



CITY OF HOBART

# **MINUTES**

## **City Planning Committee Meeting**

**Open Portion**

**Monday, 9 May 2022 at 5:00pm**

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## ORDER OF BUSINESS

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**APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME  
1997**

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DRAFT

**City Planning Committee Meeting (Open Portion) held on Monday, 9 May 2022 at 5:00 pm in the Council Chamber, Town Hall.**

**This meeting of the City Planning Committee is held 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*.**

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

**COMMITTEE MEMBERS**

Deputy Lord Mayor Councillor H Burnet  
(Chairman)  
Alderman J R Briscoe  
Councillor W F Harvey  
Alderman S Behrakis  
Councillor M Dutta  
Councillor W Coats

**NON-MEMBERS**

Lord Mayor Councillor A M Reynolds  
Alderman M Zucco  
Alderman Dr P T Sexton  
Alderman D C Thomas  
Councillor J Fox  
Councillor Dr Z Sherlock

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

**APOLOGIES:** Nil.

**LEAVE OF ABSENCE:**  
Councillor W N S Coats

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

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No Elected Members were co-opted to the Committee.

**2. CONFIRMATION OF MINUTES**

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DUTTA

The minutes of the Open Portion of the City Planning Committee meeting held on [Tuesday, 26 April 2022](#), 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*.

BRISCOE

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	

**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

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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 Chief Executive Officer 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.

BEHRAKIS

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

NOES

Behrakis  
Dutta

DRAFT

## **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 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.

### **7.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997**

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Mr Tony Wright addressed the Committee in relation to item 7.1.1.

#### **7.1.1 17 McVilly Drive, 13 McVilly Drive, 20 McVilly Drive, 1 McVilly Drive, 10 Evans Street and Adjacent Crown Land Hobart - Partial Demolition, Extension, Alterations and Associated Works for Partial Change of Use to Light Industry (Whisky Distillery, Eating Establishment Function Centre, Hotel and Shop PLN-21-734 - File Ref: F22/39311**

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#### **BEHRAKIS**

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 28 April 2022, be adopted as amended by a revised condition HER s4 to read as follows:

*“HER s4*

*An interpretation strategy must be prepared by a suitably qualified person to interpret the place's historic cultural heritage significance.*

*The strategy must be submitted and approved by Council within 3 months of first use and must provide recommendations and details of interpretation in publicly accessible locations. The interpretation strategy and interpretation must include information regarding (but not limited to) the site's history, occupants, relevant photographs or illustrations and relate to all submitted and approved heritage and conservation documents.*

*The interpretation must be installed within 6 months of first use.”*



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 partial demolition, extension, alterations and associated works for partial change of use to light industry (whisky distillery), eating establishment, function centre, hotel and shop, at 17 McVilly Drive, 13 McVilly Drive, 20 McVilly Drive, 1 McVilly Drive, 10 Evans Street and adjacent crown land, Hobart 7000 for the reasons outlined in the officer's report 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-21-734 - 17 MCVILLY DRIVE 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 2022/00206-HCC dated 23/02/2022 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: 6828 dated 20 April 2022, 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 tr1

Traffic management within the access driveway, circulation roadway and parking module (parking spaces and aisles) must be installed prior to the commencement of the use.

Traffic management design drawing(s) (including signage and line marking), must be submitted and approved as a Condition Endorsement, prior to commencement of the use. The design drawing(s) must include (but not be limited to):

1. Be prepared by a suitably qualified person;
2. Signage indicating the construction zone;

3. Pedestrian safety bollards where necessary;
4. Delineation of pedestrian pathways along the shared vehicular circulation roadway (including access to both tenancies off of the circulation roadway); and
5. Traffic calming devices within the car park circulating area to ensure that traffic speeds are low for vehicles circulating within the car park.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

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

ENG tr2

A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved as a Condition Endorsement, prior to commencement work (including demolition). The construction traffic and parking management plan must:

1. Be prepared by a suitably qualified person.
2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.
3. Include a start date and finish dates of various stages of works.

4. Include times that trucks and other traffic associated with the works will be allowed to operate.
5. Nominate a superintendent, or the like, to be responsible for the implementation of the approved traffic management plan and available as a direct contact to Council and/or members of the community regarding day to day construction traffic operations at the site, including any immediate traffic issues or hazards that may arise.

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management plan.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

To ensure the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 4

The access driveway, access to the building and parking module for the disabled parking spaces 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 first occupation / commencement of use.

Reason for condition

To ensure DDA users can safely navigate the car park and access ramps.

ENG 5

A maximum of one (1) bus parking space is allowed on site at any one time. The number of visitor car parking spaces approved to be used on the site is zero (0).

