



CITY OF HOBART

MINUTES

City Planning Committee Meeting

Open Portion

Monday, 16 November 2020 at 5:00pm

ORDER OF BUSINESS

APOLOGIES AND LEAVE OF ABSENCE

1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY	4
2. CONFIRMATION OF MINUTES.....	5
3. CONSIDERATION OF SUPPLEMENTARY ITEMS	5
4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST	6
5. TRANSFER OF AGENDA ITEMS.....	6
6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS.....	7
7. COMMITTEE ACTING AS PLANNING AUTHORITY	8
7.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997	8
7.1.1 20 McVilly Drive, Hobart - Alterations to Stormwater Infrastructure.....	8
7.1.2 3 Argyle Street, Hobart - Signage	15
7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015	19
7.2.1 19 View Street, Sandy Bay - Partial Demolition, Alterations, Extension and Front Fencing	19
7.2.2 39 Princes Street, Sandy Bay - Partial Demolition, Alterations, New Front Fencing and Two Multiple Dwellings (One Existing, One New)	21
7.2.3 1/266 Churchill Avenue and 2/266 Churchill Avenue, Sandy Bay and Common Land of Parent Title - Three Multiple Dwellings (Two Existing, One New)	32
8. REPORTS	44
8.1 Public Art Framework - Public Art Private Development Guide.....	44
8.2 City Planning Committee - COVID-19 Format	45
8.3 Delegated Decisions Report (Planning).....	45
8.4 City Planning - Advertising Report.....	46
8.5 Monthly Building and Planning Statistics - 1 October - 31 October 2020	46

9. RESPONSES TO QUESTIONS WITHOUT NOTICE.....	48
10. QUESTIONS WITHOUT NOTICE	49
11. CLOSED PORTION OF THE MEETING.....	51
SUPPLEMENTARY ITEMS	52
APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015	
12. 40 Burnett Street, 42-44 Burnett Street North Hobart and Adjacent Road Reserve - Demolition, New Building for 31 Multiple Dwellings and General Retail and Hire, Subdivision (Lot Consolidation), Alterations to Access and Associated Works	52
REPORT	
13. Urban Design Advisory Panel - Membership.....	82

**City Planning Committee Meeting (Open Portion) held on Monday,
16 November 2020 at 5:00 pm.**

**This meeting of the City Planning Committee is held 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*.**

COMMITTEE MEMBERS

Deputy Lord Mayor Burnet (Chairman)
Briscoe
Harvey
Behrakis
Dutta
Coats

NON-MEMBERS

Lord Mayor Reynolds
Zucco
Sexton
Thomas
Ewin
Sherlock

PRESENT: The Deputy Lord Mayor Councillor
H Burnet (Chairman), Alderman J R Briscoe,
Councillor W F Harvey, Alderman S Behrakis,
Councillors M Dutta, W Coats and Z Sherlock.

APOLOGIES: Nil.

LEAVE OF ABSENCE: Nil.

The Deputy Lord Mayor
experienced technical difficulties
from 5.24pm to 5.26pm, left the
meeting at 5.44pm, returning at
5.46pm.

Alderman Behrakis left the meeting
at 5.39pm, returning at 5.41pm.

Alderman Behrakis declared an
interest in supplementary item 12
and left the meeting at 6.19pm,
returning at 6.49pm.

Councillor Sherlock arrived at the
meeting at 5.13pm, left the meeting
at 5.36pm, returned to the meeting
at 6.01pm and retired from the
meeting at 7.17pm.

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

No Elected Members were co-opted to the Committee.

2. CONFIRMATION OF MINUTES

BEHRAKIS

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 2 November 2020](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

The minutes were signed.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

BRISCOE

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

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

1. Alderman Behrakis – Supplementary item 12

5. TRANSFER OF AGENDA ITEMS

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

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

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

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

BRISCOE

THAT SUPPLEMENTARY ITEM 13 FROM THE OPEN PORTION OF THE MEETING, BE TRANSFERRED TO THE CLOSED PORTION AND BE TAKEN AS ITEM 5.1 PURSUANT TO LG(MP) R15(2)(A) – PERSONNEL MATTERS, INCLUDING COMPLAINTS AGAINST AN EMPLOYEE OF THE COUNCIL AND INDUSTRIAL RELATIONS MATTERS.

MOTION CARRIED

VOTING RECORD

AYES

NOES

DEPUTY LORD MAYOR
BURNET
BRISCOE
HARVEY
BEHRAKIS
DUTTA
COATS

6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

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

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

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

BEHRAKIS

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

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

NOES

7. COMMITTEE ACTING AS PLANNING AUTHORITY

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

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

The Committee is reminded that in order to comply with Regulation 25(2), the General Manager is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

Item 7.2.1 was then taken.

7.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

7.1.1 20 McVilly Drive, Hobart - Alterations to Stormwater Infrastructure PLN-20-245 - File Ref: F20/118073

DUTTA

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 5 November 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

COMMITTEE RESOLUTION:

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for alterations to stormwater infrastructure at 20 McVilly Drive, Hobart for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 16 November 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-20-245 - 20 MCVILLY DRIVE HOBART TAS 7000 - Advertised Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw4

The site must be drained to Council infrastructure. A new stormwater connection must be constructed and existing abandoned connections sealed by the Council at the owner's expense, prior to completion/commencement of use (whichever occurs first).

