



CITY OF HOBART

# **MINUTES**

## **City Planning Committee Meeting**

**Open Portion**

**Monday, 24 January 2022 at 5:00pm**

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## **ORDER OF BUSINESS**

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**City Planning Committee Meeting (Open Portion) held on Monday, 24 January 2022 at 5:00 pm via Zoom.**

**This 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*.**

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

**COMMITTEE MEMBERS**

Deputy Lord Mayor Councillor H Burnet  
(Chairman)  
Alderman J R Briscoe  
Councillor W F Harvey  
Alderman S Behrakis  
Councillor M Dutta  
Councillor W Coats

**NON-MEMBERS**

Lord Mayor Councillor A M Reynolds  
Alderman M Zucco  
Alderman Dr P T Sexton  
Alderman D C Thomas  
Councillor J Fox  
Councillor Dr Z Sherlock

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

**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. CONFIRMATION OF MINUTES**

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HARVEY

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 13 December 2021](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

The minutes were signed.

### **3. 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.

### **4. 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.

### **5. 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.

## 6. 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.

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

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

## **7. 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.

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

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Mr Ben Swain, Mr Bill Fitzgerald and Ms Danielle Gray (Representors), Ms Jacqui Blowfield and Ms Lucy Harris (Applicant) addressed the Committee in relation to item 7.1.1

#### **7.1.1 1/14 Lord Street, 2/14 Lord Street, 12 Lord Street, Sandy Bay - Partial Demolition, Alterations, Extension and Two Multiple Dwellings (Two Existing and Two Proposed) PLN-21-532 - File Ref: F22/4028**

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BRISCOE

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition, alterations, extension, and two multiple dwellings (two existing and two proposed), at 1/14 Lord Street, 2/14 Lord Street and 12 Lord Street, Sandy Bay for the following reasons:

1. The proposal does not meet the acceptable solution or performance criterion with respect to clause 11.4.3 P1(b) or (c) because the proposal the new dwelling has insufficient private open space and insufficient space for gardens and landscaping.
2. The proposal does not meet the acceptable solution or performance criterion with respect to clause 11.4.3 P2(b) because the private open space will not receive any or sufficient sunlight.
3. The proposal does not meet the acceptable solution or performance criterion with respect to E6.7.3 P1 because no vehicle passing area is proposed but is required in the circumstances.

MOTION LOST

VOTING RECORD

AYES

Briscoe  
Dutta  
Coats

NOES

Deputy Lord Mayor Burnet  
Harvey  
Behrakis

HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Manager Development Appraisal of 14 January 2022, be adopted, as amended with an additional clause PLN s2 to read as follows:

“PLN s2

*The doors between the dwelling and the private open space must be sliding doors.”*

MOTION LOST

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Harvey  
Behrakis

NOES

Briscoe  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

That the item be referred to the Council without recommendation.

**Delegation: Council**

Ms Claire and Mr Anthony Ellis, Mr Cedric Manen, Ms Marilyn Pennington-Smith (Representors), Mr Monty East (Applicant) addressed the Committee in relation to item 7.1.2.

**7.1.2 1/816 Sandy Bay Road, Sandy Bay and Common Land or Parent  
Title - Partial Demolition, Alterations and Extension  
PLN-21-454 - File Ref: F22/4992**

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**PROCEDURAL MOTION**

BRISCOE

That the item be deferred to allow further consultation with the applicant and residents around compliance issues for the site.

MOTION CARRIED

**VOTING RECORD**

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

That the item be deferred to allow further consultation with the applicant and residents around compliance issues for the site.

**Attachments**

A Cedric Manen - Deputation Supporting Information - 1/816 Sandy Bay Road ⇒ 

**Delegation: Committee**

Item 7.1.4 was then taken.

**7.1.3 62-66 Clare Street, New Town - Partial Demolition, Alterations and Extension**  
**PLN-21-693 - File Ref: F22/4027**

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HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Manager Development Appraisal of 17 January 2022, be adopted.

MOTION 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 approve the application for partial demolition, alterations and extension at 62-66 Clare Street, New Town 7008 for the reasons outlined in the officer's report attached to item 7.1.3 of the Open City Planning Committee agenda of 24 January 2022 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-21-693 - 62-66 CLARE STREET NEW TOWN TAS 7008 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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).

