



CITY OF HOBART

AGENDA

Special City Planning Committee Meeting

Open Portion

Monday, 23 September 2019

at 4:50 pm

Lady Osborne Room, Town Hall

THE MISSION

Working together to make Hobart a better place for the community.

THE VALUES

The Council is:

People	We value people – our community, our customers and colleagues.
Teamwork	We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community.
Focus and Direction	We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.
Creativity and Innovation	We embrace new approaches and continuously improve to achieve better outcomes for our community.
Accountability	We work to high ethical and professional standards and are accountable for delivering outcomes for our community.

ORDER OF BUSINESS

Business listed on the agenda is to be conducted in the order in which it is set out, unless the committee by simple majority determines otherwise.

APOLOGIES AND LEAVE OF ABSENCE

- 1. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST 4**
- 2. COMMITTEE ACTING AS PLANNING AUTHORITY 5**
 - 2.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING
SCHEME 20156**
 - 2.1.1 346-352 Elizabeth Street, and Adjacent Road Reserve,
North Hobart - Partial Demolition, Alterations and Partial
Change of Use to General Retail and Hire.....6**

**Special City Planning Committee Meeting (Open Portion) held Monday,
23 September 2019 at 4:50 pm in the Lady Osborne Room, Town Hall.**

COMMITTEE MEMBERS

Deputy Lord Mayor Burnet (Chairman)
Briscoe
Denison
Harvey
Behrakis

Apologies:

Leave of Absence: Nil.

NON-MEMBERS

Lord Mayor Reynolds
Zucco
Sexton
Thomas
Dutta
Ewin
Sherlock

1. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Ref: Part 2, Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*.

Members of the Committee are requested to indicate where they may have any pecuniary or conflict of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Committee has resolved to deal with.

2. COMMITTEE ACTING AS PLANNING AUTHORITY

In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Committee to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted.

In accordance with Regulation 25, the Committee will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Committee is reminded that in order to comply with Regulation 25(2), the General Manager is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

2.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

2.1.1 346-352 Elizabeth Street, and Adjacent Road Reserve, North Hobart - Partial Demolition, Alterations and Partial Change of Use to General Retail and Hire PLN-19-298 - File Ref: F19/124758

Memorandum of the Manager Development Appraisal of 19 September
2019 and attachments.

Delegation: Council



City of **HOBART**

MEMORANDUM: CITY PLANNING COMMITTEE

346-352 Elizabeth Street, and Adjacent Road Reserve, North Hobart - Partial Demolition, Alterations and Partial Change of Use to General Retail and Hire

Background

This memorandum relates to PLN-19-298 which proposes partial demolition, alterations and partial change of use to general retail and hire at 346-352 Elizabeth Street and adjacent road reserve, North Hobart.

The application relates to a 530m² vacant tenancy facing Burnett Place and the Condell Place carpark and proposes alterations to the existing building and adjoining footpath to facilitate a new general retail tenant. The works include the demolition of the existing shopfront and roller door, and replacement with new shopfront glazing and a new, relocated roller door. Regrading of the footpath is also proposed to align the level areas with the revised entrances and remove irregularities in the footpath levels.



Figure 1: Burnett Place frontage of subject site



Figure 2: GIS Map Image 1:1000

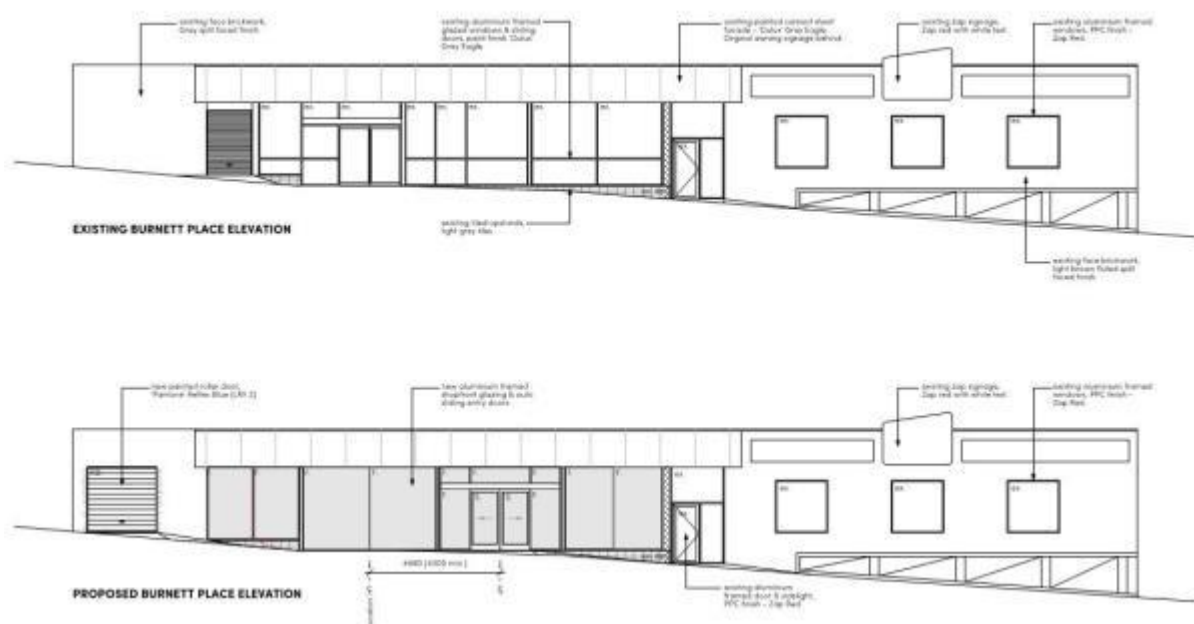


Figure 3: Existing and proposed alterations

The proposal generates discretion under the *Hobart Interim Planning Scheme 2015* in relation to being located within a Heritage Precinct. Eleven representations were received during the application's public notification period, raising concerns including parking and traffic pressure, pedestrian safety, similar businesses already operating nearby, the business being out of character with the restaurants and cafes in the North Hobart precinct, and future signage being intrusive.

The report at Attachment A to this memorandum contains the officer assessment of the proposal against the *Hobart Interim Planning Scheme 2015* and recommends approval subject to conditions.

The application was considered by the Council's City Planning Committee at its meeting of 16 September 2019. At that meeting, the Committee resolved as follows:

That the item be deferred to enable the provision of further information in relation to the possible relocation of the main door further away from the intersection of Burnett Place and the exit from the Condell Place carpark, and the size/type of delivery vehicles to be used to access the premises.

Discussion

In response to the questions raised in the Committee's deferral motion, the applicant has provided the following response:

Possible Relocation of Main Doors

The rationale for moving the doors [from their existing location] is to optimise the retail space to work with Chemist Warehouse's required layout.

Deliveries

On average our stores would receive around 6-8 deliveries per day between the hours of 8am to 4pm.

All deliveries are made by vans apart from a delivery on Monday and Thursday that is made by a 6 tonne medium rigid truck. If the truck could not fit down Little Arthur Street then we would make alternative arrangements for that delivery to be made by a van.

Conclusion

The report at Attachment A to this memorandum contains the officer assessment of the proposal against the *Hobart Interim Planning Scheme 2015* and recommends approval subject to conditions.

Following an extension of time being granted by the applicant, the application is due to expire on 6 October 2019.

Due to the number of representations received, delegation to determine the application rests with full Council.

RECOMMENDATION

That Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and partial change of use to general retail and hire at 346-352 Elizabeth Street and adjacent road reserve, North Hobart 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-19-298 346-352 ELIZABETH STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 6

The use must not be open to the public outside of the following hours:

(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.

Reason for condition

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

PLN s1

Commercial vehicle movements, (including loading and unloading and garbage removal) must not be undertaken outside of the following hours:

(a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;

(b) 7.00 am to 9.00 pm Sundays and public holidays.

Reason for condition

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

PLN s2

No signage is approved by this permit.

