



CITY OF HOBART

# MINUTES

PLANNING AUTHORITY COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 25 SEPTEMBER 2024 AT 4.00 PM



City of **HOBART**

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## **ORDER OF BUSINESS**

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**Planning Authority Committee Meeting (Open Portion) held on Wednesday, 25 September 2024 at 4.00 pm in the Council Chamber, Town Hall.**

**APPOINTED MEMBERS**

Councillor M Dutta (Chairperson)  
Lord Mayor Councillor A M Reynolds  
Deputy Lord Mayor Cr Dr Z Sherlock  
Councillor W F Harvey  
Councillor R Posselt  
Councillor B Lohberger  
Councillor G Kitsos

**APOLOGIES:**

Alderman L Bloomfield

**LEAVE OF ABSENCE:** Nil.

**NOMINEE MEMBERS**

Alderman M Zucco  
Councillor J Kelly  
Councillor L Elliot  
Alderman L Bloomfield  
Councillor W Coats

Councillor Kelly arrived at the meeting at 4.06 pm during the discussion on item 6.1.1.

In accordance with clause 5.3 of the terms of reference the Acting Director City Life appointed Councillor Kelly as an Appointed Member to the Committee.

**PRESENT:**

Councillor M Dutta (Chairperson), Lord Mayor Councillor A M Reynolds, Deputy Lord Mayor Councillor Dr Z Sherlock, Councillors W F Harvey, R Posselt, B Lohberger, G Kitsos and J Kelly.

## **1. CONFIRMATION OF MINUTES**

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**LOHBERGER**

The minutes of the Open Portion of the Planning Committee meeting held on Wednesday 28 August 2024 (rescheduled to occur on 11 September 2024) and Wednesday 11 September 2024, are submitted for confirming as an accurate record.

**MOTION CARRIED**

**VOTING RECORD**

**AYES**

Dutta  
Lord Mayor Reynolds  
Deputy Lord Mayor Sherlock  
Harvey  
Posselt  
Lohberger  
Kitsos

**NOES**

The minutes were signed.

## **2. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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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**

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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**

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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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### 6.1.1 100 Pinnacle Road, Wellington Park, 30 McRobies Road, South Hobart and 136C Pottery Road, Lenah Valley - New Shared Use Track PLN-HOB-2024-0086 - File Ref: F24/84361

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POSSELT

That the recommendation contained in the report of the Development Appraisal Planner of 19 September 2024, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Dutta  
Lord Mayor Reynolds  
Deputy Lord Mayor Sherlock  
Harvey  
Posselt  
Lohberger  
Kitsos  
Kelly

#### **COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Planning Authority Committee in accordance with the delegations contained in its terms of reference, approve the application for a New Shared Use Track at, 100 Pinnacle Road Wellington Park TAS 7054, 30 McRobies Road South Hobart TAS 7004 and 136C Pottery Road Lenah Valley TAS 7008 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN - General

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-24-86 - 30 McRobies Road South Hobart TAS 7004 - Final Planning Documents except where modified below.

EDP 1

Prior to the commencement of works, an amended Natural Values Assessment must be submitted and approved that:

- includes the correct map of significant tree locations in Figure 5 (i.e. the

western half rather than the eastern half); and

- includes updated Figures 2, 3, 4 and 5 and Table 6 with trees 10 and 15 removed (Table 6 indicates these trees are not significant habitat trees).

#### EDP 2

No works, with the exception of weed management, may be undertaken within the *Eucalyptus tenuiramis* forest and woodland on sediments (DTO) community identified in the Natural Values Assessment by North Barker Ecosystem Services dated 19 July 2024.

#### EDP 3

No significant trees identified in the final, approved Natural Values Assessment may be removed, and works, with the exception of weed management, within the tree protection zones must be avoided and minimised as far as reasonably practicable.

#### EDP 4

No works, with the exception of weed management, may occur within the tree protection zones (TPZs) of the significant trees identified in the final, approved Natural Values Assessment, except where in accordance with the submitted amended Tree Protection During Construction of Recreational Tracks in Bushland tree protection specification.

#### EDP 5

All significant trees identified in the final, approved Natural Values Assessment must be clearly identified on site prior to any other works occurring in that section, with the exception of weed management.