Any private or private shared stormwater system passing through third-party land must have sufficient receiving capacity.

*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.*

Reason for condition

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

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater discharges from the development must be installed.

A stormwater management report and design must be submitted and approved prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. Include detailed design and supporting calculations of the detention tank showing:
  1. detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
  2. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
  3. the discharge rates and emptying times; and
  4. all assumptions must be clearly stated;
2. Include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

## 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.

## 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 – in accordance with Fact sheet 3 Derwent Estuary Program 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.

## HER 18

The Radiata Pine trees must be protected throughout excavation and post construction.

A report must be submitted for approval as a Condition Endorsement prior to the commencement of work. The report must:

1. Be prepared by a suitable qualified person; and
2. Show all tree protection zones and relevant measures specified under Section 3 Determining the Protection Zones of the Selected Trees, Section 4 Tree Protection Measures and Section 5 Monitoring and Certification of AS 4970-2009 Protection of trees on development sites, around the Radiata Pine.

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

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

## OPS 3

The four Pittosporum trees identified for removal are to be removed prior to the commencement of other works.

Replacement trees will be required, two for everyone to be removed, to the satisfaction of the Director City Amenity.

On completion of planting of all trees, the developer must arrange for an installation inspection by the Council. Once all the trees have been planted to the satisfaction of the Council's Director City Amenity, the Council will issue a statement confirming satisfactory planting of all street trees.

All street trees must then be watered and maintained in a healthy state by the developer for a period of two (2) years from the date of that statement.

*Advice:*

*For further information regarding satisfaction of this condition, and to arrange an Installation Inspection by the Council, please liaise with the Council's Program Leader Arboriculture and Nursery by phoning 6238 2807.*

*A final plan showing the tree protection measures and the location of replacement plantings is to be submitted before building approval is sought or before works commence, whichever occurs sooner.*

*Once the plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement). 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.*

Reason for condition

To ensure that the amenity of public open space is maintained and that works are undertaken in accordance with the *City of Hobart Street Tree Strategy 2017* and Australian Standard AS 4970 Protection of trees on development sites.

OPS 5

All trees to be retained in the vicinity of the development site and in particular the closest *Pinus radiata* pine tree, must be protected from damage during works. Canopies, trunks and root protection zones (as defined as the Tree Protection Zone in the *Australian Standard for Protection of trees on development sites AS4970*) are to be protected from damage, or compensation will be payable.

Before works commence, tree protection fencing must be installed around the trees to be retained. No vehicular access, excavation, placement of fill, storage of materials or soil disturbance is to occur within the fencing. There must be no pruning, lopping or damage to the tree (including its trunk and roots). Details of tree protection measures must be clearly notated on any plans submitted to the Council under the *Building Act 2016*.

A final plan showing the tree protection measures and the location of replacement plantings must be submitted before building approval is sought or before works commence, whichever occurs sooner.

*Advice:*

*Once the plan has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement). 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.*

Reason for condition

To ensure that the amenity of public open space is maintained and that works are undertaken in accordance with the City of Hobart Street Tree Strategy 2017 and Australian Standard AS 4970 Protection of trees on development sites and that to ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

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 Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

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*. 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*.

#### PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

#### NOISE REGULATIONS

Click [here](#) for information with respect to noise nuisances in residential areas.

#### WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

#### DIAL BEFORE YOU DIG

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

#### **Delegation: Council**

Item 7.1.5 was then taken

Mr Benn Turner addressed the Committee in relation to item 7.1.4.

**7.1.4 1-7 Cedar Court, Sandy Bay Adjacent Road Reserve - Partial Demolition, Alterations, Extension, Front Fencing, Garage, Alteration to Access, and Associated Works**  
**PLN-21-388 - File Ref: F22/4514**

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BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 18 January 2022, be adopted as amended by the following revised conditions HER 16 and ENG 4 and advice clauses to read as follows:

*“HER 16*

*The front fence (including both the stucco brick piers and the wrought iron infill panels) along the eastern boundary, from the 'existing store' to the north western corner of the site, must be no more than 1.8m in height above natural ground level, with the wrought iron infill no less than 74% transparent.*

*The remaining front fence must not exceed the height shown on the approved plans, but may be reduced to match the above requirement if desired.*

