



CITY OF HOBART

# **MINUTES**

## **City Planning Committee Meeting**

**Open Portion**

**Monday, 16 July 2018 at 5:04pm**

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## ORDER OF BUSINESS

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**City Planning Committee Meeting (Open Portion) held on Monday, 16 July 2018 at 5:04 pm in the Lady Osborne Room, Town Hall.**

**COMMITTEE MEMBERS**

Briscoe (Chairman)  
Ruzicka  
Burnet  
Denison

**ALDERMEN**

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

**PRESENT:** Alderman J R Briscoe (Chairman), Aldermen E R Ruzicka, H C Burnet and P S Cocker.

Alderman Cocker was co-opted to the Committee.

**APOLOGIES:** Nil.

**LEAVE OF ABSENCE:**

Alderman T M Denison.

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

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RUZICKA

That Alderman Cocker be co-opted to the Committee.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe  
Ruzicka  
Burnet

NOES

**2. CONFIRMATION OF MINUTES**

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BURNET

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 25 June 2018](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe  
Ruzicka  
Burnet  
Cocker

The minutes were signed.

**3. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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

**Recommendation**

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

No supplementary items were received.

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

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

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.

### RECOMMENDATION

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.

No items with deputations were received.

RUZICKA

That item 8.1 be now taken.

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Briscoe  
Ruzicka  
Burnet  
Cocker

## **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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#### **7.1.1 6 Broughton Avenue, Mount Nelson - Multiple Dwellings PLN-18-178 - File Ref: F18/77108**

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##### **BURNET**

1. The proposal does not meet acceptable solution A3 or performance criteria P3 of clause 12.4.2 of the *Hobart Interim Planning Scheme 2015* because it is outside the prescribed building envelope and due to the siting and scale of the dwellings, will cause an unreasonable loss of amenity for adjoining neighbours.
2. The proposal does not meet acceptable solution A1 or performance criteria P1 of clause 12.4.3 of the *Hobart Interim Planning Scheme 2015* because it exceeds 25% site coverage and will result in an unreasonable loss of natural and landscape values, will not be in keeping the character of the pattern of development in the surrounding area and will not provide adequate private open space for future occupants of the dwellings.
3. The proposal does not meet acceptable solution A1 or performance criteria P1 of clause 12.4.9 of the *Hobart Interim Planning Scheme 2015* because the proposed site area per dwelling of 691sqm is out of character with the pattern of development in the surrounding area, and would result in an unreasonable loss of natural and landscape values.

MOTION LOST

VOTING RECORD

AYES	NOES
Ruzicka	Briscoe
Burnet	Cocker

**COMMITTEE RESOLUTION:**

The matter be referred to the Council without recommendation.

**Attachments**

A PLN-18-178 - 6 BROUGHTON AVENUE MOUNT NELSON TAS 7007 -  
Planning Referral Officer Environmental Development Planner Report ⇨ 

**Delegation: Council**

**7.1.2 90 Liverpool Crescent and Adjacent Road Reserve West Hobart  
PLN-18-131 - File Ref: F18/77047**

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**BURNET**

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 2 July 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Briscoe	
Ruzicka	
Burnet	
Cocker	

**COMMITTEE RESOLUTION:**

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a dwelling at 90 Liverpool Crescent and Adjacent Road Reserve West Hobart for the reasons outlined in the officer's report, marked as item 7.1.2 of the Open City Planning Committee agenda of 16 July 2018 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-18-131 - 90 LIVERPOOL CRESCENT AND ADJACENT ROAD RESERVE WEST HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/00359-HCC dated 15 March 2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw3

The proposed works (including cut and driveway) must be designed to ensure the long-term protection of and access to the Council's stormwater infrastructure.

Detailed engineering design must be submitted and approved prior to issue of any consent under the *Building Act 2016* or commencement of works (whichever occurs first).

