



CITY OF HOBART

MINUTES

PLANNING COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 15 FEBRUARY 2023 AT 5:02PM



City of **HOBART**

ORDER OF BUSINESS

APOLOGIES AND LEAVE OF ABSENCE

1.	CONFIRMATION OF MINUTES.....	3
2.	CONSIDERATION OF SUPPLEMENTARY ITEMS	4
3.	INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST	4
4.	TRANSFER OF AGENDA ITEMS.....	4
5.	PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS	5
6.	COMMITTEE ACTING AS PLANNING AUTHORITY	6
6.1	APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015	6
6.1.1	4-10 St Johns Avenue, New Town - Partial Demolition, Alterations, Fencing and Two New Netball Courts	6
6.1.2	487 AND 489 Sandy Bay Road, Sandy Bay - Subdivision (Boundary Adjustment)	12
6.1.3	175 Campbell Street, Hobart - Partial Demolition, Alterations, New Building for 31 Multiple Dwellings, Food Services, Business and Professional Services, General Retail and Hire, Subdivision (Lot Consolidation) and Associated Works in the Road Reserve including Tree Removal.....	13
7	REPORTS	14
7.1	Planning - Advertised Applications Report	14
7.2	Delegated Decision Report (Planning)	15
8.	QUESTIONS WITHOUT NOTICE	15
9.	CLOSED PORTION OF THE MEETING.....	16

Planning Committee Meeting (Open Portion) held on Wednesday, 15 February 2023 at 5:00 pm in the Council Chamber, Town Hall.

This meeting of the Planning Committee is held in accordance with a Notice issued by the Premier on 31 March 2022 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

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

COMMITTEE MEMBERS

Alderman S Behrakis (Chairman)

Lord Mayor Councillor A M Reynolds

Deputy Lord Mayor Councillor H Burnet

Alderman M Zucco

Councillor W F Harvey

Councillor M Dutta

Councillor Dr Z Sherlock

Councillor J Kelly

Councillor L Elliot

Alderman L Bloomfield

Councillor R Posselt

Councillor B Lohberger

Alderman Zucco left the meeting at 5.04pm, returning at 5.07pm, left the meeting at 5.09pm, returning at 5.10pm, left the meeting at 5.12pm, returning at 5.49pm and retired from the meeting at 5.53pm and was not present for items 6.1.1, 6.1.2 and 7 to 9 inclusive.

PRESENT: Alderman S Behrakis (Chairman), the Deputy Lord Mayor Councillor H Burnet, Alderman M Zucco, Councillors W F Harvey, M Dutta, L Elliot, Alderman L Bloomfield, Councillors R Posselt and B Lohberger

APOLOGIES: The Lord Mayor Councillor A M Reynolds, Councillors Dr Z Sherlock and J Kelly.

LEAVE OF ABSENCE: Nil.

1. CONFIRMATION OF MINUTES

DUTTA

The minutes of the Open Portion of the Planning Committee meeting held on [Wednesday, 1 February 2023](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Deputy Lord Mayor Burnet
Zucco
Harvey
Dutta
Elliot
Bloomfield
Posselt
Lohberger

The minutes were signed.

2. 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.

3. 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.

4. 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.

5. **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.

DEPUTY LORD MAYOR BURNET

That in accordance with Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee resolve to deal with any items which have deputations by members of the public regarding any planning matter listed on the agenda, to be taken out of sequence in order to deal with deputations at the beginning of the meeting.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Behrakis	
Deputy Lord Mayor Burnet	
Zucco	
Harvey	
Dutta	
Elliot	
Bloomfield	
Posselt	
Lohberger	

Item 6.1.3 was then taken.

6. 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.

6.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

6.1.1 4-10 St Johns Avenue, New Town - Partial Demolition, Alterations, Fencing and Two New Netball Courts PLN-21-809 - File Ref: F23/12576

HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 9 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Behrakis	
Deputy Lord Mayor Burnet	
Harvey	
Dutta	
Elliot	
Bloomfield	
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 Partial Demolition, Alterations,

Fencing and Two New Netball Courts at 4-10 St Johns Avenue, New Town for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-809 - 4-10 ST JOHNS AVENUE 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 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.

SW 7

Prior to occupancy or the commencement of the use (whichever occurs first), any alterations to the existing connections required by the final design 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.
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.

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 final 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. Council notes runoff from the site enters the New Town Rivulet, and all cleaning chemicals etc used on the courts must be chosen accordingly.

Council accepts the proposed detention and treatment designs in principle, however notes it may be more efficient if equivalent treatment / detention were installed elsewhere on the site.

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
2. Be repaired and reinstated by the owner to the satisfaction of the Council.

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property

service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENV 2

Sediment and erosion control measures, in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work 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 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 Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

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

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.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

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.

