



CITY OF HOBART

# MINUTES

PLANNING COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 19 APRIL 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, 19 April 2023  
at 5:00 pm in the Council Chamber, Town Hall.**

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

The Deputy Lord Mayor left the meeting 5.01pm after declaring an interest in item 6.2.1, returning at 5.47pm and was not present for item 6.2.1.

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

**APOLOGIES:** Alderman M Zucco

**LEAVE OF ABSENCE:** Nil.

**1. CONFIRMATION OF MINUTES**

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HARVEY

The minutes of the Open Portion of the Planning Committee meeting held on [Wednesday, 29 March 2023](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

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.

The following interest was indicated:

1. Deputy Lord Mayor Councillor Burnet – item 6.2.1

**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.

### BURNET

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	
Sherlock	
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.

Item 6.2.1 was then taken

### **6.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997**

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#### **6.1.1 20 McVilly Drive, Hobart and Adjacent Road Reserve - Partial Demolition, Relocation of Shared Path, and Associated Works PLN-22-436 - File Ref: F23/34823**

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POSSELT

That the recommendation contained in the report of the Senior Statutory Planner and the Manager Development Appraisal of 4 April 2023, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

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

**COMMITTEE RESOLUTION:**

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Planning Committee, in accordance with the delegations contained in its terms of reference, approves the application for partial demolition, relocation of shared path, and associated works at 20 McVilly Drive and adjacent road reserve, Hobart for the reasons outlined in the officer's report attached to item 6.1.1 of the Open Planning Committee agenda of 19 April 2023 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-22-436 - 20 MCVILLY DRIVE 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 2023/00247-HCC dated 08/03/2023 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

**PLN 19**

Cranes or other temporary structures used in the construction of the approved development must not create an obstruction or hazard for the operation of aircraft.

*Advice:*

*Further advice about whether the development will or will not create an obstruction or hazard can be obtained by contacting the Civil Aviation Safety Authority, the Department of Health and Human Services*

*([rhfmeadmin@ths.tas.gov.au](mailto:rhfmeadmin@ths.tas.gov.au) (03) 6166 8832) and the helipad/helicopter operator (Rotorlift, [chiefpilot@rotorlift.com.au](mailto:chiefpilot@rotorlift.com.au) (03) 6248 4117.*

*Please be aware of the possibility of downdraft conditions in the Royal Hobart Hospital Heli Airspace / flightpath area from operating helicopters on any crane lifts when any crane operation is taking place and consider this in Job Safety Analysis / Safe Work Method Statements.*

*Please consider the use of boom illumination or warning lights when operating in the Royal Hobart Hospital Heli Airspace / flightpath area as part of Job Safety Analysis / Safe Work Method Statements.*

Reason for condition

To ensure that buildings do not interfere with safe aircraft operations in the vicinity of the Royal Hobart Hospital helipad.

PLN s1

Electrical conduit/s, or similar, must be installed under the pathway pavement to ensure adequate power can be supplied from existing power boxes, without creating a hazard to path users.

*Advice:*

*The applicant is encourage to consult with the Royal Hobart Regatta Association to ensure the installations also meet their requirement*

ENG sw1

All stormwater from the proposed development must be drained via gravity to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

*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 7

Prior to occupancy or the commencement of the use (whichever occurs first), any new stormwater connection must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense.

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted via the City of Hobart's online request form which is available on its website and approved.

The detailed engineering drawings must include:

1. the location of the proposed connections and all existing connections;
2. the size and design of the connection such that it is appropriate to safely service the development;
3. long-sections of the proposed connection clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure;
4. connections which are free-flowing gravity driven;

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings. The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.

## ENG tr1

Prior to the issuing of any building consent under the *Building Act 2016*, or the commencement of works on site, whichever occurs first, a revised signage and line marking plan must be submitted and approved as a condition endorsement, to the satisfaction of the Director City Life.

The revised plan must:

1. address safety and conflict concerns raised by the Department of State Growth and City Mobility about the intersection of the new path and the existing path adjacent to the Tasman Highway, and the signage and line marking at the crossing for the new path across McVilly Drive; and
2. include details of a safety fence to separate users of the path at the

new intersection adjacent to the Tasman Highway from moving vehicles on the Tasman Highway.

All work required by this condition, must be undertaken in accordance with the approved revised signage and line marking plan.

*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.*

*The applicant is encouraged to consult with TasRail regarding the revised line marking plan in relation to the crossing of McVilly Drive.*

Reason for condition

To ensure the safety of the users of the shared path

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 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)

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.

