



CITY OF HOBART MINUTES

OPEN PORTION
MONDAY, 24 FEBRUARY 2020
AT 5:00 PM
COUNCIL CHAMBER, TOWN HALL



ORDER OF BUSINESS

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PRESENT:

Lord Mayor Councillor A M Reynolds, the Deputy Lord Mayor Councillor H Burnet, Aldermen M Zucco, 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 E Sherlock.

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

Councillor W Coats.

Alderman Behrakis left the meeting at 5.19pm, returning at 5.20pm.

Alderman Sexton retired from the meeting at 5.45pm and was not present for items 9.6 to 18 inclusive.

Alderman Briscoe retired from the meeting at 6.31pm and was not present for items 15 to 18 inclusive.

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 [Tuesday, 11 February 2020](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

BURNET
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
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*?

No items were transferred.

3. COMMUNICATION FROM THE CHAIRMAN

3.1 Civic Gift for Presentation to Council

The Lord Mayor presented a decorative Fijian fork which she received from the High Commissioner of Fiji, His Excellency Mr Luke Daunivalu, during an official visit on Monday 17 February 2020.

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 workshops have been conducted since the last ordinary meeting of the Council.

Date: 17 February 2019
Purpose: Sustainable Hobart Framework

5. PUBLIC QUESTION TIME

5.1 Mr Graham Bury - City of Hobart FOGO Service

Mr Bury put the following question and was provided with the corresponding response by the Lord Mayor.

Question:

Does Council have any information about the uptake by households who were provided with the opportunity to place food organics in their green bins?

If the answer to this question is No;

Does Council plan any analysis of the success, or otherwise of this initiative?

This is an excellent project but anecdotal experience from neighbours, suggest a number of misunderstandings about detail, despite the comprehensive information available on the Council website.

Response:

Given the new FOGO service has only been in operation for a short time, it is too early to provide significant details on the amount of food waste the service has diverted from the kerbside waste stream. The monthly average of material collected under the former garden service is just under 250 tonnes per month. FOGO tonnages for November 2019, December 2019, and January 2020 were 321, 308, and 309 tonnes respectively, which is above average however the summer months are historically the highest yielding months for the garden waste service.

The City will continue to monitor opt-ins, tonnages collected, and the amount of food waste collected, and continue to provide information and education to the community.

5.2 Ms Isla MacGregor of Women Speak Tasmania - Councillor Ewin's Public Apology

Ms MacGregor of Women Speak Tasmania put the following question and was provide with the corresponding response from the Lord Mayor.

Question:

At the last Council Meeting Cr Holly Ewin gave an apology to Councillors Jeff Briscoe and Tanya Denison preceded by these words:

"Oh; and so I don't get a fine that I can't afford, for not saying the exact prescribed, most heartfelt words: etc etc"

Do you consider that there was any honesty, integrity or sincerity underpinning Cr Ewin's reserved apology and in your view, does it actually qualify as an apology and should Councillors Briscoe and Denison be required to accept it as such?

Response:

The apology provided by Cr Holly Ewin at the Council meeting of 11 February 2020 was a sanction from a determination report from the Code of Conduct Panel in relation to a code of conduct complaint. It is an offence under the *Local Government Act 1993* for an elected member to not comply with a determination report but it would be a

matter for the Director of Local Government to pursue if they had concerns.

It is not a matter for me as Lord Mayor, or this Council as a body, to consider.

Ms MacGregor then asked the following supplementary question of Councillor Ewin.

On your Facebook page you posted that Women Speak Tasmania – promotes violence in our community’, and that the group’s members are ‘Nazi’. You said that ‘TERFS’ – the slur you use to describe members of Women Speak Tasmania – are ‘white supremacists’. The Lord Mayor and every Councillor in this room should be appalled at such language being used by an elected member of Council to attack members of the community.

Given the Facebook posting you have made about Women Speak Tasmania, can you provide any evidence that any of my views, or those of members of Women Speak Tasmania, have led to any person committing, or being charged or convicted of a violent act or sexual assault against any child or person, and if you cannot provide this evidence, will you apologise to me and other members of Women Speak Tasmania and remove all unsubstantiated, offensive, discriminatory, defamatory and vulgar comments from your Facebook page as the Lord Mayor has suggested?

Councillor Ewin took the question on notice.

6. PETITIONS

No petitions were received.

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*.

BURNET
SHERLOCK

That the recommendation be adopted

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

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 Council has resolved to deal with.

No interest was indicated.

