



CITY OF HOBART

# MINUTES

PLANNING COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 31 JULY 2024 AT 5.00 PM



City of **HOBART**

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## ORDER OF BUSINESS

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**Planning Committee Meeting (Open Portion) held on Wednesday, 31 July 2024  
at 5.00 pm in the Council Chamber, Town Hall.**

**COMMITTEE MEMBERS**

Councillor M Dutta (Chairperson)  
Lord Mayor Councillor A M Reynolds  
Deputy Lord Mayor Cr Dr Z Sherlock  
Alderman M Zucco  
Councillor W F Harvey  
Councillor L Elliot  
Alderman L Bloomfield  
Councillor R Posselt  
Councillor B Lohberger  
Councillor W Coats  
Councillor G Kitsos

**PRESENT:** Councillor M Dutta  
(Chairperson), the Acting Lord Mayor  
Councillor Dr Z Sherlock, Alderman M  
Zucco, Councillors W F Harvey, J Kelly, L  
Elliot, Alderman L Bloomfield, Councillors  
R Posselt, B Lohberger, and G Kitsos.

**APOLOGIES:**

Lord Mayor Councillor A M Reynolds

**LEAVE OF ABSENCE:**

Councillor W N S Coats

**1. CONFIRMATION OF MINUTES**

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SHERLOCK

The minutes of the Open Portion of the Planning Committee meeting held on  
[Wednesday, 17 July 2024](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta  
Acting Lord Mayor Sherlock  
Zucco  
Harvey

Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger  
Kitsos

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

Dutta  
Acting Lord Mayor Sherlock  
Zucco  
Harvey  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger  
Kitsos

## **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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Margaret Taylor (Representor), Matt O'Hallaran and Kelly Wellington (Applicant) addressed the Committee in relation to item 6.1.1.

#### **6.1.1 174-192 Liverpool Street, Hobart, Adjacent Road Reserve, Adjacent Rivulet - Demolition, New Building for Business and Professional Services and Food Services, Subdivision, and Associated Works PLN-24-162 - File Ref: F24/69358**

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HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Director City Life of 25 July 2024, be adopted.

#### **AMENDMENT POSSELT**

That condition PLN s3 be deleted from the recommendation.

AMENDMENT LOST

#### **VOTING RECORD**

AYES

Dutta  
Elliot

NOES

Acting Lord Mayor Sherlock  
Zucco

Posselt  
Lohberger

Harvey  
Kelly  
Bloomfield  
Kitsos

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta  
Acting Lord Mayor Sherlock  
Zucco  
Harvey  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger  
Kitsos

**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 demolition, new building for business and professional services and food services, subdivision, and associated works at 174 - 192 Liverpool Street, Hobart, the adjacent road reserve, and the adjacent rivulet, for the reasons outlined in the officer's report attached to item 6.1.1 of the Open Planning Committee agenda of 31 July 2024 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-24-162 - 174-192 LIVERPOOL 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 2024/00543-HCC dated 26/07/2024 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 1

Landscaping must be provided on the terrace on level 3 and the terrace on level 4 of the approved building as shown on the approved plans (specifically drawings DA03.03 and DA03.04, Rev A). The landscaping must be established upon completion of the building and maintained throughout the life of the development.

*Advice:*

*The design of the landscaping on the terraces should take into account the recommendations made within the Pedestrian Wind Assessment provided for the development.*

Reason for condition

To ensure that the building contributes positively to the streetscape.

PLN s1

Prior to the issue of building approval for the building approved by this permit (not including building approval for demolition), the existing buildings constructed over the section of the Hobart Rivulet that passes through the site and upon the public open space lot shown on the approved plan of subdivision must be demolished.

Reason for condition

To ensure that development that is outside the Amenity Building Envelope provides significant community benefit.



PLN s3

Unless further planning approval is obtained, the external colours, materials, and finishes of the building approved by this permit must be as shown on the approved plans (which include the Material Schedule on drawing DA20.00m, Rev B), except where modified by this condition.

The design and construction of the facade of the building must be as shown on the approved Facade Detail drawings (DA14.00, DA14.01, DA14.02, and DA14.03, Rev B) except that the use of the brick cladding system shown on these plans is not approved.

Prior to the issue of building approval for the building (not including building approval for demolition), revised plans (including revised Facade Detail drawings) must be submitted as a Condition Endorsement that show an alternative material in place of the brick cladding system. The alternative material must use exterior materials and finishes that reflect but do not mimic the palette of materials and finishes of the nearby heritage buildings found within the local streetscape to the satisfaction of Council's Director - City Life.

