



CITY OF HOBART

MINUTES

OPEN PORTION OF THE SPECIAL COUNCIL MEETING
TUESDAY, 27 JULY 2021
AT 5:00 PM
COUNCIL CHAMBER, TOWN HALL

This special meeting of the Council was conducted in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.



ORDER OF BUSINESS

PRESENT, APOLOGIES AND LEAVE OF ABSENCE

1. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST 3
2. COUNCIL ACTING AS PLANNING AUTHORITY 6
 - 2.1. APPLICATIONS UNDER THE HOBART INTERIM PLANNING
SCHEME 20156
 - 2.1.1 100 Pinnacle Road, Mount Wellington and 30 McRobies
Road, South Hobart and Adjacent Road Reserve 6

PRESENT:

The Lord Mayor Councillor A M Reynolds, the Deputy Lord Mayor Councillor H Burnet, Aldermen M Zucco, J R Briscoe, Dr P T Sexton, D C Thomas, Councillor W F Harvey, Alderman S Behrakis, Councillors M S C Dutta, J Ewin, Dr Z E Sherlock and W N S Coats.

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

Nil.

Alderman Behrakis left the meeting at 5.52pm, returning at 5.54pm.

Councillor Ewin left the meeting at 9.46pm, returning at 9.51pm.

1. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

Elected members 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 Council has resolved to deal with.

No interest was indicated.

SUSPEND REGULATIONS

BURNET
BRISCOE

In accordance with regulation 22(9) of the *Local Government (Meetings Procedures) Regulations 2015*, the operation of r22, be suspended.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock
Coats

DEPUTATIONS IN RELATION TO ITEM 2.1.1

The following representors addressed the meeting in relation to item 2.2.1:

Residents Opposed to the Cable Car Inc. represented by Mr Vica Bayley, Mr Ted Cutlan and Ms Jen Woodward

Hobart Cable Car Supporters represented by Mr Tony Donaghy, Mr Paul Reece, Mr Matthew Goldsmith, Mr Robert Otto and Ms Julie Lawless

Residents of Old Farm represented by Mr Karl Rollings, Ms Annie Philips and Mr Phil Stigant

Mr Graham Murray and Ms Louise Elliot

Tasmanian University Mountaineering Club represented by Mr Alex Lawson and Mr Fraser Labine-Romain

The South Hobart Progress Association Inc. represented by Mr David Day, Phillip Hoysted, Mr David Halse Rogers, Ms Rosemary Sandford and Ms Elisabeth Rees

Hobart Wheelers Dirt Devils Cycling Club represented by Mr Mark Johnston

Tasmanian Conservation Trust represented by Mr Peter McGlone

Residents of McRobies Road represented by Ms Susie Watson, Mr Stuart McAdam and Mr Adam D'Andrea

Respect the Mountain No Cable Car represented by Mr Jarrah Vercoe, Mr Ben Jones and Ms Bronwyn Scanlon

Climbers Club of Tasmania represented by Mr Hamish Jackson and Jon Nermut






Australian Institute of Landscape Architects represented by Mr Don Thomson and Mr Jerry de Gryse

Tasmanian Aboriginal Centre represented by Ms Sharnie Reid

Aboriginal Heritage Tasmania represented by Ms Zoe Rimmer and Mr Rob Anders

The Mount Wellington Cableway Company (applicant), represented by Mr Chris Oldfield, Mr Adrian Bold and Ms Irene Duckett of Irene Inc. then addressed the meeting

Attachments

- A Deputation 3 - Old Farm Road Group ⇒ 
- B Deputation 6 - South Hobart Progress Association ⇒ 
- C Deputation 7 - Hobart Wheelers Dirst Devils Cycling Club ⇒ 
- D Deputation 10 - Respect the Mountain ⇒ 
- E Deputation 11 - Climbers Club of Tasmania ⇒ 

RESUME REGULATIONS

ZUCCO
BURNET

In accordance with regulation 22(9) of the *Local Government (Meetings Procedures) Regulations 2015*, the operation of r22, be resumed.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	
Coats	

2. COUNCIL 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 Council 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 Council will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Council is reminded that in order to comply with Regulation 25(2), the Chief Executive Officer 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.

2.0. APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

2.1.1 100 Pinnacle Road, Mount Wellington and 30 McRobies Road, South Hobart and Adjacent Road Reserve PLN-19-345 - File Ref: F21/57583

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for a cableway and associated facilities, infrastructure and work at 100 Pinnacle Road, 30 McRobies Road & Adjacent Road Reserve for the following reasons:

1. The proposed Transport Depot and Distribution use (the cableway) is not consistent with the values of Wellington Park identified in section 8.2 and section S2.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) in that it will diminish the Park's tourism, recreational, cultural and landscape values as a result of its scale, mechanisation and emissions.
2. The proposed Food Services use is not consistent with the values of Wellington Park identified in section 8.2 and section S2.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) in that it will diminish the Park's tourism, recreational and landscape values as a result of its scale, nature and intensity.

