



CITY OF HOBART

MINUTES

City Planning Committee Meeting

Open Portion

Monday, 13 September 2021 at 5:00pm

ORDER OF BUSINESS

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City Planning Committee Meeting (Open Portion) held on Monday, 13 September 2021 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 Burnet (Chairman)
Briscoe
Harvey
Behrakis
Dutta
Coats

NON-MEMBERS

Lord Mayor Reynolds
Zucco
Sexton
Thomas
Ewin
Sherlock

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

Councillor Ewin arrived at the meeting at
5.20pm and was present for items 8.3,
8.4 and 9.1, retiring from the meeting at
5.29pm.

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

HARVEY

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 30 August 2021](#), 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 7.2.2 was then taken.

7.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

7.1.1 1 Franklin Wharf, Hobart and Adjacent Road Reserve - Partial Demolition, Alterations and Signage PLN-21-430 - File Ref: F21/90146

BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 3 September 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

COMMITTEE RESOLUTION:

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the City Planning Committee, in accordance with the delegations contained in its terms of

reference, approve the application for partial demolition, alterations, and signage at 1 Franklin Wharf, Hobart 7000 for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 13 September 2021 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-21-430 - 1 FRANKLIN WHARF HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

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*.

OCCUPATION OF THE PUBLIC HIGHWAY

You may require an occupational license for structures in the Hobart City Council highway reservation, in accordance with conditions to be established by the Council.

Click [here](#) for more information.

PLANNING

The Applicant is advised that in the view of the Council, where signage is composed of individual letters (including business logo) and where a wall or window is utilised as background, the overall dimensions of the signage shall be calculated by measuring the perimeter enclosing the letters and/or logo with the encompassed area being considered the total sign area. As such, those areas of wall or window beyond those perimeters do not constitute the 'sign'.

WORK WITHIN THE HIGHWAY RESERVATION

Please note 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.

Delegation: Committee

Item 7.2.3 was then taken

7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.2.1 66 Burnett Street, North Hobart - Extension to Previously Approved Development including Eight Additional Multiple Dwellings PLN-21-475 - File Ref: F21/90567

PROCEDURAL MOTION HARVEY

That the item be deferred to allow the applicant to give further consideration to parking matters.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

NOES

COMMITTEE RESOLUTION:

That the item be deferred to allow the applicant to give further consideration to parking matters.

Delegation: Committee

Item 7.1.1 was then taken.

Ms Nico van Leeuwen addressed the Committee in relation to item 7.2.2.

7.2.2 339 Lenah Valley Road, 30 Lumeah Avenue and 337 Lenah Valley Road, Lenah Valley - Subdivision (Boundary Adjustment) PLN-21-367 - File Ref: F21/88872

BRISCOE

That the proposed subdivision (boundary adjustment) at 339 Lenah Valley Road, Lenah Valley 7008, for the reason that it satisfies the relevant

provisions of the *Hobart Interim Planning Scheme 2015*, including clause 10.6.1.P4 (i) and as such is recommended for approval, subject to the following conditions:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-367 339 LENA VALLEY ROAD LENA VALLEY TAS 7008 - 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 2021/00922_HCC dated 02/09/2021 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 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.

SURV 1

The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.

Reason for Condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

SURV 3

The final plan and schedule of easements must be submitted and approved under section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

The final plan and schedule of easements must provide easements to the satisfaction of the Council:

1. Over any storm water or sewer mains passing through the lots on the final plan, in favour of the Hobart City Council and/or TasWater (minimum width of 2m, or 3m if they cover two pipes).
2. Over any existing private rights of way and drainage easements) in favour of the lots they are required to serve

Reason for Condition

To ensure that there are no impediments to the provision of public and private services and access to the lots.

SURV 9

Any lots on the final plan created from the addition of sub minimal lots on the plan of subdivision are to be notated on the final plan.

The final plan must include notations in accordance with section 111 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, in relation to lot 1 to satisfy the above requirement.

Reason for condition

To ensure compliance with statutory provisions.

ENG 16

Prior to the sealing of the final plan, private sewer, stormwater (including surface drainage) and water services/connections are to be entirely separate to each lot and contained wholly within the lots served.

Reason for condition

To ensure that each lot is services separately.

ENG 17

Prior to the sealing of the final plan, the developer must verify compliance with condition ENG 16 by supplying the Council with an as-installed services plan clearly indicating the location and details of all relevant services (entirely contained within their respective lots or appropriate easements). The as-installed services plan must be accompanied by certification from a suitably qualified person that all engineering work required by this permit has been completed.

