



CITY OF HOBART

# MINUTES

PLANNING COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 28 FEBRUARY 2024 AT 5.16 PM



City of **HOBART**

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## **ORDER OF BUSINESS**

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**Planning Committee Meeting (Open Portion) held on Wednesday, 28 February 2024 at 5.16 pm in the Council Chamber, Town Hall.**

**COMMITTEE MEMBERS**

Councillor M Dutta (Chairperson)  
Lord Mayor Councillor A M Reynolds  
Deputy Lord Mayor Councillor H Burnet  
Alderman M Zucco  
Councillor W F Harvey  
Councillor Dr Z Sherlock  
Councillor J Kelly  
Councillor L Elliot  
Alderman L Bloomfield  
Councillor R Posselt  
Councillor B Lohberger  
Councillor W Coats

**PRESENT:** Councillor M Dutta  
(Chairperson), the Lord Mayor Councillor  
A M Reynolds, the Deputy Lord Mayor  
Councillor H Burnet, Alderman M Zucco,  
Councillors Dr Z Sherlock, J Kelly, R  
Posselt and B Lohberger.

**APOLOGIES:**

Councillor W Coats

**LEAVE OF ABSENCE:**

Alderman L A Bloomfield  
Councillor W F Harvey

The Chairperson provided an acknowledgement to Country.

**1. CONFIRMATION OF MINUTES**

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LORD MAYOR REYNOLDS

The minutes of the Open Portion of the Planning Committee meeting held on  
[Wednesday, 14 February 2024](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Dutta		

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Sherlock  
Kelly  
Posselt  
Lohberger

The minutes were signed.

## **2. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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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.

## **3. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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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.

## **4. TRANSFER OF AGENDA ITEMS**

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Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

A Committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the Committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

BURNET

That item 6.1.1 be taken first followed by item 7.1 and then item 6.1.2

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta  
Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Sherlock  
Kelly  
Posselt  
Lohberger

## **5. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS**

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In accordance with the requirements of Part 2 Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer is to arrange the agenda so that the planning authority items are sequential.

In accordance with Part 2 Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee by simple majority may change the order of any of the items listed on the agenda, but in the case of planning items they must still be considered sequentially – in other words they still have to be dealt with as a single group on the agenda.

Where deputations are to be received in respect to planning items, past practice has been to move consideration of these items to the beginning of the meeting.

### **RECOMMENDATION**

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.

No deputations were received.

## **6. COMMITTEE ACTING AS PLANNING AUTHORITY**

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In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the

Committee to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted.

In accordance with Regulation 25, the Committee will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Committee is reminded that in order to comply with Regulation 25(2), the Chief Executive Officer is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

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

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### **6.1.1 41 Church Street and 45-51 Church Street, North Hobart - Demolition, Subdivision (Lot Consolidation) and Seven Multiple Dwellings PLN-23-445 - File Ref: F24/18490**

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LORD MAYOR REYNOLDS

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Manager Development Appraisal of 22 February 2024, be adopted, as amended by the inclusion of the following advice clause:

*“Advice*

*The applicant is advised that a dilapidation report should be undertaken for neighbouring properties as part of the building approvals process.”*

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Dutta  
Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Sherlock  
Kelly  
Posselt  
Lohberger

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Planning Committee, in accordance with the delegations contained in its terms of reference, approves the application for Demolition, Subdivision (Lot Consolidation) and Seven Multiple Dwellings, at 41 Church Street and 45-51 Church Street, North Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-23-445 - 41 CHURCH STREET NORTH HOBART TAS 7000 - Attachment B - 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 20203/01085-HCC dated 18/08/2023 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

No more than eight (8) individual bins are to be put out for kerbside collection at any one time.

Reason for condition

To clarify the scope of the permit

PLN s2

Prior to the issue of any approval under the Building Act 2016 (excluding for demolition and preparatory site works), a landscaping plan for the soft and hard landscaping of the site prepared by a suitably qualified landscape expert must be submitted and approved. The landscaping plan must show landscaping substantially in accordance with the Final Planning Documents.

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

Prior to occupancy or the commencement of the use (whichever occurs first), confirmation from a suitably qualified landscape expert that all landscaping works required by this condition have been implemented, must be submitted.

The vegetation which is planted on the site pursuant to the landscaping plan must be maintained and must not be disturbed. If any vegetation dies or is destroyed, replacement vegetation of a similar size must be planted within 30 days of the death or destruction.

