



CITY OF HOBART

MINUTES

City Planning Committee Meeting

Open Portion

Monday, 25 September 2017 at 5:02 pm

ORDER OF BUSINESS

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**City Planning Committee Meeting (Open Portion) held on Monday,
25 September 2017 at 5.02 pm in the Lady Osborne Room, Town Hall.**

COMMITTEE MEMBERS

Briscoe (Chairman)
Ruzicka
Burnet
Denison

ALDERMEN

Lord Mayor Hickey
Deputy Lord Mayor Christie
Zucco
Sexton
Cocker
Thomas
Reynolds
Harvey

PRESENT: Alderman J R Briscoe
(Chairman), Aldermen E R Ruzicka,
H C Burnet, T M Denison, P S Cocker
and W F Harvey.

Alderman Burnet declared an interest in
item 8.6, left the meeting at 6:32 pm and
returned at 6:33 pm.

APOLOGIES: Nil.

Alderman Cocker was co-opted to the
Committee.

LEAVE OF ABSENCE: Nil.

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

BURNET

That Alderman Cocker be co-opted to the Committee.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison

2. CONFIRMATION OF MINUTES

BURNET

The minutes of the Open Portion of the City Planning Committee meeting held
on [Monday, 11 September 2017](#) and the Special City Planning Committee
meeting held on [Monday, 18 September 2017](#), be confirmed as an accurate
record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

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*.

Aldermen 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.

1. Alderman Burnet – Item 8.6.

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.

BURNET

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

Briscoe
Ruzicka
Burnet
Denison
Cocker

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.

Mr Robbie Marino, Proprietor of the Harbour Lights Café (Applicant) addressed the Committee in relation to item 7.1.1.

7.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

7.1.1 29 Morrison Street, Hobart and Adjacent Road Reserve - Outdoor Dining PLN-17-614 - File Ref: F17/111446

COCKER

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 12 September 2017, be adopted.

PROCEDURAL MOTION

RUZICKA

That the matter be deferred to a subsequent City Planning Committee meeting to enable further discussions between the Heritage Officer and the Applicant.

PROCEDURAL MOTION CARRIED

VOTING RECORD

	AYES	NOES
Briscoe		Burnet
Ruzicka		Cocker
Denison		

COMMITTEE RESOLUTION:

That the matter be deferred to a subsequent City Planning Committee meeting to enable further discussions between the Heritage Officer and the Applicant.

Delegation: Committee

Item 7.2.2 was then taken.

7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.2.1 9 Beddome Street, 7 Beddome Street, 11 Beddome Street and 1 Niree Heights, Sandy Bay - Partial Demolition, Alterations and Multiple Dwelling PLN-16-00232-01 - File Ref: F17/112754

DENISON

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 13 September 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Briscoe	Ruzicka
Burnet	
Denison	
Cocker	

COMMITTEE RESOLUTION:

Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Partial Demolition, Alterations and Multiple Dwelling at 9 Beddome Street, 7 Beddome Street, 11 Beddome Street, and 1 Niree Heights, Sandy Bay for the reasons outlined in the officer's report attached to item 7.2.1 of the Open City Planning Committee agenda of 25 September 2017 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-16-00232-01 - 9 Beddome Street - SANDY BAY - 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 2016/00495-HCC dated 22 April 2016 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw4

The new storm water connection must be constructed and any existing connections to be abandoned sealed by the Council (see advice below) at the owner's expense, prior to the first occupation.

Detailed engineering drawings must be submitted and approved, prior to commencement of work. The detailed engineering drawings must include:

1. The location of the proposed connection; and
2. The size of the connection appropriate to satisfy the needs of the development.

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

Advice:

The proposed stormwater connection to the kerb and gutter can also be built by a private contractor who has first obtained a Road Opening Permit from the Council. The stormwater connection should pass to the south (not the north) of the existing Telstra pit to avoid the edge of the driveway crossover. The stormwater connection must be straight and have a continuous gradient.

Once the detailed engineering drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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.

Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Unit to initiate an application for service connection.

Reason for condition

To ensure the site is drained adequately.

ENG 2

Vehicle crash barriers compliant with the Australian/New Zealand Standard AS / NZS 1170.1 must be installed prior to the first occupation.