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 57-63 Macquarie Street, Hobart - Signage
PLN-19-927 - File Ref: F20/15232**

Ref: Open [CPC 7.1.1](#), 17/02/2020
Application Expiry Date: 11 March 2020

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for window signage at 57-63 Macquarie Street Hobart TAS 7000 for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 17 February 2020 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-19-927 - 3 & 4-8 MARKET PLACE HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6131 dated 04 February 2020, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 10

The wall sign on the outside column on Market Place is not approved.

Advice: A sign with a height no greater than 500mm would meet the Performance

Criteria of Table 25.1, but would require application for further planning approval.

Reason for condition

To clarify the scope of the permit and ensure compliance with the *Sullivans Cove Planning Scheme 1997*.

PLN 11

The LED Screen sign to the Market Place entrance must be set back at least 150mm from the inside surface of the window in which it is to be located.

Reason for condition

To clarify the scope of the permit and ensure compliance with the *Sullivans Cove Planning Scheme 1997*.

ADVICE

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

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

BUILDING PERMIT

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

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

FEES AND CHARGES

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

BURNET
SHERLOCK

That the recommendation be adopted

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

**9.2 100 Pinnacle Road, Mount Wellington, The Springs, Mount Wellington -
Temporary Public Toilet
PLN-19-807 - File Ref: F20/13804**

Ref: Open [CPC 7.2.2](#), 17/02/2020
Application Expiry Date: 14 March 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for temporary public toilet at The Springs, 100 Pinnacle Road, Mount Wellington for the reasons outlined in the officer's report attached to item 7.2.2 of the Open City Planning Committee agenda of 17 February 2020 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-19-807 - 100 PINNACLE ROAD MOUNT WELLINGTON TAS 7054 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s2

This permit is valid for a maximum period of three (3) years from the approval date. At the completion of this period all development associated with this permit must be removed, and the site made good.

Advice:

*For the purposes of this condition the approval date is 24 February 2020.
Three years from this date is 24 February 2023.*

Reason for condition

To clarify the scope of the permit in accordance with the application documentation.

ADVICE

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

WELLINGTON PARK

The proposal will require the approval of the Wellington Park Management Trust in accordance with the Wellington Park Management Plan 2013 (amended October 2015) and a permit under the *Wellington Park Regulations 2009*.

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.

BURNET BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
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Harvey
Behrakis
Dutta
Ewin
Sherlock

**9.3 115-117 New Town Road, New Town - Partial Demolition, Landscaping, Public Art and Furniture
PLN-19-558 - File Ref: F20/14043**

Ref: Open [CPC 7.2.3](#), 17/02/2020
Application Expiry Date: 18 March 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, landscaping, public art and furniture at 115-117 New Town Road, New Town for the reasons outlined in the officer's report attached to item 7.2.3 of the Open City Planning Committee agenda of 17 February 2020 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-19-558 - 115-117 NEW TOWN ROAD NEW TOWN TAS 7008 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG 1

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

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

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

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be

relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

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

ENV 1

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

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

Reason for condition

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

ENVHE 1

Recommendations in the report Environmental Health Assessment 115-117 New Town Road, dated October 2019 must be implemented, for the duration of the development.

Reason for condition

To ensure that the risk to workers and future users remains low and acceptable and to ensure that contaminated soils are classified and disposed of in accordance with the EPA's IB105.

ADVICE

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

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.

WEED CONTROL

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

WORK PLACE HEALTH AND SAFETY

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

PROTECTING THE ENVIRONMENT

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

NOISE REGULATIONS

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

WASTE DISPOSAL

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

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

BURNET
SHERLOCK

That the recommendation be adopted

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

**9.4 179-191 Murray Street, Hobart, 62 Patrick Street, Hobart Adjacent Road Reserve - Demolition and New Building for General Retail and Hire, Bulky Goods Sales and 68 Multiple Dwellings
PLN-19-486 - File Ref: F20/14703**

Ref: Supplementary Open [CPC 13](#), 17/02/2020
Application Expiry Date: 25 February 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for demolition and new building for general retail and hire, bulky goods sales and 68 multiple dwellings at 179 - 191 Murray Street and 62 Patrick Street, Hobart and the adjacent road reservation for the reasons outlined in the officer's report attached the supplementary item 13 of the Open City Planning Committee agenda of 17 February 2020 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-19-486 - 179-191 MURRAY 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 2019/01398-HCC dated 07/10/2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 15a

A demolition waste management plan must be implemented throughout demolition. The demolition waste management plan must include provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.

Advice:

It is recommended that the developer liaise with the Council's 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

PLN 2

Planter boxes with an internal dimension of 0.5m, must be provided on the first floor of the building at all junctions between terraces and roofs of the level below. These planter boxes must not reduce the dimension of the terraces, and must encroach over the roof area. Lesser internal dimensions for these planter boxes may be entertained, but must be accompanied by justification from a suitably qualified horticultural expert as to how the proposed depth is capable of sustaining suitable planting, to the satisfaction of the Council.