*Prior to the issue of any approval under the Building Act 2016, revised plans must be submitted and approved as a Condition Endorsement showing the front fence in accordance with the above requirement.*

*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 development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance, and to provide reasonable opportunity for privacy for dwellings whilst maintaining the streetscape.*

*ENG 4*

*The driveways and parking areas must be constructed using materials which are either sealed or another material as approved by the Senior Development Engineer through a condition endorsement. Any sealed surface must be drained to the City's stormwater infrastructure. These works must be completed prior to first use of the garage.*

*Reason for condition*

*To ensure that gravel and similar materials are not tracked onto the Council's road reservation. Also that the vehicle turning areas are safe and appropriate for the use.*

*Advice*

*The area in front of the garage is intended to be sealed. An area immediately adjacent to the road reserve may be appropriate to be grass pavers, which would enable the adjacent tree to be protected and receive sufficient water. It is noted that the THC has conditioned for that tree to be retained."*

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

NOES

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for partial demolition, alterations, extension, front fencing, garage, alterations to access, and associated works, at 1-7 Cedar Court, Sandy Bay 7005 for the reasons outlined in the officer's report attached to item 7.1.4 of the Open City Planning Committee agenda of 24 January 2022 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-21-388 - 1-7 CEDAR COURT SANDY BAY TAS 7005 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/01237-HCC dated 27/7/2021 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

THC

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: 6640 dated 10 January 2022, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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).

Any private or private shared stormwater system passing through third-party land must have sufficient receiving capacity.

*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.*

Reason for condition

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

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater detention for stormwater discharges from the development must be installed.

A stormwater management report and design must be submitted and approved prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. include detailed design and supporting calculations of the detention tank showing:
  1. detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
  2. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
  3. the discharge rates and emptying times; and
  4. all assumptions must be clearly stated;
2. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

#### ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS 1170.1:2002 must be installed to prevent vehicles running off the edge of a parking area(s), where the drop from the edge of the area to a lower level is 600mm or greater, and physical controls (i.e. wheel stops, kerbing) must be installed for drops between 150mm and 600mm. All physical controls installed shall not introduce an increase in detriment to users (e.g. limit the approved parking area dimensions).

#### Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

### ENG 3b

Detailed designs of the proposed parking area(s) must be submitted and approved via the City's condition endorsement process, prior to the issuing of any approval under the *Building Act 2016* or commencement of work (whichever occurs first).

The detailed designs must:

1. be substantially in accordance with the advertised plans
2. show dimensions, levels, gradients and transitions
3. show any excavations such as gate posts, retaining walls to be contained wholly within the property boundary without impacting the size or functionality of the access or turning area.
4. show retaining structures be adequately drained
5. be in accordance with the Australian Standard AS/NZS 2890.1:2004, where possible;
6. where the driveway/access/ turning area deviate from the Australian Standards be prepared by a suitably qualified engineer.

The parking area must be constructed in accordance with the approved detailed designs, prior to first occupation or commencement of use (whichever occurs first).

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

### ENG 4

The driveways and parking areas must be constructed using materials which are either sealed or another material as approved by the Senior Development Engineer through a condition endorsement. Any sealed surface must be drained to the City's stormwater infrastructure. These works must be completed prior to first use of the garage.

Reason for condition

To ensure that gravel and similar materials are not tracked onto the Council's road reservation. Also that the vehicle turning areas are safe and appropriate for the use.

#### Advice

The area in front of the garage is intended to be sealed. An area immediately adjacent to the road reserve may be appropriate to be grass pavers, which would enable the adjacent tree to be protected and receive sufficient water. It is noted that the THC has conditioned for that tree to be retained.

#### ENG 5

The number of car parking bays approved for use on site must be in accordance with those shown on the design drawings approved by condition ENG 3b.

#### Reason for condition

To ensure the provision of parking for the use is safe and efficient.

#### 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.

#### ENG r3

Prior to first occupation or commencement of use (whichever occurs first), the proposed access driveway (i.e. vehicular crossing, including crossover) on the Cedar Court highway reservation must be designed and constructed in accordance with:

- Urban - TSD-R09-v3 – Urban Roads Driveways and TSD R14-v3 Type KC vehicular crossing;
- Footpath - Urban Roads Footpaths TSD-R11-v3, reinforced concrete footpath.