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

- a. the location of the proposed connections and all existing connections.
- b. the size and design of the connection(s) such that they are appropriate to safely service the development, taking into account the maximum permissible discharge into the existing main of 11.55L/s.
- c. long-sections of the proposed connection(s) clearly showing any nearby services, cover, size, material and delineation of public and private infrastructure.
- d. Clearly distinguish between public and private infrastructure.
- e. Be checked and certified by a qualified and experienced engineer.

All private plumbing must be contained fully within the Lot boundary.

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

Advice:

The applicant is advised to submit detailed design drawings via the City Amenity Division's [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 the 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 and detention for stormwater discharges from the development must be installed prior to issue of a Certificate of Completion.

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:

- a. be prepared by a suitably qualified engineer.
- b. include detailed design of the proposed treatment train, demonstrating best practice for the expected pollutant loads. Council notes carpark treatment must target fine sediments and hydrocarbons.
- c. include final detailed design and supporting calculations of the detention basin, sized such that there is no increase in flows from the developed site up to 5% AEP storm events. All assumptions must be clearly stated. The detailed design must include suitable planting.

- d. 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:

A maximum discharge rate of 11.55L/s for the critical 5% AEP event (as proposed under PAM-19-192) to the new connection is accepted.

Once the stormwater management report and design has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To avoid the possible pollution of drainage systems and natural watercourses, to comply with relevant State legislation, and to ensure the development's stormwater system takes into account limited receiving capacity of the Council's infrastructure.

ENG 1

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

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

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

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

Reason for condition

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

ENV 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.

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.

HERITAGE

Aboriginal relics and artefacts may be located within the area of excavation and you are therefore advised that the *Aboriginal Heritage Act 1975* may apply. You are advised to seek independent and separate advice in relation to the application and requirements of this legislation.

Delegation: Council

7.1.2 3 Argyle Street, Hobart - Signage
PLN-20-632 - File Ref: F20/119408

HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 10 November 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

COMMITTEE RESOLUTION:

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for signage at 3 Argyle Street, Hobart for the reasons outlined in the officer's report attached to item 7.1.2 of the Open City Planning Committee agenda of 16 November 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-20-632 - 3 ARGYLE STREET HOBART TAS 7000 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG 1

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

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

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

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

Reason for condition

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

HER 14

All dimensions and details of the fixings of the proposed dolerite slabs and bronze plaques to the Council's concrete wall must be provided to minimise the impact on the Council's wall.

Prior to the casting of the bronze plaques and the cutting of the dolerite mounting slabs, revised plans must be submitted and approved showing all details in accordance with the above requirement.

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

Reason for condition

To ensure that development on Council land in Sullivans Cove is undertaken in an appropriate manner.

HER 5

The artwork, with final wording must be submitted to Council for approval.

Prior to the casting of the bronze plaques, cutting and procurement of the dolerite slabs, and installation of any of the plaques, revised, final and fully edited artwork and wording must be submitted and approved by Council.

Installation of the proposed plaques or dolerite slabs must not occur until Council approval of the detailed.

Reason for condition

To ensure that development on Council land in Sullivans Cove is undertaken in an appropriate manner.

OPS s1

A protective lacquer is required on the plaques in order for them to be easier to clean.

Reason for condition

To ensure that the signs are capable of being maintained in good repair at all times.

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.

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 an occupational license for structures in the Hobart City Council highway reservation, in accordance with conditions to be established by the Council. Click [here](#) for more information.

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

WORK WITHIN THE HIGHWAY RESERVATION

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

CBD AND HIGH VOLUME FOOTPATH CLOSURES

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

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

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

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

Delegation: Council

Item 7.2.2 was then taken

7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

Ms Danielle Gray, Mr Andrew Bowie, Mr Ian Johnson (Representors) and Mr Frazer Read (Applicant) address the Committee in relation to item 7.2.1.

7.2.1 19 View Street, Sandy Bay - Partial Demolition, Alterations, Extension and Front Fencing PLN-20-705 - File Ref: F20/119598

BRISCOE

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition, alterations, extension and front fencing at 19 View Street, Sandy Bay for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because it includes demolition which will result in the loss of part of a building, as well as fabric and landscape elements, all of which contribute to the historic cultural heritage significance of the precinct, and none of the following apply:
 - a. There are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;
 - b. There are no prudent or feasible alternatives;
 - c. Opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because its design and siting will result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 P3 of the *Hobart Interim Planning Scheme 2015* because it is an extension to the existing building and will detract from the historic cultural heritage significance of the precinct.

MOTION CARRIED

VOTING RECORD

AYES
Deputy Lord Mayor Burnet
Briscoe
Harvey
Dutta



NOES
Behrakis
Coats

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition, alterations, extension and front fencing at 19 View Street, Sandy Bay for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because it includes demolition which will result in the loss of part of a building, as well as fabric and landscape elements, all of which contribute to the historic cultural heritage significance of the precinct, and none of the following apply:
 - a. There are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;
 - b. There are no prudent or feasible alternatives;
 - c. Opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because its design and siting will result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 P3 of the *Hobart Interim Planning Scheme 2015* because it is an extension to the existing building and will detract from the historic cultural heritage significance of the precinct.

Attachments

- A Andrew Bowie - Deputation Supporting Information - 19 View Street ⇨ 
- B Ian Johnson - Deputation Supporting Information - 19 View Street ⇨ 

Delegation: Council

Supplementary item 12 was then taken.