Advice: Any signage for the proposed use will require a separate planning permit.

Reason for condition

To clarify the scope of the permit.

ENG 1

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

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

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

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

Reason for condition

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

ENG s2

Prior to the commencement of use, the proposed driveway crossovers, footpath, and other alterations to the highway reservation must be designed and constructed in general accordance with the Tasmanian Standard Drawings to the satisfaction of Council's Manager Road and Environmental Engineering.

Detailed design drawings must be submitted and approved prior to any approval under the *Building Act 2016*. The design drawing must:

- 1. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed works.**

2. Relocation of any services.
3. Long sections and cross sections of the footpath.
4. Protection of public infrastructure.
5. 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 drawings.

Advice:

- *The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- *Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *A road opening permit will be required.*

Reason for condition

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

ENV 1

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

Advice: For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).

Reason for condition

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

ADVICE

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

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

CONDITION ENDORSEMENT ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

As you are proposing works in the highway reservation you will require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Amenities Division to initiate the permit process).

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

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.



Rohan Probert
**MANAGER DEVELOPMENT
APPRAISAL**

Date: 19 September 2019
File Reference: F19/124758; PLN-19-298

Attachment A: Officer Report dated 6 September 2019 for PLN-19-298,
346-352 Elizabeth Street and Adjacent Road Reserve, North
Hobart ↓

Attachment B: CPC Agenda Documents ↓

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Council:	23 September 2019
Expiry Date:	6 October 2019
Application No:	PLN-19-298
Address:	346 - 352 ELIZABETH STREET , NORTH HOBART ADJACENT ROAD RESERVE
Applicant:	John Etherington (S. Group) Level 1, 90-92 Murray Street
Proposal:	Partial Demolition, Alterations and Partial Change of Use to General Retail and Hire
Representations:	Eleven (11)
Performance criteria:	Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, Alterations and Partial Change of Use to General Retail and Hire at 346 - 352 Elizabeth Street, and Adjacent Road Reserve.
- 1.2 The proposal is for alterations to the existing building and adjoining footpath to facilitate a new general retail tenant within the existing vacant 530m² space at the Burnett Place frontage of 346 - 352 Elizabeth Street. The works to the long-standing vacant space include the demolition of the existing shopfront and garage door, and replacement with new shop front glazing and a new roller door formed within the existing brickwork. Regrading of the footpath is also proposed to align the level areas with the revised entrances and remove irregularities in the footpath level.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Historic Heritage Code
- 1.4 Eleven (11) representations objecting to the proposal were received within the statutory advertising period between 7 August to the 21 August 2019.

- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council.

2. Site Detail

- 2.1 The existing developed dual frontage site is located within the North Hobart Precinct. It contains a two storey façade on the Elizabeth Street frontage that has a number of smaller street level tenancies, with the Burnett Place frontage providing access to the subject 530m² vacant retail space (previously Chickenfeed) and Zap Fitness. The site is adjacent to the Condell Place car park and nearby the Tony Haigh Walk public access to Elizabeth Street.



Figure 1: GIS Map Image 1:1000



Figure 2: Burnett Place frontage of subject site

3. Proposal

- 3.1 Planning approval is sought for Partial Demolition, Alterations and Partial Change of Use to General Retail and Hire at 346 - 352 Elizabeth Street, and Adjacent Road Reserve.
- 3.2 The proposal is for alterations to the existing building and adjoining footpath to facilitate a new general retail tenant within the existing vacant 530m² space at the Burnett Place frontage of 346 - 352 Elizabeth Street. The works to the long-standing vacant space include the demolition of the existing shopfront and garage door, and replacement with new shop front glazing and a new roller door formed within the existing brickwork. Regrading of the footpath is also proposed to align the level areas with the revised entrances and remove irregularities in the footpath level.

3.4

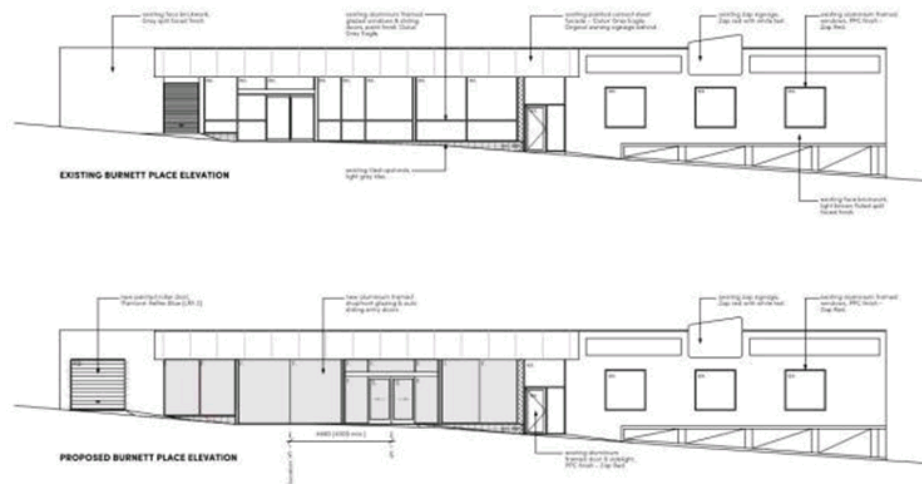


Figure 3: Existing and proposed alterations

4. Background

- 4.1 There was landlord consent sought and granted for the proposed footpath works prior to the lodgement of the planning application.
- 4.2 The site was originally approved as a supermarket and following this use was occupied by Chickenfeed until it closed in September 2012. The subject space has been vacant since then.

5. Concerns raised by representors

- 5.1 Eleven (11) representations objecting to the proposal were received within the statutory advertising period between 7 August to the 21 August 2019.
- 5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

The development of the old Chickenfeed site to a pharmacy would exacerbate the parking situation in North Hobart.
New Town and West Hobart Hill Streets present traffic issues that will pale into insignificance to what will happen to the parking behind the old Chickenfeed store.
There are already two pharmacies in North Hobart that serve the community - the impact of a large national chain will have a serious impact on their businesses.
The suburb is largely known for restaurants and cafes alike.
The increased demand on parking creates a risk for workers who have to walk to cars at night as they can't get parking nearby, as well as pushing the availability for nearby parking for staff even further away from the area.
The signage that Chemist warehouse will use will be intrusive and in contrast to the heritage aesthetic of the area.
The proposed business is of a large scale and will have a massive impact on the availability of car parking within the surrounding area and the adjacent car park.
There is also a substantial impact on the area already from the UberEats drivers with the new management arrangements a long way off.
The North Hobart business and restaurant strip has unique identity and will lose its appeal if accessibility becomes more limited.

6. Assessment

- 6.1 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.

- 6.2 The site is located within the General Business Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The site was previously used for retail purposes, however the existing use has not operated in over two years and therefore any existing use rights have lapsed. In any case, the proposed use for General Retail is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 21 General Business Zone
 - 6.4.2 E6.0 Parking and Access Code
 - 6.4.3 E7.0 Stormwater Management Code
 - 6.4.4 E13.0 Historic Heritage Code
 - 6.4.5 F2.0 North Hobart Specific Area Plan
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Heritage – Part E 13.8.1 (P1) and 13.8.2 (P1)
- 6.6 Each performance criterion is assessed below.
- 6.7 Heritage – Part E 13.8.1 (P1) and 13.8.2 (P1)
- 6.7.1 The site is located within the North Hobart Heritage Precinct and the North Hobart Specific Area Plan. Included below is the assessment of the Council's Cultural Heritage Officer of the proposed alterations.
 - 6.7.2 The performance criterion at clause Part E 13.8.1 (P1) and 13.8.2 (P1) provides as follows:

P1

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.

And

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.

6.7.3 346 -352 Elizabeth Street is a former supermarket building from the 1970s.

The building itself is an anomaly in the street, located as it is in precinct (NH6).

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.

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.

The form of 346-352 Elizabeth Street is a large mass with a horizontal emphasis.