OPS 5

All trees within 15m of the proposed works, including the demolition works, the works near the Tasman Highway and the works near McVilly Drive, must be fenced off before works commence. All trees must be protected from damage for the duration of the works, to the satisfaction of the Director City Life. No vehicular access, excavation, placement of fill,

storage of materials or soil disturbance is to occur within the tree protection zone of any tree, as defined in AS4970. There must be no pruning, lopping or damage to the trees including trunks and roots.

Details of the tree protection measures must be clearly notated on all detailed drawings and described in the specification documents.

Reason for condition

To protect and enhance the intrinsic and cultural values of the Domain.

#### 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](#).

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*.

## GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. 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.

## DIAL BEFORE YOU DIG

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

**Delegation: Committee**

Item 6.2.2 was then taken.

## 6.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

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Ms Amy Booth and Ms Helen Burnet (Representors), addressed the committee in relation to item 6.2.1.

### 6.2.1 41 Newdegate Street, West Hobart - Change of Use to Visitor Accommodation PLN-23-47 - File Ref: F23/35031

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## DUTTA

That the Planning Committee refuses the application for a change of use to visitor accommodation at 41 Newdegate Street, West Hobart pursuant to the *Hobart Interim Planning Scheme 2015* and *Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes*, for the following reason:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.6.1 A1 or P1 due to the parking which the proposal will require.

MOTION LOST

VOTING RECORD

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

POSSELT

That the recommendation contained in the report of the Development Appraisal Planner and the Manager Development Appraisal of 5 April 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Behrakis	Harvey
Deputy Lord Mayor Burnet	Dutta
Kelly	Sherlock
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 Planning approval is sought for change of use to visitor accommodation at 41 Newdegate 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-23-47 - 41 Newdegate Street West Hobart 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

### PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved as a Condition Endorsement, to the satisfaction of the Council's Director City Life. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:

1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
2. To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.
3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.
4. To specify the maximum permitted occupancy of the visitor accommodation.
5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (0). Additionally, at the booking stage, guests should be discouraged from bringing any vehicles and the parking of any vehicles in nearby streets should be discouraged.
6. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to

adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

*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 visitor accommodation does not cause an unreasonable loss of residential amenity.

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](#).

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.

#### VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information, or call our Environmental Health team on 6238 2711.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable “bed and breakfast” parking permit.

**Delegation: Committee**

Item 6.1.1 was then taken.

**6.2.2 17 Alexander Street, Sandy Bay - Demolition and Two Multiple Dwellings**  
**PLN-22-327 - File Ref: F23/35438**

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SHERLOCK

That the recommendation contained in the report of the Development Appraisal Planner and the Manager Development Appraisal of 12 April 2023, be adopted.

MOTION LOST

VOTING RECORD

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

POSSELT

That the Planning Committee approves the application for the application for a demolition and two multiple dwellings at 17 Alexander Street Sandy Bay TAS 7005 pursuant to the *Hobart Interim Planning Scheme 2015* 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-22-327 - 17 ALEXANDER STREET 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 2022/00787-HCC dated 30 May 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 via gravity 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 7

Prior to occupancy or the commencement of the use (whichever occurs first), any new stormwater connection must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense.

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted via the City of Hobart's online request form which is available on its website and approved. The detailed engineering drawings must include:

1. the location of the proposed connections and all existing connections;
2. the size and design of the connection such that it is appropriate to safely service the development;
3. long-sections of the proposed standard RHS connection clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure;
4. connections which are free-flowing gravity driven;

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings. The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.

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 as a Condition Endorsement, 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.

*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.*

ENG 3a

The access driveway and parking area must be constructed in accordance with the following documentation which forms part of this permit: Aldanmark consulting engineers drawings 21E65-16 sheet C102 Rev B dated 3/6/2022, 21E65-16 sheet C103 Rev B dated 3/6/2022, 21E65-16 sheet C104 Rev B dated 3/6/2022, 21E65-16 sheet C301 Rev B dated 3/6/2022, 21E65-16 sheet C302 Rev B dated 3/6/2022, 21E65-16 sheet C303 Rev B dated 3/6/2022, 21E65-16 sheet C304 Rev B dated 3/6/2022, 21E65-16 sheet C401 Rev B dated 3/6/2022 received by the Council on 10/06/2022.

Any departure from that documentation and any works which are not detailed in the documentation must be either:

- (a) approved by the Director City Life, via a condition endorsement application; or
- (b) designed and constructed in accordance with Australian Standard AS/NZ 2890.1:2004.

The works required by this condition must be completed prior to first occupation.

Reason for condition

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

ENG 3c

Prior to the first occupation, a suitably qualified engineer must certify that the access driveway and parking area has been constructed in accordance with design drawings approved by Condition ENG 3a.