The detailed design must:

1. Demonstrate how the design will provide adequate access and support to the pipe and impose no excessive loads onto the pipe.
2. Include cross-sections clearly showing the relationship both vertically and horizontally between Council's stormwater infrastructure and the proposed works.



3. Include a long-section of Council's stormwater main clearly showing proposed cover. If the cover is less than 600mm, engineering details and full calculations to relevant Australian standards (including construction traffic loading) must be submitted to demonstrate the mains can withstand the likely forces and will be adequately protected. All assumptions must be stated.
4. Be certified by a suitably qualified engineer

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

*Advice:*

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

*Please note that permission for works, including cut, within one metre of Council infrastructure is required under s13 of the Urban Drainage Act 2013 and s73 of the Building Act 2016.*

*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.*

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

ENG sw6

All stormwater from the proposed development must be discharged safely to the Council's stormwater infrastructure prior to occupation. All costs associated with works required by this condition are to be met by the owner.

Additional stormwater surface drainage infrastructure (eg trench grates) outside the property boundary is not approved.

*Advice:*

*Once the design drawings and calculations have been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

*A single connection is allowed for the Lot under the Urban Drainage Act 2013.*

*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.*

Reason for condition

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

ENG 3a

The access driveway and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the Gandy and Roberts Consulting Engineers design drawing, 18.0072-C002 Rev. 1 received by the Council on the 20th April 2018.

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

*Advice*

*Special consideration may be required when selecting the appropriate garage door width and configuration for this development given the access constraints.*

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

Reason for condition

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

ENG 10

The approved driveway design must be signed by a suitably qualified engineer, certifying the driveway / parking area / manoeuvring area / access has been constructed in accordance with the approved driveway design, must be lodged with the Council prior to the issuing of any Completion or Occupancy Certificate under the *Building Act 2016*.

Reason for condition

To ensure the safety of users of the access / parking / highway reservation / adjacent properties.

ENG 1

The cost of repair of any damage to the Council's 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 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.

#### 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

As 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 services e-planning](#)

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.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied). Detailed instructions can be found [here](#).

## 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. Click [here](#) for more information.

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

## WORKS WITHIN ONE METRE OF STORMWATER

You will need separate permission under s73 of the *Building Act 2016* and s13 of the Urban Drainage Act for any works (including cut/fill) within one metre horizontally of the nearest external surface of the stormwater main. Please contact Hobart City Council's City Infrastructure Division to discuss.

## WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways 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.

## ACCESS

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

## CROSS OVER CONSTRUCTION

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

## 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](#).

## 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: Council**

Item 8.2 was then taken.

## 8. REPORTS

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Mr Peter Curtis – Chairman of the Urban Design Advisory Committee, together with members Mr George Wilkie, Mr Ian James, Mr Jamieson Allom and Ms Susan Small, addressed the Committee in relation to item 8.1.

### 8.1 Urban Design Advisory Panel File Ref: F18/78331

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RUZICKA

That the recommendation contained in the memorandum of the Director City Planning of 10 July 2018, be adopted, amended by the addition of the following two clauses:

- “2. Either an informal meeting be convened between Aldermen and members of the Urban Design Advisory Panel and/or an invitation be extended to members of the Urban Design Advisory Panel, to encourage their attendance at an upcoming City Planning Committee meeting on a six monthly basis (or when required), to allow further discussion to be undertaken directly with both parties on decisions made by the Urban Design Advisory Panel.
3. The Council write to the State Government requesting an update on the re-appointment of a State Architect.”

MOTION CARRIED

#### VOTING RECORD

	AYES	NOES
Briscoe		
Ruzicka		
Burnet		
Cocker		

#### **COMMITTEE RESOLUTION:**

- That:
1. The information contained in the memorandum titled ‘Urban Design Advisory Panel’ of 10 July 2018 be received and noted.
  2. Either an informal meeting be convened between Aldermen and members of the Urban Design Advisory Panel and/or an invitation be extended to members of the Urban Design Advisory Panel, to encourage their attendance at an upcoming City Planning Committee meeting on a six monthly basis (or when required), to allow further discussion to be undertaken directly with both parties on decisions made by the Urban Design Advisory Panel.
  3. The Council write to the State Government requesting an update on the re-appointment of a State Architect.