*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 the approved building contributes positively to the surrounding streetscape and does not unreasonably impact on historic heritage character.

To ensure that development in the Central Business Zone adjacent to a heritage listed place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

PLN s4

The canopy of the approved building must be extended to cover the area adjacent to the cafe windows proposed at ground level on the south-eastern side of the building.

Prior to the issue of building approval for the building (not including building approval for demolition), revised plans that demonstrate likely compliance with this condition must be submitted to Council as a Condition Endorsement.

Once approved, the design and construction of building must be consistent with the 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 building design contributes positively to the amenity and safety of the public.

ENG 12

Prior to the issue of any approval under the *Building Act 2016* (including demolition), a Construction Waste Management Plan (CWMP) must be submitted to Council and approved as a Condition Endorsement. The CWMP must include provisions for the handling, transport, and disposal of demolition material, including any contaminated waste and recycling opportunities. The CWMP must be implemented and maintained throughout construction of the development.

*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.*

*It is recommended that the developer liaise with the Council's City Resilience Unit regarding reducing, reusing, and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill. Further information can also be found on the Council's [website](#).*

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

## ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, 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).

All pumped stormwater must be converted to free flowing gravity prior to discharge to a Council connection.

### Reason for condition

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

## SW 1

Prior to the issue of any approval under the *Building Act 2016* (including demolition), a pre-construction structural condition assessment and visual record (e.g., video and photos) of Council's stormwater infrastructure within and adjacent to the proposed development must be submitted to Council as a Condition Endorsement.

The condition assessment must include:

1. a site plan clearly identifying the location of visual records;
2. a digital recording of a CCTV inspection and written condition assessment report in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia, in a 'Wincan' compatible format of all pipelines;
3. videos and close-up photos of the Rivulet (including walls and roof);
4. a detailed structural condition assessment by a suitably qualified engineer of the Hobart Rivulet, including but not limited to its construction, expected life, suitability for use, and actions required.

The pre-construction condition assessment will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with an adequate pre-construction condition assessment, then any damage to Council's infrastructure identified in the post-construction condition assessment will be the responsibility of the owner/developer.

*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 Council is engaging a structural assessment of the Hobart Rivulet, which the applicant may use to meet section 4 of the above condition.*

SW 2

Upon completion of the development, a post-construction structural condition assessment and visual record (e.g., video and photos) of Council's stormwater infrastructure within & adjacent to the proposed development (including the Hobart Rivulet) must be submitted to Council.

The condition assessment must include at least:

1. a site plan clearly identifying the location of visual records;
2. a digital recording of a CCTV inspection and written condition assessment report in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia, in a 'Wincan' compatible format of all pipelines;
3. videos and close-up photos of the Rivulet (including walls and roof);
4. a dilapidation report for the Hobart Rivulet.

The post-construction condition assessment will be relied upon to establish the extent of any damage caused to the Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with an adequate pre-construction condition assessment, then any damage to the Council's infrastructure identified in the post-construction CCTV will be deemed to be the responsibility of the owner/developer.

SW 3

The use and development, including demolition, foundations, overhangs, and any landscaping, must ensure the protection and access to Council's stormwater infrastructure, including the Hobart Rivulet and its lateral support zone.

Prior to the issue of building approval for the building (not including building approval for demolition), detailed engineering plans and supporting reports must be submitted and approved as a Condition Endorsement. The detailed design must be prepared and certified by a suitably qualified engineer and must:

1. Demonstrate how the design will:
  - Ensure the protection of the Hobart Rivulet;
  - Impose no additional loads on and be entirely structurally independent of the Rivulet;
  - Provide adequate lateral structural support for the Rivulet structure to function as intended during high flow events;
  - Enable access for maintenance and renewal of the Hobart Rivulet for the life of the building;
  - Not reduce the hydraulic capacity of the Rivulet if works to the Rivulet are required; and
  - Clearly show ownership and easements.
2. Demonstrate that the existing Rivulet lid is structurally suitable for the approved use of the site (both laneway and proposed access);
3. Detail how the proposed awning on the laneway frontage is demountable; and
4. Include sections detailing the relationship between the works and the Rivulet.

Upon completion of the building, a suitably qualified engineer must confirm that the installation of all works within five meters of the Rivulet is in accordance with the certified design and complies with this condition. Should any remediation works be required, these must be carried out at the developer's cost. All work required by this condition must be undertaken in accordance with the approved design.

