



CITY OF HOBART MINUTES

OPEN PORTION
MONDAY, 21 SEPTEMBER 2020
AT 5:00 PM

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*.



ORDER OF BUSINESS

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PRESENT:

Lord Mayor Reynolds Councillor A M Reynolds, Aldermen M Zucco, J R Briscoe, Dr P T Sexton, D C Thomas, S Behrakis, Councillors M S C Dutta, J Ewin, Z E Sherlock and W N S Coats.

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

The Deputy Lord Mayor Councillor H Burnet.
Councillor W F Harvey.

Councillor Ewin joined the meeting at 5.01pm and was not present for items 1 and 2.
Alderman Briscoe left the meeting at 5.15pm, returning at 5.17pm.
Alderman Behrakis left the meeting at 6.16pm, returning at 6.23pm.

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 7 September 2020](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

BEHRAKIS
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Zucco
Briscoe
Sexton
Thomas
Behrakis
Dutta
Sherlock
Coats

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

No communication was received.

4. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager reports that no Council workshops have been conducted since the last ordinary meeting of the Council.

5. PUBLIC QUESTION TIME

No questions were received.

6. PETITIONS

Petition - Planning Scheme Issues in Ridgeway

The General Manager tabled a petition calling for the Council to closely adhere to the objectives of the Rural Living Zone section of the planning scheme when considering future development applications within the Ridgeway area.

There were 40 signatories to the petition.

DUTTA
EWIN

That the petition be received and noted and referred to the City Planning Committee for consideration.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

Attachment

A. Petition - Planning Scheme issues in Ridgeway 

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

That the Council resolve to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

No supplementary items were received.

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

Elected Members are requested to indicate where they may have any pecuniary or conflicts of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the 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 23 Commercial Road, North Hobart - Partial Demolition, Alterations, Extension, New Building for Educational and Occasional Care (Gymnasium), Signage and Associated Works (Re-Advertised - Administrative Correction)
PLN-20-197 - File Ref: F20/97666

Ref: Open [CPC 7.1.1](#), 14/09/2020
Application Expiry Date: 22 September 2020

PART A

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, extension, new building for educational and occasional care (gymnasium), signage and associated works (re-advertised - administrative correction) at 23 Commercial Road, NORTH HOBART for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 14 September 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-20-197 - 23 COMMERCIAL ROAD NORTH 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 2020/00416-HCC dated 28/04/2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6225 dated 12 June 2020, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 14

The noise generated by the use of the gymnasium must not cause environmental harm.

Reason for the condition

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

PLN 17

All external lighting and security lighting installed as part of the development must operate in accordance with Australian Standard AS4282 - Control of the obtrusive effects of outdoor lighting.

Reason for condition

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

PLN 6

The gymnasium must not be used outside of the following hours:

8.00am to 6.00pm, Seven days a week.

Reason for condition

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

PLN s1

The gymnasium is approved for use as part of the operation of the school within the overall site. It must not be used for any other use, or by any other organisation not associated with the operation of the school as an educational establishment.

Reason for condition

To ensure the site operates within the confines of its existing approved use right and to ensure that non-residential use does not unreasonably impact upon residential 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).

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 sw8

Stormwater discharges from the development site for each stormwater connection must be limited to the existing flow rate for a 5% average exceedance probability storm event regardless of duration.

Advice:

Stormwater detention may be required for the proposed gymnasium if consolidation of existing stormwater connections is proposed. It is recommended that a thorough assessment of all existing stormwater connections is undertaken prior to detailed design of the stormwater system.

Reason for condition

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

ENG tr2

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

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

1. Be prepared by a suitably qualified person.
2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.
3. Include a start date and finish dates of various stages of works.

4. Include times that trucks and other traffic associated with the works will be allowed to operate.
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 3a

The circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required).

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 gaining access from the existing Carr Street vehicle access is twelve (12).

