



CITY OF HOBART

MINUTES

City Planning Committee Meeting

Open Portion

Monday, 27 March 2017

ORDER OF BUSINESS

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City Planning Committee Meeting (Open Portion) held on Monday, 27 March 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:

LEAVE OF ABSENCE:

PRESENT:

Alderman J R Briscoe (Chairman),
Aldermen E R Ruzicka, H C Burnet and
T M Denison.

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

No Aldermen were co-opted to the Committee.

2. CONFIRMATION OF MINUTES

RUZICKA

The minutes of the Open Portion of the City Planning Committee meeting held on [Tuesday, 14 March 2017](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES
Briscoe
Ruzicka
Burnet
Denison

NOES

The minutes were signed.

3. 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 General Manager.

No supplementary items were received.

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
Briscoe
Ruzicka
Burnet
Denison

NOES

Item 8.2 was then taken.

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 SULLIVANS COVE PLANNING SCHEME 1997

7.1.1 20 McVilly Drive, 1 McVilly Drive and 2 Davies Avenue Hobart - Alterations to Car Park and Associated Hydraulic Infrastructure PLN-16-1185 - File Ref: F17/28750

DENISON

That the recommendation contained in the report of the Senior Statutory Planner and the Development Appraisal Planner of 10 March 2017, be adopted, with the addition of the following advice clause:

“The applicant is encouraged to consider including suitable landscaping to soften the space.”

MOTION CARRIED

VOTING RECORD

AYES
Briscoe
Burnet
Denison

NOES
Ruzicka

COMMITTEE RESOLUTION:

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for alterations to car park and associated hydraulic infrastructure at 20 McVilly Drive, 1 McVilly Drive and 2 Davies Avenue, Hobart for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 27 March 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-16-1185 - 20 McVilly Drive, Hobart - 1 McVilly Drive - 2 Davies Avenue - 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 2016/01850-HCC dated 1 December 2016 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw5

The development must be drained to the River Derwent via the proposed stormwater main extension and diversion at the developer's cost. The new stormwater infrastructure must be constructed prior to the first use at the developer's cost.

Engineering design drawings must be submitted and approved, prior to commencement of work. The engineering drawings must:

1. Be certified by a qualified and experienced engineer.
2. Show in both plan and long-section the proposed stormwater mains and outfall, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances from other services, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, easements and adequate scour control. The high water mark and top of embankment must be clearly shown on the outlet plan.
3. Clearly distinguish between public and private infrastructure.
4. Be substantially in accordance with the LGAT drawings.

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

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

obtain condition endorsement).

Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to obtain a Permit to Construct Public Infrastructure.

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw7

Stormwater pre- treatment for stormwater discharges from the development must be installed prior to first use.

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

1. Be prepared by a suitably qualified engineer.
2. Include detailed design of the proposed treatment train, including final estimations of contaminant removal.
3. Include a Stormwater Management Summary Plan that outlines the obligations for property owners to stormwater management, including a maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

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

Advice: Once the stormwater management report and design has been approved 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, and to comply with relevant State Legislation.

ENG 8

All parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavements markers in accordance to Australian/NZS Standard, Parking facilities Part 1: Off-street car parking AS/NZS 2890.1, prior to the commencement of the use.

Reason for condition

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

ENG 9

All car parking spaces for people with disabilities must be delineated to Australian/NZS Standard, Parking facilities Part 6: Off-street parking for people with disabilities AS/NZS 2890.6: 2009, prior to the commencement of the use.

Reason for condition

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

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. Any damage must be immediately reported to 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 2

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

A SWMP must be submitted and approved, prior to the commencement of work. The SWMP must be prepared in accordance with the Soil and Water

Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

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

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

Reason for condition

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

HER 6

All onsite excavation and ground disturbance on Tasport's land between SW2.1 and SW2.2 (as shown on drawing C11, Revision P1, Drawn by M Richardson, Drawing date 14/12/2016) must be monitored by a qualified archaeologist. Should any features or deposits of an archaeological nature be discovered during excavation or disturbance:

1. All excavation and/or disturbance must stop immediately; and
2. A qualified archaeologist must provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and
3. All and any recommendations made by the archaeologist engaged in accordance with above must be complied with in full; and
4. All features and/or deposits discovered must be reported to the Council with 7 days of the discovery; and
5. A copy of the archaeologist's advice, assessment and recommendations obtained in accordance with paragraph (2) above must be provided to Council within 60 days of receipt of the advice, assessment and recommendations.

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

Reason for condition

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

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](#).

PLUMBING PERMIT

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

Click [here](#) for more information.

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

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

NEW SERVICE CONNECTION

New service connection (please contact the Hobart City Council's City Infrastructure Division to initiate the application process).

STORMWATER

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

STORMWATER / ROADS / ACCESS

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

WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for

Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment [website](#).

DIAL BEFORE YOU DIG

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

HERITAGE

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

The applicant is encouraged to consider including suitable landscaping to soften the space.

Delegation: Council

7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.2.1 325 Elizabeth Street, 321-323A Elizabeth Street and Adjacent Right of Way, North Hobart – PLN-14-00639 - Request for an Extension of Time to Permit File Ref: F17/29504; eta - 17-23

BURNET

That the recommendation contained in the report of the Manager Development Appraisal of 22 March 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe
Ruzicka
Burnet
Denison

NOES

COMMITTEE RESOLUTION:

That the Council approve the extension of time request lodged under Section 53(5)(b) of the Land Use Planning and Approvals Act 1993 in respect of PLN-14-00639-01.

