



CITY OF HOBART

# MINUTES

PLANNING COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 15 MARCH 2023 AT 5:00PM



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 .....	5
6.1	APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015 .....	6
6.1.1	60 Alexander Street, 58 Alexander Street, 12 French Street, Sandy Bay - Two Multiple Dwellings (One Existing, One New) and Associated Works .....	6
7.	REPORTS .....	15
7.1	Planning - Advertised Applications Report .....	15
7.2	Delegated Decision Report (Planning) .....	15
8.	RESPONSES TO QUESTIONS WITHOUT NOTICE.....	16
9.	QUESTIONS WITHOUT NOTICE .....	17
10.	CLOSED PORTION OF THE MEETING.....	17

**Planning Committee Meeting (Open Portion) held on Wednesday, 15 March 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

**PRESENT:** Alderman S Behrakis (Chairman), the Deputy Lord Mayor Councillor H Burnet, Councillors W F Harvey, M Dutta, J Kelly, R Posselt and B Lohberger.

**APOLOGIES:** Councillor Dr Z Sherlock and Alderman L Bloomfield.

**LEAVE OF ABSENCE:** Nil.

**1. CONFIRMATION OF MINUTES**

---

DUTTA

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

MOTION CARRIED

### VOTING RECORD

#### AYES

Behrakis  
Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Kelly  
Posselt  
Lohberger

#### NOES

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.

### **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.

## **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 60 Alexander Street, 58 Alexander Street, 12 French Street, Sandy Bay - Two Multiple Dwellings (One Existing, One New) and Associated Works PLN-22-853 - File Ref: F23/23436

---

DUTTA

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

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Behrakis  
Deputy Lord Mayor Burnet  
Harvey  
Dutta  
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 Two Multiple Dwellings (One Existing, One New), and Associated Works, at 58 and 60 Alexander Street, and 12 French Street, Sandy Bay 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-22-853 - 60 & 58 ALEXANDER STREET AND 12 FRENCH 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 2022/02079-HCC dated 07/02/2023 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, 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 6

The new stormwater infrastructure must be designed and constructed prior to occupancy or the commencement of the approved use (whichever occurs first).

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 as a Condition Endorsement. The detailed engineering drawings must be certified by a suitably qualified and experienced civil engineer and must:

1. be substantially in accordance with the Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020),

as varied by the City of Hobart's published departures from those Drawings (available from our website), and the Local Government Association of Tasmania, Tasmanian Subdivision Guidelines (October 2013);

2. clearly distinguish between public and private infrastructure;
3. show in both plan and long-section the proposed stormwater main and connection, including but not limited to, flows, velocities, clearances, cover, gradients, sizing, material, and pipe class;
4. be designed to allow future extension along the rear of the upstream Alexander Street properties;
5. The plans and sections must clearly show the far bank, top of bank, 1% flood extent and invert of watercourse. The outfall to the watercourse must demonstrate adequate erosion and scour control. The design must take Council's flood mapping into consideration, including ability to withstand flood events, and create minimal hydraulic intrusion;
6. Include measures to ensure the outfall complements the natural values and use of the rivulet and reserve, including planting and materials. Plans must show any vegetation to be affected or planted.

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

SW 9

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 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 erosion or 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;
2. 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 2b

Further detailed designs are required for vehicle barriers to ensure safety of the dwelling below.

This 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 1170.1:2002, if possible; and
3. show dimensions, levels, gradients and transitions, and other details as Council deem necessary to satisfy the above requirement.

The vehicle barriers must be installed in accordance with the approved detailed designs prior to first occupation.

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

ENG 2c

Prior to the first occupation, a suitably qualified engineer must certify that the vehicle barriers have been installed in accordance design drawings approved by Condition ENG 2b.

*Advice:*

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

Reason for condition

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

ENG 3a

The access driveway and parking area must be constructed in accordance with the following documentation which forms part of this permit: PLN-22-853 - 60 ALEXANDER STREET SANDY BAY TAS 7005 - Revised Engineering Drawing - additional information AIS-23-59 (received by the Council on 12th of January 2023).