Additional planter boxes to a maximum depth of 0.3m may be installed to the outer edge of all remaining terraces as desired, but are not required.

Landscaping must be installed in the first floor planter boxes prior to first occupation of the dwellings, and maintained for the life of the use of the building.

Prior to the completion of the building, an automated watering system must be installed for all planter boxes and maintained for the life of the use of the building.

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

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

Reason for condition

To ensure that the scale of the building is compatible with nearby buildings.

PLN 4

A landscaping plan detailing the proposed planting for the planter boxes on the first floor of the building must be submitted and approved by the Council's Director City Planning prior to the commencement of works (other than demolition and site preparation).

The Landscaping Plan must include:

1. Details of the proposed species, including height and canopy spread for all proposed plants.
2. Details of the proposed treatment of the soil in the planter beds to ensure their capacity to sustain the proposed plantings.

All landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's Director City Planning prior to commencement of use.

Advice: For further information regarding satisfaction of this condition, please liaise with the Council's Program Leader Arboriculture and Nursery by phoning 6238 2807.

Reason for condition

To ensure that the scale of the building is compatible with nearby buildings, and that the plantings proposed are appropriate to assist with this.

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 sw2.1

A pre-construction CCTV recording of the Council's stormwater main within/adjacent to the proposed development, along with photos of any drainage structures to be connected to or built over, must be submitted to Council prior to the commencement of work or issue of any consent under the Building Act 2016 (whichever occurs first).

The post-construction CCTV recording and photos will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with pre-construction CCTV recording then any damage to Council's infrastructure identified in the post-construction CCTV recording will be deemed to be the responsibility of the owner.

Reason for condition

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

ENG sw2.2

A post-construction CCTV recording of the Council's stormwater main within/adjacent to the proposed development, along with photos of any existing drainage structures connected to or built over as part of the development, must be submitted to Council prior to issue of any Completion or first occupancy (whichever occurs first).

The post-construction CCTV recording and photos will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with pre-construction CCTV then any damage to Council's infrastructure identified in the post-construction CCTV will be deemed to be the responsibility of the owner.

Reason for condition

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

ENG sw3

The proposed multi-storey apartment including foundations and overhangs must be designed to ensure the protection and access to the Council's stormwater main and flood path.

A detailed design must be submitted and approved prior to any approval under the Building Act 2016. The detailed design must:

1. Be prepared and certified by a suitably qualified engineer.
2. Demonstrate how the design will provide adequate access to the main, impose no additional loads onto the main, that the structure will be fully independent of the main and its trenching, and resist all flood-related forces.
3. Confirm both the temporary and permanent basement walls / propping provide adequate lateral support for the stormwater infrastructure.
4. Include cross-sections clearly showing the relationship both vertically and horizontally between Council's stormwater infrastructure and the proposed works (including footings), and stating the final minimum setbacks from the works to the nearest external surface of the main. Clearly state how the minimum setbacks have been calculated.

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

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

Advice:

Setbacks less than those shown in the Gandy and Roberts structural drawings Rev3 will not be accepted.

The applicant is required to submit detailed design documentation to satisfy this condition via the 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 requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

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

ENG sw5

Construction of the works must not adversely impact the Council stormwater infrastructure (ie the overland low path and twin DN1050 piped watercourse)

A Construction Management Infrastructure Protection Report and plans must be submitted and approved prior to commencement of works or issue of any consent under the Building Act 2016 (whichever occurs first). The report and plans must:

1. Be prepared and certified by a suitably qualified and experienced engineer.
2. Detail the proposed construction methodology and identify all

potential risks to the infrastructure during construction including but not limited to construction loading, traffic loading, excavation works, footing construction, vibrations, undermining, flood, pipe trench collapse, and environmental harm.

3. Provide treatment measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks.
4. Include a monitoring regime.

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

Advice:

The applicant is required submit detailed design documentation to satisfy this condition via the 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 the protection of the Council's hydraulic infrastructure.

ENG sw7

Stormwater pre-treatment for stormwater discharges from the development must be installed prior to commencement of use.

Prior to any approval under the *Building Act 2016*, the stormwater pre-treatment 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 to achieve the stormwater quality targets in accordance with the State Stormwater Strategy 2010. Treatment for carpark runoff must target fine sediments and hydrocarbons.
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 in accordance with the approved report and design.

