



CITY OF HOBART

MINUTES

PLANNING COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 11 SEPTEMBER 2024 AT 5.00 PM



City of **HOBART**

ORDER OF BUSINESS

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Planning Committee Meeting (Open Portion) held on Wednesday, 11 September 2024 at 5.00 pm in the Council Chamber, Town Hall.

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

APOLOGIES:

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

LEAVE OF ABSENCE: Nil.

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

1. CONFIRMATION OF MINUTES

The minutes of the Open Portion of the Planning Committee meeting re-scheduled from [Wednesday, 28 August 2024](#), and held on [Wednesday, 11 September 2024](#) will be confirmed at the next Planning Committee meeting to be held on Wednesday 25 September 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

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 30-34 Grays Road Fern Tree and adjacent road reserve and Pipeline Track (100 Pinnacle Road, Wellington Park) - dwelling, carport and studio PLN-24-326 - File Ref: F24/80832

KITSOS

That the recommendation contained in the report of the Development Appraisal Planner of 5 September 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, approve the application dwelling, carport, and studio at 30-34 Grays Road, Fern Tree and adjacent road reserve and Pipeline Track (100 Pinnacle Road, Wellington Park) for the reasons outlined in the officer's report marked as item 6.1.1 of the Open Planning Committee agenda of 11 September 2024 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-24-326 - 30-34 GRAYS ROAD FERN TREE TAS 7054 - Final Planning Documents except where modified below.

ENG R1

The earth-retaining structures, footings and driveway deck within or supporting the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings and structural certificates of the items mentioned above supporting or within the Grays Road highway reservation must be submitted and approved as a Condition Endorsement, prior to the commencement of work and must:

1. Be prepared and certified by a suitable qualified person and experienced engineer;
2. Not undermine the stability of the highway reservation;
3. Be designed in accordance with AS 4678, with a design life in accordance with table 3.1 typical application major public infrastructure works;
4. Take into account any additional surcharge loadings as required by relevant Australian Standards;
5. Take into account and reference accordingly any Geotechnical findings;
6. Detail any mitigation measures required;
7. Detail the design and location of the footing adjacent to the Grays Road highway reservation; and

The structure certificated and/or drawings should note accordingly the above.

All work required by this condition must be undertaken in accordance with the approved select design drawing and structural certificates.

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 that the stability and integrity of the Council's highway reservation is not compromised by the development.

ENG R4

Vehicle crash barriers and pedestrian handrail/fence within the Grays Road highway reservation compliant with the Australian/New Zealand Standard AS / NZS 1170.1 and the (IPWEA) LGAT --Tasmanian Standard Drawings must be installed or modified as per the plans prior to the first occupation.

A certified design/report prepared by a suitably qualified engineer, to satisfy the above requirements, must be provided to the Council prior to the commencement of work.

All works, required by this condition must be undertaken in accordance with certified design/report. Upon completion the barriers must be inspected by a qualified engineer and a certification submitted to the Council, confirming that the installed barriers comply with the above requirement.

Reason for condition

To ensure that the safety of users of the driveway/parking and compliance with the standard.

HER S1

The proposed stormwater infrastructure as shown in drawing SK301 Rev H must be constructed of the natural stone found in the local area. No impact, demolition or removal of any historic pipe infrastructure within the Pipeline Track is to occur.

Reason for condition

To ensure that demolition and new development does not result in the loss of historic cultural heritage values of the historic Pipeline Track and Pipeline Track Cultural Landscape Precinct.

SURV 16

The titles comprising the development site (CT 146945/1 and CT 146946/1) are to be adhered in accordance with the provisions of Section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, to the satisfaction of the Council prior to the issue of any building consent, building permit (including demolition) and / or plumbing permit pursuant to the *Building Act 2016* (if applicable), or the commencement of works on site (whichever occurs first).

Reason for condition

To ensure compliance with statutory provisions.

Advice:

The application for an adhesion order to the Council has a fee of \$354. Evidence will be required that the owners and mortgagees do not object to the adhesion and the condition is considered completed when a copy of the receipt for the Land Titles Office lodgement slip for the adhesion order has been received by the Council.

ENV 1 - Environmental Planning - Soil Water Management Plan

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 on preparing the soil and water management plan, the Derwent Estuary Program has published soil and water management on building and construction sites fact sheets. These are available online at derwentestuary.org.au.

ENV 26 - Environmental Planning - Biodiversity

No soil is to be imported onto the site unless determined as being free of weed propagules when tested in accordance with Australian Standard AS 4419:2018 Soils for landscaping and garden use.

