

Type of Report:	Committee
Council:	19 December 2016
Expiry Date:	19 December 2016
Application No:	PLN-16-768
Address:	379 ELIZABETH STREET , NORTH HOBART 367 - 375 ELIZABETH STREET , NORTH HOBART 29 STRAHAN STREET , NORTH HOBART 31 STRAHAN STREET , NORTH HOBART ADJACENT ROAD RESERVE
Applicant:	David Johnnton (Circa Morris-Nunn Architects) 27 Hunter Street
Proposal:	Partial Demolition, Alterations and Extensions to Existing Buildings, New Development for Business and Professional Services, General Retail and Hire, Multiple Dwellings, and Community Meeting and Entertainment, Signage, Change of Operating Hours, Changes to Parking and Access, an Works in Road Reserve
Representations:	One (1)
Performance criteria:	General Business Zone Use and Development Standards, Parking and Access Code, Historic Cultural Heritage Code, Signs Code and North Hobart Specific Area Plan

1. Executive Summary

- 1.1. Planning approval is sought for 'partial demolition, alterations and extensions to existing buildings, new building for business and professional services, general retail and hire, three multiple dwellings, and community meeting and entertainment, signage, change of operating hours, changes to parking and access, and works in road reserve' at the State Cinema 367-375 Elizabeth Street, and the adjoining lots 379 Elizabeth Street, 31 Strahan Street, 29 Strahan Street and a portion of the Elizabeth Street Road Reserve (building overhang).
- 1.2. The proposal relies on performance criteria to satisfy the following standards and codes:

- 1.2.1. Use standards – Hours of Operation, Commercial Vehicle Movements, Number of Car Parking Spaces, Number of Motorcycle Parking Spaces, Number of Bicycle Parking Spaces, Use of Signs.
- 1.2.2. Development standards – Building Height, Carparking Surface Treatment, Lighting of Parking Areas, Design of Motorcycle Parking Areas, Design of Bicycle Parking Facilities, Bicycle End of Trip Facilities, Facilities for Commercial Vehicles, Demolition in a Heritage Precinct and a Heritage Place, Buildings and Works other than Demolition in a Heritage Precinct and a Heritage Place, Standards for Signs, Standards for Signs on Heritage Places, North Hobart Specific Area Plan for Street Space, Building Form, Awnings and Materials.
- 1.3. One (1) representation objecting to the proposal was received within the statutory advertising period 15 to 30 November 2016 (included one public holiday day).
- 1.4. The proposal is recommended for approval subject to conditions.
- 1.5. The final decision is delegated to the Council as it owns land which forms part of the site.

2. Site Detail

- 2.1. The broader site is over 4 titles, a portion of road reserve and a small area of 'unowned land'. The lots are 367-375 Elizabeth Street (the main State Cinema and Soundy's building lot), the adjoining lot to the north 379 Elizabeth Street (the former Union building), 31 Strahan Street (part of car park and access lot), 29 Strahan Street (the Crown owned child health clinic), a small 'unowned' area of the access driveway, and a portion of the Elizabeth Street Road Reserve (building overhang).

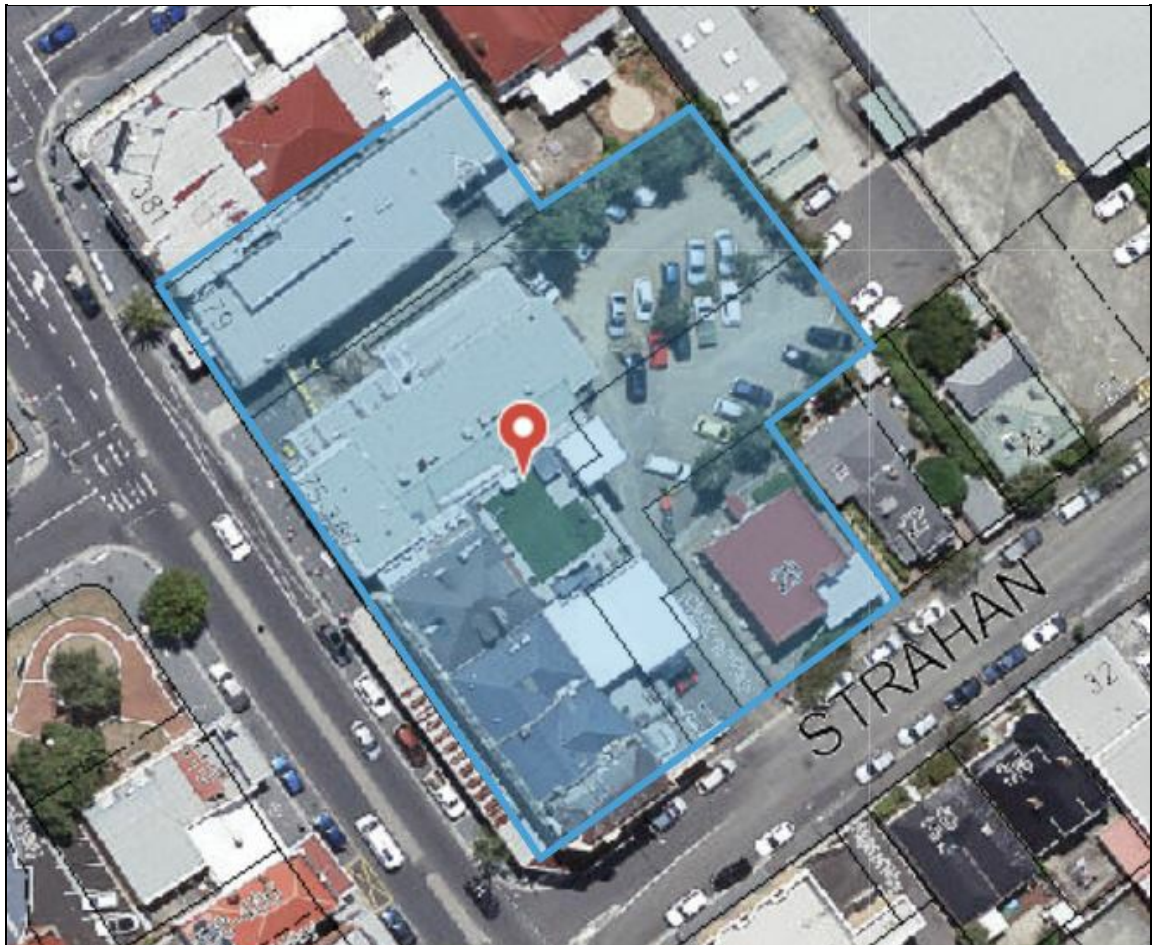


Image 1. The overall site; the former Union building 379 Elizabeth Street is the lot at the top / north west.

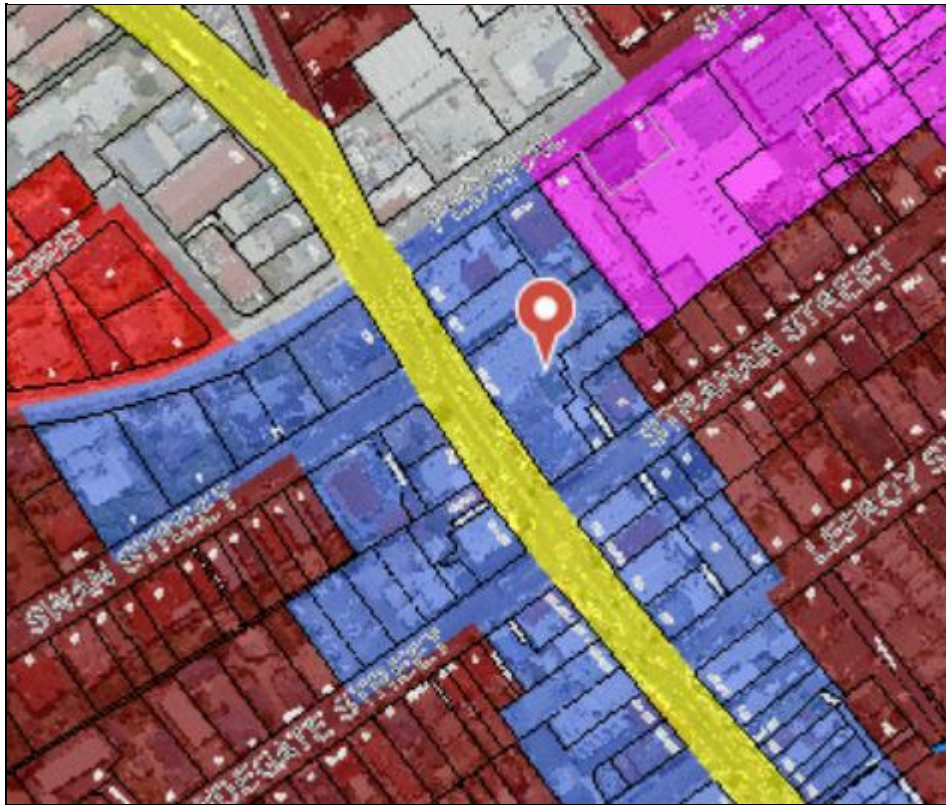


Image 2. The site is in the General Business Zone of the Hobart Interim Planning Scheme 2015, and adjacent to the Inner Residential Zone and the Light Industrial Zone to the east.



Image 3. The two State Cinema lots are listed as Places of Heritage Significance in Table E13.1 in the Historic Heritage Code of the Hobart Interim Planning Scheme 2015.

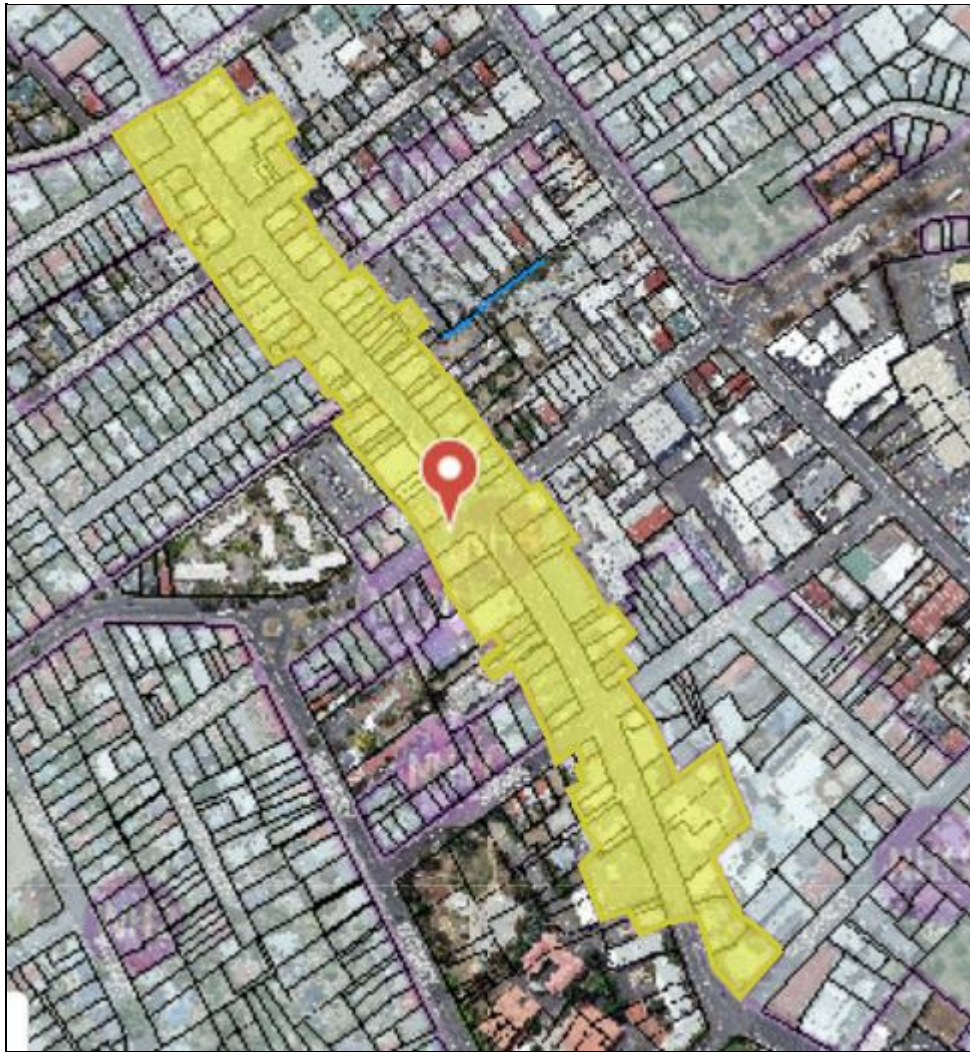


Image 4. The site is at the northern end of the NH6 Elizabeth Street Heritage Precinct (Table E13.2) in the Historic Heritage Code of the Hobart Interim Planning Scheme 2015 (Note that the red marker denotes the Heritage Precinct, not the site).

