



CITY OF HOBART

MINUTES

PLANNING COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 1 FEBRUARY 2023 AT 5:02PM



City of **HOBART**

ORDER OF BUSINESS

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Planning Committee Meeting (Open Portion) held on Wednesday, 1 February 2023 at 5:02 pm in the Council Chamber, Town Hall.

This meeting of the Planning Committee is held in accordance with a Notice issued by the Premier on 31 March 2022 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

Alderman S Behrakis (Chairman)
Lord Mayor Councillor A M Reynolds
Deputy Lord Mayor Councillor H Burnet
Alderman M Zucco
Councillor W F Harvey
Councillor M Dutta
Councillor Dr Z Sherlock
Councillor J Kelly
Councillor L Elliot
Alderman L Bloomfield
Councillor R Posselt
Councillor B Lohberger

PRESENT: Alderman S Behrakis (Chairman), the Deputy Lord Mayor Councillor H Burnet, Alderman M Zucco, Councillors W F Harvey, M Dutta, Dr Z Sherlock, J Kelly, L Elliot, Alderman L Bloomfield, Councillors R Posselt and B Lohberger.

APOLOGIES: Nil.

LEAVE OF ABSENCE: Nil.

Alderman Zucco retired from the meeting at 5.08 pm and was present for items 1 to 5.

Councillor Kelly arrived at the meeting at 5.52 pm and was not present for item 1 to 5.

Councillor Elliot left the meeting at 5.59 pm, returning at 6.00 pm and retired from the meeting at 7.06 pm and was not present for items 5.1.1, 5.2.3 and 6.1 to 8 inclusive.

Councillor Kelly left the meeting at 7.01 pm, returning at 7.02 pm.

Councillor Dutta left the meeting at 6.14 pm, returning at 6.18 pm, left the meeting at 8.14 pm, returning at 8.17 pm.

Councillor Posselt left the meeting at 8.09 pm, returning at 8.11 pm.

1. CONFIRMATION OF MINUTES

SHERLOCK

The minutes of the Open Portion of the Planning Committee meeting held on [Wednesday, 18 January 2023](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Deputy Lord Mayor Burnet
Zucco
Harvey
Dutta
Sherlock
Elliot
Bloomfield
Posselt
Lohberger

The minutes were signed.

2. CONSIDERATION OF SUPPLEMENTARY ITEMS

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.

3. 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.

No interest was indicated.

4. 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?

No items were transferred.

5. 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 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.

DEPUTY LORD MAYOR BURNET

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

Behrakis
Deputy Lord Mayor Burnet
Zucco
Harvey
Dutta
Sherlock
Elliot
Bloomfield
Posselt
Lohberger

Item 5.2.2 was then taken.

5.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

Mr Richard Fowler (Representor) and Mr Greg Hurford (Owner) addressed the Committee in relation to item 5.1.1.

5.1.1 27/1 Collins Street, Hobart and Common Land of Parent Title - Change of Use to Visitor Accommodation PLN-22-842 - File Ref: F23/7985

DEPUTY LORD MAYOR BURNET

That the Planning Committee refuse the application for change of use to visitor accommodation at 27/1 Collins Street, Hobart for the following reason:

1. The proposal does not meet the performance criterion with respect to clause 3.3(e) of Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes.

MOTION LOST

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Behrakis
Harvey	Kelly
Dutta	Bloomfield
Sherlock	Posselt
	Lohberger

POSSELT

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 17 January 2023, be adopted, as amended by the inclusion of the following advice clause:

“Advice

That the applicant give consideration to coordinating a single point of contact for any complaints through the body corporate.”