7.2.2 39 Princes Street, Sandy Bay - Partial Demolition, Alterations, New Front Fencing and Two Multiple Dwellings (One Existing, One New)
PLN-20-155 - File Ref: F20/118131

BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 5 November 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

NOES

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for partial demolition, alterations, new front fencing and two multiple dwellings (one existing, one new) at 39 Princes Street, Sandy Bay for the reasons outlined in the officer's attached to item 7.2.2 of the Open City Planning Committee agenda of 16 November 2020 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-20-155 - 39 PRINCES STREET SANDY BAY TAS 7005 - 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 2020/00306-HCC dated 12/03/2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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

Advice:

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

Reason for condition

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

ENG sw4

Any new stormwater connection must be constructed and existing abandoned connections sealed by the Council at the owner's expense, prior to first occupation or commencement of use (whichever occurs first). The new connection must discharge stormwater by gravity and be free-flowing.

Detailed engineering drawings must be submitted and approved, prior to issue of any consent under the *Building Act 2016*. The detailed engineering drawings must be prepared and certified by a suitable qualified and experience engineer. The drawing must include but not limited to:

1. the location of the proposed connection;
2. the size of the connection appropriate to satisfy the needs of the development;
3. the flow rate at the kerb and gutter must not exceed 15l/s;
4. longitudinal sections of the proposed connection that clearly shows clearance from any nearby services, depth of cover, size, material;and
5. clearly distinguish between public and private stormwater infrastructure.

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 sw6

All stormwater from the proposed development (including hardstand runoff) must be discharged to the Council's stormwater infrastructure with sufficient receiving capacity prior to first occupation or commencement of use (whichever occurs first). All stormwater which is practicable to drain to the Council's infrastructure via gravity (including suspended or charged systems) must do so. Any pumped or charged flows must be converted to free-flowing gravity within a private transition pit inside the property prior to discharging to the free-flowing gravity connection to the Council's infrastructure. All costs associated with works required by this condition are to be met by the owner.

Design drawings and calculations of the proposed stormwater drainage and connections to the Council's stormwater infrastructure must be submitted and approved prior to the issue of any consent under the *Building Act 2016*. The design drawings and calculations must:

1. prepared by a suitably qualified person and experienced engineer;
2. include long section(s)/levels and grades to the point of discharge;
3. detail design of any proposed pump system which is to be in accordance with Australian Standard AS/NZS 3500.3:2015 Part 3: Stormwater Drainage Systems;and
4. Clearly distinguish between public and private stormwater infrastructure.

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

Advice:

The applicant is advised to submit detailed design drawings and calculations as part of their Plumbing Permit Application. 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 obtain a plumbing permit for the works.

Reason for condition

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

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

Reason for condition

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

ENG 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 1

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

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

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

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

Reason for condition

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

ENG 13

The front fencing must allow adequate sight distance between user vehicles, cyclists and pedestrians.

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

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

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

Advice:

The applicant may submit amended drawings to satisfy this condition as either part of a Building Application, or alternatively via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]).

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

Note condition HER 15 which restricts the height of the fence and gate and side return to 1.2m high with 30% transparency. Compliance with that condition will also result in compliance with this condition.

Reason for condition

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

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.

HER 15

The front fence, gate and side return to the corner of the house must be no more than 1.2 metres in height above natural ground level and have a uniform transparency no less than 30%.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved which shows the front, gate and side return fence in accordance with the above requirements.

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

Reason for condition

To ensure that development at a heritage precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

HER 17a

The palette of exterior colours, materials and finishes must reflect the palette of materials within the local streetscape and precinct and ensure that the appearance of the proposed second dwelling is muted and does not unreasonably contrast with the surrounding landscape.

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

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

Reason for condition

To ensure that development at a heritage precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance or generate an unreasonable visual contrast with the surrounding landscape.

ADVICE

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

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

CONDITION ENDORSEMENT ENGINEERING

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

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a Permit 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](#).

PLANNING

Existing established trees and shrubs growing throughout the site should be retained in the development wherever practicable.

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.

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.

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.

Delegation: Committee

7.2.3 1/266 Churchill Avenue and 2/266 Churchill Avenue, Sandy Bay and Common Land of Parent Title - Three Multiple Dwellings (Two Existing, One New) PLN-20-381 - File Ref: F20/120017

DUTTA

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 10 November 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

NOES

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for three multiple dwellings (two existing, one new) at 1/266 Churchill Avenue, 2/266 Churchill Avenue Sandy Bay, and adjacent road reserve, for the reasons outlined in the officer's report attached to item 7.2.3 of the Open City Planning Committee agenda of 16 November 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-20-381 - 1/266 CHURCHILL AVENUE SANDY BAY TAS 7005 - 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 2020/00898-HCC dated 11 August 2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 3

Screening to a height of no less than 1.2m must be installed prior to the commencement of the use, to screen the communal waste storage area from view.

Advice:

The screens can be in the form of new or existing vegetation or a new structure or both, and may incorporate a paling fence.

Reason for condition

To ensure that the rubbish bins do not impact on the amenity of the locality, and to ensure compliance with the outdoor storage standards in the *Hobart Interim Planning Scheme 2015*.

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).

Any private stormwater system passing through third-party land must have sufficient receiving capacity.

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 sw6

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

Design drawings and calculations of the proposed stormwater drainage and connections to the Council's stormwater infrastructure must be submitted and approved prior to the commencement of work. The design drawings and calculations must:

1. prepared by a suitably qualified person;
2. include long section(s)/levels and grades to the point of discharge; and
3. accommodate a storm with an ARI of 20 years when the land serviced by the system is fully developed.

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

Advice:

The applicant is advised to submit detailed design drawings and calculations as part of their Plumbing Permit Application. For the stormwater connection the applicant is advised to submit detailed design drawings via a Council City Amenity Division application for a new stormwater connection.