Design drawings must be submitted and approved as a Condition Endorsement prior to any approval under the *Building Act 2016*. The design drawings must:

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property for the new crossover at the head;
2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover;
3. Show swept path templates in accordance with AS/NZS 2890.1 2004 B85 design template;
4. If the design deviates from the requirements of the TSD, then demonstrate that a B85 vehicle can access the driveway from the road pavement into the property without scraping the vehicle's underside;
5. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
6. Be prepared and certified by a suitable qualified person, to satisfy the above requirements.

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

*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.*

*Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Road Services Engineer and may require further planning approvals. It is advised to place a note to this effect on construction drawings for the site and/or other relevant engineering*

*drawings to ensure that contractors are made aware of this requirement.*

Reason for condition

To ensure that works will comply with the Council's standard requirements.

ENV 2

Sediment and erosion control measures, in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

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

*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 avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

HER 9

All sandstone and red bricks from the demolition must not be disposed of and must be retained on site and reused in landscaping.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing the retention and reuse of all sandstone and red bricks in accordance with the above requirement.

All work required by this condition must be undertaken in accordance with

the approved revised plans.

*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 demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values.

HER 10

The ground levels of the new court finished in SS1 and the strip of crushed limestone must be below the face to the timber verandah on the south east elevation as shown on drawing A02-00. The existing step must be retained with no increase in ground levels.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing the required ground levels in accordance with the above requirement.

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

*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 work in whole or part of a heritage place does not result in the loss of historic cultural heritage values.

HER 11

The new exposed aggregate concrete driveway shown on drawing A02-00 and A02-03 must be of a muted design, colour and finish and be sympathetic to the heritage values of the heritage listed place.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing details of the colour and finish of the driveway in accordance with the above requirements.

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

Reason for condition

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

HER 16

The front fence (including both the stucco brick piers and the wrought iron infill panels) along the eastern boundary, from the 'existing store' to the north western corner of the site, must be no more than 1.8m in height above natural ground level, with the wrought iron infill no less than 74% transparent.

The remaining front fence must not exceed the height shown on the approved plans, but may be reduced to match the above requirement if desired.

Prior to the issue of any approval under the Building Act 2016, revised plans must be submitted and approved as a Condition Endorsement showing the front fence in accordance with the above requirement.

*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 development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance, and to provide reasonable opportunity for privacy for dwellings whilst maintaining the streetscape.

HER 17c

The external colours, materials and finishes of the approved development must be substantially in accordance with the approved plans. Any substantial change in the colours, materials and finishes requires further approval.

Reason for condition

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

HER s3

The red ochre and black truck pointing within the existing dining room

(originally the flower room/conservatory) must be retained and must not be painted or covered in a plaster finish. Any painted or plastered finishes revealed during demolition must be repaired and reinstated to original condition.

Reason for condition

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

HER s4

All building plans submitted for approval under the *Building Act 2016* must include a notation with the following wording:

"This house is a very significant house and is heritage listed in the Heritage Code of the *Hobart Interim Planning Scheme 2015*. The works are not normal building work and care is to be taken to protect historic fabric from damage during construction or to remove original materials and construction unless part of the approved plans. There are specific heritage conditions on the permit issued requiring the retention of original fabric. If in doubt, seek specialist advice before taking action. Every effort should be made to protect existing building fabric and structural elements into the new construction where the new construction will be visible."

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not result in the loss of historic heritage values.

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 Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

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*. 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*.

## PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

## OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction or special event (e.g. placement of skip bin, crane, scissor lift etc). Click [here](#) for more information.

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

## STORMWATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

## 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.

## REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

## WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

## PROTECTING THE ENVIRONMENT

In accordance with the *Environmental Management and Pollution Control Act 1994*, local government has an obligation to "use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution." Click [here](#) for more information.

## LEVEL 1 ACTIVITIES

The activity conducted at the property is an environmentally relevant activity and a Level 1 Activity as defined under s.3 of the *Environmental Management and Pollution Control Act 1994*. For further information on what your responsibilities are, click [here](#).

## NOISE REGULATIONS

Click [here](#) for information with respect to noise nuisances in residential areas.

## WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [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.

#### Attachments

A Benn Turner - Deputation Supporting Information - 1-7 Cedar Court ⇨ 

#### Delegation: Committee

Item 7.1.3 was then taken.

#### **7.1.5 30 McRobies Road, South Hobart - Outbuilding (Storage Shed) PLN-21-492 - File Ref: F22/4022**

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HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Manager Development Appraisal of 17 January 2022, be adopted.

MOTION CARRIED

#### VOTING RECORD

##### AYES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

##### NOES

#### **COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for outbuilding (storage shed) at 30 McRobies Road, South Hobart 7004 for the reasons outlined in the officer's report attached to item 7.1.5 of the Open City Planning Committee agenda of 24 January 2022 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-21-492 - 30 MCROBIES ROAD SOUTH HOBART TAS 7004 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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).

Any private or private shared stormwater system passing through third-party land must have sufficient receiving capacity.

*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.*

Reason for condition

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

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.

#### 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 stabilised or re-vegetated.

#### *Advice:*

*For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program 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.

#### 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*.

#### PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

#### STORMWATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

#### 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: Council**

## 8. REPORTS

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### 8.1 Monthly Building Statistics - 1 December - 31 December 2021 File Ref: F22/3040

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#### HARVEY

That the recommendation contained in the report of the Director City Planning of 17 January 2022, be adopted.

MOTION CARRIED

#### VOTING RECORD

##### AYES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

##### NOES

**COMMITTEE RESOLUTION:**

That the building statistical report of the Director City Planning be received and noted:

During the period 1 December 2021 to 31 December 2021, 46 permits were issued to the value of \$15,427,382 which included:

- (i) 25 for extensions/alterations to dwellings to the value of \$3,734,587;
- (ii) 6 new dwellings to the value of \$2,363,195;
- (iii) 27 new multiple dwellings to the value of \$3,950,000; and
- (iv) 1 major project:
  - (a) 431 Elizabeth Street, North Hobart - 27 Multiple Dwellings - \$3,950,000;

During the period 1 December 2020 to 31 December 2020, 56 permits were issued to the value of \$11,649,479 which included:

- (i) 31 for extensions/alterations to dwellings to the value of \$4,509,648;
- (ii) 7 new dwellings to the value of \$2,567,000;
- (iii) 2 new multiple dwellings to the value of \$500,000; and
- (iv) 0 major projects:

In the twelve months ending December 2021, 608 permits were issued to the value of \$254,943,922; and

In the twelve months ending December 2020, 641 permits were issued to the value of \$180,406,244.

**Delegation: Council**

**8.2 Monthly Planning Statistics - 1 December - 31 December 2021**  
**File Ref: F22/3062**

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BRISCOE

That the recommendation contained in the report of the Director City Planning of 18 January 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

That the planning statistical report of the Director City Planning be received and noted:

During the period 1 December 2021 to 31 December 2021, 65 permits were issued to the value of \$58,775,140 which included:

- (i) 6 new single dwellings to the value of \$3,380,000;
- (ii) 1 multiple dwellings to the value of \$100,000;
- (iii) 25 extensions/alterations to dwellings to the value of \$3,252,204;
- (iv) 13 extensions/alterations to commercial properties to the value of \$27,507,136;
- (v) 2 major projects:
  - (a) 225 Harrington Street, Hobart - Partial Demolition, Alterations, New Building for Residential (Hostel), Alterations to Access and Associated Works - \$16,000,000;
  - (b) 87-91 Campbell Street, Hobart - Partial Demolition, Alterations, Extension and New Building for Residential (Communal Residence), Educational and Occasional Care, and Food Services - \$9,863,636;

During the period 1 December 2020 to 31 December 2020, 82 permits were issued to the value of \$31,591,689 which included:

- (i) 10 new single dwellings to the value of \$3,954,000;
- (ii) 19 multiple dwellings to the value of \$6,997,000;

- (iii) 43 extensions/alterations to dwellings to the value of \$7,458,964;
- (iv) 11 extensions/alterations to commercial properties to the value of \$12,992,060;
- (v) 3 major projects:
  - (a) 23 Commercial Road, North Hobart - Partial Demolition, Alterations, Extension, New Building for Educational and Occasional Care (Gymnasium), Signage and Associated Works - \$9,400,000;
  - (b) 30 Romilly Street, South Hobart - Subdivision (Boundary Adjustment), 10 Multiple Dwellings (Nine New, One Existing), Works in Road Reserve and Associated Hydraulic Infrastructure - \$3,600,000;
  - (c) 125 Bathurst Street, Hobart - Partial Demolition and New Building for Seven Multiple Dwellings and Food Services - \$3,000,000;

In the twelve months ending December 2021, 735 permits were issued to the value of \$284,761,309; and

In the twelve months ending December 2020, 802 permits were issued to the value of \$300,100,753.