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

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 11

Prior to the commencement of the use, the proposed crossover to the Carr Street highway reservation (adjacent to 24 Carr Street) and the reinstatement of the kerb and footpath at the proposed abandoned Carr Street crossover must be designed and constructed in general accordance with:

1. LGAT Standard Drawing - Urban - TSD-R09-v1 – Urban Roads Driveways, TSD R14-v1 Type KC vehicular crossing and TSD R11-v1 Urban Roads Footpaths, or
2. LGAT Standard Drawing - Commercial Urban- TSD-R09-v1 – Urban Roads Driveways and TSD R16-v1 Type KCR & B1 or Type KCRB & B1, or
3. a Council City Infrastructure Division approved alternate design.

Advice:

Local Government Association (LGAT) Tasmanian Standard Drawings (TSD) can be viewed electronically via the [LGAT Website](#).

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 effect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.

Please contact Council City Infrastructure Division to discuss approval of alternate designs. Based on a site specific assessment, Council City Infrastructure Division Road Engineer may permit non-standard crossovers. 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

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

ENG 1

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

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

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

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

Reason for condition

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

ENG 13

The proposed new vehicular access adjacent to 24 Carr Street must allow adequate sight distance between user vehicles, cyclists and pedestrians.

Adequate sight distance between user vehicles, cyclists and pedestrians may be achieved by one of the following methods:

1. Compliance with Australian/NZ Standard, Parking facilities Part 1: Off- street car parking AS/NZS 2890.1: 2004 Fig 3.3;

2. Pedestrian gate width of 1m which will ensure 1x1m sight triangles between the access and 24 Carr Street side boundary fence.

Reason for condition

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

ENV 2

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

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

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

Advice:

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

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

Reason for condition

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

SUB s1

The titles comprising the development site (CT 130044/1, CT 130045/1, CT 112673/16, CT 112683/1 and CT 53529/1) are to be adhered in accordance with the provisions of Section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, to the satisfaction of the Council prior to the issue of any building consent, building permit (including demolition) and / or plumbing permit pursuant to the *Building Act 2016* (if applicable), or the commencement of works on site (whichever occurs first).

Advice:

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

Reason for condition

To ensure compliance with statutory provisions.

ADVICE

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

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

CONDITION ENDORSEMENT 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 propose a new access and reinstatement of abandoned access you will require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

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.

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.

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.

TITLE ADHESION

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

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.

PART B

That the issue of traffic and parking congestion in Carr Street be referred to the City Infrastructure Committee for investigation and the effected residents and the Friends School be consulted on possible solutions.

BEHRAKIS
BRISCOE

That the recommendation be adopted.

AMENDMENT

EWIN
SHERLOCK

That the following advice clause be included:

Use of the Gym on Sundays beyond twelve (12) occasions per annum be subject to advising the residents and Council in writing prior to each occasion.

Purpose: to manage and monitor potential impacts on nearby residential amenity.

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

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

SUBSTANTIVE MOTION CARRIED

VOTING RECORD

AYES

NOES

Zucco
Briscoe
Sexton
Thomas
Behrakis
Ewin
Sherlock
Coats

Lord Mayor Reynolds
Dutta

COUNCIL RESOLUTION:

PART A

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, extension, new building for educational and occasional care (gymnasium), signage and associated works (re-advertised - administrative correction) at 23 Commercial Road, NORTH HOBART for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 14 September 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-20-197 - 23 COMMERCIAL ROAD NORTH 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 2020/00416-HCC dated 28/04/2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6225 dated 12 June 2020, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 14

The noise generated by the use of the gymnasium must not cause environmental harm.

Reason for the condition

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

PLN 17

All external lighting and security lighting installed as part of the development must operate in accordance with Australian Standard AS4282 - Control of the obtrusive effects of outdoor lighting.

Reason for condition

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

PLN 6

The gymnasium must not be used outside of the following hours:

8.00am to 6.00pm, Seven days a week.

Reason for condition

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

PLN s1

The gymnasium is approved for use as part of the operation of the school within the overall site. It must not be used for any other use, or by any other organisation not associated with the operation of the school as an educational establishment.

Reason for condition

To ensure the site operates within the confines of its existing approved use right and to ensure that non-residential use does not unreasonably impact upon residential 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).

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 sw8

Stormwater discharges from the development site for each stormwater connection must be limited to the existing flow rate for a 5% average exceedance probability storm event regardless of duration.