Advice: Any final plan submitted for sealing will not be processed unless it is accompanied by documentation by a suitably qualified person that clearly certifies that this condition has been satisfied and that all the work required by this condition has been completed. A 'suitably qualified person' must be a Professional Engineer or Professional Surveyor or other persons acceptable to Council.

Reason for condition

To ensure that the Developer provides the Council with clear written confirmation that the separation of services is complete.

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.

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.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

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.

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.

SUBDIVISION ADVICE

For information regarding standards and guidelines for subdivision works click [here](#).

All conditions imposed by this permit are in accordance with the *Local Government Building & Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*.

PRIVATE UNDERGROUND ELECTRICAL CONNECTIONS

The City of Hobart does not allow the installation of private underground electrical services within the road reservation. Click [here](#) for more information.

PUBLIC OPEN SPACE - CASH IN LIEU VALUATION

Please contact the Council's Development Appraisal Unit on 6238 2715 to instigate the valuation process.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

NOES

COMMITTEE RESOLUTION:

That the proposed subdivision (boundary adjustment) at 339 Lenah Valley Road, Lenah Valley 7008, for the reason that it satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, including clause 10.6.1.P4 (i) and as such is recommended for approval, subject to the following conditions:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-367 339 LENA VALLEY ROAD LENA VALLEY TAS 7008 - 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 2021/00922_HCC dated 02/09/2021 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 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.

SURV 1

The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.

Reason for Condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

SURV 3

The final plan and schedule of easements must be submitted and approved under section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

The final plan and schedule of easements must provide easements to the satisfaction of the Council:

1. Over any storm water or sewer mains passing through the lots on the final plan, in favour of the Hobart City Council and/or TasWater (minimum width of 2m, or 3m if they cover two pipes).
2. Over any existing private rights of way and drainage easements) in favour of the lots they are required to serve

Reason for Condition

To ensure that there are no impediments to the provision of public and private services and access to the lots.

SURV 9

Any lots on the final plan created from the addition of sub minimal lots on the plan of subdivision are to be notated on the final plan.

The final plan must include notations in accordance with section 111 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, in relation to lot 1 to satisfy the above requirement.

Reason for condition

To ensure compliance with statutory provisions.

ENG 16

Prior to the sealing of the final plan, private sewer, stormwater (including surface drainage) and water services/connections are to be entirely separate to each lot and contained wholly within the lots served.

Reason for condition

To ensure that each lot is services separately.

ENG 17

Prior to the sealing of the final plan, the developer must verify compliance with condition ENG 16 by supplying the Council with an as-installed services plan clearly indicating the location and details of all relevant services (entirely contained within their respective lots or appropriate easements). The as-installed services plan must be accompanied by certification from a suitably qualified person that all engineering work required by this permit has been completed.

Advice: Any final plan submitted for sealing will not be processed unless it is accompanied by documentation by a suitably qualified person that clearly certifies that this condition has been satisfied and that all the work required by this condition has been completed. A 'suitably qualified person' must be a Professional Engineer or Professional Surveyor or other persons acceptable to Council.

Reason for condition

To ensure that the Developer provides the Council with clear written confirmation that the separation of services is complete.

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.

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.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the

Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

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.

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.

SUBDIVISION ADVICE

For information regarding standards and guidelines for subdivision works click [here](#).

All conditions imposed by this permit are in accordance with the *Local Government Building & Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*.

PRIVATE UNDERGROUND ELECTRICAL CONNECTIONS

The City of Hobart does not allow the installation of private underground electrical services within the road reservation. Click [here](#) for more information.

PUBLIC OPEN SPACE - CASH IN LIEU VALUATION

Please contact the Council's Development Appraisal Unit on 6238 2715 to instigate the valuation process.

Delegation: Council

Item 7.2.1 was then taken.

7.2.3 43-47 Grosvenor Street, Sandy Bay - Partial Change of Use to Food Services

PLN-21-487 - File Ref: F21/89064

BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Manager Development Appraisal of 1 September 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

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 a partial change of use to food services at 43-47 Grosvenor Street Sandy Bay TAS 7005 for the reasons outlined in the officer's report attached to item 7.2.3 of the Open City Planning Committee agenda of 13 September 2021 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-21-487 43-47 GROSVENOR STREET SANDY BAY TAS 7005 - 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 2021/01261-HCC dated 05/08/2021 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

The use is approved with the employment of two (2) workers on site only.

Reason for condition

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

PLN s2

The on-site serving of customers is not approved in this permit. All sales must be online or via direct delivery by the applicants.

Reason for this condition

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

PLN s3

The use is approved as Food Services (Commercial Kitchen) for the preparation of food only. No approval is granted in this permit to sell or serve food or products on site.