MOTION CARRIED

VOTING RECORD

AYES	NOES
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Behrakis
Kelly
Bloomfield
Posselt
Lohberger

Deputy Lord Mayor Burnet
Harvey
Dutta
Sherlock

COMMITTEE RESOLUTION:

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Planning Committee approves the application for change of use to visitor accommodation, at 27/1 Collins Street, Hobart 7000 and the Common Land of the Parent Title for the reasons outlined in the officer's report attached to item 5.1.1 of the Open Planning Committee agenda of 1 February 2023 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-22-842 - 27/1 COLLINS STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved as a Condition Endorsement, to the satisfaction of the Council's Director City Life. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:

1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
2. To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.
3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.
4. To specify the maximum permitted occupancy of the visitor accommodation.
5. To specify that guests must utilise the site for the parking of vehicles,

that the maximum number of vehicles to be parked on the site (1), and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than 1 vehicles and the parking of any additional vehicles in nearby streets should also be discouraged.

6. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

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 visitor accommodation does not cause an unreasonable loss of residential amenity.

Advice:

That the applicant give consideration to coordinating a single point of contact for any complaints through the body corporate.

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](#).

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.

NOISE REGULATIONS

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

FEES AND CHARGES

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

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information, or call our Environmental Health team on 6238 2711.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable “bed and breakfast” parking permit.

Delegation: Committee

Item 6.1 was then taken.

5.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

Mr Paul Jacobs and Ms Lisa Jotic (Representors), Ms Monica Cameron, Ms Emma Riley, Mr Ben Wilson and Mr Peter Hubble addressed the Committee in relation to item 5.2.1.

5.2.1 73A New Town Road, New Town and Adjacent Road Reserve - Demolition, 22 Multiple Dwellings, Front Fencing and Associated Works PLN-22-282 - File Ref: F23/8028

HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 23 January 2023, be adopted, as amended by the addition of the following advice clause:

“Advice

The site operator is encouraged to consider private garbage collection, to be carried out wholly within the site.”

MOTION CARRIED

VOTING RECORD

AYES

Behrakis
Deputy Lord Mayor Burnet
Harvey
Dutta

NOES

Kelly
Elliot

Sherlock
Bloomfield
Posselt
Lohberger

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Planning Committee approve the application for demolition, 22 multiple dwellings, front fencing, and associated works, at 73A New Town Road 7008 and adjacent road reserve for the reasons outlined in the officer's report attached to item 5.2.1 of the Open Planning Committee agenda of 1 February 2023 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-22-282 - 73A NEW TOWN ROAD NEW TOWN TAS 7008 - Final Planning Documents except where modified below.

Advice:

The approved use is multiple dwellings for social housing, which will be managed as a collective by one entity. Social housing is housing that is provided for individuals that would otherwise face financial hardship if required to secure housing on the open market, or would be unable to secure such housing. The use of this site is not suitable for a strata scheme to create individual lots for each multiple dwelling. Further planning permission would be required to support the creation of a strata scheme of this nature.

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 2022/00684-HCC dated 27/10/2022 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 19

Cranes or other temporary structures used in the construction of the approved development must not create an obstruction or hazard for the operation of aircraft.

Advice:

Further advice about whether the development will or will not create an obstruction or hazard can be obtained by contacting the Civil Aviation Safety Authority, the Department of Health and Human Services (rhhfmeadmin@ths.tas.gov.au, (03) 6166 8832) and the helipad/helicopter operator (Rotorlift, chiefpilot@rotorlift.com.au, (03) 6248 4117

Please be aware of the possibility of downdraft conditions in the Royal Hobart Hospital Heli Airspace / flightpath area from operating helicopters on any crane lifts when any crane operation is taking place and consider this in Job Safety Analysis / Safe Work Method Statements.

Please consider the use of boom illumination or warning lights when operating in the Royal Hobart Hospital Heli Airspace / flightpath area as part of Job Safety Analysis / Safe Work Method Statements.

Reason for condition

To ensure that buildings do not interfere with safe aircraft operations in the vicinity of the Royal Hobart Hospital helipad.

PLN 2

Screening with no more than 30% uniform transparency and a minimum height of 1.5m above floor level of the vehicle ramp, must be installed and maintained along the western elevation of the vehicle ramp adjacent to 67 and 69 New Town Road prior to the first occupation.

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

All work required by this condition must be undertaken in accordance with the approved revised 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 provide reasonable opportunity for privacy for dwellings.

