



CITY OF HOBART

MINUTES

PLANNING AUTHORITY COMMITTEE MEETING

OPEN PORTION

WEDNESDAY, 9 OCTOBER 2024 AT 4.00 PM



City of **HOBART**

ORDER OF BUSINESS

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Planning Authority Committee Meeting (Open Portion) held on Wednesday, 9 October 2024 at 4.00 pm in the Council Chamber, Town Hall.

APPOINTED MEMBERS

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

APOLOGIES: Nil.

LEAVE OF ABSENCE: Nil.

The Lord Mayor arrived at the meeting at 4.02pm and was not present for items 1 to 7.

NOMINEE MEMBERS

Alderman M Zucco
Councillor J Kelly
Councillor L Elliot
Alderman L Bloomfield
Councillor W Coat

PRESENT:

Councillor M Dutta (Chairperson), Lord Mayor Councillor A M Reynolds, Deputy Lord Mayor Councillor Dr Z Sherlock, Councillors W F Harvey, R Posselt, B Lohberger, G Kitsos and J Kelly.

1. ACKNOWLEDGEMENT OF COUNTRY

The Chairperson provided an acknowledgment of country.

2. CONFIRMATION OF MINUTES

SHERLOCK

The minutes of the Open Portion of the Planning Authority Committee meeting held on [Wednesday, 25 September 2024](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta
Deputy Lord Mayor Sherlock
Harvey
Posselt
Lohberger
Kitsos
Kelly

The minutes were signed.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.1.1 1 Marieville Esplanade, Sandy Bay - Partial Demolition, Floating Pontoon, Alterations to Boat Ramp and Associated Works PLN-2024-0325 - File Ref: F24/88334

POSSELT

That the recommendation contained in the report of the Development Appraisal Officer of 1 October 2024, be adopted as amended by the addition of the following conditions ENG 1A and ENV s1 to read as follows:

ENG 1A - Development Engineering - Protection of Council Assets

Any damage to the Hobart City Council's infrastructure must be reported to City of Hobart as soon as practicable.

Any damage to the Hobart City Council's infrastructure resulting from the implementation of this permit, must, at the election of the Council and within 30 days of demand:

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

ENV s1

An approved Demolition and Construction Environmental Management Plan (DCEMP) must be implemented.

Prior to the commencement of works, a Demolition and Construction Environmental Management Plan must be submitted and approved.

The Demolition and Construction Environmental Management Plan must:

- be prepared by a suitably qualified person;*
- detail the proposed demolition and construction methodology (particularly where works may have environmental impacts);*
- identify all potential environmental impacts associated with the works including water pollution, habitat degradation and impacts upon flora and fauna;*
- include measures to avoid or mitigate all identified environmental risks;*
and
- reflect and give effect to the recommendations of the Natural Values Assessment by Marine Solutions Tasmania P/L dated July 2024.*

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta
Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Posselt
Lohberger
Kitsos
Kelly

COMMITTEE RESOLUTION:

That pursuant to the Hobart Interim Planning Scheme 2015, the Planning Authority Committee in accordance with the delegations contained in its terms of reference, approve the application for Partial Demolition, Floating Pontoon, Alterations to Boat Ramp and Associated Works at 1 Marieville Esplanade, Sandy Bay and the adjacent area of the River Derwent for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN - General

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-24-325 - 5 MARIEVILLE ESPLANADE SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

ENV s1

An approved Demolition and Construction Environmental Management Plan (DCEMP) must be implemented.

Prior to the commencement of works, a Demolition and Construction Environmental Management Plan must be submitted and approved.

The Demolition and Construction Environmental Management Plan must:

- be prepared by a suitably qualified person;
- detail the proposed demolition and construction methodology (particularly where works may have environmental impacts);
- identify all potential environmental impacts associated with the works including water pollution, habitat degradation and impacts upon flora and fauna;
- include measures to avoid or mitigate all identified environmental risks; and
- reflect and give effect to the recommendations of the Natural Values Assessment by Marine Solutions Tasmania P/L dated July 2024.

ENG 1A - Development Engineering - Protection of Council Assets

Any damage to the Hobart City Council's infrastructure must be reported to City of Hobart as soon as practicable.