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

*The current bridge was constructed privately under an ongoing lease agreement. The current structural ability of the lid, including the bridge, to be used as proposed is unknown. Any replacement access/ bridge must be structurally independent with footings clear of the Rivulet corridor and slab and beams of a height to remove the current restriction in hydraulic capacity. Any use of the bridge should be covered by appropriate lease agreements. Council is including a structural assessment of the lid and bridge as part of the commissioned structural assessment. This assessment will be available to the applicant.*

*Please note separate consent is required from Council's Waterways Unit for works within one meter of the external surface / footings of stormwater infrastructure including the Hobart Rivulet under s13 of the Urban Drainage Act 2013 and s73 & s74 of the Building Act 2016.*

SW 5

Construction of the development must not adversely impact the Council's stormwater infrastructure, including the Hobart Rivulet, overland flood path, and DN800 brick trunk main. Flood protection to the Centrepont complex must be maintained during demolition and construction.

Prior to the issue of any approval under the *Building Act 2016* (including demolition), a Construction Management Plan (CMP) must be submitted and approved as a Condition Endorsement. The CMP must be prepared by a suitably qualified and experienced engineer and must:

1. detail the proposed construction methodology and identify all potential risks to the stormwater infrastructure and flow path during construction including but not limited to construction loading, traffic loading, excavation works, footing construction, vibrations, undermining, flood, and environmental harm;
2. provide treatment measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks;

3. include a monitoring regime, and
4. reflect the findings of the structural condition assessment required under condition SW1.

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

#### SW 6

The new stormwater infrastructure must be designed and constructed prior to sealing of the final plan, occupancy, or the commencement of the approved use (whichever occurs first).

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first) excluding demolition, detailed engineering drawings must be submitted and approved as a Condition Endorsement. The detailed engineering drawings must be certified by a suitably qualified and experienced civil engineer and must:

1. Be substantially in accordance with the Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020), as varied by the City of Hobart's published departures from those Drawings, and the Local Government Association of Tasmania, Tasmanian Subdivision Guidelines (October 2013);
2. Clearly distinguish between public and private infrastructure; and
3. Show in both plan and long section the proposed stormwater mains, including but not limited to, connections, flows, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, access points and easements.

All work required by this condition must be undertaken in accordance with the approved detailed engineering 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.*

## SW 7

Prior to sealing of the final plan, 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 removed at the owner's expense. Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first) excluding demolition, detailed engineering drawings must be submitted and approved via the Condition Endorsement process. 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;
5. Construction details.

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.

*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.*

## SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), treatment for stormwater discharges from the development must be installed, or an equivalent cost contribution paid.



A stormwater management report and detailed 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) excluding demolition. The stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. Include detailed design of the proposed treatment, including sections.
2. Include estimations of contaminant removal against State Stormwater Strategy targets supported by MUSIC model or equivalent; and
3. Include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, including: 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.

OR

A cost estimate for the provision and installation of a system that meet the State Stormwater Strategy targets for the proposed development must be agreed upon with Council. A sum equivalent to the cost estimate is to be paid to the Council in accordance with Councils Stormwater Policy. If this option is selected the contribution must be paid prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first) excluding demolition. Payment of this contribution will be considered to meet the stormwater treatment requirements under the Hobart Interim Planning Scheme.

*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 cost contribution may be for a partial or near full offset. Treatment of the basement carpark discharge must be installed even should the cost contribution pathway be chosen.*

SW 11

Measures to prevent alteration of the overland flow path and mitigate flood risk to external stakeholders and also to the proposed structure from the critical 1% AEP at 2100 event must be installed prior to occupancy or issue of any completion (whichever occurs first).

Detailed engineering drawings accompanied with a report must be submitted 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) excluding demolition. These must include (but are not limited to):

- (1) certification from an accredited and qualified structural engineer that all proposed structures within the flood zone to 300mm above the modelled flood level are designed to resist inundation, erosion, undermining and likely forces from a flood event (including debris loading) ;
- (2) details of the internal floor level, carpark entrance, basement and laneway levels, public open space berm levels, and;
- (3) basement tanking details in accordance with the submitted plans including Pitt & Sherry Flood Risk and Stormwater Management Report Rev 02 or updated version.

All work required by this permit must be undertaken and maintained in accordance with the approved detailed drawings and 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.*

SW 14

The works within the flood zone must be inspected by a registered surveyor.