PLN 9

The fencing and front gate on New Town Road front boundary must be no more than 1.8m high above natural ground level and with a minimum uniform transparency of 33%.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing the front fence in accordance with the above requirement.

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 provide reasonable opportunity for privacy for dwellings and to maintain the streetscape.

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.

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;
3. clearances from any nearby obstacles (eg services, crossovers, trees, poles, walls);
4. long-sections of the proposed connection clearly showing cover, size, material, grade and delineation of public and private infrastructure;
5. connections which are free-flowing gravity driven;
6. be in general accordance with Council's departures from the LGAT Tasmanian Standard Drawings, available from [our website](#).

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

Advice:

Upgraded or new connections can be approved either via the CEP process or via the Application for New Connection form available from [here](#). The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.

A single connection for the property is required under the Urban Drainage

Act 2013.

SW 9

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 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). 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 no worsening of flooding;
 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:

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 13

The major stormwater drainage system including ponding area, kerb freeboard and pathway swale must be constructed and maintained to cater for 1%AEP as at 2100 in accordance with the engineering reports and plans submitted.

Certification from a suitably qualified and accredited engineer that the works has been constructed in accordance with the accepted design must be provided to the City of Hobart prior to occupancy or commencement of use (whichever occurs first).

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 as a Condition Endorsement, 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 superintendent, or the like, to be responsible for the implementation of the approved traffic management plan and available as a direct contact to Council and/or members of the community regarding day to day construction traffic operations at the site, including any immediate traffic issues or hazards that may arise.

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management 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 the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/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 Code 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

Further detailed designs are required for vehicle barriers in the following locations:

1. Both sides of the access ramp

This documentation must be submitted and approved as a condition endorsement, prior to the issuing of any approval under the *Building Act 2016*.

The detailed designs must:

1. be prepared and certified by a suitably qualified engineer;
2. be in accordance with the Australian Standard AS/NZS 1170.1:2002, if possible; and
3. show [dimensions, levels, gradients and transitions], and other details as Council deem necessary to satisfy the above requirement.

The vehicle barriers must be installed in accordance with the approved detailed designs prior to first occupation.

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, a suitably qualified engineer must certify that the vehicle barriers have been installed in accordance design drawings approved by Condition ENG 2b.

Advice:

An example certificate is available on our [website](#).

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 areas must be constructed in accordance with the following documentation which forms part of this permit:

RARE documentation received by the Council on the 5 December 2022.

Any departure from that documentation and any works which are not detailed in the documentation must be either:

- a) approved by the Director City Life, via a condition endorsement application; or

- b) designed and constructed in accordance with Australian Standard AS/NZ 2890.1:2004.

The works required by this condition must be completed prior to first occupation.

Reason for condition

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

ENG 3c

Prior to the first occupation, a suitably qualified engineer must certify that the access driveway and parking area has been constructed in accordance with design drawings approved by Condition ENG 3a.

Advice:

We strongly encourage you to speak to your engineer before works begin so that you can discuss the number and nature of the inspections they will need to do during the works in order to provide this certification. It may be necessary for a surveyor to also be engaged to ensure that the driveway will be constructed as approved.

The reason this condition has been imposed as part of your planning permit is that the driveway is outside the Australian Standard gradients or design parameters. If the driveway is not constructed as it has been approved then this may mean that the driveway will either be unsafe or will not function properly.

An example certificate is available on our [website](#).

Reason for condition

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

ENG 4

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

Reason for condition

To ensure the safety of users of the access driveway and parking module,

and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

ENG 5

The number of car parking spaces approved to be used on the site is twelve (12).

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

Reason for condition

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

ENG 5b

The number of motorcycle parking spaces approved to be used on the site is two (2).

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

Reason for condition

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

ENG 6

The bicycle parking area (to accommodate six bicycles within the common area) generally compliant with the Australian Standards AS/NZS 2890.3:2015 and must be constructed on the site in accordance with the Hubble Traffic documentation received by the Council on the 9th May 2022 prior to the first occupation.

Reason for condition

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

ENG 8

The use of the car parking spaces is restricted to User Class 1A (residential) in accordance with Australian Standards AS/NZS 2890.1 2004 Table 1.1.

