



# CITY OF HOBART MINUTES

OPEN PORTION OF THE SPECIAL COUNCIL MEETING  
MONDAY, 18 MAY 2020  
AT 5:00M

This meeting of the Council was conducted in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.



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## **ORDER OF BUSINESS**

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### **PRESENT, APOLOGIES AND LEAVE OF ABSENCE**

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#### **3. Major Projects Bill ..... 27**

**PRESENT:**

The 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 Dutta, J Ewin, Z Sherlock and W Coats.

**APOLOGIES:**

Nil.

**LEAVE OF ABSENCE:**

Nil.

**1. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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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.

<b>CITY PLANNING</b>
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**2. COUNCIL ACTING AS PLANNING AUTHORITY**

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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.

**2.1 90 Melville Street, 127 Bathurst Street and Adjacent Road Reserve, Hobart - Demolition and New Building for 55 Multiple Dwellings, Food Services, Business and Professional Services, General Retail and Hire and Associated Works within the Adjacent Road Reserve  
PLN-19-948 - File Ref: F20/48117**

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Application Expiry Date: 18 May 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for demolition and new building for 55 multiple dwellings, food services, business and professional services, general retail and hire and associated works within the adjacent road reserve at 90 Melville Street, 127 Bathurst Street and adjacent road reserve, Hobart for the reasons outlined in the officer's report 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-19-948 - 90 MELVILLE 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 2020/00321-HCC dated 06/04/2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 15

A demolition waste management plan must be implemented throughout demolition.

A demolition waste management plan must be submitted and approved, prior to commencement of work on the site. 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.

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

*Advice:*

*Once the demolition waste management plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

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

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

Reason for condition

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

PLN s1

The palette of exterior colours and materials must be provided.

Prior to the issue of any approval under the *Building Act 2016* (excluding for demolition, excavation and works up to the ground floor slab), revised plans, and montages and samples where appropriate, must be submitted and approved to the satisfaction of the Director City Planning showing exterior colours and materials in accordance with the above requirement.

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

*Advice:*

*Consideration is to be given to introducing a broader range of materials that could be utilised to soften the overall appearance of the building, to reference past uses at the site and to be more sympathetic to its residential function. For example, the materials proposed for incorporation into the ground floor street front could include timber as well as the proposed brick; these could also be extended to the upper levels.*

Reason for condition

In the interest of the streetscape and townscape values of the surrounding area.

PLN s2

A public artwork program is to be submitted for the forecourt lane way area. The public artwork program is to explore lighting installations to activate the space at night, interactive artwork or artwork that integrates with the design of the urban seating and planting within this area.

Prior to the issue of any relevant approval for the artworks under the *Building Act 2016*, or prior to above ground works commencing on site, whichever occurs first, detail must be submitted and approved to the satisfaction of the Director City Planning in accordance with the above requirement with final details to be provided no later than prior to the issue of an occupancy permit for the proposed development.

All work required by this condition must be undertaken in accordance with the approved plans and be operational within 3 months of the completion of the development.

Reason for condition

In the interest of the amenity and activation of the space.

PLN s3

A landscape plan must be prepared for the soft and hard landscaping of the forecourt and laneway area, by a suitably qualified landscape architect.

Prior to the issue of any approval under the *Building Act 2016* (excluding for demolition, excavation and works up to the ground floor slab), revised plans must be submitted and approved to the satisfaction of the Director City Planning in accordance with the above requirement.

All work required by this condition must be undertaken in accordance with the approved revised plans. Prior to occupancy, confirmation from the landscape architect who prepared the approved landscaping plan that the all landscaping works required by this condition have been implemented, must be submitted to the satisfaction of the Director City Planning.

Reason for condition

In the interest of the amenity of the space.

PLN s4

The rooftop planters are to be maintained throughout the life of the development.

Reason for condition

In the interest of amenity

ENG sw1

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

Reason for condition

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

ENG sw4

The development (including hardstand) must be drained to Council infrastructure with sufficient receiving capacity. The new stormwater connection must be constructed and all existing connections to be abandoned must be removed and reinstated by the Council at the owner's expense, prior to the first occupation.

