



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Committee:	1 March 2023
Expiry Date:	31 March 2023
Application No:	PLN-22-851
Address:	87 GOULBURN STREET , HOBART
Applicant:	Fletcher Scott (Brine Brothers Pty Ltd) 65 Marys Hope Road DOM WALSH U1 64 GROVE ROAD GLENORCHY TAS 7010
Proposal:	Partial Demolition, Alterations, Signage, and Partial Change of Use to Food Services
Representations:	Five representations.
Performance criteria:	Inner Residential Zone - Non-Residential Use, Parking and Access Code - Number of Car Parking Spaces, and, Historic Heritage Code - Demolition and Buildings and Works other than Demolition.

1. Executive Summary

- 1.1 Planning approval is sought for partial demolition, alterations, and partial change of use to food services at 87 Goulburn Street, Hobart.
- 1.2 More specifically the proposal includes:
 - demolition and removal of fittings and fixtures associated with the previous use of the site as a self-service laundry,
 - alterations including the installation of seating, a bar, bathroom, and a commercial kitchen to facilitate a change of use to a café/restaurant.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 11.0 Inner Residential Zone - 11.3 Use Standards
 - 1.3.2 E6.0 Parking and Access Code - E6.6 Use Standards

1.3.3 E13.0 Historic Heritage Code - E13.7 Development Standards for Heritage Places

- 1.4 Five (5) representations objecting to the proposal were received within the statutory advertising period between 23 January and 7 February 2023.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Planning Committee, because officers have chosen not to exercise their delegated authority to determine the application, due to the nature of the proposal and the representations received.

2. Site Detail

- 2.1 The site is a mixed use property close to the south-western edge of the Hobart CBD. The property is on the northern corner of the intersection of Molle Street and Goulburn Street. The property has an area of approximately 70m². The property is occupied by a two-storey, brick building that has previously contained a laundromat on the ground floor and a flat on the upper level. The proposed change of use would be restricted to the ground floor of the building. No car parking is provided on the site.
- 2.2 There is a butcher and cafe to the south-west of the site, on the opposite side of Molle Street and a Council maintained play area on the opposite corner to the south. Further non-residential use occurs to the south-east of the site along Molle Street but the site is otherwise surrounded by established residential use and development.