**Delegation: Council**

Item 7.1.1 was then taken.

**8.2 Monthly Building Statistics - 1 June 2018 to 30 June 2018**  
**File Ref: F18/75932**

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**BURNET**

That the recommendation contained in the memorandum of the Director City Planning of 10 July 2018, be adopted.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Briscoe		
Ruzicka		
Burnet		
Cocker		

**COMMITTEE RESOLUTION:**

That the information be received and noted:

- A. 1. During the period 1 June 2018 to 30 June 2018, 41 permits were issued to the value of \$7,618,197 which included:
- (i) 25 for Extensions/Alterations to Dwellings to the value of \$2,972,792;
  - (ii) 7 New Dwellings to the value of \$3,287,200; and
  - (iii) Nil Major Projects.
2. During the period 1 June 2017 to 30 June 2017, 44 permits were issued to the value of \$19,698,052 which included:
- (i) 11 Extensions/Alterations to Dwellings to the value of \$11,515,377
  - (ii) 14 New Dwellings to the value of \$4,560,675; and
  - (iii) 3 Major Projects:
    - 85-99 Collins Street (Stage 2) - Alterations and Additions - \$10,000,000;
    - 258 Macquarie Street – Alterations and Additions - \$1,647,000;



- 157 Elizabeth Street (Stage 6) – Change of Use and Alterations to Levels 2 and 3 - \$2,100,000.
- B. 1. In the twelve months ending June 2018, 692 permits were issued to the value of \$479,102,446; and
2. In the twelve months ending June 2017, 684 permits were issued to the value of \$203,671,582.

**Delegation: Council**

**8.3 Delegated Decisions Report (Planning)**  
**File Ref: F18/77487**

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RUZICKA

That the recommendation contained in the memorandum of the Director City Planning of 10 July 2018, be adopted.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Briscoe		
Ruzicka		
Burnet		
Cocker		

**COMMITTEE RESOLUTION:**

That the information contained in the memorandum titled 'Delegated Decisions Report (Planning)' of 10 July 2018 be received and noted.

**Delegation: Committee**

**8.4 City Planning - Advertising Report**  
**File Ref: F18/77949**

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RUZICKA

That the recommendation contained in the memorandum of the Director City Planning of 10 July 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe  
Ruzicka  
Burnet  
Cocker

**COMMITTEE RESOLUTION:**

That the information contained in the memorandum titled 'City Planning – Advertising Report' of 10 July 2018 be received and noted.

**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 Dark Mofo Inverted Crosses Installation**  
**File Ref: F18/70837; 13-1-10**

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**9.2 Short Term Accommodation Compliance Issues**  
**File Ref: F18/34144; 13-1-10**

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**9.3 Factual Content of Deputations**  
**File Ref: F18/76056; 13-1-10**

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**9.4 Mandating of Factual Content of Deputations**  
**File Ref: F18/76071; 13-1-10**

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BURNET

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe  
Ruzicka  
Burnet  
Cocker

**Delegation: Committee**

**10. QUESTIONS WITHOUT NOTICE**

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

No questions were asked at the meeting.

**11. CLOSED PORTION OF THE MEETING**

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BURNET

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:

- Possible legal action to be taken by, or involving the Council.

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   | City Acting as Planning Authority  |
| Item No. 6   | Responses to Questions Without Notice                                    |
| Item No. 6.1 | 19 Elphinstone Road, Mount Stuart<br>LG(MP)R 15(2)(i)                    |
| Item No. 7   | Questions Without Notice   |

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe  
Ruzicka  
Burnet  
Cocker

**Delegation: Committee**

There being no further business the open portion meeting closed at 5:59 pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
30<sup>TH</sup> DAY OF JULY 2018.

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**CHAIRMAN**