



CITY OF HOBART

MINUTES

PLANNING AUTHORITY COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 22 JANUARY 2025



City of **HOBART**

ORDER OF BUSINESS

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**Planning Authority Committee Meeting (Open Portion) held on Wednesday,
22 January 2025 at 4.06 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:

Councillor M Dutta
Alderman L Bloomfield
Councillor B Lohberger

LEAVE OF ABSENCE: Nil

The Lord Mayor Cr Reynolds left the meeting at 5.40pm, returning at 5.55pm.

NOMINEE MEMBERS

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

PRESENT:

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

HARVEY

That in accordance with regulation 10 of the *Local Government (Meeting Procedures) Regulations 2015*, the Deputy Lord Mayor Councillor Dr Sherlock be appointed as Chairperson for the duration of the meeting.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Posselt
Kitsos

NOES

1. ACKNOWLEDGEMENT OF COUNTRY

The Chairperson provided an acknowledgment of country.

2. CONFIRMATION OF MINUTES

KITSOS

The minutes of the Open Portion of the Planning Authority Committee meeting held on [Wednesday, 4 December 2024](#) and the Special Planning Authority Committee meeting held on [Wednesday, 8 January 2025](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Sherlock
Lord Mayor Reynolds
Harvey
Posselt
Kitsos

NOES

The minutes were signed.

3. 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.

4. 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.

5. 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.

6. 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.

HARVEY

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.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Sherlock
Lord Mayor Reynolds
Harvey
Posselt
Kitsos

NOES

7. 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.

Item 7.2.2 was then taken.

7.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

7.1.1 50 Macquarie Street Hobart - Signage PLN-HOB-2024-0485 - File Ref: F25/3435

POSSELT

That the recommendation contained in the report of the Development Appraisal Planner of 16 January 2025, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Sherlock	
Harvey	
Posselt	
Kitsos	

COMMITTEE RESOLUTION:

Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for Signage at 50 Macquarie Street, Hobart 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-HOB-2024-0485 - 50 MACQUARIE ST HOBART TAS 7000 - Final Planning Documents except where modified below.

THC - General

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: 8506 dated 7 January 2025, as attached to the permit.

HER 15 - Heritage - Signs

The location of Sign 2 is not approved and revised plans showing a placement and orientation that does not obscure the inscribed foundation stone from public views within Davey Street or Argyle Street.

Prior to the commencement of work on the site, revised plans must be submitted and approved as a condition endorsement showing the sign in accordance with the above requirement.

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

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 through PlanBuild. Detailed instructions can be found [here](<https://www.hobartcity.com.au/Development/Condition-endorsement>).

Once approved, the Council will respond to you via PlanBuild 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.

Fees for Condition Endorsement are set out in Council's [Fees and Charges] (<https://www.hobartcity.com.au/Council/Fees-and-charges>).

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*.

Delegation: Committee

7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.2.1 479 Sandy Bay Road, Sandy Bay - Signage PLN-HOB-2024-0636 - File Ref: F25/2176

REYNOLDS

That the recommendation contained in the report of the Development Appraisal Planner of 13 January 2025, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Posselt
Deputy Lord Mayor Sherlock	
Harvey	
Kitsos	

COMMITTEE RESOLUTION:

Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Signage at 479 SANDY BAY RD SANDY BAY TAS 7005 for the reasons outlined in the officer's report 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-HOB-2024-0636 – 479 SANDY BAY ROAD SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

THC - General

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: 8544 dated 17 December 2024, as attached to the permit.

HER 3 - Heritage - Fabric

The 'Riverview House' sign and the 'Jet Service Station' sign on the building are to be retained in situ, conserved and repaired as necessary during works and subsequent uses.

Reason for condition

To ensure development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

ENG 1B - Development Engineering - Protection of Council Assets

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.

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*.

FEEES AND CHARGES

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

SIGNAGE

Illumination of signs 5 and 6 are not to cause loss of amenity.

Delegation: Committee

Item 8 was then taken.

7.2.2 9 Star Street, Sandy Bay - Visitor Accommodation (12 Units) PLN-24-46 - File Ref: F25/3389

HARVEY

That the recommendation contained in the report of the Development Appraisal Planner of 16 January 2025, be adopted.