Advice:

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

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 the issue of any approval under the *Building Act 2016* or the commencement of works on site (whichever occurs first). The construction traffic and parking management plan must include but not limited to, the following information;

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 superintendant, 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 2c

Prior to the first occupation, any vehicular barriers required must be inspected by a qualified engineer and certification submitted to the Council confirming that the installed vehicular barriers comply with the certified design and Australian Standard AS/NZS1170.1:2002.

Advice:

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

Reason for condition

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

ENG 3a

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

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, as failure to do so may result in difficulty complying with this condition.

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, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the HBV Architects documentation received by the Council on the 23rd September 2019 and the Midson Traffic Pty. Ltd. documentation received by the Council on the 7th August 2019, 23rd September 2019, 22nd November 2019 and 12th December 2019.

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 (concrete 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 and sediment transport.

ENG 5

The number of car parking spaces approved on the site, for use is one hundred and twenty six (126). Of these:

1. One (1) parking space must be designated for people with disabilities (in accordance with AS2890.6:2009).
2. A minimum of one (1) car parking space must be allocated to each dwelling.
3. The use of each pair of the twenty six (26) tandem/jockey car parking space is restricted to serve the same 2, 3 or 4 bedroom dwelling and must not be designated for visitor or disabled parking.
4. The thirteen (13) car parking spaces on the ground level must be allocated to the commercial tenancy and not be made available for the residential occupants of the building.
5. The remaining car parking spaces must be allocated to the residential occupation / use of the building.

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 and AS/NZS 2890.6: 2009, prior to first occupation.

A sign, approved by Council, and in accordance with Australian Standards AS/NZS1742.11:2016, must be erected at the entry of the basement parking access to indicate the parking area is a private car park for residents only, prior to first occupation.

Reason for condition

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

ENG 6

The 44m² bicycle parking area (upper basement car parking level) compliant with the Australian Standards AS/NZS 2890.3:2015 and must be constructed on the site in accordance with the Midson Traffic Pty. Ltd. documentation received by the Council on the 7th August 2019 prior to the commencement of the use.

Reason for condition

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

ENG 8

Any small car parking spaces (< 5.4m but no less than 5.0m in length) must be designated as a space for small cars.

A sign, approved by Council, and in accordance with Australian Standards AS/NZS1742.11:2016, must be erected at each parking space to indicate the parking space is for a small car only prior to first occupation.

Reason for condition

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

ENG 9

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

Reason for condition

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

ENG 1

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

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

This must be done within 30 days of the completion of the development or any demand from Council (whichever occurs first). Any damage must be reported immediately to Council.

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

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

Reason for condition

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

ENG r1

The excavation and/or earth-retaining structures (ie cuttings, retaining walls) and/or footings within or supporting the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings, structural certificates and associated geotechnical assessments of the walls/footing supporting the highway reservation must be submitted and approved, prior to the commencement of work and must:

1. Be prepared and certified by a suitable qualified person and experienced engineer.
2. Not undermine the stability of the highway reservation.
3. Be designed in accordance with AS4678, with a design life in accordance with table 3.1 typical application major public infrastructure works.
4. Take into account any additional surcharge loadings as required by relevant Australian Standards.
5. Take into account and reference accordingly any Geotechnical findings.
6. Detail any mitigation measures required.
7. Detail the design and location of the footing adjacent to the highway reservation.

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

Advice:

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

Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

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

ENGR 3

Prior to the commencement of use, the proposed driveway crossover Patrick Street highway reservation must be designed and constructed in accordance with:

- Commercial Urban- TSD-R09-v1 – Urban Roads Driveways and TSD R16-v1 Type KCR & B1 or Type KCRB & B1.

- Footpath - Urban Roads Footpaths TSD-R11-v1.

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

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property.
2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover.
3. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings.
4. If the design deviates from the requirements of the TSD then the drawings must 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.
5. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
6. 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.

Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Road Services Engineer and may require further planning approvals. It is advised to place a note to this affect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.

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.

ENG s2

All garbage collection associated with the development must occur wholly within the site, therefore, on-street garbage collection by private contractors within the Council's Patrick Street Highway Reservation is prohibited.

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 s3

A turning bay is to be created adjacent to car parking space "09" located on the ground floor ensuring provision is made for a vehicle to turn around and drive out in forward direction should all parking spaces be occupied.

The turning bay must be delineated by means of white or yellow pavement lines (including chevron markings) and suitable "NO STANDING ANYTIME TIME" signage.

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 s4

Flood risk to the entire development, including the basement levels, must be adequately managed. All habitable floors must be at least 300mm above the 1% AEP as at 2100 flood level.

Design drawings prepared and certified by a suitably qualified engineer must be submitted and approved prior to the issuing of any consent under the *Building Act 2016*.