A sign, approved by council, and in accordance with Australian Standards AS/NZS 1742.11:2016, must be erected at the entry of the parking access

to indicate the parking area is for residents only prior to first occupation.

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

ENG r1

The excavation and staircase structures 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 staircase structures near the Paviour Street highway reservation must be submitted and approved as a

Condition Endorsement, prior to the commencement of work and must:

1. Be prepared and certified by a suitable qualified person and experienced engineer;
2. Not undermine the stability of the highway reservation;
3. Be designed in accordance with AS 4678, 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; and
7. Detail the design and location of the footing adjacent to the Paviour Street highway reservation.

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:

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 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 on the Sunnyside Road 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. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings;
4. Show swept path templates in accordance with AS/NZS 2890.1 2004(B85 or B99 depending on use, design template);
5. If the design deviates from the requirements of the TSD, then 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;
6. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
7. Demonstrate that the proposed driveway crossover is designed and constructed in such a way as to convey flows safely and adequately within the road reserve with no decrease in capacity.
8. Show access provided by a concrete plinth to Council's standard. A grated wedge may be permitted on highly used bike routes, and details of the grate (i.e. mass) must be provided. Otherwise, grated wedge, asphalt wedge and the standard open wedge driveway crossovers are not permitted. Note: A drawing of a standard concrete plinth can be obtained from Council's Program Leader Road Services. Note also that the agreement of the Council's is required to adjust footpath levels; and
9. 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 Program Leader Road Services and may require further planning approvals. It is advised to place a note to this affect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.

Council notes the kerb on Sunnyside Rd conveys discharge from the upstream piped network, and a non-standard crossover design to return these flows to the kerb will be required. Should this not be feasible, alterations to the public stormwater system will be required.

Reason for condition

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

HER 16

The boundary treatment along the Sunnyside Street boundary must be 2.0m in height above natural ground level.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing the Sunnyside Street boundary treatment in accordance with the above requirement.

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.

HER 17a

The palette of exterior colours, materials, finishes and boundary treatments must reflect the palette of colours, utilisation of materials, finishes and boundary treatments 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 the omission of colorbond as an elevation treatment and the exterior colours, utilisation of materials, finishes and boundary treatments 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.

HER s2

Details of how the history and social cultural heritage of the site will be reflected and interpreted within the site must be submitted and approved.

Plans and written documentation showing the intended methods of heritage interpretation provided where possible in a publicly accessible location and which includes information regarding the site's history, historical and contemporary images and other relevant information must be submitted and approved as a Condition Endorsement, prior to the commencement of works.

All work required by this condition must be undertaken in accordance with the approved plans and written documentation, prior to completion.

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 enhance the understanding and enjoyment of the site to the satisfaction of the Council.

ENVHE 4

A Construction Environmental Management Plan, prepared by suitably qualified persons, must be implemented.

A Construction Environmental Management Plan must be submitted and approved prior to the commencement of works and prior to the issue of any approval under the *Building Act 2016*, whichever occurs first.

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

1. Details of the proposed construction methodologies 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, rock breaking and concrete pours)
3. Details of potential environmental impacts associated with the construction works including noise, vibration, erosion and pollution (air, land and water).
4. Details of proposed measures to avoid or mitigate all identified potential environmental impacts during construction works including, but not limited to:
 - a. A noise management plan certified by a suitably qualified person as being generally consistent with AS 2436-2010 - *Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites* and the *Interim Construction Noise Guidelines* (New South Wales Department of Environment and Climate Change, July 2009), and with any relevant guidelines or standards referenced by those documents.
 - 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 excavations (if relevant); and
 - iv. measures to prevent soil and debris being carried onto the street.
 - c. Measures detailing and demonstrating compliance with the recommendations of any environmental site assessment or contamination management plan relevant to the site or the development, or required as a condition of approval.
5. Details of proposed responsible persons, public communication protocols, compliance, recording and auditing procedures and complaint handling and response procedures.

Once approved the Construction Environmental Management Plan forms part of this permit and must be implemented and complied with.