MOTION LOST

VOTING RECORD

AYES

Harvey
Kitsos

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Posselt

MOTION

POSSELT

That pursuant to the Hobart Interim Planning Scheme 2015, the Council refuse the application for Visitor Accommodation (12 Units) at 9 STAR STREET SANDY BAY TAS 7005 for the following reasons:

1. The proposal does not comply with the acceptable solution A1 or the corresponding performance criterion P1 for clause 11.4.9 Non-dwelling Development because it does not comply with the related performance criteria (11.4.2 P1), as if it were a dwelling, as the building is not compatible with the relationship of existing buildings to the road in terms of setback or in response to other physical constraints of the site and does not have regard to the streetscape qualities or assist the integration of new development into the streetscape.
2. The proposal does not comply with the acceptable solution A1 or the corresponding performance criterion P1 for clause 11.4.9 Non-dwelling Development because it does not comply with the related performance criteria (11.4.2 P3), as if it were a dwelling, due to the siting and scale of the proposal causing an unreasonable loss of amenity to adjoining properties.
3. The proposal does not comply with the acceptable solution A1 or the corresponding performance criterion P1, specifically subclauses (c) and (f), for clause 3.1 (e) of Planning Directive No.6 because the Visitor Accommodation use is not compatible with the character and use of the area and will cause an unreasonable loss of residential amenity having regard to the scale of the use and its compatibility with the surrounding character and uses within the area, and any impact on the owners and users rights of way.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Harvey
Deputy Lord Mayor Sherlock	Kitsos
Posselt	

COMMITTEE RESOLUTION:

That pursuant to the Hobart Interim Planning Scheme 2015, the Council refuse the application for Visitor Accommodation (12 Units) at 9 STAR STREET SANDY BAY TAS 7005 for the following reasons:

1. The proposal does not comply with the acceptable solution A1 or the corresponding performance criterion P1 for clause 11.4.9 Non-dwelling

Development because it does not comply with the related performance criteria (11.4.2 P1), as if it were a dwelling, as the building is not compatible with the relationship of existing buildings to the road in terms of setback or in response to other physical constraints of the site and does not have regard to the streetscape qualities or assist the integration of new development into the streetscape.

2. The proposal does not comply with the acceptable solution A1 or the corresponding performance criterion P1 for clause 11.4.9 Non-dwelling Development because it does not comply with the related performance criteria (11.4.2 P3), as if it were a dwelling, due to the siting and scale of the proposal causing an unreasonable loss of amenity to adjoining properties.
3. The proposal does not comply with the acceptable solution A1 or the corresponding performance criterion P1, specifically subclauses (c) and (f), for clause 3.1 (e) of Planning Directive No.6 because the Visitor Accommodation use is not compatible with the character and use of the area and will cause an unreasonable loss of residential amenity having regard to the scale of the use and its compatibility with the surrounding character and uses within the area, and any impact on the owners and users rights of way.

Delegation: Committee

Item 7.1.1 was then taken.

8. REPORTS

8.1 Delegated Decisions Report (Planning) File Ref: F25/3127

HARVEY

That the recommendation contained in the report of the Director Strategic and Regulatory Services of 15 January 2025, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Posselt
Kitsos

COMMITTEE RESOLUTION:

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

Delegation: Committee

8.2 Planning Advertising Report
File Ref: F25/3444

HARVEY

That the recommendation contained in the report of the Director Strategic and Regulatory Services of 15 January 2025, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Sherlock	
Harvey	
Posselt	
Kitsos	

COMMITTEE RESOLUTION:

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

Delegation: Committee

9. RESPONSES TO QUESTIONS WITHOUT NOTICE

Regulation 29(3) *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

The Chief Executive Officer reports:-

"In accordance with the procedures approved in respect to Questions Without Notice, the following responses to questions taken on notice are provided to the Committee for information.

The Committee is reminded that in accordance with Regulation 29(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairman is not to allow discussion or debate on either the question or the response."

9.1 Planning Committee - 28 August 2024
File Ref: F24/86160; 13-1-10

Report of the Deputy Director Strategic and Regulatory Services of 23 December 2024.

9.2 Sandy Bay Campus Re-Zoning
File Ref: F24/109709

Report of the Director Strategic and Regulatory Services of 23 December 2024.