DIAL BEFORE YOU DIG

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

Delegation: Committee

**6.1.2 487 AND 489 Sandy Bay Road, Sandy Bay - Subdivision (Boundary Adjustment)
PLN-22-736 - File Ref: F23/12766**

POSSELT

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 9 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Deputy Lord Mayor Burnet
Harvey
Dutta
Elliot
Bloomfield
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, refuses the application for Subdivision (Boundary Adjustment), at 487 and 489 Sandy Bay Road, Sandy Bay for the following reasons:

1. The proposal does not meet the acceptable solution of the performance criterion with respect to clause E13.7.3 P1 (a), (b) or (c) of the Hobart Interim Planning Scheme 2015 because it will not ensure that sufficient curtilage is retained as part of any title containing heritage values; does not ensure a sympathetic pattern of subdivision; and does not provide a lot size, pattern and configuration with building areas or other development controls that will prevent unsympathetic development on lots adjoining any titles containing heritage values.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.3 P1 (a) and (b) of the Hobart Interim Planning Scheme 2015 because the subdivision proposal will result in detriment to the historic cultural heritage significance of the precinct as described in Table E13.2 and a pattern of subdivision that is unsympathetic.

Delegation: Committee

Item 7 was then taken.

Mr Dean Coleman – Solutionswon (Project Manager) Peter Walker (Architect), and Grant Atherton (Civil Engineer) addressed the Committee in relation to item 6.1.3.

**6.1.3 175 Campbell Street, Hobart - Partial Demolition, Alterations, New Building for 31 Multiple Dwellings, Food Services, Business and Professional Services, General Retail and Hire, Subdivision (Lot Consolidation) and Associated Works in the Road Reserve including Tree Removal
PLN-21-471 - File Ref: F23/13017**

DEPUTY LORD MAYOR BURNET

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 10 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Behrakis
Harvey	Zucco
Dutta	Elliot
Posselt	Bloomfield
Lohberger	

COMMITTEE RESOLUTION:

Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for Partial Demolition, Alterations, New Building for 31 Multiple Dwellings, Food Services, Business and Professional Services, General Retail and Hire, Subdivision (Lot Consolidation), and Associated Works in the Road Reserve including Tree Removal, at 169-173, 175, 177, and 179 Campbell Street, and the Adjacent Road Reservation for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause 15.4.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the proposed building height is not compatible with the scale of nearby buildings, and fails to provide stepping between itself and adjoining buildings.
- 2 The proposal does not meet the acceptable solution and there is no performance criterion with respect to clause E7.7.1 A4 and P4 of

the *Hobart Interim Planning Scheme 2015* because it includes a major stormwater drainage system that has not been designed to accommodate a storm with an ARI of 100 years.

- 3 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E15.7.4 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the car park floor level is not 300mm above the 1% AEP flood extent, and its proposed floor level does not satisfy: (a) that risk to users of the site, adjoining or nearby land is acceptable; (b) that risk to adjoining or nearby property or public infrastructure is acceptable; (c) that risk to buildings and other works arising from riverine flooding is adequately mitigated through siting, structural or design methods; and (d) that the need for future remediation works is minimised.

- 4 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E15.7.5 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because it includes a new wall that is greater than 5m in length and it will not satisfy the following: (a) that there is no adverse affect on flood flow over other property through displacement of overland flows; and (b) that the rate of stormwater discharge from the property will not increase.

Delegation: Committee

Item 6.1.1 was then taken.

7 REPORTS

7.1 Planning - Advertised Applications Report File Ref: F23/10771

HARVEY.

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Deputy Lord Mayor Burnet
Harvey
Dutta
Elliot
Bloomfield
Posselt
Lohberger

Delegation: Committee

7.2 Delegated Decision Report (Planning)
File Ref: F23/12729

DUTTA.

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis
Deputy Lord Mayor Burnet
Harvey
Dutta
Elliot
Bloomfield
Posselt
Lohberger

Delegation: Committee

8. QUESTIONS WITHOUT NOTICE

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

No questions were asked at the meeting.

9. CLOSED PORTION OF THE MEETING

DUTTA

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:

- Legal action involving the Council

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	Reports
Item No. 4.1	PLN-20-858 - 792 Sandy Bay Road, Sandy Bay - Alterations and Garage – Appeal LG(MP)R 15(4)(a)
Item No. 5	Responses to Questions Without Notice
Item No. 5.1	Cable Car Development Application - Appeal Costs LG(MP)R 15(4)(a)
Item No. 6	Questions Without Notice

MOTION CARRIED

VOTING RECORD

AYES	NOES
Behrakis	
Deputy Lord Mayor Burnet	
Harvey	
Dutta	
Elliot	
Bloomfield	
Posselt	
Lohberger	

Delegation: Committee

There being no further business the Open portion of the meeting closed at 17.58pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
1ST DAY OF MARCH 2023.

CHAIRMAN