Certification from a registered surveyor that the finished floor levels, carpark entrance berm; laneway/public open space berm and any intrusions into the

external building wall where it is acting as a flood wall are at or above the relevant minimum levels shown on the approved engineering drawings must be provided to the City of Hobart prior to occupancy or commencement of use (whichever occurs first).

#### ENG 13

The Waste Management Plan prepared for the development (Waste Management Plan 174-192 Liverpool Street, Hobart, prepared by Pitt and Sherry, dated 21/03/2024, Revision 00) must be implemented prior to first occupation and maintained throughout the life of the development.

#### Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

#### ENG tr2

Prior to the issue of any approval under the *Building Act 2016* (including demolition), a Construction Traffic and Parking Management Plan (CTPMP) must be submitted to Council as a Condition Endorsement. The CTPMP must:

1. Be prepared by a suitably qualified person,
2. Take into account all likely traffic on and around the construction site (including but not limited to cars, public transport vehicles, service vehicles, pedestrians and cyclists),
3. Include a communications plan to advise the wider community of the traffic and parking impacts during construction,
4. Include a start and finish date for the various stages of construction,
5. Include operating hours for trucks and other traffic associated with the construction,
6. Nominate a superintendent, or the like, to be responsible for the implementation of the approved traffic management plan and available as a direct contact to Council and/or members of the community regarding day-to-day construction traffic operations at the site, including any immediate traffic issues or hazards that may arise.

The approved construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition) and maintained throughout construction of the development.

*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 the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 3a

The access driveway and parking area must be constructed in accordance with the following documentation which forms part of this permit: pitt&sherry - S-P.23.1709-00-CIV- DRG-002 -DRG-003 - Revision c- dated 11/06/2024 (received by the Council on 21/06/2024).

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 maneuvering 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 commencement of use.

#### 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 on the site is twenty-eight (28).

All parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with the Australian Standard AS/NZS 2890.1 2004, prior to commencement of use.

Reason for condition

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

#### ENG 9

All car parking spaces for people with disabilities must be delineated to Australian/NZS Standard, Parking facilities Part 6: Off-street parking for people with disabilities AS/NZS 2890.6: 2009, prior to the commencement of the use.

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

#### 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 s1

Prior to first occupation, the recommendations of the Traffic Impact Assessment with respect to the driveway access and crossover must be implemented, including but not limited to:

- Parallel parking to be removed on the eastern side of Victoria Walk;
- Modifications shall be made to landscaping along 41-43 Victoria Street as shown on the landscape report;
- Spotters should be used during ingress and egress of heavy vehicles to/from the loading area;
- 10km/h shared zone signs shall be provided along Victoria Walk and the Rivulet Walk;
- Treatments to be provided to limit the speed limits of vehicles and pedestrians (primarily cyclists and persons on scooters);
- The headroom clearance of the loading area is to be increased to 4.5m to meet the requirements of AS 2890.2; and
- All bicycle parking to meet the requirements of AS 2890.3.

Reason for condition

To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists

## ENV 2

Sediment and erosion control measures, sufficient to prevent sediment or contaminants from leaving the site and 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 to Council prior to the issue of any approval under the *Building Act 2016* (including demolition). The SWMP must be prepared in accordance with the document *Erosion And Sediment Control - The Fundamentals for Development in Tasmania*, associated guideline documents (TEER and DEP, 2023 - available from the Derwent Estuary Program's [website](#)) and any recommendations within any Demolition Environmental Management Plan prepared for the site.

Once approved, the SWMP must be implemented and maintained throughout construction of the development (including demolition).

*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 6

Any excavation and disturbance in the areas identified in the Statement of Historical Archaeological Potential, Archaeological Impact Assessment, and Method Statement (prepared by Praxis Environment, dated March 2024) as high to medium archaeological potential must be monitored and excavated in accordance with the recommendations of the Method Statement. Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

1. All excavation and/or disturbance must stop immediately;



2. A qualified archaeologist must be engaged to attend the site and provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance;
3. All and any recommendations made by the archaeologist engaged in accordance with clause 2 above must be complied with in full;
4. All features and/or deposits discovered and excavated must be reported to Council within 1 day and prior to the conclusion of the excavation;
5. A qualified archaeologist must undertake an audit of bulk archaeological materials such as worked sandstone blocks, 19th century bricks or cobblestones suitable for reuse;
6. A qualified archaeologist must prepare an audit of artefacts of high interpretative values/or rare or other significant for incorporation into an on-site interpretation and history to be incorporated into the publicly accessible parts of the site, and
7. A copy of the archaeologist's advice, assessment and recommendations obtained in accordance with clauses 2, 3, 5, and 6 above must be provided to Council within 60 days of the completion of archaeological works and prior to the issue of building approval for the building (not including building approval for demolition).