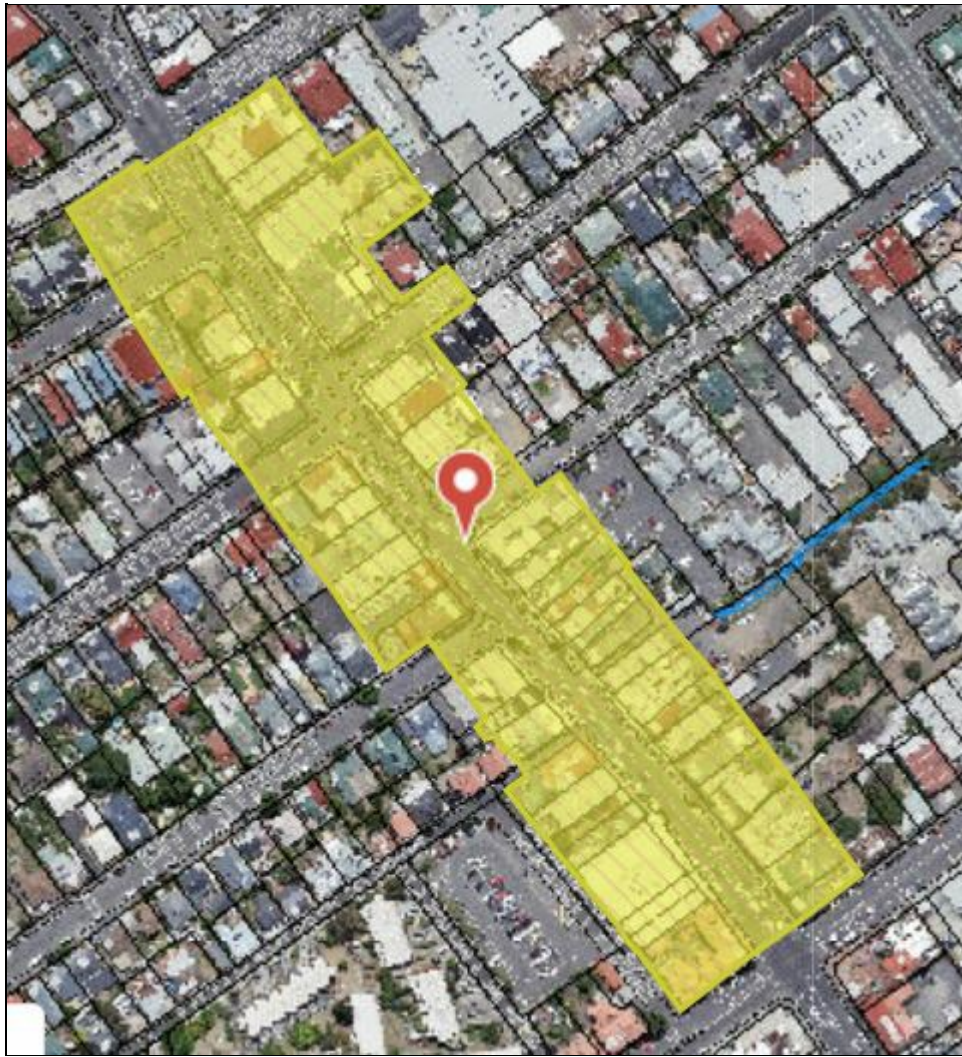


Image 5. The site is at the northern end of the North Hobart Specific Area Plan area as per Part F2.0 of the Hobart Interim Planning Scheme 2015 (Note that the red marker denotes the Specific Area Plan, not the site).

3. Proposal

3.1. Planning approval is sought for 'partial demolition, alterations and extensions to existing buildings, new building for business and professional services, general retail and hire, three multiple dwellings, and community meeting and entertainment, signage, change of operating hours, changes to parking and access, and works in the 'road reserve' at the State Cinema. The land lots involved are:

- 367-375 Elizabeth Street (CT163809/1 1836m²), the main cinema lot, owned by John Kelly Nominees Pty Ltd;
- 379 Elizabeth Street (CT46225/1, 620m²), the adjoining Union building lot, owned by Newdegate Nominees Pty Ltd;
- 31 Strahan Street (CT162909/2, 526m²), L-shaped car park and access lot, owned by Newdegate Nominees Pty Ltd;
- 29 Strahan Street (CT1217/41, 344m²), the adjacent Crown Child Health Clinic lot; and
- and a portion of the footpath road reserve on Elizabeth Street for the proposed awnings and signs to overhang.

There is also an 'unowned' right of way lot at the vehicular access off Strahan Street (The Council's Surveying Services Unit has provided assessment regarding this).

The 'application details' states that the existing floor area is 3118m² and the proposed floor area would be 4494m² (on a total site area of 2969m²). The number of existing car parking spaces is 30 and this proposal is also for 30 car parking spaces in an amended design (See background for car park history and car parking performance criteria assessment).

Commercial vehicles accessing the site would be 1-2 medium and 3-4 small vehicle trips per week.

3.2. The proposed development includes:

- 367-375 Elizabeth Street (labelled 'Building 1' on submitted plans):
 - Extension of existing main cinema (towards rear, ground level, to a total of 117 seats)
 - Extension of existing cinema 3 (ground level, to a total of 107 seats)
 - New cinema (first floor, to a total of 63 seats)
 - New cinema (basement, to a total of 67 seats)
 - Excavation and demolition including new toilets
 - Extension towards street to include new staircase and lift ('wunderkammer')
 - Three internal signs, illuminated, daylight LED screens, project outward at night at top of the 'wunderkammer'
 - Under awning sign
 - Solar panels
- 379 Elizabeth Street [labelled 'building 2 new building' (or 'laneway building') and 'building 3 former union building' on plans]:
 - Partial demolition including removal of room at rear and facade at front replaced with glazing and 'floating' screen facade
 - Under awning sign
- Glass awnings are proposed over the two new entrances from Elizabeth Street, with under awning signs hung beneath. These awnings and signs partially protrude beyond the lots' front boundaries over the footpath road reserve - the Council as land lord has provided consent for the lodgement of the application and assessment has been provided by Council's Road and Environmental Engineering Unit and Surveying Services Unit.
- The main set of architectural drawings was amended on 10 November 2016 to remove the proposed car park layout, bicycle parking and vehicular access (car parking plan DA1.02), and other plans were annotated 'Car parking & vehicle access not included in application', as the owner provided a separate car park plan and report on 9 November 2016. The proposed widened vehicle access includes a portion of 29 Strahan Street (with a Crown consent arrangement) and the 'unowned' right of way 'lot'.
- The 'Carpark Access, Spaces, Circulation' plan (Drawing number 073-2016 sheet A-02-1) dated 01/07/2016 submitted 9 November 2016 and the accompanying document 'State Cinema Car Park Design' dated 21 October 2016 submitted 3 November 2016 provide the parking and access details of the proposal.

- 3.3. The proposed uses are all 'permitted' in Table D21.2: Business and Professional Services, General Retail and Hire, Residential, Community Meeting and Entertainment (Cinema).

The proposed uses by building are:

- Building 1: cinema extension
- Building 2: restaurant, bar, gallery, one car parking space, toilets
- Building 3: retail, offices, two car parking spaces, toilets, and residential (3 flats) with rooftop terraces

- 3.4. The proposed hours of operation of the site are 9am to 11:30pm daily. The application information states existing hours 10am - 9pm. The number of employees for the site is proposed to increase from 10 to 18.

4. Background

- 4.1. The redevelopment of the State Cinema since 2002 has included planning permits for:

1. PLN-15-00447 - Partial Demolition, Excavation, Extension to Restaurant (Cafe/Bar) and Alterations to Cinema, issued 10 July 2016, Amended 20 October 2015 (for condition 5 and 6 relating to car parking 'satisfied prior to the occupation ...', amended 18 December 2015;
2. PLN-12-00974 - Extensions and Alterations, Partial Changes of Use to Rooftop Cinema, Shop and Flats, Solar Panels and Deck, issued October 2012 and amended November 2012;
3. PLN-11-00847 - Alterations and Partial Change of Use to Cinema, issued 24 October 2011;
4. PLN-10-00965 - Subdivision (Boundary Adjustment), issued 17 November 2010 and amended 27 September 2011;
5. PLN-10-00564 - Extensions and Alterations to Cinema, Restaurant (Cafe/Bar), Shops and Office/Flat, issued 11 August 2010;
6. PLN-09-00623 - Alterations and an additional cinema (Cinema 6), issued 3 July 2009;
7. PLN-08-01334 - Alterations and extensions (storage space) and an additional basement (Cinema 5), issued 4 April 2009;
8. PLN-07-00926 - Alterations and extensions for an additional cinema, including toilets and other facilities, issued 10 October 2007.
9. PLN-07-00150 - Internal renovations to cinema, exempt 27 February 2007;
10. PLN-06-01329 - Refurbishment of first floor cinema, exempt 20 December 2006;
11. PLN-06-00189 - Removal of awning (to restore original Art-Deco façade), issued 20 April 2006;
12. ENF-05-01232 - Building alterations and residential use (rear of site as flat), no electronic details, Enforcement completed 30 Jan 2006;
13. PLN-03-02266 - Link Building, deck and balcony on rear of Soundy's Building, new roof and roof window, issued 24 November 2003; and
14. PLN-03-01421 - Office refurbishment and addition of balconies, issued 30 May 2003.
15. 210118 - Subdivision, issued 8 March 2001 and amended 18 December 2003.

- 4.2. Regarding the history of car parking and access on the site, the October 2015 amendment to PLN-15-00447-01 changed the timing for the requirements of conditions 5 and 6 regarding car park standards and design to be 'prior to occupation' rather than 'prior to building permit issue', and then the December 2015 amendment changed the timing to 17 June 2016. The conditions required 40 car parking spaces to be completed and a revised car park design to the relevant Australian Standard prior to occupation of the building extensions. The discussion noted: *There is some question as to whether the number of spaces and a compliant access are actually achievable ... The provision of on-site car parking and bicycle parking has, over several applications, been a significant factor in the approval of the exceedence of maximum site density and general intensification of use of the site. The failure to provide these facilities calls into question the rationale of support for the cumulative developments on the site.*
- 4.3. PLN-15-00447-01 specifically refers to bicycle parking areas (as required by planning permit condition in PLN-09-00623-01, PLN-10-00564-01, and as advice regarding compliance in PLN-12-00974-01 and PLN-13-00644-01). No formal visitor bicycle parking has been provided thus far on the site.

5. Concerns raised by representors

- 5.1. One (1) representation objecting to the proposal was received within the statutory advertising period 15 to 30 November 2016 (included one public holiday day). The following table outlines the issues raised by the representor. All concerns raised with respect to the discretions invoked by the proposal will be addressed in Section 6 of this report.

Proposed signage which is a part of the wider development does not properly satisfy the applicable standards ... owing to the design and location of proposed signage, as well as the signage being illuminated and having changing graphics.
For E17.6.1(A3) A sign must not contain flashing lights or changing graphics. The proposal is for an illuminated sign which does not as part of the advertised plans give proper information to determine how the proposal satisfies the performance criteria. Cannot be seen that the sign will not cause undue distraction to drivers of motor vehicles. There is no information regarding the frequency of the changing messages, nor whether the amount of information displayed will cause a driver of a motor vehicle to dwell on that sign for an unsafe amount of time in order to observe that information.

For E17.7.1 (A1), assuming the classification of the signage in the movie tower is an “internal sign” the sign must be assessed against the performance criteria owing to being more than 10% of the window. This signage cannot be reasonably argued to satisfy the performance criteria (P1), where for (a), it is required that the sign be integrated into the design of the premises and the streetscape, so as to be attractive and informative without dominating the building or streetscape. The proposal asserts that the movie tower is intended to be ‘visually dramatic’ and the signage (the sole purpose of the structure), almost exclusively is intended to contribute to this ‘drama’. This design is at odds with the objective of the standard. The signage being visually dramatic precludes the satisfaction of (b) also for the same reason, that it quite intentionally dominates the site.

With regard to E17.7.2 (A1), the proposed location of the signage is within the Heritage Precinct. A sign within this precinct must satisfy all of the performance criteria. It is questionable how the proposal can satisfy (a), which requires that the sign be located in a manner that minimises impact on cultural heritage significance of the place or precinct, as it is the assertion of the applicant that the design of the movie tower is to be ‘visually dramatic’ and house signage which will serve to communicate what is on at the movies (messages quite unclear in the proposal). This signage housing structure sits atop and separate to the general bulk of the proposed building. For (c), it is argued that the location and marked height difference of the movie tower (as signage housing) and the illuminated design of the signage compared to the rest of the proposal and existing buildings will diminish the significance of the precinct. Inevitably, eyes will be drawn towards the signage and this is quite distinct from the heritage values of the area, which development within the precinct must complement. As the changes to the graphics of a legally existing sign may be exempt, there is only one opportunity to ensure that the signage arrangements for the site are appropriate in location and design.