A certified design/report prepared by a suitably qualified engineer, to satisfy the above requirements, must be provided to the Council prior to the issuing of any permit under the *Building Act 2016*.

All works, required by this condition must be undertaken in accordance with certified design/report. Upon completion the barriers must be inspected by a qualified engineer and a certification submitted to the Council, confirming that the installed barriers comply with the above requirement.

Advice: vehicle crash barriers should be raised to a minimum height of 1m to ensure pedestrian safety, or a handrail or balustrade mounted on top of barriers

Reason for condition

To ensure that the safety of users of the driveway/parking and compliance with the standard.

ENG 4

The driveway and car parking area approved by this permit must be constructed to a sealed standard and surface drained prior to the commencement of use.

Reason for condition

To ensure safe access is provided for the use.

ENG 3

The driveway, car parking and manoeuvring areas must be constructed in accordance with certified driveway design drawings, prior to the first occupation.

The design of these areas must:

1. Be prepared by a suitably qualified engineer who must certify that the design is in accordance with the Australian Standards AS/NZS 2890.1 or that the design provides for a safe and efficient access.

Upon completion of the driveway and parking areas, documents signed by a suitably qualified engineer, certifying the driveway has been constructed in accordance with the certified design drawings must be lodged with the Council.

Reason for condition

To ensure that the safety of users of the driveway/parking.

ENG 14

Parking, access and turning areas must be generally designed and constructed in accordance with the Australian Standard Parking facilities, Part 1: Off-Street Carparking, AS 2890.1 – 2004, prior to the first occupation.

Design drawings must be submitted and approved, prior to commencement of work. The design drawings must show:

1. Dimensions, levels and gradients, transitions and other details as necessary to satisfy the above requirement.
2. Adequate sight distance for vehicles exiting the driveway (this may require the removal of existing large shrubs alongside the driveway - drawings must clearly show the minimum extent of vegetation removal).

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

approved design drawings.

Advice:

Once the design drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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.

Reason for condition

To ensure that the access and parking layout for the development is to accepted standards.

ENG 1

The cost of repair of any damage to the Council's infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by 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 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. Sediment controls must be 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.

CONDITION ENDORSEMENT

If a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning](#)

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.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied). Detailed instructions can be found [here](#).

BUILDING PERMIT

Building permit in accordance with the *Building Act 2016*. Click [here](#) for more information.

PLUMBING PERMIT

Plumbing permit 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

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.

Road closure permits for construction or special event. Click [here](#) for more information.

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

STORM WATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT- Standard Drawings. Click [here](#) for more information.

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council land. Any act that causes, or is likely to cause damage to Council's land may be in breach of the Council's Parks, Recreation and Natural Areas Bylaw and penalties may apply. The by law is available [here](#).

NOISE REGULATIONS

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

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.

Delegation: Council

Item 8.1 was then taken.

7.2.2 1/8-10 De Witt Street, Battery Point and Adjacent Road Reserve - Alterations and Extensions, New Visitor Accommodation and Signage

PLN-17-418 - File Ref: F17/112942

BURNET

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 13 September 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

COMMITTEE RESOLUTION:

Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Alterations and Extensions, New Visitor Accommodation and Signage at 1/8-10 De Witt Street, Battery Point for the reasons outlined in the officer's report attached to item 7.2.2 of the Open City Planning Committee agenda of 25 September 2017, 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-17-418 1/8-10 DE WITT STREET 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 2017/00882-HCC dated 31 August 2017 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

The proposed frame, mesh and wires proposed on the front facade and depicted on Drawings P2, P5, P5A, P8 and P11 dated 29/5/2017 are not

approved. Any plans submitted for building approval must not show the frame, mesh and wires.

Reason for condition

To ensure that the works to a building within a heritage precinct do not result in the loss of historic cultural heritage values.

ENG 1

The cost of repair of any damage to the Council infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council.

A photographic record of the Council 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 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 infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

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

Building permit in accordance with the *Building Act 2016*. Click [here](#) for more information.

PLUMBING PERMIT

Plumbing permit 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

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.

Road closure permits for construction or special event. Click [here](#) for more information.