ENV S1

All construction vehicles and machinery must be effectively cleaned of soil in accordance with the *Tasmanian Washdown Guidelines for Weed and Disease Control* (April, 2004) both before entering and before leaving the property.

Soil cleaned from construction vehicles and machinery must not be allowed, either directly or indirectly, to enter waterways or the Council's stormwater system.

ENV S2

Prior to the commencement of any other works, all blackberry individuals on the lot must be controlled in accordance with the recommendations for blackberry control in the Declared Weeds Index on the Department of Natural Resources and Environment Tasmania website. Further blackberry monitoring and control must be undertaken for an additional two-year period at intervals of no greater than 12 months.

ENG 2B - Development Engineering - Vehicle Barriers

Further detailed designs are required for vehicle barriers in the following locations:

1. Driveway
2. Car parking area

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 person;
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.

ENG 2C - Development Engineering - Vehicle Barriers

Prior to the first occupation, a suitably qualified person 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.

ENG 3C - Development Engineering - Parking and Access Design

Prior to the first occupation, a suitably qualified engineer must certify that the access driveway and parking area has been constructed in accordance with design drawings approved by condition ENG 3B.

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.

ENG 4 - Development Engineering - Parking and Access Design

The access driveway and parking module (car parking spaces and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the first occupation.

HER s1 - Heritage - Special

The proposed stormwater infrastructure as shown in drawing SK301 Rev H must be constructed of the natural stone found in the local area. No impact, demolition or removal of any historic pipe infrastructure within the Pipeline Track is to occur.

Reason for condition

To ensure that demolition and new development does not result in the loss of historic cultural heritage values of the historic Pipeline Track and Pipeline Track Cultural Landscape Precinct.

ENG 1A - Development Engineering - Protection of Council Assets

Any damage to the Hobart City Council's infrastructure must be reported to City of Hobart as soon as practicable.

Any damage to the Hobart City Council's infrastructure resulting from the implementation of this permit, must, at the election of the Council and within 30 days of demand:

1. be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the City of Hobart); or
2. be repaired and reinstated by the owner to the satisfaction of the City of Hobart.

ENG 3B - Development Engineering - Parking and Access Design

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

1. Driveway
2. Car parking area

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 person,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
2. 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

Advice:

The detailed design of the access, driveway, and manoeuvring area should be considered prior to finalising the finished floor level of the parking spaces (particularly if located within a garage intrinsic to a dwelling); failure to do so may result in difficulty complying with this condition.

ENG r1 – Roads Services – Earth Retaining Structures

The earth-retaining structures, footings and driveway deck within or supporting the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings and structural certificates of the items mentioned above supporting or within the Grays Road highway reservation must be submitted and approved as a Condition Endorsement, prior to the commencement of work and must:

1. Be prepared and certified by a suitable qualified person and experienced engineer;
2. Not undermine the stability of the highway reservation;
3. Be designed in accordance with AS 4678, with a design life in accordance with table 3.1 typical application major public infrastructure works;
4. Take into account any additional surcharge loadings as required by relevant Australian Standards;
5. Take into account and reference accordingly any Geotechnical findings;
6. Detail any mitigation measures required;
7. Detail the design and location of the footing adjacent to the Grays Road highway reservation.

The structure certificated and/or drawings should note accordingly the above.

All work required by this condition must be undertaken in accordance with the approved select design drawing and structural certificates.

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 that the stability and integrity of the Council's highway reservation is not compromised by the development.

ENG r4 – Roads Services – Vehicle crash barriers and pedestrian handrail/fence within the Grays Road highway reservation

Vehicle crash barriers and pedestrian handrail/fence within the Grays Road highway reservation compliant with the Australian/New Zealand Standard AS / NZS 1170.1 and the (IPWEA) LGAT –Tasmanian Standard Drawings must be installed or modified as per the plans prior to the first occupation.

A certified design/report prepared by a suitably qualified engineer, to satisfy the above requirements, must be provided to the Council prior to the commencement of work.

All works, required by this condition must be undertaken in accordance with certified design/report. Upon completion the barriers must be inspected by a qualified engineer and a certification submitted to the Council, confirming that the installed barriers comply with the above requirement.

Reason for condition

To ensure that the safety of users of the driveway/parking and compliance with the standard.

SURV 16 – Surveying Services – Adhesion Order

The titles comprising the development site (CT 146945/1 and CT 146946/1) are to be adhered in accordance with the provisions of Section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, to the satisfaction of the Council prior to the issue of any building consent, building permit (including demolition) and / or plumbing permit pursuant to the *Building Act 2016* (if applicable), or the commencement of works on site (whichever occurs first).