It remains to be seen how this signage will not impact on traffic safety, and as well, the design is by its own assertions, at odds with the performance criteria, which generally require that the design be integrated and not dominant. There is, if an approval is granted, no way that the owners could be prevented from making changes to the graphics of the LED screens, pursuant to the general exemptions. These changes realistically could be outside of the 'movie-theme'. The outcome then could be the displaying of proprietary logos of products on offer within the cinema complex. It would be wrong therefore to suggest that the dominance of the signage is lessened by the 'movie theme' as the proposal alludes, owing to proposal being for signage first and foremost.

6. Assessment

The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

- 6.1. The site is located within the general business zone of the Hobart Interim Planning Scheme 2015.
- 6.2. All of the uses are 'permitted' in Table D21.2: Business and Professional Services, General Retail and Hire, Residential (above ground floor level), and Community Meeting and Entertainment.
- 6.3. The proposal has been assessed against:
 - 6.3.1. D21.0 General Business Zone
 - 6.3.2. E2.0 Potentially Contaminated Land Code - Exempt under Clause E2.4.3
 - 6.3.3. E6.0 Parking and Access Code
 - 6.3.4. E7.0 Stormwater Management Code
 - 6.3.5. E13.0 Historic heritage code
 - 6.3.6. E17.0 Signs Code

6.3.7. F2.0 North Hobart Specific Area Plan.

6.4. The proposal relies on the following performance criteria to comply with the applicable standards:

- 6.4.1. D21.0 General Business Zone, D21.3 Use Standards, D21.3.1 Hours of Operation P1 and D21.3.4 Commercial Vehicle Movements P1.
- 6.4.2. D21.0 General Business Zone, D21.4 Development standards, D21.4.1 Building Height P1.
- 6.4.3. E6.0 Parking and Access Code, E6.6 Use Standards, E6.6.1 Number of Car Parking Spaces and E6.6.6 P1, and Number of Car Parking Spaces - General and Local Business Zones P1
- 6.4.4. E6.0 Parking and Access Code, E6.6 Use Standards, E6.6.3 Number of Motorcycle Parking Spaces P1
- 6.4.5. E6.0 Parking and Access Code, E6.6 Use Standards, E6.6.4 Number of Bicycle Parking Spaces P1
- 6.4.6. E6.0 Parking and Access Code, E6.7 Development Standards, E6.7.6 Surface Treatment P1
- 6.4.7. E6.0 Parking and Access Code, E6.7 Development Standards, E6.7.7 Lighting of Parking Areas P1
- 6.4.8. E6.0 Parking and Access Code, E6.7 Development Standards, E6.7.9 Design of Motorcycle Parking Areas P1
- 6.4.9. E6.0 Parking and Access Code, E6.7 Development Standards, E6.7.10 Design of Bicycle Parking Facilities P1
- 6.4.10. E6.0 Parking and Access Code, E6.7 Development Standards, E6.7.11 Bicycle End of Trip Facilities P1
- 6.4.11. E6.0 Parking and Access Code, E6.7 Development Standards, E6.7.13 Facilities for Commercial Vehicles P1
- 6.4.12. E13.0 Historic Heritage Code, E13.7 Development Standards for Heritage places, E13.7.1 Demolition P1
- 6.4.13. E13.0 Historic Heritage Code, E13.7 Development Standards for Heritage places, E13.7.2 Buildings and Works other than Demolition P1, P2, P3 and P4.
- 6.4.14. E13.0 Historic Heritage Code, E13.8 Development Standards for Heritage Precincts, E13.8.1 Demolition P1
- 6.4.15. E13.0 Historic Heritage Code, E13.8 Development Standards for Heritage Precincts, E13.8.2 Buildings and Works other than Demolition P1, P2 and P3.
- 6.4.16. E17.0 Signs code, E17.6 Use Standards, E17.6.1 Use of Signs P3 and P4.
- 6.4.17. E17.0 Signs code, E17.7 Development Standards, E17.7.1 Standards for Signs P1 and P2.

- 6.4.18. E17.0 Signs code, E17.7 Development Standards, E17.7.2 Standards for Signs on Heritage Places Subject to the Heritage Code or Within Heritage Precincts or Cultural Landscape Precincts P1.
- 6.4.19. F2.0 North Hobart Specific Area Plan, F2.3 Development Standards for Buildings and Works:
 - F2.3.1 Street Space (the land between the lot boundaries on either side of Elizabeth Street) P1, P2, P3; F2.3.2 Building Form P1, P2, P3; F2.3.3 Awnings P1, P4 and P5.

6.5. Each performance criterion is dealt with separately below.

6.6. D21.3.1 Hours of Operation P1

6.6.1. The proposed hours of operation of the site is 9am to 11:30pm daily. The application information states existing hours 10am - 9pm. The site is within 50m of the inner residential zone off Strahan Street.

6.6.2. The Acceptable Solution at clause D21.3.1 A1 states:

Hours of operation of a use within 50 m of a residential zone must be within:

- (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;*
- (b) 7.00 am to 9.00 pm Sundays and Public Holidays.*

except for office and administrative tasks.

6.6.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.6.4. The Performance Criteria at clause D21.3.2 P1 states:

Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.

6.6.5. A condition has been recommended restating the proposed opening hours and limiting commercial vehicle movements. On that basis the proposal is not considered likely to have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions.

6.6.6. The proposal complies with the performance criterion with the recommended condition.

6.7. D21.3.4 Commercial Vehicle Movements P1

6.7.1 No details were provided (or requested) regarding commercial vehicle movements.

6.7.2 Clause D21.3.4 A1 requires limited times for commercial vehicle movements on a site within 50 m of a residential zone.

6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.7.4 D21.3.4 P1 states:

Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:

- (a) the time and duration of commercial vehicle movements;*
- (b) the number and frequency of commercial vehicle movements;*
- (c) the size of commercial vehicles involved;*
- (d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);*
- (e) noise reducing structures between vehicle movement areas and dwellings;*
- (f) the level of traffic on the road;*
- (g) the potential for conflicts with other traffic.*

6.7.5 The overall use of the site would be significantly intensified with this development. It is considered reasonable to limit the times for commercial vehicle movement on the site and as such a condition has been recommended.

6.7.6 The proposal complies with the performance criterion with the recommended condition.

6.8. D21.4.1 Building Height P1

6.8.1. The proposed 'tower' element of this proposal (part of 'building' 1) has a

maximum height above footpath level on the Elizabeth Street frontage of 9.2m.

The proposed redevelopment of the Union building ('building' 3) has a maximum height above footpath level on the Elizabeth Street frontage of 9.5m (top / dwellings level).

The height of the proposed Union building ('building' 3) at its north east / rear elevation is 12.8m above the shown natural ground level. The majority of this building is proposed as four levels. The existing rear maximum height of the Union building is approximately 8.8m above natural ground level (as annotated on 'South East (Strahan Street)' elevation on drawing 1601-DA3.01B).

The height of buildings 1 and 2 at the rear are proposed as maximum 9.5m above the shown natural ground level. These building are over three levels.

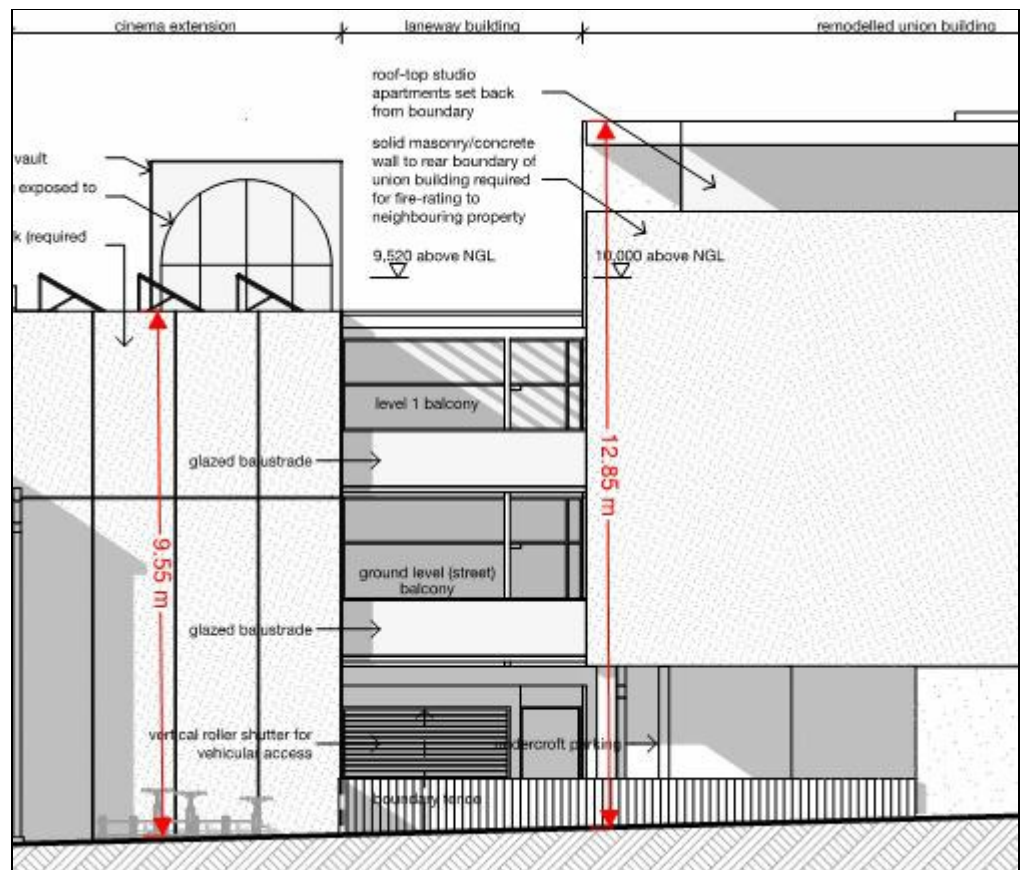


Image 6. Excerpt from 'north east rear carpark' elevation (submitted drawing 1601-DA3.01B) (Annotated by planner with height marker).

- 6.8.2. The Acceptable Solution at clause D21.4.1 A1 provides for a maximum building height of 9m.

6.8.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.8.4. The Performance Criterion at clause D21.4.1 P1 states:

Building height must satisfy all of the following:

(a) be consistent with any Desired Future Character Statements provided for the area;

(b) be compatible with the scale of nearby buildings;

(c) not unreasonably overshadow adjacent public space;

(d) allow for a transition in height between adjoining buildings, where appropriate.

6.8.5. The portion of the proposed building 3 above 9m on the Elizabeth Street elevation is acceptable given the stepped back nature of the top level. The Council's Cultural Heritage Officer has recommended that the highest portion of the 'tower' element be reduced in height to that of the proposed battened screen on building 3. Rationale for this height reduction is provided in detail in the Cultural Heritage Officer's report attached to this report and in the relevant heritage standard assessment below.

6.8.6. The proposal complies with the performance criterion provided satisfaction with the recommended condition.

6.9. E6.0 Parking and Access Code, E6.6 Use Standards, E6.6.1 Number of Car Parking Spaces and E6.6.6 P1, and Number of Car Parking Spaces - General and Local Business Zones P1

6.9.1. Thirty (30) spaces are proposed for the users of the whole site including the numerous existing tenancies in the Soundy's building part of 367-375 Elizabeth Street.

Thirty-five (35) car parking spaces are shown as proposed on the car park design over four titles. The three spaces 25 - 27 for 'unit parking' cannot be approved due to right of way access issues as assessed by the Council's Surveying Services Unit. This may be resolved outside of this application process.

Spaces 34 and 35 are included in the assessment of this proposal - they are on the Crown lot at 29 Strahan Street but access is via the same driveway; therefore they are taken into consideration for access assessment.

- 6.9.2. The Acceptable Solution at clause E6.6.1 A1 requires the number of on-site car parking spaces to be no less and no greater than the number specified in Table E6.1, except if the site is subject to clause E6.6.6 (which relates to the number of car parking spaces in the General Business Zone).

The Acceptable Solution at clause E6.6.6 A1 requires the provision of additional on-site parking as the proposal is for more than a 20% increase in floor area. The number of additional spaces to be provided is specified in Table E6.1.

