



CITY OF HOBART

# **MINUTES**

## **City Planning Committee Meeting**

**Open Portion**

**Monday, 30 August 2021 5:00pm**

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## ORDER OF BUSINESS

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**City Planning Committee Meeting (Open Portion) held on Monday, 30 August 2021 at 5:00 pm in the Council Chamber, Town Hall.**

**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*.**

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

**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 and W Coats.

Alderman Briscoe left the meeting at  
6.56pm, returning at 6.57pm and did not  
vote on items 7.1.4 and 8.1.

Alderman Behrakis left the meeting at  
5.37pm, returning at 5.40pm.

**APOLOGIES:** Nil.

Councillor Dutta left the meeting at  
6.48pm, returning at 6.51pm.

**LEAVE OF ABSENCE:** Nil.

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

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No Elected Members were co-opted to the Committee.

**2. CONFIRMATION OF MINUTES**

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DUTTA

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 16 August 2021](#) and the Special City Planning Committee meeting held on [Monday, 23 August 2021](#), 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**

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

#### **Recommendation**

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer.

No supplementary items were received.

### **4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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

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.

No interest was indicated.

### **5. TRANSFER OF AGENDA ITEMS**

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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?

No items were transferred.

## 6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

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In accordance with the requirements of Part 2 Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer 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

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

## **7. COMMITTEE ACTING AS PLANNING AUTHORITY**

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In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the 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 Chief Executive Officer 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.

### **7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015**

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Ms Iris Iwanicki and Mr Adam Wallace addressed the Committee in relation to item 7.1.1.

#### **7.1.1 251 Macquarie Street and 245-247 Macquarie Street, Hobart - Three Multiple Dwellings (Two Existing, One New) PLN-21-245 - File Ref: F21/84986**

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BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 24 August 2021, be adopted, as amended with a revised clause 4 in condition HER 6 to read as follows:

“HER 6

*4. All features and/or deposits discovered and excavated must be photographed and reported to Council within 1 day and prior to the conclusion of the excavation; and”*

MOTION CARRIED

#### VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey

NOES

Behrakis  
Dutta  
Coats

**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 three multiple dwellings (two existing, one new) at 251 Macquarie Street and 245-247 Macquarie Street, Hobart 7000 for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 30 August 2021 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-21-245- 251 MACQUARIE STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/00623-HCC dated 30/04/2021 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6542 dated 4 August 2021, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

The constructed dwelling must be substantially in accordance with the Final Planning Documents and have a maximum height of no more than 10m above existing ground level, to be clearly demonstrated in any plans submitted for approval pursuant to the *Building Act 2016*.

Reason for condition

To ensure the proposal is compliant with the height limit of the Urban Mixed Zone.

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).

Reason for condition

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

SW 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 condition assessment and visual record (eg video and photos) of the rivulet bank adjacent to the proposed development must be submitted to the City of Hobart as a Condition Endorsement.

The condition assessment must include a site plan clearly showing the location of the images.

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



construction condition assessment will be the responsibility of the owner/developer.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

## SW 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 rivulet bank adjacent to the proposed development must be submitted to the City of Hobart.

The condition assessment must include a site plan clearly showing the location of the images.

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

## SW 3

The proposed works must be designed and installed to ensure the protection of and access to the bank of the Hobart Rivulet.

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), a detailed design must be submitted and approved. The detailed design must be prepared by a suitably qualified expert and must:

1. demonstrate how the design will ensure the protection of and provide access to the bank of the Hobart Rivulet;
2. show footings adjacent to the Rivulet extending to bedrock or below the invert of the Rivulet (whichever is less);

3. detail how removable elements within the 5m Rivulet setback (eg decks and window shrouds) are dismantled; and
4. detail landscaping and vegetation within the 5m Rivulet setback, sufficient to stabilise the bank.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

*Council considers creek meander to be a natural process and will not install erosion control measures to protect private property.*

#### 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 2b

Prior to the issue of any approval under the *Building Act 2016* or the commencement of works on site (whichever occurs first), a certified vehicle barrier design (including site plan with proposed location(s) of installation) prepared by a suitably qualified engineer, compliant with Australian Standard AS/NZS 1170.1:2002, must be submitted to Council as a Condition Endorsement.

