



CITY OF HOBART

MINUTES

PLANNING COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 24 APRIL 2024 AT 5.00 PM



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	3 Alexander Street, Sandy Bay - Change of use to Boarding House.....	6
7.	REPORTS	12
7.1	Delegated Decision Report (Planning)	12
7.2	Planning - Advertised Applications Report	13
8.	QUESTIONS WITHOUT NOTICE	14
9.	CLOSED PORTION OF THE MEETING.....	14

**Planning Committee Meeting (Open Portion) held on Wednesday, 24 April 2024
at 5.00 pm in the Council Chamber, Town Hall.**

COMMITTEE MEMBERS

Councillor M Dutta (Chairperson)
Lord Mayor Councillor A M Reynolds
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), Alderman M Zucco,
Councillors W F Harvey, Dr Z Sherlock, J
Kelly, Alderman L Bloomfield, and
Councillor R Posselt.

APOLOGIES:

The Lord Mayor Councillor A M Reynolds
Councillor B Lohberger
Councillor W Coats

LEAVE OF ABSENCE: Nil.

1. CONFIRMATION OF MINUTES

HARVEY

The minutes of the Open Portion of the Planning Committee meeting held on [Wednesday, 10 April 2024](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta
Zucco
Harvey
Sherlock

Kelly
Bloomfield
Posselt

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.

No deputations were received.

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 3 Alexander Street, Sandy Bay - Change of use to Boarding House PLN-24-1 - File Ref: F24/34658

HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Senior Statutory Planner of 12 April 2024, be adopted.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Dutta		
Zucco		
Harvey		
Sherlock		
Kelly		
Bloomfield		
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 Boarding House at 3 Alexander Street, Sandy Bay for the reasons outlined in the officer's report attached to item 6.1.1 of the Open Planning Committee agenda of 24 April 2024 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-24-1 - 3 ALEXANDER STREET SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

The maximum number of licensed residents accommodated on site at one time must not exceed 18 persons.

Reason for condition

To comply with parking provision on site in accordance with Table 6.1 of the Parking and Access Code, and in accordance with the stated intent of the applicant.

PLN s2

Prior to the commencement of the use approved by this permit, a management plan for the operation of the boarding house must be submitted and approved. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of surrounding residents. These measures must include, but are not limited to, the following requirements:

- To limit, manage, and mitigate noise generated as a result of the boarding house, with provision of no less than inclusion on tenant leases restricting of use of the outside area and private open space area after 10pm;
- To limit, manage and mitigate behavioural issues caused as a result of the boarding house;
- An offsite 24-hour manager to be employed to address any site issues; Emergency contact details for the offsite 24-hour manager to be provided to adjoining neighbours;
- One (1) resident per room;
- To cease operation of the visitor accommodation use on site;
- To alert prospective tenants to the shortage of parking and inability to obtain on street parking permits;.

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 boarding house is in operation.

Advice:

Commencement of use would be considered to be the removal of the ground floor parking spaces.

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 boarding house does not cause an unreasonable loss of residential amenity.

ENG 3b

The following aspects of the access driveway and parking area require further detailed designs:

1. The car parking spaces for people with disabilities must be designed in accordance with the recommendations of the DDEG Access engineering - Performance based design brief - Dated 26/02/2024.

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 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
4. show [dimensions, levels, gradients, and transitions], 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 5

The number of car parking spaces approved to be used on the site is 5 (five).

All parking spaces 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 commencement of use.

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

ENG 9

All car parking spaces for people with disabilities must be delineated to Australian/NZS Standard, Parking facilities Part 6: Off street parking for people with disabilities AS/NZS 2890.6: 2009, prior to the commencement of the use.

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

ENG 1

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

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

2. Be repaired and reinstated by the owner to the satisfaction of the Council.

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

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

Reason for condition

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

ENV 1

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

Advice:

For guidance, please see the TEER & DEP (2023) Erosion and Sediment Control guideline documents available from the Derwent Estuary Program's [website](#).

Reason for condition

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

ADVICE

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

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

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.

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.

Delegation: Committee

7. REPORTS

7.1 Delegated Decision Report (Planning) File Ref: F24/33897

HARVEY

That the recommendation contained in the memorandum of the Acting Director City Life of 17 April 2024, be adopted.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Dutta		
Zucco		
Harvey		
Sherlock		
Kelly		
Bloomfield		
Posselt		

COMMITTEE RESOLUTION:

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

Delegation: Committee

7.2 Planning - Advertised Applications Report
File Ref: F24/33903

ZUCCO

That the recommendation contained in the memorandum of the Acting Director City Life of 17 April 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta
Zucco
Harvey
Sherlock
Kelly
Bloomfield
Posselt

COMMITTEE RESOLUTION:

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

Delegation: Committee

8. QUESTIONS WITHOUT NOTICE

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

8.1 Councillor Dutta - Boarding Houses - Planning Scheme File Ref: 13-1-10

Question: Can the Acting Director provide advise if it is possible to seek amendments to the planning scheme to expand the provisions pertaining to Boarding Houses?

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

9. CLOSED PORTION OF THE MEETING

ZUCCO

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	Questions Without Notice

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Dutta		
Zucco		
Harvey		
Sherlock		
Kelly		
Bloomfield		
Posselt		

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
8TH DAY OF MAY 2024.**

CHAIRMAN