*Advice:*

*The applicant is encouraged in the landscaping of the site to include tree species which can grow to a more substantial height noting that this could be achieved within the setback to the residentially zone property at 37 Church Street.*

PLN s3

A plan showing the palette of exterior colours and materials must be prepared.

Prior to the issue of any approval under the *Building Act 2016* (excluding for demolition and preparatory site works), the plan showing exterior colours and materials must be submitted and approved. Samples and revised montages may be required to be submitted in support of the proposed plan.

All work required by this condition must be undertaken in accordance with the approved revised plans, samples and montages.

ENG sw6

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure with sufficient receiving capacity prior to first occupation or commencement of use (whichever occurs first).

Detailed engineering drawings prepared and certified by a suitable qualified

and experienced Civil Engineer must be submitted and approved as Condition Endorsement, prior to commencement of work or issue of consent under the *Building Act 2016* (whichever occurs first). The drawings must include but not be limited to:

1. Detailed design of the proposed pump system and supporting calculations demonstrating the system can drain all 20yr ARI rainfall events, and is in general accordance with Australian Standard AS/NZS 3500.3:2015 Part 3: Stormwater Drainage Systems.
2. All stormwater which is practicable to drain to Council infrastructure via gravity (including suspended or charged systems) must do so.
3. Any pumped or charged flows must be converted into free-flowing gravity within a suitably sized private transition pit inside the property.
4. Pumped system must be designed and located to minimise consequence of failure and nuisance (eg obvious failure, adequate setbacks to allow dispersal of surcharge prior to third-party land, separate power circuit and noise minimisation).
5. A brief list of maintenance / inspection actions.

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

*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.*

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

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

SW 7

Prior to occupancy or the commencement of the use (whichever occurs first), any new or upgraded stormwater connection required must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense.

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted and approved. The detailed engineering drawings must include:

1. the location of the proposed connections and all existing connections;
2. the size and design of the connection such that it is appropriate to safely service the development;
3. clearances from any nearby obstacles (eg services, crossovers, trees, poles, walls);
4. long-sections of the proposed connection clearly showing cover, size, grade, material and delineation of public and private infrastructure;
5. connections which are free-flowing gravity driven; and
6. be in general accordance with Council's departures from the LGAT Tasmanian Standard Drawings, available from [our website](#).

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

*Advice:*

*Upgraded or new connections can be approved either via the CEP process or via the Application for New Connection form available from [here](#). The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.*

*A single connection for the property is required under the Urban Drainage Act 2013.*

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater pre-treatment and detention for stormwater discharges from the development must be installed.

A stormwater management report and design must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. include detailed design of the proposed treatment train, including final

- estimations of contaminant removal;
2. include detailed design and supporting calculations of the detention tank showing:
    1. detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
    2. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
    3. the discharge rates and emptying times; and
    4. all assumptions must be clearly stated;
  3. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

*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.*

## ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS 1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

*Advice:*

*The Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes*

*greater than 1 in 4 will require a vehicular barrier or wheel stop.*

*Designers are advised to consult the [National Construction Code 2016](#) to determine if pedestrian handrails or safety barriers compliant with the Code are also required in the parking module this area may be considered as a path of access to a building.*

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

ENG 3b

Detail driveway and on-site parking area civil engineering design documentation must be submitted and approved as a condition endorsement, prior to the issuing of any approval under the *Building Act 2016*.

The detailed designs must:

1. be prepared and certified by a suitably qualified engineer;
2. be in accordance with the Australian Standard AS/NZS 2890.1:2004, if possible;
3. where the design deviates from AS/NZS 2890.1:2004 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use; and
5. show dimensions, levels, gradients and transitions, longitudinal sections, cross sections, surface treatment, pavement details, stormwater drainage, and other details as Council deem necessary to satisfy the above requirement.

The access driveway and parking area must be constructed in accordance with the approved detailed designs prior to first occupation.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG 3c

Prior to the first occupation, a suitably qualified engineer must certify that the access driveway and parking area has been constructed in accordance with design drawings approved by Condition ENG 3b.

*Advice:*

*We strongly encourage you to speak to your engineer before works begin so that you can discuss the number and nature of the inspections they will need to do during the works in order to provide this certification. It may be necessary for a surveyor to also be engaged to ensure that the driveway will be constructed as approved.*

*The reason this condition has been imposed as part of your planning permit is that the driveway is outside the Australian Standard gradients or design parameters. If the driveway is not constructed as it has been approved then this may mean that the driveway will either be unsafe or will not function properly.*

*An example certificate is available on our [website](#).*

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG 4

The access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the first occupation.

