



CITY OF HOBART

MINUTES

PLANNING COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 14 FEBRUARY 2024 AT 5.16 PM



City of **HOBART**

ORDER OF BUSINESS

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Planning Committee Meeting (Open Portion) held on Wednesday, 14 February 2024 at 5.16 pm in the Council Chamber, Town Hall.

COMMITTEE MEMBERS

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

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

APOLOGIES: The Lord Mayor Councillor
A Reynolds, Councillors Z Sherlock and
W Coats.

LEAVE OF ABSENCE: Nil.

The Chairman provided an acknowledgement to country.

1. CONFIRMATION OF MINUTES

BURNET

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

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta
Deputy Lord Mayor Burnet

Zucco
Harvey
Kelly
Bloomfield
Posselt
Lohberger

The minutes were signed.

2. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

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

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

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.

RECOMMENDATION

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

No deputations were received.

6. COMMITTEE ACTING AS PLANNING AUTHORITY

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

6.1.1 15 Marieville Esplanade, Sandy Bay - New Building (Food Service Use) PLN-23-620 - File Ref: F24/11255

POSSELT

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Senior Statutory Planner of 30 January 2024, be adopted as amended by the addition of the following advice clause:

“Advice:

The container should be painted or otherwise externally treated in a manner to match the surrounds, e.g. painted white.

The site is to be rehabilitated when the container is removed.

The applicant is to provide a Waste Management Plan to the satisfaction of the Director City Life.”

MOTION CARRIED

VOTING RECORD

AYES	NOES
Dutta	Zucco
Deputy Lord Mayor Burnet	Kelly
Harvey	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 a new building (food service use) at 15 Marieville Esplanade Sandy Bay TAS 7005 for the reasons outlined in the officer’s report attached to item 6.1.1 of the Open Planning Committee agenda of 14 February 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-23-620 - 15 MARIEVILLE ESPLANADE 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 2023/01503-HCC dated 2 November 2023 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

The proposed sewer pump station must be installed and maintained in general accordance with planning permit documents prior to first occupation or commencement of use (whichever occurs first).

Advice:

Council modelling shows the site as potentially subject to floodwaters in a 1% AEP flood event as at 2100 (ie including climate change). Council notes the proposed alteration in the flood affected area and recommends this is taken into consideration in the final design and future use. Council notes the requirements under NCC for buildings to withstand flood forces and erosion.

Reason for condition

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

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
2. Be repaired and reinstated by the owner to the satisfaction of the Council.

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

Advice:

For guidance, please see the TEER & DEP (2023) Erosion and Sediment Control guideline documents available from the Derwent Estuary Program's [website](#).

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

Advice:

The container should be painted or otherwise externally treated in a manner to match the surrounds, e.g. painted white.

The site is to be rehabilitated when the container is removed.

The applicant is to provide a Waste Management Plan to the satisfaction of the Director City Life.

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.

PLANNING

It is recommended that the customer or their electrician contact TasNetworks on 1300 137 008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.

NOISE REGULATIONS

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

Delegation: Committee

7. REPORTS

7.1 Delegated Decision Report (Planning) File Ref: F24/12995

BURNET

That the recommendation contained in the report of the Acting Director City Life of 8 February 2024, be adopted.

MOTION CARRIED

VOTING RECORD

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

COMMITTEE RESOLUTION:

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

Delegation: Committee

7.2 Planning - Advertised Applications Report
File Ref: F24/13211

HARVEY

That the recommendation contained in the report of the Acting Director City Life of 7 February 2024, be adopted.

MOTION CARRIED

VOTING RECORD

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

COMMITTEE RESOLUTION:

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

Delegation: Committee

8. 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.

9. CLOSED PORTION OF THE MEETING

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	Planning Authority Items – Consideration of Items with Deputations
Item No. 5	Questions Without Notice

MOTION CARRIED

VOTING RECORD

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

Delegation: Committee

There being no further business the Open portion of the meeting closed at 5.45pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
28TH DAY OF FEBRUARY 2024.

CHAIRMAN