



CITY OF HOBART

MINUTES

City Planning Committee Meeting

Open Portion

Tuesday, 14 February 2017

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Minutes of the City Planning Committee Meeting (Open Portion) held on Tuesday, 14 February 2017 at 5.00 pm in the Lady Osborne Room, Town Hall.

COMMITTEE MEMBERS

Briscoe (Chairman)
Ruzicka
Burnet
Denison

ALDERMEN

Lord Mayor Hickey
Deputy Lord Mayor Christie
Zucco
Sexton
Cocker
Thomas
Reynolds
Harvey

APOLOGIES: Nil

LEAVE OF ABSENCE:

Alderman T M Denison

PRESENT:

Alderman J R Briscoe (Chairman),
Aldermen E R Ruzicka, H C Burnet,
A M Reynolds and W F Harvey.

Aldermen Reynolds and Harvey were co-opted to the Committee.

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

BURNET

That Aldermen Reynolds and Harvey be co-opted to the Committee.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet

2. CONFIRMATION OF MINUTES

BURNET

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 30 January 2017](#) and the Special City Planning Committee meeting held on [Monday, 6 February 2017](#), be confirmed as accurate records.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Reynolds
Harvey

The minutes were signed.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

BURNET

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

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Reynolds
Harvey

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

Aldermen 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

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

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

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

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

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

Briscoe
Ruzicka
Burnet
Reynolds
Harvey

7. COMMITTEE ACTING AS PLANNING AUTHORITY

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

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

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

7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

Mrs Anne Mitchell, Mr Tim Mitchell and Mr Michael Mitchell addressed the Committee in relation to item 7.1.1.

Mr Peter Ferguson, Mr Ben Ferguson and Ms Jen Welch (Ireneinc. Planning) addressed the Committee in relation to item 7.1.1, on behalf of the applicant.

7.1.1 Hobart Interim Planning Scheme 2015 - Planning Scheme Amendment PSA-16-9 - 125 Swanston Street, New Town - consideration of representations File Ref: F16/141361

HARVEY

That the recommendation contained in the report of the Manager Planning Policy and Heritage and the Director City Planning of 7 February 2017, be adopted, with the following amendment:

That the Council recommend to the Tasmanian Planning Commission that it consider including a site specific qualification regarding the provision of an alternative separate access and landscaping to maintain residential amenity for unit 12/125 Swanston Street.

MOTION LOST

VOTING RECORD

AYES	NOES
Harvey	Briscoe Ruzicka Burnet Reynolds

RUZICKA

That pursuant to Section 39(2) of the *Land Use Planning and Approvals Act 1993*, the Council recommend to the Tasmanian Planning Commission that the PSA-16-9 Amendment to the Hobart Interim Planning Scheme 2015 not be finally approved, for the following reason:

The adverse impact on the amenity of the owner of 12/125 Swanston Street.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Briscoe	Harvey
Ruzicka	
Burnet	
Reynolds	

COMMITTEE RESOLUTION:

That pursuant to Section 39(2) of the *Land Use Planning and Approvals Act 1993*, the Council recommend to the Tasmanian Planning Commission that the PSA-16-9 Amendment to the Hobart Interim Planning Scheme 2015 not be finally approved, for the following reason:

The adverse impact on the amenity of the owner of 12/125 Swanston Street, New Town.

Delegation: Council

Supplementary item 7.1.3 was then taken.

**7.1.2 2 Davies Avenue, Hobart - Partial Demolition, Works and Lighting
PLN-16-1221 - File Ref: F17/10608**

HARVEY

That the recommendation contained in the report of the Senior Statutory Planner and the Development Appraisal Planner of 30 January 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Briscoe	
Ruzicka	
Burnet	
Reynolds	
Harvey	

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Partial Demolition, Works and Lighting at 2 Davies Avenue, Hobart for the reasons outlined in the officer's report attached to item 7.1.2 of the Open City Planning Committee agenda of 14 February 2017, 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-16-1221 - 2 Davies Avenue Hobart TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ADVICE

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

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

BUILDING PERMIT

Building permit in accordance with the *Building Act 2016*. Click [here](#) for more information.

Delegation: Council

Item 8.1 was then taken.

SUPPLEMENTARY ITEM

Mr Mohammed Hefny addressed the Committee in relation to supplementary item 7.1.3.

Ms Julia Jung, Mr Young Man Kim and Mr Keith Midson addressed the Committee in relation to supplementary item 7.1.3, on behalf of the applicant.