Built in the 1970s the structure predates the protective measures of the current Planning Scheme.

Most buildings in central North Hobart are Victorian era, two storey masonry structures. The building which is the subject of this application is approximately 24m in width and has an area of 750m². It is large and wide and in this way atypical. Approximately 4 typical North Hobart tenancies could potentially fit into this property.

The current proposal involves the introduction of one new tenant – general retail - into the ground floor retail space accessed from Burnett Place. This is the frontage of the former supermarket. The proposal involves the creation of a new loading bay and demolition of shopfront glazing and internal partitions. The shopfront glazing is not considered historic heritage fabric.

The height form and scale of the building is not proposed to change. The Elizabeth Street elevation is not proposed to change as part of this application.

The proposed demolition and works impact on the Burnett Place frontage only and satisfy E 13.8.1 (P1) and 13.8.2 (P1).

The proposed works also need to be considered against The North Hobart Specific Area Plan.

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

(a) development of land fronting Elizabeth Street in the Local Business Zone in North Hobart is in conformity with and reinforces the characteristic uses in the street and the building forms that comprise the streetscape;

(b) new development continues the traditional height and rectangular building form parallel to Elizabeth Street where buildings are either one or two storeys;

(c) all new development is built to the street edge and improves pedestrian amenity and convenience;

(d) protection from the elements for the pedestrian is provided, primarily by the retention and/or introduction of awnings;

(e) the historic streetscape and particularly the red brick character of many individual buildings is retained;

(f) painting of intact brickwork on the Elizabeth Street frontage does not occur;

(g) the diversity and intactness of shop fronts is maintained through the retention of the physical fabric of existing shop fronts;

(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.

The proposed demolition and works (which will only be apparent from Burnett Place) satisfy the North Hobart Specific Area Plan in the sense that the changes to the former supermarket will not be apparent in Elizabeth Street. The North Hobart Specific Area plan makes several specific references to Elizabeth Street.

It is critical to note that this application does not include any proposed signage. Signs are the subject of a separate application.

6.7.4 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Partial Demolition, Alterations and Partial Change of Use to General Retail and Hire at 346 - 352 Elizabeth Street, and Adjacent Road Reserve.

- 7.2 The application was advertised and received eleven (11) representations. There is no doubt that there is pressure on the availability of car parking throughout certain peak periods in the North Hobart precinct. However, to suggest that a retail business should not operate within an existing retail space due to what is considered to be a broader issue of parking availability in the area is considered, to a degree, unreasonable. Within the Planning Scheme's Parking and Access Code, under clause Part E6.6.6 A1, Number of Car Parking Spaces - General and Local Business Zones, there is no requirement for car parking when there is only a minimal or no increase in floor area. As such, there is no requirement for additional car parking to be provided with this proposal. The proposed use is also permitted in the Zone, and the Scheme does not regulate the type of general retail uses that are permitted, control the level of multiple, comparable uses within an area, or stipulate that a commercial chain cannot occupy a premises.

The signage for the future tenant would subject to subsequent planning approval. It is appreciated that there may be concern related to the signage of the potential tenant due to their corporate branding and approach to signage. However, due to the nature of the area, particularly on the Elizabeth Street frontage, any future signage scheme will need to be sympathetic to the precinct and provisions of the North Hobart Specific Area Plan.

Fundamentally, the proposal is re-establishing a large scale retail use as has previously existed on the site. The only discretionary aspect of the application relates to the site being within a Heritage Precinct and that there are external alterations proposed. The works are largely related to the minor revision of the shopfront, and as the fabric is not of historic significance and the façade does not contribute to the Heritage Precinct, the proposal is considered appropriate.

- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to meet the performance criteria in respect to discretions relating to the facade alterations and demolition within the Heritage Precinct. The proposed general retail use is permitted in the zone, and although the specific details of the hours of operation and commercial vehicle movements have not been determined at this stage, the applicant has indicated that they will be within the permitted requirement. These parameters will be included as conditions on the permit.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Cultural Heritage Officer, and Council's Road Engineers. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Partial Demolition, Alterations and Partial Change of Use to General Retail and Hire at 346 - 352 Elizabeth Street, and Adjacent Road Reserve satisfies 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 Partial Change of Use to General Retail and Hire at 346 - 352 Elizabeth Street, and Adjacent Road 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-19-298 346-352 ELIZABETH STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 6

The use must not be open to the public outside of the following hours:

(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.

Reason for condition

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

PLN s1

Commercial vehicle movements, (including loading and unloading and garbage removal) must not be undertaken outside of the following hours:

(a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;

(b) 7.00 am to 9.00 pm Sundays and public holidays.

Reason for condition

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

PLN s2

No signage is approved by this permit.

Advice: Any signage for the proposed use will require a separate planning permit.

Reason for condition

To clarify the scope of the permit.

ENG 1

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

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

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

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

Reason for condition

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

ENG s2

Prior to the commencement of use, the proposed driveway crossovers, footpath, and other alterations to the highway reservation must be designed and constructed in general accordance with the Tasmanian Standard Drawings to the satisfaction of Council's Manager Road and Environmental Engineering.

Detailed design drawings must be submitted and approved prior to any approval under the Building Act 2016. The design drawing must:

1. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed works
2. Relocation of any services
3. Long sections and cross sections of the footpath
4. Protection of public infrastructure
5. 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 drawings.

Advice:

- *The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- *Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *A road opening permit will be required.*

Reason for condition

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

ENV 1

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

Advice: For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).

Reason for condition

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

ADVICE

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

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

CONDITION ENDORSEMENT ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

As you are proposing works in the highway reservation you will require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Amenity Division to initiate the permit process).

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's

[website](#).

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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



(Tristan Widdowson)

Development Appraisal 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.



(Cameron Sherriff)

Acting 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.