Excavation and/or disturbance must not recommence until approval is granted from the Council.

Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve, and manage significant archaeological evidence.

## HER 7

Any artefacts found upon the site that are of high interpretative value, or rare, or otherwise significant as determined by the qualified archaeologist engaged in accordance with Condition HER 6 (specifically, clause 6) must be incorporated into an on-site interpretation and history.

Should such artefacts be found, an interpretation plan must be submitted to Council prior to the issue of building approval for the building (not including building approval for demolition) as a Condition Endorsement. The approved interpretation plan must be implemented to the satisfaction of Council's Senior Cultural Heritage Officer and demonstrate that the onsite interpretation will:

1. Incorporate the artefacts described above;
2. Be located in a publicly accessible space, and
3. Be completed prior to first occupation.

### *Advice:*

*This condition may require 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 there is public benefit from archaeological investigations.

## HER s1

Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance, any audit report prepared in accordance with condition HER 6 must be submitted and approved by Council prior to the issue of building approval for the building (not including building approval for demolition) as a Condition Endorsement.

The audit report must explore options and recommend how the finds of an archaeological nature may be incorporated into the development in landscaping, vertical or horizontal surfaces, or other designed or decorative features. Any recommendations made in the audit report should be reflected in any plans submitted for building approval, as appropriate.

*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 archaeological evidence is retained, protected and preserved in situ or within the wider site or otherwise appropriately managed.

HER s2

Any bulk items of an archaeological nature (such as but not limited to foundations, basement flooring, cobbled surfaces, water runs, industrial features, evidence of early infrastructure, and drainage channels) must remain in situ and protected on the advice of a suitably qualified archaeologist until such time as either condition HER s1 is satisfied or Council grants the recommencement of excavation and/or disturbance.

Reason for condition

To ensure that archaeological evidence is retained, protected and preserved or otherwise appropriately managed.

HER s3

Prior to the issue of any approval under the *Building Act 2016* (including demolition), the design for an interpretation and historical information panel that describes the physical and social history of the site in words, plans, and historical pictures and includes information on the process and intention of the archaeological works must be submitted to Council as a Condition Endorsement. Once this design is approved, the panel must be displayed on all public boundaries prior to commencement of the archaeological works and maintained throughout these works.

*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 there is public benefit from archaeological investigations.

ENVHE 1

Prior to the issue of building approval for any demolition on the site, a Demolition Environmental Management Plan (DEMP) must be submitted to Council as a Condition Endorsement. The DEMP must be prepared by a suitably qualified and experienced person and must be consistent with the recommendations made in the Site History Review prepared for the site (Site History Review - 174-192 Liverpool Street, Hobart; dated 25 March 2024, Rev00, prepared by Pitt and Sherry).

*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 works involving excavation of potentially contaminated land do not adversely impact on human health or the environment.

ENVHE 2

Prior to the issue of building approval for the building (not including building approval for demolition), an Environmental Site Assessment (ESA) prepared by a suitably qualified and experienced person in accordance with the procedures and practices detailed in the *National Environment Protection (Assessment of Site Contamination) Measure 1999* as amended 2013 must be submitted as a Condition Endorsement. The ESA must consider:

- Whether any site contamination presents a risk to workers involved in redevelopment of the site, or future users of the site, as a result of proposed excavation of the site;
- Whether any site contamination presents an environmental risk from excavation conducted during redevelopment of the site;

- Whether any specific remediation and/or protection measures are required to ensure proposed excavation does not adversely impact human health or the environment before excavation commences; and
- Whether any remediation and/or protection measures are required.

If the ESA report concludes that remediation and/or protection measures are necessary to avoid risks to human health or the environment, a remediation and/or management plan must be submitted to Council prior to commencement of construction of the building. Any remediation or management plan involving soil disturbance must include a detailed soil and water management plan to prevent off-site transfer of potentially contaminated soil or stormwater.

*Advice:*

*The ESA should be consistent with the recommendations made in the Site History Review prepared for the site (Site History Review – 174-192 Liverpool Street, Hobart; dated 25 March 2024, Rev00, prepared by Pitt and Sherry).*

*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 works involving excavation of potentially contaminated land do not adversely impact on human health or the environment.