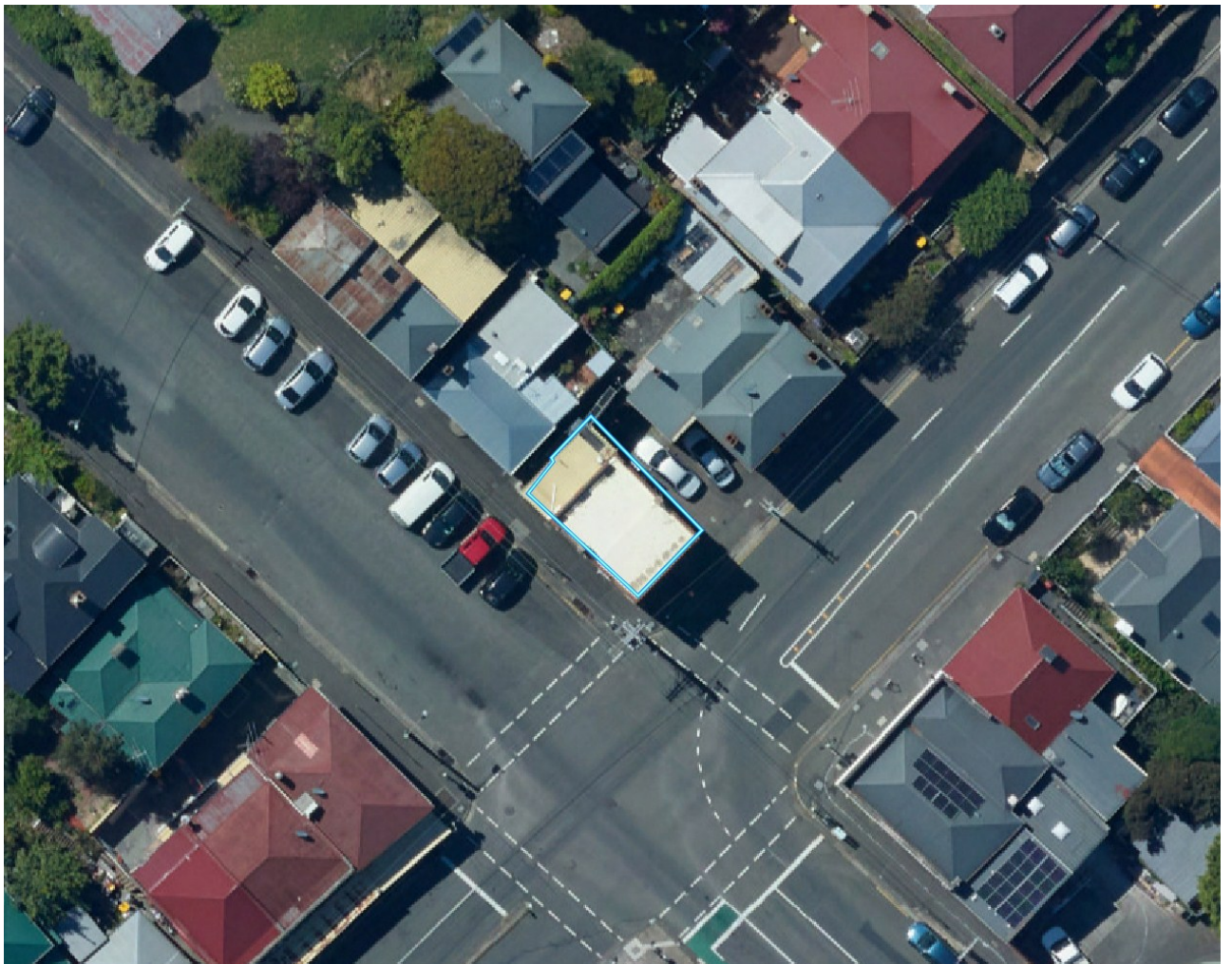


Figure 1: aerial view of site (outlined in blue) and surrounding area.

3. Proposal

3.1 Planning approval is sought for partial demolition, alterations, and partial change of use to food services at 87 Goulburn Street, Hobart.

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- alterations including the installation of seating, a bar, bathroom, and a commercial kitchen to facilitate a change of use to a café/restaurant.

4. Background

4.1 Council issued a Planning Permit for a sign on the site in May 2005 (see PLN-07-00298-01).

5. Concerns raised by representors

5.1 Five (5) representations objecting to the proposal were received within the statutory advertising period.

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 operating hours proposed 7.30am to 9pm, 7 days a week, are not appropriate for a residential area".
"Their [sic] is no parking in the area for this type of business as residents we are already having parking difficulties with the existing café and back packers as well as short term rentals".
"Their is no mention of management of noise and people management of the premises and the outflow onto the street".
"The proponents have not engaged with the residents surrounding the premises".

"Their [sic] is also no information regarding how the premises will manage intoxicated clients in the late evening which will affect the amenity of the resident".
"I would like to see closing times adhered to and not extended, no outdoor staging, and not music broadcast outside".
"I would like the application to be clearly denied permission to expand to alfresco eating, particularly to the roof top space of the laundromat".
"The proposal cites 40 seats [under executive summary]. From the plan submitted showing 18 seats, do they intend sitting the difference alfresco?".
"Regarding take away food. The park opposite is well used by parents with toddlers. It would not be a good addition to the park and playground to have inebriated hipsters from 07:30 in the day".
"There is no room for 40 seated people in the Plan offered. Also noted, that if full, there will be 4-5 staff! How!!".
"Alfresco tables should be not be considered in the street nor in the adjoining driveway. The Terrace, the best view, should Never ever be part of this business, chatter, music, & overlook onto the residences below & across".
"This is an inner residential property with a flat upstairs and should keep the same hours as the existing businesses, packed up and gone by 6pm & closed Sundays".
"Parking, music, loud chatter etc, 'fostering a culture of early drinking', are a major problems".
"There are multiple serious concerns about the change of use and the intended use of the subject site and the incompatibility of that use with the amenity of the surrounding residential area".
"There is also well justified concern about the introduction of a very high traffic generating use into a site that sits on the corner of an intersection that serves as a traffic feeder of significant traffic flow into and through West Hobart".