Calculation of exact car parking spaces requirements is complex for this whole site. However, the following is provided by way of estimate:

- Business and Professional Services (Office): 824m² floor area / 30m² = 27 spaces.
- Community Meeting and Entertainment (Cinema): 10 cinemas with 657 seats / 3 seats per car space = 219 spaces.
- General Retail and Hire (Shops): 710m² floor area / 30m² = 24 spaces.
- Food Services (Restaurant): 207m² floor area / 15 spaces per 100m² = 30 spaces.
- Multiple Dwellings (three existing one-bedroom dwellings, three proposed two-bedroom dwellings) = 10 spaces.
- **TOTAL: 310**

- 6.9.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

- 6.9.4. The Performance Criteria at clauses E6.6.1 P1 and E6.6.6 P1 state:

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*

- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) any relevant parking plan for the area adopted by Council;*
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
- (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.*

- 6.9.5. This proposal would increase car parking demand on the site, but clearly provision of 310 car parking spaces on the site is neither practical nor preferable. There is on-street and public car parking spaces available in the North Hobart vicinity. There is a Metro bus stop directly adjacent to the site on Elizabeth Street travelling towards the CBD, and approximately 130m from the site travelling away from the CBD. Walking and cycling access to the site is good. No alternative car parking provisions have been proposed other than use of public spaces. No shared use of spaces over time has been proposed (i.e. day time versus night time use). The appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity, has not been raised in this instance as there is no Council policy or plan yet in place for this area. There is limited ability for the site to support more car parking spaces partly due to protecting the heritage values of the listed place and precinct.

No representations have been received raising parking issues. The Council's Manager Traffic Engineering provided the following comment:

The car parking plan provided by Ian Cooper clearly shows two vehicles being able to pass each other in the driveway access approaching

Strahan Street. Provision has been made for accessible parking (for people with a disability), motorcycle parking and bicycle parking. Ideally, a Traffic Impact Assessment would have been provided to support the parking shortfall associated with this application – and addressed the shared use of the car parking between the mixed uses in the development (i.e. office parking demand would likely be temporally different to the cinema parking demand). Providing parking for non-car modes (like motorcycles and bicycles) goes some way to addressing the car parking shortfall at this site – particularly given the continued intensification of the uses on the site.

The objective of clause E6.6.1 is:

To ensure that:

- (a) there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.*
- (b) a use or development does not detract from the amenity of users or the locality by:*
 - (i) preventing regular parking overspill;*
 - (ii) minimising the impact of car parking on heritage and local character.*

The objective of clause E6.6.6 is:

To ensure that the requirements for car parking facilities do not detract from the character or user amenity and convenience of those street frontages and other spaces in the Local Business or General Business Zones.

Based on the above the proposed on-site parking is considered to be acceptable.

6.9.6. The proposal complies with the performance criterion.

6.10. E6.0 Parking and Access Code, E6.6 Use Standards, E6.6.3 Number of Motorcycle Parking Spaces P1

6.10.1. Two motor cycle spaces are shown on the submitted plan, however the designated area on the plan does not satisfy the Australian Standard.

6.10.2. The Acceptable Solution at clause E6.6.3 A1 requires fifteen (15) motor

cycle parking spaces based on a car parking requirement of 310 car parking spaces.

6.10.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.10.4. The Performance Criteria at clause E6.6.3 P1 states:

The number of on-site motorcycle parking spaces must be sufficient to meet the needs of likely users having regard to all of the following, as appropriate:

(a) motorcycle parking demand;

(b) the availability of on-street and public motorcycle parking in the locality;

(c) the availability and likely use of other modes of transport;

(d) the availability and suitability of alternative arrangements for motorcycle parking provision.

6.10.5. The Council's Traffic Engineering Unit advise in relation to motorcycle parking that there is no formal motorcycle parking in the North Hobart Elizabeth Street business area at the moment; however it is possible that 2-3 spaces will be provided at the Council's Condell Place car park and around 8 motorcycle spaces at Council's Lefroy Street carpark.

As detailed above under the assessment of the Performance Criteria at clauses E6.6.1 P1 and E6.6.6 P1, access to the site via other modes of transport and the availability of on street parking in the vicinity is considered reasonable; however the provision of two motor cycle parking spaces to Australian Standard is recommended by condition.

6.10.6. The proposal complies with the performance criterion on the basis of compliance with the recommended condition.

6.11. E6.0 Parking and Access Code, E6.6 Use Standards, E6.6.4 Number of Bicycle Parking Spaces P1

6.11.1 The proposal includes five type 3 bicycle parking spaces and ten type 2 bicycle parking spaces on the car park plan (NB: another five bicycle spaces are shown at the front of building 2, however these would require development in the road reserve and have not been included in this assessment. These spaces may be approved in a separate process).

- 6.11.2 For the proposal, the Acceptable Solution at clause E6.6.4 A1 requires the provision of six class 1 or 2 bicycle parking spaces for employees, and 11 class 3 spaces for visitors (Class 1 spaces are fully enclosed individual lockers, class 2 spaces are locked compounds with communal access using duplicate key, and class 3 spaces are facilities to which the bicycle frame and wheels can be locked).

Note (b) on the operation of Table E6.2 states: *Where an existing use or development is extended or intensified, the number of additional bicycle parking spaces required must be calculated on the amount of extension or intensification, provided the existing number of bicycle parking spaces is not reduced.* As no bicycle parking has been provided on this site despite numerous permit requirements in the past, numbers have been calculated using floor areas as provided in the Car Park Design report.

- 6.11.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

- 6.11.4 The Performance Criteria at clause E6.6.4 P1 states:

The number of on-site bicycle parking spaces provided must have regard to all of the following:

- (a) the nature of the use and its operations;*
- (b) the location of the use and its accessibility by cyclists;*
- (c) the balance of the potential need of both those working on a site and clients or other visitors coming to the site.*

- 6.11.5 The site is highly accessible by bicycle, particularly via the Argyle Street cycle lanes. There is likely to be increased demand for bicycle parking on and near the site. The Council's Traffic Engineering Unit advise in relation to bicycle parking that there are about nine public bicycle parking rails in the Elizabeth Street North Hobart business area, with work currently underway to provide four more in various locations along Elizabeth Street. Further provision of bicycle parking on the public footpath / road reserve area on Elizabeth Street would improve access to the site.

- 6.11.6 The proposal complies with the performance criterion.

- 6.12. E6.0 Parking and Access Code, E6.7 Development Standards, E6.7.6 surface treatment P1

- 6.12.1. The proposed redesigned car park would continue to be unsealed.
- 6.12.2. The Acceptable Solution at clause E6.7.6 A1 requires parking spaces and vehicle circulation roadways must be paved or treated with a durable all-weather pavement and drained to an approved stormwater system.
- 6.12.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.12.4. The Performance Criterion at clause E6.7.6 P1 states:

Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:

- (a) the suitability of the surface treatment;*
- (b) the characteristics of the use or development;*
- (c) measures to mitigate mud or dust generation or sediment transport.*

- 6.12.5. The Council's Development Engineer has recommended a condition for the driveway to be sealed due to high level of use.
 - 6.12.6. The proposal complies with the performance criterion given compliance with the condition.
- 6.13. E6.0 Parking and Access Code, E6.7 Development Standards, E6.7.7 Lighting of parking areas P1

- 6.13.1. No details were provided (or requested) regarding lighting of the carpark.
- 6.13.2. The Acceptable Solution at clause E6.7.7 A1 requires:

Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.

- 6.13.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.13.4. The Performance Criteria at clause E6.7.7 P1 states:

Parking and vehicle circulation roadways and pedestrian paths used outside daylight hours must be provided with lighting to a standard which satisfies all of the following:

- (a) enables easy and efficient use of the area;*
- (b) minimises potential for conflicts involving pedestrians, cyclists and vehicles;*
- (c) reduces opportunities for crime or anti-social behaviour by supporting passive surveillance and clear sight lines and treating the risk from concealment or entrapment points;*
- (d) prevents unreasonable impact on the amenity of adjoining users through light overspill;*
- (e) is appropriate to the hours of operation of the use.*

The objective of this standard is:

To ensure parking and vehicle circulation roadways and pedestrian paths used outside daylight hours are provided with lighting to a standard which:

- (a) enables easy and efficient use; (b) promotes the safety of users; (c) minimises opportunities for crime or anti-social behaviour; and*
- (d) prevents unreasonable light overspill impacts.*

6.13.5. The nominated site closing time is 11:30pm. The car park should be illuminated appropriately given the location of the site and the nature of the uses proposed and existing. A condition is recommended requiring a car park lighting plan and for the approved plan to be implemented.

6.13.6. The proposal complies with the performance criterion provided satisfaction of the recommended condition.

6.14. E6.0 Parking and Access Code, E6.7 Development Standards, E6.7.9 Design of Motorcycle Parking Areas P1

6.14.1. Two small motor cycle parking spaces are proposed, more than 30m away from the main entrance of the state cinema.

6.14.2. The Acceptable Solution at clause E6.7.9 A1 requires that the design of motorcycle parking areas be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; and be located within 30 m of the main entrance to the building.

6.14.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.14.4. The Performance Criterion at clause E6.7.9 P1 states:

The design of motorcycle parking areas must provide safe, obvious and easy access for motorcyclists having regard to all of the following:

(a) providing clear sightlines from the building or the public road to provide adequate passive surveillance of the parking facility and the route from the parking facility to the building;

(b) avoiding creation of concealment points to minimise the risk.

6.14.5. A condition is recommended requiring detailed design of the motorcycle parking spaces as proposed. The location of the spaces towards the middle of the parking area allows for reasonable visibility and passive surveillance.

6.14.6. The proposal complies with the performance criterion provided the recommended condition is satisfied.

6.15. E6.0 Parking and Access Code, E6.7 Development Standards, E6.7.10 Design of Bicycle Parking Facilities P1

6.15.1. The proposal includes five (5) type 3 bicycle parking spaces and ten (10) type 2 bicycle parking spaces more than 30m away from the main entrance of the state cinema.

6.15.2. The Acceptable Solution at clause E6.7.10 A1 requires that

...the design of bicycle parking facilities comply with all the following:

(a) be provided in accordance with the requirements of Table E6.2;

(b) be located within 30 m of the main entrance to the building.

6.15.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.15.4. The Performance Criteria at clause E6.7.10 P1 states:

The design of bicycle parking facilities must provide safe, obvious and easy access for cyclists, having regard to all of the following:

(a) minimising the distance from the street to the bicycle parking area;

(c) providing clear sightlines from the building or the public road to

provide adequate passive surveillance of the parking facility and the route from the parking facility to the building;

(d) avoiding creation of concealment points to minimise the risk.

6.15.5. The three proposed class 2 bicycle lock up spaces close to the Strahan Street access point would satisfy the above criteria. The other class 2 spaces within the buildings would be best suited to staff use. The five class 3 spaces proposed at the rear of the State Cinema Building are not ideally located in terms of visibility and safety. A condition requiring a lighting plan for the car park has been recommended and as such this space should be suitably illuminated. There is a public access point at the rear of the existing cinema building and the proposed new buildings would also provide access into the site from the parking area.

6.15.6. The proposal complies with the performance criterion provided satisfaction with the recommended lighting condition.

6.16. E6.0 Parking and Access Code, E6.7 Development Standards, E6.7.11 Bicycle End of Trip Facilities P1

6.16.1. The proposal does not include any end of trip facilities.

6.16.2. The Acceptable Solution at clause E6.7.11 A1 requires one end of trip facility (shower and change room) be provided.

6.16.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.16.4. The Performance Criteria at clause E6.7.11 P1 requires:

End of trip facilities must be provided at an adequate level to cater for the reasonable needs of employees having regard to all of the following:

(a) the location of the proposed use and the distance a cyclist would need to travel to reach the site;

(b) the users of the site and their likely desire to travel by bicycle;

(c) whether there are other facilities on the site that could be used by cyclists;

(d) opportunity for sharing bicycle facilities by multiple users.

6.16.5. Given the relatively low number of bicycle parking facilities on the site, the omission of end of trip shower and change facilities is considered acceptable.

- 6.16.6. The proposal complies with the performance criterion.
- 6.17 E6.0 Parking and Access Code, E6.7 Development Standards, E6.7.13 Facilities for Commercial Vehicles P1
- 6.17.1 The proposal makes no provision for on-site commercial vehicle facilities for loading, unloading or manoeuvring.
- 6.17.2 The Acceptable Solution at clause E6.7.13 requires that commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002.
- 6.17.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.17.4 The Performance Criteria at clause E6.7.13 P1 states:
- Commercial vehicle arrangements for loading, unloading or manoeuvring must not compromise the safety and convenience of vehicular traffic, cyclists, pedestrians and other road users.*
- 6.17.5 It is recommended via condition that commercial vehicle parking and manoeuvring on the site be shown on the detailed car park plan to the Australian standard as above.
- 6.17.6 The proposal complies with the performance criterion on the basis of the recommended condition.
- 6.18. E13.0 Historic Heritage Code, E13.7 Development Standards for Heritage Places, E13.7.1 Demolition P1
- 6.18.1. The property's Heritage Listed places are 367-373 Elizabeth Street - former Soundy's Building and 375 Elizabeth Street (now part of 367-375 Elizabeth Street). Partial demolition is proposed of 375 Elizabeth Street (now part of 367-375 Elizabeth Street), the State Cinema building.
- 6.18.2. There is no Acceptable Solution for clause E13.7.1.
- 6.18.3. Assessment against the performance criterion is relied on.
- 6.18.4. The Performance Criteria at clause E13.7.1 P1:

Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;

- (a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*
- (b) there are no prudent and feasible alternatives;*
- (c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;*
- (d) significant fabric is documented before demolition.*

6.18.5. The Council's Cultural Heritage Officer has provided a full assessment of the proposal (included as an attachment to this report). The following comments are taken from that assessment:

The extent of demolition of the State Cinema is confined to extending an opening on the north west wall on the ground floor as well as a doorway between the new build and the historic building on the first floor. Historic photographs show a door and window at ground level as well as a chimney were on the side wall at different times showing a gradual evolution and series of minor changes over time. The side toilets and small cinema on the north west side of the property are not significant elements. Therefore, the amount of demolition within a listed place is considered minor, it is located on the side where gradual and small changes have occurred over the history of the building, in the vicinity of pre-existing openings, such that there will not be the loss of significant fabric that contributes to the significance of the place. In summary, the proposed demolition is not considered contrary to E13.7.1.