A copy of the approved Construction Environmental Management Plan must be kept on site for the duration of the works and be available for inspection.

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 impact of construction works.

Part 5 r1

Part 5 agreement and/or legal agreement during construction and after for private structures supporting or within the highway reservation.

Part 5 1 The owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* with respect to the protection of embankment adjacent to the Paviour Street highway reservation prior to the commencement of work.

The owner must not undertake any works at any time (including excavation and building) that will have any effect on the integrity of the

Paviour

Street highway reservation or the road formation themselves or undermine the structural integrity of the highway reservation.

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

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

Advice:

For further information with respect to the preparation of a Part 5 Agreement please contact Council Development Engineering Unit.

Reason for condition

To ensure the protection of Council are retained.

Advice

The site operator is encouraged to consider private garbage collection, to be carried out wholly within the site.

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](#).

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

PLANNING

It is recommended that boundary fences with adjacent New Town Road properties be installed to a height of 2.1m above existing ground level.

STORMWATER

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

WORK WITHIN THE HIGHWAY RESERVATION

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

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

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

REDUNDANT CROSSOVERS

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

WEED CONTROL

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

WORK PLACE HEALTH AND SAFETY

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

PROTECTING THE ENVIRONMENT

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

NOISE REGULATIONS

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

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's City Resilience 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 5.2.3 was then taken.

5.2.2 83 Melville Street, 80 Melville Street Hobart - Alterations to Previously Approved Development for Pedestrian Bridge PLN-22-790 - File Ref: F23/8491

HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 23 January 2023, be adopted, as amended by the addition of the following condition PLN s3 to read as follows:

“PLN s3

Sufficient CCTV cameras are installed so that the full extent of the Brisbane Street split-level entry (both the equal access ramp and the lower level) can be seen by the security officers who are engaged by the applicant. Evidence of this coverage to be provided to the Council prior to occupation of the building.

Reason for condition

To further minimise the possibility that entrapment spaces around the building site will be created.

Advice

It is noted that security officers and CCTV are proposed as part of the application and are incorporated as a requirement of this permit through condition GEN. This condition is intended to ensure full coverage of the site by the CCTV cameras”

MOTION CARRIED

VOTING RECORD

AYES

Behrakis
Deputy Lord Mayor Burnet
Harvey
Dutta
Sherlock
Elliot
Posselt

NOES

Kelly
Bloomfield
Lohberger

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Planning Committee, in accordance with the delegations contained in its terms of reference, approves the application for alterations to previously approved development for pedestrian bridge, at 83 Melville Street and 80 Brisbane Street, Hobart for the reasons outlined in the officer’s report attached to item 5.2.2 of the Open Planning Committee agenda of 1 February 2023 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-22-790 - 83 MELVILLE STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 8058 dated 25 January 2023, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

This permit is subject to and conditional upon the substantial commencement of planning permit PLN-21-869.

Reason for condition

To clarify the scope of the permit

PLN s2

If any departure is proposed from the landscaping plans which are required to be complied with by condition PLN s4 in planning permit PLN-21-869 (as varied by condition HER 8 of the same permit), then revised plans must be submitted and approved by the Director City Life.

All landscaping must be carried out in accordance with the plans approved pursuant to this permit and permit PLN-21-869 prior to the commencement of the use.

The vegetation which is planted on the site pursuant to the approved plans must be maintained and must not be disturbed. If any vegetation dies or is destroyed, replacement vegetation of a similar size must be planted within 30 days of the death or destruction.

Advice:

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

PLN s3

Sufficient CCTV cameras are installed so that the full extent of the Brisbane Street split-level entry (both the equal access ramp and the lower level) can be seen by the security officers who are engaged by the applicant. Evidence

of this coverage to be provided to the Council prior to occupation of the building.

Reason for condition

To further minimise the possibility that entrapment spaces around the building site will be created.

Advice

It is noted that security officers and CCTV are proposed as part of the application and are incorporated as a requirement of this permit through condition GEN. This condition is intended to ensure full coverage of the site by the CCTV cameras.

ENG sw1

All stormwater from the proposed development 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.