Advice:

Stormwater detention may be required for the proposed gymnasium if consolidation of existing stormwater connections is proposed. It is recommended that a thorough assessment of all existing stormwater connections is undertaken prior to detailed design of the stormwater system.

Reason for condition

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

ENG tr2

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

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

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

The circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required).

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 gaining access from the existing Carr Street vehicle access is twelve (12).

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

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 11

Prior to the commencement of the use, the proposed crossover to the Carr Street highway reservation (adjacent to 24 Carr Street) and the reinstatement of the kerb and footpath at the proposed abandoned Carr Street crossover must be designed and constructed in general accordance with:

1. LGAT Standard Drawing - Urban - TSD-R09-v1 – Urban Roads Driveways, TSD R14-v1 Type KC vehicular crossing and TSD R11-v1 Urban Roads Footpaths, or
2. LGAT Standard Drawing - Commercial Urban- TSD-R09-v1 – Urban Roads Driveways and TSD R16-v1 Type KCR & B1 or Type KCRB & B1, or
3. a Council City Infrastructure Division approved alternate design.

Advice:

Local Government Association (LGAT) Tasmanian Standard Drawings (TSD) can be viewed electronically via the [LGAT Website](#).

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 effect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.

Please contact Council City Infrastructure Division to discuss approval of alternate designs. Based on a site specific assessment, Council City Infrastructure Division Road Engineer may permit non-standard crossovers. 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

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

ENG 1

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

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

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

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

Reason for condition

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

ENG 13

The proposed new vehicular access adjacent to 24 Carr Street must allow adequate sight distance between user vehicles, cyclists and pedestrians.

Adequate sight distance between user vehicles, cyclists and pedestrians may be achieved by one of the following methods:

1. Compliance with Australian/NZ Standard, Parking facilities Part 1: Off- street car parking AS/NZS 2890.1: 2004 Fig 3.3;
2. Pedestrian gate width of 1m which will ensure 1x1m sight triangles between the access and 24 Carr Street side boundary fence.

Reason for condition

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

ENV 2

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

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

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

Advice:

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

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

Reason for condition

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

SUB s1

The titles comprising the development site (CT 130044/1, CT 130045/1, CT 112673/16, CT 112683/1 and CT 53529/1) are to be adhered in accordance with the provisions of Section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, to the satisfaction of the Council prior to the issue of any building consent, building permit (including demolition) and / or plumbing permit pursuant to the *Building Act 2016* (if applicable), or the commencement of works on site (whichever occurs first).

Advice:

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

Reason for condition

To ensure compliance with statutory provisions.

ADVICE

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

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

CONDITION ENDORSEMENT 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 propose a new access and reinstatement of abandoned access you will require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

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.

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.

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.

TITLE ADHESION

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

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.

ADVICE

Use of the Gym on Sundays beyond twelve (12) occasions per annum be subject to advising the residents and Council in writing prior to each occasion.

Purpose: to manage and monitor potential impacts on nearby residential amenity.

PART B

That the issue of traffic and parking congestion in Carr Street be referred to the City Infrastructure Committee for investigation and the effected residents and the Friends School be consulted on possible solutions.

9.2 6/8 De Witt Street, Battery Point - Partial Change of Use to Visitor Accommodation - ETA-20-129 File Ref: F20/98737

Ref: Supplementary Open [CPC 12](#), 14/09/2020

That given the Applicants were unable to substantially commence the planning permit for visitor accommodation within the 2 year period due to personal reasons, it is appropriate in the circumstances that the Council approve the extension of time request lodged under Section 53(5)(b)(c) of the *Land Use Planning Approval Act 1993* in respect of PLN-18-415 so that the Applicant has until 30 July 2024 in which to substantially commence the new use of visitor accommodation.