Reason for condition

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

ENG sw7

Stormwater flow maintenance for stormwater discharges from the development must be installed prior to commencement of use.

A stormwater management plan and design must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first). The stormwater management plan and design must:

1. be prepared by a suitably qualified person;
2. the detention tank must be sized such that there is no increase in flows from the developed site up to the 20yr ARI storm event. All assumptions must be clearly stated; and
3. Include supporting maintenance plan.

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

Reason for condition

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

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS 1170.1:2002 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 and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS 2890.1:2004 (including the requirement for vehicle safety barriers where required), or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

Advice:

It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.

Reason for condition

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

ENG 3b

The access driveway and parking module (parking spaces, aisles and manoeuvring area) design must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016*.

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

1. Be prepared and certified by a suitably qualified engineer;
2. Be generally in accordance with the Australian Standard AS/NZS2890.1:2004;
3. Where the design deviates from AS/NZS2890.1:2004 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use; and
4. Show dimensions, levels, gradients and transitions, and other details as Council deem necessary to satisfy the above requirement.

Advice:

It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.

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

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

Reason for condition

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

ENG 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 or commencement of use (whichever occurs first).

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 7

The number of car parking spaces approved on the site for use is five (5). 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 the first occupation or commencement of use (whichever occurs first).

Revised drawings must be submitted and approved, prior to the issue of any approval under the *Building Act 2016*. The revised drawings must:

1. Include signage for the two external spaces located between the apartments, clearly stating 'apartment 1' and 'apartment 2' such that each space is allocated to a separate apartment; and

2. Include signage for the external parking space located at the end of the driveway clearly stating 'visitor parking only'.

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

Advice:

Once the drawing 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 safe and efficient parking adequate to provided for the use.

ENG 1

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

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

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

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

Reason for condition

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

ENV 1

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

Advice:

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

Reason for condition

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

ADVICE

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

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

CONDITION ENDORSEMENT PLANNING

If a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's online services e-planning portal.

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

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied). Detailed instructions can be found [here](#).

CONDITION ENDORSEMENT ENGINEERING

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

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click here for more information.

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

PLUMBING PERMIT

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

BUILDING OVER AN EASEMENT

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

NEW SERVICE CONNECTION

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

STORMWATER

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

STRATA AMENDMENT

You will be required to amend the strata plan pursuant to the provisions of the *Strata Titles Act 1998* in order to reflect the completed development works. [Click here for more information.](#)

COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council land. Any act that causes, or is likely to cause, damage to Council's land may be in breach of Council's Public Spaces By-law and penalties may apply. A permit is required for works on Council land. The by-law is available [here](#).

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.](#)

Delegation: Council

8. REPORTS

8.1 Public Art Framework - Public Art Private Development Guide File Ref: F20/120546; 19/44-0001

HARVEY

That the recommendation contained in the report of the Cultural Programs Coordinator, Director City Planning and the Deputy General Manager of 11 November 2020, be adopted, as amended by the inclusion of a new clause 3 to read as follows.

- “3. A report be provided to the Council on an annual basis detailing the contributions made under the Public Art Private Development Guide.”

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

NOES

COMMITTEE RESOLUTION:

- That:
1. The Council endorse the Public Art Private Development Guide, marked as Attachment A to item 8.1 of the Open City Planning Committee agenda of 16 November 2020, to be provided to developers of large projects as a supporting document for the pre-application stage, and for use throughout the planning process.
 2. A Public Amenity Policy for the City be developed, with public art being noted as one way a developer might contribute to the public amenity of the city. This policy would be the subject of a future report to the Council.
 3. A report be provided to the Council on an annual basis detailing the contributions made under the Public Art Private Development Guide.

Delegation: Council

8.2 City Planning Committee - COVID-19 Format
File Ref: F20/120002

BRISCOE

That the City Planning Committee resume physical meetings in accordance with the guidelines to be provided by the Council's administration.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

COMMITTEE RESOLUTION:

That the City Planning Committee resume physical meetings in accordance with the guidelines to be provided by the Council's administration.

Delegation: Committee

8.3 Delegated Decisions Report (Planning)
File Ref: F20/119407

BRISCOE

That the recommendation contained in the memorandum of the Director City Planning of 10 November 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

COMMITTEE RESOLUTION:

That the information contained in the memorandum *Delegated Decision Report (Planning)* be received and noted.

Delegation: Committee

8.4 City Planning - Advertising Report
File Ref: F20/119890

HARVEY

That the recommendation contained in the memorandum of the Director City Planning of 10 November 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

COMMITTEE RESOLUTION:

That the information contained in the memorandum *City Planning – Advertising Report* be received and noted.

Delegation: Committee

8.5 Monthly Building and Planning Statistics - 1 October - 31 October 2020
File Ref: F20/120065

BRISCOE

That the recommendation contained in the memorandum of the Director City Planning of 11 November 2020, be adopted, as amended by the inclusion of the following Part B:

“Part B:

- (i) The inclusion of line graphs as part of the statistical data be provided to the Committee
- (ii) A non-accumulative monthly comparison be provided to the Committee.”

