

Sherlock

Behrakis
Dutta
Ewin

SUBSTANTIVE MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

COUNCIL RESOLUTION:

- That: 1. Pursuant to section 24 of the *Dog Control Act 2000*, the Council notes the public submissions received during the public consultation period and provided under separate cover.
2. Pursuant to section 7 of the *Dog Control Act 2000*, the Council adopt the policy marked as Attachment A to item 6.1 of the Open Parks and Recreation Committee agenda of 9 May 2019, as the Dog Management Policy for dog management in the City of Hobart for the period 2019-2023.
3. Pursuant to section 20 of the *Dog Control Act 2000* the Council declare the areas in Attachment B to item 6.1 of the Open Parks and Recreation Committee agenda of 9 May 2019, excluding the following variations:
- RESTRICTED AREAS – Beaches* to read as follows:
- Dogs are permitted off-lead between 6:00pm and 10:00am during daylight savings time and between 3:00pm and 10:00am at all other times.
- Dogs permitted on-lead between 10:00am and 6:00pm during daylight savings time and between 10:00am and 3:00pm at all other times.
- Nutgrove Beach
4. Council endorse notification of the declared areas pursuant to section 25 of the *Dog Control Act 2000* by public notice on 25 May 2019 to take effect on 24 June 2019 and to remain in force until

23 June 2023.

5. The Council endorse the amendments to Radfords Track, Mathers Place, Queens Domain, Hobart Regatta Grounds and Reids Track in Attachment C to item 6.1 of the Open Parks and Recreation Committee agenda of 9 May 2019 and the amendments to Nutgrove Beach for release for public comment to be advertised by public notice in accordance with the requirements of the *Dog Control Act 2000*.
6. A further report be prepared on Radfords Track, Mathers Place, Queens Domain, Hobart Regatta Grounds, Reids Track, and Nutgrove Beach for consideration by the Council following the advertisement referred to in paragraph 5.
7. Council officers further investigate into the removal of the basketball facility at Girrabong Park and therefore remove the 10 metre exclusion zone from the basketball facility as stipulated in *RESTRICTED AREAS – Girrabong Play Area of the City of Hobart Dog Management Policy 2019-2023*.
8. Further discussions be undertaken between Council officers and the Hobart Dog Training Club into the possible promotion of the free dog training classes for new dog ownership in certain circumstances.
9. A review of the dog walking area maps, currently available on the City of Hobart website be undertaken and ascertain if improvements can be implemented to provide a more interactive and user friendly resource for dog owners.

30. 2019-20 Fees and Charges - Community Life - Doone Kennedy Hobart Aquatic Centre
File Ref: F19/32225

Ref: Open [PRC 6.2](#), 9/05/2019

That the schedules of fees and charges for the Doone Kennedy Hobart Aquatic Centre (DKHAC) for the 2019-20 financial year, marked as Attachment A to item 6.2 of the Open Parks and Recreation Committee agenda of 9 May 2019, be approved.

BRISCOE
DUTTA

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES
Lord Mayor Reynolds

NOES

Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

31. 2019-20 Fees and Charges - City Amenity Division - Bushland and Parks and Recreation
File Ref: F19/43597

Ref: Open [PR 6.3](#), 9/05/2019

That the schedule of fees and charges be approved in respect to the use of the City's parks, sports grounds and bushland areas for the 2019-20 financial year, as marked as Attachment A to item 6.2 of the Open Parks and Recreation Committee agenda of 9 May 2019.

BRISCOE
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

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

Councillor Ewin declared an interest in item 32 and left the meeting at 6.38 pm.

32. Marieville Esplanade - Derwent Sailing Squadron - Extension of Lease Area
File Ref: F19/1576; R0669

Ref: Open [PR 6.4](#), 9/05/2019

That: 1. The Derwent Sailing Squadron's request to lease an adjoining portion of public land located in Marieville Esplanade, Sandy Bay,

be declined.

2. The City undertake surface improvement and car park line marking works on the site.
3. Longer term options for the land be considered as part of a masterplan development for the Marieville Esplanade location planned to be undertaken during the 2019-20 financial year.

