



CITY OF HOBART

# MINUTES

PLANNING COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 29 MARCH 2023 AT 5:01PM



City of **HOBART**

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## ORDER OF BUSINESS

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**Planning Committee Meeting (Open Portion) held on Wednesday, 29 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

Alderman Zucco arrived at the meeting at 5.03pm and was not present for items 1 to 5.

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

**APOLOGIES:** Nil.

**LEAVE OF ABSENCE:** Nil.

**1. CONFIRMATION OF MINUTES**

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DUTTA

The minutes of the Open Portion of the Planning Committee meeting held on [Wednesday, 15 March 2023](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis  
Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Sherlock  
Kelly  
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**

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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.

LOHBERGER

That item 6.1.1 be taken after item 8 to allow further information to be received.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis  
Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger

Item 6.2.2 was then taken.

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

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### **6.1.1 220 Waterworks Road, Dynnyrne - New Shared Track and Associated Works including Vegetation Rehabilitation PLN-22-665 - File Ref: F23/28580**

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DUTTA

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 21 March 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis  
Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Dutta  
Sherlock  
Kelly

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 new shared track and associated works including vegetation rehabilitation at 220 Waterworks Road, Dynnyrne, for the reasons outlined in the officer's report attached to item 6.1.1 of the Open City Planning Committee agenda of 29 March 2023 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-22-665 - 220 WATERWORKS ROAD DYNNYRNE TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

**THC**

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 8009 dated 2 December 2022, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

**ENV 8**

All recommended risk mitigation measures in section 3.3 of the landslide risk management report by William C Cromer Pty Ltd dated March 2022 must be implemented prior to the commencement of use and must be maintained for the life of the use/development, unless otherwise agreed in writing by Council's Environmental Development Planner based on advice from a suitably qualified person as defined under the Landslide Code.

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides.

## ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

### *Advice:*

*For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).*

### Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

## ENV s1

All recommended control measures in the rockfall risk management plan (no author or date provided) must be implemented prior to the commencement of use and must be maintained for the life of the use/development, unless otherwise agreed in writing by Council's Environmental Development Planner based on advice from a suitably qualified person as defined under the Landslide Code.

### Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides.

## HER s2

New work for the viewing decks, fencing, handrails and barriers at the Pipe Well Head must demonstrate compliance with the Design Guidelines Hobart Mountain Water Supply System.

Detailed plans must be submitted and approved as a Condition Endorsement, demonstrating the designs are in accordance with the above requirement. The documentation must:

1. show specific measurements and design details, and
2. colours, materials and finishes as specified in the Design Guidelines Hobart Mountain Water Supply System, dated 2013.

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

Reason for condition

Ensure that the heritage listed Mountain Water Supply System has a continuity of design and presents as a single heritage entity.

OPS 4

All recommendations listed in the Natural Values Report (ENVIRO-DYNAMICS, March 2022, pp.21-22) are to be implemented.

Reason for condition

To minimise the loss of identified threatened native vegetation communities and threatened flora species.

OPS 5

Tree protection measures must be undertaken in accordance with the following recommendations from the Natural Values Report (ENVIRO-DYNAMICS, March 2022).

Significant trees are mature blue gums (*E. globulus*) DBH>60 cm, mature stringybarks (*E. obliqua*) DBH>100 cm, old growth eucalypt trees in the DTO community and dead stags with potential hollows.

For the significant trees as defined above, no roots are to be cut >100 mm within the Structural Root Zone (SRZ) and >75 mm within the Tree Protection Zone (TPZ).

The track is to be built up and over roots of the above sizes, to a minimum of 100 mm and maximum of 300 mm depth, with soil, gravel and/or rock as applicable.

Any build-up of track formation > 300 mm requires a permeable foundation such as rock or gravel, to allow aeration of the soil below.

Where track alteration to avoid roots is not possible, a 10% incursion limit as per AS1490-2009 into the TPZ applies.

Clearly mark out a protection zone around all significant trees prior to works, to aid in following the above protocols.

#### Reason for condition

To conserve identified threatened fauna species by minimising clearance of important habitat and managing environmental impact.

#### 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*.

#### 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.

## WEED CONTROL

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

## FEES AND CHARGES

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

**Delegation: Committee**

### **6.1.2 171 Bathurst Street, Hobart - Partial Demolition, Alterations, and Extension PLN-22-794 - File Ref: F23/28697**

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## **PROCEDURAL MOTION**

### **BURNET**

That the item be deferred to allow further consideration by the applicant.

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Behrakis  
Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger

## **COMMITTEE RESOLUTION:**

That the item be deferred to allow further consideration by the applicant.

**Delegation: Committee**

## 7. REPORTS

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### 7.1 Planning - Advertised Applications Report File Ref: F23/24896

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BURNET

That the recommendation contained in the report of the Director City Life of 22 March 2023, be adopted.

MOTION CARRIED

#### VOTING RECORD

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

#### **COMMITTEE RESOLUTION:**

That the advertised planning applications report for the period 28 February 2023 to 10 March 2023 be received and noted.

**Delegation: Committee**

### 7.2 Delegated Decision Report (Planning) File Ref: F23/28142

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BURNET

That the recommendation contained in the report of the Director City Life of 22 March 2023, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES	NOES
Behrakis	
Deputy Lord Mayor Burnet	

Zucco  
Harvey  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger

**COMMITTEE RESOLUTION:**

That the delegated decisions report (planning) for the period 7 March 2023 to 20 March 2023 be received and noted.

**Delegation: Committee**

**8. QUESTIONS WITHOUT NOTICE**

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

**8.1 Councillor Lohberger - Development Applications - Housing**  
**File Ref: 13-1-10**

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Question: Can the Director advise that given 124 properties have been converted to short stay accommodation since 1<sup>st</sup> July 2022, how many new housing applications have been approved and rejected for the same period?

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

**8.2 Councillor Lohberger - Land Tax**  
**File Ref: 13-1-10**

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Question: Can the Director confirm if the level of land tax has risen by 300% for the properties subject to the planning application at 43-53 Smith Street?

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

**8.3 Deputy Lord Mayor Burnet - 48-50 New Town Road -  
Environmental Hazards  
File Ref: 13-1-10**

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Question: Can the Director advise that in regards to environmental hazards relating to the Tasman Hospital site at 48-50 New Town Rd, could the Director please provide information as to:

What is in place to dampen dust and to screen to minimise particle debris?

What has been done to reduce contamination, if any, from the former fill on this site?

What asbestos management is occurring during demolition?

How is the Council managing this work plan?

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

**8.4 Councillor Posselt - Strata Dwellings - Short Stay Accommodation  
File Ref: 13-1-10**

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Question: Can the Director advise if there is anything in the planning scheme that prohibits or prevents entire strata dwellings from being converted to short stay accommodation?

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

Item 6.1.1 was then taken.

**9. CLOSED PORTION OF THE MEETING**

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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:

- A matter involving legal action

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      Reports  
Item No. 5.1    Planning Authority Decisions Subject to Appeal before the  
                    Tasmanian Civil and Administrative Tribunal - Monthly Update  
                    LG(MP)R 15(4)(a)  
Item No. 6      Questions Without Notice

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis  
Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger

**Delegation: Committee**

There being no further business the Open portion of the meeting closed at 5.18pm.

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

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**CHAIRMAN**