

## **7.3 COMMITTEE ACTING AS PLANNING AUTHORITY**

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### **7.3.1 Amendment PSA-20-2 - Hobart Interim Planning Scheme 2015 - 321-323A to 325 Elizabeth Street and 16A Lefroy Street File Ref: F20/134169**

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Report of the Development Planner of 12 January 2021 and attachments.

Delegation: Council



City of **HOBART**

## MEMORANDUM: CITY PLANNING COMMITTEE

### **Amendment PSA-20-2 - Hobart Interim Planning Scheme 2015 - 321-323A to 325 Elizabeth Street and 16A Lefroy Street**

Amendment PSA-20-2 proposes the rezoning of part of 321-323A and 325 Elizabeth Street from Inner Residential to General Business. The sites are currently split zoned, and the amendment application proposes that these entire titles be zoned General Business. The application has been submitted by Ireneinc Planning & Urban Design, on behalf of the City of Hobart, in order to allow for the rear portion of 321-323A and 325 Elizabeth Street to be used for a public car park. Vehicle parking is a prohibited use under the Inner Residential Zone and is a discretionary use under the General Business Zone.

The amendment application has been independently assessed by JMG Engineers and Planners. The report and associated recommendations are provided in **Attachment A**. The report recommends that the site is not rezoned, but alternatively recommends the intent of the application be achieved by a site specific qualification to the Use Table of the Inner Residential Zone to allow for discretionary vehicle parking. The recommendations of that report are repeated below:

#### **RECOMMENDATION**

**That:**

- 1. Pursuant to Section 34(1) (a) of the former provisions of the Land Use Planning and Approvals Act 1993, the Council resolve to initiate an amendment to the Hobart Interim Planning Scheme 2015 to modify the Inner Residential zone Use Table to include Vehicle Parking as a discretionary use with the qualification “only if at 321-323A Elizabeth Street (CT 137808/1 and 2); or 325 Elizabeth Street (CT 176661/1 and CT 137807/1); or 16A Lefroy Street (CT 112639/1 and CT 112639/2)”, as indicated in the revised Inner Residential Use Table provided in Attachment B.**
- 2. The applicant submit landowner consent from the City of Hobart General Manager as landowner of 16A Lefroy Street (CT 112639/1 and CT 112639/2) and the Director of Housing as landowner of 45A Burnett**

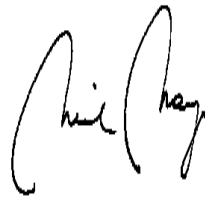
**Street (CT 121837/1) prior to public exhibition of the amendment.**

- 3. Pursuant to Section 35 of the former provisions of the Land Use Planning and Approvals Act 1993, the Council certify that the amendment to the Hobart Interim Planning Scheme 2015 PSA-20-2 meets the requirements of Section 32 of the former provisions of the Land Use Planning and Approvals Act 1993 and authorise the General Manager and the Deputy General Manager to sign the Instrument of Certification (Attachment E).**
  
- 3. Pursuant to Section 38 of the former provisions of the Land Use Planning and Approvals Act 1993, the Council place Amendment PSA-20-2 to the Hobart Interim Planning Scheme 2015 on public exhibition for a 28 day period following certification.**

*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.*



Sarah Crawford  
**DEVELOPMENT PLANNER**



Neil Noye  
**DIRECTOR CITY PLANNING**

Date: 12 January 2021  
File Reference: F20/134169

Attachment A: [PSA-20-2 - Amendment Report and Attachments](#) ↓ 

**REPORT TITLE: AMENDMENT PSA-20-2 – HOBART INTERIM PLANNING SCHEME 2015 – 321-323A to 325 ELIZABETH STREET REZONING AND 16A LEFROY STREET**

**REPORT PROVIDED BY: INDRA BOSS - JMG ENGINEERS & PLANNERS**

**1. Report Purpose and Community Benefit**

- 1.1. The purpose of this report is to consider an application under the former provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA), to amend the *Hobart Interim Planning Scheme 2015* (HIPS 2015) by rezoning the rear part of the properties at 321-323A Elizabeth Street and 325 Elizabeth Street, North Hobart from 'Inner Residential' to 'General Business'. The amendment is described in the applicant's submission in Attachment A.
- 1.2. Pursuant to s33 of LUPAA, the planning scheme amendment application is not combined with a planning permit application.
- 1.3. The application has been made by Ireneinc Planning on behalf of the City of Hobart, and the proposal is designed to enable the City of Hobart to seek a future discretionary use for the site, specifically the opportunity for additional public carparking spaces via the expansion of the Council owned Lefroy Street carpark.
- 1.4. The proposal benefits the community by ensuring that land is appropriately addressed in the planning scheme to facilitate the future application for public car parking on site which will ultimately relieve on-street car parking pressures in North Hobart and facilitate increased patronage of local businesses.

**2. Report Summary**

- 2.1. The proposal is to rezone the rear sections of land known as 321-323A Elizabeth Street and identified by CT 137808/1 and CT 137808/2; and 325 Elizabeth Street identified by CT 176661/1 and CT 137807/1 from 'Inner Residential' zone to 'General Business' zone.
- 2.2. The front section of lots CT 176661/1 and CT 137808/1 contain existing buildings on land within the 'General Business' zone. The front sections of the lots are located within Heritage Precinct (number NH6) and the North Hobart Specific Area Plan. No changes are proposed to these overlay areas of the lots.
- 2.3. All land within the subject site (namely CT 176661/1, CT 137808/1, CT 137807/1 and CT 137808/2) is located within the Royal Hobart Hospital Helipad Airspace Specific Area Plan and the proposed amendment retains this overlay over the land.

- 2.4. The rear section of the lots CT 176661/1 and CT 137808/1 and the entirety of lots CT 137807/1 and CT 137808/2 are proposed to be zoned 'General Business'. This land is located within the Royal Hobart Hospital Helipad Airspace Specific Area Plan and the proposed amendment retains this overlay over the land.
- 2.5. The subject site includes land associated with 319 Elizabeth Street (CT 108890/2) by virtue of a Right of Carriageway burdening or in favour of these sites that is associated with the land to be rezoned.
- 2.6. Access is provided from Elizabeth Street to the rear of the subject site via a Right of Carriageway located within land zoned General Business. The Right of Carriageway is identified as 'CID996800 Right of Carriageway' with no ownership details identified on the LIST.
- 2.7. The subject site is prone to inundation and the draft Hobart Local Provision Schedule is proposed to include a portion of the subject land within the Flood-Prone Hazard Areas Code overlay.
- 2.8. The site is located on the boundary of 'Inner Residential' land to the north west, north, east and south east; with 'General Business' land to the south. The surrounding area is characterised by residential development, predominantly multiple dwellings, commercial uses along Elizabeth Street frontage and the Council operated carpark at 16A Lefroy Street.
- 2.9. The proposed rezoning is not considered to be an appropriate amendment to the HIPS 2015 for the following reasons:
  - 2.9.1 The proposed rezoning to 'General Business' will enable a wider range of non-residential uses within the existing buffer area between the established surrounding residential areas and the commercial areas along Elizabeth Street, resulting in a likely loss of residential amenity;
  - 2.9.2 The proposed rezoning facilitates development that is not built to the street edge and is not aligned with the Desired Future Character Statements for the 'General Business' zone;
  - 2.9.3 The subject land is privately owned and there is no guarantee that once rezoned to General Business it would in fact be used for the intended future purpose of a public car park;
  - 2.9.4 The intent of the proposed amendment can be achieved via alternative means, specifically an amendment to the HIPS 2015 Inner Residential Use Table, to include Vehicle Parking as discretionary use with the qualification 'only if at 321-323A Elizabeth Street (CT 137808/1 and 2); or 325 Elizabeth Street (CT 176661/1 and CT 137807/1); or 16A Lefroy Street (CT 112639/1 and CT 112639/2' as indicated in the revised Inner Residential Use Table provided in Attachment B.