#### *Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

#### Reason for condition

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

#### ENG 2c

Prior to the first occupation, vehicular barriers must be inspected by a qualified engineer and certification submitted to the Council confirming that the installed vehicular barriers comply with the certified design and Australian Standard AS/NZS 1170.1:2002.

#### *Advice:*

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

#### Reason for condition

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

### ENG 3a

The access driveway, and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/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 3c

The access driveway, and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the Hive Building Design documentation received by the Council on the 18th June 2021.

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

#### *Advice:*

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

#### Reason for condition

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

#### ENG 4

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

#### Reason for condition

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

#### ENG 5

The carparking space identified as open car space (3) must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004, prior to first occupation.

#### Advice:

*The carparking space identified as open car space (3) is the car parking space allocated to the existing one bedroom apartment at 2/251 Macquarie Street.*

#### Reason for condition

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

#### ENG 1

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

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

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

A photographic record of the Council's infrastructure (e.g. rivulet bank, 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

The Hobart Rivulet must be protected during construction.

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

A SWMP must be submitted for condition endorsement (CEP application) prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must:

- a) be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#); and
- b) show measures to protect the rivulet bank from construction works, including but not limited to heavy machinery exclusion zones; and
- c) detail vegetation reinstatement and embankment stabilisation as per condition SW3.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

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

HER 6

All onsite excavation and disturbance in the areas identified in the 251 Macquarie St, Hobart, Development Works Statement of Historical Archaeological Potential and Archaeological Method Statement (dated 12 March 2021) must be monitored and excavated in accordance with section 10, and 11 of the report. Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

1. All excavation and/or disturbance must stop immediately; and
2. A qualified archaeologist must be engaged to attend the site and provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and
3. All and any recommendations made by the archaeologist engaged in accordance with section 10 and 11 of the Southern Archaeology report must be complied with in full; and
4. All features and/or deposits discovered and excavated must be photographed and reported to Council within 1 day and prior to the conclusion of the excavation; and
5. A copy of the archaeologist's advice, assessment and recommendations obtained in accordance with sections 10 and 11 of the Southern Archaeology report must be provided to Council within 60 days of receipt of the advice, assessment and recommendations and prior to the issue of a certificate of occupancy. Excavation and/or disturbance must not recommence until approval is granted from the Council.

Excavation and/or disturbance must not recommence until approval is granted from the Council.

Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve and manage significant archaeological evidence.

HER 17a

The use of the colour 'Wallaby' is not approved. A lighter colour is required. The palette of exterior colours, materials and finishes must reflect the palette of materials within the local area and precinct. The following Colorbond colours would be acceptable: Dune, Shale Grey or Surfmist.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing revised 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.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

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

HER 20

A landscaping plan must be prepared with work undertaken within six (6) months of the issue of certificate of occupancy.

A landscaping plan must be submitted and approved as a Condition



Endorsement, prior to the commencement of work. The landscape plan must:

1. show species of trees and shrubs proposed, and locations, and other finishes, and structures, for outdoors areas.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

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

## 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

If any condition requires that further documents are submitted and approved, 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](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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.

## 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.

## 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.

## IMPACT ON EXISTING PERMIT ON ADJOINING PROPERTY

There are existing planning permits for 245 Macquarie Street (PLN-16-00116-01, PLN-21-195). This planning permit for 251 Macquarie Street (PLN-21-245) may impact on the existing planning permit for 245 Macquarie Street requiring alterations to the levels to facilitate onsite turning. Which ever planning permit is acted on first may compromise the ability for the other planning permit to be acted upon therefore it is encouraged that the developer liaises with the adjoining owners. Alterations to driveway and turning areas may require subsequent planning approvals or amendments.

