



CITY OF HOBART

# MINUTES

PLANNING COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 1 MARCH 2023 AT 5.00PM



City of **HOBART**

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## ORDER OF BUSINESS

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**Planning Committee Meeting (Open Portion) held on Wednesday, 1 March 2023 at 5:00 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

Alderman Zucco arrived at the meeting at 5.01pm and was not present for items 1 to 5.

Alderman Zucco left the meeting at 5.11pm, returning at 17.58pm, left the meeting at 17.59pm, returning at 6.19pm, left the meeting at 6.20pm, returning at 6.26pm, and retired from the meeting at 6.28pm and was not present for items 7.1 to 9 inclusive

**PRESENT:** Alderman S Behrakis (Chairman), the Lord Mayor Councillor A M Reynolds, the Deputy Lord Mayor Councillor H Burnet, Alderman M Zucco, Councillors W F Harvey, M Dutta, J Kelly, Alderman L Bloomfield, Councillors R Posselt and B Lohberger.

Lord Mayor Reynolds arrived at the meeting at 5.27pm and was not present for items 1 to 6.1.1.

Lord Mayor Reynolds left the meeting at 5.37pm, returning at 6.01pm

**APOLOGIES:** Councillor Dr Z Sherlock.

**LEAVE OF ABSENCE:** Nil.

Councillor Lohberger left the meeting at 6.28pm, returning at 6.29pm and was not present for items 7.1 to 7.2 inclusive.

**1. CONFIRMATION OF MINUTES**

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DUTTA

The minutes of the Open Portion of the Planning Committee meeting held on [Wednesday, 15 February 2023](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Behrakis	
Deputy Lord Mayor Burnet	
Harvey	
Dutta	
Kelly	
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.

DEPUTY LORD MAYOR BURNET

### **RECOMMENDATION**

That in accordance with Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee resolve to deal with any items which have deputations by members of the public regarding any planning matter listed on the agenda, to be taken out of sequence in order to deal with deputations at the beginning of the meeting.

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Behrakis  
Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Kelly  
Bloomfield  
Posselt  
Lohberger

## **6. 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.

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

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Mr Christopher Arthur, Ms Danielle Gray and Mr Richard Weston (Representors), Mr Dom Walsh, and Mr Fletcher Scott addressed the Committee in relation to item 6.1.1.

#### **6.1.1 87 Goulburn Street, Hobart - Partial Demolition, Alterations, Signage and Partial Change of Use to Food Services PLN-22-851 - File Ref: F23/17929**

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HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 22 February 2023, be adopted.

#### **PROCEDURAL MOTION**

DUTTA

That the matter be deferred.

PROCEDURAL MOTION LOST

#### **VOTING RECORD**

AYES

Dutta  
Bloomfield  
Lohberger

NOES

Behrakis  
Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Kelly  
Posselt

**AMENDMENT**

BURNET

That condition PLN6 be amended so the hours of operation be limited to:  
*7:30am – 8pm*

MOTION LOST

**VOTING RECORD**

AYES

Deputy Lord Mayor Burnet  
Dutta

NOES

Behrakis  
Zucco  
Harvey  
Kelly  
Bloomfield  
Posselt  
Lohberger

**PROCEDURAL MOTION**

LOHBERGER

That the matter be deferred.

MOTION LOST

**VOTING RECORD**

AYES

Behrakis  
Dutta  
Bloomfield  
Lohberger

NOES

Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Kelly  
Posselt

SUBSTANTIVE MOTION  
CARRIED

VOTING RECORD

AYES	NOES
Behrakis	Dutta
Deputy Lord Mayor Burnet	
Zucco	
Harvey	
Kelly	
Bloomfield	
Posselt	
Lohberger	

**RESOLUTION:**

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 partial demolition, alterations, and partial change of use to food services at 87 Goulburn Street, Hobart, 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-22-851 - 87 GOULBURN STREET HOBART TAS 7000 - 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 2023/00071-HCC dated 25/1/2023 as attached to the permit.

Reason for condition

To clarify the scope of the permit.



PLN 6

The hours of operation approved for the use are Monday – Sunday, 7:30am - 9pm. Office and administrative tasks associated with the approved use may be performed outside of these hours. Waste management tasks associated with the use, such as the emptying and filling of bins for example, are not considered to be administrative tasks and must not occur outside of the approved hours of operation.

Reason for condition

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

PLN s1

Unless further approval is obtained, commercial vehicle movements, (including loading and unloading and garbage removal) associated with the approved use must be within the hours of:

- (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;
- (b) 9.00 am to 12 noon Saturdays;
- (c) nil on Sundays and Public Holidays.

Reason for condition

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

PLN s2

Unless further approval is obtained, the maximum occupancy (not including staff) approved for the use is 30 persons.