BEHRAKIS
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Zucco
Briscoe
Sexton
Thomas
Behrakis
Dutta
Coats

NOES

Lord Mayor Reynolds
Ewin
Sherlock

**9.3 284-284 A Argyle Street, North Hobart - Partial Demolition, Alterations, Signage and Change of Use to Resource Processing, Food Services and General Retail Hire
PLN-20-323 - File Ref: F20/99104**

Ref: Supplementary Open [CPC 13](#), 14/09/2020
Application Expiry Date: 21 September 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, signage and change of use to resource processing, food services and general retail and hire at 284 - 284A Argyle Street for the reasons outlined in the officer's report attached to supplementary item 13 of the Open City Planning Committee agenda of 14 September 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-20-323 - 284 -284A ARGYLE STREET NORTH 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 2020/00759-HCC dated 16/06/2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 13

Music and recorded sound must not be played external to the building.

Reason for condition

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

PLN 14

The noise generated by the approved use and development must not cause environmental harm when measured at the boundary of the Inner Residential zone.

Advice: It is recommended that the doors to the 'front of house' component of the propose use and development remain closed as much as practicable to mitigate noise impacts on residential amenity.

Reason for the condition

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

PLN 6

The following hours of operation are approved for the various components of the use.

Manufacturing/Distillery/Brew House:-

7am to 7pm Monday to Sunday and Public Holidays (excluding Good Friday and Christmas Day).

Front of House/Tasting Area:-

12 noon to 10:30pm Monday to Sunday and Public Holidays (excluding Good Friday and Christmas Day).

External Overflow/Special Events/Summer Trading Area:-

12 noon to 9pm Monday to Sunday and Public Holidays (excluding Good Friday and Christmas Day).

Advice: It is noted that:

- *In relation to the manufacturing/distillery/brew house, in the majority of cases, the Manufacturing only happens two days a week and will most likely be Monday to Friday*
- *In relation to the front of house/tasting area, last drinks will be 10pm. The 30 minute buffer is to get patrons out the door and close up.*
- *In relation to the external overflow/special events/summer trading area, this area is not serviced and will not have speakers etc.*

Reason for condition

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

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, impervious surfaces such as 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 sw3

The proposal must be designed to ensure the protection and access to the Council's stormwater main.

A detailed design must be submitted and approved prior to the issuing of any approval under the *Building Act 2016* or commencement of works (which ever occurs first). The detailed design must:

1. Demonstrate how the design will maintain the overland flow path, provide adequate access to the main, impose no additional loads onto the main and that the structure will be fully independent of the main and its trenching.
2. Include cross-sections clearly showing the relationship both vertically and horizontally between Council's stormwater infrastructure and the proposed works (including footings), and stating the minimum setbacks from the works to the nearest external surface of the main.
3. Include a long-section of Council's stormwater main clearly showing proposed cover. If the cover is less than 600mm, engineering details and full calculations to relevant Australian standards (including construction traffic loading) must be submitted to demonstrate the mains can withstand the likely forces and will be adequately protected. All assumptions must be stated.
4. Be certified by a suitably qualified engineer

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

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 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 13

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

A detailed waste management plan must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016* or commencement of works (which ever occurs first), to the satisfaction of the Council's Director City Planning. The waste management plan must:

1. Include details for the handling of waste (i.e. placement of bins on collection day) within Council's highway reservation.
2. Include details of the quantity and type/size of bins.

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

Advice: Should you have any queries in relation to formulating a solid waste management plan Council staff can assist with the development of a waste management plan outlining Council's requirements. Please contact the Council's Customer Liaison Officer, on Phone 6278 0273.

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 3a

The access driveway and parking module (parking spaces 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 3c

The access driveway and parking module (parking spaces and manoeuvring area) must be constructed in accordance with the JMG documentation received by the Council on the 2nd June 2020.

Reason for condition

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

ENG 5

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

Reason for condition

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

ENG 6

The number of bicycle parking spaces approved on the site is a minimum of five (5).

The bicycle parking areas must be constructed on the site compliant with the Australian Standards AS/NZS 2890.3:2015 prior to the commencement of the use.

Reason for condition

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

ENG 12

Prior to the first occupation/commencement of use, the reinstatement of the existing section of redundant crossover at the frontage of the "Food Services" area to footpath, kerb and gutter within the Argyle Street highway reservations must be constructed substantially in accordance with:

1. LGAT Standard Drawing - TSD R11-v2 - Urban Roads Footpaths - ASPHALT; and
2. LGAT Standard Drawing - TSD R14-v2 - Approved Concrete Kerbs and Channels Profile Dimensions - TYPE KC.