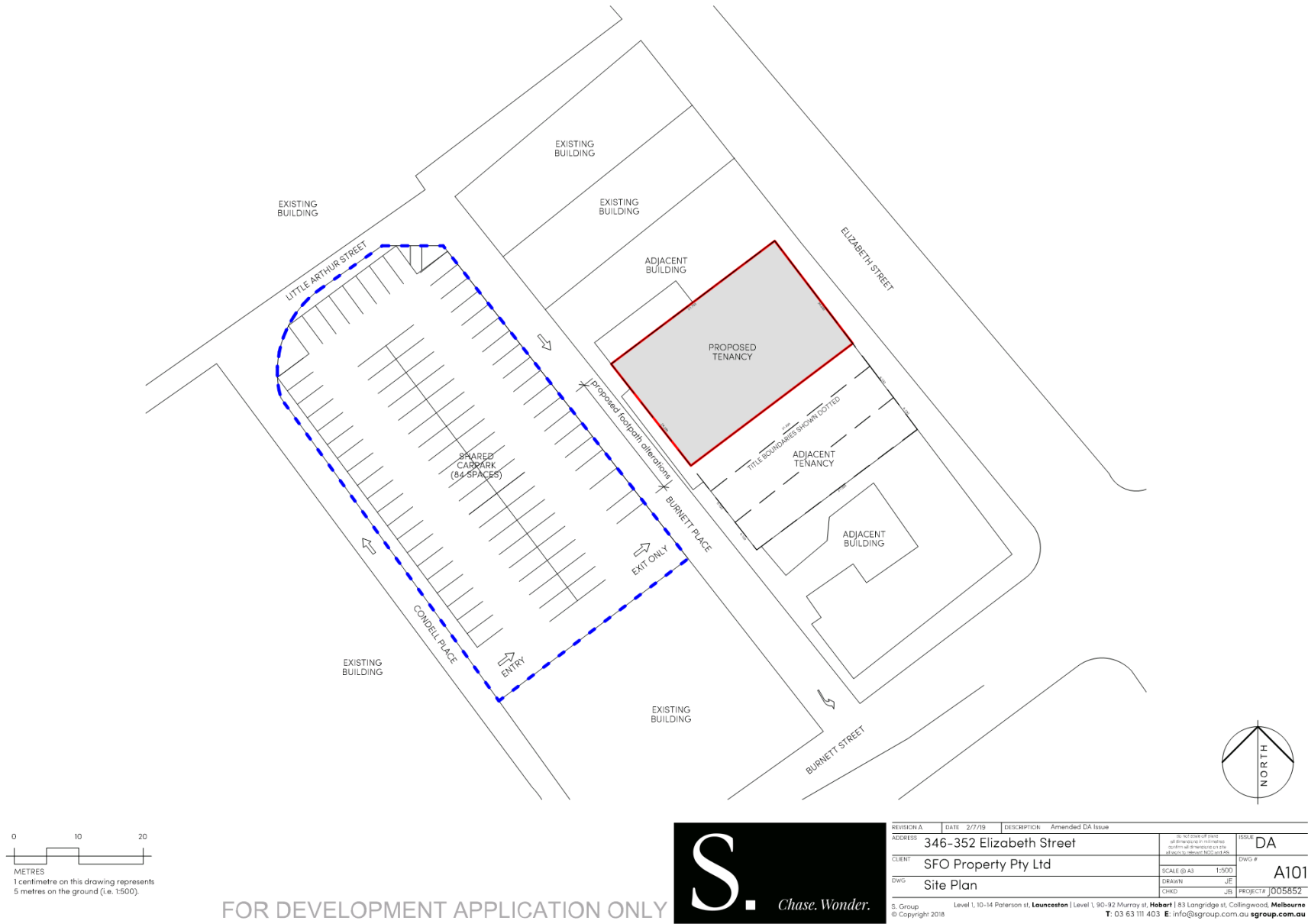
Date of Report: 6 September 2019

Attachment(s):

Attachment B - CPC Agenda Documents

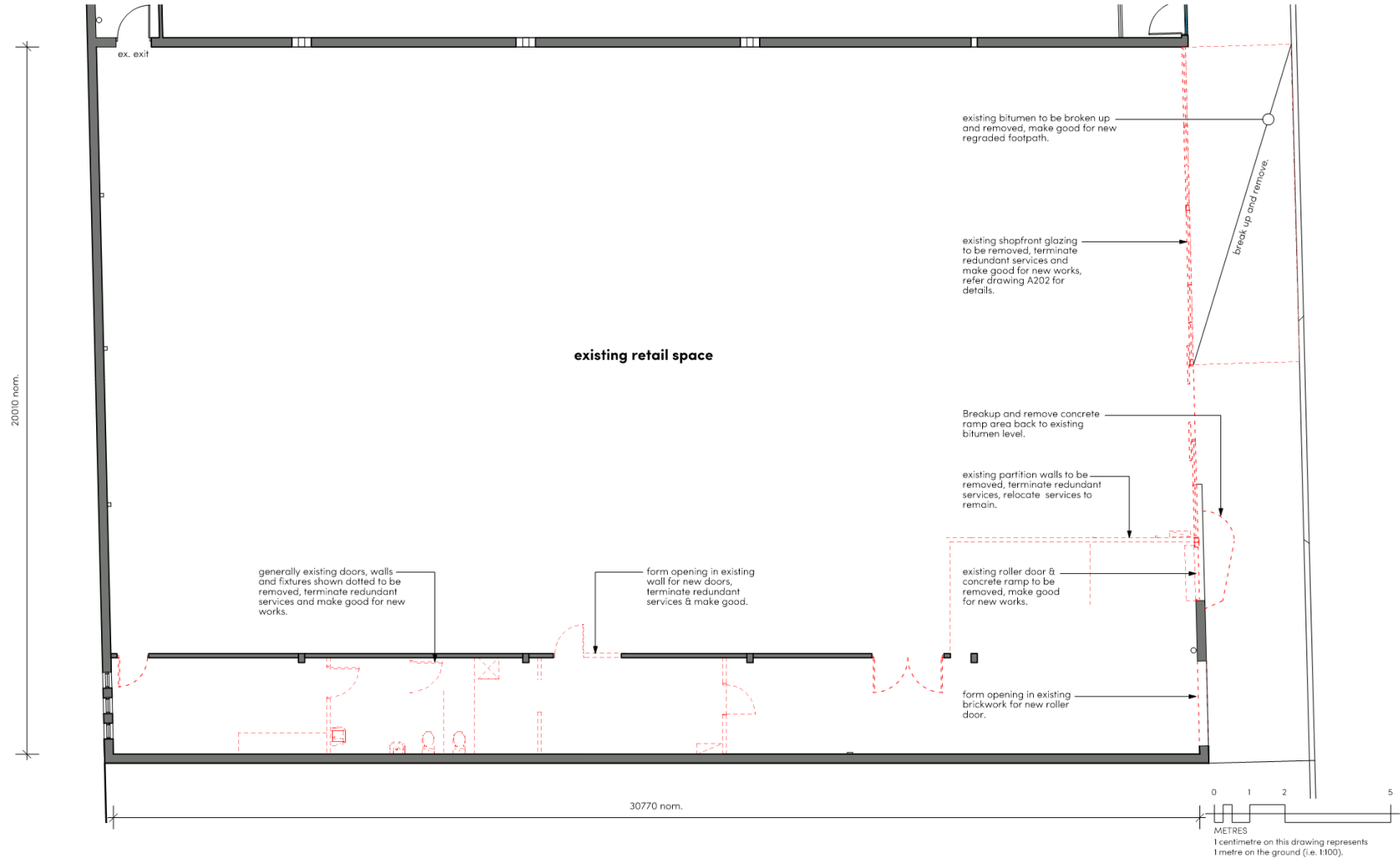
Chemist Warehouse Base Building & Signage
346-352 Elizabeth Street