- 2.9.5 A Site-Specific Amendment preserves the intent and purpose of the Inner Residential zone, and by including 16A Lefroy Street ensures the existing non-conforming use will be able to continue, even if the use on the site is intensified.
- 2.9.6 Use Standards within the Inner Residential Zone provide the means to control the impact of any non-residential use.
- 2.9.7 The proposed rezoning to General Business Zone will not meet the Council objective of achieving a new public car park as the access is via the Lefroy Street carpark, which itself is currently a non-conforming use and thus access through this site cannot be substantially intensified without a scheme amendment to facilitate this.
- 2.9.8 The alternative approach is to amend the HIPS2015 Inner Residential Use Table by inserting Vehicle Parking as a discretionary use class with the qualification 'only if at 321-323A Elizabeth Street (CT 137808/1 and 2); or 325 Elizabeth Street (CT 176661/1 and CT 137807/1); or 16A Lefroy Street (CT 112639/1)'. It is important to include the 16A Lefroy Street property in the amendment noting that Director of Housing Consent will be required given the burdening Right of Carriageway on the lot.

### 3. **Recommendation**

*That:*

1. ***Pursuant to Section 34(1) (a) of the former provisions of the Land Use Planning and Approvals Act 1993, the Council resolve to initiate an amendment to the Hobart Interim Planning Scheme 2015 to modify the Inner Residential zone Use Table to include Vehicle Parking as a discretionary use with the qualification "only if at 231-232A Elizabeth Street (CT 137808/1 and 2); or 234 Elizabeth Street (CT 176661/1 and CT 137807/1); or 16A Lefroy Street (CT 112639/1 and CT112639/2)", as indicated in the revised Inner Residential Use Table provided in Attachment B.***
2. ***The applicant submit landowner consent from the City of Hobart General Manager as landowner of 16A Lefroy Street (CT 112639/1 and CT 112639/2) and the Director of Housing as landowner of 45A Burnett Street (CT 121837/1) prior to public exhibition of the amendment.***
3. ***Pursuant to Section 35 of the former provisions of the Land Use Planning and Approvals Act 1993, the Council certify that the amendment to the Hobart Interim Planning Scheme 2015 PSA-20-2 meets the requirements of Section 32 of the former provisions of the Land Use Planning and Approvals Act 1993 and authorise the General Manager and the Deputy General Manager to sign the Instrument of Certification (Attachment E).***

**4. Pursuant to Section 38 of the former provisions of the Land Use Planning and Approvals Act 1993, the Council place Amendment PSA-20-2 to the Hobart Interim Planning Scheme 2015 on public exhibition for a 28 day period following certification.**

**4. Background**

- 4.1. The subject site includes both 321-323A and 325 Elizabeth Street, which have rear yards being used for vehicle parking with access provided by an existing right of carriageway from Elizabeth Street.
- 4.2. The subject site is adjacent to 16A Lefroy Street (CT112639/1) a Council owned property and the site of a Council operated public carpark.
- 4.3. The proposed planning scheme amendment is intended to facilitate the future expansion of the public carparking arrangements onto the adjoining subject site, with access being provided from Lefroy Street.

***Existing situation***

- 4.4. The subject site includes both 321-323A and 325 Elizabeth Street and currently contains four existing commercial buildings, an outbuilding, rear open yard used for vehicle parking and access via a right of carriageway from Elizabeth Street. The site includes four titles, CT 137808/1 and CT 137808/2 (no. 321-323A) containing three commercial buildings and rear open yard; and CT 176661/1 and CT 137807/1 (no.325) containing one commercial building, an outbuilding, a smaller rear open yard and the access cross over to the right of way carriageway.
- 4.5. The subject site is currently used as a private car park (non-conforming use). The car park has been managed by a property agency.
- 4.6. The land subject to the proposed rezoning is fully serviced by TasWater for water and sewer, with the exception of CT 137808/2 (part of no. 321-323A) which is only serviced for sewer (refer to Figure 1 and Figure 2).



Figure 1: subject site (outlined in blue); Council Lefroy Street carpark (outlined in red); showing land serviced by TasWater reticulated water infrastructure (light blue); Right of Carriageway providing access from Elizabeth Street shown in solid white.



Figure 2: Subject site (outlined in blue); Council Lefroy Street carpark (outlined in red); showing land serviced by TasWater reticulated sewer infrastructure (light marone); Right of Carriageway providing access from Elizabeth Street shown in solid white.

- 4.7. The subject site is 'split zoned', with the existing commercial buildings located on land within the General Business Zone, with the open rear



yards and the outbuilding on CT 137807/1 (part of no. 325) located on land within the Inner Residential Zone (refer to Figure 3)

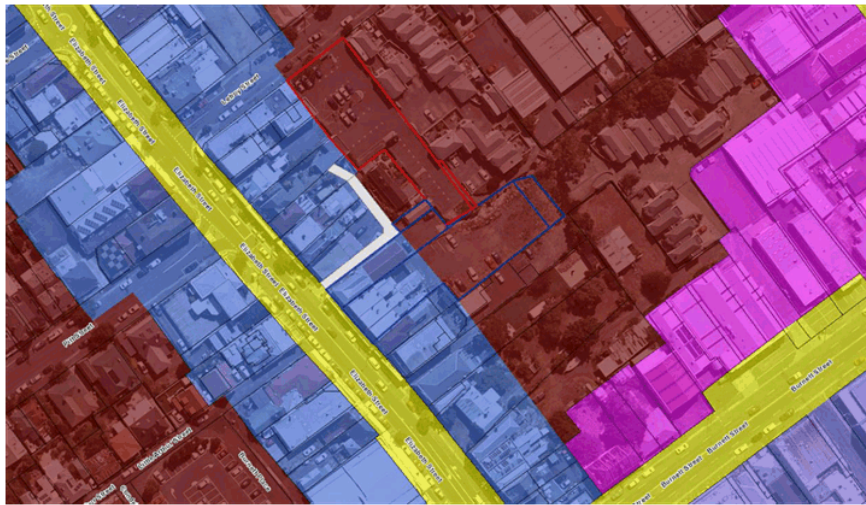


Figure 3: Subject site (outlined in blue) showing existing zoning (dark red: Inner Residential, light blue: General Business, yellow: Utilities, bright pink: Light Industrial, mauve: Commercial)

- 4.8 The land uses in the immediate area are mixed – predominantly residential to the north and east of the site, the Council carpark to the north west and the commercial uses in buildings fronting onto Elizabeth St to the south, south west and south east.
- 4.9 The Providence Gully Rivulet runs between the subject site and the Lefroy Street Council carpark.
- 4.10 A desktop investigation undertaken by the applicant found that the subject site has not been identified as including Aboriginal Heritage Sites.
- 4.11 The subject site is not listed with Heritage Tasmania, nearby properties with Heritage Tasmania registrations include 315, 331, 333 and 335 Elizabeth Street on the northern side of Elizabeth Street, and 366 Elizabeth Street on the southern side of Elizabeth Street (refer to Figure 4).