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 structural condition assessment and visual record (eg video and photos) of the Hobart City Council's stormwater infrastructure adjacent to the proposed development must be submitted to the City of Hobart as a Condition Endorsement.

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 the City of Hobart'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; and
3. photos of any existing drainage structures connected to or modified

as part of the development.

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. Council notes the timing of the proposed development may be such that these pre and post-work CCTVs requirements may be covered by those within PLN-21-869 and associated Permit to Construct Public Infrastructure.

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 Hobart City Council's stormwater infrastructure adjacent to the proposed development must be submitted to the City of Hobart.

The condition assessment must include at least:

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 the City of Hobart's plans shall be marked on the ground and on the plan;
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; and
photos of any existing drainage structures connected to or modified as part of the development.

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 pre-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.

Advice:

Council notes the timing of the proposed development may be such that these pre and post-work CCTVs requirements may be covered by those within

PLN-21-869 and associated Permit to Construct Public Infrastructure.

SW 3

The proposed development (including foundations and overhangs) must be designed to ensure the protection and access to the Hobart City Council's stormwater main and overland flow path.

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 as a Condition Endorsement. The detailed design must:

- a. Demonstrate how the design will maintain the overland flow path, provide adequate access to the main, impose no additional loads onto the main and that the structure will be fully independent of the main and its trenching.
- b. include final detailed design plan, cross-sections and long-section which clearly demonstrate the relationship both vertically and horizontally between the proposed Council stormwater infrastructure and easement, and the proposed works (including overhang and footings). The plans must state the minimum setbacks from the works to the nearest external surface of the infrastructure, vertical clearance, and minimum work zone width.
- c. include an associated report discussing how the design provides adequate access to the main including assessment of working space required for future renewals, and details of how any demountable elements can be removed
- d. Be certified by a suitably qualified engineer

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

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

Advice:

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

You will need separate permission under s73/74 of the Building Act 2016 and s13 of the Urban Drainage Act 2013 for any works within one metre horizontally of the nearest external surface of the stormwater main or within the easement.

It is not currently apparent that this permission will be granted due to the restricted access.

Please contact Hobart City Council's Bushland, Biodiversity and Waterways Unit to discuss.

SW 5

Construction of the development must not adversely impact the public stormwater infrastructure (ie the newly diverted piped rivulet down the laneway).

A construction management plan (CMP) must be submitted and approved prior to commencement of works. The CMP must be prepared by a suitably qualified and experienced engineer and must:

1. detail the proposed construction methodology /timing and identify all potential risks to the stormwater infrastructure during construction including but not limited to construction loading, traffic loading, excavation works, footing construction, vibrations, undermining, flood, and environmental harm;
2. provide treatment measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks;
3. include a monitoring regime.

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

SW 11

The structure must be constructed and maintained to mitigate flood risk from the critical 1% AEP at 2100 event.

No additional intrusion into the floodwaters beyond that modelled in the JMG Flood Report submitted as part of this application is approved.

Plans submitted for issue of any approval under the *Building Act 2016* must be certified by an accredited and qualified structural engineer that all proposed structures within the flood zone are designed to resist inundation, erosion, undermining and likely forces from a flood event (including debris loading with support columns).

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 as a Condition Endorsement, 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 superintendent, or the like, to be responsible for the implementation of the approved traffic management plan and available as a direct contact to Council and/or members of the community regarding day to day construction traffic operations at the site, including any immediate traffic issues or hazards that may arise.

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management 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 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 1

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

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

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

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

Reason for condition

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

ENV 1

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

Advice:

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

Reason for condition

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

ENVHE 1

Recommendations in the report Environmental Site Assessment for DA, Old Forestry Building - 79-83 Melville Street and 80 Brisbane Street, Hobart (GHD) must be implemented, for the duration of the site development.