These must either:

1. confirm the building design will not allow flood water to enter the building; or
2. detail appropriate risk mitigation measures for the floor levels below the 1% AEP flood extent, and any required maintenance actions.

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

Reason for condition

To ensure risk to the building and users of the site is adequately mitigated

ENV 2

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

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

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

Advice: Once the SWMP has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

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

ENVHE 1

Recommendations in the report "Draft Environmental Site Assessment 62-64 Patrick Street Hobart" by GES, dated July 2019 must be implemented for the duration of excavation works.

Reason for condition

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

OPS s1

The single fastigate hornbeam (*Carpinus betulus* 'Fastigata') identified for removal in Patrick Street is to be removed at the developer's cost, prior to the commencement of other works.

A replacement street tree will be required, to the satisfaction of the Director Parks and City Amenity. The developer will bear the cost of the replacement tree.

Compensation for the loss of the existing tree, to the value of \$2,135.72, is required to be paid prior to the removal of the tree. To arrange payment of this fee, please contact Council's Open Space Planning Team on 6238 2488.

The tree protection measures stated in the *Development Impact Assessment 62-64 Patrick Street, Hobart* by Alister Hodgman 3rd September 2019, must be implemented to ensure the protection and retention of the remaining street trees adjacent to the development site.

Reason for condition

To maintain the amenity value of street trees as per the City of Hobart Street Tree Strategy and the amenity value calculation method endorsed by a meeting of the full Council on the 18th February 2019.

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

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

You may require a road closure permit for construction. 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 NEAR INFRASTRUCTURE

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

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 Amenity Division.

WORK WITHIN THE HIGHWAY RESERVATION

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

CBD AND HIGH VOLUME FOOTPATH CLOSURES

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

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

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

For more information about this requirement please contact the Council's 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 CROSSOVERS

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

ACCESS

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

CROSS OVER CONSTRUCTION

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

RIGHT OF WAY

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

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

NOISE REGULATIONS

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

RESIDENTIAL PARKING PERMITS

Under the City of Hobart Resident Parking Permits policy for the issuing of residential parking permits, the proposed use would not entitle the development to a residential parking permits.

BURNET
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

**9.5 26 York Street, Sandy Bay - Partial Demolition, Alterations, Retaining Wall, Car Parking and Front Fencing
PLN-19-742 - File Ref: F20/14208**

Ref: Supplementary Open [CPC 15](#), 17/02/2020
Application Expiry Date: 24 February 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for the partial demolition, alterations, retaining wall, car parking and front fencing at 26 York Street, Sandy Bay, in that the proposal meets the requirements of the Scheme. Specifically:

1. The proposal would not cause detriment to the historic cultural heritage significance of the precinct by having two car parking spaces between the front facade of the dwelling and the front boundary, and therefore meets clause E13.8.2 P1.
2. The proposal would not cause the loss of landscaping between a dwelling and a street which contribute to the historic cultural significance, streetscape values and character of the precinct, and therefore meets clause E13.8.2 P5.

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 PLN19742 – 26 York Street Sandy Bay TAS 7005 Final Planning Documents except where modified below.

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).

Advice: Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.

Reason for condition

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

ENG 3a

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

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 enclosure incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.

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 Another

Perspective Drafting & Design documentation received by the Council on the 19th December 2019.

Prior to the commencement of use, documentation by a suitably qualified person 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 commencement of use.

Reason for condition

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

ENG 5

The number of car parking spaces approved on the site, for use is two (2).

Reason for condition

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

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 fence, vehicular and pedestrian gates along the York Street boundary must be no more than 1200 mm in height at any point above the footpath level and have a spacing between the pickets of no less than 20mm.

Reason for condition

To ensure the safety of vehicles entering and leaving the development and of pedestrians and traffic in the vicinity.

ENGR 3

Prior to the commencement of use, extend the existing driveway crossover for the full width of the proposed parking area within the York Street highway reservation.

The crossover must be designed and constructed in accordance with:

- Urban TSDR09v1 – Urban Roads Driveways and TSD R14v1 Type KC vehicular crossing
- Footpath Urban Roads Footpaths TSDR11v1

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

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

2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover
3. Be designed for the expected vehicle loadings.
4. Show swept path templates in accordance with AS/NZS 2890.1 2004 (B85 or B99 depending on use, design template)
5. If the design deviates from the requirements of the TSD then the drawings must 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 cars underside
6. 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.*
- *Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Road Services Engineer and may require further planning approvals. It is advised to place a note to this affect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.*
- *Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays. You are likely to require a Permit to Open Up and Temporarily Occupy a Highway (for work within the highway reservation). Click [here](#) for more information.*

Reason for condition

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

ENG s1

The operation of the sliding gate(s) must allow adequate sight distance between user vehicles, cyclists and pedestrians.