Reason for condition

To ensure that a commercial use does not adversely affect residential amenity.

PLN s3

Unless further approval is obtained, amplified music and the use of other amplified equipment associated with the approved use is prohibited.

Reason for condition

To ensure that a commercial use does not adversely affect residential amenity.

PLN s4

Any alcohol sold in association with the approved use must be for consumption on the site and only in association with the service of meals.

*Advice:*

*Any liquor licence issued for the approved use should be consistent with the requirements of this condition.*

*The approved use should not be promoted as a bar and should not be promoted with alcohol only based promotions, such as "happy hours" for example.*

*The premises should not be used as a venue for "stand-up functions" (i.e. where alcohol is consumed by patrons that are exclusively standing rather than seated).*

Reason for condition

To clarify the scope of the permit.

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.

#### PUBLIC HEALTH

You may be required to provide approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. Click [here](#) for more information.

#### FOOD BUSINESS REGISTRATION

Food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information.

#### SINGLE USE PLASTICS

The City of Hobart has a 'Single-Use Plastics By-Law' in force, which applies to retailers who provide or sell food to be taken from the retailer's premises in food packaging. Retailers must not provide to a person any food packaging which is wholly or partly comprised of plastic and a single use product. Please click [here](#) for more information.

#### OCCUPATION OF THE PUBLIC HIGHWAY

This permit does not include approval for any on-street seating and/or tables

associated with the approved use. An occupational licence for use of the Hobart City Council highway reservation would be required for any on-street seating and/or tables associated with the approved use. Click [here](#) for more information.

## 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.

**Delegation: Committee**

## 7. REPORTS

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### 7.1 Planning - Advertised Applications Report File Ref: F23/14808

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DEPUTY LORD MAYOR BURNET

That that the information be received and noted.

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Behrakis  
Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Kelly  
Bloomfield  
Posselt

**Delegation: Committee**

**7.2 Delegated Decision Report (Planning)**  
**File Ref: F23/17279**

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DEPUTY LORD MAYOR BURNET

That that the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Behrakis	
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Harvey	
Dutta	
Kelly	
Bloomfield	
Posselt	

**Delegation: Committee**

**8. QUESTIONS WITHOUT NOTICE**

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

**8.1 Lord Mayor Reynolds - Cable Car - Council's Role**  
**File Ref: 13-1-10**

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Question: Can the Director advise what, if any, role would Council play if the State Government decided to facilitate a new cable car via the Major Projects Legislation?

Answer: The Director City Life took the question on notice.

**8.2 Lord Mayor Reynolds - Cable Car - RMPAT & TPC Role**  
**File Ref: 13-1-10**

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Question: Can the Director advise what role the Resource Management & Planning Appeal Tribunal or the Tasmanian Planning Commission would play in projects assessed under the Major Projects Legislation?

Answer: The Director City Life took the question on notice.

**8.3 Lord Mayor Reynolds - Cable Car - Protections for public**  
**File Ref: 13-1-10**

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Question: Can the Director advise what protections would be in place for public bushland under the HCC if the State Government wanted to use the same route for a road for a cable car facility.

Answer: The Director City Life took the question on notice.

**8.4 Councillor Harvey - Shop Fronts**  
**File Ref: 13-1-10**

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Question: Can the Director advise if there is still an amendment in the planning scheme for shop fronts that are used as residences to be used once again as shop fronts if they provided a local services?

Answer: The Director City Life took the question on notice.

**8.5 Deputy Lord Mayor - Planning Representations**  
**File Ref: 13-1-10**

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Question: Can the Director advise what number of representations did trigger delegation to planning committee previously and what is that number now?  
Can the original number please be reinstated?

Answer: The Director City Life took the question on notice.

**8.6 Lord Mayor Reynolds - Right Of Way**  
**File Ref: 13-1-10**

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Question: Can the Director advise what rules and laws are attached to "right of ways" in the City of Hobart? Is there a single law that governs them?

Answer: The Director City Life took the question on notice.

**9. CLOSED PORTION OF THE MEETING**

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DEPUTY LORD MAYOR BURNET

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.
- Legal action involving the Council.
- 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 Reports
- Item No. 4.1 Short Stay Accommodation - Scheme Amendment  
LG(MP)R 15(4)(a)
- Item No. 4.2 Planning Authority Decisions Subject to Appeal before the Tasmanian Civil and Administrative Tribunal - Monthly Update  
LG(MP)R 15(4)(a)
- Item No. 5 Questions Without Notice

MOTION CARRIED

VOTING RECORD

AYES

NOES

Behrakis  
Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Kelly  
Bloomfield  
Posselt  
Lohberger

**Delegation: Committee**

There being no further business the Open portion of the meeting closed at 6.32pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
15<sup>TH</sup> DAY OF MARCH 2023.

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**CHAIRMAN**