Any departure from that documentation and any works which are not detailed in the documentation must be either:

- a) approved by the Director City Life, via a condition endorsement application; or
- b) designed and constructed in accordance with Australian Standard AS/NZ 2890.1:2004.

The works required by this condition must be completed 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 person must certify that the access driveway and parking area has been constructed in accordance with design drawings approved by Condition ENG 3a.

*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 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, sufficient to prevent sediment leaving the site and 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).

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.

OPS 3

The trees within French Street Reserve must not be removed or damaged to the satisfaction of the Director City Life.

Prior to the commencement of work on the site, temporary tree protection fencing must be erected around trees 1-3 as identified in the Arboricultural Report: Preliminary Tree Assessment (Tree Pioneers, 2022).

- Fencing must define a tree protection zone around tree #1 at a radius of 13.20m from the centre of the tree.
- Fencing must define a tree protection zone around tree #2 at a radius of 4.80m from the centre of the tree.
- Fencing must define a tree protection zone around tree #3 at a radius of 12.96m from the centre of the tree.

Where works encroach into the tree protection zone of tree #3, fencing should be erected as close to the edge of the zone as possible.

No vehicular access, excavation, placement of fill, storage of materials or soil disturbance is to occur within the fenced areas. There must be no pruning, lopping or damage to the trees (including trunks and roots). Details of tree protection measures must be clearly notated on any plans submitted to the Council under the *Building Act 2016*.

Reason for condition

To maintain the amenity value of reserve trees as per the City of Hobart Street Tree Strategy

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.

#### NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Life Division to initiate the application process for your [new stormwater connection](#).

## 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**

## 7. REPORTS

---

### 7.1 Planning - Advertised Applications Report File Ref: F23/20389

---

#### BURNET

That the information be received and noted.

MOTION CARRIED

#### VOTING RECORD

AYES	NOES
Behrakis	
Deputy Lord Mayor Burnet	
Harvey	
Dutta	
Kelly	
Posselt	
Lohberger	

**Delegation: Committee**

### 7.2 Delegated Decision Report (Planning) File Ref: F23/22545

---

#### HARVEY

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis  
Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Kelly  
Posselt  
Lohberger

**Delegation: Committee**

**8. RESPONSES TO QUESTIONS WITHOUT NOTICE**

---

Regulation 29(3) *Local Government (Meeting Procedures) Regulations 2015.*

File Ref: 13-1-10

**8.1 Aggregate Stockpile - New Town Bay Hockey Centre**  
**File Ref: F23/11441**

---

Report of the Acting Director City Life of 15 March 2023.

HARVEY

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis  
Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Kelly  
Posselt  
Lohberger

**Delegation: Committee**



## 9. QUESTIONS WITHOUT NOTICE

---

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

### 9.1 Deputy Lord Mayor Burnet - 26 Lower Jordan Hill Rd File Ref: 13-1-10

---

Question: Given the interest of and disruption to neighbours that still continues to this day, could the Acting Director please provide information as to the number of breaches associated with the development at 26 Lower Jordan Hill Rd, and any action and/or fines associated with that application?

Answer: The Acting Director City Life took the question on notice.

## 10. 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:

- Minutes of a Closed Committee meeting
- 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   | Applications under the Hobart Interim Planning Scheme 2015                             |
| Item No. 4.1 | PLN-20-104 - 202-206 Macquarie Street, Hobart - Appeal - Mediation<br>LG(MP)R 15(4)(a) |
| Item No. 5   | Questions Without Notice   |

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Behrakis  
Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Kelly  
Posselt  
Lohberger

**Delegation: Committee**

There being no further business the Open portion of the meeting closed at 5.08pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
29<sup>TH</sup> DAY OF MARCH 2023.

---

**CHAIRMAN**