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

ENG 5

The number of car parking spaces approved to be used on the site is

sixteen (16).

All parking spaces associated with the apartment building must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004, prior to first occupation.

*Advice:*

*The parking spaces within the garage associated with the house does not required delineation.*

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.

ENG r1

The earth-retaining structures supporting the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings, structural certificates and associated geotechnical assessments of the excavation and retaining structure supporting the Tasma Street highway reservation must be submitted and approved as a Condition Endorsement, prior to the commencement of work and must:

1. Be prepared and certified by a suitable qualified person and experienced engineer;
2. Not undermine the stability of the highway reservation;
3. Be designed in accordance with AS 4678, with a design life in accordance with table 3.1 typical application major public infrastructure works;
4. Take into account any additional surcharge loadings as required by relevant Australian Standards;
5. Take into account and reference accordingly any Geotechnical findings;
6. Detail any mitigation measures required;
7. Detail the design and location of the footing adjacent to the Tasma Street highway reservation; and

The structure certificated and/or drawings should note accordingly the above.

All work required by this condition must be undertaken in accordance with the approved select design drawing and structural certificates.

*Advice:*

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

Reason for condition

To ensure that the stability and integrity of the Council's highway reservation is not compromised by the development.

ENG r3

Prior to the commencement of use, the proposed driveway crossover on

the Tasma Street highway reservation must be designed and constructed in accordance with:

- Urban - TSD-R09-v3 – Urban Roads Driveways and TSD R14-v3  
Type KC vehicular crossing, without the invert lip in the gutter;
- Footpath - Urban Roads Footpaths TSD-R11-v3.

Design drawings must be submitted and approved as a Condition Endorsement prior to any approval under the Building Act 2016. The design drawings must:

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property;
2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover;
3. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings;
4. Show swept path templates in accordance with AS/NZS 2890.1 2004(B85 or B99 depending on use, design template);
5. If the design deviates from the requirements of the TSD, then demonstrate that a B85 vehicle or a B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2), can access the driveway from the road pavement into the property without scraping the vehicle's underside;
6. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
7. Be prepared and certified by a suitable qualified person, to satisfy the above requirements.

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

*Advice:*

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

Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Program Leader Road Services and may require further planning

approvals. It is advised to place a note to this effect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.

Reason for condition

To ensure that works will comply with the Council's standard requirements.

ENV 2

Sediment and erosion control measures, sufficient to prevent sediment from leaving the site and in accordance with an approved soil and water management plan (SWMP), must be installed prior to any disturbance of the site and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted and approved as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the *Erosion And Sediment Control, The Fundamentals for Development in Tasmania* and associated guideline documents (TEER & DEP, 2023), available from the Derwent Estuary Program's [website](#).

All work must be undertaken in accordance with this condition and the approved soil and water management plan (SWMP). If the site or controls change, an updated SWMP must be submitted.

*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 avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development; and to comply with State legislation.

ENV s1

Prior to the granting of building consent, the detailed design drawings for the apartment building submitted for building consent must be endorsed in writing by a suitably qualified person as being adequate to achieve internal noise levels within all the apartments as recommended in *AS3671:1989 – Road Traffic Noise Intrusion (Building Siting and Construction)* and

*AS2107:2016 – Acoustics (Recommended Design Sound Levels and Reverberation Times for Building Interiors).*

If the detailed design drawings for the apartment building submitted for building consent are amended following submission of the endorsement, and the amendments are relevant to the building's acoustic performance, a fresh endorsement of the amended design drawings must be submitted.

The apartment building must be constructed in accordance with the endorsed design drawings.

Reason for condition

To ensure that buildings for residential uses provide reasonable levels of amenity.

HER 11

The sandstone blocks on the site adjacent to Church Street must be retained, reused and/or repurposed on site in the manner described in drawing A-130- Rev09.

Prior to the issue of any approval under the *Building Act 2016*, plans must be submitted and approved in accordance with the above requirement.

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

Reason for condition

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

HER 6

Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

1. All excavation and/or disturbance must stop immediately; and
2. A qualified archaeologist must be engaged to attend the site and provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and

3. All and any recommendations made by the archaeologist engaged in accordance with 2. above must be complied with in full; and
4. All features and/or deposits discovered must be reported to the Council with 1 day of the discovery; and
5. A copy of the archaeologist's advice, assessment and recommendations obtained in accordance with 2. above must be provided to Council within 30 days of receipt of the advice, assessment and recommendations.

