



CITY OF HOBART

MINUTES

City Planning Committee Meeting

Open Portion

Monday, 30 September 2019 at 5:00 pm

ORDER OF BUSINESS

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**City Planning Committee Meeting (Open Portion) held on Monday,
30 September 2019 at 5:00 pm in the Lady Osborne Room, Town Hall.**

COMMITTEE MEMBERS

Deputy Lord Mayor Burnet (Chairman)
Briscoe
Denison
Harvey
Behrakis

NON-MEMBERS

Lord Mayor Reynolds
Zucco
Sexton
Thomas
Dutta
Ewin
Sherlock

PRESENT: Alderman S Behrakis
(Acting Chairman), Aldermen J R Briscoe,
T M Denison and Councillor W F Harvey.

Alderman Behrakis chaired the
meeting in the absence of the
Chairman.

APOLOGIES: Nil.

LEAVE OF ABSENCE:

Deputy Lord Mayor Councillor H Burnet
(Chairman).

BRISCOE

That Alderman Behrakis chair the meeting in the absence of the Chairman.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe
Denison
Harvey
Behrakis

NOES

Alderman Behrakis assumed the chair.

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

No Elected Members were co-opted to the Committee.

2. CONFIRMATION OF MINUTES

DENISON

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 16 September 2019](#) and the Special City Planning Committee meeting held on [Monday, 23 September 2019](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

Behrakis
Briscoe
Denison
Harvey

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*.

Members of the Committee are requested to indicate where they may have any pecuniary or conflicts of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Committee has resolved to deal with.

No interest was indicated.

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.

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 planning items with deputations were received.

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 Franklin Wharf, Hobart - Marina PLN-19-397 - File Ref: F19/127540

BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Senior Statutory Planner of 23 September 2019, be adopted, as amended by the addition of the following advice clause:

“ADVICE

CONFIGURATION OF MARINA

That the applicant be advised that an alternative marina configuration may be more likely to meet the requirements of the Tasmanian Heritage Council and the *Sullivans Cove Planning Scheme 1997*.”

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Denison
Harvey

COMMITTEE RESOLUTION:

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council refuse the application for a Marina at Franklin Wharf Hobart for the following reasons:

1. The Tasmanian Heritage Council has given notice (THC works reference 5959 dated 12 September 2019) that the application should be refused.
2. The proposal does not meet clause 7.3.2 (Cultural Resource Principles) dot point 1 of the *Sullivans Cove Planning Scheme 1997* because the proposal does not facilitate development which is compatible with conservation of the Cove's cultural heritage values.
3. The proposal does not meet clause 7.3.2 (Cultural Resource Principles) dot point 3 of the *Sullivans Cove Planning Scheme 1997* because the proposal compromises the recognisable historic character of the Cove.
4. The proposal does not meet clause 21.2 (a) (Objectives and Performance Criteria for Activities) of the *Sullivans Cove Planning Scheme 1997* because it does not protect and promote public awareness of Sullivans Cove as a unique example of an historic Australian waterfront, or demonstrate that it will provide a positive contribution to the character of the Cove's historic waterfront environs.
5. The proposal does not meet clause 21.2 (f) of the *Sullivans Cove Planning Scheme 1997* because the development is not sympathetic to the low scale bulk and height characteristics of the Cove floor and does not respect the cultural heritage of buildings, structures and spaces in the Cove.
6. The proposal does not meet clause 22.4.5 dot point 1 of the *Sullivans Cove Planning Scheme 1997* because the building or works does not complement or contribute to the cultural significance, character and appearance of the place or its setting.
7. The proposal does not meet clause 22.4.5 dot point 2 of the *Sullivans Cove Planning Scheme 1997* because the building or works is not in compliance with the conservation strategy of an approved Conservation Plan when required.

8. The proposal does not meet clause 22.4.5 dot point 3 of the *Sullivans Cove Planning Scheme 1997* because the location, bulk and appearance of the building or works adversely affect the heritage values of the place of cultural significance.
9. The proposal does not meet clause 22.4.5 dot point 5 of the *Sullivans Cove Planning Scheme 1997* because the building and works are individually prominent.
10. The proposal does not meet clause 23.6.2 of the *Sullivans Cove Planning Scheme 1997* because it is inconsistent with dot points one and four of clause 23.2 because the traditional urban pattern of Sullivans Cove will not be conserved, and the expression of the Wall of the Cove will not be encouraged.

ADVICE

CONFIGURATION OF MARINA

That the applicant be advised that an alternative marina configuration may be more likely to meet the requirements of the Tasmanian Heritage Council and the *Sullivans Cove Planning Scheme 1997*.