Reason for condition

To ensure compliance with statutory provisions

Advice:

The application for an adhesion order to the Council has a fee of \$354. Evidence will be required that the owners and mortgagees do not object to the adhesion and the condition is considered completed when a copy of the receipt for the Land Titles Office lodgement slip for the adhesion order has

been received by the Council.

ENGsw1 - Stormwater - Stormwater drainage

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 Council's stormwater infrastructure prior to occupancy or commencement of use (whichever occurs first).

A safe overflow point/ path must be installed and maintained such that any excess flows from the driveway/parking area are conveyed around the development.

Advice:

Council notes the driveway has negative fall from the road, and as such may receive some road runoff.

Reason for condition

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

ENG 1 - Development Engineering - Protection of Council Assets

Any damage to the Hobart City Council's infrastructure must be reported to City of Hobart as soon as practicable.

Any damage to the Hobart City Council's infrastructure resulting from the implementation of this permit, must, at the election of the Council and within 30 days of demand:

1. be met by the owner by way of reimbursement \ (cost of repair and reinstatement to be paid by the owner to the City of Hobart) \, or
2. be repaired and reinstated by the owner to the satisfaction of the City of Hobart.

Prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first), a written report and photos detailing any existing damage to the Hobart City Council's infrastructure on or adjacent to the site must be provided to the City of Hobart. The report should include, but not be limited to property service connection points, roads, kerb and channel, buildings and structures, stormwater pits and manholes, footpaths, driveway crossovers and nature strips; both on and adjacent to the subject site.

The report and photos of the Hobart City Council's infrastructure will be relied upon to establish the extent of any damage caused to the infrastructure during construction. In the event that the owner/developer fails to provide the report or photos to the City of Hobart, then any damage to the infrastructure found on completion of works will be deemed to be the responsibility of the owner.

SW 7 - Stormwater - Design

The new stormwater connection and culvert upgrade must be constructed at the owner's expense, prior to occupancy or commencement of use (whichever occurs first).

Detailed engineering drawings must be submitted and approved via a Condition Endorsement, prior to commencement of work or issue of any consent under the *Building Act 2016* (whichever occurs first). The detailed engineering drawings must:

1. be prepared and certified by a suitably qualified engineer;
2. show in plan and long-section the location, size, material, grade, cover, embedment, and delineation of public vs private infrastructure of the connection;
3. show in both plan and long-section the proposed stormwater culvert inlet and outlet upgrade, including but not limited to, connections, clearances from other services, cover, size, material, grade, and adequate erosion / scour control.
4. reflect any requirements of landlord consent and planning conditions.

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

Advice:

The approved stormwater connection and culvert upgrade documents must be included in your plumbing application document set and listed in accompanying forms.

Additional permits will be required to carry out the works, including a Permit to Undertake Works in a Park or Reserve and Permit to Construct Public Infrastructure.

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 PlanBuild.

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*.

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.

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction (e.g. placement of skip bin, crane, scissor lift etc). You may require a road closure permit for construction.

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Infrastructure by law. Click [here](#) for more information.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

Delegation: Committee

7. REPORTS

7.1 Medium Density Design Guidelines & Improving Residential Standards in Tasmania – Draft City of Hobart Submissions File Ref: F24/70629

POSSELT

That the recommendation contained in the report of the Manager Land Use and Development Planning and the Acting Director City Futures of 6 September 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Dutta
Zucco
Harvey
Posselt
Lohberger
Kitsos

NOES

Bloomfield

COMMITTEE RESOLUTION:

That:

1. The Planning Committee notes the officer recommendations and feedback on the draft Medium Density Design Guidelines and Improving Residential Standards in Tasmania, and notes the draft submissions marked as Attachments A, B and C to item 7.1 of the Open Planning Committee Agenda of 11 September 2024 as prepared in response to these Guidelines and Standards.

Delegation: Committee

7.2 Delegated Decision Report (Planning) File Ref: F24/80645

HARVEY

That the recommendation contained in the memorandum of the Acting Director City Life of 5 September 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

7.3 Planning - Advertised Applications Report
File Ref: F24/80733

POSSELT

That the recommendation contained in the memorandum of the Acting Director City Life of 5 September 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

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

No questions were asked at the meeting.

9. CLOSED PORTION OF THE MEETING

POSSELT

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		
Bloomfield		
Posselt		
Lohberger		
Kitsos		

Delegation: Committee

There being no further business the Open portion of the meeting closed at 5.33pm.

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

CHAIRMAN