**7.1.3 54 King Street, Sandy Bay - Partial Demolition, Alterations, Extension, Partial Change of Use to Shop, and Signage
PLN-16-1235 - File Ref: F17/13931**

BURNET

That the recommendation contained in the report of the Senior Statutory Planner and the Development Appraisal Planner of 19 January 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Reynolds
Harvey

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, extension, partial change of use to shop, and signage at 54 King Street, Sandy Bay for the reasons outlined in the officer's report attached to supplementary item 7.1.3 of the Open City Planning Committee agenda of 14 February 2017, 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-16-1235 - 54 King Street, Sandy Bay, TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2016/01917-HCC dated 22 December 2016 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 10

The ground based panel sign (shown as sign D on the submitted plans) must not be flashing or intermittently illuminated.

Reason for condition

To clarify the scope of the permit.

PLN 14

Commercial vehicle movements, including deliveries to the site and removal of garbage, must be limited to within the hours of:

- a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;
- b) 7.00 am to 9.00 pm Sundays and public holidays

Reason for the condition

To ensure that commercial vehicle movements do not have unreasonable impact on residential amenity on land within the nearby inner residential zone.

PLN 3

Adequate storage space for rubbish for both the restaurant and shop uses must be provided on the lot either within the building or externally, appropriately screened from public view.

Drawings must be submitted and approved, prior to the commencement of works. The drawings must show the size and location of the storage area and, if external to the building show details of the screening including materials and height to satisfy the above requirement.

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

Advice: Once the drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

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

PLN s2

Walls of the building facing the inner residential zone (ie. the western facade) must be coloured using colours with a light reflectance value not greater than 40 percent, prior to the commencement of use.

Plans submitted for building approval must specify the light reflectance value of the western facade in accordance with this requirement.

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

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

Reason for condition

To ensure that building design contributes positively to the streetscape, the amenity and safety of the public and adjoining land in a residential zone.

ENG 7

At least one dedicated bicycle parking space (Class 3 - facilities to which the bicycle frame and wheels can be locked) is required on the site for the general retail and hire (shop) use. The facility must be publicly accessible at the front of the lot and clearly labelled for customer use prior to the commencement of the use. (Reference: AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.)

Drawings must be submitted and approved, prior to the first occupation. The drawing must:

1. Show the position and design of the bicycle parking to satisfy the

above requirement.

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

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

Reason for condition

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

ENG 1

The cost of repair of any damage to the Council infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council.

A photographic record of the Council 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 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 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. Sediment controls must be maintained until all areas of disturbance have been stabilized or re vegetated.

Advice: For further guidance in preparing a Soil and Water Management Plan (SWMP) – in accordance with Fact sheet 3 Derwent Estuary Program go to www.hobartcity.com.au/development-engineering-standards-and-guidelines.

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 2

A contamination Environmental Site Assessment report prepared by a suitably qualified and experienced person in accordance with the procedures and practices detailed in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM) as amended 2013 must be submitted to Council prior to the issue of any building consent under the *Building Act 2016*.

The report must conclude:

- Whether any site contamination presents a risk to workers involved in redevelopment of the site, or future users of the site, as a result of proposed excavation of the site;
- Whether any site contamination presents an environmental risk from excavation conducted during redevelopment of the site;
- Whether any specific remediation and/or protection measures are required to ensure proposed excavation does not adversely impact human health or the environment before excavation commences; Based on the results of the Environmental Site Assessment that the excavation as part of the planned works will not adversely impact on human health or the environment (subject to implementation of any identified remediation and/or protection measures as required).

If the Environmental Site Assessment report concludes that remediation and/or protection measures are necessary to avoid risks to human health or the environment, a proposed remediation and/or management plan must be submitted prior to the issue of any building consent under the *Building Act 2016*. Any remediation or management plan involving soil disturbance must include a detailed soil and water management plan to

prevent off-site transfer of potentially-contaminated soil or stormwater.

The development must be undertaken in accordance with any remediation and/or management plan required by this condition.

Advice: The condition above is required due to the absence of information enabling assessment of the proposal against the Potentially Contaminated Land Code of the Hobart Interim Planning Scheme 2015. If a site history prepared by a suitably qualified person that confirms potentially contaminating activities do not impact the site is provided to the Council, the development may be exempt from this Code under clause E2.4.3 of that planning scheme. In that scenario, the above condition may be able to be deleted from this planning permit under S.56 of the Land Use Planning and Approvals Act 1993. Please contact the Development Appraisal Planner on 6238 2715 for further information.