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

NOES

COMMITTEE RESOLUTION:

PART A:

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

During the period 1 October 2020 to 31 October 2020, 64 permits were issued to the value of \$17,445,605 which included:

- (i) 28 for Extensions/Alterations to Dwellings to the value of \$5,848,450;
- (ii) 6 New Dwellings to the value of \$3,091,000; and
- (iii) 2 Major Projects:
 - (a) 1 Risdon Road, New Town - Commercial Internal Alterations - \$3,292,985;
 - (b) 2 Cross Street, New Town - Demolition, Alteration and Additions - \$1,700,000

During the period 1 October 2019 to 31 October 2019, 45 permits were issued to the value of \$7,160,709 which included:

- (i) 24 for Extensions/Alterations to Dwellings to the value of \$2,578,700;
- (ii) 6 New Dwellings to the value of \$2,089,913; and
- (iii) No Major Projects

In the twelve months ending 31 October 2020, 647 building permits were issued to the value of \$234,637,825; and

In the twelve months ending 31 October 2019, 617 building permits were issued to the value of \$298,788,537.

PART B:

- (i) The inclusion of line graphs as part of the statistical data be provided to the Committee
- (ii) A non-accumulative monthly comparison be provided to the Committee.

**Delegation: Part A Council
Part B Committee**

9. RESPONSES TO QUESTIONS WITHOUT NOTICE

Regulation 29(3) *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

**9.1 Protection of Chimneys
File Ref: F20/92615; 13-1-10**

Memorandum of the Director City Planning of 9 November 2020.

**9.2 Collection of Litter - Fast Food Outlets
File Ref: F20/92618; 13-1-10**

Memorandum of the Director City Planning of 9 November 2020.

**9.3 Multi-Story Apartments / Commercial Properties - Commencement
File Ref: F20/100953; 13-1-10**

Memorandum of the Director City Planning of 9 November 2020.

**9.4 Development Applications - General Managers Consent
File Ref: F20/100964; 13-1-10**

Memorandum of the Director City Planning of 9 November 2020.

**9.5 Housing Density Modelling and Bushfire Risk
File Ref: F20/114524; 13-1-10**

Memorandum of the Director City Planning of 10 November 2020.

9.6 Development Applications - Representations
File Ref: F20/118858; 13-1-10

Memorandum of the Director City Planning of 10 November 2020.

BRISCOE

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

Delegation: Committee

10. QUESTIONS WITHOUT NOTICE

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

10.1 Councillor Harvey - Environmental Standards - Multi-Residential Developments
File Ref: 13-1-10

Question: Can the Director advise what environmental standards apply to multi-residential developments. Is there a national or state standard for environmental performance?

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

10.2 Alderman Briscoe - 55 Mount Stuart Road - Overlooking
File Ref: 13-1-10

Question: Can the Director advise if officers will visit the neighbouring property at 53 Mount Stuart Road to compare the overlooking into the neighbour's house and garden that is happening when the officers report for approval said there would be little or no effect. What steps could be taken to avoid such a situation in the future?

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

10.3 Alderman Behrakis - Multi-Story Apartments / Commercial Properties - Commencement
File Ref: 13-1-10

Question: Can the Director provide the development addresses applicable to the table listed in the response to questions without notice shown at item 9.3 of the Open City Planning Committee agenda of 16 November 2020?

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

10.4 Alderman Behrakis - Planning Authority - Roles and Responsibilities
File Ref: 13-1-10

Question: Can the Director provide some advice to confirm the roles and responsibilities of elected members when acting as a planning authority?

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

11. CLOSED PORTION OF THE MEETING

BRISCOE

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

- Confirm the minutes of the Closed portion of the meeting
- Questions without notice in the Closed portion
- Information of a confidential and personal nature.

The following items were discussed:-

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council Meeting
Item No. 2	Consideration of supplementary items to the agenda
Item No. 3	Indications of pecuniary and conflicts of interest
Item No. 4	Questions Without Notice
Item No. 5	Report
Item No. 5.1	Urban Design Advisory Panel – Membership LG(MP)R 15(2)(a)

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

Delegation: Committee

SUPPLEMENTARY ITEMS

APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

Alderman Behrakis declared an interest in supplementary item 12 and left the meeting.

Mr Darren Jones (Applicant) addressed the Committee in relation to supplementary item 12.

**12. 40 Burnett Street, 42-44 Burnett Street North Hobart and Adjacent Road Reserve - Demolition, New Building for 31 Multiple Dwellings and General Retail and Hire, Subdivision (Lot Consolidation), Alterations to Access and Associated Works
PLN-20-633 - File Ref: F20/121589**

BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 13 November 2020, be adopted, as amended by the inclusion of the following condition HER 22 and advice clause:

“HER 22

Archival quality annotated photographs and drawings of the buildings to be demolished must be recorded prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first).

The photographs and drawings must be submitted and approved, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The photographs and drawings must include:

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

ADVICE

Consideration be given to providing secure bicycle storage and charging within the building that is easily accessible from the street.”

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Dutta
Coats

NOES

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference and the delegation made by the Council to the Committee on the 9 November 2020 approve the application for a new building for 31 multiple dwellings and general retail and hire, subdivision (lot consolidation), alterations to access, and associated works at 40 and 42 - 44 Burnett Street, North Hobart and adjacent road reserve for the reasons outlined in the officer's report attached to supplementary item 12 of the Open City Planning Committee agenda of 16 November 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-20-633 - 40 BURNETT 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 2020/01519-HCC dated 08/10/2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 15a

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

Advice:

It is recommended that the developer liaise with the Council's Cleansing and Solid

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

Reason for condition

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

PLN s1

The palette of exterior colours and materials must be provided.

The palette of exterior colours and materials should address the following:

1. Consideration of introducing a simpler and more recessive roof form.
1. Utilising some elements or characteristics of the cottage at 38 Burnett Street within the frontage of the development, at street level.
2. The use of planter boxes along the street level frontage.
3. The use of brick or masonry in the ground floor elevation.

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.