Delegation: Council

7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.2.1 30 Marlborough Street, Sandy Bay - Dwelling and Front Fencing PLN-19-432 - File Ref: F19/126479

DENISON

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Senior Statutory Planner of 5 September 2019, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Denison
Harvey

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a dwelling at 30 Marlborough Street Sandy Bay for the reasons outlined in the officer's report attached to item 7.2.1 of the Open City Planning Committee agenda of 30 September 2019 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-19-432 - 30 MARLBOROUGH 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 2019/01018-HCC dated 24 July 2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

Advice: Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.

Reason for condition

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

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

Advice:

The Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes greater than 1 in 4 will require a vehicular barrier or wheel stop.

Designers are advised to consult the National Construction Code 2016 to determine if pedestrian handrails or safety barriers compliant with the NCC2016 are also required in the parking module this area may be considered as a path of access to a building.

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

ENG 3a

The access, driveway, and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required).

Reason for condition

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

ENG 4

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

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

ENG 1

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

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

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

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

Reason for condition

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

ENV 1

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

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

Reason for condition

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

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

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

OCCUPATION OF THE PUBLIC HIGHWAY

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

WORK WITHIN THE HIGHWAY RESERVATION

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

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

7.2.2 479 Sandy Bay Road and Adjacent Road Reserve, Sandy Bay - Subdivision (Boundary Adjustment) PLN-19-557 - File Ref: F19/126776

HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Senior Statutory Planner of 25 September 2019, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Denison
Harvey

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for subdivision (boundary adjustment) at 479 Sandy Bay Road and adjacent road reserve, Sandy Bay for the reasons outlined in the officer's report attached to item 7.2.2 of the Open City Planning Committee agenda of 30 September 2019 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-19-557 - 479 SANDY BAY ROAD SANDY BAY TAS 7005 AND ADJACENT ROAD RESERVE - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

SURV 1

The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.

Reason for condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

SURV 2

The final plan and schedule of easements must be submitted and approved in accordance with section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

Reason for condition

To ensure that the subdivision/boundary adjustment is carried out in accordance with the Council's requirements under the provisions of Part 3 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

SURV 3

The final plan and schedule of easements must be submitted and approved under section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

The final plan and schedule of easements must provide easements to the satisfaction of the Council over any proposed or existing stormwater, water or sewer mains passing through the lots on the final plan, in favour of the Hobart City Council and/or TasWater (minimum width of 2m, or 3m if they cover two pipes).

Reason for condition

To ensure that there are no impediments to the provision of public and private services and access to the lots.

SURV 9

Lot 2 is to be added to C.T. 222066/1.

The final plan must include notations in accordance with section 111 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, in relation to the lot resulting from the addition of Lot 2 to the land comprised in C.T. 222066/1 to satisfy the above requirement.

Reason for condition

To ensure compliance with statutory provisions.

SUB s1

Lot 2 must be closed as a public highway under the provisions of the *Local Government (Highways) Act 1982* prior to the sealing of the final plan.

Reason for condition

To extinguish all public rights of access and enable the lot to be transferred to private ownership.

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.

CLOSURE OF THE HIGHWAY

The boundary adjustment requires partial closure of the highway under Section 14 of the Local Government (Highways) Act 1982. The process has been commenced by the City of Hobart with all costs to be borne by the owner of CT 222066/1. Please contact the City's Road Services Engineer on (03) 6238 2018 for further information.

SUBDIVISION ADVICE

For information regarding standards and guidelines for subdivision works click [here](#). All conditions imposed by this permit are in accordance with the *Local Government Building & Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*.

Delegation: Council

8. REPORTS

8.1 City Planning - Advertising Report File Ref: F19/126885

BRISCOE

That the recommendation contained in the memorandum of the Director City Planning of 25 September 2019, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Denison
Harvey

COMMITTEE RESOLUTION:

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

Delegation: Committee

8.2 Delegated Decisions Report (Planning)
File Ref: F19/126810

BRISCOE

That the recommendation contained in the memorandum of the Director City Planning of 25 September 2019, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Denison
Harvey

COMMITTEE RESOLUTION:

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

Delegation: Committee

9. RESPONSES TO QUESTIONS WITHOUT NOTICE

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

9.1 Significant Tree Register
File Ref: F19/118237; 13-1-10

Memorandum of the Director City Planning of 25 September 2019.

BRISCOE

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Denison
Harvey

Delegation: Committee

10. QUESTIONS WITHOUT NOTICE

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

BRISCOE

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:

- To confirm the minutes of the Closed Portion of the meeting; and
- Questions Without Notice in the Closed Portion.

The following items were discussed:-

- | | |
|------------|--|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Committee Meeting |
| Item No. 2 | Consideration of supplementary items to the agenda |
| Item No. 3 | Indications of pecuniary and conflicts of interest |
| Item No. 4 | Questions Without Notice |

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Briscoe
Denison
Harvey

Delegation: Committee

There being no further business the open portion of the meeting closed at 5:15 pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
14TH DAY OF OCTOBER 2019.

CHAIRMAN