3. The proposal does not meet the acceptable solution or performance criterion with respect to clause 28.3.1, A1 or P1 of the *Hobart Interim Planning Scheme 2015* as the proposed hours of operation will have an unreasonable impact on the residential amenity of land in the residential zones as a result of noise and other emissions.
4. The proposal does not meet the acceptable solution or performance criterion with respect to clause 28.3.2, A1 or P1 of the *Hobart Interim Planning Scheme 2015* as the proposed noise emissions have the potential to cause environmental harm within the Environmental Living and General Residential zones on McRobies Road.
5. The proposal does not meet the acceptable solution or performance criterion with respect to clause E5.6.4, A1 or P1 of the *Hobart Interim Planning Scheme 2015* as the proposed sight distances for the access road on to McRobies Road is inadequate and does not ensure safe movement of vehicles entering the existing roundabout.
6. The proposal does not meet the acceptable solution with respect to clause E7.7.1 A3 as the stormwater from the pinnacle centre will be primarily drained to ground and in a storm event the flows will be greater than pre-existing runoff and there is no corresponding performance criterion.
7. The proposal does not meet the acceptable solution or performance criteria with respect to clause E10.7.1, A1 or P1 of the *Hobart Interim Planning Scheme 2015* as the proposed access road from McRobies Road to the boundary of Wellington Park involves the removal of high priority biodiversity values and the mitigation strategies and management measures to retain and improve the remaining high priority biodiversity values are not sufficient as required by subclause (c)(iii).
8. The proposal does not meet the acceptable solution or performance criteria with respect to clause E10.7.1, A1 or P1 of the *Hobart Interim Planning Scheme 2015* as the proposed access road from McRobies Road to the boundary of Wellington Park involves the removal of high priority biodiversity values and special circumstances have not been demonstrated as required by subclause (c)(iv).
9. The proposal does not meet the acceptable solution or performance criteria with respect to section 8.5.7, Issue 2, P2.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the proposal,

due to the clearance associated with the base station, associated bushfire hazard areas and towers 1 and 2, does not avoid or sufficiently remedy the loss of swift parrot habitat values and therefore results in a long-term impact on vegetation values.

10. The proposal does not meet the acceptable solution or performance criteria with respect to section 8.5.7, Issue 2, P2.2 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the proposal, due to the clearance associated with the base station, associated bushfire hazard areas and towers 1 and 2, does not avoid or sufficiently remedy the loss of swift parrot habitat values and therefore results in a long-term impact on vegetation values.
11. The proposal does not meet the acceptable solution or performance criteria with respect to section 8.5.7, Issue 2, P2.3 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the proposal does not avoid or sufficiently remedy adverse impacts on the geoheritage values of geoconservation sites: Organ Pipes Columnar Jointing and Wellington Range Periglacial Terrain as listed under the Tasmanian Geoconservation Database.
12. The proposal does not meet the acceptable solution or performance criteria with respect to section 8.5.7, Issue 5, P5.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the proposal is not designed and sited to minimise or remedy the loss of visual values and impacts on visual character of the affected area that arise from the proposed cableway (including towers).
13. The proposal does not meet the acceptable solution or performance criteria with respect to section 8.5.7, Issue 5, P5.2 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the proposal does not harmonise with the visual landscape and natural qualities of the site in terms of appearance and proportions.
14. The proposal does not meet the acceptable solution or performance criteria with respect to section 8.5.7, Issue 6, P6.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the proposal will generate noise emissions that will have an adverse effect on the quiet enjoyment of the natural and cultural values of kunanyi/Mount Wellington and which are insufficiently remedied.

15. The proposal does not meet the acceptable solution or performance criteria with respect to section S2.6, Issue 2, P2.3 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the proposal does not avoid or sufficiently remedy adverse impacts on the geoheritage values of geoconservation sites: Organ Pipes Columnar Jointing and Wellington Range Periglacial Terrain as listed under the Tasmanian Geoconservation Database.
16. The proposal does not meet the acceptable solution or performance criteria with respect to section S2.6, Issue 5, P5.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the proposal does not sufficiently mitigate or remedy the loss of visual values and impacts on visual character of the affected area that arise from the proposed pinnacle centre.
17. The proposal does not meet the acceptable solution or performance criteria with respect to section S2.6, Issue 6, P6.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the proposal is not supported by a geotechnical land instability report that sufficiently considers all risks to life and property that will be triggered by the development of the pinnacle centre.
18. The proposal does not meet the acceptable solution or performance criteria with respect to section S2.6, Issue 9, P9.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the pinnacle centre will visually intrude into the landscape in relation to local and natural features and views from the Pinnacle area and elsewhere in the Park.
19. The proposal does not meet the acceptable solution or performance criteria with respect to section S2.6, Issue 9, P9.2 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the pinnacle centre will cause visual intrusion.
20. The proposal does not meet the acceptable solution or performance criteria with respect to section S2.6, Issue 10, P10.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the pinnacle centre will diminish the values of the site and has not been designed or sited sufficiently to remedy or mitigate the loss of visual values.