HARVEY

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Posselt
Kitsos

Delegation: Committee

10. QUESTIONS WITHOUT NOTICE

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

10.1 Lord Mayor Reynolds - Visitor Accommodation
File Ref: 13-1-10

Question: Can council be provided with a written timeline outlining all the efforts taken by Council to regulate visitor accommodation? (including motions, decisions and reforms, submissions, lobbying meetings)

Can Council be provided with an annual total of visitor accommodation permits granted, and rejected, since 2018?
Can this City of Hobart data be compared with what the state government's official data and Shelters Tasmania's data?

Can staff outline the current status of Councils efforts to restrict the issuing of visitor accommodation permits and how long they anticipate it might take for any changes to be implemented, if approved by the Planning Commission?

Can staff outline:-

- how many properties are being charged higher rates for a permanent visitor accommodation?
- how many properties with visitor accommodation permits have sought to avoid these higher rates by producing evidence of a long term lease?
- what steps do staff undertake to ensure that a long term lease is continuing each year?

(please provide multiple year data if it exists)

Can staff provide an update and comparison of the current regulations of visitor accommodation in Australian states

Can staff provide advice on what steps Council should take if we want to improve the loss of long term housing to visitor accommodation

Can staff advise what specific amendments that could be made to PD6 and Visitor Accommodation Act that would allow Council as a Planning Authority to reject some applications with more certainty of them not being challenged.

Answer: The Director took the questions on notice.

10.2 Cr Kitsos - Sunset Clauses

File Ref: 13-1-10

Question: Could the Director provide advice as to when it is appropriate to use sunset clauses with visitor accommodation permits?

Answer: The Director took the question on notice.

10.3 Lord Mayor Reynolds - Height Limits

File Ref: 13-1-10

Question: Can the Director advise what is the timeframe for putting the Central Hobart Plan height limits into our Local Provisions Schedule?

Answer: Council will get some updates on progress in relation to this matter within the next few months through an Elected Member Workshop with a view to having a report back to the Council for its consideration of a formal draft planning scheme amendment to the Local Provisions Schedule by the end of this calendar year.

10.4 Lord Mayor Reynolds - Compulsory DAP Projects.
File Ref: 13-1-10

Question: Can the Director advise what is the specific legal barrier to us making it compulsory to take projects over a certain size to our Design Advisory Panel? Can the response to this question identify the specific differences between Hobart and Fremantle, where I understand it is compulsory?

Answer: The Director took the question on notice.

10.5 Cr Posselt - DAP By-Law
File Ref: 13-1-10

Question: Can the Director advise if a By-Law could resolve the issue of projects compulsorily being referred to the Design Advisory Panel?

Answer: The Director didn't believe that Council could introduce a By-Law that might extend or run contrary to the provisions of the Act.

10.6 Lord Mayor Reynolds - Heritage Listing of kunanyi
File Ref: 13-1-10

Question: Can the Director advise what steps are being taken to pursue the Council's decision to support a separate planning scheme amendment to support the heritage listing of the mountain?

Answer: The Director took the question on notice.

10.7 Cr Harvey - Large vehicles in the city
File Ref: 13-1-10

Question: What provisions could Council consider to limit the impact of large vehicles in the city?

Answer: Council has limited authority to regulate vehicles using public roads provided they meet State and National standards. There are therefore no practical provisions that the Council could employ to limit such impacts.

10.8 Cr Harvey - State Government limit on large vehicles
File Ref: 13-1-10

Question: What steps could Council consider to influence the State Government to change the provisions that would limit large cars in the city?

Answer: The Director advised that it would be a lobbying exercise with the State Government either directly or through the Local Government Association of Tasmania (LGAT) as a statewide response.

10.9 Cr Posselt - Swept Path Analysis – B85
File Ref: 13-1-10

Question: The so-called B85 vehicles used in Swept Path Analyses currently measure 4.9m long and 1.85m wide. Why does the planning scheme allow that class of vehicle to be used as the standard in light of 55% of vehicle sales exceeding that size?

Answer: The Director took the question on notice.

11. 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:

- Minutes of a Closed Committee 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

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Posselt
Kitsos

Delegation: Committee

There being no further business the Open portion of the meeting closed at 6.28pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
5TH DAY OF FEBRUARY 2025.

CHAIRPERSON