



City of **HOBART**

MEMORANDUM: LORD MAYOR
DEPUTY LORD MAYOR
ELECTED MEMBERS

APPROVAL CONDITIONS

Meeting: City Planning Committee

Meeting date: 26 April 2022

Raised by: Alderman Briscoe

Question:

Can the Director provide the conditions of approval for the refuelling stations at both the Derwent Sailing Squadron and Royal Yacht Club of Tasmania?

Response:

The approvals are contained in the permits described below, both of which are attached to this response.

PLN-18-690

Derwent Sailing Squadron (23 Marieville Esplanade) – “refuelling facility (diesel tank and fuel berth) and associated works” - planning permit granted on 18 February 2019.

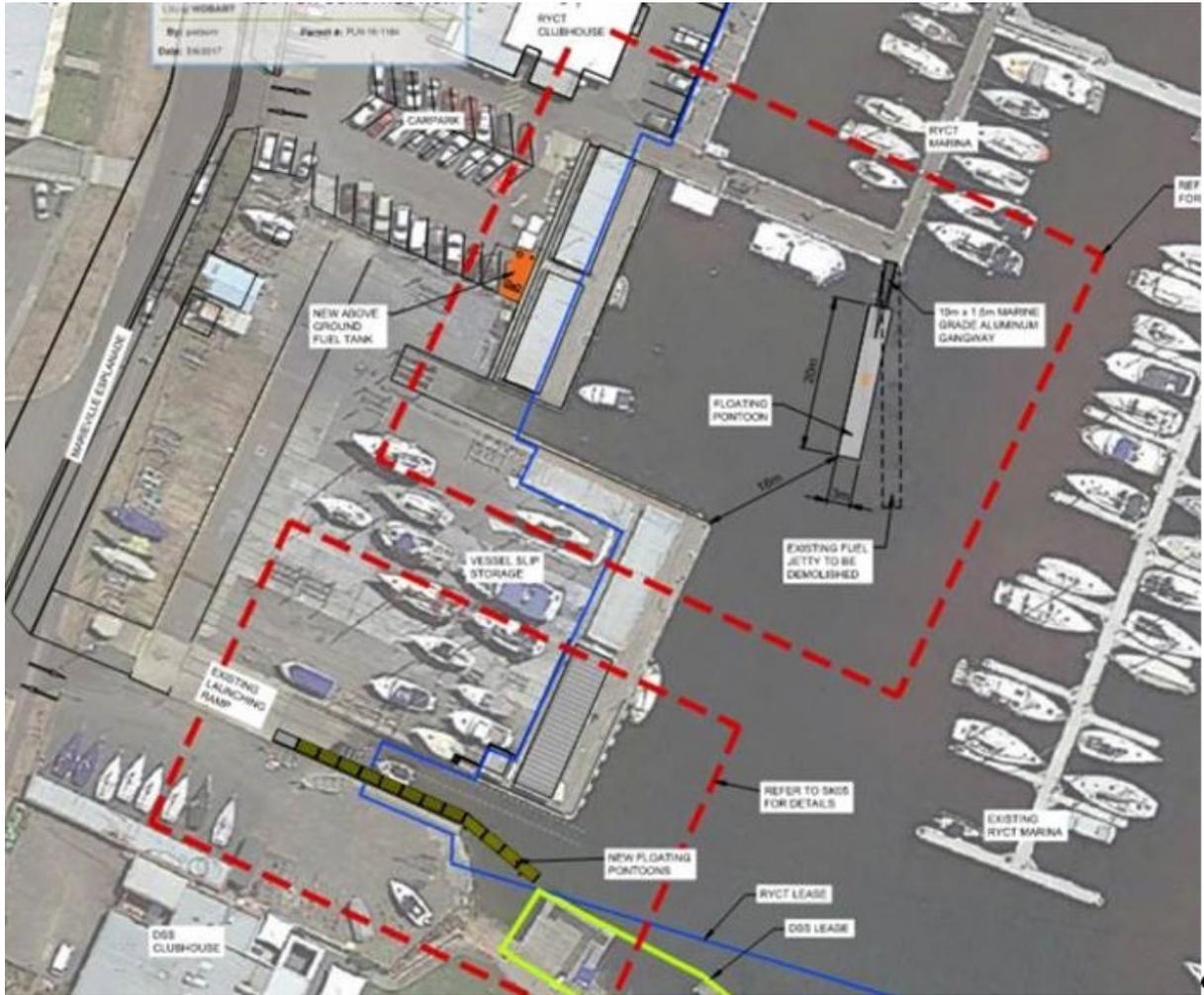
- Installation of a new above ground diesel fuel facility comprising one 30,000 litre tank.
- Upgrading of an existing jetty to create a fuel berth.
- Associated works including installation of fuel lines between tank and fuel berth.



