



CITY OF HOBART

# MINUTES

PLANNING COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 18 JANUARY 2023 AT 5:03PM



City of **HOBART**

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## ORDER OF BUSINESS

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**Planning Committee Meeting (Open Portion) held on Wednesday, 18 January 2023 at 5:03 pm in the Council Chamber, Town Hall.**

**This meeting of the Planning Committee is held in accordance with a Notice issued by the Premier on 31 March 2022 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**

Alderman S Behrakis (Chairman)  
Lord Mayor Councillor A M Reynolds  
Deputy Lord Mayor Councillor H Burnet  
Alderman M Zucco  
Councillor W F Harvey  
Councillor M Dutta  
Councillor Dr Z Sherlock  
Councillor J Kelly  
Councillor L Elliot  
Alderman L Bloomfield  
Councillor R Posselt  
Councillor B Lohberger

**PRESENT:** Alderman S Behrakis (Chairman), Councillors W F Harvey, M Dutta, J Kelly, L Elliot, Alderman L Bloomfield, Councillors R Posselt and B Lohberger.

**APOLOGIES:**

Lord Mayor Councillor A Reynolds  
Councillor Dr Z Sherlock

**LEAVE OF ABSENCE:**

Deputy Lord Mayor Councillor H Burnet

**1. CONFIRMATION OF MINUTES**

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HARVEY

The minutes of the Open Portion of the Planning Committee meeting held on [Wednesday, 14 December 2022](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis  
Harvey  
Dutta  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger

The minutes were signed.

**2. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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Ref: Part 2, Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

**Recommendation**

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer.

No supplementary items were received.

**3. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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Ref: Part 2, Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*.

Members of the Committee are requested to indicate where they may have any pecuniary or conflicts of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Committee has resolved to deal with.

No interest was indicated.

**4. TRANSFER OF AGENDA ITEMS**

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Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

A Committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the Committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

No items were transferred.

## 5. **PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS**

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In accordance with the requirements of Part 2 Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer is to arrange the agenda so that the planning authority items are sequential.

In accordance with Part 2 Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee by simple majority may change the order of any of the items listed on the agenda, but in the case of planning items they must still be considered sequentially – in other words they still have to be dealt with as a single group on the agenda.

Where deputations are to be received in respect to planning items, past practice has been to move consideration of these items to the beginning of the meeting.

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

NOES

Behrakis  
Harvey  
Dutta  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger

## 5.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

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Mr John MacLeod and Mr Kevin Wilson (Representors), Ms Kellie Williams, Ms Katrina Hill and Ms Lisa Terry (Applicant) addressed the Committee in relation to item 5.1.1.

### 5.1.1 17 Beach Road, Sandy Bay - Lighting PLN-22-662 - File Ref: F23/2916

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DUTTA

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 5 January 2023, be adopted, as amended with a revised condition PLN 6 to read as follows:

“PLN 6

*The use of the site must occur inside the following hours:*

*Mondays to Fridays 7am - 8.30pm*

*Saturdays 8am to 8.30pm*

*Sundays and Public Holidays 10am to 8.30pm*

*Floodlighting must switch off via automatic timer no later than 8.30pm each evening.*

*Reason for condition*

*To ensure that non-residential use does not unreasonably impact on residential amenity.”*

### **AMENDMENT**

HARVEY

That condition PLN 6 be revised to read as follows:

“PLN 6

*The use of the site for organised sport must occur inside the following hours:*

*Mondays to Fridays 7am - 9pm*

*Saturdays 8am to 9pm*

*Sundays and Public Holidays 10am to 9pm*

*Floodlighting must switch off via automatic timer no later than 9pm each evening.*

*Reason for condition*

*To ensure that non-residential use does not unreasonably impact on residential amenity.”*

AMENDMENT CARRIED

VOTING RECORD

AYES	NOES
Behrakis	Dutta
Harvey	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

SUBSTANTIVE MOTION CARRIED

VOTING RECORD

AYES	NOES
Behrakis	Dutta
Harvey	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Planning Committee, in accordance with the delegations contained in its terms of reference, approves the application for lighting at 17 Beach Road, Sandy Bay 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-22-662 - 17 BEACH ROAD SANDY BAY TAS 7005 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 14

The noise generated by the use must not cause environmental harm when measured at the boundary of the residential zone.