Any damage to the Hobart City Council's infrastructure resulting from the implementation of this permit, must, at the election of the Council and within 30 days of demand:

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

ENV 2 - Environmental Planning - Soil Water Management Plan

Prior to the issue of any approval under the *Building Act 2016* or the commencement of work (whichever occurs first), a soil and water management plan (SWMP) must be submitted and approved as a condition endorsement. The SWMP must be prepared by a suitably qualified expert and must:

1. specify sediment and erosion control measures sufficient to prevent sediment or other pollutants from leaving the site, during both the construction phase and post-construction; and
2. be consistent with the *Soil and Water Management on Building and Construction Sites* fact sheets (Derwent Estuary Program).

The approved control measures in the SWMP must be installed prior to any disturbance of any soil or vegetation, be regularly inspected and maintained during the construction/demolition period to prevent soil and other materials entering the local stormwater system, waterways, roadways or adjoining properties. The approved control measures must remain in place until such time as all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the City of Hobart.

All works must be undertaken in accordance with the approved SWMP.

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 via the PlanBuild [online portal](#)

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.

REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

PROTECTING THE ENVIRONMENT

In accordance with the *Environmental Management and Pollution Control Act 1994*, local government has an obligation to "use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution." Click [here](#) for more information.

NOISE REGULATIONS

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

WASTE DISPOSAL

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 regarding waste disposal can also be found on the Council's [website](#)

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

8. REPORTS

8.1 Delegated Decision Report (Planning) File Ref: F24/88014

KITSOS

That the recommendation contained in the memorandum of the Director City Futures of 4 October 2024, be adopted.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
Dutta		
Lord Mayor Reynolds		
Deputy Lord Mayor Sherlock		
Harvey		
Posselt		
Lohberger		
Kitsos		
Kelly		

COMMITTEE RESOLUTION:

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

Delegation: Committee

8.2 Planning - Advertised Applications Report
File Ref: F24/88043

HARVEY

That the recommendation contained in the memorandum of the Director City Futures of 4 October 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta
Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Posselt
Lohberger
Kitsos
Kelly

COMMITTEE RESOLUTION:

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

Delegation: Committee

9. RESPONSES TO QUESTIONS WITHOUT NOTICE

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

9.1 Draft Coastal Policy
File Ref: F24/88426; 13-1-10

Memorandum of the Director City Futures of 9 October 2024.

POSSELT

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta
Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Posselt
Lohberger
Kitsos
Kelly

Delegation: Committee

10. QUESTIONS WITHOUT NOTICE

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

10.1 Lord Mayor Reynolds - Solar Panels - Heritage Properties **File Ref: 13-1-10**

Question: How many solar panel applications on heritage listed properties do we reject each year?

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

10.2 Councillor Posselt - 3-4 Montgomery Court - Consent Agreement **File Ref: 13-1-10**

Question: There is a consent agreement regarding the property at 3-4 Montgomery Court. One of the parties is unsure of the process and whether or not the agreement has to come through the Planning Committee or if it is a delegated matter?

Answer: The Director City Futures advised that Council Officers are not in a position to provide advice to the individual and that they need to seek their own legal advice in relation to the matter.

10.3 Lord Mayor Reynolds - Bushland Clearing - Domain Highway
File Ref: 13-1-10

Question: I understand that there was no planning permit required, is the extent of the clearing finished?

As the project proceeds further towards the Cornelian Bay ovals there are some large gum trees, can we receive advice that the route will not conflict with these trees?

Answer: The Chief Executive Officer advised that Taswater will be providing us with fresh advice on the particular issue, the plan for revegetation and I will seek advice on the large gum trees approaching Cornelian Bay.

11. CLOSED PORTION OF THE MEETING

POSSELT

That the Committee resolve by majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Minutes of a Closed Meeting
- Possible legal action that may involve the Council
- Closed Questions Without Notice

The following items were discussed:-

- | | |
|--------------|--|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Committee Meeting |
| Item No. 2 | Consideration of supplementary items to the agenda |
| Item No. 3 | Indications of pecuniary and conflicts of interest |
| Item No. 4 | Planning Authority Items – Consideration of Items with Deputations |
| Item No. 5 | Responses to Questions Without Notice |
| Item No. 5.1 | Macquarie Point Stadium - Conditions Approval - Time to Draft LG(MP)R 15(4)(b) |
| Item No. 6 | Questions Without Notice |

MOTION CARRIED

VOTING RECORD

AYES

NOES

Dutta
Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Posselt
Lohberger
Kitsos
Kelly

Delegation: Committee

There being no further business the Open portion of the meeting closed at 4.19pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
6TH DAY OF NOVEMBER 2024.

CHAIRMAN