6.18.6. The proposal complies with the performance criterion.

6.19. E13.0 Historic Heritage Code, E13.7 Development Standards for Heritage places, E13.7.2 Buildings and Works other than Demolition P1, P2, P3 and P4.

6.19.1. The proposal is for the continued conversion of space below the original main auditorium and alterations to the circulation space to the existing cinemas in the listed place 375 Elizabeth Street (now part of 367-375 Elizabeth Street), the State Cinema building, and the development of a glazed link and tower on the site of the listed buildings. The glazed link will mirror (in a general sense) the glazed link on the opposite side of the State Cinema building where it connects to the Soundy's building. This

area is currently used as an entrance and part of the foyer. The tower is three storeys high and 3.53 metres wide, the top level being a large illuminated sign on three sides.

6.19.2. There are no relevant Acceptable Solutions for this standard.

6.19.3. Assessment against the performance criterion is relied on.

6.19.4. The Performance Criteria at clause E13.7.2 state:

P1: Development must not result in any of the following:

- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

P2: Development must be designed to be subservient and complementary to the place through characteristics including:

- (a) scale and bulk, materials, built form and fenestration;*
- (b) setback from frontage;*
- (c) siting with respect to buildings, structures and listed elements;*
- (d) using less dominant materials and colours.*

P3: Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.

P4: Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.

6.19.5. The Council's Cultural Heritage Officer has provided a full assessment of the proposal (included as an attachment to this report). The following comments are taken from that assessment:

... One of the dominant features of the listed buildings on the site is that they present as two storey buildings with decorative detailing above in the form of elements such as a parapet, entablature or pediments. This is a

recurring pattern along Elizabeth Street. (Refer to drawing figure F.2.3 from the North Hobart Local Area Plan). Clause E13.7.1 P1 (a) states that there must not be the loss of historic cultural heritage significance through incompatible height. Therefore limiting the height of this element would be a more satisfactory heritage outcome and ensure the proposal satisfies this clause. Clause E13.7.2 P2 states that development must be designed to be subservient and complementary to the place through scale, bulk, built form. The three storey tower element, would be more in conformity with the provisions of the Scheme if there were to be a reduction in height in order to 'complete' the streetscape and be a contemporary interpretation of the parapet or pediment form of the State Cinema building or the Soundy's building. This could be achieved by a condition of permit whereby the tower is no higher than the batten screen on building 3.

The tower is a circulation space with displays of memorabilia and film related objects. Also included are digital images that are likely to be displayed. While this may be considered appropriate in the context of a cinema, it also needs to be considered in terms of whether or not this is illuminated or moving images and whether it is visible from the street, adding to the general 'noise' of the street at the second storey level where the general continuous pattern of traditional frontages. The introduction of additional moving and illuminated images within the tower could result in detracting or incompatible elements into the street. As such it is recommended that a condition of permit be included to restrict the positioning of these elements so as not to face the street.

... Advice has been previously provided that a conservation management plan (CMP) would be warranted to guide development and ensure that the heritage values of the listed buildings is protected. It is noted that advice has again been provided by the Tasmanian Heritage Council 'Notice of Heritage Decision' for this proposal that a CMP for the site is highly desirable.

6.19.6. The proposal complies with the performance criterion provided satisfaction with the recommended condition.

6.20. E13.0 Historic Heritage Code, E13.8 Development Standards for Heritage Precincts, E13.8.1 Demolition P1

6.20.1. The site is within the Elizabeth Street Heritage Precinct NH 6 in Table E13.2. Significant demolition is proposed of the Union building at 379 Elizabeth Street, and also partial demolition of the State Cinema building

extending an opening on the north west wall on the ground floor as well as a doorway between the new build and the historic building on the first floor. The modern amenities block on north west elevation would be removed.

- 6.20.2. There is no Acceptable Solution for E13.8.1. The statement of significance from Table E13.2 for the Elizabeth Street NH 6 heritage precinct is:

This precinct is significant for reasons including:

- 1. The fine quality and quantity of Old Colonial, mid to late Victorian, Federation and Inter War commercial/residential buildings demonstrate its original mixed use nature*
- 2. Intact individual houses that are representative examples of Old Colonial and Federation residential architecture.*
- 3. The continuous two storey (mostly brick) facades, general uniformity of form and scale together with a distinctive nineteenth century subdivision pattern that create a consistent and impressive streetscape. (This is the relevant significance statement.)*
- 4. The front gardens of a few properties south of Burnett Street, and more recent street art are important aesthetic features that reinforce its mixed use character.*

- 6.20.3. Assessment against the performance criterion is relied on.

- 6.20.4. The Performance Criteria at clause E13.8.1 P1 states:

Demolition must not result in the loss of any of the following:

(a) buildings or works that contribute to the historic cultural heritage significance of the precinct;

(b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;

unless all of the following apply;

(i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;

(ii) there are no prudent or feasible alternatives;

(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.

- 6.20.5. The Council's Cultural Heritage Officer has concluded that the proposed

demolition is not considered contrary to E13.8.1 - see more detailed comment above under the assessment of clause E13.7.1 and the full heritage assessment of the proposal (included as an attachment to this report).

6.20.6. The proposal complies with the performance criterion.

6.21. E13.0 Historic Heritage Code, E13.8 Development Standards for Heritage Precincts, E13.8.2 Buildings and Works other than Demolition P1, P2 and P3.

6.21.1. The site is within the Elizabeth Street Heritage Precinct NH 6 in Table E13.2. The proposal is for the continued conversion of space below the original main auditorium and alterations to the circulation space to the existing cinemas in the listed place 375 Elizabeth Street (now part of 367-375 Elizabeth Street), the State Cinema building, and the development of a glazed link and tower on the site of the listed buildings. The glazed link will mirror (in a general sense) the glazed link on the opposite side of the State Cinema building where it connects to the Soundy's building. This area is currently used as an entrance and part of the foyer. The tower is three storeys high and 3.53 metres wide, the top level being a large illuminated sign on three sides.

6.21.2. There are no relevant Acceptable Solutions for this standard.

6.21.3. Assessment against the performance criterion is relied on.

6.21.4. The Performance Criteria at clause E13.8.2 state:

P1: Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.

P2: Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.

P3: Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.

The statement of significance from Table E13.2 for the Elizabeth Street NH 6 heritage precinct is:

This precinct is significant for reasons including:

- 1. The fine quality and quantity of Old Colonial, mid to late Victorian, Federation and Inter War commercial/residential buildings demonstrate its original mixed use nature*
- 2. Intact individual houses that are representative examples of Old Colonial and Federation residential architecture.*
- 3. The continuous two storey (mostly brick) facades, general uniformity of form and scale together with a distinctive nineteenth century subdivision pattern that create a consistent and impressive streetscape. (This is the relevant significance statement.)*
- 4. The front gardens of a few properties south of Burnett Street, and more recent street art are important aesthetic features that reinforce its mixed use character.*

- 6.21.5. The Council's Cultural Heritage Officer has provided a full assessment of the proposal (included as an attachment to this report). The following comments are taken from that assessment:

... The statements of significance refer to the continuous two storey facades. The new building on the site of the existing union building (referred to in the application as buildings 2 and 3) includes two elements, a glazed link and a facade with a battened screen on the first floor. This building has a roof top studio set back and behind the main facade. Buildings 2 and 3, with an increase in solid to void ratio, will satisfy the development standards for buildings within a heritage precinct. Next door, the glazed tower element (Building 1) is a departure from the strong two storey streetscape and therefore a detracting element (especially with the sign on top) and assessed, in its current form, to be detrimental to the historic heritage values of the precinct. However, a minor reduction in the height of the tower and reduction in the size of the signage as described above would reduce the detracting nature of this element. This could be achieved by a condition of permit where the tower would be no higher than the batten screen on Building 3. ...

- 6.21.6 The proposal complies with the performance criterion provided satisfaction with the recommended condition.

- 6.22 E17.0 Signs code, E17.6 Use Standards, E17.6.1 Use of Signs P3 & P4

- 6.22.1. Two below awning signs and three internal signs are proposed.

The below awning signs are proposed to be hung below the glass

awnings over the building entries on the Elizabeth Street frontage. They are both proposed to be double sided, 1200mm long, 300mm high with the bottom of one 2.7m above the footpath and the other 2.6m.

The three proposed internal signs would be one to each of the front and two sides of the 'tower' element of the new building 1, either LED screens or projected images. The internal sign on the Elizabeth Street frontage is 2.7 m x 3.5 m, and the two on either side of the 'tower' are 2.7 m x 6.7 m. This would be a total of approximately 45.8 m² of signage on three sides. Three residential units are proposed on the upper-most (fourth storey) of building 3, the south east elevations / windows of which would all be within 30m of the north west facing internal sign. Note that the definition of an 'internal sign' from Section E17.3 of the Planning Scheme is 'a sign within a building intended to be seen from outside the building'.



Image 7. Excerpt showing the internal signs at the top of the tower. The signs face Elizabeth Street, and either side of the tower. The internal signs cover more than 10% of 'the window'.

6.22.2. The Acceptable Solutions at clause E17.6.1 provide as follows:

A1 - A sign must be a permitted sign in Table E.17.3.

A2 - A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed - yes. It is stated in supporting document and annotated on plans ('... *for cinema related projections (not for commercial advertising)*).

A3 - A sign must not contain flashing lights, moving parts or moving or changing messages or graphics, except if a Statutory Sign.

A4 - An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign.

6.22.3. The proposal does not comply with the acceptable solution; therefore

assessment against the performance criterion is relied on.

6.22.4. The Performance Criteria at clause E17.6.1 P3 and P4 state:

P3 - A sign contain flashing lights, moving parts or moving or changing messages or graphics must not have an unreasonable impact upon the residential amenity of a residential use caused by light shining into windows of habitable rooms, movement or visual intrusion or cause undue distraction to drivers of motor vehicles.

P4 - An illuminated sign within 30 metres of a residential use must not have an unreasonable impact upon the residential amenity of that use caused by light shining into windows of habitable rooms.

6.22.5. A condition is included requiring the proposed internal signs to be redesigned and refined prior to occupation. Also taking into consideration responses from the Council's Cultural Heritage Officer and Manager Traffic Engineering to other standards of the Planning Scheme, the north west facing internal sign should be reduced towards the front portion of that elevation, have limits to the brightness of the screens / projection, be switched off or fixed to a static image after 10pm (taking guidance from D21.3.1 A1).

6.22.6. Subject to a condition, the proposal will comply with the performance criterion.

6.23 E17.0 Signs code, E17.7 Development Standards, E17.7.1 Standards for Signs P1 and P2

6.23.1. Two below awning signs and three internal signs are proposed.

The below awning signs are proposed to be hung below the glass awnings over the building entries on the Elizabeth Street frontage. They are both proposed to be double sided, 1200mm long, 300mm high with the bottom of one 2.7m above the footpath and the other 2.6m.

The three proposed internal signs would be one to each of the front and two sides of the 'tower' element of the new building 1, either LED screens or projected images. The internal sign on the Elizabeth Street frontage is 2.7 m x 3.5 m, and the two on either side of the 'tower' are 2.7 m x 6.7 m. This would be a total of approximately 45.8 m² of signage on three sides. Three residential units are proposed on the upper-most (fourth storey) of building 3, the south east elevations / windows of which would all be within

30m of the north west facing internal sign.

The street frontage of the new buildings would be just over 20m in length.

6.23.2. The Acceptable Solutions at clause E17.7.1 relevantly require as follows:

A1 - A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.

A2 - The number of signs per business per street frontage must comply with all of the following:

- (a) maximum of 1 of each sign type;*
- (b) maximum of 1 window sign per window;*

...

(d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6.

A3 - Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.

A4 - Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.

6.23.3. The proposal does not comply with the acceptable solutions; therefore assessment against the performance criterion is relied on.

6.23.4. The Performance Criteria at clause E17.7.1 P1 and P2 state (relevant portions):

P1 - A sign not complying with the standards in Table E17.2 ... must satisfy all of the following:

(a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;

(b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;

(c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;

(d) not result in loss of amenity to neighbouring properties;

(e) not involve the repetition of messages or information on the same street frontage;

(f) not contribute to or exacerbate visual clutter;

(g) not cause a safety hazard.