<p>"The use as described by the applicant in detail can only be reasonably considered as Hotel Industry, which is a Prohibited use in the Inner Residential zone".</p>
<p>"There is little doubt that the primary focus for the use proposed is that of a bar, as described themselves by the applicant. A bar falls within the Hotel Industries use class".</p>
<p>"The use of Hotel Industry in a residential zone is quite understandably prohibited. The servicing of alcohol (even with supplementary or ancillary serving of food) in an environment where this is the focus of hospitality offerings commonly results in anti social behaviour that impacts unreasonably on the amenity of residents in a surrounding residential area by way of noise, rubbish, anti-social behaviour and vandalism".</p>
<p>"It is considered that given how prominently alcohol features in the description of use and operations, it is not reasonable to argue that Hotel Industries is a subservient or ancillary use to Food Services".</p>
<p>"Traffic and Parking Concerns in the surrounding area".</p>
<p>"Notwithstanding the fact that the application as presented seeks approval for the prohibited use of Hotel Industries, the use as proposed is a very high traffic generating use".</p>
<p>"The use as proposed is of a scale, intensity and traffic generating nature that is entirely inappropriate for the subject site and surrounding residential area. 11.1.1.6 is not met".</p>
<p>"The inclusion of a bar that focusses heavily on alcohol serving to patrons with repeated references to happy hours, cheap drinks, city bound drinkers, industry nights, aperitivo hours, hospitality nights and providing a range and focus on alcohol choices is not considered compatible with the amenity of residential properties in the surrounding residential area, with some residences located directly adjacent to the subject site. 11.1.1.2, 11.1.1.5 and 11.1.1.6 are not met".</p>
<p>"The proposed use seeks approval for hours of operation substantially outside of the 8am to 6pm hours of operation".</p>

"The proposed use states that deliveries will be restricted to 9am to 5pm hours. There is no evidence to support this provided as part of the application".
"The proposal must be refused on the basis of the significantly exacerbated undesirable impact the proposed use will have on the surrounding area where residents and existing businesses already report extreme difficulty in accessing on street parking, excessive commuter use of on street parking, significant traffic flow, prevalence of illegal parking and high accidents rates at the intersection".
"The proposal fails to provide any detail confirming satisfactory commercial vehicle arrangements for loading or unloading that does not comprise the safety and convenience of traffic, pedestrians and other road users".
"The proposed development does not provide any detail on how noise emissions will be managed to avoid any impact on adjacent residential properties".
"The application as presented to Council should be refused by Council".
"We are lodging an objection to the proposal at 87 Goulburn Street, West Hobart based on several concerns with the current Parking and Traffic issues".
"This clearly does not comply with the Parking Code E6.0 with respect to parking, hours of operation, scale of business and lack of loading facilities".

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 Inner Residential Zone of the *Hobart Interim Planning*

Scheme 2015.

6.3 The following relates to the use of the site:

6.3.1 The site has most recently been used as a laundromat (self-service laundry) which is considered to be within the General Retail and Hire use class. The proposed use is a cafe/restaurant within the Food Services use class. The previous use is a discretionary use in the above zone. The proposed use is a discretionary use in the zone provided that it meets the following qualification:

Only if in an existing building and not displacing a residential or visitor accommodation use, unless occupying floor area previously designed and used for non-residential commercial purposes (excluding visitor accommodation).

The proposed use would be within an existing building and would not displace a residential or visitor accommodation use. The proposed use therefore meets the qualification.

6.3.2 It is noted that the proposal includes the sale of alcohol on the site. Given that the Hotel Industries use class is prohibited within the Inner Residential Zone and therefore could not be approved on the site, the sale of alcohol should only occur in association with the service of food for consumption on the premises. A condition to this effect should be included upon any Planning Permit issued for the proposal. The condition should include advice that any liquor licence issued for the premises should be consistent with this restriction upon the sale of alcohol. The condition should also include advice that promoting the business as a bar and engaging in alcohol only based promotions (such as happy hours for example) are not considered to be consistent with a food services use.

6.3.3 Clause 8.10.2 of the planning scheme states that:

In determining an application for a permit for a discretionary use the planning authority must, in addition to the matters referred to in subclause 8.10.1, have regard to:

- (a) the purpose of the applicable zone;*
- (b) any relevant local area objective or desired future character statement for the applicable zone;*
- (c) the purpose of any applicable code; and*
- (d) the purpose of any applicable specific area plan,*

but only insofar as each such purpose, local area objective or desired future character statement is relevant to the particular discretion being exercised.

Therefore, the proposed discretionary use must be considered against the matters raised in clause 8.10.2.

The zone purpose statements for the Inner Residential Zone are as follows:

11.1.1.1 To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.

11.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.

