



CITY OF HOBART

MINUTES

City Planning Committee Meeting

Open Portion

Monday, 8 August 2022 at 5:00pm

ORDER OF BUSINESS

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City Planning Committee Meeting (Open Portion) held on Monday, 8 August 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 31 March 2022 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 Councillors M Dutta and W Coats.

Councillor Dutta retired from the meeting at 5.51pm and was not present for items 8.3 to 11 inclusive.

APOLOGIES: Nil.

LEAVE OF ABSENCE: Nil.

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

No elected members were co-opted to the Committee.

2. CONFIRMATION OF MINUTES

DUTTA

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 25 July 2022](#) and the Special City Planning Committee meeting held on [Monday, 1 August 2022](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

NOES

The minutes were signed.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

Recommendation

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

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 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	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

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 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.

Item 7.1.2 was then taken.

7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.1.1 369 Huon Road, South Hobart - Partial Demolition, Alterations and Swimming Pool PLN-22-124 - File Ref: F22/76971

PROCEDURAL MOTION

BRISCOE

That the item be deferred to allow further consultation with the applicant to consider a glass top to the side wall of the pool.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

COMMITTEE RESOLUTION:

That the item be deferred to allow further consultation with the applicant to consider a glass top to the side wall of the pool.

Delegation: Committee

Item 7.1.3 was then taken

Mr Daniel de Groot (Representor) and Mr Ross Graham (Owner) addressed the Committee in relation to item 7.1.2.

7.1.2 393 Huon Road, South Hobart - Partial Demolition, Alterations and Extension
PLN-22-63 - File Ref: F22/76964

HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 26 July 2022, be adopted, as amended by the addition of the following advice clause:

“Advice

The applicant is encouraged to install some screening for the new window in the south–eastern side of the extension.”

MOTION CARRIED

VOTING RECORD

AYES

Briscoe
Harvey
Behrakis
Dutta
Coats

NOES

Deputy Lord Mayor Burnet

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 393 Huon Road South Hobart 7004 for the reasons outlined in the officer’s report attached to item 7.1.2 of the Open City Planning Committee agenda of 8 August 2022 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-22-63 - 393 HUON ROAD SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw4

The new stormwater connection must be constructed and existing abandoned connections sealed by the Council at the owner's expense, prior to the first occupation.

Detailed engineering drawings must be submitted and approved as part of an application for a new stormwater connection, prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first). The detailed engineering drawings must include:

1. the location of the proposed connection;
2. the size of the connection appropriate to satisfy the needs of the development; and
3. the long section of the drainage system to address the proposed charge system works properly with the designed driving head.

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings.

Advice:

The applicant is advised to submit detailed design drawings via the Council's City Life Division's [application for a new stormwater connection](#). If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to submit an application for a new stormwater connection with the Council's City Life Division.

Where building / plumbing approval is also required, it is recommended that documentation to satisfy this condition is submitted well before submitting documentation for building/plumbing approval. Failure to address planning condition requirements prior to submitting for building/plumbing approval may result in unexpected delays.

Reason for condition

To ensure the site is drained adequately.

ENG 5

The number of car parking spaces approved to be used on the site is number two (2).

Reason for condition

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

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 applicant is encouraged to install some screening for the new window in the south-eastern side of the extension.

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.

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.

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.

Attachments

A Ross Graham - Deputation Supporting Information - 393 Huon Road ⇨ 

Delegation: Committee

7.1.3 2/31 Poets Road, West Hobart and Common Land of Parent Title - Change of Use to Visitor Accommodation PLN-22-351 - File Ref: F22/77376

BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 3 August 2022, be adopted.