P2 - The number of signs per business per street frontage must:

- (a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;*
- (b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;*
- (c) not involve the repetition of messages or information.*

6.23.5. The two below awning signs would be consistent with the above criteria.

6.23.6. The three internal signs could potentially, without further detail / refinement, dominate the new building, the State Cinema building and the streetscape, create a hazard by distracting vehicle drivers and create clutter and repetition of messages. As such, a condition is included such that signs be redesigned and refined prior to occupation. Also taking into consideration responses from the Council's Cultural Heritage Officer and Manager Traffic Engineering to other standards of the Planning Scheme, the north west facing internal sign should be reduced towards the front portion of that elevation, have limits to the brightness of the screens / projection, be switched off or fixed to a static image after 10pm (taking guidance from D21.3.1 A1).

6.23.7. Subject to a condition the proposal will comply with the performance criterion.

6.24. E17.0 Signs code, E17.7 Development Standards, E17.7.2 Standards for signs on Heritage Places Subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts P1.

6.24.1. Signs are proposed on a portion of the heritage listed property 367-375 Elizabeth Street, the State Cinema, and in the Elizabeth Street heritage precinct NH6 (Table E13.2).

On the left of the State Cinema building when facing it from Elizabeth Street is a side extension (Building 1) ... which presents as two glazed elements to the street, the tower projecting in front of the other new elements. The tower is proposed to have a 'wunderkammer' or display cabinet containing movie, film and State Cinema memorabilia including digital presentations. On top is a 'sign' in the form of multiple LED screens or projections on the three sides (street, north west and south east elevations).

6.24.2. There is no Acceptable Solution for this standard.

6.24.3. Assessment against the performance criterion is relied on.

6.24.4. The Performance Criterion at clause E17.7.2 P1 states:

A sign on a Heritage Place listed in the Historic Heritage Code or within a Heritage Precinct or Cultural Landscape Precinct must satisfy all of the following:

- (a) be located in a manner that minimises impact on cultural heritage significance of the place or precinct;*
- (b) be placed so as to allow the architectural details of the building to remain prominent;*
- (c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;*
- (d) be placed in a location on the building that would traditionally have been used as an advertising area if possible;*
- (e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;*
- (f) have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;*
- (g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;*
- (h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;*
- (i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.*

The Elizabeth Street Heritage Precinct NH6 (Table E13.2) is significant for reasons including:

- 1. The fine quality and quantity of Old Colonial, mid to late Victorian, Federation and Inter War commercial/residential buildings demonstrate its original mixed use nature*
- 2. Intact individual houses that are representative examples of Old Colonial and Federation residential architecture.*
- 3. The continuous two storey (mostly brick) facades, general uniformity of form and scale together with a distinctive nineteenth century*

subdivision pattern that create a consistent and impressive streetscape.

4. The front gardens of a few properties south of Burnett Street, and more recent street art are important aesthetic features that reinforce its mixed use character.

6.24.5. All nine sub-clauses of clause E17.7.2 P1 must be satisfied. The Council's Cultural Heritage Officer has provided a detailed assessment of each clause in their attached report. That assessment includes the following:

The objective of this standard is:

To ensure the size, design and siting of signs complements and does not impact on the cultural heritage significance of places or precincts listed in the Historic Heritage Code.

To achieve the above objective it is recommended that a condition be included in a permit issued that:

- restricts the signage to only relate to the cinema (ie. not become advertising for products or services off the cinema site, including the new building and tenancies as part of this project.)
- restricts the sign so there are no moving or changing images.
- restricts the height of the tower to be no higher than the batten screen on building 3, and therefore restrict the height of the sign, but not to a point so it appears as one dimensional or a 'billboard'
- restricts the hours of operation to the opening hours of the cinema.
- restricts illumination so it does not illuminate adjacent residential accommodation.
- requires further drawings showing the revised sign.

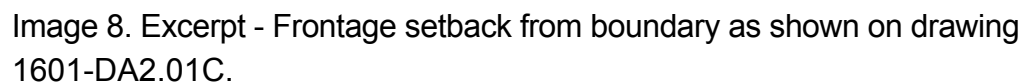
(Note: The Council's Cultural Heritage Officer has confirmed that the condition that relates to the signage within the 'tower' element as recommend below is consistent with the the recommendations listed above).

6.24.6. These have been included in the recommended sign condition.

6.24.7. The proposal complies with the performance criterion provided satisfaction of the recommended condition.

6.25. F2.0 North Hobart Specific Area Plan, F2.3 Development Standards for Buildings

6.25.1. The proposed new building facades along the Elizabeth Street frontage are setback from the boundary frontage as shown below:



6.25.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

Development affecting a place of cultural significance where the principle building is set back from the front boundary is the only circumstance where the introduction or retention of a setback may be appropriate.

6.25.6. The proposal complies with the performance criterion.

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6.26.1. The proposed development includes elements over four storeys and a maximum building height of 12.8m. The width of the new / redeveloped Elizabeth Street building elevation could be considered as either 21.3m wide in total (the combined new building form) or three separate elevations (building 1 5.9m, building 2 4.6m, and building 3 10.8m). The Elizabeth Street elevation of buildings 1 and 2 are proposed as fully glazed with internal signs at the top of the 'tower' element. The Elizabeth Street elevation of building 3 is proposed as glazed at ground floor level and with a battened screen in front of the glazed facade of the first floor level. The front of the second floor residential level is proposed to be setback approximately 3.2m back from the street frontage of the levels below.

6.26.2. The Acceptable solutions at clause F2.3.2 A1, A2 and A3 state::

A1 - Development must have a building height of no more than two storeys and have a building height of no more than 9m

A2 - Elizabeth Street building elevation width must be between 7m and 12m (see figure F2.3 below)

A3 - Development must have a void to wall face ratio of 15%-25% above awnings; and 25%-60% below awnings (see figure F2.4 below)

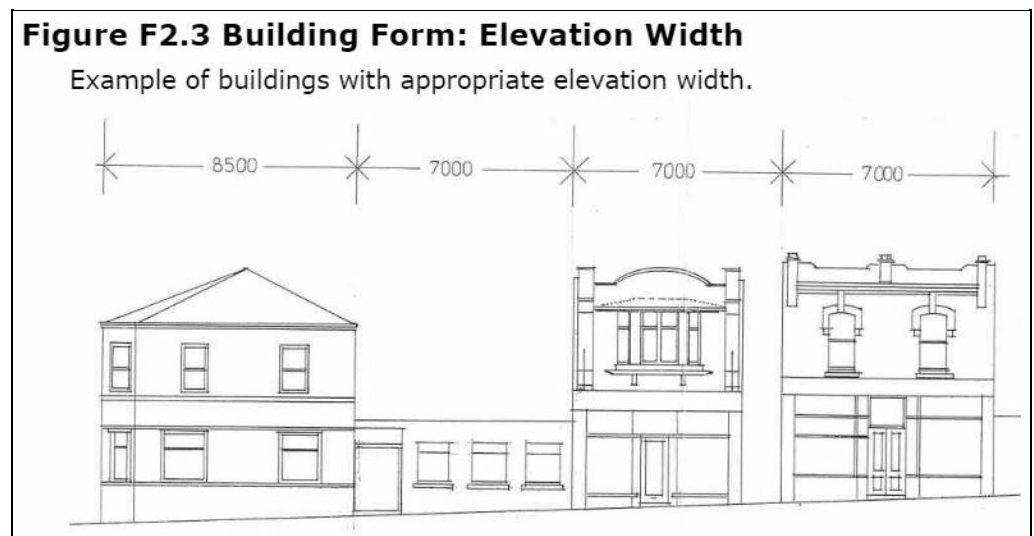


Image 9: Excerpt from the Planning Scheme Figure F2.3, relating to F2.3.2 A2.

Figure F2.4 Building Form: Solid/Void Ratio

Example of building with appropriate solid to void proportion.



Image 10: Excerpt from the Planning Scheme, Figure F2.4, relating to F2.3.2 A3.

6.26.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.26.4. The Performance Criteria at clause F2.3.2 P1, P2 and P3 state:

P1 - Development must not overtly project above or below adjacent buildings.

P2 - Development with an Elizabeth Street elevation width greater than 12m, must articulate elevation and roof to form a pattern of individually identifiable entities (at regular intervals of between 7m to 12m.)

P3 - Development should not be inconsistent with the characteristic solid (wall) to void (opening) ratio.

6.26.5. The tower element of the proposal would project over the substantive

State Cinema building. The set back access point of the building, between the 'tower' and the cinema building, does provide some separation between.

The building form of the proposed Elizabeth Street elevation has been suitably articulated with the 'tower' component set forward, the access points set back, and the battened screen also 'suspended forward' of the facade proper of building 3.

The 'tower' with glazed elements either side is inconsistent with the characteristic solid to void ratio. The first floor level facade of the setback component (to the north west of the 'tower' element, labelled 'void' on plan), is required to have a void to wall face ratio more consistent with prevailing character at first floor level. A condition to this effect has been included.

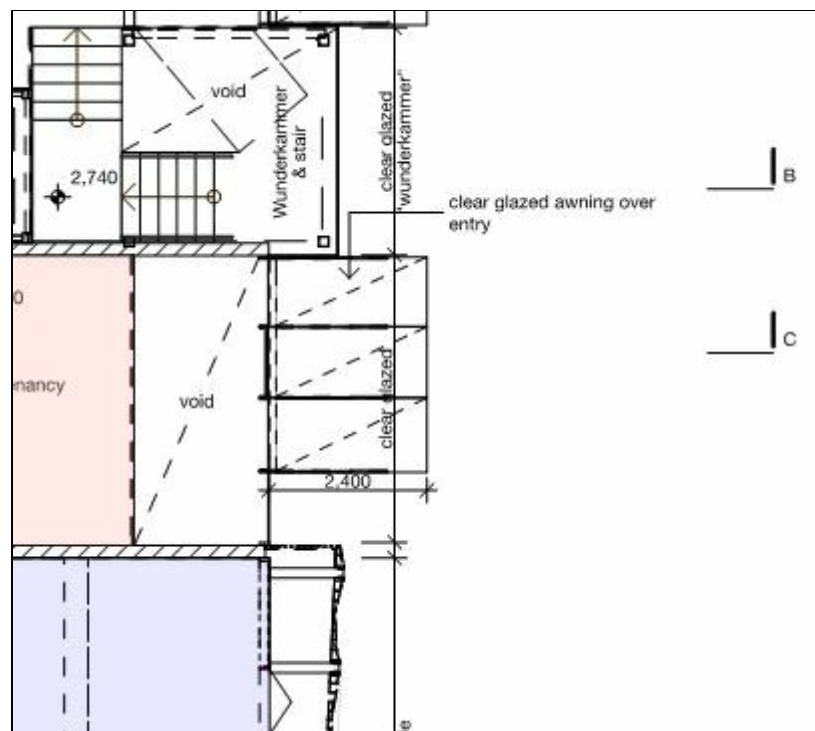


Image 11. Excerpt from submitted plan showing area of building where a higher solidity of facade is recommended to be required by condition.

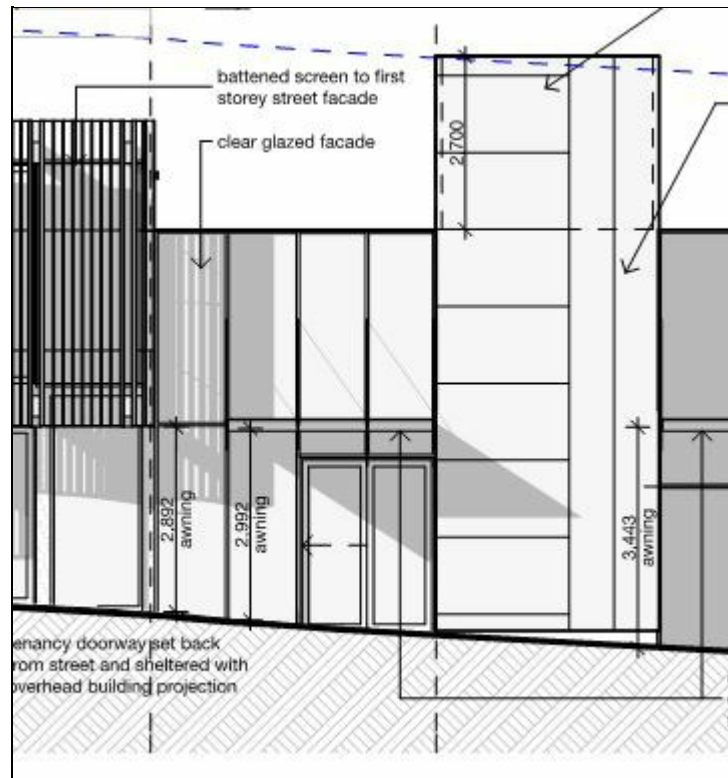


Image 12. Excerpt from submitted south west (Elizabeth Street) elevation plan showing 'clear glazed facade' area at first floor level recommended to be required by condition for higher solidity.