**Figure 4: Subject site (outlined in blue) showing nearby properties listed with Heritage Tasmania (blue text)**

- 4.12 The subject site is partially within the Elizabeth Street Heritage Precinct (Heritage Number:NH6), which generally aligns with the land located within the General Business zone (refer Figure 5).

This heritage precinct is mixed use in nature and is significant for reasons including:

- 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;
- The intact individual houses that are representative examples of Old Colonial and Federation residential architecture;
- 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; and
- 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.

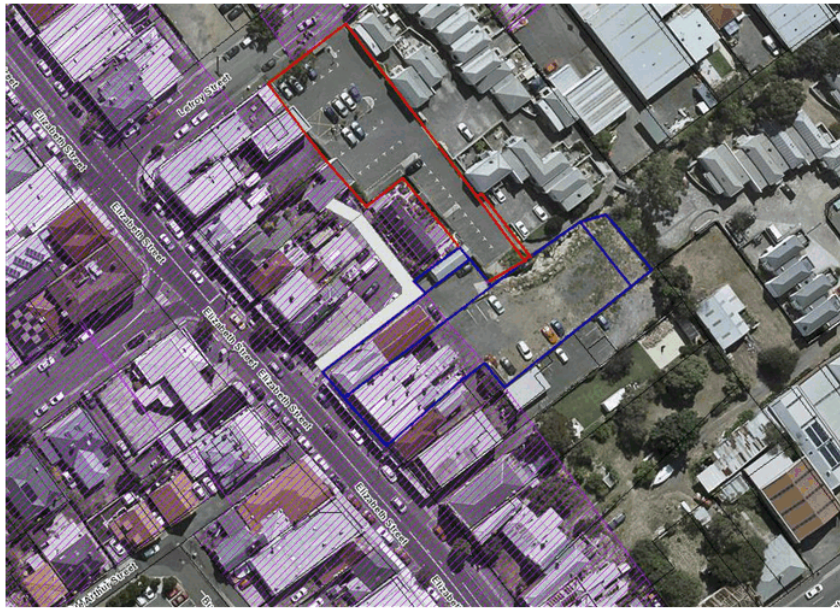


Figure 5: Subject site (outlined in blue) showing land within the Elizabeth Street Heritage Precinct (purple hashed area)

- 4.13 The subject site is partly located within the North Hobart Specific Area Plan, which generally aligns with the land located within the General Business zone (refer Figure 6). The entire site is located within the Royal Hobart Hospital Helipad Airspace Specific Area Plan (outer Area 100m AHD) (refer Figure 7).



Figure 6: Subject site (outlined in blue) showing area within the North Hobart Specific Area Plan (light orange, black hashed area)

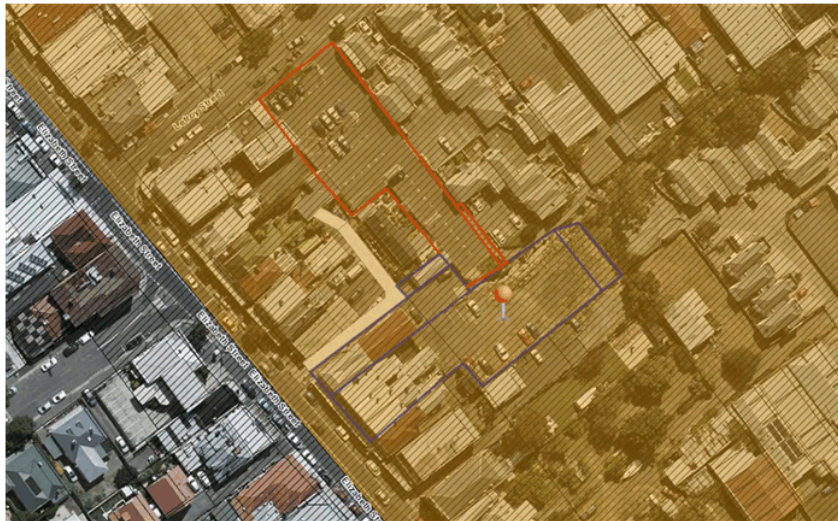


Figure 7: Subject site (outlined in blue) showing area within Royal Hobart Hospital Helipad Airspace Specific Area Plan (light orange, black hashed area)

### **Planning Scheme Provisions**

4.14 The Zone Purpose Statements for the Inner Residential Zone are:

*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.*

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

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

*To encourage residential development that respects the neighbourhood character.*

*To provide a high standard of residential amenity.*

*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.*

4.15. Within the Inner Residential Zone, 'no permit required' uses are educational and occasional care (with qualifications), natural and cultural values management, passive recreation, residential (with qualifications), utilities (only if minor utilities) and some instances of Visitor Accommodation.

- 4.16. Within the Inner Residential Zone, 'permitted' uses are residential (with qualification), and Visitor Accommodation.
- 4.17. Within the Inner Residential Zone, 'discretionary' uses are business and professional services (with qualification), community meeting and entertainment (only of church, art and craft centre of public hall), education and occasional care (except if No Permit Required), emergency services, food services (with qualifications), general retail and hire (with qualifications), residential (except if No Permit Required or Permitted), sports and recreation, and utilities (except if No Permit Required).
- 4.18. In the Inner Residential Zone all other uses are prohibited.
- 4.19. There are a number of use standards (relating to hours of operation, noise and light emissions, and commercial vehicle movements) that control the impact of discretionary uses to ensure that such uses do not unreasonably impact on residential amenity; similarly there are use standards that control the impact of visitor accommodation to ensure that they are compatible with the character of the area, do not cause an unreasonable loss of residential amenity, and do not impact the safety and efficiency of local roads or rights of way.
- 4.20. Development standards generally relate to the density, form, function and residential amenity of buildings and associated waste storage and fencing.
- 4.21. The Royal Hobart Hospital Helipad Airspace Specific Area Plan limits future development to 100m above Australian Height Datum.
- 4.22. The Zone Purpose Statements for the General Business Zone are:
- To provide for business, community, food, professional and retail facilities serving a town or group of suburbs.*
- To facilitate residential use above ground floor level.*
- To ensure development is highly accessible by public transport, walking and cycling.*
- To ensure that the design of development is sympathetic to the setting and compatible with the character of each of the business centres in terms of building scale, height and density.*
- To ensure that the proportions, materials, openings and decoration of building facades contribute positively to the streetscape and reinforce the built environment of the area in which the site is situated.*
- To ensure that vehicular access and parking is designed so that the environmental quality of the local area is protected and enhanced.*
- 4.23. The Local Area Objectives for the General Business Zone are:

*To maintain, reinforce and enhance the function, character, appearance and distinctive qualities of each of the identified business centres as follows:*

*(a) the Elizabeth Street area, North Hobart as a day time local shopping area and night time restaurant destination with neither function becoming dominant; and*

*(b) the Sandy Bay shopping centre as the main shopping and commercial focus for the southern suburbs of the city.*

- 4.24. The Desired Future Character Statements for the General Business Zone – relevant to the North Hobart area are:

***Elizabeth Street North Hobart***

*Central North Hobart should continue to function as a day-time local shopping area and night-time restaurant destination. These functions should exist equally, with neither becoming predominate.*

*New development should continue the traditional height and rectangular building form parallel to Elizabeth Street where buildings are either one or two storeys.*