Reason for condition

In the interest of the streetscape and townscape values of the surrounding area, to improve the transition and compatibility with surrounding buildings, to provide stronger links with the extant residential cottages within the streetscape.

PLN s2

A Landscaping Plan prepared by a suitably qualified person for the landscaped spaces, private open space areas and other areas of planting around the site must be submitted and approved by the Council's Director City Planning prior to the issue of any consent under the *Building Act 2016*, excluding for demolition, excavation and works up to the ground floor slab.

The Landscaping Plan must include (in addition to that already proposed):

1. More consideration to the provision and nature of additional landscaping on the Burnett Street Frontage.
2. Further details of the planter boxes, including how they will be managed, their size, and how they will be irrigated.
3. More consideration of additional deep planting at the rear of the site.

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

The trees and landscaping must be maintained, and replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost.

Confirmation by the person who prepared the landscaping plan (or an equivalent suitably qualified person) that the landscaping has been completed in accordance with the approved landscaping plan must be submitted to the Council to the satisfaction of the Director City Planning, prior to commencement of use. Once this has been received, and all landscaping shown on the approved Landscaping Plan has been planted in accordance with the approved plan to the satisfaction of the Council's Director City Planning, the Council will issue a statement confirming satisfactory planting of all trees and landscaping.

Reason for condition

To ensure that the development achieves a high standard of public amenity and to ensure appropriate landscaping close to the property boundary.

PLN s3

Prior to the issue of any approval under the *Building Act 2016*, (excluding for demolition, excavation and works up to the ground floor slab), a detailed design for the street level frontage must be submitted and approved, to the satisfaction of the Director City Planning. The detailed design must include (but is not limited to) the following:

1. Ground level façade.
2. Paving.
3. Landscape elements (note also condition PLN s2 requiring a landscaping plan).
4. Street furniture.
5. Lighting.
6. Signage.

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

Reason for condition

In the interest of the streetscape and townscape values of the surrounding area, to improve the transition and compatibility with surrounding buildings, to provide stronger links with the extant residential cottages within the streetscape.

ENG 12

A construction waste management plan must be implemented throughout construction.

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

- Provisions for commercial waste services for the handling, storage, transport and disposal of post-construction solid waste and recycle bins from the development; and

- Provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.

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

Advice:

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

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

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

Reason for condition

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

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, 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). All stormwater which can drain to the connection via gravity must do so.

Reason for condition

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

ENG sw2.1

Prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first), a pre- construction structural condition assessment and visual record (eg video and photos) of the Council's stormwater infrastructure adjacent to the proposed development must be submitted to Council.

The condition assessment must include at least:

1. A site plan clearly showing the location of the investigation, with access points and all segments and nodes shown and labelled, with assets found to have a different alignment from that shown on Council's plans to be marked on the ground and on the plan;
2. A digital recording of a CCTV inspection and written condition assessment report in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia, in a 'Wincan' compatible format.

The pre-construction condition assessment will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with an adequate pre-construction condition assessment then any damage to Council's infrastructure identified in the post-construction condition assessment will be the responsibility of the owner/developer.

Reason for condition

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

ENG sw2.2

Prior to occupancy or the commencement of the approved use (whichever occurs first), a post-construction structural condition assessment and visual record (eg video and photos) of the Council's stormwater infrastructure adjacent to the proposed development must be submitted to Council.

The condition assessment must include at least:

1. A site plan clearly showing the location of the investigation, with access points and all segments and nodes shown and labelled. Assets found to have a different alignment from that shown on Council's plans shall be marked on the ground and on the plan;
2. A digital recording of a CCTV inspection and written condition assessment report in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia, in a 'Wincan' compatible format.

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

Reason for condition

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

ENG sw5

The new and/or upgraded stormwater infrastructure (main and connection) must be designed and constructed prior to sealing of the final plan, occupancy or the commencement of the approved use (whichever occurs first). All existing redundant connections must be abandoned.

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings and associated calculations must be submitted and approved. The detailed engineering drawings must be certified by a suitably qualified and experienced civil engineer and must:

1. Be substantially in accordance with the Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020), as varied by the Council's published departures from those Drawings, and the Local Government Association of Tasmania, Tasmanian Subdivision Guidelines (October 2013);
2. Show the location of all existing connections. All existing redundant connections must be abandoned and the footpath/ kerb reinstated.
3. Clearly distinguish between public and private infrastructure;
4. Show in both plan and long-section the proposed stormwater main and connection, including but not limited to, connection, flows, velocities, hydraulic grade lines, clearances from other services, cover, gradients, sizing, material, pipe class, and inspection openings; and
5. Show the new/ upgraded public stormwater is sized to accommodate at least the 5% AEP event flows from a future fully-developed catchment.

A structural condition assessment and visual record (ie a CCTV) of the new/ upgraded public stormwater main must be submitted prior to issue of practical completion.

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

Advice:

Council's preference, if practicable and maintaining capacity, would be for the DN300 to be lowered and upgraded. The infrastructure should be sized neglecting private detention. Fully-developed is to be taken as the maximum permitted under the planning scheme, unless demonstrated to be unsuitable.

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

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

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw7

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater pre-treatment and detention for stormwater discharges from the development must be installed.