Reason for condition

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

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

PUBLIC HEALTH

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

FOOD BUSINESS REGISTRATION

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

PLANNING

The applicant is advised that any expansion in the scale of this use will require application for and the granting of an additional planning permit.

FEES AND CHARGES

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

Delegation: Committee

**7.2.4 10 Selfs Point Road, New Town - Partial Demolition, Alterations
and Extension
PLN-20-268 - File Ref: F21/89057**

BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 30 August 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

NOES

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and extension, at 10 Selfs Point Road, New Town 7008 for the reasons outlined in the officer's report attached to item 7.2.4 of the Open City Planning Committee agenda of 13 September 2021 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-20-268 - 10 SELFS POINT ROAD NEW TOWN TAS 7008 - 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.

ENV s1

All works associated with the Bridge Club alterations and extension are to be undertaken in accordance with an Environmental Management and Communications Plan, prepared by the club, to the satisfaction of the Director City Amenity.

Advice:

A template for the Environmental Management and Communications Plan can be provided by the Open Space Planning Team, call 03 6238 2488. This plan must be made specific for the works that will occur on the site.

Reason for condition

The alterations and extension must be done in a manner that minimises impact to the Council land, is safe for the public and minimises inconvenience for the public.

ENVHE 4

As identified in the Preliminary Site Investigation Report 10 Selfs Point Road

New Town, Revision 00 dated 29 June 2021 prepared by Pitt & Sherry, a Construction Environmental Management Plan must be implemented throughout the construction works.

A CEMP must be submitted and approved as a Condition Endorsement prior to the issuing of any approval under the *Building Act 2016*. The plan must;

- detail the proposed construction methodology (particularly where works may have environmental and health impacts)
- identify all potential environmental and health impacts associated with the works including noise, odour, air pollution, water pollution, land contamination, erosion and land instability.
- include measures to manage identified contamination and associated waste management in order to mitigate and control potential human health impacts during works.

All work required by this condition must be undertaken in accordance with the approved construction environmental management plan which forms part of this permit and must be complied with.

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 and health impacts from the construction activity on identified contaminated land.

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.

WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment [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

8. REPORTS

8.1 Delegated Decision Report (Planning) File Ref: F21/90280

BEHRAKIS

That the recommendation contained in the memorandum of the Director City Planning of 8 September 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

COMMITTEE RESOLUTION:

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

Delegation: Committee

8.2 City Planning - Advertising Report File Ref: F21/90336

DUTTA

That the recommendation contained in the memorandum of the Director City Planning of 8 September 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

COMMITTEE RESOLUTION:

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

Delegation: Committee

8.3 Monthly Planning Statistics - 1 August 2021 - 31 August 2021
File Ref: F21/90355

HARVEY

That the recommendation contained in the memorandum of the Director City Planning of 8 September 2021, 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 Planning be received and noted:

During the period 1 August 2021 to 31 August 2021, 62 permits were issued to the value of \$12,028,590 which included:

- (i) 9 new single dwellings to the value of \$1,334,775;
- (ii) 17 multiple dwellings to the value of \$5,759,000;
- (iii) 26 extensions/alterations to dwellings to the value of \$3,762,815;
- (iv) 13 extensions/alterations to commercial properties to the value of \$1,362,000;
- (v) 1 major project:
 - (a) 43A Pirie Street, New Town - Demolition, Six Multiple Dwellings, Front Fencing, and Associated Works - \$2,400,000;

During the period 1 August 2020 to 31 August 2020, 68 permits were issued to the value of \$19,228,200 which included:

- (i) 9 new single dwellings to the value of \$4,163,790;
- (ii) 26 multiple dwellings to the value of \$9,585,000;
- (iii) 29 extensions/alterations to dwellings to the value of \$3,673,500;
- (iv) 7 extensions/alterations to commercial properties to the value of \$1,285,680;
- (v) 3 major projects:
 - (a) 26 Lower Jordan Hill Road, West Hobart - Partial Demolition, Five Multiple Dwellings, Landscaping and Fencing - \$3,000,000;
 - (b) 27 Lefroy Street, North Hobart - New Development for Eight Multiple Dwellings, Business and Professional Services, Food Services and General Retail and Hire, Signage and Associated Works in the Road Reservation - \$3,000,000;
 - (c) 18-24 Letitia Street, North Hobart - Partial Demolition and New Development for Eight Multiple Dwellings - \$2,200,000;

In the twelve months ending August 2021, 827 permits were issued to the value of \$314,035,672; and

In the twelve months ending August 2020, 841 permits were issued to the value of \$256,633,142.

