



CITY OF HOBART

MINUTES

City Planning Committee Meeting

Open Portion

Monday, 20 January 2020 at 5:00 pm

ORDER OF BUSINESS

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City Planning Committee Meeting (Open Portion) held on Monday, 20 January 2020 at 5:00 pm in the Lady Osborne Room, Town Hall.

COMMITTEE MEMBERS

Deputy Lord Mayor Burnet (Chairman)
Briscoe
Harvey
Behrakis

NON-MEMBERS

Lord Mayor Reynolds
Zucco
Sexton
Thomas
Dutta
Ewin
Sherlock

PRESENT: The Deputy Lord Mayor
Councillor H Burnet (Chairman), Alderman
J R Briscoe, Councillor W F Harvey,
Alderman S Behrakis, Councillor M Dutta,
and the Lord Mayor Councillor A M Reynolds.

Alderman Behrakis left the meeting
at 5.55pm returning at 5.56pm.

The Lord Mayor arrived at the
meeting at 5.35pm during the
discussion of item 7.2.2.

APOLOGIES: Nil.

Councillor Dutta was co-opted to the
Committee.

LEAVE OF ABSENCE: Nil.

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

BRISCOE

That Councillor Dutta be co-opted to the Committee.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis

NOES

2. CONFIRMATION OF MINUTES

BEHRAKIS

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 9 December 2019](#) and the Special City Planning Committee meeting held on [Monday, 16 December 2019](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta

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.

HARVEY

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

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta

NOES

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.

Item 7.2.2 was then taken

7.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

7.1.1 24 Salamanca Square, Battery Point and Adjacent Road Reserve - Signage PLN-19-780 - File Ref: F20/4744

BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Manager Development Appraisal of 7 January 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	

COMMITTEE RESOLUTION:

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for signage at 24 Salamanca Square Battery Point Tas 7004 for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 20 January 2020 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-19-780 - 24 SALAMANCA SQUARE BATTERY POINT TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

HER 3

The strings of light bulbs hanging within the covered roof structure as shown in the 3D renderings within the submitted planning application are not approved as part of this permit.

Reason for condition

To clarify the scope of the permit and to ensure signage meets the standards of clause 25.11 which states that 'Strings of light bulbs are prohibited.' (p.137 clause 25.11 of the *Sullivans Cove Planning Scheme 1997*).

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.

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 an occupational licence for use of Hobart City Council highway reservation (e.g. outdoor seating, etc). Click [here](#) for more information.

Delegation: Council

7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.2.1 95 Hampden Road, Battery Point - Intensification of Previously Approved Use (Food Services), Partial Demolition, Alterations and Signage PLN-19-794 - File Ref: F20/4930

BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Manager Development Appraisal of 7 January 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Briscoe Harvey Behrakis Dutta	Deputy Lord Mayor Burnet

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for intensification of previously approved use (food services), partial demolition, alterations and signage at 95 Hampden Road, Battery Point, for the reasons outlined in the officer's report attached to item 7.2.1 of the Open City Planning Committee agenda of 20 January 2020 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-19-794 - 95 HAMPDEN ROAD BATTERY POINT TAS 7004 - 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 2019/01660-HCC dated 18 November 2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6088 dated 20 December 2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 14

The noise generated by the use, including from music played inside, must not cause environmental harm when measured at the boundary of the subject site. This planning permit does not approve the playing of any music externally from the building.

Reason for the condition

To ensure noise emissions do not cause environmental harm and do not have an unreasonable impact on residential amenity.

PLN 6

The use must not be open to the public outside of the following hours:

- Sunday to Thursday 7.00am to 9.00pm
- Friday and Saturday 7.00am to 10.00pm

Reason for condition

To ensure that non-residential use does not unreasonably impact on residential amenity.

PLN 7

There is no outdoor dining approved under this planning permit.

Reason for condition

To reduce the likelihood of any unreasonable impact upon the amenity of the adjacent residential property through noise emissions, and to ensure compliance with the non-residential use standards in the *Hobart Interim Planning Scheme 2015*.

PLN s1

The food services use must not have more than 12 seats for customers.