## RIGHT OF WAY

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

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

## 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

Mr David Westmore, Mr Nick Sawyer, Ms Jane Wilson (Representors) and Mr John Fisher (Applicant) addressed the Committee in relation to item 7.1.2.

### **7.1.2 100 Pinnacle Road, Mount Wellington - New and Upgraded Shared Use and Mountain Bike Tracks and Associated Works PLN-21-302 - File Ref: F21/83773**

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## BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 20 August 2021, be adopted, as amended by the addition of the following advice clause:

### ***“ADVICE:***

*Consideration be given to ways of managing the speed of mountain bikers entering O’Grady’s Falls Fire Trail from the new Free Wheel’n’ bike trail.”*

## 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 new and upgraded shared use and mountain bike tracks and associated works, at 100 Pinnacle Road, Mount Wellington 7054 for the reasons outlined in the officer's report attached to item 7.1.2 of the Open City Planning Committee agenda of 30 August 2021 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-21-302 - 100 PINNACLE ROAD MOUNT WELLINGTON TAS 7054 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

### ENV 8

Prior to the removal of any tree with a diameter at breast height of >700mm, the advice of a suitably qualified person must be obtained with regard to the impact on slope stability. Any recommended advice with regard to maintaining slope stability must be implemented.

Reason for condition

To protect life, property and land, and to minimise the need for remedial works

### ENV 9

No works for the 'Rocky Wheel'n' and 'Free Wheel'n' tracks may encroach more than 10% into the tree protection zones of the following trees, as determined using Australian Standard AS 4970-2009 *Protection of trees on development sites*, without the prior written consent of the planning authority:

- Trees with a diameter at breast height of >100cm in the areas mapped as WOB or WRE in Figure 2 of the Natural Values Assessment by Enviro-

Dynamics (Rocky Wheelin' MTB track) dated July 2020.

- Trees with a diameter at breast height of >70cm in the area mapped as DOB in Figure 2 of the Natural Values Assessment by Enviro-Dynamics (Rocky Wheelin' MTB track) dated July 2020.
- Trees identified as old growth trees in Figure 2 of the Natural Values Assessment by Enviro-Dynamics (Rocky Wheelin' MTB track) dated July 2020.

Reason for condition

To conserve flora, fauna, geological values, and to protect natural processes.

ENV 10

No works for the 'Skid Road' and 'Upper Luge' tracks may encroach more than 10% into the tree protection zones of the following trees, as determined using Australian Standard *AS 4970-2009 Protection of trees on development sites*, without the prior written consent of the planning authority:

- Trees with a diameter at breast height of >100cm.
- Trees identified as large or old growth trees in Figure 2 of the Natural Values Assessment by Enviro-Dynamics (Upper Luge MTB tracks) dated July 2020.
- Blue gums (*Eucalyptus globulus*) with a diameter at breast height of >40cm.

Reason for condition

To conserve flora, fauna, geological values, and to protect natural processes.

ENV 11

Clearing of native vegetation and soil disturbance must not exceed a 2m wide strip along the track route, except where associated with an approved borrow pit or where the vegetation has been assessed as an unacceptable safety risk for users of the track by a suitably qualified person using an accepted best-practice assessment methodology (e.g. QTRA, VALID) but excluding those trees specified in conditions ENV 9 and ENV 10.

Reason for condition

To conserve flora, fauna, geological values, and to protect natural processes.

ENV 12

Disturbance of large, fallen logs must be avoided as far as reasonably practicable.

Reason for condition

To conserve flora, fauna, geological values, and to protect natural processes.

ENV 14

Coarse woody debris must not be removed from the Park.

Reason for condition

To conserve flora, fauna, geological values, and to protect natural processes.