The number of staff car parking spaces approved to be used on the site is zero (0) during hours that are open to the public.

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

ENG 7

The twelve (12) visitor bicycle parking spaces approved must be constructed in accordance with the Australian Standards AS/NZS 2890.1:2004 prior to first occupation or commencement of use.

Reason for condition

To ensure safe and efficient parking adequate to provide for the use.

ENG 9

Three (3) parking spaces for people with disabilities are approved under this application. All car parking spaces for people with disabilities must be delineated to Australian/NZS Standard, Parking facilities Part 6: Off-street parking for people with disabilities AS/NZS 2890.6: 2009, prior to the commencement of the use.

Reason for condition

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

ENG 1

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 2

An approved Demolition and Construction Environmental Management Plan must be implemented.

Prior to the commencement of works, a Demolition and Construction Environmental Management Plan must be submitted and approved. The Demolition and Construction Environmental Management Plan must:

- Detail the proposed demolition and construction methodology (particularly where works may have environmental impacts);
- Identify all potential environmental impacts associated with the works including (as relevant) noise, odours, air pollution (including dust), water pollution, land contamination, erosion, land instability, changes to hydrology, habitat degradation and impacts upon flora and fauna; and
- include measures to adequately avoid or mitigate all identified environmental risks.

Particular attention must be given to minimising the risk of airborne emissions and water pollution (including sediment transfer).

If works are to be staged (e.g. demolition stage and construction stage), the plan may also be staged and address only those works associated with the stage about to commence.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

To minimise the potential for environmental impacts from the demolition and construction works.

ENV s1

Prior to commencement of the use, an assessment of the sewage pumping station must be conducted by a suitably qualified person to determine if the pumping station will meet best-practice environmental management objectives and targets as specified in the *Sewage Pumping Station Environmental Guidelines* (EPA, October 2019).

If the assessment determines that the pumping station will not meet best-practice environmental management objectives and targets, the station must be upgraded to achieve the objectives and targets, based on the advice of a suitably qualified person.

Any required upgrading of the sewage pumping station must be completed prior to commencement of the use.

Reason for condition

To minimise the risk of environmental harm.

ENV s2

The production hall and external yard must be designed and constructed to ensure that leaks, spills, stormwater, process water, washdown water and cleaning effluent cannot directly enter the stormwater system or the River Derwent.

Reason for condition

To minimise the risk of environmental harm.

ENV s3

Litter baskets must be installed on all new stormwater pits, all existing pits being retained, and upstream of the discharge point, prior to commencement of the use.

Reason for condition

To minimise the risk of environmental harm.

HER 7

Archival quality annotated photographs and drawings of the building and features to be demolished must be undertaken prior to commencement of work.

The photographs and drawings must be submitted and approved as a Condition Endorsement, prior to the commencement of work. The photographs and drawings must include:

1. Each elevation of the building;
2. The interior of the building;
3. Architectural design detailing of the building;
4. Electronic colour images;
5. Photographs of any detail that may be of historical or architectural interest; and
6. Cross referencing of all photographs to "as existing" plan showing the location and orientation of the camera.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

To ensure recognition of the historic cultural heritage significance of the place.



HER 20

A revised landscaping plan must be submitted that retains the scale and form of the tennis court in accordance with the site guidelines of the 1995 Conservation Management Plan (p.67)

Prior to the approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement in accordance with the above requirement.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

HER s3

Additional documentation must be submitted regarding the proposed relocation of Building 4 and include all conservation, maintenance, preservation, restoration and reconstruction measure in accordance with the 1995 Conservation Management Plan (p.69) and ensure its cultural heritage values are enhanced.

Prior to the approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing the relocation and all works in accordance with the above requirement.

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

#### Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

#### HER s4

An interpretation strategy must be prepared by a suitably qualified person to interpret the place's historic cultural heritage significance.

The strategy must be submitted and approved by Council within 3 months of first use and must provide recommendations and details of interpretation in publicly accessible locations. The interpretation strategy and interpretation must include information regarding (but not limited to) the site's history, occupants, relevant photographs or illustrations and relate to all submitted and approved heritage and conservation documents.

The interpretation must be installed within 6 months of first use.

#### Reason for condition

To ensure the proposal is in compliance with the conservation strategy of Conservation Management Plan documents.

#### OPS s1

The developer is to liaise with the City of Hobart in the design of the new pedestrian path and lighting between the rail line bridge and the pedestrian entrance to the site. A Public Spaces By-law permit will be required for construction of the new path. The permit application to undertake works in a public space can be found here.

#### Reason for condition

To ensure public safety and maintain public 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.

#### CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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.

#### 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.

## 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.

## HERITAGE

It is recommended that the trees (shown on drawings DA0011, rev 5; DA0052 rev 5) to be removed are retained.

It is recommended that revised plans be prepared to ensure that the rail bridge connectivity via a pathway shown on drawing DA0012 rev 5 takes into account the approved siting of the adjacent new building for Museum (Tram Depot and Display Facility) PLN-20-182 at 20 McVilly Drive.

**Delegation: Council**

## **7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015**

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### **7.2.1 19 Beach Road, Sandy Bay - Alterations PLN-21-704 - File Ref: F22/39228**

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#### BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 27 April 2022, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES  
Deputy Lord Mayor Burnet  
Briscoe

NOES

Harvey  
Behrakis  
Dutta

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for alterations, at 19 Beach Road, Sandy Bay 7005 for the reasons outlined in the officer's report 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-21-704 - 19 BEACH ROAD SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

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).

All works under this permit must occur within the boundaries of the site (CT 156268/1001)

*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.

## 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.

### COUNCIL RESERVES

A Public Spaces By-law permit will be required for excavation of the existing stormwater pipe/s and installation of the new stormwater sediment pit. Information about these permits, and the application form to undertake works in a public space, can be found [here](#).

## 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 1 Powell Steet, Sandy Bay - Partial Demolition, Alterations and Extension PLN-22-134 - File Ref: F22/39239

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DUTTA

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 27 April 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta

NOES

### COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for partial demolition, alterations, and extension at 1 Powell Street Sandy Bay TAS 7005 for the reasons outlined in the officer's report 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-22-134 - 1 POWELL STREET SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

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 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.

## PLANNING

You are advised to undertake the construction works in a manner which keeps Powell Street free and unobstructed for residents and visitors.

## STORMWATER

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

## FEEES 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 Committee

### **7.2.3 3/180-184 Bathurst Street, Hobart - Change of Use to Visitor Accommodation PLN-22-130 - File Ref: F22/40692**

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## BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 2 May 2022, be adopted.

MOTION CARRIED

### VOTING RECORD

#### AYES

Briscoe  
Behrakis  
Dutta

#### NOES

Deputy Lord Mayor Burnet  
Harvey

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a change of use to visitor accommodation, at 3/180-184 Bathurst Street, Hobart 7000 for the reasons outlined in the officer's report 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-22-130 - 3 180-184 BATHURST STREET HOBART TAS 7000 - 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 as a Condition Endorsement, to the satisfaction of the Council's Director City Life. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents. 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 limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.
3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.
4. To specify the maximum permitted occupancy of the visitor accommodation.
5. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

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. The VAMP must be provided to

adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 5. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

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.

#### NOISE REGULATIONS

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

#### FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

#### 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.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information, or call our Environmental Health team on 6238 2711.

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.

**Delegation: Council**

Supplementary item 11 was then taken.

## **8. REPORTS**

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### **8.1 Regional Strategy - Adapting to a Changing Coastline in Tasmania File Ref: F22/36341**

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BRISCOE

That the recommendation contained in the report of the Senior Climate Change Officer and the Director City Life of 4 May 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta

#### **COMMITTEE RESOLUTION:**

- That:
1. The Council endorse the Southern Tasmanian Councils Authority’s ‘Regional Strategy – Adapting to a changing coastline in Tasmania’ marked as Attachments A and B to item 8.1 of the Open City Planning Committee agenda of 9 May 2022 and advise the Southern Tasmanian Councils Association of its resolution; and
  2. The Council apply the Strategy’s coastal management principles to the development of a series of integrated hazard management plans for Hobart’s coastal and riverine catchments

**Delegation: Council**

**8.2 Significant Tree Nomination - Public Walkway between Beaumont Road and Ruth Drive, Lenah Valley**  
**File Ref: F22/6290**

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BRISCOE

That the recommendation contained in the report of the Manager City Futures and the Director City Life of 28 April 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe  
Harvey  
Behrakis  
Dutta

NOES

Deputy Lord Mayor Burnet

**COMMITTEE RESOLUTION:**

That the nominated tree at the public walkway between Beaumont Road and Ruth Drive, Lenah Valley not be listed as a significant tree in the Significant Tree Register, and the Significant Tree Code of the *Hobart Interim Planning Scheme 2015*.

**Delegation Council**

**8.3 City Planning - Advertising Report**  
**File Ref: F22/37428**

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BEHRAKIS

That the recommendation contained in the memorandum of the Director City Life of 27 April 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta

NOES

**COMMITTEE RESOLUTION:**

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

**Delegation: Committee**

**8.4 Delegated Decision Report (Planning)  
File Ref: F22/39518**

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BRISCOE

That the recommendation contained in the memorandum of the Director City Life of 2 May 2022, 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 Decision Report (Planning)* - be received and noted.