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

TEMPORARY PARKING PERMITS

Temporary parking permits for construction vehicles i.e. residential or meter parking/loading zones. Click [here](#) for more information.

WORK WITHIN THE HIGHWAY RESERVATION

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

STRATA AMENDMENT

You will be required to amend the strata plan pursuant to the provisions of the *Strata Titles Act 1998* in order to reflect the completed development works. Click [here](#) for more information.

NOISE REGULATIONS

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

DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.

VISITOR ACCOMMODATION

A change of use to visitor accommodation for strata lots will also need to comply with any additional requirements from the body corporate.

You should consult with your insurance provider to ensure appropriate insurance coverage.

More information on visitor accommodation can be found [here](#).

Delegation: Council

Item 8.2 was then taken.

8 REPORTS

- 8.1 ETA - 17-94 - 175, 177 and 179 Campbell Street, 169-173 Campbell Street and Brooker Avenue Road Reservation - Partial Demolition, New Building Containing Offices and 14 Flats, Pedestrian Bridge/Linkway, Associated Hydraulic Infrastructure and Title Consolidation
File Ref: F17/111390**
-

DENISON

That the Council grant the two year extension of time, due on the 29 May 2019 in which to substantially commence planning permit PLN-12-01187-01.

MOTION LOST

VOTING RECORD

AYES

Briscoe
Denison

NOES

Ruzicka
Burnet
Cocker

RUZICKA

That the recommendation contained in the memorandum of the Development Appraisal Planner and the Senior Statutory Planner of 20 September 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Ruzicka	Briscoe
Burnet	Denison
Cocker	

COMMITTEE RESOLUTION:

That the Council refuse to grant the extension of time in which to substantially commence planning permit PLN-12-01187-01.

Delegation: Council

Item 8.3 was then taken.

Mr Brian Corr, President of Hobart Not Highrise addressed the Committee in relation to item 8.2.

**8.2 Planning Scheme Amendments - Maximum Building Height -
Hobart Interim Planning Scheme 2015 - Sullivans Cove Planning
Scheme 1997
File Ref: F17/109408; 17/167**

BURNET

That the preparation of the further report in relation to the planning scheme amendments concerning building heights within the CBD, as resolved by the Council on 3 July 2017, also consider non-discretionary maximum height controls in the area covered by the Central Business, Commercial, and Urban Mixed Zones under the *Hobart Interim Planning Scheme 2015*, and the area covered by the *Sullivans Cove Planning Scheme 1997*.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Briscoe	Denison
Ruzicka	
Burnet	
Cocker	

COMMITTEE RESOLUTION:

That the preparation of the further report in relation to the planning scheme amendments concerning building heights within the CBD, as resolved by the Council on 3 July 2017, also consider non-discretionary maximum height controls in the area covered by the Central Business, Commercial, and Urban Mixed Zones under the *Hobart Interim Planning Scheme 2015*, and the area covered by the *Sullivans Cove Planning Scheme 1997*.

Delegation: Council

Item 7.2.1 was then taken.

8.3 Major Projects - Proposed Amendments to the Land Use Planning and Approvals Act 1993
File Ref: F17/108842; 17/167

RUZICKA

That the recommendation contained in the report of the Manager Planning Policy & Heritage and the Director City Planning of 20 September 2017, be adopted, amended by the following:

1. An additional clause to read as follows:
 - "1. The Tasmanian Government be advised that the City of Hobart sees no need for the draft Bill to amend the *Land Use Planning and Approvals Act 1993* (LUPAA) and the *Environmental Management and Pollution Control Act 1994* to introduce a new major projects assessment process."