BRISCOE
SEXTON

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Sherlock

33. Royal Tasmanian Botanical Garden - Annual Grant - 2018/2019
File Ref: F19/43124

Ref: Open [PR 6.6](#), 9/05/2019

- That:
1. The Council provide an annual grant of \$20,000 to the Royal Tasmanian Botanical Gardens (RTBG) funded from the Parks and City Amenity Divisional and the Bushland and Reserves Management Budget Functions within the 2018/2019 Annual Plan.
 2. The RTBG acknowledge the City's contribution in relevant promotional material.
 3. The grant be recorded in the 'Grants, Assistance and Benefits Provided' section of the City of Hobart's Annual Report.
 4. An invitation be extended to the Director of the Royal Tasmanian Botanical Gardens to address a future Parks and Recreation Committee meeting to provide Elected Members with an overview of the plans for the RTBG.

BRISCOE
DUTTA

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

34. Swan Street Park, North Hobart - Concept Plan of Proposed Refurbishment - Results of Community Engagement
File Ref: F19/43387

Ref: Open [PRC 6.7](#), 9/05/2019

- That: 1. The Council approve the revised refurbishment plan for Swan Street Park, North Hobart, marked as Attachment A to item 6.7 of the Open Parks and Recreation Committee agenda of 9 May 2019, to enable detailed planning and construction to proceed.
2. Funding of an estimated \$375,000 be provided as follows:
- (i) \$320,000 from the existing allocation within the 2019/2020 Capital Works Program.
 - (ii) \$55,000 from the 2019/2020 asset renewal budget.
3. The General Manager be authorised to secure all necessary statutory approvals for the works, proceed with the upgrade and finalise lease arrangements with the landowner.

BRISCOE
HARVEY

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton

Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

**35. Non-Chemical Treatment in Weed Control Within Urban Streetscapes -
Trial Outcome
File Ref: F19/30097**

Ref: Open [PRC 6.8](#), 9/05/2019

- That:
1. The City continue the use of approved herbicides to manage weeds within the municipal area until more efficient and cost-effective non-chemical solutions are available.
 2. Monitoring and assessment of use of new weed treatment methods be undertaken as such treatments become available.
 3. The City continue to promote the No Spray Register for residents who want to self-manage any incidents of weeds outside their properties using non-chemical methods (typically manual removal).
 4. The Council lobby the State Government for funding towards weed management programs.
 5. The City limit the use of approved herbicides to manage weeds within the vicinity of schools and playgrounds.

BRISCOE
DUTTA

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas

Harvey
Behrakis
Dutta
Ewin
Sherlock

36. CLOSED PORTION OF THE MEETING

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

- leave of absence
- legal action involving the Council
- tender for supply of goods
- information of a personal and confidential nature
- the sale of land for unpaid rates

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 | Local Government Association of Tasmania - 2019 President Election
LG(MP)R 15(2)(g) |
| Item No. 7 | Sale of Land for Unpaid Rates
LG(MP)R 15(2)(f), (i) and (j) |
| Item No. 8 | Estates - Rates Penalty and Interest
LG(MP)R 15(2)(g) and (j) |
| Item No. 9 | Contract Extension - Contract No. 5837 - Panel of Providers for Records Support & Digitisation Services
LG(MP)R 15(2)(d) |
| Item No. 10 | 479 Sandy Bay Road Sandy Bay - Small Portion of Highway Reservation - Proposed Sale to Adjoining Landholder
LG(MP)R 15(2)(f) |
| Item No. 11 | Parking Operations
LG(MP)R 15(2)(i) |

SEXTON

EWIN

That the recommendation be adopted.

MOTION CARRIED BY ABSOLUTE MAJORITY

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

The Chairman adjourned the meeting at 6.05pm for a comfort break.

The meeting reconvened at 6.13pm.

Item 16 was then taken.

There being no further business the meeting closed at 6.58 pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
3RD DAY OF JUNE 2019.

CHAIRMAN