



CITY OF HOBART

# **MINUTES**

## **City Planning Committee Meeting**

**Open Portion**

**Monday, 27 February 2017 at 5:05 pm**

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## ORDER OF BUSINESS

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**Minutes of the City Planning Committee Meeting (Open Portion) held on Monday, 27 February 2017 at 5.05 pm in the Lady Osborne Room, Town Hall.**

**COMMITTEE MEMBERS**

Briscoe (Chairman)  
Ruzicka  
Burnet  
Denison

**PRESENT:** Alderman J R Briscoe (Chairman), Aldermen E R Ruzicka, H C Burnet, T M Denison and A M Reynolds.

**ALDERMEN**

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

**APOLOGIES:** Nil.

**LEAVE OF ABSENCE:** Nil.

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

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No Aldermen were co-opted to the Committee.

**2. CONFIRMATION OF MINUTES**

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RUZICKA

The minutes of the Open Portion of the City Planning Committee meeting held on [Tuesday, 14 February 2017](#) and the Special City Planning Committee meeting held on [Monday, 20 February 2017](#), be confirmed as accurate records.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe  
Ruzicka  
Burnet  
Denison

NOES

The minutes were signed.

### **3. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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

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		
Denison		

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

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

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**

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

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

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

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

No items were transferred.

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

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

Briscoe  
Ruzicka  
Burnet  
Denison

NOES

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

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

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

The Committee is reminded that in order to comply with Regulation 25(2), the 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**

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Mr Ian Johnson addressed the Committee in relation to item 7.1.1.

Ms Irene Duckett – Principal of Ireneinc. Planning, addressed the Committee in relation to item 7.1.1, on behalf of the applicant.

#### **7.1.1 59 Grosvenor Street, 61 Grosvenor Street and 2 Churchill Avenue, Sandy Bay - Partial Demolition, Alterations and Multiple Dwellings PLN-16-1068 - File Ref: F17/17136**

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RUZICKA

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 18 February 2017, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Briscoe  
Ruzicka  
Burnet  
Denison

#### **COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for multiple dwellings at 59 Grosvenor Street, 61 Grosvenor Street and 2 Churchill Avenue, Sandy Bay for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

## GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-16-1068 - 59 Grosvenor 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 2016/01507-HCC dated 02/11/2016 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

## ENG 12

A construction waste management plan must be implemented throughout construction.

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

- Provisions for commercial waste services for the handling, storage, transport and disposal of post-construction solid waste and recycle bins from the development.
- Provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities.

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

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

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



Reason for condition

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

ENG sw4

The development (including hardstand) must be drained to a piped system. The new private stormwater connection must be constructed, and any existing connections be abandoned and sealed at the owner's expense prior to occupation.

Detailed engineering drawings must be submitted and approved, prior to commencement of work. The detailed engineering drawings must include:

- a. the location of the proposed connection and all existing connections to be abandoned;
- b. the size and design of the connection such that it is appropriate to safely service the development;
- c. written permission for the works outside 59 and 61 Grosvenor St.

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

Advice: Once the engineering 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 the site is drained adequately.

ENG sw7

Stormwater pre- treatment and detention for stormwater discharges from the development must be installed prior to issue of a Certificate of Completion.

A stormwater management report and design must be submitted and approved, prior to commencement of works. The stormwater management report and design must:

- a. be prepared by a suitably qualified engineer;
- b. include detailed design of the proposed treatment train, including final estimations of contaminant removal and proposed usage of harvested rainwater;
- c. include detailed design and supporting calculations of the detention tank, sized such that there is no increase in flows from the developed site up to 5% AEP storm events. All assumptions must be clearly stated.
- d. include design drawings of the detention tank showing the layout, the

- inlet and outlet (including long section), the overflow mechanism.
- e. include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

The stormwater detention tank must be shown in the drawings certified by a structural engineer, and included in the documentation submitted to the Building Surveyor for assessment under the Building Act 2016.

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

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

Reason for condition

To avoid the possible pollution of drainage systems and natural watercourses, to comply with relevant State legislation, and to ensure the development's stormwater system does not increase loading on shared private infrastructure.

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.