MOTION CARRIED

VOTING RECORD

AYES	NOES
Briscoe	Denison
Ruzicka	
Burnet	
Cocker	

COMMITTEE RESOLUTION:

- That: 1. The Tasmanian Government be advised that the City of Hobart sees no need for the draft Bill to amend the *Land Use Planning and Approvals Act 1993* (LUPAA) and the *Environmental Management and Pollution Control Act 1994* to introduce a new major projects assessment process.
2. That in the event that the Tasmanian Government proceeds with the Land Use Planning and Approvals Amendment (Major Projects) Bill 2017 that the following comments be considered:
- (i) The key issue identified with the Bill is in relation to the eligibility criteria for declaration of major projects and the fact that they are open to a wide interpretation based on the opinion of the Minister.
 - (ii) The eligibility criteria uses the term 'significant', 'significance' or 'potentially significant' in relation to 4 of the 6 criteria. The draft Bill does not contain any definition of 'significant', leaving these criteria open to wide interpretation. This creates uncertainty around what is likely to be a major project and there would be benefit in making these criteria more specific in order to provide both project proponents and the wider community with greater certainty.
 - (iii) Subsection 60(f) provides that a project warrants declaration as a major project if, in the opinion of the Minister the determination by a planning authority of an application for a permit in relation to the project has been unreasonably delayed. It is not clear why this provision is required given the existing legislative provisions in relation to timeframes for making decisions on permit applications.

8.4 Hobart Interim Planning Scheme 2015 - Central Business Zone - Height Standards - Amendment PSA-3-17
File Ref: F17/106925; 17/167

That the recommendation contained in the memorandum of the Manager Planning Policy & Heritage and the Director City Planning of 20 September 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

COMMITTEE RESOLUTION:

That the Council approve a Special City Planning Committee meeting be held to consider the S39(2) report in relation to the Amendment PSA-17-3 and time be allowed for up to 50 deputations to be heard.

Delegation: Council

8.5 Delegated Decisions Report (Planning)
File Ref: F17/111681

RUZICKA

That the recommendation contained in the memorandum of the Director City Planning of 19 September 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Cocker

COMMITTEE RESOLUTION:

That the information be received and noted.

Delegation: Committee

Alderman Burnet declared an interest in item 8.6 and left the meeting at 6:32 pm and returned at 6:33 pm.

8.6 City Planning - Advertising List
File Ref: F17/111993

RUZICKA

That the recommendation contained in the memorandum of the Director City Planning of 19 September 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Denison
Cocker

COMMITTEE RESOLUTION:

That the information be received and noted.

Delegation: Committee

9 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

9.1 Cruise Ship Fuel
File Ref: F17/112081; 13-1-9

BURNET

That in accordance with Council's policy, the following Notice of Motion which was adopted by the City Planning Committee, be considered by the Council, amended by the following:

1. That the word *legislation* in Clause (i) be substituted with the words *legislative directives to* after the word *appropriate*.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Denison
Burnet
Cocker

COMMITTEE RECOMMENDATION:

Motion:

"In the interests of ensuring Hobart's air quality is not reduced during cruise ship seasons, and in order to protect Hobart's clean, green image,

- (i) The City of Hobart urgently write to the Federal government to request that through appropriate legislative directives to the Minister for Infrastructure and Transport sets an upper limit of 0.1% for fuel-oil sulfur content for bunker fuel while cruise ships berth in the Port of Hobart. This would be in line with legislation introduced in late 2016 for cruise ships berthed in Sydney Harbour.
- (ii) That this be set in place for the forthcoming 2017-18 cruise ship season."

Rationale:

"Many cruise ships burn cheap, low-grade bunker fuel to keep generators running whilst in port. In September 2015 the Council agreed to ask the EPA to monitor sulphur emissions from bunker fuel burnt by cruise ships.

In September 2017 - two years later - the monitor was installed, and is situated across the other side of Sullivan's Cove from the cruise ship terminals, at CSIRO. Data is now being collected, in readiness to potentially capture emissions for the 2017-18 cruise ship season.

<http://epa.tas.gov.au/epa/air/monitoring-air-pollution/nepm-monitoring-information/hobart-port>

During this time, there has been federal intervention regarding the use of bunker fuel in Sydney Harbour. In November 2016, the Federal Minister of Infrastructure and Transport, Darren Chester instructed the Australian Maritime Safety Authority to direct a 0.1 per cent upper limit for fuel-oil sulfur content whilst cruise ships are berthed in Sydney Harbour, under the Navigation Act, 2012.

http://minister.infrastructure.gov.au/chester/releases/2016/December/dc205_2

016.aspx

This occurred because of public concern over the harmful effects on human health of high sulfur contents in bunker fuel effecting air quality in Sydney Harbour. As a result of this legislation, bunker fuel used by cruise ships berthed in Sydney Harbour must have less than 0.1% sulfur content. Currently bunker fuel burnt in the Port of Hobart can have up to 3.5% sulfur content. Comparatively, this is well above an acceptable level for cruise ships moored in Sydney Harbour.