Reason for condition

To clarify the scope of the permit

PLN s2

The removal of hard waste (e.g. glasses and cans) to the garbage bins located outside the building is prohibited before 7.00am and after 8.00pm Monday to Friday and before 9.00am and after 8.00pm on weekends and public holidays.

Reason for condition

To avoid unreasonable impact on surrounding residential amenity through noise emissions that are unreasonable in their timing, duration or extent.

HER s2

The Bahr's shop sign on the front façade is to be retained in situ, conserved and repaired as necessary during works and subsequent uses.

Reason for condition

To ensure that demolition in whole or part of a heritage place does not result in the 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 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.

SPECIAL CONNECTION PERMIT

You may need a Special Connection Permit (Trade Waste) in accordance with the *Plumbing Regulations 2014* and the Tasmanian Plumbing Code. Click [here](#) for more information.

PUBLIC HEALTH

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

FOOD BUSINESS REGISTRATION

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

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. Click [here](#) for more information.

NOISE REGULATIONS

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

Delegation: Council

Item 7.2.3 was then taken

Mr Ben Jones (Representor) addressed the Committee in relation to item 7.2.2.

Mr Michael Kerr addressed the Committee in relation to item 7.2.2 on behalf of the applicant.

7.2.2 11 Cascade Road, South Hobart - Change of Use to Visitor Accommodation PLN-19-733 - File Ref: F20/4877

BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Manager Development Appraisal of 30 December 2019, be adopted, with an amended condition PLN 18 to read as follows:

“PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved, to the satisfaction of the Council's Director City Planning. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents in the adjacent dwellings and vicinity. These measures must include, but are not limited to, the following requirements:

1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
2. To specify the maximum permitted occupancy of the visitor accommodation as four (4) people.
3. To limit, manage, and mitigate behavioural issues caused as a result of the visitor accommodation.
4. To provide guests with detailed instructions about accessing the on site parking for 1 vehicle only, including the dimensions of the space (height, width, length) and that the guests are required to know beforehand if their vehicle, including items on a roof rack, will fit entirely within the space with the door closed.
5. To provide a map showing off site parking options for use only when the guest's vehicle will not fit in the on site parking space.
6. To specify no pets on site.
7. Fire places or internal wood heaters are to be rendered inoperable.
8. No smoking on the site.”

and an advice clause on water conservation to read as follows:

“ADVICE

The operator is encouraged to advise guests on the need to observe diligent water conservation practices due to the property being part of a strata scheme that includes 3 properties being subject to a single water meter.”

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Harvey
Briscoe	
Behrakis	
Dutta	

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for change of use for visitor accommodation at 11 Cascade Road, South Hobart for the reasons outlined in the officer's report attached to item 7.2.2 of the Open City Planning Committee agenda of 20 January 2020 and a permit containing the following conditions be issued:

GEN

The use must be substantially in accordance with the documents and drawings that comprise PLN-19-733 - 11 CASCADE ROAD SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved, to the satisfaction of the Council's Director City Planning. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents in the adjacent dwellings and vicinity. These measures must include, but are not limited to, the following requirements:

1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
2. To specify the maximum permitted occupancy of the visitor accommodation as four (4) people.
3. To limit, manage, and mitigate behavioural issues caused as a result of the visitor accommodation.

4. To provide guests with detailed instructions about accessing the on site parking for 1 vehicle only, including the dimensions of the space (height, width, length) and that the guests are required to know beforehand if their vehicle, including items on a roof rack, will fit entirely within the space with the door closed.
5. To provide a map showing off site parking options for use only when the guest's vehicle will not fit in the on site parking space.
6. To specify no pets on site.
7. Fire places or internal wood heaters are to be rendered inoperable.
8. No smoking on the site.

The operator must also provide details about waste management and cleaning of the premises.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation.

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

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.

STRATA AMENDMENT

You are advised to amend the strata plan pursuant to the provisions of the *Strata Titles Act 1998* to reflect the buildings on the site, and to show all floor areas. Click [here](#) for more information.

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover. Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable “bed and breakfast” parking permit.