#### ENG s1

The proposed privacy screen, on drawing DA03 adjacent to the proposed parking space for 61 Grosvenor Street, shall have a maximum height of 1.2m for a distance 2.5m from the intersection of 61 Grosvenor St car parking space access and the underground car park access, prior to the commencement of use of the underground car park.

#### Reason for condition

To ensure sightlines between the Grosvenor St car parking and underground car parking space access are maintained, and conflict between vehicles does not occur.

#### ENG s2

Delineation of pavement (pavers vs concrete/bitumen) is required between dedicated pedestrian footpath and shared vehicular/pedestrian areas associated with the apartment complex.

The pavers for the proposed paved pedestrian footpath (from the apartment complex to the Right of Way), on drawing DA03 adjacent to the car parking space for 61 Grosvenor St, must not extend onto the two way vehicular access to the underground car park.

#### Reason for condition

To ensure a conflict does not occur between pedestrian and vehicular users, and the access / driveway provides for safe and efficient use.

#### 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 – 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 18

The existing eucalyptus tree at the front of 61 Grosvenor Street must be retained and protected throughout the works and post construction.

#### 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 [www.hobartcity.com.au](http://www.hobartcity.com.au) 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;

<http://www.hobartcity.com.au/Development/Building>

#### PLUMBING PERMIT

Plumbing permit under the Tasmanian Plumbing Regulations 2014;

<http://www.hobartcity.com.au/Development/Plumbing>

#### STORM WATER

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

#### TITLE ADHESION

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

surveyor to initiate the process.

#### NOISE REGULATIONS

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

#### WASTE DISPOSAL

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

#### DIAL BEFORE YOU DIG

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

#### ELECTRONIC ACCESS

If you do not have access to the Council's electronic web page, please phone the Hobart City Council's City Planning Division on 62382715 for assistance.

#### **Delegation: Committee**

Mr Rohan Grant addressed the Committee in relation to item 7.1.2.

Mr Mark Peacock – Consultant/Registered Land Surveyor – PDA Surveyors, addressed the Committee in relation to item 7.1.2, on behalf of the applicant.

**7.1.2 190 Bathurst Street, West Hobart, 64 Barrack Street, West Hobart  
and 62 Barrack Street, West Hobart - Subdivision (Boundary  
Adjustment)  
PLN-16-00411-01 - File Ref: F17/17171; PLN-16-00411-01**

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#### PROCEDURAL MOTION

RUZICKA

That the matter be deferred to a Special City Planning Committee meeting, for the purpose of obtaining further information from the Senior Cultural Heritage Officer.

PROCEDURAL MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Briscoe  
Ruzicka  
Burnet  
Denison

**COMMITTEE RESOLUTION:**

That the matter be deferred to a Special City Planning Committee meeting, for the purpose of obtaining further information from the Senior Cultural Heritage Officer.

**Delegation: Council**

**SUPPLEMENTARY ITEM**

**7.1.3 Hobart Interim Planning Scheme 2015 - Planning Scheme  
Amendment 8/2016 & S43A Permit - 1 Folder Street and 5 Tew  
Terrace, Sandy Bay - Consideration of Representations  
File Ref: F17/14252**

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RUZICKA

That the recommendation contained in the report of the Manager Planning Policy and Heritage and Director City Planning of 23 February 2017, be adopted.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Briscoe		
Ruzicka		
Burnet		
Denison		

**COMMITTEE RESOLUTION:**

- That:
1. Pursuant to Section 39 (2) of the former provisions of the Land Use Planning and Approvals Act 1993, the Council endorse the report attached to supplementary item 7.1.3 of the City Planning Committee agenda of 27 February 2017 as the formal statement of its opinion as to the merit of the representation received during the exhibition of the draft 8/2016 amendment and S43A permit.
  2. Pursuant to Section 39 (2) of the Land Use Planning and Approvals Act 1993, the Council recommend to the Tasmanian Planning Commission that the 8/2016 Amendment to the Hobart Interim Planning Scheme 2015 and combined S43A permit be approved as certified.