Hobart's cruise ship terminals - Macquarie Wharves 2/3 and 4/5 - are in close proximity to places that attract thousands of people each day who work, study, reside or visit the area. These include the University of Tasmania's School of the Arts, the new Macq01 5-star hotel, the Hunter St tourist destinations, boats moored at the King's Marina, the port apron which is the site of many festivals including the wooden boat festival, many businesses, restaurants and accommodation venues. Cruise ships berth adjacent to Macquarie Point, which is where there will be future significant developments for Hobart, and are very close to the iconic Salamanca Place.

The number of cruise ships docking in Hobart has doubled in 2 years. There are 60 cruise ship visits expected in the 2017-18 cruise ship season. A doubling of numbers will equate to many more emissions if they are allowed to continue to use low grade bunker fuel. At times, there will be 2 cruise ships in port at once. Together they will be emitting significantly higher amounts of sulphur and nitrogen oxides, among other toxic substances, including particulate matter and the smell of exhaust fumes, into the air.

Pollution from low-grade bunker fuel is much less clean than land vehicles, and is the equivalent to many tens of 1000's of car engine emissions. Some of the cruise ships which are set to visit Hobart are listed as some of the worst polluters, according to the Friends of the Earth cruise ship report card <https://foe.org/cruise-report-card/>

The health of our community is critical to maintain. Hobart's image as a clean, green city is also very important to maintain. This motion requests that the same principles that were introduced to protect the public health and environmental image of the iconic Sydney Harbour are applied through regulation by the Federal government for the Port of Hobart."

The General Manager reports:

"In line with the Council's policy in relation to Notices of Motion, I advise that the matter is considered to be within the jurisdiction of the Hobart City Council as it relates to concerns in relation to public health."

Delegation: Council

10 RESPONSES TO QUESTIONS WITHOUT NOTICE

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

10.1 The Peacock Centre Rebuild **File Ref: F17/86655; 13-1-10**

Memorandum of the Director City Planning of 20 September 2017.

10.2 Recent Tribunal Decision and Impact on the City of Hobart **File Ref: F17/106995; 13-1-10**

Memorandum of the Director City Planning of 19 September 2017 and attachment.

10.3 Planning Scheme and Urban Farming **File Ref: F17/111033; 13-1-10**

Memorandum of the Director City Planning of 25 September 2017.

BURNET

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Briscoe		
Ruzicka		
Denison		
Burnet		
Cocker		

Delegation: Committee

11. QUESTIONS WITHOUT NOTICE

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

11.1 Alderman Denison - Henry Design Tribunal Decision **File Ref: 13-1-10**

Question: In light of the Henry Design decision by the Tribunal, in order to numerically assess if a multiple dwelling application is "in harmony with" the site area of dwellings within 100m of the application, could the Director please advise would an appropriate measurement be that "the proposed dwelling site area is in harmony if it is within one standard deviation of the mean of the surrounding dwelling site areas", rather than just relying on a non-numerical opinion of whether it is "significantly divergent" or not?

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

11.2 Alderman Denison - Response in Relation to the Henry Design Tribunal Decision - Clarification by the Minister **File Ref: 13-1-10**

Question: Furthermore to the question in relation to the Henry Design Tribunal decision, could the Director please advise whether it would be appropriate to refer the response to the Minister for Planning and Local Government and/or the relevant government department to seek clarification to ensure that was the intention of the Tribunal decision?

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

12. CLOSED PORTION OF THE MEETING

The following items were discussed:-

- | | |
|------------|--|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Council 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 |

RUZICKA

That the items be noted.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Briscoe		
Ruzicka		
Denison		
Burnet		
Cocker		

The Chairman adjourned the meeting at 6:49 pm to conduct the closed portion of the meeting.

The meeting reconvened at 6:50 pm.

Item 12 was then taken.

There being no further business the meeting closed at 6:50 pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
9TH DAY OF OCTOBER 2017.

CHAIRMAN