11.1.1.3 To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.

11.1.1.4 To encourage residential development that respects the neighbourhood character.

11.1.1.5 To provide a high standard of residential amenity.

11.1.1.6 To allow commercial uses which provide services for the needs of residents of a neighbourhood and do not displace an existing residential use or adversely affect their amenity particularly through noise, traffic generation and movement, and the impact of demand for on-street parking.

The proposal is considered to be consistent with the purpose of the applicable zone, as it is consistent with the zone purpose statements provided for the Inner Residential Zone. Specifically, the proposal is considered to be consistent with the statements at 11.1.1.2 and 11.1.1.6 as it is for a compatible commercial use that would serve the residents in the neighbourhood around the site and the local community. It is considered that any impacts upon residential amenity as a result of noise, traffic generation and movement, and on-street parking demand would be limited given the relatively small scale of the proposed use. The scale of the proposed use would be limited by the small floor area and limited

number of seats provided within the premises.

There are no relevant local area objectives or desired future character statements.

The proposal is considered to be compatible with the purpose of the applicable codes, as discussed further in the following sections of this report. In summary, the proposal is consistent with the Parking and Access Code because sufficient parking would be provided for the proposed use to meet the reasonable requirements of users. The proposal is consistent with the purpose of the Historic Heritage Code because it would not impact upon heritage values.

There is no applicable specific area plan.

The proposal is considered to be consistent with the matters raised in clause 8.10.2.

6.4 The proposal has been assessed against:

6.4.1 11.0 Inner Residential Zone

6.4.2 E6.0 Parking and Access Code

6.4.3 E13.0 Historic Heritage Code

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

6.5.1 11.0 Inner Residential Zone:

11.3.1 Non-Residential Use P1

6.5.2 E6.0 Parking and Access Code:

E6.6.1 Number of Car Parking Spaces

6.5.3 E13.0 Historic Heritage Code:

E13.7.1 Demolition, and,

E13.7.2 Buildings and Works other than Demolition P1

6.6 Each relevant performance criterion is assessed below.

6.7 11.3.1 Non-Residential Use P1

6.7.1 The acceptable solution A1 at clause 11.3.1 requires hours of operation to be within 8am to 6pm.

6.7.2 The proposal includes hours of operation that would not be within the prescribed hours. The proposed operating hours are 7:30am to 9pm, 7 days per week.

6.7.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.7.4 The performance criterion P1 at clause 11.3.1 provides as follows:

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

6.7.5 The applicant has stated that commercial vehicle movements associated with the proposed use will occur during regular business hours - i.e. 9am to 5pm. Provided that commercial vehicle movements, including vehicle movements associated with the removal of waste from the site, occur within these hours it is anticipated that they will not have an unreasonable impact upon residential amenity. A condition requiring commercial vehicle movements to occur within regular business hours should be included upon any Planning Permit issued for the proposal.

6.7.6 As stated earlier in the report, the relatively small scale of the proposed use is considered likely to ensure that it does not have an unreasonable impact upon residential amenity, including any impact that may be caused as a result of an increase in noise. To ensure that the scale of the use is limited, a condition of approval limiting occupancy of the venue to 30 persons is recommended. This figure is equivalent to the maximum number of seats indicated on the submitted floor plan. It is noted that a use in which alcohol is consumed by patrons that are standing is more consistent with a Hotel Industry use rather than a Food Services use. Therefore, the use of the venue for "stand-up functions" should not be approved. The condition limiting occupancy of the venue should include advice that the venue should not be used for "stand-up functions".

6.7.7 It is noted that the ground floor of the building on the site is separated from the adjoining dwellings to the north-east and north-west by a driveway and

the rear of the flat on the upper level of the subject building respectively. This separation would assist in reducing any noise impacts upon these properties caused as a result of the proposal. While the site is considered unlikely to be used as a live music venue given the small floor area available, given the proximity of nearby residences, a condition of approval should prohibit amplified music on the site and the use of amplified equipment. The proposal is not considered likely to cause any other emissions that may impact upon residential amenity.

6.7.6 The proposal complies with the above performance criterion.

6.8 *E6.6.1 Number of Car Parking Spaces*

6.8.1 The acceptable solution at clause *E6.6.1* requires the number of on-site car parking spaces to be no less than the number specified in Table E6.1.

6.8.2 The proposal includes less than the number of on-site car parking spaces specified in Table E6.1, which for food services use on this site is 11 spaces. No on-site car parking spaces would be provided for the proposed use (noting that the Scheme requires that 2 parking spaces should be provided for the existing use).

6.8.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion is relied on.

6.8.4 The performance criterion at clause *E6.6.1* provides as follows:

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.