*# This report includes permits issued, exempt and no permit required decisions.*

**Delegation: Council**

### **8.3 Delegated Decision Report (Planning)**

**File Ref: F22/4774**

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DUTTA

That the recommendation contained in the report of the Director City Planning of 18 January 2022, be adopted.

MOTION CARRIED

#### VOTING RECORD

##### AYES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

##### NOES

**COMMITTEE RESOLUTION:**

That the information contained in the memorandum titled - *Delegated Decision Report (Planning)* - be received and noted.

**Delegation: Committee**

**8.4 City Planning - Advertising Report**  
**File Ref: F22/5228**

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BEHRAKIS

That the recommendation contained in the report of the Director City Planning of 19 January 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

That the information contained in the memorandum titled - *City Planning - Advertising Report* - be received and noted.

**Delegation: Committee**

## **9. QUESTIONS WITHOUT NOTICE**

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

### **9.1 Councillor Harvey - Pervious Surface Use – Development Applications** **File Ref: 13-1-10**

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Question: Can the Acting Director advise if there is a Council strategy to encourage the use of pervious surface finishes as opposed to impervious finishes?

With regards to wanting water to infiltrate into the ground is it not counterproductive to not have pervious surfaces to facilitate this?

Answer: There is a preference to use sealed surfaces on traffic turning areas to minimise the tracking of gravel etc. onto the road reserve.

The treatment of the runoff water is addressed in the stormwater provisions of the code.

### **9.2 Alderman Briscoe - City Planning Committee – Format** **File Ref: 13-1-10**

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Question: Can the Acting Director advise if there is any legal or safety reason that the committee meeting cannot be conducted in person?

Answer: The Chairman City Planning took the question on notice for referring to the Governance Committee.

### **9.3 Alderman Briscoe - McRobies Gully Waste Management Centre** **File Ref: 13-1-10**

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Question: When we enter the Tip precinct we have to show our vaccination status yet when we enter the Tip Shop we don't have to, as both properties are on Council land why is this the case?

If changes are to be made how are these to be conveyed to the public?

Answer: The Acting Director City Amenity advised that the Tip Shop is not a Council workplace so our policy doesn't apply to that business. The vaccination status proof requirement at the Tip is about to change, processes have been put in place for people to enter the Tip and protection for staff has

been reviewed. The main requirement is to be masked and to observe the appropriate social distancing. The change in provision will be made in the same way that the current advice to visitors to the Tip is managed and that will be the requirement to wear a mask but the vaccination status will be removed.

**9.4 Deputy Lord Mayor Burnet - Visitor Accommodation – Concerns / Breaches**  
**File Ref: 13-1-10**

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Question: Can the Acting Director please advise in relation to complaints that have been received of concerns and breaches to current planning permit conditions for visitor accommodation with particular reference to residential amenity?

How many active investigations are currently being undertaken?

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

**10. CLOSED PORTION OF THE MEETING**

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BRISCOE

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 Appeals

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 City Acting as Planning Authority
- Item No. 5.1 Applications under the Hobart Interim Planning Scheme 2015
- Item No. 5.1.1 PLN-20-868 - 2 Sayer Crescent Sandy Bay - Appeal  
LG(MP)R 15(4)(a)
- Item No. 5.1.2 PLN-21-559 - 66 Alexander Street, Sandy Bay - Appeal -  
Mediation  
LG(MP)R 15(4)(a)
- Item No. 6 Questions Without Notice

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**Delegation: Committee**

The Chairman adjourned the meeting at 6.55 pm for a comfort break.

The meeting was reconvened at 7.02 pm.

Item 7.1.3 was then taken.

There being no further business the Open portion of the meeting closed at 7.14pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
7<sup>TH</sup> DAY OF FEBRUARY 2022.

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**CHAIRMAN**