*New development should not be permitted to intrude into important views, either views to, from, or across;*

*(a) Holy Trinity Church (Church Street),*

*(b) The high ground of the Queens Domain,*

*(c) Knocklofty Reserve, or*

*(d) Mount Wellington.*

*All new development should be built to the street edge and should improve pedestrian amenity and convenience. Protection from the elements for the pedestrian should be provided, primarily by the retention and/or introduction of awnings.*

*The historic streetscape and particularly the 'red brick' character of many individual buildings are highly valuable and should be retained. Painting of intact brickwork on the Elizabeth Street frontage is prohibited.*

*The diversity and intactness of shop fronts is essential to the character of central North Hobart, the retention of the physical fabric of shop fronts is critical to the preservation of character.*

*Development should provide detail and architectural interest at various levels of the streetscape, inset doorways and associated detailing are desirable as they contribute to the diverse pattern of the existing streetscape.*

*Development should encourage laneways to extend the network of informal public spaces. Development should not 'build in' laneways. Commercial use of buildings fronting laneways is appropriate. Development should reinforce the existing hierarchy of public spaces.*

*Integrated artwork/s are entirely appropriate and contribute to the cultural and artistic focus that has developed in North Hobart.*

- 4.25. Within the General Business Zone the 'no permit required' uses are any permitted use (only if replacing an existing use on the site and there is no associated development requiring a permit), residential (only if home-based business), and utilities (only if minor utilities).
- 4.26. Within the General Business Zone the 'permitted' uses are business and professional services (with qualifications) community meeting and entertainment, education and occasional care (only of above ground level, except for access), food services (with qualifications), general retail and hire (with qualifications), passive recreation, residential (only if above ground floor level, except for access), research and development (only if above ground floor level, except for access).
- 4.27. Within the General Business Zone the 'discretionary' uses are bulky goods sales, custodial facility (only of a remand centre), education and occasional care (except if permitted), emergency services, equipment and machinery sales and hire, food services (with qualifications), general retail and hire (except if permitted), hospital services, hotel industry (except if adult entertainment venue), natural and cultural values management, research and development (except if permitted), residential (except if no permit required or permitted), service industry (only if an extension to an existing use), sports and recreation, tourist operation, transport depot and distribution, utilities (except if no permit required), vehicle fuel sales and services (must have frontage and access to Sandy Bay Road), vehicle parking, visitor accommodation (with qualifications).
- 4.28. Within the General Business Zone all other uses are prohibited.
- 4.29. There are a number of use standards (relating to hours of operation, noise and light emissions, commercial vehicle movements, Take-away Food Premises and Hotel Industries) that control the impact of discretionary uses to ensure that such uses do not cause environmental harm and do not have an unreasonably impact on residential amenity in land within residential zones or limit impacts on the amenity of surrounding areas.
- 4.30. Development standards generally relate to the height, setback, design (include passive surveillance) and associated waste storage and fencing.
- 4.31. The subject site currently zone General Business (namely the first 30m from the frontage), is also subject to the development standards of the

- 4.32. The development standards of the NH6 Elizabeth Street Heritage Precinct provide additional development standards for the subject site land within the first 30m from the frontage, including demolition and development to ensure that there is no loss of historic cultural heritage values and future development is sympathetic to the character of the precinct. The proposed rezoning of the rear portion of the subject site are outside the precinct area and retains these provisions over the front portion of the subject site.
- 4.33. The North Hobart Specific Area Plan provides additional development standards for the subject site land within the first 30m from the frontage, including set back, built form, height, awnings, materials and additional sign standards. The proposed rezoning of the rear portion of the subject site are outside the specific area plan and retains these provisions over the front portion of the subject site.
- 4.34. It is noted that irrespective of the zone, any future developments on the subject site would also be considered against the HIPS 2015 mandatory codes such as the *E6.0 Parking and Access Code* and *E 7.0 Stormwater Management Code*, and potentially other codes depending on the nature of the development. The proposed amendment does not change such requirements.

#### ***Tasmanian Planning Scheme***

- 4.35. Hobart planning authority has submitted a draft Local Provision Schedule (LPS) to the Tasmanian Planning Commission (TPC) for consideration against the LPS criteria. A post lodgement conference has been undertaken, but the draft LPS is still at pre-exhibition stage.
- 4.36. The proposed draft LPS zoning and overlay maps are available via Council's city maps website <https://www.hobartcity.com.au/City-services/City-maps>.
- 4.37. The proposed changes for the most part are a direct transition, in that land within the Inner Residential Zone is transitioned to the Tasmanian Planning Scheme (TPS) Inner Residential Zone. Similarly the land within the General Business Zone is transitioned to the TPS General Business Zone (refer to Figure 8).



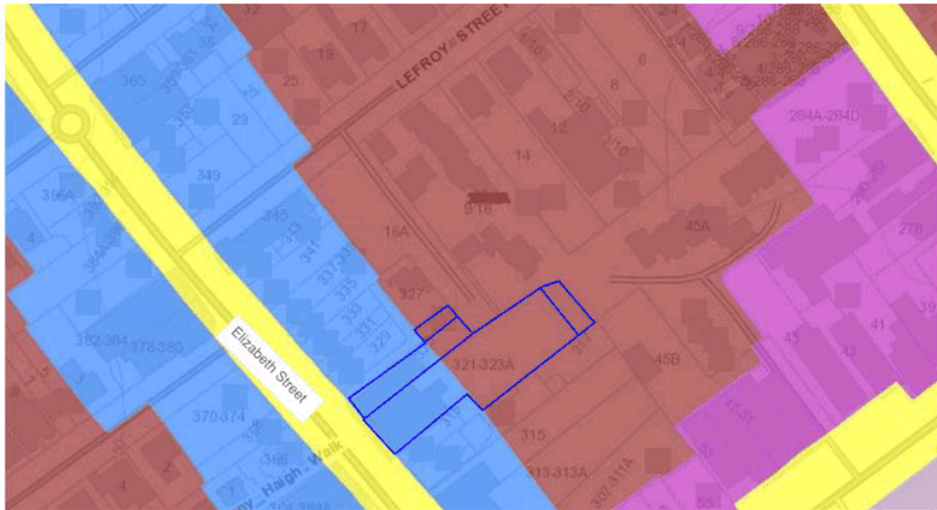


Figure 8: Subject site (outlined in blue) showing proposed draft LPS zoning (dark red: inner residential; light blue: general business; yellow: utilities; bright pink: light industrial).

- 4.38. The existing overlay planning controls are also transitioned on a one for one basis so that the Royal Hobart Hospital Helipad Specific Area Plan applies to all land within the subject site, with the North Hobart Specific Area Plan and the Elizabeth Street Local Heritage Precinct continuing to apply to the front section of the subject site. These provisions are subject to the transitional provisions in Schedule 6 of the Act and hence there will be no significant change to their provisions in the draft LPS.
- 4.39. The draft LPS maps introduce a new overlay for the rear section of the subject site, specifically the Natural Assets Code – Waterways and Coastal Protection Area as shown in Figure 9 . The provisions of this code will apply to land on which it is shown, in this instance they would apply irrespective of the underlying zone being either TPS Inner Residential Zone or TPS General Business Zone.



Figure 9: Subject site (outlined in blue) and waterway and coastal protection area impacting on the rear section.