Specifically:

1. Management and handling (PPE and hygiene practices) of soil onsite during excavation is to be in accordance with Section 7 of the Environmental Site Assessment (page 25-26).
2. No soil should be removed from site until it has been characterised under EPA Bulletin 105 Soils for Disposal by a suitably qualified person (as per Section 7, pages 25-26).
3. The material to be excavated from the area in carpark at Brisbane Street near the Freedom Furniture loading bay should be segregated from the other spoil generated and retested to determine disposal options due to an elevated lead reading in one sample (as per Section 7, pages 25-26).
4. If USTs are encountered during excavation, works are to cease until advice is sought from a suitably qualified person (the author of the ESA). If tanks are to be removed, they must be removed in accordance with EPA UPSS and Council requirements.

Reason for condition

To ensure that the risk to site workers, the environment and future occupants of the building remain low and acceptable.

OPS 4

Two *Platanus x acerifolia* (London plane) trees in Brisbane Street must be protected from damage during the works, as per planning approval PLN-21-869. Therefore, prior to works commencing, all of the tree protection zones of both trees are to be fenced off and signs erected stating that the fencing is for tree protection. Where works encroach into the tree protection zones, the fencing should be erected as close to the edge of the zone as possible, to the satisfaction of the Project Arborist. No works are to occur within the fenced areas.

Reason for condition

To maintain the amenity value of street trees as per the City of Hobart Street Tree Strategy.

OPS 5

Details of the street tree protection measures specified in permit condition OPS 4 must be clearly notated on any plans submitted to the Council under the *Building Act 2016*.

Advice:

Once the plans showing tree protection measures have been approved, the City will issue a condition endorsement (see general advice on how to obtain condition endorsement). 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 maintain the amenity value of street trees as per the City of Hobart Street Tree Strategy.

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](#).

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

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

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

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

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 Mobility Unit on 62382711.

WORK PLACE HEALTH AND SAFETY

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

PROTECTING THE ENVIRONMENT

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

NOISE REGULATIONS

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

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's City Resilience 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.

Attachments

A Deputation Supporting Information - Frazer Read ⇒ 

Delegation: Committee

Item 5.2.1 was then taken.

Mr Geoff Lang, Ms Deanne Lang and Ms Libby Wilmshurst (Representors), Ms Alice Thorp addressed the Committee in relation to item 5.2.3.

5.2.3 93 Princes Street, Sandy Bay - Partial Demolition, Alterations and Extension PLN-22-660 - File Ref: F23/7980

LOHBERGER

That the recommendation contained in the report of the Senior Statutory Planner and the Manager Development Appraisal of 23 January 2023, be adopted, as amended by a revised clause PLN s4 and an additional clause PLN s5 to read as follows:

“PLN s4

The upper-level windows in the western elevation must be opaque glass.

PLN s5

The southern boundary must be screened with mature plants to a minimum height of 1.5m prior to the commencement of the use of the extension. In the event that any of those plants are destroyed or die, they must be replaced with a similar height mature plant within 28 days.”

MOTION CARRIED

VOTING RECORD

AYES	NOES
Behrakis	Deputy Lord Mayor Burnet
Sherlock	Harvey
Bloomfield	Dutta
Posselt	Kelly
Lohberger	

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Planning Committee approves the application for partial demolition, alterations, and extension, at 93 Princes Street, Sandy Bay 7005 for the reasons outlined in the officer's report attached to item 5.2.3 of the Open Planning Committee

agenda of 1 February 2023 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-22-660 - 93 PRINCES STREET SANDY BAY TAS 7005 - Advertised Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

The approved use of the extended dwelling is as a single dwelling and class 1A building only.

Reason for condition

To clarify the scope of the permit and in accordance with the stated intent of the applicant.

PLN s2

The extension approved by this permit must be contained within the building envelope as prescribed by the *Hobart Interim Planning Scheme 2015* (version 40) at clause 11.4.2 A3(a).

Reason for condition

To ensure the building is constructed in accordance with the Final Planning Documents, to clarify the scope of the permit, and to protect neighbours' residential amenity

PLN s3

The western side setback of the extension must be in accordance with the below:

- for the inset section containing the stairs: 1.94m;
- for the remainder of the extension: 1.51m.

Any reduction below these setbacks will require further separate planning

approval.