Advice: Modified crossover to LGAT Standard Drawing - TSD-R09-v2 – Urban Roads Driveways - Single width crossover (3.6m wide excluding wings) located centrally to the entry access point (Resource Processing).

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

ENG s2

Approval from Council's Director City Planning must be obtained prior to the issue of any consent under the *Building Act 2016* (excluding demolition or excavation) for any changes to the existing on street parking arrangements in Argyle Street.

Advice:

- *All works will be at the developer's expense. Please contact Council's City Infrastructure Division Manager Traffic Engineering with regard to the application process for any changes to the on street parking arrangements in Davey Street.*
- *Any request to temporarily or permanently remove any sensor requires a written application to be submitted to the Parking Operations Unit.*
- <https://www.hobartcity.com.au/City-services/Parking/Integrated-Parking-System/Dial-Before-You-Dig-Parking-Sensors>

Reason for condition

To ensure that relevant approvals are obtained.

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.

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.

PUBLIC HEALTH

You may be required to provide approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. Click [here](#) for more information.

FOOD BUSINESS REGISTRATION

Food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information.

OCCUPATION OF THE PUBLIC HIGHWAY

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

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

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.

PLANNING

It is recommended that the on-site Bicycle Parking Area remain well-lit during evening operations so as to avoid creation of concealment points and minimise risk to employees and patrons.

STORM WATER

Council notes that the site is subject to the severe overland flooding and all external doors should be outward opening and sealed to be flood proofed to withstand flood depth. Only the top half of the door should be glazed to minimise the internal flood damage.

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.

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.

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.

BEHRAKIS
BRISCOE

That the recommendation be adopted.

AMENDMENT

ZUCCO
SHERLOCK

That the following additional condition be included in the permit:

PLN s1

The use must not cause environmental harm by causing or allowing the release of airborne contaminants in the form of black fungus called Baudoinia Compniscensis.

Reason for condition

So that the activity does not cause environmental harm to the area.

AMENDMENT CARRIED

VOTING RECORD

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

SUBSTANTIVE MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, signage and change of use to resource processing, food services and general retail and hire at 284 - 284A Argyle Street for the reasons outlined in the officer's report attached to supplementary item 13 of the Open City Planning Committee agenda of 14 September 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-20-323 - 284 -284A ARGYLE STREET NORTH 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 2020/00759-HCC dated 16/06/2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 13

Music and recorded sound must not be played external to the building.

Reason for condition

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

PLN 14

The noise generated by the approved use and development must not cause environmental harm when measured at the boundary of the Inner Residential zone.

Advice: It is recommended that the doors to the 'front of house' component of the propose use and development remain closed as much as practicable to mitigate noise impacts on residential amenity.

Reason for the condition

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

PLN 6

The following hours of operation are approved for the various components of the use.

Manufacturing/Distillery/Brew House:-

7am to 7pm Monday to Sunday and Public Holidays (excluding Good Friday and Christmas Day).

Front of House/Tasting Area:-

12 noon to 10:30pm Monday to Sunday and Public Holidays (excluding Good Friday and Christmas Day).

External Overflow/Special Events/Summer Trading Area:-

12 noon to 9pm Monday to Sunday and Public Holidays (excluding Good Friday and Christmas Day).

Advice: It is noted that:

- *In relation to the manufacturing/distillery/brew house, in the majority of cases, the Manufacturing only happens two days a week and will most likely be Monday to Friday*
- *In relation to the front of house/tasting area, last drinks will be 10pm. The 30 minute buffer is to get patrons out the door and close up.*
- *In relation to the external overflow/special events/summer trading area, this area is not serviced and will not have speakers etc.*

Reason for condition

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

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, impervious surfaces such as 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 sw3

The proposal must be designed to ensure the protection and access to the Council's stormwater main.