4.40. The Code Purposes for the Natural Assets Code are:

*To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes*

*To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast*

*To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.*

*To minimise impacts on identified priority vegetation.*

*To manage impacts on threatened fauna species by minimising clearance of significant habitat.*

4.41. It is noted that this code does not apply to use, but only development, Hence there are no Use Standards associated with this Code.

4.42. The development standards in the Natural Assets Code (with specific reference to a waterway and coastal protection area) consider impact on erosion, siltation, sedimentation and runoff and other factors to maintain stream flow, stream bank vegetation and using environmental best practice guidelines in order to not have an unreasonable impact on natural values.

4.43. Although the existing land zoning is retained, the TPS provisions vary to those in the HIPS 2015, including zone purposes and allowable

uses. Details are provided for each of the relevant zones in the following paragraphs.

- 4.44. The Zone Purposes of the Inner Residential Zone are:

*To provide for a variety of residential use or development that accommodates a range of dwelling types at higher densities.*

*To provide for the efficient utilisation of available social, transport and other service infrastructure.*

*To provide for non-residential use that:*

*(a) primarily serves the local community; and*

*(b) does not cause an unreasonable loss of amenity, through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.*

*To provide for Visitor Accommodation that is compatible with residential character.*

- 4.45. In the Inner Residential Zone the 'no permit required' uses are natural and cultural values management, passive recreation, residential (if for a single dwelling) and utilities (if for minor utilities).
- 4.46. In the Inner Residential Zone the 'permitted' uses are residential (if not listed as no permit required) and visitor accommodation.
- 4.47. In the Inner Residential Zone the 'discretionary' uses are business and professional services (with qualifications), community meeting and entertainment (with qualifications), educational and occasional care (if not for a tertiary institution), emergency services, food services (if not for a take away food premises with a drive through facility), general retail and hire, sports and recreation (with qualifications), and utilities (if not listed as no permit required).
- 4.48. In the Inner Residential Zone all other uses are prohibited.
- 4.49. Use standards retained in the Inner Residential Zone relate to hours of operation, light emissions, and commercial vehicle movements. Standards relating to noise are not specifically transitioned but some consideration is given to 'emissions' (which would include noise) via the generic discretionary use performance criteria. The controls are intended to ensure that discretionary uses do not cause an unreasonable loss of amenity to adjacent sensitive uses. The TPS use standards relevant to visitor accommodation are consistent with the current provisions and are to ensure that visitor accommodation uses are compatible with the character of the area, do not cause an unreasonable loss of residential amenity, and do not impact the safety and efficiency of local roads or rights of way.
- 4.50. Development standards generally relate to the density (retaining the minimum site area of 200m<sup>2</sup> but removing the upper limit of 400m<sup>2</sup>),

form (site coverage, height, setback), function and residential amenity of dwellings on the same site (private open space, sunlight and privacy), and associated waste storage and fencing.

- 4.51. The Zone Purposes of the General Business Zone are:

*To provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania's main suburban and rural centres.*

*To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.*

*To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.*

*To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.*

- 4.52. It is noted that the TPS General Business Zone does not include Local Area Objectives or Desired Future Character Statements. The draft Hobart LPS provisions schedule does not include any Local Area Objectives.
- 4.53. Within the TPS General Business Zone 'no permit required' uses are business and professional services, food services, general retail and hire, natural and cultural values management, passive recreation, residential (if for a home-based business), and utilities (if more minor utilities).
- 4.54. Within the TPS General Business Zone 'permitted' uses are bulky goods sale, community meeting and entertainment, educational and occasional care, emergency services, hotel industry, pleasure boat facility (if for a boat ramp), research and development, residential (if located above ground floor level excluding pedestrian or vehicle access, or to the rear of a premises; and not listed as a 'no permit required').
- 4.55. Within the TPS General Business Zone 'discretionary' uses are custodial facility (if for a remand centre), equipment and machinery sales and hire, hospital services, manufacturing and processing, residential (if not listed as 'no permit required' or 'permitted'), resource processing (if for food or beverage production), service industry, sports and recreation, storage, tourist operation, transport depot and distribution (with qualifications), utilities (if not listed as a 'no permit required'), vehicle fuel sales and services, vehicle parking and visitor accommodation (if not listed as 'permitted').
- 4.56. Within the TPS General Business Zone all other uses are prohibited.
- 4.57. Use standards retained in the TPS General Business Zone relate to hours of operation, light emissions, and commercial vehicle movements. Standards relating to noise are not specifically transitioned

but some consideration is given to impact on amenity of discretionary uses. The controls are intended to ensure that discretionary uses do not cause an unreasonable loss of amenity to residential zones. A new use standard relating to gross floor area associated with bulky goods sales, in addition to the discretionary use standards is intended to not compromise or distort the activity centre hierarchy.

- 4.58. Development standards in the TPS General Business Zone generally relate to the height (maximum height increased from 9m to 12m), setback, design (include passive surveillance) and associated waste storage and fencing.
- 4.59. It is noted that irrespective of the zone, any future developments on the subject site would also be considered against the TPS mandatory codes such as the *C2.0 Parking and Sustainable Transport Code* and potentially other codes depending on the nature of the development. The proposed amendment does not change such requirements.

## 5. Proposal and Implementation

- 5.1. The proposal is to rezone the land within the Inner Residential Zone of 321-323A Elizabeth Street (CT 137808/1 and 2), and 325 Elizabeth Street (CT 176661/1 and CT 137807/1) to General Business Zone.
- 5.2. The intent of the amendment is to provide for change of use to enable vehicle parking. It is understood that the City of Hobart intends to enter into a lease agreement for use of the land with the landowner. The area proposed to be rezoned is shown in Figure 10 below.



Figure 10: proposed rezoning of 321- 323A and 325 Elizabeth Street

***Justification – Applicant’s Submission***

- 5.3. The applicant considers that the requested rezoning amendment is justified for the following reasons:
- 5.3.1. The proposed rezoning seeks to facilitate the existing vehicle parking use on the site to align with HIPS 2015 zone provisions. The amendment would allow for the use of ‘vehicle parking’ to be discretionary instead of prohibited.
  - 5.3.2. The proposed rezoning will enable future development and expansion of the adjoining Council Lefroy Street public parking facility to alleviate parking pressures in the area.
  - 5.3.3. The proposed amendment would resolve a pre-existing issue within the scheme, being a dual zoned lot, which is not a desirable or efficient form of land-use planning.
  - 5.3.4. The proposed amendment allows for future provision of essential infrastructure, without compromising the streetscape or heritage value of the North Hobart area.
  - 5.3.5. The proposed amendment allows for future residential infill development on the site (above ground floor) and as there are no density restrictions for the General Business zone development under this zoning may yield a greater number of residences without the requirement to meet provisions for these.
  - 5.3.6. The proposed amendment would facilitate Action 2.5 (Identify appropriate locations in central Hobart for new parking stations and control the location and size of new parking stations through the planning scheme) and Action 6.9 (Work with our city planners to discuss potential amendments to planning schemes and zones relating to parking provisions for new developments, with the aim of aligning with this Transport Strategy, and addressing issues including; centralised public parking in city centre and suburban centres instead of providing parking by individual commercial land owners; [and] the conversion of off street parking to residential or commercial land use as appropriate) of the City of Hobart Transport Strategy 2018- 30 draft.
  - 5.3.7. The proposed amendment is consistent with Pillar 5 of ‘Hobart: A Community Vision for our Island Capital’, specifically 5.3.3 and 5.4.4 which centre around ensuring there is adequate supply and a variety of options for commuters, customers and visitors to access businesses and allow for high levels of accessibility. The amendment would allow for the opportunity to remediate some of the access issues in the area, allowing for effective and efficient access to the businesses and services of North Hobart.