OPS 3

Prior to the issue of building approval for the building (not including building approval for demolition), a Landscaping Plan detailing the landscape design of the Rivulet Walk must be submitted to Council and approved by the Director - City Life. The Landscaping Plan must include:

1. Plant species selection;
2. The size at planting of any trees, to the satisfaction of the Council's Director City Life;
3. The location of footpaths, garden beds, steps, street lighting, any

proposed or existing underground infrastructure and any other relevant infrastructure;

4. The soil volume to be provided in any location proposed for tree planting, and
5. Any proposed additional tree infrastructure such as root barriers or tree cells.

All trees and landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Director - City Life upon completion of the building.

On completion of the landscaping in accordance with the approved Landscaping Plan, the developer must arrange for an installation inspection by the Council. Once completed to the satisfaction of the Council's Director - City Life, the Council will issue a statement confirming satisfactory completion.

*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 03 6238 2711.*

Reason for condition

To ensure that development that is outside the Amenity Building Envelope provides significant community benefit.

SURV 1

The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.

Reason for condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

### SURV 3

The final plan and schedule of easements must be submitted and approved under section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

The final plan and schedule of easements must provide easements to the satisfaction of the Council:

1. Over any proposed stormwater or sewer mains passing through the lots on the final plan, in favour of the Hobart City Council and/or TasWater (minimum width of 2m);
2. Over any proposed private rights of way and/or service easements in favour of the lots they are required to serve;
3. Over any proposed canopy easements in favour of Lot 1; and
4. Over Lot 1 within a minimum 1m of the external surface of the Hobart Rivulet.

*Advice:*

*The right of way in the above clause 2 and canopy easement in clause 3 must be vertically limited in height to the satisfaction of the Manager of Surveying Services and the Manager Waterways.*

Reason for condition:

To ensure that there are no impediments to the provision of public and private services, access to the lots and to allow for the encroachment of the proposed building canopy over Lot 2.

To allow future maintenance and replacement access to the Hobart Rivulet walls.

### SURV 5

The proposed Public Open Space lot is to be transferred in fee simple to the Council at nominal consideration.

Prior to the sealing of the final plan an executed and stamp duty assessed Land Titles Office transfer instrument is to be forwarded to the Council together with a cheque made payable to the Land Titles Office for the associated Land Titles Office registration fees.

Reason for condition

To ensure that title to the proposed public open space lot issues in the Council.

SURV 8

The applicant, at no cost to the Council, must have prepared, entered into, and have registered at the Land Titles Office, a deed pursuant to Section 75CA of the *Conveyancing and Law of Property Act 1884* for the canopy encroachments over Liverpool and Harrington Streets upon completion of the development.

*Advice:*

*A Section 75CA Conveyancing & Law of Property Act 1884 certificate for the occupation of a Highway requires that the encroachment is a minimum 2.40 meters above the footpath or 4.25 meters above the road carriageway. A 600mm set back from the back of kerb may also be required.*

*The applicant must prepare and forward the required instrument pursuant to section 75CA Conveyancing & Law of Property Act 1884, including a survey plan of the encroachment (certified by a registered surveyor), the associated \$309 Council application fee and the Land Titles Office registration fee, to the Council for execution and subsequent registration within the Land Titles Office.*

Reason for condition

To ensure that the proposed building encroachments over Liverpool and Harrington Streets are formalised in accordance with statutory provisions.

SURV 10

Lot 2 on the final plan is approved as a subminimum lot and is to be notated on the final plan under the provisions of section 115 *Local Government (Building & Miscellaneous Provisions) Act 1993* to the effect that it is unlikely the lot would be purchased as the site for a dwelling.



Reason for condition

To ensure compliance with Part 3 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

ENG 16

Prior to the sealing of the final plan, private sewer, stormwater (including surface drainage) and water services/connections are to be entirely separate to each lot and contained wholly within the lots served.

Reason for condition

To ensure that each lot is services separately.

ENG 17

Prior to the sealing of the final plan, the developer must verify compliance with condition ENG 16 by supplying the Council with an as installed services plan clearly indicating the location and details of all relevant services (entirely contained within their respective lots or appropriate easements). The as installed services plan must be accompanied by certification from a suitably qualified person that all engineering work required by this permit has been completed.

*Advice:*

*Any final plan submitted for sealing will not be processed unless it is accompanied by documentation by a suitably qualified person that clearly certifies that this condition has been satisfied and that all the work required by this condition has been completed. A 'suitably qualified person' must be a professional engineer or professional surveyor or other persons acceptable to Council.*

Reason for condition

To ensure that the developer provides the Council with clear written confirmation that the separation of services is complete.