A detailed design must be submitted and approved prior to the issuing of any approval under the *Building Act 2016* or commencement of works (which ever occurs first). The detailed design must:

1. Demonstrate how the design will maintain the overland flow path, provide adequate access to the main, impose no additional loads onto the main and that the structure will be fully independent of the main and its trenching.
2. Include cross-sections clearly showing the relationship both vertically and horizontally between Council's stormwater infrastructure and the proposed works (including footings), and stating the minimum setbacks from the works to the nearest external surface of the main.
3. Include a long-section of Council's stormwater main clearly showing proposed cover. If the cover is less than 600mm, engineering details and full calculations to relevant Australian standards (including construction traffic loading) must be submitted to demonstrate the mains can withstand the likely forces and will be adequately protected. All assumptions must be stated.
4. Be certified by a suitably qualified engineer

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

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 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 13

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

A detailed waste management plan must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016* or commencement of works (which ever occurs first), to the satisfaction of the Council's Director City Planning. The waste management plan must:

1. Include details for the handling of waste (i.e. placement of bins on collection day) within Council's highway reservation.
2. Include details of the quantity and type/size of bins.

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

Advice: Should you have any queries in relation to formulating a solid waste management plan Council staff can assist with the development of a waste management plan outlining Council's requirements. Please contact the Council's Customer Liaison Officer, on Phone 6278 0273.

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 3a

The access driveway and parking module (parking spaces 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 3c

The access driveway and parking module (parking spaces and manoeuvring area) must be constructed in accordance with the JMG documentation received by the Council on the 2nd June 2020.

Reason for condition

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

ENG 5

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

Reason for condition

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

ENG 6

The number of bicycle parking spaces approved on the site is a minimum of five (5).

The bicycle parking areas must be constructed on the site compliant with the Australian Standards AS/NZS 2890.3:2015 prior to the commencement of the use.

Reason for condition

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

ENG 12

Prior to the first occupation/commencement of use, the reinstatement of the existing section of redundant crossover at the frontage of the "Food Services" area to footpath, kerb and gutter within the Argyle Street highway reservations must be constructed substantially in accordance with:

1. LGAT Standard Drawing - TSD R11-v2 - Urban Roads Footpaths - ASPHALT; and
 2. LGAT Standard Drawing - TSD R14-v2 - Approved Concrete Kerbs and Channels Profile Dimensions - TYPE KC.
- Advice: Modified crossover to LGAT Standard Drawing - TSD-R09-v2 – Urban Roads Driveways - Single width crossover (3.6m wide excluding wings) located centrally to the entry access point (Resource Processing).*

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

ENG s2

Approval from Council's Director City Planning must be obtained prior to the issue of any consent under the *Building Act 2016* (excluding demolition or excavation) for any changes to the existing on street parking arrangements in Argyle Street.

Advice:

- *All works will be at the developer's expense. Please contact Council's City Infrastructure Division Manager Traffic Engineering with regard to the application process for any changes to the on street parking arrangements in Davey Street.*
- *Any request to temporarily or permanently remove any sensor requires a written application to be submitted to the Parking Operations Unit.*
- <https://www.hobartcity.com.au/City-services/Parking/Integrated-Parking-System/Dial-Before-You-Dig-Parking-Sensors>

Reason for condition

To ensure that relevant approvals are obtained.

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.

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.

PUBLIC HEALTH

You may be required to provide approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. Click [here](#) for more information.

FOOD BUSINESS REGISTRATION

Food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information.

OCCUPATION OF THE PUBLIC HIGHWAY

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

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

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.

PLANNING

It is recommended that the on-site Bicycle Parking Area remain well-lit during evening operations so as to avoid creation of concealment points and minimise risk to employees and patrons.

STORM WATER

Council notes that the site is subject to the severe overland flooding and all external doors should be outward opening and sealed to be flood proofed to withstand flood depth. Only the top half of the door should be glazed to minimise the internal flood damage.

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.

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.

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.

PLN s1

The use must not cause environmental harm by causing or allowing the release of airborne contaminants in the form of black fungus called *Baudoinia Compniscensis*.

Reason for condition

So that the activity does not cause environmental harm to the area.

10. 1 Hall Street Ridgeway - Consent to Construct Building Outside Building Envelope **File Ref: F20/97700; 3178728**

Ref: Open [CPC 8.1](#), 14/09/2020

That in accordance with the Schedule of Easements to the Sealed Plan (SP157815) and as per the covenant "*not to construct or maintain any building on Lot 1 outside Envelope A*", the Council provides consent for the shed/garage to be constructed outside Envelope A, shown in Attachment C to item 8.1 of the Open City Planning Committee agenda of 14 September 2020 and in the location approved under planning permit PLN-20-383.