- 5.3.8. The proposed amendment is consistent with the requirements of Section 30O of LUPAA as the proposal is for a rezoning of an area of land and as such is a local provision which can be amended under Division 2 or 2A. The amendment will not conflict with any common or overriding local provision.
- 5.3.9. The proposal is consistent with the Schedule 1 Objectives of LUPAA in that:
- 5.3.9.1. The proposed amendment relates to an area of land which was modified and cleared of original native vegetation many years ago. There will therefore be no significant impact from the proposed rezoning on natural physical resources or ecological processes.
  - 5.3.9.2. The rezoning will provide for fair, orderly and sustainable development by providing a relatively small additional area of land zoned for general business purposes supporting the regional strategy.
  - 5.3.9.3. The process required for the assessment of amendments to planning schemes provides interested parties with an opportunity to make representations during public exhibition as well as attending subsequent hearings. This process additionally provides Council and subsequently the TPC to consider issues raised during their assessment.
  - 5.3.9.4. The proposal is aimed at facilitating economic development of an existing parcel of underutilised land in accordance with the objectives (a), (b) and (c) by enabling development and use of a site with suitable site characteristics and location for urban development and providing an opportunity for an essential Council service.
  - 5.3.9.5. Assessment of the amendment will occur at local and state level and will include the opportunity for involvement of the community.
- 5.3.10. The proposal does not create land use conflict given that:
- The directly adjoining land is already partially in the General Business Zone;
  - The south eastern portion of the site is already zoned General Business and the proposed amendment would be an extension of the existing zoning and not introduce a new zoning conflict;
  - The site is within the main North Hobart commercial area;

- The rezoning would result in an existing non-conforming use being consistent with the zone requirements; and
- Land use conflicts relating to hours of operation, light spill and noise are relevant to vehicle parking use and could be conditioned as part of a future planning permit.

5.3.11. The proposal is aligned with the *Southern Tasmanian Land Use Strategy 2010-2035* (STRLUS), most recently amended 19 February 2020, in that:

- It supports *MRH 2 Minimise the risk of loss of life and property from flooding*; as the proposed rezoning of the land to General Business would result in some sensitive uses including residential to become discretionary at ground floor with reduces risk from flooding due the vicinity of Providence Gully Rivulet.
- It is not contrary to *LUTI 1 Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner* as the proposed amendment does not change the existing car parking requirements of the planning scheme. North Hobart is not within a carparking exemption area under the Parking and Access Code therefore any future development on the site, or any other vacant portions of land would be required to provide carparking in line with the requirements of the Code.
- It is not contrary to the Activity Centres *AC1 Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas* and Activity Centres *AC 3 Evolve Activity Centres focussing on people and their amenity and giving the highest priority to creation of pedestrian-oriented environments* because:
  - The site of the proposed amendment is located on the outer edge of the Primary Activity Centre of Hobart CBD. North Hobart is already well integrated into the public transport system with Metro high frequency 'Turn Up and Go' service travelling along Elizabeth Street and
  - Hobart is still currently a car centric city and many people visit the businesses of North Hobart from areas which are outside of the primary transport corridors and are required to travel by private vehicle.



- The proposed amendment is not contrary to Settlement and Residential Development *SRD1 Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand*, in that subject land is located within the Urban Growth Boundary and in an identified Densification Area. The rezoning of the site will allow for the development of essential public utility, which is currently at capacity. The rezoning of the land from 'Inner Residential' to 'General Business' would not preclude the site from infill residential development. Residential infill would remain a 'permitted' use class in the general business zone, with the qualification 'if above ground floor'.

#### ***Justification - Comment***

- 5.4. The applicant has submitted some valid reasons supporting the proposed rezoning; including:
- The reduced environmental risk to sensitive uses, from flooding of the Providence Gully Rivulet, as uses including residential uses would be prohibited at ground level;
  - The removal of split zoning from the subject land;
  - The potential for future development of public parking via an extension of the Council Lefroy Street car park to alleviate the perceived parking shortfall in North Hobart; and
  - The proposed amendment makes no change to existing overlay provisions that apply to the subject site.
- 5.5. The proposal was referred to relevant Council officers. Comments are provided below:

#### *Heritage*

- 5.5.1. No heritage interest in rezoning part of a lot at 321-323A Elizabeth Street from Inner Residential to General Business.

#### *Development Engineering, Traffic & Roads*

- 5.5.2. Only concern would be intensification of use of the ROW [from Elizabeth Street] as an access and the deficiency of this access with respect to sight distances, passing bays etc. This could be assessed within a planning application for the carpark, including the proposal for a bridge across Providence Rivulet which...is likely to be proposed.
- 5.5.3. Stormwater Code applicable, rear of site currently may be undrained, however could drain to Rivulet.

- 5.5.4. Waterway and Coastal Protection Code, Providence Rivulet (piped and unpiped) passes through the site.
- 5.5.5. Inundation Prone Areas Code (Riverine), land is slightly flood prone, (Cardno modelling for 1% AEP +CC). This model has some anomalies – for instance, the flow through Elizabeth Street buildings, no flooding of the Department of Housing (DoH) units (despite known issues).
- 5.5.6. Protection of Council Infrastructure, Providence Rivulet. [NB: It is noted that the rivulet forms part of Council's urban drainage infrastructure and in June 2017 an Agreement under Section 71 of Part 5 of LUPAA provides for "the Planning Authority and its Authorised Persons to have access to the Land for the purpose of inspecting, repairing and maintaining Council Infrastructure"] was entered into pertaining to 325 Elizabeth Street, Title Volume 55085 Folio 1].
- 5.5.7. In summary the rezoning is supported noting that future development on the site will likely require separate permission under the Urban Drainage Act and it is recommended that any future plans be discussed with Council Stormwater officers prior to lodgement of an application.

*Environmental Development Planner*

- 5.5.8. Environmental Development Planner has limited interest in the proposal to rezone part of a lot at 321-323A Elizabeth Street from Inner Residential to General Business. It is expected that the existing Code provisions of the Hobart Interim Planning Scheme will be applied at subsequent planning and development stages to protect the site from incompatible development.

*Environmental Health*

- 5.5.9. There is no proposed Excavation. The proposal is not for the purposes of subdivision. This is also not a proposed development in which the use is changing to a more sensitive use - in this case the rezoning is from inner residential to general business. As such the Potentially Contaminated Land Code does not apply to this application

*Surveying (in relation to the 'triangle between the subject site and 16A Lefroy Street)*

- 5.5.10. The triangle is a small hiatus that exists between CT 112639/1 and CT 137808/1. The location of the triangle is highlighted on the attached plans and survey notes (See Attachment C). When surveyed D 112639 the south eastern boundary of the property with an angle in it reflected the intent of the original conveyance rather than adopting the 20 year old corrugated iron fence on wall as the boundary (see survey notes for D

112639 and the plan for the prior title D 40195). D 40195 is a plan drawn to convert a general law title and is based on the verbal description in the general law deed. The description of that particular 11.13 m (36' 6") boundary in the deed 60/2521 is described as being "along a creek or drain". Which would be along the edge of the Providence Valley Rivulet.