ENV 15

The individuals of holly (*Ilex aquifolium*) and forget-me-not (*Myosotis sp.*) identified in the Natural Values Assessment by Enviro-Dynamics (Rocky Wheelin' MTB track) and the Natural Values Assessment by Enviro-Dynamics (Upper Luge MTB tracks) dated July 2020 must be removed as part of the construction works and disposed of to a waste disposal facility.

Reason for condition

To conserve flora, fauna, geological values, and to protect natural processes.

ENV 16

No soil is to be imported onto the site unless determined as being free of weed propagules when tested in accordance with AS 4419 Soils for Landscaping and Garden Use.

Reason for condition

To minimise the spread of weeds.

## ENV 2

Prior to the commencement of works, a CEMP must be submitted and approved as a Condition Endorsement. The CEMP must:

- detail the proposed construction methodology (particularly where works may have environmental impacts);
- identify all potential environmental impacts associated with the works including (as relevant) noise, odours, air pollution, water pollution, land contamination, erosion, land instability, changes to hydrology, habitat degradation and impacts upon flora and fauna; and
- include measures to adequately avoid or mitigate all identified environmental risks.

To be approved, the CEMP must:

- specify that works will progress from the upslope ends of the tracks to the downslope ends of the tracks;
- include measures to ensure that works will not encroach by more than 10% into the tree protection zones of the trees specified in conditions ENV 9 and ENV 10.
- include soil and water management measures, particularly near watercourse crossings;
- include measures to ensure the risk of rockfall is acceptable during construction works, and following completion of the works;
- include weed and pathogen hygiene measures; and
- include specifications that demonstrate compliance with environmental conditions ENV 8, ENV 11, ENV 12, ENV 14, ENV 15, ENV 16, ENV s1, ENV s2 and ENV s3.

*Advice:*

*This condition requires further information to be submitted as a Condition*

*Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

To minimise the potential for environmental impacts from the construction works

ENV s1

If evidence of raptor nesting, swift parrot nesting or marsupial denning is observed within 20m of the track alignment, work must stop immediately, and appropriate management measures, approved by the planning authority, must be implemented.

Reason for condition

To conserve flora, fauna, geological values, and to protect natural processes.

ENV s2

Between 10 and 14 months after completion of each track, a weed audit must be carried out along the track alignment, and any identified weeds removed and disposed of to a waste disposal facility.

Reason for condition

To conserve flora, fauna, geological values, and to protect natural processes.

ENV s3

The location, design and rehabilitation of any borrow pits, must be approved by the planning authority prior to any borrow pits being constructed.

Reason for condition

To conserve flora, fauna, geological values, and to protect natural processes.

## ADVICE

Consideration be given to ways of managing the speed of mountain bikers entering O'Grady's Falls Fire Trail from the new Free Wheel'n' bike trail.



## 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

If any condition requires that further documents are submitted and approved, 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](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application. Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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.

## COUNCIL RESERVES

A permit under the Public Spaces By-law will be required for these works. An application for a Permit to Undertake Works can be made [here](#). As part of the permit, an Environmental Management and Communications Plan must be prepared to the satisfaction of the Director City Amenity. A template for the Environmental Management and Communications Plan can be provided by the Open Space Planning Team; call 03 6238 2488. This plan must be made specific for the trackworks within Wellington Park.

## 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](#).

## DIAL BEFORE YOU DIG

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

### Attachments

A Mr Nick Sawyer - Deputation Supporting Information - 100 Pinnacle Road



B Ms Jane Wilson - Deputation Supporting Information - 100 Pinnacle Road



### Delegation: Committee

#### 7.1.3 7 Hadley Court, Lenah Valley and Adjacent Road Reserve - Two Multiple Dwellings PLN-20-221 - File Ref: F21/83873

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### BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 20 August 2021, 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 two multiple dwellings at 7 Hadley Court, Lenah Valley 7008 and adjacent road reserve for the reasons outlined in the

officer's report attached to item 7.1.3 of the Open City Planning Committee agenda of 30 August 2021 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-20-221 - 7 HADLEY COURT LENA VALLEY TAS 7008 - 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 2020/00484-HCC dated 23/04/2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

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; and
2. include long section(s)/levels and grades to the point of discharge.