Detailed engineering drawings and calculations must be submitted and approved, prior to commencement of work or issue of any consent under the *Building Act 2016* (whichever occurs first). The detailed engineering drawings must include:

1. the location of the proposed and all existing connections; and
2. the size and design of the connection appropriate to satisfy the needs of the development.
3. long-sections of the proposed connection clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure. Connections must be free-flowing gravity.

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 sw7

Stormwater pre- treatment for stormwater discharges from the development must be installed prior to first occupation.

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

1. be prepared by a suitably qualified engineer;
2. include detailed design of the proposed treatment train, including final estimations of contaminant removal to achieve the stormwater quality targets in accordance with the State Stormwater Strategy 2010
3. Include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

*Advice:*

*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.*

*Once the stormwater management report and design 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 13

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

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

1. include provisions for commercial waste services for the handling, storage, transport and disposal of domestic waste and recycle bins from the development.

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

*Advice: Once the waste management plan has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

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

Reason for condition

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

ENG tr2

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

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to any approval under the *Building Act 2016* (excluding demolition). The construction traffic and parking management plan must:

1. Be prepared by a suitably qualified person.
2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.
3. Include a start date and finish dates of various stages of works.
4. Include times that trucks and other traffic associated with the works will be allowed to operate.
5. Nominate a 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:*

*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.*

*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 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).

*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 3c

The access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with Australian Standard As2890.1:2009.

Prior to the first occupation, documentation by a suitably qualified engineer certifying that the access driveway, circulation roadways, ramps and parking module has been constructed in accordance with the above drawings must be lodged with Council.

*Advice:*

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

Reason for condition

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

ENG 4

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

Reason for condition

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

ENG 5

The number of parking spaces approved on the site is:

- Fifty five (55) residential car parking spaces (User Class 1A),
- Four (4) commercial car parking spaces (three User Class 1A and one
- User Class 4),
- Minimum of two (2) motorcycle parking spaces,
- Minimum of three (3) employee bicycle parking spaces, and
- Minimum of two (2) customer bicycle parking spaces.

All car parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004 and AS/NZS 2890.6:2009 (where applicable), prior to first occupation.

*Advice:*

*User Classes are as per Australian Standards AS/NZS 2890.1:2004.*

*User Class 4 (Accessible Car Parking Space) may be accommodated in the Jars Architect drawing DA04 design by simply turning the pedestrian access path adjacent to Parking Space 1 into a shared zone in accordance with AS/NZS 2890.6:2009.*

*Council encourage the provision of bicycle parking over and above the requirements of the Hobart Interim Planning Scheme 2015 and note that twelve (12) employee/residential bicycle spaces are proposed in a bicycle storage room together with five (5) customer bicycle spaces on the lane way. It is encouraged to accommodate ebikes and power points into the final design.*

Reason for condition

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

ENG 9

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

Reason for condition

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

ENG 1

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

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

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 underground car park and associated walls 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 retaining structures adjacent 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 protection measures required during construction.

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.*

*Where the Council Infrastructure By-Law applies, an Infrastructure Protection Bond is payable for construction works, refundable upon completion and reinstatement of any damage to the highway*

Reason for condition

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

ENG r3

Prior to the commencement of use, the proposed works within the highway reservation must be designed and constructed in accordance with:

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

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

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property.
2. Show long and cross sections of the footpath with crossfall of 1%-4% in accordance with TSD-R11-v1.
3. Show the reinstatement of the existing crossover in accordance with TSD R14-v1 Type KC .
4. Detail any proposed or existing services or infrastructure within the area of work.
5. Show swept path templates in accordance with AS/NZS 2890.1 2004 (B85 or B99 depending on use, design template).
6. 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.
7. Be prepared and certified by a suitable qualified person, to satisfy the above requirement.

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

*Advice:*

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

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

*A permit to construct public infrastructure and/or a road opening permit is required prior to commencing work within the highway reservation. Please contact the City of Hobart's Road Service group on (03) 6238 2108 or [coh@hobartcity.com.au](mailto:coh@hobartcity.com.au) for information regarding permits.*

Reason for condition

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

ENG s1

A Residential Waste Management Plan must be provided and approved by Council, prior to the first occupation.

*Advice:*

*Council Waste Management Staff indicate that Council collection of waste and recycling from the development is not viable and private contractor waste collection will be required. Given the width and traffic volume on Melville Street and the design of the access, Council will permit reversing movements of private waste collection vehicles into the site.*

Reason for condition

To ensure commercial vehicle activity associated with the development is safe and efficient.