PLN-16-1184

RYCT (15 Marieville Esplanade) – “partial demolition, boat ramp pontoon, refuelling pontoon and fuel storage tank and dispensing facility” – planning permit granted on 5 June 2017.

- A new pontoon system for the existing boat ramp (this pontoon has already been constructed).
- A new floating refuelling pontoon, including a marine grade aluminium gangway with access from the existing RYCT marina.
- A new proprietary fully self-contained (bundled) above ground fuel storage tank and dispensing facility, including new pipework to the refuelling pontoon.



As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Neil Noye
DIRECTOR CITY LIFE

Date: 26 July 2022
 File Reference: F22/71035; 13-1-10

Attachment A: PLN-18-690 - 23 Marieville Esplanade Sandy Bay 7005 - Planning Permit Approved

Attachment B: PLN-16-1184 - 15 Marieville Esplanade Sandy Bay TAS 7005 - Planning Permit S55 Clerical Error

Hobart Interim Planning Scheme 2015

Land Use Planning and Approvals Act 1993

Planning Permit

APPLICATION NO	PLN-18-690
ADDRESS	23 MARIEVILLE ESPLANADE, SANDY BAY
PROPOSAL	REFUELLING FACILITY (DIESEL TANK AND FUEL BERTH) AND ASSOCIATED WORKS
PERMIT DATE	18 February 2019

The following conditions and restrictions apply to this permit:

The use/development of the land for the purpose of Refuelling Facility (Diesel Tank and Fuel Berth) and Associated Works subject to the following conditions and restrictions.

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-18-690 - 23 MARIEVILLE ESPLANADE SANDY BAY TAS 7005 - Final Planning Documents.

Reason for condition

To clarify the scope of the permit.

ENV s1

The diesel storage tank must be fixed in place in a manner that can withstand the hydraulic forces associated with coastal inundation and storm surge events based on the advice of a suitably qualified engineer.

Reason for condition

To ensure that buildings and works dependent on a coastal location are appropriately designed and sited to account for risk from inundation

ENVHE 1

All works associated with the development, including protection measures and remediation, must be performed as specified within the Contamination Management Plan prepared by Geo-Environmental Solutions, dated December 2018.

Reason for condition

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

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

FEES AND CHARGES

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

INUNDATION PRONE AREAS

Please note that the site is likely to be subject to future coastal inundation events.

18 February
2019

Approved Date



Senior Statutory Planner

IMPORTANT INFORMATION ABOUT THE ATTACHED PERMIT

WHAT HAS BEEN DECIDED?

The Council has granted a permit subject to conditions.

WHEN DOES A PERMIT TAKE EFFECT?

The permit takes effect:

- If there is a right of appeal against the granting of a permit, 14 days from the day on which notice of the granting of the permit was served on the person who has a right appeal.
- Where an appeal has been made against the Council's decision to grant a permit, the determination or abandonment of the appeal.
- Where any other approvals are required under the *Land Use Planning and Approvals Act 1993* or any other Act, when all those approvals have been granted.

WHEN DOES A PERMIT LAPSE?

A permit lapses 2 years from the date on which it was granted if the use or development is not substantially commenced. An application can be made to extend the planning permit for a further 4 years. Such application must be made every 2 years up to 6 months following the expiry date.

WHAT ABOUT APPEALS?

An applicant for a permit may appeal against Council's decision to grant a permit. An appeal must be made within 14 days after the day on which notice of Council's decision was served on them.

Any person who has made a valid representation may appeal against the grant of a permit. Any appeal must be made within 14 days after the day on which notice of the granting of the permit was served on them.

An appeal may only be lodged with the Resource Management and Planning Appeal Tribunal. Please note that the Tribunal will not directly notify representors if an appeal is lodged by an applicant. You may either look for the notice of appeal, which will be published in *The Mercury*; or contact the Tribunal directly.

Details about appeals and the fees payable can be obtained from the Tribunal.

The Tribunal's contact details are as follows:

Telephone No: (03) 6165 6794

Postal Address:

GPO Box 2036

HOBART 7001

Street Address:

Level 6

144-148 Macquarie Street

HOBART

Email address: mpat@justice.tas.gov.au **Web page:** www.mpat.tas.gov.au

Hobart Interim Planning Scheme 2015

Land Use Planning and Approvals Act 1993

Planning Permit

APPLICATION NO PLN-16-1184

ADDRESS 15 MARIEVILLE ESPLANADE,
SANDY BAY & ADJACENT
AREA OF RIVER DERWENT

PROPOSAL PARTIAL DEMOLITION, BOAT
RAMP PONTOON, REFUELLING
PONTOON AND FUEL
STORAGE TANK AND
DISPENSING FACILITY

PERMIT DATE 5 June 2017

The following conditions and restrictions apply to this permit:

The use/development of the land for the purpose of Partial Demolition, Boat Ramp Pontoon, Refuelling Pontoon and Fuel Storage Tank and Dispensing Facility subject to the following conditions and restrictions.