FOR DEVELOPMENT APPLICATION ONLY



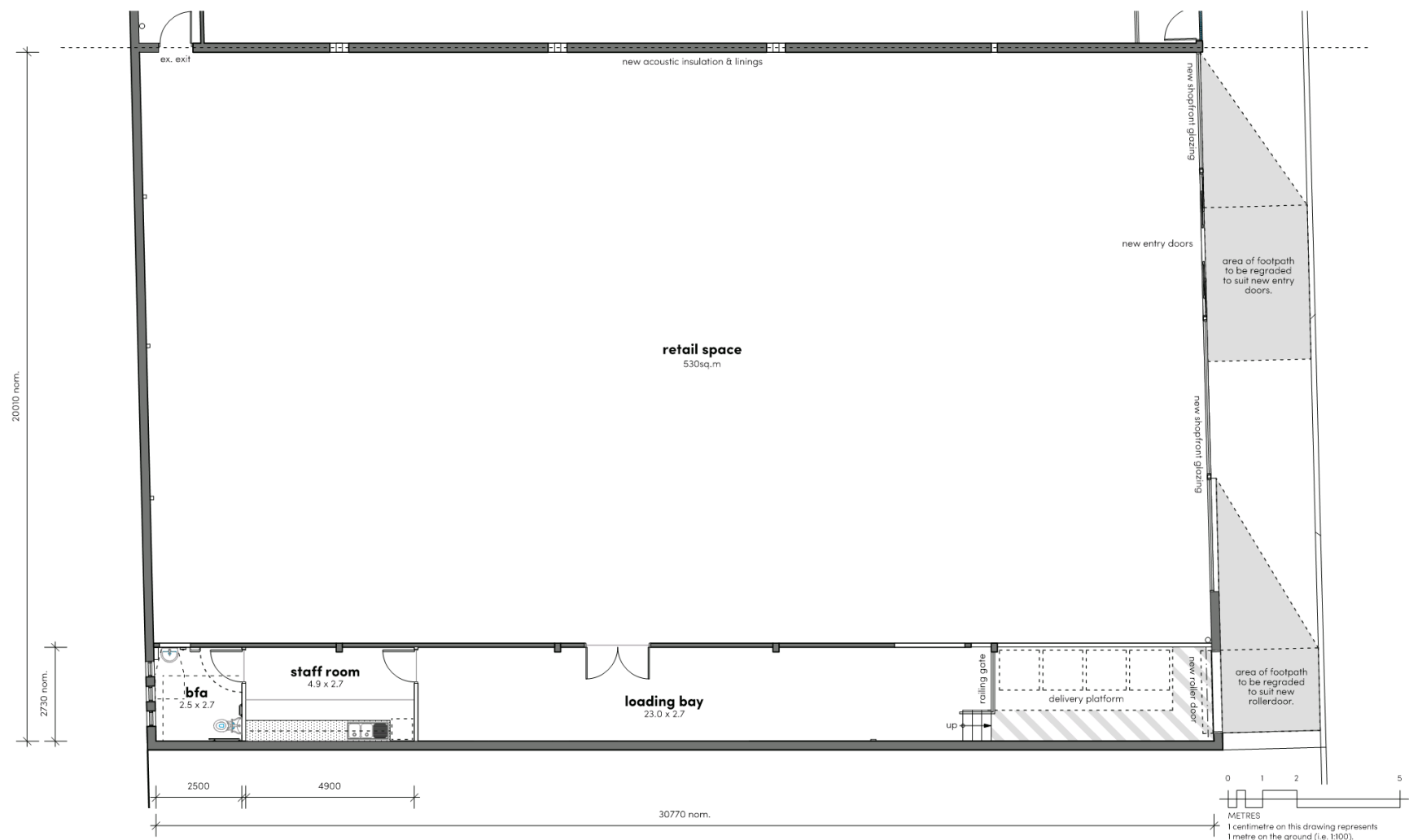


FOR DEVELOPMENT APPLICATION ONLY



REVISION A	DATE 2/7/19	DESCRIPTION Amended DA Issue			ISSUE
ADDRESS	346-352 Elizabeth Street		DA		DA
CLIENT	SFO Property Pty Ltd		DWG #		A201
DWG	Existing & Demolition Plan		PROJECT #		005852
S. Group © Copyright 2018					

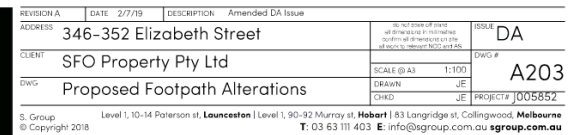
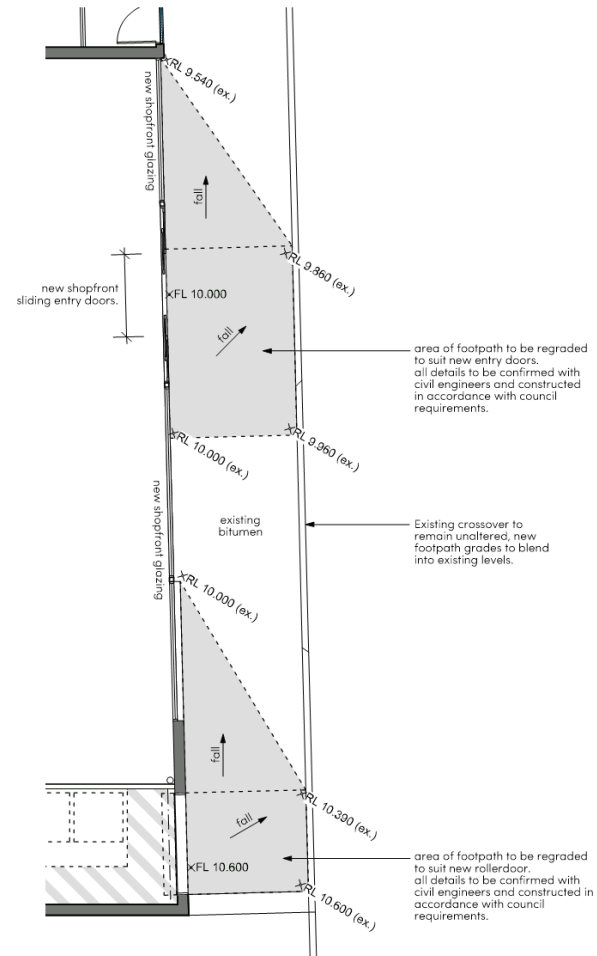
Level 1, 10-14 Paterson st, Launceston | Level 1, 90-92 Murray st, Hobart | 83 Langridge st, Collingwood, Melbourne
T: 03 63 111 403 E: info@sgroup.com.au sgroup.com.au

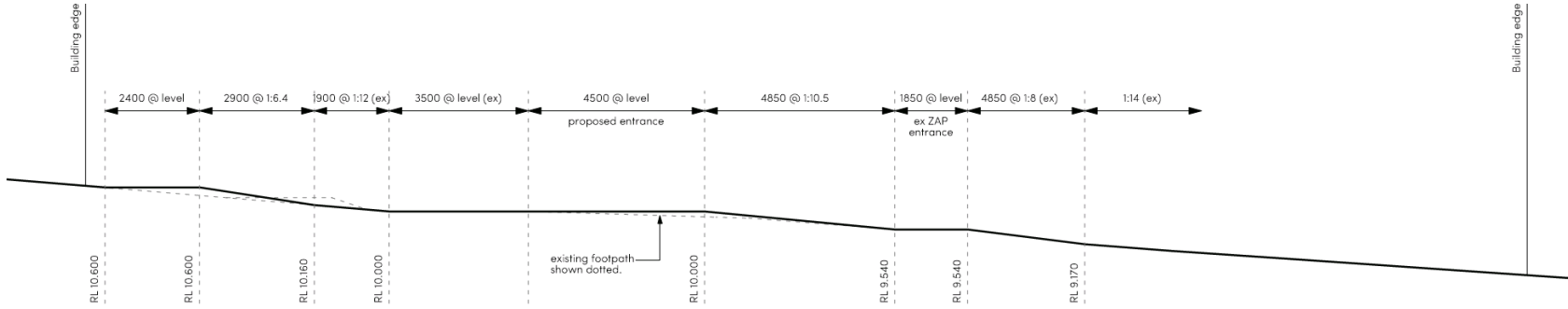


FOR DEVELOPMENT APPLICATION ONLY

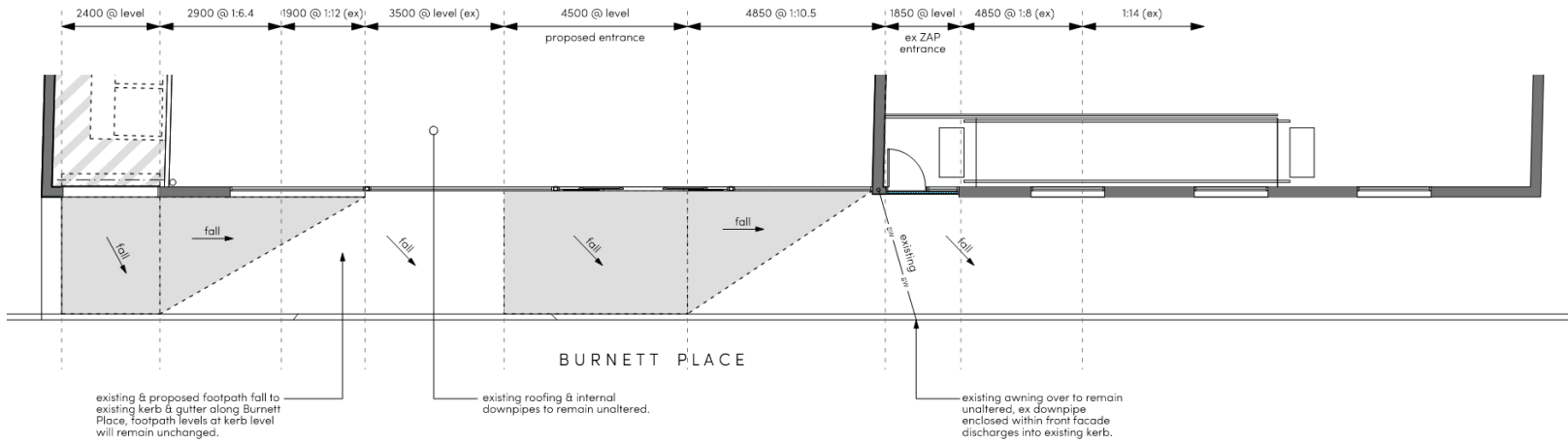


REVISION A	DATE 2/7/19	DESCRIPTION Amended DA Issue	DA NOT FOR CONSTRUCTION THIS DOCUMENT IS FOR INFORMATION PURPOSES ONLY IT IS NOT TO BE USED FOR CONSTRUCTION IT IS NOT TO BE USED FOR CONSTRUCTION		ISSUE DA
ADDRESS	346-352 Elizabeth Street				
CLIENT	SFO Property Pty Ltd				DWG # A202
DWG	Proposed Floor Plan				PROJECT # 005852
S. Group © Copyright 2018					