Excavation and/or disturbance must not recommence unless and until approval is granted from the Council.

Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve and manage significant archaeological evidence.

HER 16

The solid brick front fence along Church St and return within the entry portico to the apartments is not approved. A revised design is required that reduces the height of the fence above the Church Street footpath level and increases the transparency. The maximum height of the fence must be no higher than 1.3 metres. The transparency must be no less than 30%.

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

*Advice:*

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

Reason for condition

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

HER 17c

The external colours, materials and finishes of the approved development must be substantially in accordance with the approved plans. Any substantial change in the colours, materials and finishes requires further approval.

Reason for condition

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

SURV 16

The titles comprising the development site (CT 103943/1 , CT 103943/2 and C T103943/3 ) , are to be adhered in accordance with the provisions of Section

110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, to the satisfaction of the Council prior to the issue of any building consent, building permit (including demolition) and / or plumbing permit pursuant to the *Building Act 2016* (if applicable), or the commencement of works on site (whichever occurs first).

Reason for condition

To ensure compliance with statutory provisions

*Advice:*

*The application for an adhesion order to the Council has a fee of \$337. Evidence will be required that the owners and mortgagees do not object to the adhesion and the condition is considered completed when a copy of the receipt for the Land Titles Office lodgement slip for the adhesion order has been received by the Council.*

*If a plan is prepared to support the adhesion order it should be a 'P' plan and will not be sealed by Council.*

Part 5 1

Prior to the commencement of work, the owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* and which provides for the following:

1. That the new consolidated lot is designated for multiple dwelling use

and development only.

All costs for the preparation and registration of the Part 5 Agreement must be met by the owner.

The owner must comply with the Part 5 Agreement which will be placed on the property title.

*Advice:*

*Please contact the Council's Development Appraisal Unit on 6238 2715 to request the Part 5 Agreement process be started. Once the request to start the process has been made, the Council will have its solicitors prepare the Part 5 Agreement for signing by property owners. Council will then lodge the Agreement with the Lands Titles Office to be placed on the title of the property. The cost of preparing the Part 5 and registration with the Recorder of titles is to be met by the applicant.*

*Where building approval is also required, it is recommended that the Part 5 Agreement process be started well before submitting documentation for building approval. Failure to start the Part 5 Agreement process prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To clarify the intended future use and development of the lot and to ensure compliance with the requirements of Table 11.1 of the Hobart Interim Planning Scheme 2015 with regard to acceptable lot size.

Part 5 r1

Part 5 agreement and/or legal agreement during construction and after for private structures supporting the highway reservation.

Part 5 1 The owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* with respect to the protection of retaining wall adjacent to the Tasma Street highway reservation prior to the commencement of work.

The owner must not undertake any works at any time (including excavation and building) that will have any effect on the integrity of the Tasma Street highway reservation or any retaining structure adjacent to Tasma Street highway reservation or the road formation themselves or undermine the

structural integrity of the highway reservation.

All costs for the preparation and registration of the Part 5 Agreement must be met by the owner.

The owner must comply with the Part 5 Agreement which will be placed on the property title.

*Advice:*

*For further information with respect to the preparation of a Part 5 Agreement please contact Council Development Engineering Unit.*

Reason for condition

To ensure the protection of Council are retained.

ADVICE

The applicant is advised that a dilapidation report should be undertaken for neighbouring properties as part of the building approvals process.

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](#).

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

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

#### BUILDING PERMIT

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

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

#### PLUMBING PERMIT

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

#### OCCUPATION OF THE PUBLIC HIGHWAY

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

#### GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. Click [here](#) for more information.

#### PERMEABLE DRIVEWAY SURFACING

The Applicant is advised that the use of permeable surfacing to the driveway would likely fail to comply with pertinent gradient standards and is not a requirement of the approved scheme. However, to improve soil condition and reduce stormwater pollutant run-off, the use of permeable surfacing to the basement level visitor parking spaces should be considered if deemed suitable.

#### 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.

#### 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.

#### 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.

#### REDUNDANT CROSSEOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Infrastructure By law. 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.

#### TITLE ADHESION

An adhesion of your titles is required because a portion of your development is across one or more title boundaries. Contact your solicitor or a registered land surveyor to initiate the process.

#### WORK PLACE HEALTH AND SAFETY

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

## PROTECTING THE ENVIRONMENT

In accordance with the *Environmental Management and Pollution Control Act 1994*, local government has an obligation to "use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution." Click [here](#) for more information.