Reason for condition

To determine the level of site contamination, and to identify any recommended remediation/management practices/safeguards which need to be followed/put in place during any excavations/ground disturbance on, or for use of the site, to provide for a safe living environment.

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

Once approved, the Council will respond to you via email that the

condition(s) has been endorsed (satisfied). Detailed instructions can be found [here](#).

BUILDING PERMIT

Building permit in accordance with the *Building Act 2000*. Click [here](#) for more information.

PLUMBING PERMIT

Plumbing permit in accordance with the *Tasmanian Plumbing Regulations 2014*.

Click [here](#) for more information.

PUBLIC HEALTH

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

FOOD BUSINESS REGISTRATION

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

OCCUPATION OF THE PUBLIC HIGHWAY

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.

Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve).

Click [here](#) for more information.

REDUNDANT CROSSOVERS

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

NOISE REGULATIONS

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

areas.

WASTE DISPOSAL

Click [here](#) for information regarding waste disposal.

FEES AND CHARGES

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

Delegation: Council

MOTION

REYNOLDS

That the private parking management issues at 50 and 52 King Street and 163 Sandy Bay Road, Sandy Bay be referred to the City Infrastructure Committee for investigation.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe
Ruzicka
Burnet
Reynolds
Harvey

NOES

Item 7.1.2 was then taken.

8 REPORTS

8.1 Glenorchy to Hobart Public Transit Corridor Project - Consultants Report **File Ref: F16/123899; 36-20-1**

REYNOLDS

That the recommendation contained in the report of the General Manager of 7 February 2017, be adopted, amended by the inclusion of the following new clause:

“That a communications strategy be developed in relation to the Glenorchy to Hobart Public Transit Corridor Study Reports (GHD Oct 2016).”

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Reynolds
Harvey

COMMITTEE RESOLUTION:

- That: 1. The Glenorchy to Hobart Public Transit Corridor Study Reports (GHD Oct 2016) be provided to the State Government.
2. The Council engage with State Government in relation to process and opportunities for governance change to help drive urban renewal projects such as proposed with the Glenorchy to Hobart Public Transit Corridor Project.
3. The Glenorchy to Hobart Public Transit Corridor Study outcomes (GHD Oct 2016) be considered as part of a future City Deal proposal.
4. A communications strategy be developed in relation to the Glenorchy to Hobart Public Transit Corridor Study Reports (GHD Oct 2016).

Delegation: Council

8.2 City Planning Advertising List
File Ref: F17/8364

HARVEY

That the recommendation contained in the report of the Director City Planning of 7 February 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Reynolds
Harvey

COMMITTEE RESOLUTION:

That the information be received and noted.

Delegation: Committee

**8.3 Delegated Decisions Report (Planning)
File Ref: F17/8383**

RUZICKA

That the recommendation contained in the report of the Director City Planning of 6 February 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Reynolds
Harvey

COMMITTEE RESOLUTION:

That the information be received and noted.

Delegation: Committee

9. QUESTIONS WITHOUT NOTICE

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

**9.1 Alderman Burnet - On-street Parking Issues - 54 King Street,
Sandy Bay
File Ref: 13-1-10**

Alderman Burnet

Can compliance with on-street parking requirements near 54 King Street, Sandy Bay be investigated?

The Director City Planning took the question on notice and advised that the matter would be referred to the Director Financial Services for consideration.

10. CLOSED PORTION OF THE MEETING

The following items were discussed:-

- Item No. 1 Minutes of the last meeting of the Closed Portion of the Council Meeting
- Item No. 2 Consideration of supplementary items to the agenda
- Item No. 3 Indications of pecuniary and conflicts of interest
- Item No. 4 Planning Authority Items – Consideration of Items with Deputations
- Item No. 5 Council Acting as Planning Authority
- Item No. 6 Questions without notice – File Ref: 13-1-10

RUZICKA

That the items be noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Reynolds
Harvey

The Chairman adjourned the meeting at 6.50 pm to conduct the closed portion of the meeting.

The meeting was reconvened at 6.51 pm.

Item 10 was then taken.

There being no further business the meeting closed at 6.52 pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
27TH DAY OF FEBRUARY 2017.

CHAIRMAN