Advice: To ensure compliance with the Performance Criteria for clause E6.7.2 and/or clause E6.7.14 the sliding gates are to open for the full extent of the parking area.

Reason for condition

To ensure the safety of pedestrians, cyclists & motorists passing the site

ENV 1

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

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

Reason for condition

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

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, bylaws, 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

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

You may require a road closure permit for construction. 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.

NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Amenity Division to initiate the application process for your [new stormwater connection](#).

WORK WITHIN THE HIGHWAY RESERVATION

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

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

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

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.

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.

BEHRAKIS
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Zucco
Briscoe
Sexton
Thomas
Behrakis
Dutta
Ewin
Sherlock

NOES

Deputy Lord Mayor Burnet
Harvey

**9.6 199 Nelson Road, Mount Nelson - Dwelling
PLN-19-783 - File Ref: F20/19290**

Ref: Special Open [CPC 2.1.1](#), 24/02/2020
Application Expiry Date: 25 February 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a dwelling at 199 Nelson Road, Mount Nelson for the reasons outlined in the officer's report attached the item 2.1.1 of the Special Open City Planning Committee agenda of 24 February 2020 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-19-783 - 199 NELSON ROAD MOUNT NELSON TAS 7007 - Final Planning Documents, except where modified below.

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.

Advice: Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.

Reason for condition

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

ENG sw4

Any 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; and
2. the size of the connection appropriate to satisfy the needs of the development.

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 Amenity 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 Amenity 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 2a

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

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.

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. Where the design deviates from AS/NZS2890.1:2004 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use, and
4. 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 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 1

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

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

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

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

Reason for condition

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

ENV 9

An approved Tree Retention Plan must be implemented.

Prior to the granting of any approval under the *Building Act 2016* or the commencement of works (whichever occurs first), a Tree Retention Plan must be submitted and approved identifying trees to be retained and protected.

The plan must:

1. Show the location of all trees on the lot with a diameter greater than 12cm at 1.4m above ground level;
2. Show the associated tree protection zones and structural root zones as determined under Australian Standard AS 4970-2009;

3. Be informed by an assessment by a suitably qualified person of the likely impact to trees where development/disturbance would occur within tree protection zones, but outside structural root zones;
4. Be informed by the recommendations of a suitably qualified person about potential reasonably practicable and feasible measures that could be employed to retain healthy trees in the long term where development/disturbance would occur within tree protection zones but outside structural root zones;
5. Be accompanied by the advice of the suitably qualified person;
6. Show all areas of development and disturbance on the lot (including earthworks);
7. Demonstrate that the maximum number of trees will be retained that is reasonably practicable and feasible, given the general design of the development and requirements of the bushfire hazard management plan;
8. Include reasons for trees proposed to be removed; and
9. Include tree identification and protection measures to be followed during site works to ensure the trees to be retained are not damaged or destroyed.

The final approved tree retention plan must be implemented and complied with.

Advice:

Once the tree retention 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 development does not result in unnecessary or unacceptable loss of priority biodiversity values

ENV 15

All construction vehicles and machinery must be effectively cleaned of soil both before entering and before leaving the property.

Soil cleaned from construction vehicles and machinery must not be allowed, either directly or indirectly, to enter waterways or the Council's stormwater system.

Note: further information on effective measures for washdown can be found [here](#).

Reason for condition

To minimise the spread of weeds and pathogens.

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.

An amended SWMP must be submitted and approved prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be based on drawing BA11 dated June 2019, and include the following amendments:

1. The water diversion barrier referred to in the notes must be shown on the plan.
2. A sediment barrier must be shown on the downslope side of the driveway.
3. Stockpiles must be shown clear of the tree protection zones of trees to be retained on the approved tree retention plan.
4. The location and design of sediment barriers must consider potential impacts to the root zones of trees to be retained on the approved tree retention plan.
5. A diagram of the design of the sediment fence must be shown on the plan.

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.

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.

NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Amenity Division to initiate the application process for your [new stormwater connection](#).

STORMWATER

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

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.

RIGHT OF WAY

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

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

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.

PART 5 AGREEMENT

Part 5 Agreement

Please note that the owner(s) of this property are subject to Part 5 Agreement C703750 that requires the owner(s) to:

- refrain from planting any exotic invasive species on the land;
- manage weeds on the lot;
- implement a Council-approved landscaping plan;
- take all due care during construction to ensure large boulders are prevented from rolling downslope;

if boulders, soil or or weathered dolerite are found at depths of >1.5m, ensure excavations are adequately retained by drained retaining structures.