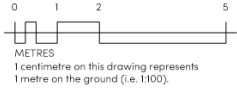




PROPOSED FOOTPATH AT BUILDING EDGE



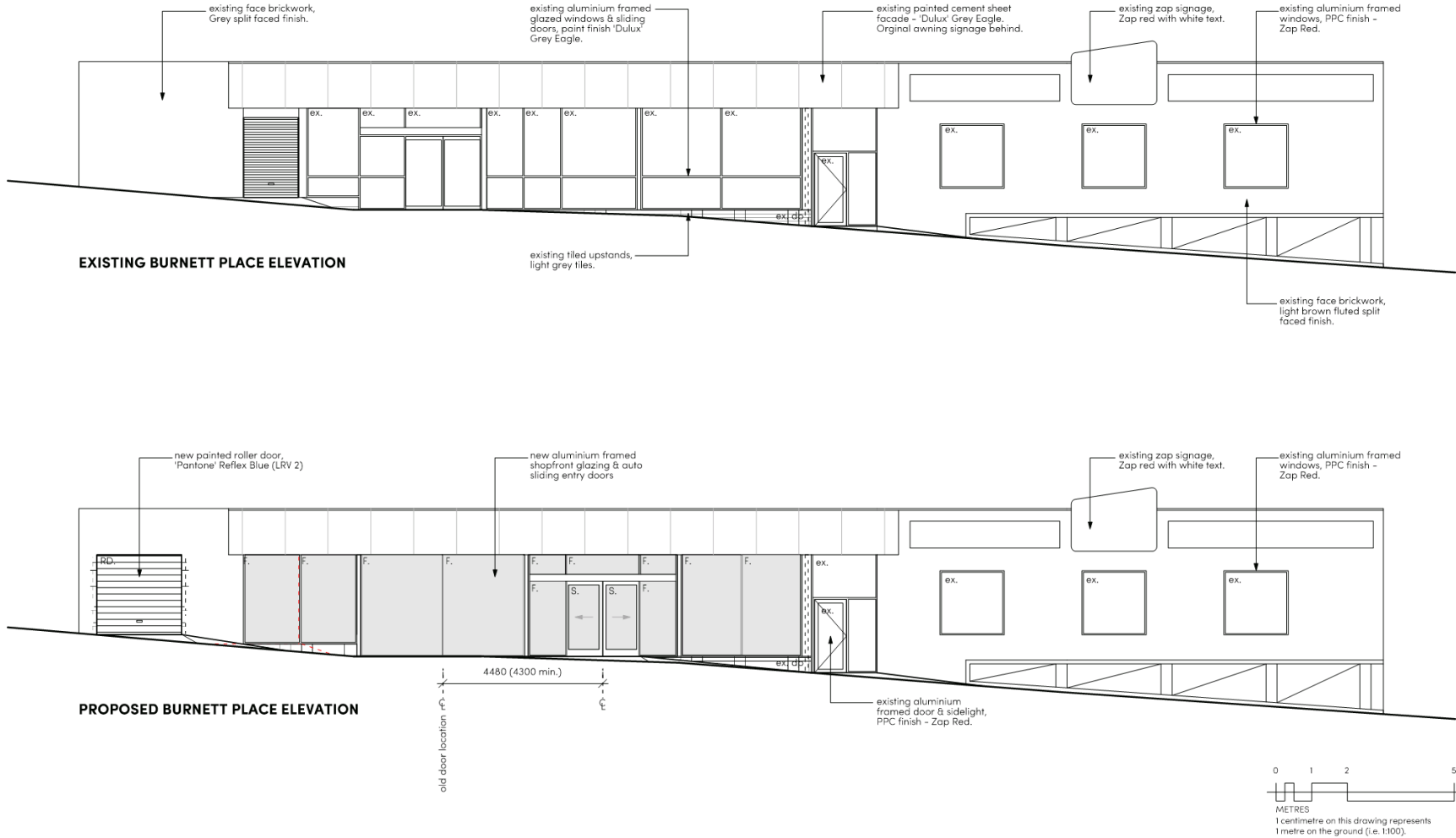
EXISTING STORMWATER DRAINAGE



FOR DEVELOPMENT APPLICATION ONLY



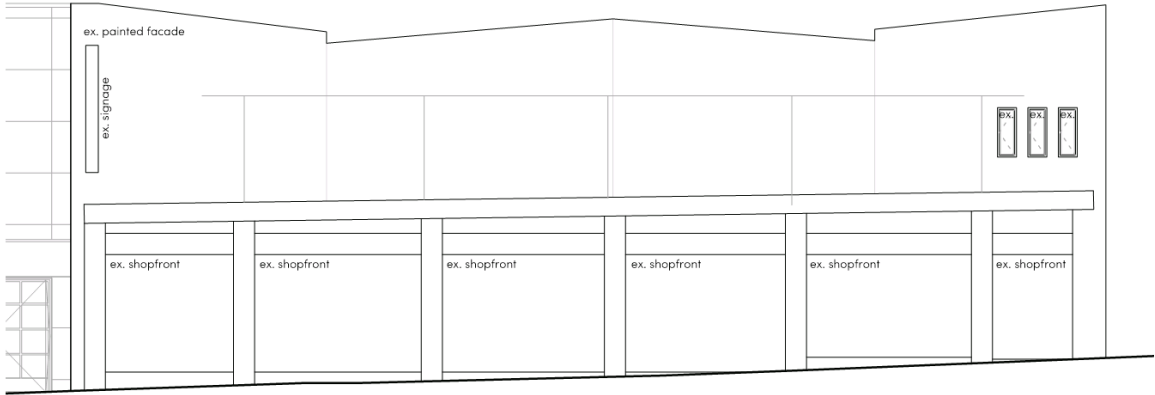
REVISION A	DATE 2/7/19	DESCRIPTION Amended DA Issue		
ADDRESS	346-352 Elizabeth Street		As per DA and all of the information on this drawing is intended to be used for the purpose of the DA only. It is not to be used for any other purpose without the written consent of the author.	ISSUE DA
CLIENT	SFO Property Pty Ltd		SCALE @ A3 1:100	DWG # A204
DWG	Proposed Footpath Alterations		DRAWN JE	
			CHKD JE	PROJECT# J005852
S. Group Level 1, 10-14 Paterson st, Launceston Level 1, 90-92 Murray st, Hobart 83 Langridge st, Collingwood, Melbourne © Copyright T. 03 63 111 403 E. info@sigroup.com.au sgroup.com.au				



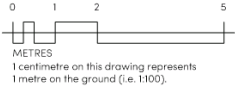
FOR DEVELOPMENT APPLICATION ONLY



REVISION A	DATE	2/7/19	DESCRIPTION	Amended DA Issue
ADDRESS	346-352 Elizabeth Street			
CLIENT	SFO Property Pty Ltd			
DWG	Proposed Elevations			
SCALE @ A3			1:100	DWG #
DRAWN			JE	ISSUE
CHKD			JB	PROJECT #
				005852
S. Group Level 1, 10-14 Paterson st, Launceston Level 1, 90-92 Murray st, Hobart 83 Langridge st, Collingwood, Melbourne T: 03 63 111 403 E: info@sgroup.com.au sgroup.com.au				