The following points on the F2.1.1 purpose of the specific area plan list are of particular relevance to this proposal:

The purpose of this specific area plan is to ensure that:

...

- (h) development provides detail and architectural interest at various levels of the streetscape, inset doorways and associated detailing are encouraged as they contribute to the diverse pattern of the existing streetscape;*
- (i) development reinforces the existing hierarchy and network of public spaces and does not build in laneways; and*
- (j) integrated artwork/s are encouraged to contribute to the cultural and artistic focus that has developed in North Hobart.*

- 6.26.6. Note that the Council's Cultural Heritage Officer provided a full assessment of the proposal (included as an attachment to this report) which is also relevant to this assessment.
- 6.26.7. The proposal complies with the performance criterion provided satisfaction of the recommended condition.

6.27 F2.0 North Hobart Specific Area Plan, F2.3 Development Standards for Buildings and Works, F2.3.3 Awnings P1, P4 and P5

6.27.1. The awning on the existing Union building would be removed from the streetscape. Three glazed awnings are proposed along the new building frontage as well as the floating battened screen on building 3 that would have a semi-awning purpose in its contribution to the streetscape although not as a pedestrian shelter. The northern-most awning over the entry was to the rear tenancies and the residential units of building 3 is proposed with a height above the footpath within the lot boundary of 2.4m.

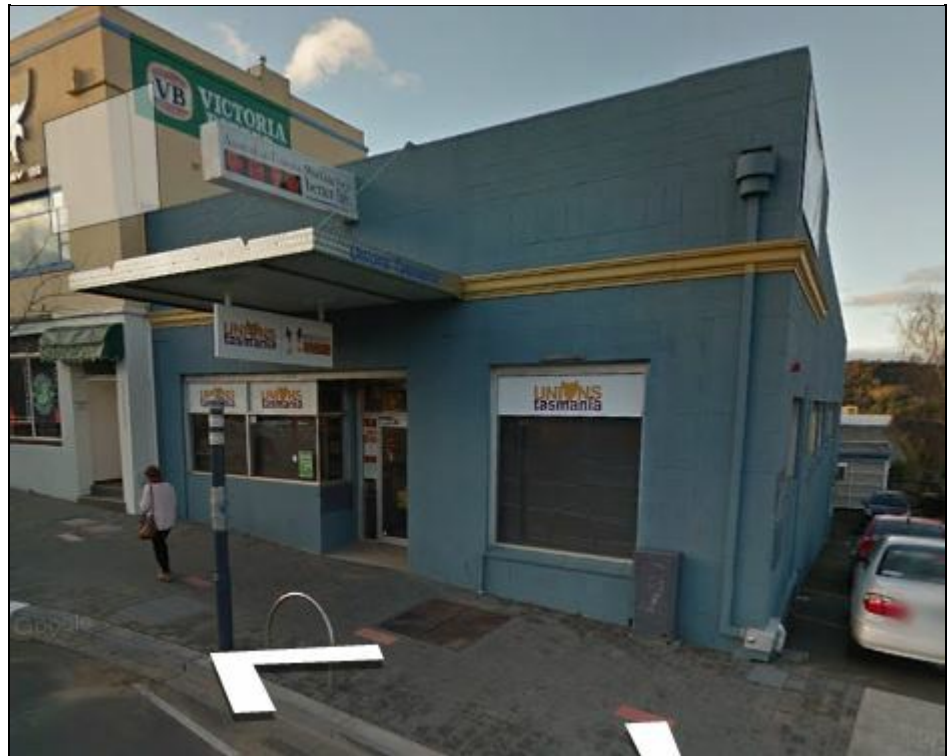


Image 13. The facade and awning of the Union building at 379 Elizabeth Street would be removed from the streetscape.



Image 14. Excerpt from 'Elizabeth Street massing overview' drawing 1601-DA3.02 11 Nov 2016.

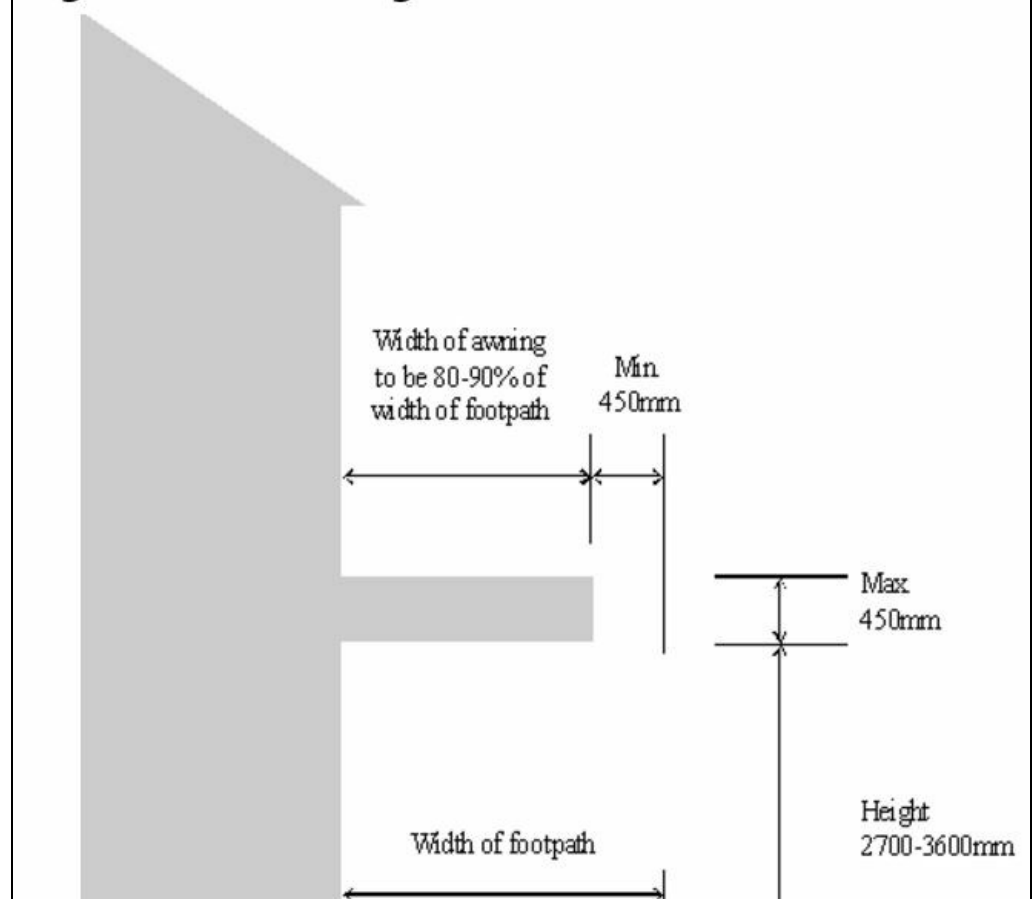
6.27.2. The Acceptable Solutions at clause F2.3.3 state:

A1 - that awnings must be retained or reinstated;

A4 - that awnings must cover 80-90% of the footpath provided that a 450mm clearance between edge of kerb and edge of awning is maintained; and

A5 - the clearance between an awning and the footpath must be 2.7m to 3.6m.

Figure F2.5 Awnings



6.27.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.27.4. The applicable Performance Criteria at clause F2.3.3 provide:

P1 - Development of the Elizabeth Street elevation which does not retain/reinstate an awning must demonstrate that the elevation in question was originally designed without an awning and that the pattern of development should continue.

P4 - Awnings must be of sufficient width to provide protection for pedestrians and fit in with the pattern of the streetscape. Where the footpath has been extended such as at corners, pedestrian crossings etc, awnings are to be 80-90% of the typical footpath width within the street. An awning must provide 450mm clearance between edge of kerb and edge of parapet.

P5 - Awnings must be of sufficient height above the footpath to provide adequate clearance for the movement of persons and goods.

6.27.5. The proposed awnings are minimal. It is appropriate to not obscure the frontage of the State Cinema building. The Council's Cultural Heritage

Officer has advised that the section of Elizabeth Street where this development is proposed did not historically have any awnings. The awning proposed adjacent to the State Cinema building has not been supported by Heritage Tasmania.

When assessed against the provisions of the North Hobart Specific Area Plan the proposal is considered to be somewhat at odds with the purpose of the Specific Area Plan as provided in the F2.1.1 list. However, on balance, the proposal could be supported with some modifications as recommended by condition. The proposal is for significantly more building bulk with greater transparency than the traditional Elizabeth Street form. Pedestrian amenity is not reduced as there is currently a vacant lot frontage and only a short awning on the Union building, and the multiple entries to the front elevation along with building connectivity and improved circulation internally should improve pedestrian / patron convenience. Further awnings particularly in front of the Building 3, in lieu of or as well as the floating battened screen, could have been offered.

6.27.6. The proposal complies with the performance criterion.

7. Discussion

- 7.1. This proposal for 'partial demolition, alterations and extensions to existing buildings, new building for business and professional services, general retail and hire, three multiple dwellings, and community meeting and entertainment, signage, change of operating hours, changes to parking and access, and works in the 'road reserve' at the State Cinema and adjacent site is considered acceptable against the provisions of the planning scheme provided the recommended conditions are satisfied.
- 7.2. The main issues with the proposal when considered against the provisions of the planning scheme requirements are the building form, the internal signs and on-site parking provision.

- 7.3. Principally to satisfy the requirements of the Historic Heritage Code and the North Hobart specific Area Plan, it is recommended that a section of the Elizabeth Street frontage of the new buildings have a more solid appearance at the first floor level, the highest portion of the 'tower' element be reduced in height and the internal signs at the top of this element be redesigned to be reduced in size and more detail provided. The car, motor bike and bicycle parking as proposed is supported provided the required details are provided, whilst it is acknowledged that pressure on public parking facilities is likely to increase as a consequence of this use of this development.

8. Conclusion

The proposed partial demolition, alterations and extensions to existing buildings, new building for business and professional services, general retail and hire, three multiple dwellings, and community meeting and entertainment, signage, change of operating hours, changes to parking and access, and works in road reserve' at the State Cinema 367-375 Elizabeth Street, and the adjoining lots 379 Elizabeth Street, 31 Strahan Street, 29 Strahan Street and a portion of the Elizabeth Street Road Reserve (building overhang) satisfies (with recommended conditions) the relevant provisions of the Hobart Interim Planning Scheme 2015, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the Hobart Interim Planning Scheme 2015, the Council approve the application for Partial Demolition, Alterations and Extensions to Existing Buildings, New Development for Business and Professional Services, General Retail and Hire, Multiple Dwellings, and Community Meeting and Entertainment, Signage, Change of Operating Hours, Changes to Parking and Access, and Works in Road Reserve at 379 Elizabeth Street, North Hobart, 367-375 Elizabeth Street, North Hobart, 29 Strahan Street, North Hobart, 31 Strahan Street, North Hobart, and Adjacent Road Reserve for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-16-768 367-375 ELIZABETH STREET, 379 ELIZABETH STREET, AND 29 STRAHAN STREET, NORTH 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 2016/01002-HCC dated 19/09/2016 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, Works Application No.5067 dated 7 December 2016, as attached to the permit.

Reason for condition

To clarify the scope of the permit

PLN 14

The noise generated by the uses on this site must not cause environmental harm when measured at the boundary of the residential zone.

Reason for the condition

To ensure noise emissions do not cause environmental harm and do not have an unreasonable impact on residential amenity.

PLN 12

The internal signs as proposed at the top of the 'tower' element of 'building 1' must be redesigned and further detail provided.

Drawings and details must be submitted and approved, prior to the commencement of works. The drawings and details must include, but are not limited to:

- **The northwest-facing internal sign must be reduced in length so that it extends no further than 1.8 metres from the front elevation of the 'tower' element;**
- **The height of the internal signs must be reduced to align with the required reduction of the height of the 'tower' element of building 1 to be no higher than the batten screen on building 3;**
- **A notation that the brightness of the screens / projection, luminance levels must not exceed those of static signs in the near vicinity in typical ambient light conditions;**
- **A notation that the signs will be switched off or fixed to a static image outside of approved opening hours (9am to 11:30pm) every night;**
- **A notation that the signs message will relate only to the operation of the cinema use on this site and not for any other purposes;**
- **A notation that the signs will have no motion, changes in luminance or any effects that create the illusion of movement, and that they will not be flashing or intermittently illuminated, and that there will be no flashing lights.**
- **A notation that there will be a minimum 'dwell time' of greater than or equal to eight (8) seconds on each message to be shown on the sign;**
- **A notation that there will be a zero transition time between messages (which means there is to be no 'fade', 'zoom' or 'fly in' type effects and no blank screen between messages);**
- **A notation that each sign message will not contain more than 6 words;**

- A notation that the sign and messages will contain no colour of an official road sign or traffic signals (that means no red, green or amber colour);
- A notation that the sign messages will not imitate traffic control devices or give instructions to traffic to 'stop', 'halt', or other (i.e. give way, turn left etc);
- A notation that the sign and messages will not be shaped like an official traffic control sign or device; and
- Details of the font size, which must be a minimum of 200mm letter height.