Delegation: Committee

8 REPORTS

8.1 Tasmanian Planning Scheme - State Planning Provisions
File Ref: F17/23921; S32-013-07

RUZICKA

- That: 1. The Council write to the Minister for Planning and Local Government expressing the following:
- (i) Council's concerns regarding the time and resourcing implications of the requirement to prepare statements of local heritage significance for the 1400 local significant properties to be included within the Local Provisions Schedule;
 - (ii) Given the significant resourcing implications outlined in clause 1(i) above, what financial assistance will the Government make available to allow the Council to expedite such a requirement.
 - (iii) The need, as a matter of priority, to review the residential development standards consistent with the strong recommendation of the Tasmanian Planning Commission and that the Commission be afforded appropriate resourcing to deliver this review.
 - (iv) Council's continuing concerns that the Tasmania Heritage Registered properties will not have the benefit of being considered under the proposed Local Heritage Code where consideration of streetscape, historic patterns of development, and the ability of the Council to make a thorough and holistic planning assessment as required under the Act.
2. Council workshops be held once suitable sections of the draft local provisions schedule has been developed. Following these workshops, Council consider community consultation on the draft provisions.
3. A representative from the Environmental Defenders Office be invited to provide a briefing to Aldermen at the first workshop held as outlined in clause 2 above, outlining their views on the impacts of the State Planning Provisions on matters such as residential amenity, heritage, landscape and the environment.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe
Ruzicka
Burnet
Denison

NOES

COMMITTEE RESOLUTION:

- That: 1. The Council write to the Minister for Planning and Local Government expressing the following:
- (i) Council's concerns regarding the time and resourcing implications of the requirement to prepare statements of local heritage significance for the 1400 local significant properties to be included within the Local Provisions Schedule;
 - (ii) Given the significant resourcing implications outlined in clause 1(i) above, what financial assistance will the Government make available to allow the Council to expedite such a requirement;
 - (iii) The need, as a matter of priority, to review the residential development standards consistent with the strong recommendation of the Tasmanian Planning Commission and that the Commission be afforded appropriate resourcing to deliver this review; and
 - (iv) Council's continuing concerns that the Tasmania Heritage Registered properties will not have the benefit of being considered under the proposed Local Heritage Code where consideration of streetscape, historic patterns of development, and the ability of the Council to make a thorough and holistic planning assessment as required under the Act.
4. Council workshops be held once suitable sections of the draft local provisions schedule have been developed. Following these workshops, Council consider community consultation on the draft provisions.
5. A representative from the Environmental Defenders Office be invited to provide a briefing to Aldermen at the first workshop outlined in clause 2 above, outlining their views on the impacts of the State Planning Provisions on matters such as residential amenity, heritage, landscape and the environment.

Delegation: Council

Mr Bill Godfrey and Ms Jane Yarham addressed the Committee in relation to item 8.2, on behalf of the petitioners.

Mr Sean De Freitas addressed the Committee in relation to item 8.2, on behalf of the property owners.

**8.2 Petition - Flashing Sign -
381 Elizabeth Street, North Hobart
File Ref: F17/30023**

RUZICKA

- That: 1. Council officers convene a meeting between representatives of Claude Neon and the affected residents, with a view to developing a mutually acceptable position regarding the brightness of the sign at 381 Elizabeth Street, Hobart, and a further report be provided to the City Planning Committee for consideration.
2. If an agreement is reached between Claude Neon and the affected residents that requires an amended planning permit to be issued, that all fees associated with the amended planning permit be waived.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe
Ruzicka
Burnet
Denison

NOES

COMMITTEE RESOLUTION:

- That: 1. Council officers convene a meeting between representatives of Claude Neon and the affected residents, with a view to developing a mutually acceptable position regarding the brightness of the sign at 381 Elizabeth Street, Hobart, and a further report be provided to the City Planning Committee for consideration.
2. If an agreement is reached between Claude Neon and the affected residents that requires an amended planning permit to be issued, that all fees associated with the amended planning permit be waived.

Delegation: Council

Item 7.1.1 was then taken.

8.3 Delegated Decisions Report (Planning)
File Ref: F17/29304; 16/117

RUZICKA

That the recommendation contained in the report of the Director City Planning of 20 March 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe

Ruzicka

Burnet

Denison

COMMITTEE RESOLUTION:

That the information be received and noted.

Delegation: Committee

8.4 City Planning - Advertising List
File Ref: F17/29829

RUZICKA

That the recommendation contained in the report of the Director City Planning of 21 March 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe

Ruzicka

Burnet

Denison

COMMITTEE RESOLUTION:

That the information be received and noted.

Delegation: Committee

9 COMMITTEE ACTION STATUS REPORT

9.1 Committee Actions - Status Report **File Ref: F17/29287**

RUZICKA

That the recommendation contained in the report of the Director City Planning of 20 March 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe

Ruzicka

Burnet

Denison

COMMITTEE RESOLUTION:

That the information be received and noted.

Delegation: Council

10. QUESTIONS WITHOUT NOTICE

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

10.1 Peacock Building - Protection of Heritage Values **File Ref: 13-1-10**

Alderman Burnet

In relation to the Peacock Centre which was damaged by fire recently, what protection of the heritage values are in place of the property, the building and including the glasshouse?

The Director City Planning took the question on notice.

11. 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 Questions without notice – File Ref: 13-1-10

RUZICKA

That the items be noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison

The Chairman adjourned the meeting at 6.23 pm to conduct the closed portion of the meeting.

The meeting reconvened at 6.24 pm.

Item 11 was then taken.

There being no further business the meeting closed at 6.25 pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
10TH DAY OF ARIL 2017.

CHAIRMAN