PROPOSED ELIZABETH STREET ELEVATION



FOR DEVELOPMENT APPLICATION ONLY



REVISION A	DATE 2/7/19	DESCRIPTION Amended DA Issue		
ADDRESS	346-352 Elizabeth Street		NOTES: State of final all drawings to be completed. Quoted all dimensions on the all plans to relevant NCD and DA.	
CLIENT	SFO Property Pty Ltd		SCALE @ A3	1:100
DWG	Proposed Elevations		DRAWN	JE
			CHKD	JB
			PROJECT #	005852
S. Group Level 1, 10-14 Paterson st, Launceston Level 1, 90-92 Murray st, Hobart 83 Langridge st, Collingwood, Melbourne				
© Copyright 2018 T: 03 63 111 403 E: info@sgroup.com.au sgroup.com.au				

ISSUE DA

DWG #

A302

City of **HOBART**

Enquiries to: Cindy Elder
☎: (03) 6238 836
✉: coh@hobartcity.com.au
Our Ref:

27 June 2019

John Etherington
Level 1, 90-92 Murray Street
Hobart 7000

Via Email: john@sgroup.com.au

Dear Mr Etherington

NOTICE OF LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address: **346-352 Elizabeth Street, North Hobart**

Description of Proposal: **Minor changes to finished surface levels on footpath to meet existing floor levels at proposed entrance Burnett Place Road Reservation**

Applicant Name: **John Etherington**

PLN (if applicable): **PLN-19-298**

I write to advise that pursuant to Section 52 of the *Land Use Planning and Approvals Act 1993*, I grant my consent on behalf of the Hobart City Council as the owner/administrator of the above land for you to make application to the City for a planning permit for the development described above and as per the attached documents.

Please note that the granting of the consent is only for the making of the application and in no way should such consent be seen as prejudicing any decision the Council is required to make as the statutory planning authority or as the owner/administrator of the land.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'N D Heath'.

(N D Heath)
GENERAL MANAGER

Hobart Town Hall
50 Macquarie Street
Hobart TAS 7000

Hobart Council Centre
16 Elizabeth Street
Hobart TAS 7000

City of Hobart
GPO Box 503
Hobart TAS 7001

T 03 6238 2711
F 03 6234 7109
E coh@hobartcity.com.au
W hobartcity.com.au

CityofHobartOfficial
ABN 39 055 343 428
Hobart City Council

City of **HOBART****LAND OWNER CONSENT TO
LODGE A PLANNING APPLICATION**

Site Address: **346-352 Elizabeth Street, North Hobart**

Description of Proposal: **Minor changes to finished surface levels on footpath to meet existing floor levels at proposed entrance Burnett Place Road Reservation**


Applicant Name: **John Etherington**

PLN (if applicable): **PLN-19-298**

The land indicated above is owned or is administered by the Hobart City Council.

The applicant proposes to lodge an application for a permit, pursuant to the *Land Use Planning and Approvals Act 1993*, in respect to the proposal described above.

Part or all of the application proposes use and/or development on land owned or administered by the City located at Minor changes to levels on footpath to meet existing floor levels at proposed entrance (as shown on the attached plans). Being and as General Manager of the Hobart City Council, I provide written permission to the making of the application pursuant to Section 52(1B)(b) of the *Land Use Planning and Approvals Act 1993*.


(N D Heath)
GENERAL MANAGER

Date: 11/7/19

This consent is for the making of a planning application only, and does not constitute landlord consent for the development to occur.

Attachments/Plans: Request for landlord consent , A101, A201, A202, A203

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 126023	FOLIO 1
EDITION 1	DATE OF ISSUE 29-Nov-1996

SEARCH DATE : 12-Feb-2013
SEARCH TIME : 10.48 AM

DESCRIPTION OF LAND

City of HOBART
Lot 1 on Plan 126023
Being the land described in Conveyance No.54/0967.
Excepting thereout Lot 1:Conv. 42/1735 (92/86 DO) 1.4 Perches.
Derivation : Part of 4 Acres 2 Roods Granted to H.Condell.
Derived from A 16785

SCHEDULE 1

SYPKES SECURITIES PTY LTD of nineteen undivided 1/20 shares
and JOHANN CHRISTOPH CARL SYPKES of one undivided
1/20 share as tenants in common

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
39/430 Benefiting Easement:Right of Way over the roadway
extending from Burnett Street.

UNREGISTERED DEALINGS AND NOTATIONS


No unregistered dealings or other notations

the **LIST.****FOLIO PLAN**

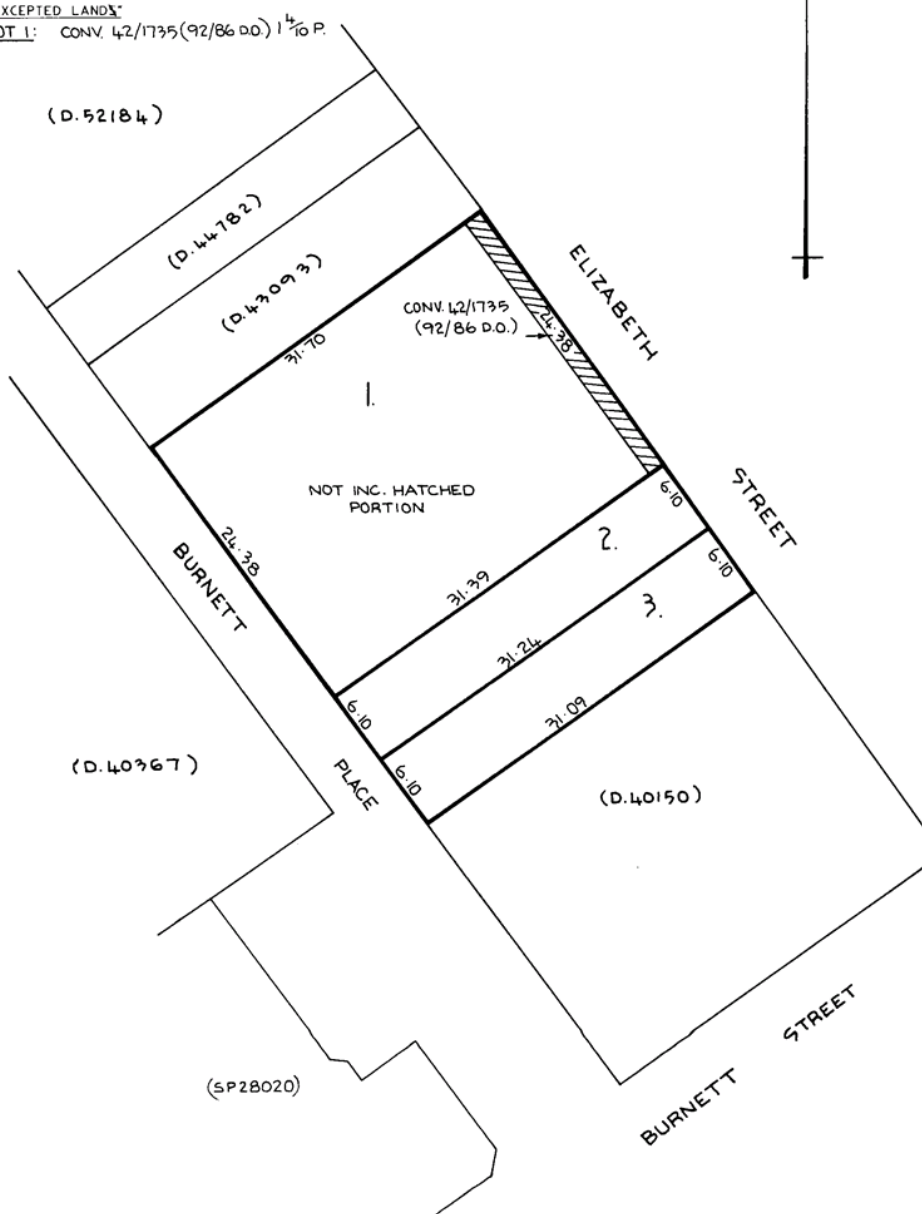
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



FILE NUMBER LOT 1 - A.16785 LOT 2 - A.16783 LOT 3 - A.16784 GRANTEE PART OF 4A.29.0P GTD. TO HENRY CONDELL		CONVERSION PLAN LOCATION CITY OF HOBART (SEC. M2) CONVERTED FROM LOT 1 - CONV. 54/0967 LOT 2 - CONV. 54/0947 LOT 3 - CONV. 54/0965 NOT TO SCALE LENGTHS IN METRES		REGISTERED NUMBER P 126023 APPROVED 16 OCT 1996  Recorder of Titles
MAPSHEET MUNICIPAL CODE No. 114	LAST UPI No. 2103959	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		DRAWN C.L.