A stormwater management report and design must be submitted and approved, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. Include detailed design of the proposed treatment train, including final estimations of contaminant removal;
2. Include detailed design and supporting calculations of the detention tank showing:
 1. Detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and flows are limited to the receiving capacity of Council infrastructure, taking critical timing of the infrastructure into account;
 2. The layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
 3. The discharge rates and emptying times; and
 4. All assumptions must be clearly stated;
3. Include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

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

Advice:

Once the design and report 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 the issue of any approvals under the *Building Act 2016*. The waste management plan must:

1. Include provisions for private waste services for the handling, storage, transport and disposal of domestic and commercial 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:

The Council will not undertake waste collection for this development. Advice and permission should be sought from the Road Authority that administers the Burnett Street highway reservation with respect to private collection from the road carriageway.

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

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

Reason for condition

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

ENG tr2

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

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

The construction traffic and parking management plan must:

1. Be prepared by a suitably qualified person.
2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.
3. Include a start date and finish dates of various stages of works.
4. Include times that trucks and other traffic associated with the works will be allowed to operate.
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 access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required), or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

Reason for condition

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

ENG 3b

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

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

1. Be prepared and certified by a suitably qualified engineer;
2. Include a dedicated turning area in place of proposed car-parking space 11;
3. Include a maximum inside wheel path gradient of 25% on the proposed ramps;
4. Include full details of the proposed traffic signals including detailed timing information, a contingency plan for instances where the lights fail to operate, and details for any ongoing maintenance/testing requirements and repair;
5. Show the exit from the site to the Burnett Street highway reservation as left turn only;
6. Be generally in accordance with the Australian Standard AS/NZS2890.1:2004,
7. Where the design deviates from AS/NZS2890.1:2004 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use, and
8. Show dimensions, levels, gradients and transitions, and other details as Council deem necessary to satisfy the above requirement.

Advice:

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

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

Reason for condition

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

ENG 3c

The access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area), including requirements for linemarking, signage, traffic control signals, and any other traffic control infrastructure, must be constructed in accordance with the drawings approved under this permit.

Prior to the first occupation or commencement of use (whichever occurs first), documentation by a suitably qualified engineer certifying that access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area), including requirements for linemarking, signage, traffic control signals, and any other traffic control infrastructure has been constructed in accordance with the above drawings must be lodged with the Council.

Advice:

Certification must be submitted via the planning condition endorsement process (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 and the approved design plans.

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 or commencement of use (whichever occurs first).

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, for use is:

- Fifty (50) User Class 1A residential parking spaces;
- Five (5) User Class 1A visitor parking spaces; and
- Five (5) User Class 1A employee parking spaces.

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

Reason for condition

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

ENG 5b

A sign approved by the Council, for each of the user class 1A residential, visitor and employee car parking spaces, must be fixed to the wall at the end of each parking space prior to first occupation or commencement of use (whichever occurs first). The signs must be in accordance with *AS 1742.11:2016 Manual of uniform traffic control devices, Part 11: Parking Controls* and must clearly state:

1. "Visitor Parking Only" for the five visitor parking spaces;
2. "Employee Parking Only" for the five employee parking spaces; and
3. The apartment number that the parking space is allocated to for the residential parking spaces.

Reason for condition

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

ENG 6

The ground floor car parking space shown as parking space number eleven (11) on the BPSM Architects plan 'DA202' Revision 6, and dated 12/05/2019 is not approved. Prior to the issue of any approvals under the *Building Act 2016* revised plans must be submitted and approved. The revised plans must:

1. Show a dedicated turning area in place of parking space number 11;
2. Include white, diagonal linemarking within the turning area, using stripes 150 to 200mm wide with spaces 200 to 300mm between stripes, and the stripes at a 45 degree angle to the adjacent parking space; and
3. Show a sign on the wall adjacent to the turning area clearly stating "Turning Area Only - No Standing Any Time".

Reason for condition

To ensure that parking facilities for cars are designed and constructed to enable safe, easy and efficient use.

ENG 8

The use of the fifty (50) car parking spaces on the lower ground and basement levels is restricted to User Class 1A (residential parking) in accordance with Australian Standards AS/NZS2890.1 2004 Table 1.1.

A sign, approved by the Council, and in accordance with Australian Standards AS/NZS1742.11:2016, to indicate the parking area is for residents only must be erected adjacent to the traffic control signal on the ground floor prior to the first occupation or commencement of use (whichever occurs first).

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.

Any damage must be immediately reported to Council.

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

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

Reason for condition

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

ENG r1

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

Detailed design drawings, structural certificates and associated geotechnical assessments of the items above within the Burnett Street highway reservation must be submitted and approved, prior to any approval under the *Building Act 2016*:

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

The structure certificated and/or drawings should note accordingly the above.

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

Advice:

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

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

Reason for condition

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

ENG r3

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

- Urban - TSD-R09-v2 – Urban Roads Driveways and TSD R14-v2 Type KC vehicular crossing.
- Footpath - Urban Roads Footpaths TSD-R11-v2.
- Concrete kerbs and channels - TSD-R14-v2 - Reinstate redundant driveway crossover.

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. Detail any services or infrastructure (i.e. light poles, pits, awnings) at or near the proposed driveway crossover.

3. Show swept path templates in accordance with AS/NZS 2890.1 2004(B85 or B99 depending on use, design template).
4. If the design deviates from the requirements of the TSD then the drawings must demonstrate that a B85 vehicle or B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the cars underside.
5. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
6. Grated wedge, asphalt wedge and the standard open wedge driveway crossover are not permitted. Grated wedges are permitted on highly used bike routes and details of the grate (ie mass) will be required. To gain access a concrete plinth to Council's standards may be constructed at the gutter. A drawing of a standard concrete plinth can be obtained from Council's Road Services Engineer. Note: that the agreement of the Council's is required to adjust footpath levels.
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.

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.