MOTION LOST

VOTING RECORD

AYES	NOES
Briscoe	Deputy Lord Mayor Burnet
Behrakis	Harvey
Coats	Dutta

DUTTA

That the City Planning Committee recommends that the Council refuse the application for a change of use to visitor accommodation at 2/31 Poets Road, West Hobart pursuant to the Hobart Interim Planning Scheme 2015 and Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes, for the following reason:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 3.1(e) A2 or P2 of *Planning Directive No. 6* because the proposal is part of a strata scheme and the proposal would cause an unreasonable loss of residential amenity to long term residents occupying another lot within the strata scheme.

MOTION LOST

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Briscoe
Harvey	Behrakis
Dutta	Coats

COMMITTEE RESOLUTION:

That the item be referred to the Council without recommendation from the City Planning Committee.

Delegation: Council

8. REPORTS

8.1 Monthly Building Statistics - 1 June - 30 June 2022
File Ref: F22/73945

BEHRAKIS

That the recommendation contained in the memorandum of the Director City Life of 2 August 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

COMMITTEE RESOLUTION:

That the building statistical report of the Director City Life be received and noted:

During the period 1 June 2022 to 30 June 2022, 33 permits were issued to the value of \$18,394,881 which included:

- (i) 21 for extensions/alterations to dwellings to the value of \$13,651,176;
- (ii) 2 new dwellings to the value of \$749,430;
- (iii) 0 new multiple dwellings; and
- (iv) 1 major project:
 - a) 48 Liverpool Street Hobart - Commercial Internal Alterations - \$8,141,589

During the period 1 June 2021 to 30 June 2021, 77 permits were issued to the

value of \$24,577,711 which included:

- (i) 42 for extensions/alterations to dwellings to the value of \$15,064,851;
- (ii) 7 new dwellings to the value of \$3,278,370;
- (iii) 4 new multiple dwellings to the value of \$2,000,000; and
- (iv) 2 major projects:
 - (a) 66 Burnett Street, North Hobart - Stage 2 - Structural only - \$9,000,000; and
 - (b) 1 Burnett Street, North Hobart - New commercial residential building x 4 - \$2,000,000.

In the twelve months ending June 2022, 521 permits were issued to the value of \$237,387,355; and

In the twelve months ending June 2021, 662 permits were issued to the value of \$198,957,830.

Delegation: Council

8.2 Monthly Planning Statistics - 1 June - 30 June 2022
File Ref: F22/73962

BEHRAKIS

That the recommendation contained in the memorandum of the Director City Life of 3 August 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

COMMITTEE RESOLUTION:

That the planning statistical report of the Director City Life be received and noted:

During the period 1 June 2022 to 30 June 2022, 57 permits were issued to the value of \$16,729,324 which included:

- (i) 1 new single dwelling to the value of \$950,000;
- (ii) 21 multiple dwellings to the value of \$7,270,000;
- (iii) 28 extensions/alterations to dwellings to the value of \$3,698,338;
- (iv) 9 extensions/alterations to commercial properties to the value of \$4,594,000;
- (v) 1 major project:
 - (a) 156 New Town Road, New Town - Demolition, Subdivision (Lot Consolidation), and New Building for 19 Multiple Dwellings and Fitness Centre (Sports and Recreation) - \$7,000,000

During the period 1 June 2021 to 30 June 2021, 68 permits were issued to the value of \$23,893,387 which included:

- (i) 5 new single dwellings to the value of \$2,340,000;
- (ii) 72 multiple dwellings to the value of \$15,950,000;
- (iii) 32 extensions/alterations to dwellings to the value of \$3,516,032;
- (iv) 14 extensions/alterations to commercial properties to the value of \$10,363,300;
- (v) 2 major projects:
 - (a) 199 Macquarie Street, Hobart - Partial Demolition, Alterations, Partial Change of Use to Office and Two Multiple Dwellings, New Building for 45 Multiple Dwellings, Signage and Associated Works - \$8,000,000;
 - (b) 98 Argyle Street - Hobart - Demolition and New Building for 20 Multiple Dwellings - \$6,500,000;

In the twelve months ending June 2022, 686 permits were issued to the value of \$305,415,701; and

In the twelve months ending June 2021, 839 permits were issued to the value of \$330,726,629

This report includes permits issued, exempt and no permit required decisions.