Reason for the condition

To ensure noise emissions do not cause environmental harm and do not have an unreasonable impact on residential amenity.

PLN 17

The flood lighting must operate in accordance with Australian Standard AS 4282 - Control of the obtrusive effects of outdoor lighting.

Reason for condition

To ensure that the non-residential use does not unreasonably impact residential amenity.

PLN 6

The use of the site for organised sport must occur inside the following hours:

Mondays to Fridays 7am - 9pm

Saturdays 8am to 9pm

Sundays and Public Holidays 10am to 9pm

Floodlighting must switch off via automatic timer no later than 9pm each evening.

Reason for condition

To ensure that non-residential use does not unreasonably impact on residential amenity

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.

OPS 5

The development must be carried out in accordance with the relevant recommendations in Table 1 and Section 5 of the arborist's report by Tree Inclined dated 5 August 2021 including:

1. low impact excavation methods (low-pressure hydro vacuuming, boring or hand excavation) must be employed for works encroaching into tree protection zones, under the supervision and direction of a project arborist, unless deemed unnecessary by the project arborist to ensure the tree's health and stability;
2. tree protection zone exclusion zones must be determined and

established prior to the commencement of works in accordance with the advice and direction of the project arborist; and

3. excavated spoil may only be placed in locations approved by the project arborist.

Reason for condition

To minimise the impact of development on trees

#### 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*.

#### NOISE REGULATIONS

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

#### FEES AND CHARGES

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

#### DIAL BEFORE YOU DIG

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

**Delegation: Committee**

## 6. REPORTS

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**6.1 Planning - Advertising Report**  
**File Ref: F23/1102**

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HARVEY

That the recommendation contained in the memorandum of the Director City Life of 5 January 2023, be adopted.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Behrakis		
Harvey		
Dutta		
Kelly		
Elliot		
Bloomfield		
Posselt		
Lohberger		

**COMMITTEE RESOLUTION:**

That the information contained in the memorandum titled Planning – Advertising Report be received and noted.

**Delegation: Committee**

**7. QUESTIONS WITHOUT NOTICE**

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

- (1) A councillor at a meeting may ask a question without notice –
  - (a) of the chairperson; or
  - (b) through the chairperson, of –
    - (i) another councillor; or
    - (ii) the general manager.
- (2) In putting a question without notice at a meeting, a councillor must not –
  - (a) offer an argument or opinion; or
  - (b) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
- (3) The chairperson of a meeting must not permit any debate of a question without notice or its answer.
- (4) The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.
- (5) The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.
- (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.
- (7) The chairperson of a meeting may require a councillor to put a question without notice in writing.

No questions were asked at the meeting.

## 8. CLOSED PORTION OF THE MEETING

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DUTTA

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:

- Matters relating to legal action involving the Council

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. 4.1	Applications under the Hobart Interim Planning Scheme 2015
Item No. 4.1.1	PLN-22-831 - 343 Park Street New Town - Appeal LG(MP)R 15(4)(a)
Item No. 5	Reports
Item No. 5.1	Planning Authority Decisions Subject to Appeal before the Tasmanian Civil and Administrative Tribunal - Monthly Update LG(MP)R 15(4)(a)
Item No. 6	Questions Without Notice

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Behrakis  
Harvey  
Dutta  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger

**Delegation: Committee**

There being no further business the Open portion of the meeting closed at 5.58pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
1<sup>ST</sup> DAY OF FEBRUARY 2023.

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**CHAIRMAN**