Reason for condition

To ensure the building is constructed in accordance with the Final Planning Documents, to clarify the scope of the permit, and to protect neighbours' residential amenity

PLN s4

The upper-level windows in the western elevation must be opaque glass.

Advice:

This condition does not proscribe alternative privacy solutions being installed which are also in accordance with the acceptable solution at clause 11.4.6 A2 of the Hobart Interim Planning Scheme 2015 (Version 40).

Reason for condition

To ensure that the works is done to the satisfaction of the Council.

PLN s5

The southern boundary must be screened with mature plants to a minimum height of 1.5m prior to the commencement of the use of the extension. In the event that any of those plants are destroyed or die, they must be replaced with a similar height mature plant within 28 days.

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 any existing

abandoned connections sealed by the Council at the owner's expense, prior to the first occupation.

If a new connection is required, detailed engineering drawings must be submitted and approved as part of an application for the new stormwater connection, before any application for a plumbing permit is made. The detailed engineering drawings must include:

1. the location of the proposed connection; and
2. the size of the connection appropriate to satisfy the needs of the development.

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

Advice:

The applicant is advised to submit detailed design drawings via a Council City Life Division [application for a new stormwater connection](#).

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 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 17c

The external colours, materials and finishes of the approved development must be substantially in accordance with the approved plans, including but not limited to the use of white James Hardie weatherboards and corrugated Colorbond roof sheeting in red. Any substantial change in the colours, materials and finishes requires further approval.

Reason for condition

To ensure that development in 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](#).

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.

NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Life 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.

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.

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 City Resilience 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.

Attachments

A Deputation - Supporting Information - Deanne Lang ⇒ 

Delegation: Committee

Item 5.1.1 was then taken.

6. REPORTS

6.1 Planning Applications - Advertising Report File Ref: F23/5785

HARVEY

That the recommendation contained in the memorandum of the Director City Life of 24 January 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Deputy Lord Mayor Burnet
Harvey
Dutta
Sherlock
Kelly
Bloomfield
Posselt
Lohberger

COMMITTEE RESOLUTION:

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

Delegation: Committee

6.2 Delegated Decisions Report (Planning) File Ref: F23/7707

DEPUTY LORD MAYOR BURNET

That the recommendation contained in the memorandum of the Director City Life of 24 January 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Deputy Lord Mayor Burnet
Harvey
Dutta

Sherlock
Kelly
Bloomfield
Posselt
Lohberger

COMMITTEE RESOLUTION:

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

Delegation: Committee

7. QUESTIONS WITHOUT NOTICE

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

7.1 Councillor Dutta - Cable Car Development Application - Appeal Costs **File Ref: 13-1-10**

Question: Can the Director provide an update on when my previously asked question on the costs involved for the cable car development application may be answered?

Answer: The Director City Life advised that the answer to the question is scheduled to be included on the next Planning Committee agenda.

7.2 Councillor Harvey - Aggregate Stockpile - New Town Bay Hockey Centre **File Ref: 13-1-10**

Question: Can the Director advise what the aggregate stockpile in the vicinity of the New Town Bay Hockey Centre is to be used for?

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

8. CLOSED PORTION OF THE MEETING

HARVEY

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:

- Planning Appeal

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	Planning Authority Items – Consideration of Items with Deputations
Item No. 4.1	Applications under the Hobart Interim Planning Scheme 2015
Item No. 4.1.1	PLN-21-719 - 1 Knopwood Street, Battery Point - Appeal LG(MP)R 15(4)(a)
Item No. 5	Questions Without Notice

MOTION CARRIED

VOTING RECORD

AYES	NOES
Behrakis	
Deputy Lord Mayor Burnet	
Harvey	
Dutta	
Sherlock	
Kelly	
Bloomfield	
Posselt	
Lohberger	

Delegation: Committee

The Chairman adjourned the meeting at 7.06 pm for a comfort break.

The meeting was reconvened at 7.14 pm.

Item 5.2.3 was then taken.

There being no further business the Open portion of the meeting closed at 8.52 pm.

**TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
15TH DAY OF FEBRUARY 2023.**

CHAIRMAN