- 6.8.5 Council's Senior Development Engineer has assessed the proposed car parking arrangements against the above performance criterion and provided the following comments:

"A deficiency of 9 spaces is proposed (taking into consideration the current use requirement).

Car Parking Demand - The car parking demand is likely to be less than prescribed in the scheme due to the nature of the use. With the exception of the employees, the nature of the users of the food service will be visiting meaning that timed parking will be sufficient in meeting the likely demand of the proposal. Given that the proposal also includes alcohol, limiting on-site parking has been considered a positive for road safety discouraging drink driving.

Availability of on-street car parking - Located in an inner residential area, the site is surrounded by timed parking. Given the use will promote a higher turnover of customers (long stay parking not expected) the surrounding network is likely to accommodate the deficiency proposed.

Located within walking distance of the CBD, and a Bus Service on Molle Street, the availability for users to utilise other modes of transport is available.

Hence, it is deemed that the deficiency proposed is acceptable, mainly due to the real parking demand generated, and the surrounding road

networks availability of timed parking".

6.8.6 The proposal complies with the above performance criterion.

6.9 *E13.7.1 Demolition*

6.9.1 There is no acceptable solution for clause *E13.7.1* which applies where demolition is proposed on a heritage place.

6.9.2 The proposal includes demolition and the site is listed as a heritage place.

6.9.3 As there is no acceptable solution for the above clause the proposal therefore relies upon assessment against the below performance criterion.

6.9.4 The performance criterion at clause *E13.7.1* provides as follows:

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.

6.9.5 Council's Cultural Heritage Officer has assessed the proposed demolition against the above performance criterion and provided the following comments:

"It is considered the proposed demolition works will not result in loss of significant fabric, the elements proposed for demolition are noted as either being modern additions / fit out related to the use as a laundromat. The proposed demolition works are considered to satisfy *E13.7.1*".

6.9.6 The proposal complies with the above performance criterion.

6.10 *E13.7.2 Buildings and Works other than Demolition P1*

- 6.10.1 There is no acceptable solution A1 for clause E13.7.2 which applies where buildings and works other than demolition are proposed on a site that is a heritage place.
- 6.10.2 The proposal includes buildings and works and the site is listed as a heritage place
- 6.10.3 As there is no acceptable solution for the above clause the proposal therefore relies upon assessment against the below performance criterion.
- 6.10.4 The performance criterion P1 at clause E13.7.2 provides as follows:

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.*

- 6.10.5 Council's Cultural Heritage Officer has assessed the proposal against the above performance criterion and provided the following comments:

"The proposed works will not result in the loss of significance to the place through incompatible design. The proposed restaurant fit out is located on the ground floor and it is noted that this part of the building internally has few original heritage features retained see fig 1 below. Performance Criteria 1 of E13.7.1 is considered satisfied".

- 6.10.6 The proposal complies with the above performance criterion.

7. Discussion

- 7.1 Planning approval is sought for partial demolition, alterations, and partial change of use to food services at 87 Goulburn Street, Hobart.
- 7.2 The application was advertised and received five representations. The representations raised the following concerns:

- the proposal is for a prohibited use, i.e. a Hotel Industries use,
- alfresco/on-street seating associated with the proposed use should not be approved,
- the proposed operating hours are not appropriate for a residential area,
- noise from the proposed use will have a detrimental impact on residential amenity,
- the lack of on-site car parking provided for the proposed use will exacerbate the existing lack of car parking in the area,
- a late-night music venue is proposed, and,
- commercial vehicle movements associated with the proposed use would not be contained within the site.

A response to each of these concerns is as follows:

- While the proposed use clearly includes the service of alcohol this would be in association with the service of meals for consumption on the site. A condition that would restrict the sale of alcohol to be only in association with the service of meals is recommended. The condition is considered to ensure that the use of the site would be consistent with a Food Services use, which is not prohibited on the site.
- alfresco/on-street seating is not included in the current application. Any application for approval for alfresco/on-street seating would be assessed against Council's relevant by-law. Advice regarding the need for further approval for any on-street seating should be included in any Planning Permit issued for the proposal.
- The site is on the edge of the Hobart CBD close to where other non-residential uses occur. The proposed use would be limited in scale by the relatively small floor area of the premises. A condition of approval is recommended to limit the maximum occupancy which would also limit the scale of the proposed use. The proposed operating hours would not extend late into the evening and are considered to be appropriate for the site.
- The limited scale of the proposed use would reduce any associated impacts such as those caused by increased noise emissions. A condition of approval prohibiting the use of amplified music on the site is recommended. The proposal is unlikely to have an unreasonable impact on residential amenity.
- As noted in the assessment provided by Council's Senior Development Engineer, there are several timed on-street car parking spaces in the area surrounding the site. Therefore, it is considered that there would be adequate turn-over of car parking spaces to ensure that car parking is available for patrons accessing the proposed use.
- While a late-night music venue is not defined in the planning scheme, it is generally accepted to be a venue that has live music between midnight and dawn. The proposed use would therefore clearly not be a late-night music venue.