*Advice:*

*We strongly encourage you to speak to your engineer before works begin so that you can discuss the number and nature of the inspections they will need to do during the works in order to provide this certification. It may be necessary for a surveyor to also be engaged to ensure that the driveway will be constructed as approved.*

*The reason this condition has been imposed as part of your planning permit is that the driveway is outside the Australian Standard gradients or design parameters. If the driveway is not constructed as it has been approved then this may mean that the driveway will either be unsafe or will not function properly.*

*An example certificate is available on our [website](#).*

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 access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the first occupation.

#### Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

#### ENG 5

The number of car parking spaces approved to be used on the site is four (4).

#### 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.

## ENV 8

All recommended risk mitigation measures in the landslide risk management report by Doyle Soil Consulting dated June 2022 must be implemented prior to the commencement of use and must be maintained for the life of the use/development.

### Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides.

## 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 17a

The palette of exterior colours, materials and finishes must reflect the palette of colours, materials and finishes within the local streetscape and precinct.

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

All work required by this condition must be undertaken in accordance with the approved 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 development at a heritage place/precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

HER 20

The site must be landscaped to ensure a garden setting is created that is sympathetic to the character of the Golf Links Estate subdivision. All landscaping must be finalised within 6 months of completion.

A landscaping plan must be submitted and approved as a Condition Endorsement, prior to the commencement of work. The landscape plan must:

- Include a scale, dimensions and north point;
- show species of trees and shrubs proposed, and locations, and other finishes, and structures, for outdoors areas.
- a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
- details of surface finishes of pathways and driveways;
- a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- details of all in-ground irrigation systems;
- all tree protection measures such as tree protection zones and building exclusion zones;
- provide for the replacement of any damaged, diseased and/or dead plants within 6 months of planting; and
- outline all ongoing garden maintenance and upgrade plans.

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

*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 undertaken within a Heritage Precinct is sympathetic to the character of the precinct

HER s1

All angled glazing on the southern elevation of unit 1 and 2 must be redesigned.



Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing:

- Removal of all angled windows, and replacement with
- Glazing and mullions that have vertical proportions and rectilinear form that reflects and corresponds with the proportions of the glazing on the northern elevation.

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 development undertaken within a Heritage Precinct is sympathetic to the character of the precinct.

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

#### PLANNING

The site should be developed in accordance with good hillside engineering practices as described in Appendix G of the *Practice Note Guidelines for Landslide Risk Management 2007* and GeoGuide LR8 of *The Australian GeoGuides for Slope Management and Maintenance (2007e)* published by the Australian Geomechanics Society.

#### 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.

#### 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.

MOTION CARRIED

VOTING RECORD

AYES

Behrakis  
Kelly  
Bloomfield  
Posselt  
Lohberger

NOES

Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Sherlock

**COMMITTEE RESOLUTION:**

That the Planning Committee approves the application for the application for a demolition and two multiple dwellings at 17 Alexander Street Sandy Bay TAS 7005 pursuant to the *Hobart Interim Planning Scheme 2015* 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-22-327 - 17 ALEXANDER STREET 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 2022/00787-HCC dated 30 May 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 via gravity 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 7

Prior to occupancy or the commencement of the use (whichever occurs first), any new stormwater connection must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense.

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted via the City of Hobart's online request form which is available on its website and approved. The detailed engineering drawings must include:

5. the location of the proposed connections and all existing connections;
6. the size and design of the connection such that it is appropriate to safely service the development;
7. long-sections of the proposed standard RHS connection clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure;
8. connections which are free-flowing gravity driven;

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings. The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.

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 as a Condition Endorsement, 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:

3. 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;
4. 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.

*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.*

ENG 3a

The access driveway and parking area must be constructed in accordance with the following documentation which forms part of this permit: Aldanmark consulting engineers drawings 21E65-16 sheet C102 Rev B dated 3/6/2022, 21E65-16 sheet C103 Rev B dated 3/6/2022, 21E65-16 sheet C104 Rev B dated 3/6/2022, 21E65-16 sheet C301 Rev B dated 3/6/2022, 21E65-16 sheet C302 Rev B dated 3/6/2022, 21E65-16 sheet C303 Rev B dated 3/6/2022, 21E65-16 sheet C304 Rev B dated 3/6/2022, 21E65-16 sheet C401 Rev B dated 3/6/2022 received by the Council on 10/06/2022.

Any departure from that documentation and any works which are not detailed in the documentation must be either:

- (a) approved by the Director City Life, via a condition endorsement application; or
- (b) designed and constructed in accordance with Australian Standard AS/NZ 2890.1:2004.

The works required by this condition must be completed prior to first

occupation.