**Delegation: Committee**

**9. QUESTIONS WITHOUT NOTICE**

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

**9.1 Alderman Behrakis - Short Stay Accommodation - Calling in Application  
File Ref: 13-1-10**

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Question: Can the Director advise which elected member called in the short stay accommodation application appearing on tonight's agenda?

Answer: The Director City Life advised that the Deputy Lord Mayor called in the application.

**9.2 Alderman Behrakis - 30 Year Greater Hobart Plan**  
**File Ref: 13-1-10**

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Question: Can the Director advise what involvement the Council has had in the drafting of the document. Before the document was signed off by the Lord Mayor what actual input into the contents was provided by elected members?

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

**9.3 Alderman Briscoe - Development Applications - Calling In**  
**File Ref: 13-1-10**

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Question: Can the Director advise how much extra work is required from officers when applications are called in?

Answer: The Director advised a full report is always written in the same format for development applications, the additional work would be managing the report as a committee item which would require additional steps in the process.

**9.4 Alderman Briscoe - Development Applications - Calling In - Timeframes**  
**File Ref: 13-1-10**

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Question: Can the Director advise if an application can be called in even if the applicant has not granted an extension of time?

Answer: The Director advised it would not be possible to call in an application if the applicant did not provide an extension of time. The matter would be determined under delegation.

**9.5 Deputy Lord Mayor Burnet - Short Stay Accommodation - Scheme Amendment**  
**File Ref: 13-1-10**

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Question: Can the Director advise how many submissions have been received on the Short Stay Accommodation planning scheme amendment?

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



**9.6 Deputy Lord Mayor Burnet - Short Stay Accommodation - Under Delegation**  
**File Ref: 13-1-10**

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Question: Can the Manager Development Appraisal advise why a Short Stay application with representations was not able to be submitted to the Committee for determination within the specified timeframe?

Answer: The Manager Development Appraisal advised there were 2 applications due to expire before they could be determined by the Council. One with 2 representations and the other with 6 and in this circumstance the applicants were requested for an extension of time but this was refused. In order to negate possible action that could include costs through the Tribunal the matters were dealt with under delegation.

**9.7 Alderman Briscoe - Short Stay Accommodation - Call In**  
**File Ref: 13-1-10**

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Question: Can the Director advise if there has been a blanket call in of all Short Stay Accommodation development applications?

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

**9.8 Alderman Briscoe - Short Stay Accommodation - Appeals**  
**File Ref: 13-1-10**

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Question: Can the Director advise how many appeals the Council has lost to do with Short Stay Accommodation, where the officers have recommended approval?

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

## 10. CLOSED PORTION OF THE MEETING

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BEHRAKIS

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:

- Confirm the minutes of the Closed portion of the meeting
- Questions without notice on the Closed portion
- Planning Appeal

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     | Planning Authority Items – Consideration of Items with Deputations  |
| Item No. 5     | City Acting as Planning Authority   |
| Item No. 5.1   | Applications under the Hobart Interim Planning Scheme 2015  |
| Item No. 5.1.1 | PLN-21-782 1/4 Sunvale Avenue, Sandy Bay - Partial Change of Use to Visitor Accommodation<br>LG(MP)R 15(4)(a) |
| Item No. 6     | Questions Without Notice  |

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta

NOES

**Delegation: Committee**

## SUPPLEMENTARY ITEM

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### APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

#### 11 20 McVilly Drive, Hobart - Signage PLN-22-196 - File Ref: F22/41861

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BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Manager Development Appraisal of 6 May 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta

NOES

#### COMMITTEE RESOLUTION:

That pursuant to the *Sullivan's Cove Planning Scheme 1997*, the Council approve the application for signage, at 20 McVilly Drive, Hobart 7000 for the reasons outlined in the officer's report 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-22-196 - 20 MCVILLY DRIVE HOBART TAS 7000 -Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

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 a road closure permit for construction or special event. 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.

#### COUNCIL RESERVES

A Public Spaces By-law permit will be required for installation of the paintings on the Inter City Cycle way within Hobart municipality. Information about these permits, and the application form to undertake works in a public space, can be found [here](#).

#### WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially contaminated soil, water, dust and vapours. Click [here](#) for more information.

**Delegation: Council**

Item 8.1 was then taken.

There being no further business the Open portion of the meeting closed at 6.01pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
23<sup>RD</sup> DAY OF MAY 2022.

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**CHAIRMAN**