given the proposed operating hours (i.e. 9pm close).

- As the proposed use is not primarily dependent upon the outward delivery of goods from the site, it is considered that on-site facilities for commercial vehicles are not required by the relevant planning scheme standard (i.e. clause *E6.7.13 Facilities for Commercial Vehicles*). Notwithstanding this, it is considered that the loading and unloading of commercial vehicles will not compromise the safety and convenience of vehicular traffic, cyclists, pedestrians and other road users, noting in particular the presence of 15 minute parking on the other side of Goulburn Street. In addition, the applicant has stated that commercial vehicle movements associated with the proposed use will occur during standard business hours. A condition requiring commercial movements to occur within the hours prescribed by the relevant planning scheme standard (i.e. clause *11.3.1 Non-Residential Use A 3*) is recommended.

7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to comply.

7.4 The proposal has been assessed by other Council officers, including the Council's Senior Development Engineer and its Cultural Heritage Officer. The officers have raised no objection to the proposal.

7.5 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed partial demolition, alterations, and partial change of use to food services at 87 Goulburn Street, Hobart, satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015* and is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Planning Committee, in accordance with the delegations contained in its terms of reference, approves the application for partial demolition, alterations, and partial change of use to food services at 87 Goulburn Street, 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-22-851 - 87 GOULBURN STREET 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 2023/00071-HCC dated 25/1/2023 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 6

The hours of operation approved for the use are Monday – Sunday, 7:30am - 9pm. Office and administrative tasks associated with the approved use may be performed outside of these hours. Waste management tasks associated with the use, such as the emptying and filling of bins for example, are not considered to be administrative tasks and must not occur outside of the approved hours of operation.

Reason for condition

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

PLN s1

Unless further approval is obtained, commercial vehicle movements, (including loading and unloading and garbage removal) associated with the approved use must be within the hours of:

- (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;**
- (b) 9.00 am to 12 noon Saturdays;**
- (c) nil on Sundays and Public Holidays.**

Reason for condition

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

PLN s2

Unless further approval is obtained, the maximum occupancy (not including staff) approved for the use is 30 persons.

Reason for condition

To ensure that a commercial use does not adversely affect residential amenity.

PLN s3

Unless further approval is obtained, amplified music and the use of other amplified equipment associated with the approved use is prohibited.

Reason for condition

To ensure that a commercial use does not adversely affect residential amenity.

PLN s4

Any alcohol sold in association with the approved use must be for consumption on the site and only in association with the service of meals.

Advice:

- *Any liquor licence issued for the approved use should be consistent with the requirements of this condition.*
- *The approved use should not be promoted as a bar and should not be promoted with alcohol only based promotions, such as "happy hours" for*

example.

- *The premises should not be used as a venue for "stand-up functions" (i.e. where alcohol is consumed by patrons that are exclusively standing rather than seated).*

Reason for condition

To clarify the scope of the permit.

ADVICE

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

PUBLIC HEALTH

You may be required to provide approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. Click [here](#) for more information.

FOOD BUSINESS REGISTRATION

Food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information.

SINGLE USE PLASTICS

The City of Hobart has a 'Single-Use Plastics By-Law' in force, which applies to retailers who provide or sell food to be taken from the retailer's premises in food packaging. Retailers must not provide to a person any food packaging which is wholly or partly comprised of plastic and a single use product. Please click [here](#) for more information.

OCCUPATION OF THE PUBLIC HIGHWAY

This permit does not include approval for any on-street seating and/or tables associated with the approved use. An occupational licence for use of the Hobart City Council highway reservation would be required for any on-street seating and/or tables associated with the approved use. Click [here](#) for more information.

NOISE REGULATIONS

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

FEES AND CHARGES

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



(Adam Smee)

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.



(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: 20 February 2023

Attachment(s):

Attachment B - Planning Committee Agenda Documents