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-16-1184 - 15 MARIEVILLE ESPLANADE SANDY BAY TAS 7005 except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG 12

A construction waste management plan must be implemented throughout construction.

A construction waste management plan must be submitted and approved, prior to commencement of work on the site. The construction waste management plan must include:

- Provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.

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

Advice: Once the construction waste management plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste 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 1

The cost of repair of any damage to the Council infrastructure resulting from the implementation of this permit, must be met by the developer within 30 days of the completion of the development or as otherwise determined by the Council.

A photographic record of the Council 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 developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council infrastructure found on completion of works will be deemed to be the responsibility of the developer.

Reason for condition

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

ENV 2

Demolition and construction environmental management measures, in accordance with an approved Demolition and Construction Environmental Management Plan (D&CEMP) must be implemented.

A D&CEMP must be submitted and approved, prior to the issue of any building consent or commencement of work (if no building consent is required). The D&CEMP must identify potential impacts upon natural values as a result of the development during demolition and construction works and include management measures where necessary to minimise potential impacts including:

- **disturbance of the river bed during demolition of the existing jetty;**
- **sediment transfer into waterways from the construction of new fuel lines and fuel tank;**
- **disturbance of noise sensitive fauna during piling activities; and**
- **leaks and spills of fuels, wastes and other pollutants into waterways (including from construction equipment and machinery).**

The D&CEMP must demonstrate compliance with any relevant recommendations of the *Wetlands and Waterways Works Manual* (DPIWE, 2003) and *Tasmania Coastal Works Manual* (DPIPWE, 2010).

All work required by this condition must be undertaken in accordance with the approved D&CEMP.

Advice: Once the D&CEMP has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure the development meets the provisions of the Inundation Prone Areas Code of the Hobart Interim Planning Scheme 2015.

ENV s1

The development must be designed, installed and operated in accordance with Australian Standard AS-1940: *The storage and handling of flammable and combustible liquids*.

Reason for condition

To ensure the development complies with the Waterway and Coastal Protection Code of the Hobart Interim Planning Scheme 2015.

ENV s2

The development must be designed and used in accordance with *The Royal Yacht Club of Tasmania Fuel Facilities - Refueling Procedures and Guidelines* (September, 2016) or an alternative document specifying refueling requirements and procedures approved in writing by the Planning Authority.

Reason for condition

To ensure the development complies with the Waterway and Coastal Protection Code of the Hobart Interim Planning Scheme 2015.

ENVHE 1

Recommendations in the report 'Environmental Site Assessment, Royal Yacht Club of Tasmania, 15 Maryville Esplanade Sandy Bay, February 2017' and the associated 'Contamination Management Plan, Royal Yacht Club of Tasmania, Sandy Bay, February 2017' prepared by Geo-Environmental Solutions P/L, 86 Queen St, Sandy Bay, must be implemented.

Reason for condition

To ensure that the risk to future occupants of the building remain low and acceptable.

ADVICE

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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

As a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition, via the Condition Endorsement Submission on Council's online e-service portal.

Once approved, the Council will respond to you via email that the condition(s) has been endorsed (satisfied). Detailed instructions can be found [here](#).

BUILDING PERMIT

Building permit in accordance with the *Building Act 2016*. Click [here](#) for more information.

TEMPORARY PARKING PERMITS

Temporary parking permits for construction vehicles i.e. residential or meter parking/loading zones. Click [here](#) for more information.

ENVIRONMENTAL MANAGEMENT

Please note that under section 32 of the Environmental Management and Pollution Control Act 1994 a person responsible for the activity must notify the relevant council, as soon as reasonably practicable but not later than 24 hours, after becoming aware of the release of a pollutant occurring as the result of any incident in relation to that activity, including an emergency, accident or malfunction, if this release causes or may cause an environmental nuisance.

NOISE REGULATIONS

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

WASTE DISPOSAL

Click [here](#) for information regarding waste disposal.

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.

CONSULTATION WITH THE DERWENT SAILING SQUADRON

It is recommended that the Applicant consult with the Derwent Sailing Squadron in relation to the southern floating pontoon.

5 June 2017

Approved Date



Acting Senior Statutory Planner

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