## ENV 2

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

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

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

### *Advice:*

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

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

### Reason for condition

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

## HER 7

Prior to excavation for the proposal the following archeological investigations and works programs must occur;

All work in accordance with the Archaeological Method Statement of the Praxis report as outlined in section 9 (p.48) with a focus on test trenching areas 1, 2, 3 and 4 following the methodology of as outlined on pages 52-53. This includes test trenching and monitoring areas as specified in section 9.2 of the Praxis report (p.51). All other recommendations of section 9.3 to 9.11 are to be followed.

An interpretation plan must be prepared if on the advice of the archaeologist there is a public benefit in doing so and dependent on the exact nature and findings of the archaeological program. It must incorporate and interpret the heritage values of the site in the new development. The interpretation plan is to be submitted and approved by Council within 1 month of the conclusion of the archaeological program and must be implemented prior to the occupation of the building.

Reason for condition

To ensure the archaeological potential of the place is managed in a manner that seeks to understand, retain, protect, preserve and otherwise appropriately manage significant archaeological evidence.

HER s1

An addendum to the Praxis Environment report must be completed which assesses the archaeological potential of the land currently on 127 Bathurst Street that is to be adhered to the existing 90 Melville Street site and identified in the site plan (drawing 19066\_DA02, dated March 2020), prior to the commencement of work.

Reason for condition

To ensure the archaeological potential of the place is managed in a manner that seeks to understand, retain, protect, preserve and otherwise appropriately manage significant archaeological evidence

ENVHE 1

Recommendations in the report Environmental Site Assessment, 90 Melville Street, December 2019 must be implemented, specifically that a soil and water management plan must be in place for the duration of the development construction.

#### Reason for condition

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

#### ENVHE 4

A construction management plan must be implemented throughout the construction works.

A construction management plan must be submitted and approved prior to the issuing of any building permit under the *Building Act 2016*. The plan must include but is not limited to the following:

1. Identification and disposal of any potentially contaminated waste and asbestos;
2. Proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on site);
3. Proposed hours of construction;
4. Identification of potentially noisy construction phases, such as operation of rock- breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
5. Control of dust and emissions during working hours;
6. Proposed screening of the site and vehicular access points during work; and
7. Procedures for washing down vehicles, to prevent soil and debris being carried onto the street.

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

#### *Advice:*

*Once the construction 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 minimal impact on the amenity of adjoining properties and members of the public during the construction period.

Part 5 r1

The owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* with respect to the protection of the underground car park associated walls supporting and adjacent to the Melville Street highway reservation prior to any approval under the *Building Act 2016*.

The owner must not undertake any works at any time (including excavation and building) that will have any effect on the integrity of the Melville Street highway reservation or any retaining structure adjacent to the Melville Street highway reservation or the road formation themselves or undermine the structural integrity of the highway reservation.

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

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

*Advice: For further information with respect to the preparation of a part 5 agreement please contact Council Development Engineering Staff.*

Reason for condition

To ensure the protection of Council assets.

SUB s2

The boundary adjustment between 90 Melville Street and 127 Bathurst Street approved by the planning permit for PLN-20-176 is to be completed to the satisfaction of Council prior to the issue of any building consent, building permit and / or plumbing permit pursuant to the *Building Act 2016* (if applicable), or the commencement of works on site (whichever occurs first).

Reason for condition

To ensure there is no encroachment of the proposed development onto 127 Bathurst Street

#### ADVICE

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

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

#### CONDITION ENDORSEMENT ENGINEERING

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

Value of Building Works Approved by Planning Permit Fee:

Up to \$20,000: \$150 per application.

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

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

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

the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

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

#### BUILDING PERMIT

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

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

#### PLUMBING PERMIT

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

#### OCCUPATION OF THE PUBLIC HIGHWAY

As you are proposing works in the highway reservation you will require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

#### NEW SERVICE CONNECTION

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

#### STORM WATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's 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.