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.

SW 7

Prior to occupancy or the commencement of the use (whichever occurs first), any new stormwater connection must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense.

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted via the City of Hobart's online request form which is available on its website and approved. The detailed engineering drawings must include:

1. the location of the proposed connections and all existing connections;
2. the size and design of the connection such that it is appropriate to safely service the development. The proposed new connection cannot be by PVC in road reserve as there is no footpath to protect it. The connection must be by pit and RHS moving into the driveway;
3. the private overland flow path pit connecting to the private drainage system instead of public connection;
4. long-sections of the proposed connection clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure; and
5. connections which are free-flowing gravity driven.

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings. The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.

#### SW 11

Measures to minimise impact on the overland flow path from the critical 1% AEP at 2100 event must be installed prior to occupancy or issue of any completion (whichever occurs first).

Detailed engineering drawings accompanied with a report must be submitted as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). These must include (but are not limited to):

1. details of measures to prevent sediment transport and erosion from including road reserve; and
2. identification of all measures to maintain and maximise the overland flow path through the site and their maintenance. The real cross- sections must be reflected to calculate adequate freeboard (min 300mm) for protection of the subject property and its neighbouring.

All work required by this permit must be undertaken in accordance with the approved detailed drawings and report.

#### *Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

#### SW 14

Certification from a registered surveyor that the installation levels/widths of the proposed cut-off drain are at the relevant levels shown on the approved engineering drawings must be provided to the City of Hobart prior to occupancy or commencement of use (whichever occurs first).

#### 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 4

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

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

ENG r3

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

- Urban - TSD-R09-v3 – Urban Roads Driveways and TSD R14-v3 Type KC vehicular crossing;
- Footpath - Urban Roads Footpaths TSD-R11-v3.

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

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property;
2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover;
3. If the design deviates from the requirements of the TSD, then demonstrate that a B85 vehicle or a 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 vehicle's underside;

4. Be prepared and certified by a suitable qualified person, to satisfy the above requirements.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

*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.*

Reason for condition

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

ENV 2

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

A SWMP must be submitted as a Condition Endorsement 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:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

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.

Part 5 1

Prior to the issue of a building permit, the owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* with respect to:

1. Agree to maintain all approved flood mitigation measures and conveyance measures as per the design drawings.

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

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

*Advice:*

*Further information with respect to the preparation of a part 5 agreement can be found*

[http://www.hobartcity.com.au/Development/Planning/Part\\_5\\_agreements](http://www.hobartcity.com.au/Development/Planning/Part_5_agreements)

Reason for condition

To ensure that the risk from the overland flow path is appropriately managed.

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

If any condition requires that further documents are submitted and approved, 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](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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.

## 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.

## STORMWATER

The applicant may require to obtain written consent from the City of Hobart for works involving or in proximity of service easements.

## WORK WITHIN THE HIGHWAY RESERVATION

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

## DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

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

## REDUNDANT CROSSOVERS

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

## ACCESS

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

## CROSS OVER CONSTRUCTION

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

## PRIVATE COVENANTS

Please be advised that this property is subject to covenants contained within the schedule of easements.

The approved development may require consent and/or a modification to the covenant to ensure it is undertaken lawfully. You must not act on this planning permit until you have obtained any necessary consent or modification to the covenant which is required for the approved development.

If you proceed with the development inconsistent with the terms of the covenant, the parties with the benefit of the covenant may be entitled to make an application in the Courts to restrain a breach. The grant of this planning permit does not constitute a waiver, modification or release of the terms of the covenant nor approval under the terms of the covenant to undertake the proposed development.