## WASTE DISPOSAL

It is recommended that the developer liaise with the Council's City Resilience 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.

## PAVING

The applicant is encouraged to differentiate between the public spaces and the private spaces with difference in paving.

## LANDSCAPING

The applicant is encouraged in the landscaping of the site to include tree species which can grow to a more substantial height noting that this could be achieved within the setback to the residentially zone property at 37 Church Street.

## **Delegation: Committee**

Item 7.1 was then taken.

**6.1.2 3/12 Ellerslie Road, Battery Point and Common Land of Parent  
Title - Change of Use to Visitor Accommodation  
PLN-24-38 - File Ref: F24/18338**

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LOHBERGER

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Planning Committee, in accordance with the delegations contained in its terms of reference, refuses the application for Change of Use to Visitor Accommodation, at 3/12 Ellerslie Rd, Battery Point and the Common Land of Parent Title, for the following reason:

1. The proposal is for a discretionary use and does not comply with the zone purpose statement at clause 15.1.1.7 for the Urban Mixed Use Zone, contrary to clause 8.10.2(a) of the *Hobart Interim Planning Scheme 2015*.

MOTION LOST

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Lohberger

NOES

Dutta  
Lord Mayor Reynolds  
Zucco  
Sherlock  
Kelly  
Posselt

POSSELT

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Senior Statutory Planner of 19 February 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Dutta  
Lord Mayor Reynolds  
Zucco  
Sherlock  
Kelly

NOES

Deputy Lord Mayor Burnet  
Lohberger

Posselt

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Planning Committee, in accordance with the delegations contained in its terms of reference, approves the application for Change of Use to Visitor Accommodation, at 3/12 Ellerslie Road, Battery Point and the Common Land of the Parent Title for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

**GEN**

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-24-38 - 3/12 ELLERSLIE ROAD BATTERY POINT TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

**PLN 18**

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved as a Condition Endorsement, to the satisfaction of the Council's Director City Life. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:

1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
2. To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.
3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.
4. To specify that the maximum occupancy of the visitor accommodation is two (2) people.
5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (1), and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be

discouraged from bringing more than 1 vehicle and the parking of any additional vehicles in nearby streets should also be discouraged.

6. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

*Advice:*

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

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity, and in accordance with the stated intent of the applicant.

## 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](#).

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*.

## NOISE REGULATIONS

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

## FEES AND CHARGES

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

## VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under

the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

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

You are encouraged to have in place a management plan for the operation of the visitor accommodation. The management plan should include measures to limit, manage and mitigate unreasonable impacts upon the amenity of permanent residents, including addressing issues like noise, waste management, customer behaviour, security, and maximum occupancy.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable “bed and breakfast” parking permit.

**Delegation: Committee**

Item 7.2 was then taken.

## **7. REPORTS**

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### **7.1 Hobart Draft Local Provisions Schedule File Ref: F24/18156**

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BURNET

That the recommendation contained in the report of the Strategic Planner | Urban Futures and the Director City Futures of 23 February 2024, be adopted, as amended by the addition of the words “*Attachment F*” after the words “Attachment A” in clause 1(a) and after the words “Attachment E” in clause 1(c).

### **AMENDMENT**

LORD MAYOR REYNOLDS

That an additional clause 1(e) and clause 2 be added to the recommendation.

1.(e) That in response to representations 181 and 376

- 1- To be consistent with the application of the Scenic Protection Code that applies to an adjacent municipal area of Glenorchy City Council and Kingborough Council as required by section 34(2)(g) of the Act it is recommended that the Scenic Protection Code be applied to the face of kunanyi/Mount Wellington within Wellington Park under the Hobart LPS and
  - 2- the Council supports the exploration of the Historic Landscape Precinct being applied through a future local provision schedule amendment to the eastern face kunanyi/Mount Wellington and
  - 3- the Planning Authority response in Attachment A be modified accordingly.
2. The Council invites an application at the appropriate time for landlord consent from the Enshrine community initiative ([listthemountain.org](http://listthemountain.org)) for the amendment to the Local Provisions Schedule consistent with 1 E (2) above and agrees to waive the Council fees for the amendment.