## 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.

## 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](#).

## 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  
EWIN

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  
Coats

**3. Major Projects Bill**  
**File Ref: F20/48782**

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That:

1. The Tasmanian Government be advised that the City of Hobart sees no need for the draft Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 to amend the Land Use Planning and Approvals Act 1993 and the Environmental Management and Pollution Control Act 1994 to introduce a new major projects assessment process.
2. In the event that the Tasmanian Government proceeds with the Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 that the following comments be considered:
  - (a) The third draft of the Bill continues to be vague in relation to the eligibility criteria for declaration of major projects and the fact that they are open to a wide interpretation based on the opinion of the Minister. Definitions have not been included to provide any clarity.
  - (b) The introduction of a category of major projects in s.60K(1)(f), where:

the characteristics of the project make it unsuitable for a planning authority to determine;

undermines the role of the planning authority, particularly since the criteria are vague, uncertain and dependent on the Minister's opinion.
  - (c) The introduction of the power of the Minister to be able to propose that a project be declared a major project (s.60C(2)) is inappropriate in circumstances where it is the Minister who will declare whether or not the project is a major project in s.60M. It is an inherent conflict and leaves the Minister open to suggestions of political interference.
  - (d) The statutory clock for determining proposals which are not major projects is proposed to restart on the date of the declaration by the Minister: s.60D(5)(b)(i). It is preferable for the clock to restart on the date that the planning authority receives notice of the declaration, pursuant to s.60P(1)(d), to ensure that the planning authority is aware of the declaration and does not inadvertently lose time which counts towards the 42 day assessment period.

- (e) In the event that there is a declaration that a proposal is not a major project, it is proposed that the 42 day statutory clock resets on the date that notice is provided to the planning authority pursuant to s.60P(1)(d) so that the date on which notice is provided is treated as day 1, rather than restarting the clock after the declaration. It is proposed that s.60D(5) is amended so that rather than a reference in (a) to the “relevant time” (which is defined by the date a project is proposed to be a major project), that should be amended to be the day on which the application was lodged with the planning authority. The planning authority is likely to have lost invaluable assessment time if steps have been taken by either the proponent or the planning authority to propose that it is declared to be a major project. If a proposal is significant enough to have been proposed as a major project then the planning authority will need a proper period of time in which to carry out a thorough analysis of the proposal.
- (f) The introduction of the ability of a planning authority to propose that a project is a major proposal is welcomed. However, it is recommended that there is a pause to the statutory time frame of 42 days to allow the planning authority to properly consider whether or not to do so. If this does not occur then the timeframes imposed on the planning authority (in combination with the deemed approval provision in s.59 of LUPAA) are wholly unworkable. For example:
  - (i) day 1 – application received and initially reviewed by Senior Statutory Planner;
  - (ii) days 1 – 7 (although a more realistic timeframe would be 14 days or more): consultations by Senior Statutory Planner with Manager, Director and internal referrals within the Council, with a report being prepared making a recommendation to the Council to propose that the project is declared to be a major project – this assumes that the Council has been provided with all relevant information in which to make an assessment as to whether a proposal is (or may be) a major project;
  - (iii) the Council would need to consider the recommendation at a Council meeting and unless it is proposed that a special meeting would be called, the likely timeframe for this to occur is two weeks or more; and

- (iv) if the Council, as planning authority, does not accept a recommendation by its officers that a project is proposed to be declared to be a major project, then valuable assessment time has been lost (unless there has been a parallel assessment being carried out by Council officers).
- (g) In s.60N(2), it is a requirement to obtain the consent of a Council for a declaration to be made that a project is a major project where it owns the relevant land, but not where it only administers or occupies the relevant land. This may undermine the road network, since many highways which are the responsibility of local councils are over privately owned land.
- (h) In s.60Z, the “relevant regulators” are identified. Entities which are responsible for gas, water and sewerage are included, yet councils in their capacity as highway authority and providing the public stormwater system are not. While councils do have an opportunity to provide their views on a proposal which may be declared as a major project, that is in its capacity as a planning authority, which is a statutory role under LUPAA that is independent from its role as asset manager. It is appropriate for councils to have a role a relevant regulator in this context.

BURNET  
SHERLOCK

That the recommendation be adopted.

BURNET  
HARVEY

That Councillor Dutta be granted an additional 3 minutes to address the meeting.

MOTION LOST

VOTING RECORD

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

ZUCCO  
BRISCOE

That Councillor Dutta be granted an additional 1 minute to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

There being no further business the meeting closed at 5.37pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
25<sup>TH</sup> DAY OF MAY 2020.

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CHAIRMAN