ADVICE

The operator is encouraged to advise guests on the need to observe diligent water conservation practices due to the property being part of a strata scheme that includes 3 properties being subject to a single water meter.

Delegation: Committee

Item 7.1.1 was then taken

7.2.3 The Springs, Mount Wellington - New Building and Change from Temporary Food Services Use and Development to Permanent Food Services Use and Development PLN-19-856 - File Ref: F20/5025

HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Manager Development Appraisal of 8 January 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for new building and change from temporary food services use and development to permanent food services use and development at The Springs, Mount Wellington for the reasons outlined in the officer’s report attached to item 7.2.3 of the Open City Planning Committee agenda of 20 January 2020 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-19-856 - THE SPRINGS MOUNT WELLINGTON TAS 7054 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

The double swing doors at the end of the existing shipping container must remain closed at all times.

Reason for condition

To avoid damage to the bollards within the Council's road reserve.

ENV 14

Only locally-occurring native species may be used for the planter boxes unless the written consent of the planning authority is received.

Reason for condition

To minimise the spread of weeds.

ENV 15

All construction vehicles and machinery must be effectively cleaned of soil both before entering Wellington Park.

Soil cleaned from construction vehicles and machinery must not be allowed, either directly or indirectly, to enter waterways or the Council's stormwater system.

Note: Further information on effective measures for washdown can be found [here](#).

Reason for condition

To minimise the spread of weeds and pathogens

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.

OPS s1

There must be no damage to roots within the Structural Root Zone of the yellow gums (*Eucalyptus johnstonii*) to be retained, as it could lead to public safety issues. If any roots over 40 mm in diameter within the Tree Protection Zone are encountered during excavation work, work must stop immediately. Work must not recommence until a stand-over arborist is present. The arborist must advise on how the works can proceed without having a significant impact upon any Root Zones of retained trees. If a significant impact is likely, works must not proceed without further approval from the Program Leader Arboriculture and Nursery at the City of Hobart.

No excavation is to occur beyond the proposed footprint of the new container. Excavation within the footprint of the new container is to be the minimum necessary to level the container. Back-filling with fine crushed rock between the sleepers is required.

The Protection of Trees on Development Sites Australian Standard AS 4970-2009 is to be followed during works.

Reason for condition

Protection of public safety and natural values within Wellington Park.

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.

PUBLIC HEALTH

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

FOOD BUSINESS REGISTRATION

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

Delegation: Council

8. REPORTS

8.1 City Planning - Advertising Report File Ref: F20/5223

BRISCOE

That the recommendation contained in the memorandum of the Director City Planning of 15 January 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	

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: F20/4500

BRISCOE

That the recommendation contained in the memorandum of the Director City Planning of 14 January 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	

COMMITTEE RESOLUTION:

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

Delegation: Committee

9. QUESTIONS WITHOUT NOTICE

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

9.1 Councillor Dutta - Cable Car Development Application - Update
File Ref: 13-1-10

Question: Can the Director provide an update to the current status of the Cable Car development application?

Answer: The Director advised that a memorandum was placed on the Hub on Friday 17 January 2020 for the information of Elected Members.

A meeting was convened with the proponent on Monday 20 January 2020 where points of clarification were outlined to a number of issues not satisfied on the response provided by the proponent on the 6 January 2020.

9.2 Alderman Behrakis - Tolmans Hill Local Area Plan - Flora
File Ref: 13-1-10

Question: Can the Director advise the flammability of the trees and species listed on the Tolmans Hill Local Area Plan?

Was the approved list subject to consultation with the Tasmania Fire Service?

When was the last review of the approved list carried out?

Answer: The Director City Planning took the question on notice.

10. 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;
- Questions Without Notice in the Closed Portion; and
- Possible future legal action that may be taken, or may involve, the Council.

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

Supplementary Item

- Item No. 5 City Acting as Planning Authority
9 Star Street Sandy Bay Tas 7005 & Adjacent Road Reserve -
Appeal - Mediation - PLN-18-721
LG(MP)R 15(4)(b)

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	

Delegation: Committee

There being no further business the open portion of the meeting closed at 6:02 pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
3RD DAY OF FEBRUARY 2020.

CHAIRMAN