SKETCH BY WAY OF ILLUSTRATION ONLY
 "EXCEPTED LANDS"
 LOT 1: CONV. 42/1735 (92/86 D.O.) 1⁴/₁₀ P.



A-183

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 126023	FOLIO 2
EDITION 1	DATE OF ISSUE 04-Dec-1996

SEARCH DATE : 12-Feb-2013

SEARCH TIME : 11.03 AM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Plan 126023

Being the land described in Conveyance No.54/0964.

Derivation : Part of 4 Acres 2 Roods Granted to H.Cordell.

Derived from A 16783

SCHEDULE 1

SYPKES SECURITIES PTY LTD

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS


No unregistered dealings or other notations

the **LIST.****FOLIO PLAN**

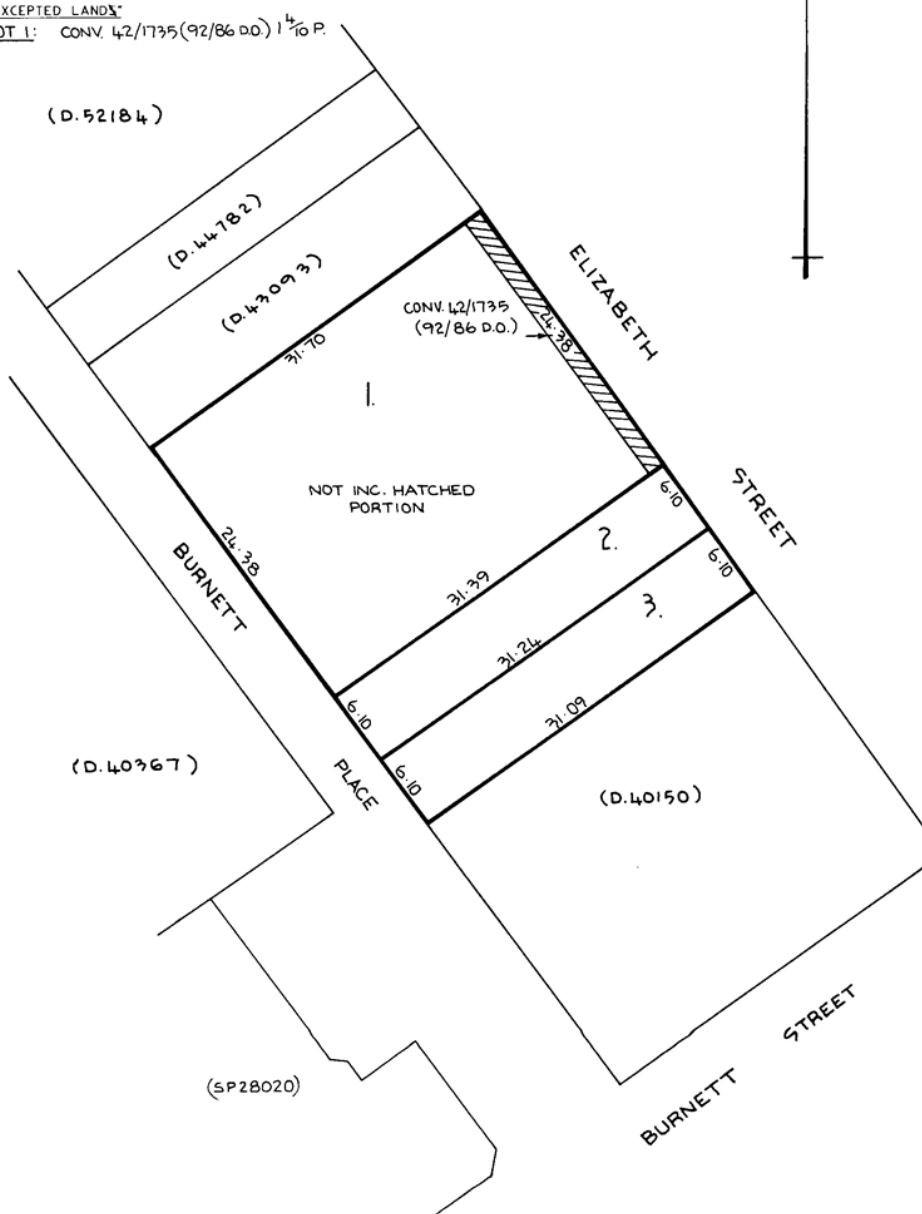
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



FILE NUMBER LOT 1 - A.16785 LOT 2 - A.16783 LOT 3 - A.16784 GRANTEE PART OF 4A.29.0P GTD. TO HENRY CONDELL		CONVERSION PLAN LOCATION CITY OF HOBART (SEC.M2) CONVERTED FROM LOT 1 - CONV. 54/0967 LOT 2 - CONV. 54/0947 LOT 3 - CONV. 54/0965 NOT TO SCALE LENGTHS IN METRES		REGISTERED NUMBER P 126023 APPROVED 16 OCT 1996  Recorder of Titles
MAPSHEET MUNICIPAL CODE No. 114	LAST UPI No. 2103959	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		DRAWN C.L.

SKETCH BY WAY OF ILLUSTRATION ONLY
 "EXCEPTED LANDS"
 LOT 1: CONV. 42/1735 (92/86 D.O.) 1⁴/₁₀ P.



A-183

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 126023	FOLIO 3
EDITION 3	DATE OF ISSUE 04-Dec-1996

SEARCH DATE : 12-Feb-2013
SEARCH TIME : 11.04 AM

DESCRIPTION OF LAND

City of HOBART
Lot 3 on Plan 126023
Being the land described in Conveyance No.54/0965.
Derivation : Part of 4 Acres 2 Roods Granted to H.Condell.
Derived from A 16784

SCHEDULE 1

B960797 SYPKES SECURITIES PTY LTD (MF:24570/415)

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

RECORDED OF TITLES

Issued Pursuant to the Land Titles Act 1980



FILE NUMBER LOT 1 - A.16785 LOT 2 - A.16783 GRANTEE LOT 3 - A.16784 PART OF 4 ^{A. 2^{A. 0^P} GTD. TO HENRY CONDELL}		<h2 style="margin: 0;">CONVERSION PLAN</h2> LOCATION <h3 style="margin: 5px 0;">CITY OF HOBART (SEC.M2)</h3> CONVERTED FROM LOT 1 - CONV. 54/0967 LOT 2 - CONV. 54/0947 LOT 3 - CONV. 54/0965 NOT TO SCALE LENGTHS IN METRES		REGISTERED NUMBER <h1 style="margin: 0;">P 126023</h1> APPROVED 16 OCT 1996 Recorder of Titles			
MAPSHEET MUNICIPAL CODE No. 114		LAST UPI No. 2103959		ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		DRAWN C.L.	

SKETCH BY WAY OF ILLUSTRATION ONLY

"EXCEPTED LANDS"

LOT 1: CONV. 42/1735 (92/86 D.O.) 1⁴/₁₀ P.