



CITY OF HOBART

# **MINUTES**

## **Special City Planning Committee Meeting**

**Open Portion**

**Monday, 10 May 2021 at 4:00 pm**

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## ORDER OF BUSINESS

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### APOLOGIES AND LEAVE OF ABSENCE

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**Special City Planning Committee Meeting (Open Portion) held on Monday, 10 May 2021 at 4.00 pm in the Council Chamber, Town Hall.**

**This special meeting of the City Planning Committee is held in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020.**

**COMMITTEE MEMBERS**

Deputy Lord Mayor Burnet (Chairman)  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**NON-MEMBERS**

Lord Mayor Reynolds  
Zucco  
Sexton  
Thomas  
Ewin  
Sherlock

**PRESENT:** The Deputy Lord Mayor Councillor H Burnet (Chairman), Alderman J R Briscoe, Councillor W F Harvey, Alderman S Behrakis, Councillors M Dutta, W Coats and Alderman D C Thomas.

Councillor Coats arrived at the meeting at 4.01 pm and was not present for items 1 to 3.

Alderman Thomas arrived at the meeting at 4.01 pm and was not present for items 1 to 3.

**APOLOGIES:** Nil.

**LEAVE OF ABSENCE:** Nil.

**1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY**

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No Elected Members were co-opted to the Committee.

**2. 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.

## **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 General Manager 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.

### **BRISCOE**

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 Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta

#### NOES

### **3. 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 General Manager 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.

#### **3.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015**

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Mr Stuart McKenzie-Hall, Ms Jocelyn McPhie, Mr Peter Sibley, Mr Frazer Read (Representors), Mr Brian Richardson and Ms Irene Duckett (Applicant) addressed the Committee in relation to item 3.1.1.

##### **3.1.1 21B Enterprise Road and 21A Enterprise Road, and 26 Edith Avenue (CT 169835/105) and 35 Enterprise Road, and Adjacent Road Reserve, Sandy Bay - 20 Multiple Dwellings and Associated Works PLN-20-740 - File Ref: F21/40460**

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HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 5 May 2021, be adopted.

#### **AMENDMENT**

BRISCOE

That the following clause be included in the recommendation for refusal:

*“The application does not meet the application requirements of Clause 8.1 because there is reasonable concern that the plans include discrepancies including in relation to the width of access, levels and heights. It is not possible to make a proper assessment of compliance with the relevant standards of the planning scheme based on the information provided.”*

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**AMENDMENT**

DUTTA

That the following clause be included in the recommendation for refusal:

*“The proposal does not meet the Acceptable Solution or the Performance Criteria A3 or P3 of Clause 10.4.2 because the siting and scale of Units 14, 15, 16, 17, 19 and 20 as well as the combined height of the retaining wall and boundary fencing on the northern boundary will cause an unreasonable loss of amenity by visual impacts caused by their apparent scale as viewed from the rear of the properties at 23-33 Enterprise Road. The siting is also not compatible with that prevailing in the surrounding area.”*

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for 20 multiple dwellings and associated works at 21B Enterprise Road, 21A Enterprise Road, 26 Edith Avenue CT 169835/105 and 35 Enterprise Road and adjacent road reservation Sandy Bay TAS 7005 for the following reasons:

1. The proposal does not meet the Acceptable Solution or the Performance Criterion with respect to Clause E5.5.1 A3 or P3 because the increase in vehicular traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less will not be safe and will unreasonably impact on the efficiency of the road, having regard to the increase in traffic caused by the use and the traffic impact assessment submitted with the planning application.




2. The application does not meet the application requirements of Clause 8.1 because there is reasonable concern that the plans include discrepancies including in relation to the width of access, levels and heights. It is not possible to make a proper assessment of compliance with the relevant standards of the planning scheme based on the information provided.
  
3. The proposal does not meet the Acceptable Solution or the Performance Criteria A3 or P3 of Clause 10.4.2 because the siting and scale of Units 14,15,16, 17, 19 and 20 as well as the combined height of the retaining wall and boundary fencing on the northern boundary will cause an unreasonable loss of amenity by visual impacts caused by their apparent scale as viewed from the rear of the properties at 23-33 Enterprise Road. The siting is also not compatible with that prevailing in the surrounding area.

**SUBSTANTIVE MOTION CARRIED**

**VOTING RECORD**

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

**Attachments**

- A Stuart McKenzie-Hall - Deputation Supporting Information - 21B Enterprise Road ⇒ 
- B Jocelyn McFie - Deputation Supporting Information - 21B Enterprise Road ⇒ 
- C Peter Sibly - Deputation Supporting Information - 21B Enterprise Road ⇒ 

**Delegation: Council**

There being no further business the meeting closed at 4.58 pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
17<sup>TH</sup> DAY OF MAY 2021.

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**CHAIRMAN**