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

Reason for condition

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

ENV 2

An approved Demolition and Construction Environmental Management Plan, prepared by suitably qualified persons, must be implemented.

A Demolition and Construction Environmental Management Plan must be submitted and approved prior to the commencement of works and prior to the granting of building consent.

The plan must include, but is not limited to, the following:

1. Details of the proposed construction methodology and expected likely timeframes.
2. The proposed days and hours of work and proposed hours of activities likely to generate significant noise emissions (including volume and timing of heavy vehicles entering and leaving the site).
3. Details of potential environmental impacts associated with the development works including noise, vibration, erosion and pollution (air, land and water).
4. Details of proposed measures to avoid or mitigate to acceptable levels all identified potential environmental impacts during development works including, but not limited to:
 - a. A noise and vibration management plan including, but not limited to:
 - i. identification of potentially noisy or vibration-causing construction activities;
 - ii. procedures to ensure that all reasonable and feasible noise and vibration mitigation measures are applied during operation of the construction management plan; and
 - iii. details of monitoring measures and triggers for corrective actions.

- b. A soil and water management plan including:
 - i. measures to minimise erosion and the discharge of contaminated stormwater off-site;
 - ii. measures to minimise dust emissions from the site;
 - iii. measures to manage the disposal of surface and groundwater from any excavations; and
 - iv. measures to prevent soil and debris being carried onto the street.
- 5. Details of proposed responsible persons, public communication protocols, compliance, recording and auditing procedures and complaint handling and response procedures.

The approved Demolition and Construction Environmental Management Plan forms part of this permit and must be complied with.

Advice:

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

Reason for condition

To minimise the potential for environmental impacts from the construction works

ENVHE 1

Recommendations in the Planning report (2020) for Behrakis Holdings Pty Ltd 40 & 42-44 Burnett Street, ESA by GES enviro-solutions must be implemented throughout the construction of the project

Reason for condition

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

SURV 8

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

Advice:

A Section 75CA Conveyancing & Law of Property Act 1884 certificate for the occupation of a Highway requires that the encroachment is a minimum 2.40 metres above the footpath or 4.25 metres above the road carriageway. A 600mm set back from the back of kerb may also be required.

The applicant must prepare and forward the required instrument pursuant to section 75CA Conveyancing & Law of Property Act 1884, including a survey plan of the encroachment (certified by a registered surveyor), the associated \$220 Council application fee and the Land Titles Office registration fee, to the Council for execution and subsequent registration within the Land Titles Office.

Reason for condition

To ensure that the proposed building encroachment over Burnett Street is formalised in accordance with statutory provisions.

ENG 14

Access and services to the lot must be designed and installed to meet the needs of future development, prior to the sealing of the final plan or commencement of the use (whichever occurs first).

Reason for condition

To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.

ENG 16

Prior to the sealing of the final plan, private sewer, stormwater (including surface drainage) and water services/connections are to be entirely separate to each lot and contained wholly within the lots served.

Reason for condition

To ensure that each lot is services separately.

ENG 17

Prior to the sealing of the final plan, the developer must verify compliance with condition ENG 16 by supplying the Council with an as-installed services plan clearly indicating the location and details of all relevant services (entirely contained within their respective lots or appropriate easements). The as-installed services plan must be accompanied by certification from a suitably qualified person that all engineering work required by this permit has been completed.

Advice:

Any final plan submitted for sealing will not be processed unless it is accompanied by documentation by a suitably qualified person that clearly certifies that this condition has been satisfied and that all the work required by this condition has been completed. A 'suitably qualified person' must be a Professional Engineer or Professional Surveyor or other persons acceptable to the Council.

Reason for condition

To ensure that the developer provides the Council with clear written confirmation that the separation of services is complete.

SUB s1

The titles comprising the development site (CT 211936/1 and CT 228032/1) 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).

Reason for condition

To ensure compliance with statutory provisions

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 receipt for the Land Titles Office lodgement slip for the adhesion order has been received by the Council. Note that the titles must be in the same ownership to enable them to be adhered by means of an adhesion order.

HER 22

Archival quality annotated photographs and drawings of the buildings to be demolished must be recorded prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first).

The photographs and drawings must be submitted and approved, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The photographs and drawings must include:

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

ADVICE

Consideration be given to providing secure bicycle storage and charging within the building that is easily accessible from the 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.

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.

PUBLIC HEALTH RISK

Public health risk activities (tattooing and piercing) licence. 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 an occupational licence for use of Hobart City Council highway reservation (e.g. outdoor seating, etc). Click [here](#) for more information.

You may require an occupational license for structures in the Hobart City Council highway reservation, in accordance with conditions to be established by the Council. Click [here](#) for more information.

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

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

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

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

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

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

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.

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.

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.

STORMWATER / ROADS / ACCESS

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

TITLE ADHESION

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

WEED CONTROL

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

WORK PLACE HEALTH AND SAFETY

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

PROTECTING THE ENVIRONMENT

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

LEVEL 1 ACTIVITIES

The activity conducted at the property is an environmentally relevant activity and a Level 1 Activity as defined under s.3 of the *Environmental Management and Pollution Control Act 1994*. For further information on what your responsibilities are, click [here](#).

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.

Delegation: Committee

Item 7.1.1 was then taken.

REPORT

The resolution in relation to supplementary item 13 was transferred to the Closed minutes for this meeting and minuted at item 5.1.

13. Urban Design Advisory Panel - Membership
File Ref: F20/118199

There being no further business the Open portion of the meeting closed at 7.22pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
30TH DAY OF NOVEMBER 2020.

CHAIRMAN