



CITY OF HOBART

# MINUTES

PLANNING COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 28 AUGUST 2024

**Note: This meeting has been re-scheduled to occur on Wednesday 11 September 2024 at 4.30pm Council Chamber, Town Hall.**



City of **HOBART**

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## ORDER OF BUSINESS

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**Planning Committee Meeting (Open Portion) held on Wednesday, 28 August 2024 at 5.00 pm in the Council Chamber, Town Hall, re-scheduled to be held on Wednesday 11 September 2024 at 4.30pm.**

**COMMITTEE MEMBERS**

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

**PRESENT:** Councillor M Dutta  
(Chairperson, Alderman M Zucco,  
Councillor W F Harvey, Alderman L  
Bloomfield, Councillors R Posselt, B  
Lohberger and G Kitsos.

**APOLOGIES:**

Lord Mayor Councillor A M Reynolds,  
Deputy Lord Mayor Councillor Dr Z  
Sherlock, Councillor J Kelly, Councillor W  
Coats.

**LEAVE OF ABSENCE:** Nil.

**1. CONFIRMATION OF MINUTES**

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HARVEY

The minutes of the Open Portion of the Planning Committee meeting held on [Wednesday, 31 July 2024](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

Dutta

AYES

NOES

Zucco  
Harvey  
Bloomfield  
Posselt  
Lohberger  
Kitsos

The minutes were signed.

Councillor Harvey noted his availability for the originally advertised meeting of 28 August 2024.

## **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.

## 6.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

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### 6.1.1 123 Woodcutters Road, Tolmans Hill - Alterations to Parking Area and Landscaping PLN-24-225 - File Ref: F24/77108

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HARVEY

That the recommendation contained in the report of the Development Appraisal Officer of 22 August 2024, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Dutta  
Zucco  
Harvey  
Bloomfield  
Posselt  
Lohberger  
Kitsos

#### 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 Alterations to Parking Area and Landscaping at 123 WOODCUTTERS RD TOLMANS HILL TAS 7007 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-24-225 123 Woodcutters Road Tolmans Hill Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall 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.*

Council notes that site photos show impervious surfaces (such as the consolidated crushed granite landscaped areas and deck) which are not shown as drained. All runoff from impervious areas must be directed to the Council's stormwater infrastructure. Alternatively, the areas may be converted to a pervious material to ensure that stormwater is not directed onto neighbouring properties.

Reason for condition

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

The proposed (retaining wall) must be designed to ensure the protection and access to the Council's stormwater main.

The works must be undertaken and maintained in accordance with the submitted planning permit documents.

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

The "Existing Landscaped Utilities Area" and "Existing Forecourt Area" as shown on the submitted documentation are not car parking areas, approval as car parking areas is not implied or granted as part of this permit.

Reason for condition

To clarify the scope of the permit.

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.

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 the 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 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* and the National Construction Code.



## 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.

## TOLMANS HILL LOCAL AREA PLAN

The Tolmans Hill Local Area Plan is available [here](#).

This approval and subsequent conditions are given in the knowledge that the Part 5 Agreement on the title (CT. 133969/2) to the property is effective and binds the applicant to the restrictions and controls of the Tolmans Hill Local Area Plan.

At the time of issue no consent had been granted under the Tolmans Hill Local Area Plan. The applicant is advised to submit a landscape plan to Council which confirms the area of disturbance on the site does not exceed 400sqm of the site. Areas for rehabilitation are to be clearly shown on the plan in conformity with the restrictions and controls of Stage 5 of the Tolmans Hill Local Area Plan. The areas for rehabilitation should indicate use of local native planting species, including trees and ground covers and show the size and location of all planting within these areas.

The Applicant is advised that until a landscape plan has been submitted and approved and any works are completed so that the site complies with the restrictions and controls of the Tolmans Hill Local Area Plan and this permit, enforcement proceedings under ENF-22-246 remain outstanding.

Plant species listed in Council's Restricted Plant List: Potentially Invasive Species Generally Unsuitable for Planting in or Adjacent Bushland, Riparian and Coastal Areas (June 2011) must not be planted on the lot.

**Delegation: Committee**

## 7. REPORTS

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### 7.1 Delegated Decision Report (Planning) File Ref: F24/76609

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HARVEY

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

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Dutta  
Zucco  
Harvey  
Bloomfield  
Posselt  
Lohberger  
Kitsos

#### COMMITTEE RESOLUTION:

That:

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

**Delegation: Committee**

## **7.2 Planning - Advertised Applications Report**

**File Ref: F24/76853**

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LOHBERGER

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

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Dutta  
Zucco  
Harvey  
Bloomfield  
Posselt  
Lohberger  
Kitsos

### **COMMITTEE RESOLUTION:**

That:

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

## **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 - Planning Committee - 28 August 2024**

**File Ref: 13-1-10**

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Question: Can the Acting Director advise the availability and non-availability of Elected Members for the scheduled Planning Committee meeting on 28 August 2024?

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

## 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:

- Confirm the minutes of the Closed portion of the meeting
- Questions without notice in the Closed portion
- Planning appeal - Mediation

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 - Update LG(MP)R 15(4)(a)
Item No. 5.1	Committee Acting as Planning Authority
Item No. 5.1.1	PLN-22-323 - 199 Macquarie Street, Hobart - Appeal - Mediation LG(MP)R 15(4)(a)
Item No. 6	Questions Without Notice

MOTION CARRIED

### VOTING RECORD

AYES	NOES
Dutta	
Zucco	
Harvey	
Bloomfield	
Posselt	
Lohberger	
Kitsos	

**Delegation: Committee**

There being no further business the Open portion of the meeting closed at 4.37pm.

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

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**CHAIRMAN**