Delegation: Council

8.3 Fees for Residential Planning Applications
File Ref: F22/70031; 16/117

BEHRAKIS

That the recommendation contained in the report of the Manager Development Appraisal and the Director City Life of 26 July 2022, be adopted, as amended with a revised cause 1 and additional clause 5:

“1. The fee for planning applications for a new dwelling or new ancillary dwellings which have a cost estimate of \$200,001 to \$600,000 is \$800.

5. Any applications received which fall within clause 1, above, or have had fees reduced pursuant to the delegation referred to in clause 2, above, are reported to the City Planning Committee as part of an annual report.”

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Coats

COMMITTEE RESOLUTION:

That: 1. The fee for planning applications for a new dwelling or new ancillary dwellings which have a cost estimate of \$200,001 to \$600,000 is \$800.

2. The Council, pursuant to section 22 of the Local Government Act 1993, delegates to the Chief Executive Officer (being the General Manager as appointed by Council pursuant to section 61 of the Local Government Act 1993) the following power:

To waive fees or refund fees paid for a planning application (up to a maximum of 50% of the application fee otherwise payable) which meets the following criteria, based on satisfactory evidence provided by the applicant:

- (a) the proposal is for one or more new dwellings which are classified as “affordable housing”; that is, a household in the lower 40 per cent by income should not pay more than 30 per cent of their gross income on housing; and

- (b) the dwelling or dwellings are owned or will be managed by either:
- a not-for-profit community housing provider; or
 - a private person or organisation who is able to demonstrate that the dwelling or dwellings will remain as long term affordable housing stock.
3. The Council authorises the Chief Executive Officer to delegate the same power to the Director City Life pursuant to section 64 of the Local Government Act 1993.
4. Each fee waiver or refund be recorded in the 'Grants, Assistance and Benefits Provided' section of the City of Hobart's Annual Report.
5. Any applications received which fall within clause 1, above, or have had fees reduced pursuant to the delegation referred to in clause 2, above, are reported to the City Planning Committee as part of an annual report.

Delegation: Council

8.4 City Planning - Advertising Report
File Ref: F22/74317

BEHRAKIS

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

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Coats	

COMMITTEE RESOLUTION:

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

Delegation: Committee

8.5 Delegated Decision Report (Planning)
File Ref: F22/75979

HARVEY

That the recommendation contained in the memorandum of the Director City Life of 1 August 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Coats	

COMMITTEE RESOLUTION:

That the information contained in the memorandum titled - *Delegated Decision Report (Planning)* - be received and noted.

Delegation: Committee

9. RESPONSES TO QUESTIONS WITHOUT NOTICE

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

9.1 30 Year Greater Hobart Plan
File Ref: F22/45039; 13-1-10

Memorandum of the Director City Life of 1 August 2022.

BEHRAKIS

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES
Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Coats

NOES

Delegation: Committee

10. QUESTIONS WITHOUT NOTICE

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

10.1 Alderman Briscoe - Oberon Court - Subdivision **File Ref: 13-1-10**

Question: Can the Director provide detail with regards the removal of vegetation from the subdivision at Oberon Court?

Answer: The Manager Development Appraisal advised that the matter of the clearing of vegetation is currently under investigation.

11. CLOSED PORTION OF THE MEETING

HARVEY

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 in the Closed portion
- Tribunal appeals

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. 6 Reports
- Item No. 6.1 Planning Authority Decisions Subject to Appeal before the Tasmanian Civil and Administrative Tribunal
LG(MP)R 15(4)(a)
- Item No. 7 Questions Without Notice

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Coats

Delegation: Committee

There being no further business the Open portion of the meeting closed at 6.11pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
22ND DAY OF AUGUST 2022.

CHAIRMAN