Copies of the Part 5 Agreement are available from The LIST website (www.thelist.tas.gov.au) via the 'Scanned Dealings' section.

Bird Collision Risk

Vegetation supporting the endangered Swift Parrot is located on or near the site and a number of features of the existing and/or proposed development could present a significant risk of bird collisions. It is therefore strongly recommended that measures recommended for the upper level of the northern elevation specified on page 143 of the Natural Values Assessment be implemented to reduced the risk of Swift Parrot collisions in the final design of the building.

Dispersive Soils

To avoid damage to the development and to the environment associated

with dispersive soils, it is recommended that appropriate measures be implemented to manage the risk. Further information regarding management of dispersive soils can be found in *Dispersive Soils and Their Management: Technical Reference Manual* (DPIW, 2008).

BURNET
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

10. Urban Design Advisory Panel - Terms of Reference Review
File Ref: F20/1290

Ref: Supplementary Open [CPC 16](#), 17/02/2020

- That:
1. The Council adopt the amended Urban Design Advisory Panel's Terms of Reference (marked as Attachment B to supplementary item 16 of the Open City Planning Committee agenda of 17 February 2020), inclusive of the following variation:
 - (a) Clause 2 Membership, additional point to read as follows:
 - (i) The positions of all members not exceed two consecutive terms.
 2. The position previously held by Executive Manager City Design be replaced with a member who currently holds an academic position in urban design, and the current members of the Panel be advised accordingly.
 3. The public nomination for the positions of the chair, the member with both planning and urban design expertise and the member who currently holds an academic position in urban design be called and the current incumbents be invited to nominate for these positions.

BURNET
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

11. Monthly Building Statistics - 1 January - 31 January 2020
File Ref: F20/15750

Ref: Supplementary Open [CPC 19](#), 17/02/2020

That the information be received and noted.

The Director City Planning reports:

1. During the period 1 January 2020 to 31 January 2020, 36 permits were issued to the value of \$9,774,648 which included:
 - (i) 16 for Extensions/Alterations to Dwellings to the value of \$1,796,647;
 - (ii) 6 New Dwellings to the value of \$2,924,500; and
 - (iii) 1 Major Project:
 - (a) 85-99 Collins Street, Hobart - Commercial Internal Alterations - \$2,896,000.
2. During the period 1 January 2019 to 31 January 2019, 45 permits were issued to the value of \$49,887,762 which included:

- (i) 22 for Extensions/Alterations to Dwellings to the value of \$1,842,977;
- (ii) 8 New Dwellings to the value of \$3,226,000; and
- (iii) 4 Major Projects:
 - (a) 34 Argyle Street, Hobart - New Building (Stage 3, Fit-Out) - \$27,000,000;
 - (b) 126 Bathurst Street, Hobart (The Commons) - New Multi Story x 30 Dwellings (Stage 2) - \$9,900,000;
 - (c) 286 Argyle Street, North Hobart - Change of Use to Residential Property x 12 Apartments - \$4,000,000;
 - (d) 1 Fisher Avenue, Sandy Bay - Commercial Internal Alterations (Year 5 & 6, Fahan School) - \$1,500,000
- 3. In the twelve months ending 31 January 2020, 612 permits were issued to the value of \$301,348,994; and
- 4. In the twelve months ending 31 January 2019, 654 permits were issued to the value of \$488,523,611.

BURNET
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

FINANCE AND GOVERNANCE COMMITTEE

12. 2019-20 Annual Plan - Progress Report
Period Ended 31 December 2019
File Ref: F20/13106

Ref: Open [FGC 6.1](#), 18/02/2020

That the Council endorse the Annual Plan 2019-20 summary report for the period ending 31 December 2019, marked as Attachment A to item 6.1 of the Open Finance and Governance Committee agenda of 18 February 2020.

ZUCCO
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

JOINT MEETING OF ALL COUNCIL COMMITTEES

13. Elected Member Policies
File Ref: F20/20089

Ref: Open [JMC 4.1](#), 24/02/2020

That: 1. The Council endorse the draft policies, marked as Attachment's A, B and C to item 4.1 of the Open Special Joint Meeting of All Council Committees namely:

- A. Elected Member Behaviour;
- B. Elected Member Issues Resolution; and
- C. Elected Member Fitness to Undertake Duties.

- 2. The General Manager be authorised to make any minor and inconsequential amendments to the policies.