Reason for condition

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

ENG 3c

Prior to the first occupation, a suitably qualified engineer must certify that the access driveway and parking area has been constructed in accordance with design drawings approved by Condition ENG 3a.

*Advice:*

*We strongly encourage you to speak to your engineer before works begin so that you can discuss the number and nature of the inspections they will need to do during the works in order to provide this certification. It may be necessary for a surveyor to also be engaged to ensure that the driveway will be constructed as approved.*

*The reason this condition has been imposed as part of your planning permit is that the driveway is outside the Australian Standard gradients or design parameters. If the driveway is not constructed as it has been approved then this may mean that the driveway will either be unsafe or will not function properly.*

*An example certificate is available on our [website](#).*

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 access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the first occupation.

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the

environment by preventing dust, mud and sediment transport.

#### ENG 5

The number of car parking spaces approved to be used on the site is four (4).

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:

3. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
4. 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 8

All recommended risk mitigation measures in the landslide risk management report by Doyle Soil Consulting dated June 2022 must be implemented prior to the commencement of use and must be maintained for the life of the use/development.

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides.

## 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](#).*

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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.

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The palette of exterior colours, materials and finishes must reflect the palette of colours, materials and finishes within the local streetscape and precinct.

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The site must be landscaped to ensure a garden setting is created that is sympathetic to the character of the Golf Links Estate subdivision. All landscaping must be finalised within 6 months of completion.



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HER s1

All angled glazing on the southern elevation of unit 1 and 2 must be redesigned.

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

## PLANNING

The site should be developed in accordance with good hillside engineering practices as described in Appendix G of the *Practice Note Guidelines for Landslide Risk Management 2007* and GeoGuide LR8 of *The Australian GeoGuides for Slope Management and Maintenance (2007e)* published by the Australian Geomechanics Society.

## 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.

## 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**

## 7. REPORTS

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### 7.1 Planning - Advertised Applications Report File Ref: F23/31465

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BURNET

That the recommendation contained in the memorandum of the Director City Life of 14 April 2023, be adopted.

MOTION CARRIED

#### VOTING RECORD

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

#### **COMMITTEE RESOLUTION:**

That the Planning – Advertised Applications Report be received and noted.

**Delegation: Committee**

### 7.2 Delegated Decision Report (Planning) File Ref: F23/35039

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SHERLOCK

That the recommendation contained in the memorandum of the Director City Life of 12 April 2023, be adopted.

MOTION CARRIED

VOTING RECORD

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

**COMMITTEE RESOLUTION:**

That the Delegated Decision Report (Planning) be received and noted.

**Delegation: Committee**

**8. RESPONSES TO QUESTIONS WITHOUT NOTICE**

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

**The Chief Executive Officer reports:-**

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

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

**8.1 Planning Scheme Amendment - Visitor Accommodation**  
**File Ref: F22/129514**

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Memorandum of the Director City Life of 24 March 2023.

**8.2 26 Lower Jordan Hill Road**  
**File Ref: F23/31247; 13-1-10**

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Memorandum of the Director City Life of 4 April 2023.

**8.3 Visitor Accommodation Approvals**  
**File Ref: F22/13418; 13-1-10**

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Memorandum of the Director City Life of 14 April 2023.

**8.4 Short Stay Accommodation - Appeals**  
**File Ref: F22/45047; 13-1-10**

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Memorandum of the Director City Life of 14 April 2023.

**8.5 Proposed AFL Stadium**  
**File Ref: F22/74905; 13-1-10**

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Memorandum of the Director City Life of 14 April 2023.

**8.6 Unoccupied Government Owned Residential Properties - Recent Census Data**  
**File Ref: F22/68469; 13-1-10**

---

Memorandum of the Director City Life of 14 April 2023.

BURNET

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

**Delegation: Committee**

**9. QUESTIONS WITHOUT NOTICE**

---

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

No questions were asked at the meeting.

## 10. CLOSED PORTION OF THE MEETING

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SHERLOCK

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
- Questions without notice in the Closed portion

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	Responses to Questions Without Notice
Item No. 5.1	External Legal Advice LG(MP)R 15(4)(a)
Item No. 5.2	Impact of Legal Costs on Financial Situation LG(MP)R 15(4)(a)
Item No. 5.3	Short Stay Accommodation - Tribunal Decisions LG(MP)R 15(4)(a)
Item No. 5.4	Cable Car Development Application - Appeal LG(MP)R 15(4)(a)
Item No. 6	Questions Without Notice

MOTION CARRIED

### VOTING RECORD

AYES

NOES

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

There being no further business the Open portion of the meeting closed at 6.41PM.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
3<sup>RD</sup> DAY OF MAY 2023.

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**CHAIRMAN**