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

Delegation: Council

8.4 Monthly Building Statistics - 1 August 2021 - 31 August 2021
File Ref: F21/90385

COATS

That the recommendation contained in the memorandum of the Director City Planning of 8 September 2021, 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 Planning be received and noted:

During the period 1 August 2021 to 31 August 2021, 60 permits were issued to the value of \$34,812,040 which included:

- (i) 40 for extensions/alterations to dwellings to the value of \$6,669,986;
- (ii) 7 new dwellings to the value of \$3,650,554;
- (iii) 0 new multiple dwellings; and

(iv) 3 major projects:

- (a) 48 Liverpool Street, Hobart - Commercial Internal Alterations - \$13,510,000;
- (b) 16 Degraives Street, South Hobart - New Commercial Building - \$5,268,500;
- (c) 66-80 Collins Street, Hobart - Commercial Internal Alterations - \$3,500,000;

During the period 1 August 2020 to 31 August 2020, 44 permits were issued to the value of \$5,892,275 which included:

- (i) 28 for extensions/alterations to dwellings to the value of \$4,257,786;
- (ii) 3 new dwellings to the value of \$790,000;
- (iii) 0 new multiple dwellings; and
- (iv) 0 major projects:

In the twelve months ending August 2021, 671 permits were issued to the value of \$256,601,368; and

In the twelve months ending August 2020, 601 permits were issued to the value of \$219,128,955

Delegation: Council

9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

9.1 Development Applications - Equal Accessibility File Ref: F21/83948

EWIN

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.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats
Ewin

COMMITTEE RESOLUTION:

Motion

“That Council officers produce a report on potential mechanisms and issues for ensuring that development applications that propose improved access facilities to meet the equal access requirements of the National Building Code are not singularly refused because of breaches in the heritage code of Council’s planning schemes or the *Historic Cultural Heritage Act 1995*.”

Rationale:

“Nipaluna/Hobart has many buildings protected on heritage grounds, which is fantastic, but many of them are inaccessible for people with access requirements, which is not so fantastic. Of course we need to protect what makes our town special, but this should never be at the cost of excluding anyone in our community, especially people with disabilities. We are also all bound, at all times, by the Anti-Discrimination Act; and the Building Code also sets out specific requirements for equal access for very good reasons.

The fact that we have had DAs before us recommended for refusal because of applicants needing to meet access requirements set out in the Building Code and to meet their requirements under Anti-Discrimination legislation based on protecting heritage, is completely unacceptable. I understand that officers only assess DAs based on planning criteria, but I believe in 2021 this should be balanced by meeting our requirements under the *Anti-Discrimination Act 1992*, as well as our Community Vision and Social Inclusion Strategy documents, which demonstrate our clear commitment to upholding principles of equity.”

Delegation: Council

10. RESPONSES TO QUESTIONS WITHOUT NOTICE

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

10.1 Light Aircraft Noise - Hobart **File Ref: F21/59114; 13-1-10**

Memorandum of the Director City Planning of 30 August 2021.

10.2 Ancillary Dwellings

File Ref: F21/88560; 13-1-10

Memorandum of the Director City Planning of 8 September 2021.

BRISCOE

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

NOES

Delegation: Committee

11. QUESTIONS WITHOUT NOTICE

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

11.1 Councillor Dutta - Dwelling Refusals **File Ref: 13-1-10**

Question: Can the Director provide clarity around a Mercury article on the 11 September referencing that 92 residential developments were refused by the Council in the last 12 months. Can you provide a list of the development applications which elected members voted for and which voted against these 92 residential development applications?

Answer: The Director City Planning advised that there were not 92 separate development applications, there were 92 dwellings made up from 4 development applications. The addresses and voting records shall be further provided.

11.2 Councillor Dutta - Voting Statistics

File Ref: 13-1-10

Question: Can the Director advise if that to his knowledge was it Council staff, or your department that provided information that appeared in the Mercury in reference to voting patterns of elected members?

Answer: The Director City Planning advised that this information did not come from any Council Officer and that this information is available in the minutes of meetings which is on the public record.

11.3 Councillor Dutta - Development Applications - Delegated Approvals
File Ref: 13-1-10

Question: Can the Director advise how many development applications were approved under officer delegated in the past 12 months and how many of those were new dwellings?

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

12. 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
- Answers to question without notice

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 | Responses to Questions Without Notice |

- Item No. 5.1 Wellington Park Trust - Cable Car Assessment
LG(MP)R 15(4)(b)
Item No. 5.2 Cable Car Development Application - Costs
LG(MP)R 15(4)(b)
Item No. 6 Questions Without Notice

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Harvey
Behrakis
Dutta
Coats

Delegation: Committee

There being no further business the Open portion of the meeting closed at 5.35pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
4TH DAY OF OCTOBER 2021.

CHAIRMAN