- 5.5.11. CT 137808/1 is another title converted from the verbal description in a general law deed. The north-western boundary is described in the deed as a straight line of 232 feet or thereabouts (70.71 m) commencing on Elizabeth Street. So the description of the boundaries in the general law deeds do not coincide leading to the hiatus between the titles. However both of the general law deeds are part of an original historic land grant of 3 acres 3 roods and 19 perches to Joseph Benson Mather and the triangle is also a small remnant of this original land grant or a portion of the original bed of the Providence Valley Rivulet. Either way, the triangle has no title and it is doubtful it will be possible to locate any owner. It is noted that the Council GIS shows the triangle as being part of 321 to 323A Elizabeth Street.
- 5.6. With respect to the potential conflict with surrounding uses it is considered that the applicant has not adequately considered the impact of the TPS provisions which will significantly change the permissible uses in the General Business zone. Specifically the number of uses within the 'no permit required' category are increased, including business and professional services, food services and general retail and hire. These uses are within the 'permitted' use class category within the HIPS 2015. Similarly a number of 'discretionary' uses in the HIPS 2015 including bulky goods sales, emergency services, hotel industry, and visitor accommodation (with qualifications) are classified as 'permitted' uses in the TPS. Further, manufacturing and processing, and resource processing are added as new discretionary use classes.
- 5.7. It is considered that these changes to the use class status and the introduction of new uses increase the potential for conflict with adjoining existing residential uses, notwithstanding the use standards within the TPS. Noise in particular is an emission that will be more likely to create conflict and potentially cause an unreasonable loss of amenity.
- 5.8. It is noted that the subject land is privately owned and that the rezoning will potentially create an 'uplift' in land value. This may potentially create a situation whereby:
- The landowner may consider alternative future uses more financially attractive than the intended vehicle parking use; and
  - Hence the City of Hobart may not be able to proceed with plans to extend the Lefroy Street carpark, negating the intent of the proposed amendment.

- 5.9. The proposed rezoning creates an extension of the General Business Zone land into the land zoned Inner Residential to the north and north east. It is considered that such an intrusion into the Inner Residential zone potentially 'sterilises' the subject site from future consolidation with under-developed land to the north and east (for example 313-313A, 315 and 317 Elizabeth Street, and 45B Burnett Street) to enable residential densification that is not constrained to individual lots.
- 5.10. The proposed amendment has not adequately considered the implications of the small triangular piece of land located between the subject site and 16A Lefroy Street, which is not identified via the usual title references. This land would be required for any future development to provide access from 16A Lefroy Street to the subject site. The City of Hobart surveying services team has provided advice on this matter (refer Attachment C and Section 5.1.10 and 11 above) and suggest that it would be unlikely that an owner could be identified. Advice provided included that the Council GIS (Geographic Information System) shows the land as part of 321-323A Elizabeth Street, namely the subject site. If the land is to be included in the subject site, it is expected that landowner consent will not be required for this sliver of land given no owner can reasonably be located. It is noted, however, that the applicant should seek legal advice as to whether the right of way over 16A Lefroy Street legally adjoins the rear of 321-323A Elizabeth Street, as this sliver of land appears to effectively sever the right of way between the two titles.
- 5.11. The proposed amendment has not adequately considered the potential impact of the proposed future use of the subject site for carparking with access to be provided via 16A Lefroy Street, on the pre-existing 'non-conforming use' of vehicle parking on the Council land, which is located within the Inner Residential Zone and which was excluded from the proposed scheme amendment.
- 5.12. Whilst the future intended use is able to rely on Special Provision 9.6 *Access Across Land In Another Zone*, the resultant increase in traffic at the existing 16A Lefroy Street cross over is likely to be considered a substantial intensification of the existing use of 16A Lefroy Street. The amendment application indicates that the future development of the subject site for vehicle parking would potentially create an additional 30 car parking space, which would represent an approximate doubling of the existing Lefroy Street carpark capacity. Hence any assessment of a future development application may not be able to rely on the exercise of discretion with respect to *clause 9.1.1 Changes to an Existing Non-conforming Use*.
- 5.13. The proposed amendment has not adequately considered alternate planning scheme amendment options that could achieve the intent of the proposed rezoning, for example, a Site Specific Qualification (SSQ). The applicant references Schedule 6 of LUPAA which states that modification that seek to insert or amend site-specific qualifications (SSQs) would lapse once the LPS comes into effect.

- 5.14. Further advice obtained from the TPC and included in Attachment D, indicates that there are opportunities to include SSQs into draft LPS especially prior to the public exhibition stage. It would require Council to approve a change to the draft LPS documents submitted to the TPC. This would also be the case for the proposed rezoning amendment, the main difference being that the SSQ could be included in the Ministerial Declarations as part of the transitioning provisions under clause 8A of schedule 6 and be 'protected' by the transitioning provisions whereas the rezoning amendment would not.
- 5.15. It is considered that a more appropriate amendment to achieve the desired result is an amendment to the HIPS2015 Inner Residential Use Table to include the Vehicle Parking use as a discretionary use class with the qualification "only if at 231-232A Elizabeth Street (CT 137808/1 and 2); or 235 Elizabeth Street (CT 176661/1 and CT 137807/1); or 16A Lefroy Street (CT 112639/1 and CT112639/2)".

## **6. Strategic Planning and Policy Considerations**

- 6.1. The amendment recommended by this report is generally aligned with the Southern Regional Land Use Strategy in particular Regional Policies relating to Managing Risks and Hazards, Activity Centre Network; and Settlement and Residential Development;
- 6.2. The amendment recommended by this report is consistent with the objectives of the Capital City Strategic Plan 2019-29, in particular with the following outcomes:
  - 6.2.1. People have a range of opportunities to participate in the economic life of the city;
  - 6.2.2. An accessible and connected city environment helps maintain Hobart's pace of life;
  - 6.2.3. Hobart is a city with renewable and ecologically sustainable energy, waste and water systems;
  - 6.2.4. Hobart is responsive and resilient to climate change and natural disasters; and
  - 6.2.5. Infrastructure and services are planned, managed and maintained to provide for community wellbeing.

## **7. Financial Implications**

- 7.1. Funding Source and Impact on Current Year Operating Result
  - 7.1.1. None.
- 7.2. Impact on Future Years' Financial Result
  - 7.2.1. None.

## 7.3. Asset Related Implications

7.3.1. None.

**8. Legal, Risk and Legislative Considerations**

8.1. The *Land Use Planning and Approvals Act 1993* (LUPAA) requires that planning scheme amendments must seek to further the Objectives of Schedule 1 of the Act and be prepared in accordance with the State Policies.

8.2. The Objectives of LUPAA require use and development to occur in a fair, orderly and sustainable manner and for the planning process to facilitate economic development in accordance with the other Schedule 1 Objectives.

8.3. It is considered that the amendment recommended by this report meets the Objectives of LUPAA, in particular it:

8.3.1. Does not unreasonably compromise natural resources or ecological processes and encourages serviced land with easy access to public infrastructure to be effectively utilised;

8.3.2. Assists sound strategic planning by not prejudicing the achievement of the relevant zone objectives or the STRLUS objectives;

8.3.3. Is consistent with the objective to establish a system of planning instruments to be the principal was of setting objectives, policies and controls for the use, development and protection of land;

8.3.4. Provides greater flexibility to address changes in local, environmental, social and economic circumstances;

8.3.5. Considers the capability of the zone and allowable uses that are likely to have minimal land use conflict with surrounding uses; and

8.3.6. Facilitates the integration of compatible and complementary land use activities in a managed and safe environment;

8.4. State Policies.

8.4.1. The subject site contains the Providence Gully Rivulet and will be partially located with the Natural Assets Code – Waterway and Coastal Protection Area in the TPS. Hence, any future development of the site will be undertaken in accordance with best practice guidelines in the *Wetlands and Waterways Work Manual* to ensure that there are no unnecessary or unacceptable impacts on natural assets. The proposed amendment is considered consistent with the objectives of the *State Policy on Water Quality Management 1997*.