AMENDMENT CARRIED

VOTING RECORD

AYES	NOES
Dutta	Zucco
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Sherlock	
Kelly	
Posselt	
Lohberger	

MOTION CARRIED

VOTING RECORD

AYES	NOES
Dutta	
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Sherlock	
Kelly	
Posselt	
Lohberger	

**COMMITTEE RESOLUTION:**

That:

1. That Council in its role as a Planning Authority, and in accordance with Section 35F of the *Land Use Planning and Approvals Act 1993*, endorse and submit to the Tasmanian Planning Commission this report about the exhibition of the draft Hobart Local Provisions Schedule, which includes the following particulars:
  - (a) As set out in Attachment A and Attachment F, to item 7.1 of the Open Planning Committee Agenda of 28 February 2024 the Planning Authority's consideration of the received representations including opinions as to the merit of each representation and any subsequent recommendation for modification to the draft LPS;
  - (b) As set out in Attachment A, to item 7.1 of the Open Planning Committee Agenda of 28 February 2024 the Planning Authority's recommended modifications to the draft LPS following the exhibition period made in accordance with Section 35F(2)(c) and 35F(2)(e) of the *Land Use Planning and Approvals Act 1993*;
  - (c) A copy of each representation received during the public exhibition period (Attachment E and Attachment F); to item 7.1 of the Open Planning Committee Agenda of 28 February 2024 and
  - (d) Determination that the draft LPS (including any recommendations) satisfies the local provisions schedule criteria set out under section 34(2) of the *Land Use Planning and Approvals Act 1993*.
  - (e) That in response to representations 181 and 376
    - 1- To be consistent with the application of the Scenic Protection Code that applies to an adjacent municipal area of Glenorchy City Council and Kingborough Council as required by section 34(2)(g) of the Act it is recommended that the Scenic Protection Code be applied to the face of kunanyi/Mount Wellington within Wellington Park under the Hobart LPS and
    - 2- the Council supports the exploration of the Historic Landscape Precinct being applied through a future local provision schedule amendment to the eastern face kunanyi/Mount Wellington and
    - 3- the Planning Authority response in Attachment A be modified accordingly.
2. The Council invites an application at the appropriate time for landlord consent from the Enshrine community initiative (listthemountain.org) for the amendment to the Local Provisions

Schedule consistent with 1 E (2) above and agrees to waive the Council fees for the amendment.

**Delegation: Committee**

Item 6.1.2 was then taken.

**7.2 Delegated Decision Report (Planning)**  
**File Ref: F24/17615**

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BURNET

That the recommendation contained in the report of the Acting Director City Life of 22 February 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta  
Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Sherlock  
Kelly  
Posselt  
Lohberger

**COMMITTEE RESOLUTION:**

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

**Delegation: Committee**

**7.3 Planning - Advertised Applications Report**  
**File Ref: F24/17732**

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SHERLOCK

That the recommendation contained in the report of the Acting Director City Life of 22 February 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta  
Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Sherlock  
Kelly  
Posselt  
Lohberger

**COMMITTEE RESOLUTION:**

That the information contained in the 'Planning – Advertised Applications Report' be received and noted.

**Delegation: Committee**

**8. RESPONSES TO QUESTIONS WITHOUT NOTICE**

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

**The Chief Executive Officer reports:-**

"In accordance with the procedures approved in respect to Questions Without Notice, the following responses to questions taken on notice are provided to the Committee for information.

The Committee is reminded that in accordance with Regulation 29(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairman is not to allow discussion or debate on either the question or the response."

**8.1 Briefing note on the Development Pipeline - post approval**  
**File Ref: F23/89967; 13-1-10**

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Memorandum of the Acting Director City Life of 22 February 2024 and attachments.

**8.2 Ensure Pathways Remain in Reserves**  
**File Ref: F23/124223; 13-1-10**

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Memorandum of the Director City Futures of 22 February 2024.

ZUCCO

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta  
Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Sherlock  
Kelly  
Posselt  
Lohberger

**Delegation: Committee**

**9. QUESTIONS WITHOUT NOTICE**

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

**9.1 Lord Mayor Reynolds - Development Approvals to Building Stage**  
**File Ref: 13-1-10**

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Question: Is there any value or capacity in the strategic planning area of Council to actually reach out to project owners to understand the delays in taking their approvals through to the next step of building permits?

Answer: The Acting Director City Life advised that yes there is value in doing so and arrangements will be made.

**10. CLOSED PORTION OF THE MEETING**

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BURNET

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

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	Questions Without Notice

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta  
Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Sherlock  
Kelly  
Posselt  
Lohberger

There being no further business the Open portion of the meeting closed at 6.12pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
13<sup>TH</sup> DAY OF MARCH 2024.

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**CHAIRMAN**