BEHRAKIS
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

11. Monthly Building Statistics - 1 August - 31 August 2020
File Ref: F20/98288; 16/117

Ref: Open [CPC 8.2](#), 14/09/2020

That the report of the Director City Planning be received and noted:

During the period 1 August 2020 to 31 August 2020, 44 permits were issued to the value of \$5,892,275 which included:

- (i) 28 for Extensions/Alterations to Dwellings to the value of \$4,257,786;
- (ii) 3 New Dwellings to the value of \$790,000; and
- (iii) 0 Major Projects

During the period 1 August 2019 to 31 August 2019, 58 permits were issued to the value of \$13,621,435 which included:

- (i) 34 for Extensions/Alterations to Dwellings to the value of \$3,777,380;
- (ii) 13 New Dwellings to the value of \$4,397,048; and

(iii) 2 Major Projects:

- (a) 20 Aotea Road, Sandy Bay - New Building (Stage 2) - \$1,734,448; and
- (b) 2 Churchill Avenue, Sandy Bay - Alterations - Level 3 to 5 and Change of Use - Stage 1 - Excludes Kitchen area and passive fire/suppression systems on Level 5 - \$2,772,000

In the twelve months ending August 2020, 601 permits were issued to the value of \$219,128,955; and

In the twelve months ending August 2019, 643 permits were issued to the value of \$320,088,082.

BEHRAKIS
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

FINANCE AND GOVERNANCE COMMITTEE

12. Annual Elected Member Representation on External Bodies & Membership of the Tasmanian Polar Network

File Ref: F20/70759

Ref: Open [FGC 6.1](#), 15/09/2020

That the Council continue its annual membership of the Tasmanian Polar Network to be funded from the Economic Development Function of the 2020/2021 Annual Plan.

SEXTON

SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

PARKS AND RECREATION COMMITTEE

13. Harrington Street, Hobart - Former Public Toilet Site
File Ref: F19/92070

Ref: Open [PRC 6.1](#), 10/09/2020

- That:
1. The site of the former toilets located in Harrington Street, Hobart (being a remnant concrete slab) not be pursued for development as public open space or a leased area.
 2. An allocation in the order of \$75,000 be considered in a future capital works program for the demolition of the remnant slab and installation of an improved barrier at the heritage wall to allow public viewing of the open rivulet, and if appropriate, be reviewed in 12 months' time.
 3. The neighbouring property owners be advised of this decision.

BRISCOE
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

**14. West Hobart Recreation Ground, Lansdowne Crescent Primary School-
Licence Amendment and Landscape Plan
File Ref: F20/94351**

Ref: Open [PRC 6.2](#), 10/09/2020

- That:
1. The licence agreement between the City of Hobart and the Department of Education, dated 25 February 2014, covering the Lansdowne Crescent Primary School's playground area located within the adjoining West Hobart Recreation Ground, be amended to increase the footprint of the licenced area (as indicated in Attachment A to item 6.2 of the Open Parks and Recreation Committee agenda of 10 September 2020) in order for the School to incorporate new landscaping to improve connectivity across the steep site.
 2. The Council approve the landscape plan for the area (marked as Attachment B to item 6.2 of the Open Parks and Recreation Committee agenda of 10 September 2020) to be funded and undertaken by the School, to the satisfaction of the General Manager.

BRISCOE
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

15. 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
- Financial hardship
- Contract extension

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	Financial Hardship - Rates Remission Request LG(MP)R 15(2)(j)
Item No. 7	Contract Extension - Provision of Website Publishing and Hosting Services LG(MP)R 15(2)(d)

BEHRAKIS
BRISCOE

That the recommendation be adopted.

MOTION CARRIED BY
ABSOLUTE MAJORITY

VOTING RECORD

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

There being no further business the open portion of the meeting closed at 6.54pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
12TH DAY OF OCTOBER 2020.

CHAIRMAN