**Delegation: Council**

## 8 REPORTS

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### 8.1 Review of Interim Planning Directive No. 1 (Bushfire-Prone Areas Code) and Related Amendments to the Building Regulations 2014 File Ref: F17/8924; 15/97

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BURNET

That the recommendation contained in the report of the Manager Planning Policy and Heritage of 22 February 2017, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Briscoe  
Ruzicka  
Burnet  
Denison

#### **COMMITTEE RESOLUTION:**

- That: 1. Council officers continue to monitor compliance with the bushfire-prone area regulations of the Building Regulations 2016 and the vegetation clearing requirements of the Hobart Interim Planning Scheme 2015; and
2. A further report be provided to Council in 12 months' time.

**Delegation: Council**

### 8.2 Delegated Decisions Report (Planning) File Ref: F17/16491; 16/117

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RUZICKA

That the recommendation contained in the memorandum of the Director City Planning of 22 February 2017, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Briscoe  
Ruzicka  
Burnet  
Denison

**COMMITTEE RESOLUTION:**

That the information be received and noted.

**Delegation: Committee**

**8.3 City Planning - Advertising List  
File Ref: F17/17081; 16/117**

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RUZICKA

That the recommendation contained in the report of the Director City Planning of 21 February 2017, be adopted, to be amended by the following:

2. The proposed development at 112 Cascade Road, South Hobart be referred to the Committee for consideration.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Briscoe		
Ruzicka		
Burnet		
Denison		

**COMMITTEE RESOLUTION:**

That: 1. The information be received and noted.

2. The proposed development at 112 Cascade Road, South Hobart be referred to the Committee for consideration.

**Delegation: Committee**

**9. RESPONSES TO QUESTIONS WITHOUT NOTICE**

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

**9.1 Matters to be considered regarding subdivision applications  
File Ref: F16/139462; 13-1-10**

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**9.2 Impact of new Building Act and Regulations**  
**File Ref: F17/4800; 13-1-10**

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BURNET

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Briscoe		
Ruzicka		
Burnet		
Denison		

**10. QUESTIONS WITHOUT NOTICE**

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

**10.1 State Planning Provisions**  
**File Ref: 13-1-10**

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BURNET

Question: Could the Director City Planning please advise as to whether there are any precise concerns in relation to the State Planning Provisions released last week?

Answer: The Director City Planning advised that a detailed report will be prepared and provided to the Council once the Officers have familiarised themselves with the documentation.

**10.2 Time Restraints - State Planning Provisions**  
**File Ref: 13-1-10**

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BURNET

Question: With further regard to the State Planning Provisions, could the Director City Planning please advise if there are any time restraints for the Council to provide feedback, in relation to the Ministers provisions for the new Planning Scheme?

Answer: The Manager Planning Policy and Heritage advised that the state planning provisions are now finalised and in place and there is no further formal opportunity to provide feedback on the provisions.

### **10.3 Light Plane Crash Near Essendon Airport** **File Ref: 13-1-10**

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BURNET

Question: Due to the recent fatal light plane crash near Essendon airport, Could the Director City Planning please advise what, if any, provisions are in place for Hobart residences with aircraft, especially stunt aircraft flying over residential areas during events, for example the Royal Hobart Regatta?

Answer: The Director City Planning advised that the flying of aircraft is controlled by the Civil Aviation Safety Authority (CASA) and that the Hobart City Council does not have any jurisdiction over such matters.

### **10.4 Light Aircraft Safety** **File Ref: 13-1-10**

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BURNET

Question: Further to the fatal light plane crash near Essendon airport, could the Director City Planning please advise if there is a level of risk with stunt aircraft flying over the residential areas of Hobart?

Answer: The Director City Planning advised that he was not qualified to provide a response in respect to the question. The Director has however taken the question on notice and will prepare a response in due course.

## **11. CLOSED PORTION OF THE MEETING**

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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. 4.1 Applications under the Hobart Interim Planning Scheme 2015
- Item No. 4.1.1 Supreme Court Appeal  
LG(MP)R 15(4)(b)
- Item No. 5 Questions Without Notice

BURNET

That the items be noted.

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Briscoe  
Ruzicka  
Burnet  
Denison

The Chairman adjourned the meeting at 6:05 pm to conduct the closed portion of the meeting.

The meeting reconvened at 6:19 pm.

Item 11 was then taken.

There being no further business the meeting closed at 6:19 pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
14<sup>TH</sup> DAY OF MARCH 2017.

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**CHAIRMAN**