21. The proposal does not meet the acceptable solution or performance criteria with respect to section S2.6, Issue 11, P11.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the proposal will generate noise emissions that will have an adverse effect on the quiet enjoyment of the natural and cultural values of kunanyi/Mount Wellington and which are insufficiently remedied.

BURNET
HARVEY

That the recommendation be adopted.

BRISCOE
THOMAS

That Deputy Lord Mayor Burnet be granted an additional 3 minutes to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	
Coats	

BURNET
SHERLOCK

That Alderman Briscoe be granted an additional 3 minutes to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock
Coats

ZUCCO
BEHRAKIS

That each elected member be granted an additional 3 minutes to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock
Coats

PROCEDURAL MOTION

BEHRAKIS
COATS

That the matter be deferred.

PROCEDURAL MOTION LOST

VOTING RECORD

AYES	NOES
Zucco	Lord Mayor Reynolds
Behrakis	Deputy Lord Mayor Burnet
Coats	Briscoe
	Sexton
	Thomas
	Harvey
	Dutta
	Ewin
	Sherlock

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	Behrakis
Briscoe	Coats
Sexton	
Thomas	
Harvey	
Dutta	
Ewin	
Sherlock	

COUNCIL RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for a cableway and associated facilities, infrastructure and work at 100 Pinnacle Road, 30 McRobies Road & Adjacent Road Reserve for the following reasons:

1. The proposed Transport Depot and Distribution use (the cableway) is not consistent with the values of Wellington Park identified in section 8.2 and section S2.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) in that it will diminish the Park's tourism, recreational, cultural and landscape values as a result of its scale, mechanisation and emissions.
2. The proposed Food Services use is not consistent with the values of Wellington Park identified in section 8.2 and section S2.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) in that it will diminish the Park's tourism, recreational and landscape values as a result of its scale, nature and intensity.
3. The proposal does not meet the acceptable solution or performance criterion with respect to clause 28.3.1, A1 or P1 of the *Hobart Interim Planning Scheme 2015* as the proposed hours of operation will have an unreasonable impact on the residential amenity of land in the residential zones as a result of noise and other emissions.
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6. The proposal does not meet the acceptable solution with respect to clause E7.7.1 A3 as the stormwater from the pinnacle centre will be primarily drained to ground and in a storm event the flows will be greater than pre-existing runoff and there is no corresponding performance criterion.

7. The proposal does not meet the acceptable solution or performance criteria with respect to clause E10.7.1, A1 or P1 of the *Hobart Interim Planning Scheme 2015* as the proposed access road from McRobies Road to the boundary of Wellington Park involves the removal of high priority biodiversity values and the mitigation strategies and management measures to retain and improve the remaining high priority biodiversity values are not sufficient as required by subclause (c)(iii).
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10. The proposal does not meet the acceptable solution or performance criteria with respect to section 8.5.7, Issue 2, P2.2 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the proposal, due to the clearance associated with the base station, associated bushfire hazard areas and towers 1 and 2, does not avoid or sufficiently remedy the loss of swift parrot habitat values and therefore results in a long-term impact on vegetation values.
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13. The proposal does not meet the acceptable solution or performance criteria with respect to section 8.5.7, Issue 5, P5.2 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the proposal does not harmonise with the visual landscape and natural qualities of the site in terms of appearance and proportions.
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18. The proposal does not meet the acceptable solution or performance criteria with respect to section S2.6, Issue 9, P9.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the pinnacle

centre will visually intrude into the landscape in relation to local and natural features and views from the Pinnacle area and elsewhere in the Park.

19. The proposal does not meet the acceptable solution or performance criteria with respect to section S2.6, Issue 9, P9.2 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the pinnacle centre will cause visual intrusion.
20. The proposal does not meet the acceptable solution or performance criteria with respect to section S2.6, Issue 10, P10.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the pinnacle centre will diminish the values of the site and has not been designed or sited sufficiently to remedy or mitigate the loss of visual values.
21. The proposal does not meet the acceptable solution or performance criteria with respect to section S2.6, Issue 11, P11.1 of the *Wellington Park Management Plan 2013* (as amended October 2015) as the proposal will generate noise emissions that will have an adverse effect on the quiet enjoyment of the natural and cultural values of kunanyi/Mount Wellington and which are insufficiently remedied.

The Chairman adjourned the meeting at 7.39pm for a comfort break.

The meeting was reconvened at 7.47pm.

The Chairman adjourned the meeting at 8.39pm for a meal break.

The meeting was reconvened at 9.00pm.

There being no further business the meeting closed at 10.33pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
9TH DAY OF AUGUST 2021.

CHAIRMAN