BURNET
DUTTA

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Thomas	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

14. 2020/21 Capital Works Plan
File Ref: F20/19282; 19/77

Ref: Open [JMC 4.2](#), 24/02/2020

That: 1. The Council endorse the proposed 2020/21 capital works budget as summarised below and as detailed in Attachment A to item 4.2 of the Open Special Joint Meeting of All Council Committees of 24 February 2020:

Renewals	\$ 20,561,917	less \$1,483,100 grants	\$ 9,078,817
Upgrade			\$ 7,595,500
New			\$ 4,535,000
Plant & Equipment			<u>\$ 4,500,000</u>
TOTALS			\$ 35,709,317

2. The Council note the capital works plan for years 2, 3 and 4 as detailed in Attachment A to item 4.2 of the Open Special Joint Meeting of All Council Committees of 24 February 2020.

(i) The AP16 – Battery Point Walkway – Stage 1 be brought forward from years 4 and 5 to years 3 and 4.

3. A report be provided on the leveraging of appropriate grants funding to assist with the delivery of the Capital Works Program.

BURNET
BRISCOE

That the recommendation be adopted.

AMENDMENT

THOMAS
SHERLOCK

That the recommendation be adopted with the amendment of clause 3 to read as follows:

- 3 A report be provided by 30 June 2020 identifying the relevant resourcing required to enable the Council to maximise its capacity to leverage available grant and partnership funding for Capital works and other relevant projects.
 - (i) The report address resourcing, expertise and a strategic, organisation-wide approach to funding opportunities, which could provide the best outcomes for the City.

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Thomas	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

COUNCIL RESOLUTION:

That: 1. The Council endorse the proposed 2020/21 capital works budget as summarised below and as detailed in Attachment A to item 4.2 of the Open Special Joint Meeting of All Council Committees of 24 February 2020:

Renewals	\$ 20,561,917	less \$1,483,100 grants	\$ 9,078,817
Upgrade			\$ 7,595,500
New			\$ 4,535,000
Plant & Equipment			<u>\$ 4,500,000</u>
TOTALS			\$ 35,709,317

2. The Council note the capital works plan for years 2, 3 and 4 as detailed in Attachment A to item 4.2 of the Open Special Joint Meeting of All Council Committees of 24 February 2020.

(i) The AP16 – Battery Point Walkway – Stage 1 be brought forward from years 4 and 5 to years 3 and 4.

3. A report be provided by 30 June 2020 identifying the relevant resourcing required to enable the Council to maximise its capacity to leverage available grant and partnership funding for Capital works and other relevant projects.

(i) The report address resourcing, expertise and a strategic, organisation-wide approach to funding opportunities, which could provide the best outcomes for the City.

SPECIAL REPORT - LORD MAYOR

15. Elected Member Professional Development Councillor Harvey
File Ref: F20/19326

BURNET
SHERLOCK

That the recommendation contained in the report of the Lord Mayor be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

COUNCIL RESOLUTION:

That the Professional Development Plan for Councillor Harvey, be received and noted.

Attachments

A Special Report of the Lord Mayor - 24 February 2020 ⇨ 

SPECIAL REPORT – GENERAL MANAGER

16. Finance and Governance Committee - Vacancy - Resignation of Councillor Dutta
File Ref: F20/18500

PROCEDURAL MOTION

BEHRAKIS
THOMAS

That the matter be deferred pending attendance of Councillor Coats.

PROCEDURAL MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Harvey
Deputy Lord Mayor Burnet	Dutta
Zucco	Ewin
Thomas	
Behrakis	
Sherlock	

COUNCIL RESOLUTION:

That the matter be deferred pending attendance of Councillor Coats.

Supplementary item 18 was then taken.

17. 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
- Renewal of a contract including details of the terms and conditions of renewal
- Proposal for Council owned land.

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	Contract Extension - Contract No. 5856 - Commercial Tenancy Management LG(MP)R 15(2)(d)
Item No. 7	Civic Square - Expression of Interest Process LG(MP)R 15(2)(f)

Item No. 8 Service Tasmania - Proposed Temporary Co-Location -
Customer Service Centre
LG(MP)R 15(2)(d)

BURNET
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED BY
ABSOLUTE MAJORITY

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

SUPPLEMENTARY ITEM

SPECIAL REPORT – GENERAL MANAGER

18. Code of Conduct Determination Report
File Ref: F20/19976; 15/130-003

EWIN
DUTTA

That the recommendation contained on the report of the General Manager be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock

COUNCIL RESOLUTION:

That the Council receive and note the Code of Conduct Determination Report shown as Attachment A to item 18 of the Open Supplementary Council Agenda of 24 February 2020.

Attachments

A Special Report of the General Manager - 24 February 2020 ⇨ 

Item 17 was then taken.

There being no further business the meeting closed at 6.41pm

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
10TH DAY OF MARCH 2020.

CHAIRMAN