## 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.

## 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**

### **7.1.4 34 Wellesley Street, South Hobart - Partial Demolition and Ancillary Dwelling PLN-21-438 - File Ref: F21/84963**

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HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 24 August 2021, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Harvey  
Behrakis  
Dutta  
Coats

### **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 and ancillary dwelling, at 34 Wellesley Street, South Hobart 7004 for the reasons outlined in the officer's report attached to item 7.1.4 of the Open City Planning Committee agenda of 30 August 2021 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-21-438 - 34 WELLESLEY STREET SOUTH HOBART TAS 7004 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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

Any private or private shared 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 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.

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.

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 17a

The palette of exterior colours must reflect the palette of building colours within



the local streetscape and precinct.

Prior to the issue of any approval under the Building Act 2016, revised plans must be submitted and approved as a Condition Endorsement showing exterior colours of all external materials including decking and privacy screening in accordance with the above requirement.

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

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

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.

#### 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

If any condition requires that further documents are submitted and approved, 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](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater

infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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.

## 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.

## PLANNING

It is noted that ancillary dwellings must share all access and services with the main dwelling. This would include garbage collection. As such, the separate bin storage for the ancillary dwelling is not required and could instead be a space for shared bins between the main and ancillary dwelling, or replaced with a gate to access the rear yard of the main dwelling, or omitted altogether. These alternatives would be considered as substantially in accordance with the approved plans if show on plans submitted for building approval.

## 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.

## 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**

## 8. REPORTS

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### 8.1 Delegated Decision Report (Planning) File Ref: F21/84288

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DUTTA

That the recommendation contained in the memorandum of the Director City Planning of 23 August 2021, be adopted.

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Harvey  
Behrakis  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

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

**Delegation: Committee**

**8.2 City Planning - Advertising Report**  
**File Ref: F21/85041**

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DUTTA

That the recommendation contained in the memorandum of the Director City Planning of 24 August 2021, 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**

**9. COMMITTEE ACTION STATUS REPORT**

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**9.1 Committee Actions - Status Report**  
**File Ref: F21/85221**

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BRISCOE

That the recommendation contained in the memorandum of the Administrative Officer of 25 August 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

That the information be received and noted.

**Delegation: Committee**

**10. QUESTIONS WITHOUT NOTICE**

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

**10.1 Alderman Behrakis - Short Stay Permits / Residential Dwellings**  
**File Ref: 13-1-10**

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Question: Can the Director advise on the number of new short stay accommodation permits issued in the past 12 months and of the number of residential dwellings rejected by the Council in the past 12 months ?

Answer: The Director City Planning advised that 39 short stay visitor accommodation permits have been issued in the past 12 months and there were 4 applications amounting to 92 dwellings that were not approved by the Council in the past 12 months.

**10.2 Councillor Harvey - Ancillary Dwellings**  
**File Ref: 13-1-10**

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Question: Can the Director advise how many ancillary dwellings have been approved in Hobart in the last 12 months ?

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

**10.3 Councillor Coats - Representations - Deputations**  
**File Ref: 13-1-10**

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Question: Can the Director advise the process with regards representations received and their publishing status ?

Answer: The Director City Planning advised that representations are provided in full to Elected Members only to assist with their consideration of development applications and don't form part of the agenda documentation.

**10.4 Deputy Lord Mayor - Building Surveyors - Professional Standards Scheme**  
**File Ref: 13-1-10**

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Question: Can the Director advise what Council can expect from Building Surveyors under the newly approved Professional Standards Scheme for Building Surveyors, which commenced on 1 July 2021. It is understood this scheme will operate across all states and territories. It would be beneficial to understand how local government will be affected and how best we can support the changes ?

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

**11. CLOSED PORTION OF THE MEETING**

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BEHRAKIS

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

The following items were discussed:-

Item No. 1      Minutes of the last meeting of the Closed Portion of the Committee 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

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**Delegation: Committee**

There being no further business the Open portion of the meeting closed at 7.01pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
13<sup>TH</sup> DAY OF SEPTEMBER 2021.

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**CHAIRMAN**