#### EDP 6

Either:

- (a) Impacts to the hollow logs identified in Natural Values Assessment by North Barker Ecosystem Services dated 19 July 2024 must be avoided; or
- (b) The logs must be relocated to outside the works corridor but within 10m of their current location. Any relocation of these logs must be conducted with a suitably qualified ecologist present, to determine their vacancy (i.e. no threatened fauna presently using them). If a threatened fauna species is found to be present in the log at the time of relocation, the log is not to be moved and relevant environmental approvals must be sort.

#### ENV 2

A construction environmental management plan (CEMP) must be submitted and approved as a condition endorsement prior to the commencement of work on the site. The CEMP must be prepared by a suitably qualified expert and must:

1. detail the proposed demolition and construction methodology (particularly where works may have environmental impacts),
2. identify all potential environmental impacts associated with the works including (as relevant) noise, odours, air pollution, water pollution, land contamination, erosion, land instability, changes to hydrology, habitat degradation and impacts upon flora and fauna;
3. include measures to adequately avoid or mitigate all identified environmental risks;
4. be in accordance with the matters raised in the RFI Response submitted at GMC stage under GMC-24-12 for PLN-24-86;
5. give effect to, and reflect, the other environmental conditions of this permit;
6. include copies of Figures 2, 3, 4 and 5 in the final, approved Natural Values Assessment;
7. reflect the latest version of the submitted *Tree Protection During Construction of Recreational Tracks in Bushland* tree protection specification and the final, approved version of the Natural Values Assessment;
8. include a copy of the latest version of the submitted *Tree Protection During Construction of Recreational Tracks in Bushland*;
9. include weed management prescriptions for all weed infestations identified in the final, approved Natural Values Assessment.

If works are to be staged (e.g. demolition stage and construction stage), the plan may also be staged and address only those works associated with the stage about to commence.

All works must be undertaken in accordance with the approved CEMP.

ENG sw1

All stormwater from the proposed development (including but not limited to:



roofed areas, ag drains, and impervious surfaces such as driveways, paved areas, and compacted dirt/gravel tracks) must be dispersed onsite and with adequate erosion control prior to first occupation or commencement of use (whichever occurs first).

Advice:

*Any compacted dirt/gravel tracks should have a crossfall towards the downslope edge to disperse any runoff evenly where practicable.*

*If further design details at a later stage show that works are being done within a waterway, consent will be required under the City of Hobart Infrastructure by-law.*

*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 suitably disposed of onsite.

#### 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, see the Derwent Estuary Programs Erosion and Sediment Control for Development in Tasmania (printable brochure) 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.

#### 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.

#### 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 via the PlanBuild [online portal](#)

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.

#### LANDSLIDE RISK ASSESSMENT

It is strongly recommended that all recommendations of the Landslide Risk Assessment by Enviro-Tech Consultants P/L be adopted.

#### 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.

DIAL BEFORE YOU DIG

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

**Delegation: Committee**

## **7. REPORTS**

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### **7.1 Planning - Advertised Applications Report File Ref: F24/83967**

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POSSELT

That the recommendation contained in the memorandum of the Acting Director City Life of 19 September 2024, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES	NOES
Dutta	
Lord Mayor Reynolds	
Deputy Lord Mayor Sherlock	
Harvey	
Posselt	
Lohberger	
Kitsos	
Kelly	

#### **COMMITTEE RESOLUTION:**

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

**Delegation: Committee**

## 7.2 Delegated Decision Report (Planning)

File Ref: F24/84047

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SHERLOCK

That the recommendation contained in the memorandum of the Acting Director City Life of 19 September 2024, be adopted.

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Dutta  
Lord Mayor Reynolds  
Deputy Lord Mayor Sherlock  
Harvey  
Posselt  
Lohberger  
Kitsos  
Kelly

### COMMITTEE RESOLUTION:

That the information contained in the 'Delegated Decision Report (Planning)' 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 - Sandy Bay / Mt Nelson Neighbourhood Plan

File Ref: 13-1-10

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Question: Can the Acting Director provide an update on the progress of the discussion paper for the Sandy Bay / Mt Nelson neighbourhood plan?

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

## 9. CLOSED PORTION OF THE MEETING

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KITSOS

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 Meeting
- Closed Questions Without Notice

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	
Lord Mayor Reynolds	
Deputy Lord Mayor Sherlock	
Harvey	
Posselt	
Lohberger	
Kitsos	
Kelly	

There being no further business the Open portion of the meeting closed at 4.13pm.

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

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CHAIRPERSON