Part 5 1

Prior to acting upon this permit, the owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning*

*and Approvals Act 1993* with respect to the protection of the Hobart Rivulet. The agreement must state that the owner agrees to the following:

1. Not to undertake any works at any time (including excavation and building) that will have any effect on the structural integrity of the Hobart Rivulet;
2. To maintain all structures which provide structural lateral support to the public stormwater system;
3. To remove any minor structures such as awnings within one metre horizontally of the Rivulet at the owner's cost at Council's request to provide access to Council's infrastructure;
4. To indemnify and to keep indemnified the Council against any claims, costs, expenses and damages howsoever incurred arising as result of constructing within the identified 1% AEP flood extent;
5. To indemnify and to keep indemnified the Council against any claims, costs, expenses and damages howsoever incurred arising as result of:
  - (i) the Owner carrying out the development on any part of the Property on which the public stormwater system is located;
  - (ii) the reduction or hindrance of access to the public stormwater system;
  - (iii) to restore or reinstate the drain if damage to or obstruction of the drain arises out of or is connected to that which is approved by this consent, or; and
  - (iv) the Council performing operation, maintenance, or replacement tasks on or to the public stormwater system.

Except to the extent that the relevant claim, cost, action, or demand arises from the negligent act or omission of the Council, its servants, agents or employees.

All costs for the preparation and registration of the Part 5 Agreement must be met by the owner.

The owner must comply with the Part 5 Agreement which will be placed on the property title.

*Advice:*

*For further information with respect to the preparation of a Part 5 agreement please contact the Council's Development Engineering Unit on 03 6238 2711.*

Reason for condition

To ensure that the lateral structural support of the Rivulet is maintained, and flood risk is managed.

Part 5 r1

Prior to acting upon this permit, the owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* with respect to the protection of public infrastructure and land within Liverpool Street highway reservation. The agreement must state that the owner agrees to not undertake any works (including excavation and building) that will have any effect on the integrity of the Liverpool Street highway reservation, or any adjacent retaining structure, or the road formation itself.

All costs for the preparation and registration of the Part 5 Agreement must be met by the owner.

The owner must comply with the Part 5 Agreement which will be placed on the property title.

*Advice:*

*For further information with respect to the preparation of a Part 5 Agreement please contact Council's Development Engineering Unit.*

Reason for condition

To ensure the protection of Council are retained.

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*.

#### 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.

## BUILDING OVER AN EASEMENT

In order to build over the service easement, you will require the written consent of the person on whose behalf the easement was created, in accordance with section 74 of the *Building Act 2016*.

## 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.

## CBD AND HIGH VOLUME FOOTPATH CLOSURES

Please note that the City of Hobart does not support the extended closure of public footpaths or roads to facilitate construction on adjacent land.

It is the developer's responsibility to ensure that the proposal as designed can be constructed without reliance on such extended closures.

In special cases, where it can be demonstrated that closure of footpaths in the CBD and/or other high-volume footpaths can occur for extended periods without unreasonable impact on other businesses or the general public, such closures may only be approved by the full Council.

For more information about this requirement please contact the Council's Mobility Unit on 62382711.

## RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

## SECTION 11 APPLICATION TO BRING HOBART RIVULET UNDER LAND TITLES ACT 1980

The creation of lot 2, the title for the Hobart Rivulet will require a Section 11, Application to Bring Land Under the *Land Titles Act 1980*. This application will need to be prepared at the applicant's cost and submitted to Council for execution and subsequently at the Land Titles Office.

### 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.

### SUBDIVISION ADVICE

For information regarding standards and guidelines for subdivision works click [here](#).

All conditions imposed by this permit are in accordance with the *Local Government Building & Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*.

### **Delegation: Committee**

Item 7.2 was then taken

## 7. REPORTS

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### 7.1 Council's Representation on the Hobart Draft Local Provisions Schedule - Planning Authority Endorsement File Ref: F24/67218

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HARVEY

That the recommendation contained in the report of the Strategic Planner | Urban Futures and the Director City Futures of 26 July 2024, be adopted.

#### AMENDMENT BLOOMFIELD

That the Commercial Zone Specific Area Plan – Use Table be amended to delete the provisions as indicated at 6.17 to 6.17.3 of the officers report with the exception of *Educational and Occasional Care*.