All work required by this condition and all signage regulated by this condition must be undertaken in accordance with the approved drawings and details.

Advice: Once the drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

Reason for condition

To clarify the scope of the permit and to ensure that the size, design and siting of signs complements and does not impact on the cultural heritage significance of the listed place and precinct listed in the Historic Heritage code and the characteristics of the built environment particularly in the North Hobart specific area plan area.

PLN 17

Parking and vehicle circulation roadways and pedestrian paths used outside daylight hours must be provided with lighting to an adequate standard.

Prior to the issue of any building consent under the Building Act 2000, a car park lighting plan must be provided, which satisfies all of the following:

- (a) enables easy and efficient use of the area;**
- (b) minimises potential for conflicts involving pedestrians, cyclists and vehicles;**
- (c) reduces opportunities for crime or anti-social behaviour by supporting passive surveillance and clear sight lines and treating the risk from concealment or entrapment points;**
- (d) prevents unreasonable impact on the amenity of adjoining users through light overspill, including protecting the amenity of existing adjacent residential use;**
- (e) is appropriate to the hours of operation of the use; and**
- (f) complies with Australian Standard AS4282- Control of the obtrusive effects**

of outdoor lighting.

Advice: Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, should be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.

Reason for condition

To ensure that the non-residential use does not unreasonably impact residential amenity.

PLN s1

The uses on the site must not be open to the public outside of the following hours: 9:00 am to 11:30 pm daily.

Reason for condition

To clarify the scope of the permit and in accordance with submitted application documentation

PLN s2

The glazed front elevation of 'building 2' must be redesigned to show the void (opening) to solid (wall) ratio more consistent with void to solid ratio prevailing in the streetscape at first floor level.

Design drawings must be submitted and approved, prior to the issuing of any permit under the Building Act 2000. The amended drawings must include details of how this increased solidity will be achieved, to satisfy the above requirement. All work required by this condition must be undertaken in accordance with the approved drawing.

Advice: Once the amended drawing has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

Reason for condition

To ensure that the development satisfies the North Hobart Specific Area Plan building form standard objective to reinforce characteristic solid to void ratio.

PLN s3

Commercial vehicle movements to and from the site must be within the following times:

- **Monday to Saturday: 6am to 10pm.**
- **Sunday and Public Holidays: 7am to 9pm**

Reason for condition:

In the interests of residential amenity

PLN s4

The height of the 'tower' element of building 1 must be reduced to be no higher than the batten screen on building 3.

Design drawings must be submitted and approved prior to the issuing of any consent under the Building Act 2000. The design drawings must include amended building height to satisfy the above requirement.

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

Advice: Once the amended drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To satisfy the standard for a development to be designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics as required by the Historic Heritage Code.

ENGsw4

The development (including hardstand) must be drained to Council infrastructure. All new stormwater connections required, including those for any third-party stormwater affected by the development, must be constructed, and any existing abandoned connections be abandoned and sealed, by Council at the owner's expense prior to the first occupation.

Detailed engineering drawings must be submitted and approved, prior to

commencement of work. The detailed engineering drawings must include:

- a. the location of the proposed connections and all existing connections;**
- b. the size and design of the connections such that they are appropriate to safely service the development;**
- c. long-sections of any proposed connections clearly showing clearances from any nearby services and street trees, cover, size, material and delineation of public and private infrastructure**
- d. ownership of all stormwater pipes. New stormwater pipes must be separate to each Lot and contained entirely within the Lot serviced.**

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

Advice: Once the engineering drawing has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement). No additional shared private services will be approved.

Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to initiate an application for service connection.

Reason for condition

To ensure the site is drained adequately.

ENGsw6

All stormwater from the proposed development (including roofed areas, ag drains, retaining wall ag drains and impervious surfaces - driveways etc) must be discharged to the Council's infrastructure with sufficient receiving capacity prior to commencement of use.

All costs associated with works required by this condition are to be met by the owner.

Detailed engineering design drawings of the proposed stormwater drainage and connections to Council infrastructure must be submitted and approved by Council prior to commencement of work. The design drawing must be prepared by a suitably qualified person.

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

Advice: Once the design drawing has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

Reason for condition

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

ENG 4

The driveway and car parking area approved by this permit must be constructed to a sealed standard (paved, concrete, bitumen or equivalent Council approved) and surface drained prior to the commencement of use.

Reason for condition:

To ensure safe access is provided for the use.

ENG 14

The vehicular access, circulation roadways, aisles and parking spaces must be constructed in accordance with certified detailed design drawings, prior to the commencement of use. Car parking spaces 25 - 28 are not approved (due to right of way access issues requiring resolution).

The vehicular access, circulation roadways, aisles and parking space detailed design must be submitted and approved by Council, prior to the commencement of work.

The driveway access design must:

- **Be prepared and certified by a suitably qualified engineer that the design is in accordance with the Australian Standard AS/NZS2890.1:2004 (and AS/NZS2890.2: 2002 or AS/NZS2890.6:2009 where relevant) , or that the design provides for a safe and efficient access.**
- **Show dimensions and locations for all car, bicycle and motorcycle parking spaces, aisle widths, circulation roadway widths, vehicular access widths, and other details as necessary to satisfy the above requirement.**
- **The car parking plan must also show a dedicated commercial vehicle facility for loading, unloading or manoeuvring on-site in accordance**

with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002.

- **Show car parking spaces 25 - 28 deleted.**

All work required by this condition must be undertaken in accordance with the approved design drawings

Prior to the issuing of any Completion Certificate under the Building Act 2000, documents signed by a suitably qualified engineer, certifying the vehicular access, circulation roadways, aisles and parking spaces have been constructed in accordance with the certified design drawings must be lodged with the Council.

Advice: Once the design drawing has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

Reason for condition

To ensure that the access and parking layout for the development is to accepted 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 owners 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 owner/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 owner.

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 owner's full cost.

ENGR 3

The proposed driveway crossover (existing and new) in the Strahan Street highway reservation must be designed and constructed in general accordance with TSD-R09-v1 and TSD-R14-v1 and the redundant driveway crossovers in the Elizabeth Street highway reservation reinstated to footpath (paved), kerb and channel in accordance with TSD-R11-v1, TSD-R14-v1 and TSD-R15-v15 Type KC, prior to the commencement of the use (see advice).

Design drawing must be submitted and approved prior to the commencement of work. The design drawing for the driveway crossover in Strahan Street must:

- 1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property**
- 2. Detail if the existing crossover and extension can be constructed in general accordance with TSD-R09-v1 and TSD-R14-v1**
- 3. Grated wedge, asphalt wedge and the standard open wedge driveway crossover are not permitted. To gain access a concrete plinth to Councils standards may be constructed at the gutter. A drawing of a standard concrete plinth can be obtained from Councils Road Services Engineer. If the concrete plinth is unable to be utilised then the existing slabs maybe able to extended.**
- 4. If the design deviates from the requirements of the TSD then the drawings must demonstrate that a B85 vehicle or B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the cars underside.**
- 5. Detail how the redundant driveway crossovers in the Elizabeth Street highway reservation will be reinstated to footpath (paved to match existing) and kerb and channel**
- 6. Be prepared and certified by a suitable qualified person, to satisfy the above requirement.**

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

Advice: Once the approved drawings has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

Reason for condition

To ensure that works will comply with the Council's standard requirements.

ENV2

Sediment and erosion control measures sufficient to prevent sediment 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 and approved, prior to the commencement of work. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008).

http://www.hobartcity.com.au/Development/Engineering_Standards_and_Guidelines.

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

Advice: Once the SWMP has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

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 17

The palette of exterior colours and materials must reflect the palette of materials of the State Cinema and Soundy's building complex.

Plans must be submitted and approved prior to the commencement of work. The plans must show the colour finish and exterior cladding of all new buildings to satisfy the above requirement.

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

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

Reason for condition

To ensure that development at a (select relevant) heritage place/precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

SURV 8

The applicant, at no cost to the Council shall 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 awning encroachments over Elizabeth Street, prior to the issue of a completion certificate.

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 metres above the footpath or 4.25 metres 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 \$220 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 or existing building encroachment over Elizabeth Street is formalised in accordance with statutory provisions.

SUB s1

A Right of carriageway over the portion of the car park access driveway located within the land comprised in Certificate of Title 147682/1 benefitting Certificate of Title 162909/2 is to be registered on both Titles to the satisfaction of the Council's Director of Infrastructure Services prior to the issue of any certificate of occupancy for the development.

Reason for condition

To ensure that there is no impediment to the provision of access for the development.

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 www.hobartcity.com.au 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 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 at http://www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement

BUILDING PERMIT

Building permit in accordance with the Building Act 2000;

<http://www.hobartcity.com.au/Development/Building>

PLUMBING PERMIT

Plumbing permit under the Tasmanian Plumbing Regulations 2014;

<http://www.hobartcity.com.au/Development/Plumbing>

PUBLIC HEALTH AND FOOD BUSINESS REGISTRATION

Approved/endorsed plans for a food business fit out, under the Building Code of Australia National Construction Code Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards;

http://www.hobartcity.com.au/Environment/Public_Health_and_Food/Food

Food business registration in accordance with the Food Act 2003;

http://www.hobartcity.com.au/Environment/Public_Health_and_Food/Food

OCCUPATION OF THE PUBLIC HIGHWAY

Road closure permits for construction or special event.

http://www.hobartcity.com.au/Transport/Permits/Application_Forms_-_Construction_Activities_Special_Events_in_the_Road_Reservation

Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve)

http://www.hobartcity.com.au/Transport/Lighting_Roads_Footpaths_and_Street_Cleaning/Roads_and_Footpaths

TEMPORARY PARKING PERMITS

Temporary parking permits for construction vehicles i.e. residential or meter parking/loading zones.

http://www.hobartcity.com.au/Transport/Permits/Parking_Permits

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By-law

<http://www.hobartcity.com.au/Council/Legislation>

DRIVEWAY SURFACING OVER HIGHWAY RESERVE

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

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.

WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment website at <http://dpiuwe.tas.gov.au/invasive-species/weeds/weed-hygiene/washdown-guidelines>

WORKPLACE HEALTH AND SAFETY

Appropriate occupational health and safety (OH&S) measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours.

<http://www.worksafe.tas.gov.au/safety>

ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994

http://www.hobartcity.com.au/Environment/Environmental_Health/Environmental_Management_and_Pollution_Control

NOISE REGULATIONS

The following link provides information with respect to noise nuisances in residential areas.

http://www.hobartcity.com.au/Environment/Environmental_Health/Environmental_Management_and_Pollution_Control

WASTE DISPOSAL - TOP TEN TIPS

http://www.hobartcity.com.au/Environment/Recycling_and_Waste

FEES AND CHARGES

http://www.hobartcity.com.au/Council/Fees_and_Charges

PART 5 AGREEMENT

The Part 5 Agreement registered on Certificates of Title 162909/2 and 163809/1 means that the portions of the driveway and car park within these titles shown as Lots 1 and 2 on the Plan of Survey annexed to the Part 5 agreement may only be used for the provision of car parking for the land within CT 163809/1 that is the Adjacent lot as defined in the Part 5 agreement (shown as QALT on the annexure plan), unless the prior written consent has been obtained from the Hobart City Council.

Written consent must be obtained from the Hobart City Council prior to the issue of any certificate of occupancy for the development to allow the utilisation for car parking of the portions of the land comprised within Certificates of Title 162909/1 and 163809/1 and defined as Lots 1 and 2 in the Part 5 agreement registered on these titles by other than for the benefit of the Adjacent lot as defined in the Part 5 agreement.

REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Highways By-law

<http://www.hobartcity.com.au/Council/Legislation>

ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings

http://www.hobartcity.com.au/Development/Engineering_Standards_and_Guidelines

CROSS OVER CONSTRUCTION

The construction of the crossover can be undertaken by the Council or by a private contractor, subject to Council approval of the design.

http://www.hobartcity.com.au/Transport/Lighting_Roads_Footpaths_and_Street_Cleaning/Roads_and_Footpaths

STORM WATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT- – standard drawings.

http://www.hobartcity.com.au/Development/Engineering_Standards_and_Guidelines

DIAL BEFORE YOU DIG

www.dialbeforeyoudig.com.au

ELECTRONIC ACCESS

If you do not have access to the Council's electronic web page, please phone the Council (City Planning) on 62382715 for assistance.



(Michelle Foale)

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.



(Ben Ikin)

Senior Statutory Planner

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.

Date of Report: 15 December 2016

Attachment(s)

Attachment B - CPC Agenda Documents

Attachment C - Cultural Heritage Officer's report