AMENDMENT LOST

#### VOTING RECORD

AYES	NOES
Zucco	Dutta
Kelly	Acting Lord Mayor Sherlock
Elliot	Harvey
Bloomfield	Posselt
Lohberger	Kitsos

MOTION CARRIED

#### VOTING RECORD

AYES	NOES
Dutta	Zucco
Acting Lord Mayor Sherlock	Kelly
Harvey	Elliot
Posselt	Bloomfield
Lohberger	
Kitsos	

#### **COMMITTEE RESOLUTION:**

That in its role as the Planning Authority, and in accordance with section 35F of *Land Use Planning and Approvals Act 1993* the Planning Authority amends the resolution made on 28 February 2024 to include endorsement of items 1,

3, 4, 8, 9 and 13 in Council's Representation marked as Attachment A to item 7.1 of the Open Planning Committee agenda of 31 July 2024, as modified to be submitted to the Tasmanian Planning Commission for consideration as part of the hearings into the draft Hobart Local Provisions Schedule.

**Delegation: Committee**

Item 8.1 was then taken.

**7.2 Delegated Decision Report (Planning)**  
**File Ref: F24/69048**

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SHERLOCK

That the recommendation contained in the memorandum of the Acting Director City Life of 26 July 2024, be adopted.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Dutta		
Acting Lord Mayor Sherlock		
Zucco		
Harvey		
Kelly		
Elliot		
Bloomfield		
Posselt		
Lohberger		
Kitsos		

**COMMITTEE RESOLUTION:**

That the information contained in the 'Delegated Decision Report (Planning)' be received and noted.

**Delegation: Committee**

**7.3 Planning - Advertised Applications Report**  
**File Ref: F24/69187**

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HARVEY

That the recommendation contained in the memorandum of the Acting Director City Life of 26 July 2024, be adopted.



MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta  
Acting Lord Mayor Sherlock  
Zucco  
Harvey  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger  
Kitsos

**COMMITTEE RESOLUTION:**

That the information contained in the 'Planning – Advertised Applications Report' be received and noted.

**Delegation: Committee**

Item 7.1 was then taken.

**8. RESPONSES TO QUESTIONS WITHOUT NOTICE**

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

**8.1 Bus Stop - Prototype**  
**File Ref: F24/43424**

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Memorandum of the Acting Director Connected City of 31 July 2024.

SHERLOCK

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta  
Acting Lord Mayor Sherlock

Zucco  
Harvey  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger  
Kitsos

**Delegation: Committee**

## **9. QUESTIONS WITHOUT NOTICE**

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

### **9.1 Councillor Kelly - 563 Sandy Bay Road - Supreme Court File Ref: 13-1-10**

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Question: Can the Acting Director City Life advise why the matter pertaining to 563 Sandy Bay Road was not referred back to the Council, or was it a decision of the Chair of Planning, the Lord Mayor, the Deputy Lord Mayor or was it a decision of Council Officers to proceed?

Could we have withdrawn from the appeal once advice received from the owner that the property was no longer going to be used for the purpose subject to the appeal?

Answer: The Acting Director City Life advised that we are proceeding with the appeal notwithstanding that the property owner has indicated that they have submitted to the appeal. It doesn't change the Council's position in the sense that the reason that we decided to appeal was to get further clarity on the law. There would be no difference to costs so no need to bring it back to the Elected Members. The property owner decided to withdraw from the appeal, the Council is still a party to the appeal. Given the owner withdrew it would be a matter for the Elected Members to move a motion that proceedings cease, that would be contrary to the current decision of the Elected Members.

**9.2 Acting Lord Mayor Sherlock - 563 Sandy Bay Road - Decision  
File Ref: 13-1-10**

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Question: Can the Acting Director City Life advise when the Planning Committee made the decision to commence proceedings on 563 Sandy Bay Road?

Answer: The Acting Director City Life advised that the decision was made by the Planning Committee on 25 October 2023, and we are following the appeal process in accordance with the direction of the Committee.

**10. CLOSED PORTION OF THE MEETING**

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HARVEY

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

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	Questions Without Notice

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta  
Acting Lord Mayor Sherlock  
Zucco  
Harvey  
Kelly  
Elliot  
Bloomfield

Posselt  
Lohberger  
Kitsos

**Delegation: Committee**

There being no further business the Open portion of the meeting closed at 6.23pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
11<sup>TH</sup> DAY OF SEPTEMBER 2024.

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**CHAIRPERSON**