- 8.4.2. The subject site is not within the 'coastal zone' and hence the *State Coastal Policy 1996* is not applicable.
- 8.4.3. The subject site is not located on agricultural land and hence the *State Policy on the Protection of Agricultural land 2009* is not applicable.
- 8.5. S32(e) of the former provisions of LUPAA requires that planning scheme amendments must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area. The proposed amendment to rezone the subject site from Inner Residential to General Business is not considered to minimise potential future land use conflict. However, the revised amendment for a Site Specific Qualification is more aligned with this LUPAA requirements, as only one additional discretionary use is proposed to the allowable land uses, namely 'vehicle parking'. The discretionary status of the use and the Inner Residential Zone use standards are considered to provide opportunities for the Planning Authority to appropriately manage potential future conflicts.
- 8.6. S32(f) of the former provisions of LUPAA requires that planning scheme amendments must have regard to the impact that use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms. The proposed amendment to rezone the subject site from Inner Residential to General Business is considered to have minimal impact on use or development at a regional level. Similarly, the revised amendment for a Site Specific Qualification, will maintain the residential amenity of surrounding land, retain the site for potential future residential infill appropriate for the environmental risks associated with the site and retain the role and function of the North Hobart Activity Centre.
- 8.7. S300 of LUPAA requires that an amendment to an interim planning scheme is as far as practicable consistent with the regional land use strategy. It is considered that both the initial amendment and the revised amendment for a Site Specific Qualification this amendment is consistent with the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS), in particular that it:
- 8.7.1. Adequately manages the risk from natural hazards from risk of life and property from flooding, in accordance with policy MRH2;
  - 8.7.2. Maximises the efficiency of existing physical infrastructure, in accordance with policy PI 2;
  - 8.7.3. Contributes to providing a variety of transport choices for residents and visitors, in accordance with policy LUTI 1; and
  - 8.7.4. Provide for future sustainable and compact pattern of residential development, utilising the Inner Residential Zone

land to facilitate higher density residential and mixed-use development within 400m of integrated transit corridor, in accordance with policy LUTI 1.2.

**9. Environmental Considerations**

- 9.1. The site is within the attenuation area of an existing late night music venue. However, the Attenuation Code is not applicable to the proposed rezoning or the Site Specific Qualification as vehicle parking is not a sensitive use.

**10. Social and Customer Considerations**

- 10.1. The proposal is not considered to have any negative impact on social inclusion.

**11. Marketing and Media**

- 11.1. There are no marketing or branding implications of this amendment.

**12. Community and Stakeholder Engagement**

- 12.1. The Council has requested that reports which recommend the initiation of planning scheme amendments address the need to conduct a public meeting or forum to explain the proposed amendments and also outline the explanatory information to be made available. These are addressed below:

12.1.1. It is not considered that a public forum is necessary to explain the proposed amendment to the public as it is relatively simple and self-explanatory.

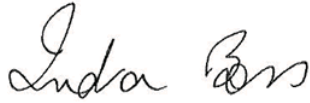
12.1.2. The following information will be made available on the website: a copy of this report, a copy of the formal amendment document and the applicant's submission.

**13. Delegation**

- 13.1. Delegation rests with the Council.



*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.*



Indra Boss

**Town Planner**

**JMG Engineers & Planners**

Date: 11 Jan 20221

File Reference: PSA-20-2



Mat Clark

**Principal**

**JMG Engineers & Planners**

Attachment A: Rezoning Supporting Documentation

Attachment B: Revised Inner Residential Use Table

Attachment C: Survey Notes

Attachment D: Tasmanian Planning Commission Advice

Attachment E: Instrument of Certification

ATTACHMENT A

321-325 ELIZABETH STREET  
PLANNING SCHEME AMENDMENT



ireneinc  
PLANNING & URBAN DESIGN

## ATTACHMENT A

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**321-325 ELIZABETH STREET, NORTH HOBART****Submission to the Hobart City Council  
Planning Scheme Amendment**

Last Updated - 23 September 2020

Version - 2

Author - Emerald Febey/Laura Ashelford

Reviewed By - Irene Duckett

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## ATTACHMENT A

**CONTENTS**

CONTENTS	3
1. INTRODUCTION	5
1.1 EXECUTIVE SUMMARY	5
1.2 SITE DESCRIPTION	5
1.2.1 SITE HISTORY	11
1.2.2 Aboriginal Heritage	11
1.2.3 Natural Values	12
1.2.4 Services	12
1.2.5 Specific Area Plans	12
1.2.6 Adjoining Land Tenure	13
1.3 TRAFFIC GENERATION AND PARKING	14
2.1 PARKING, A PLAN FOR THE FUTURE	15
2.2 DIER SOUTHERN INTEGRATED TRANSPORT PLAN	15
2.2.1 Integration of transport systems	15
2.3 HOBART: A COMMUNITY VISION FOR OUR ISLAND CAPITAL	15
2.4 SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY	16
2.5 ELIZABETH STREET PARKING SURVEY AND OVERSTAY (2017)	16
2.6 CITY OF HOBART TRANSPORT STRATEGY (DRAFT)	17
2.7 OTHER CONSIDERATIONS	17
2.7.1 Food delivery service impacts	17
2.7.2 North Hobart Land-use Survey	17
2.7.3 Historic Development	18
2.7.4 Potential Residential Density Calculations	18
3. CURRENT PLANNING SCHEME PROVISIONS	21
3.1 EXISTING ZONES	21
3.2 INNER RESIDENTIAL ZONE	21
3.2.1 Zone Purpose	22
3.2.2 Use Table	22
3.3 GENERAL BUSINESS ZONE	23
3.3.1 Local Area Objectives	24
3.3.2 Desired Future Character Statements	24
3.3.3 Use Table	25
3.3.4 Use Standards	26
3.4 OTHER RELEVANT PROVISIONS	26
4. SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY	27
5. FORMAT OF THE AMENDMENT	31
5.1 AMENDMENT APPROACH	31
5.1.1 Specific amendment	31
6. ASSESSMENT UNDER LUPAA	33
6.1 LAND USE CONFLICTS	33

ATTACHMENT A

6.2	REQUIREMENTS OF SECTION 300	34
6.3	REGIONAL IMPACT	35
6.4	SCHEDULE 1 OBJECTIVES OF LUPAA	35
6.4.1	Part 1	35
6.4.2	Part 2 - Objectives of the Planning Process Established by this Act	36
6.5	STATE POLICIES	36
6.5.1	The State Coastal Policy 1996	36
6.5.2	The State Policy on Water Quality Management 1997	37
6.5.3	The State Policy on the Protection of Agricultural Land 2009	37
6.5.4	National Environment Protection Measures (NEPMs)	37
	ATTACHMENT A - TITLES	38
	ATTACHMENT B - COMPARATIVE USE TABLE	40

## ATTACHMENT A

## 1. INTRODUCTION

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### 1.1 EXECUTIVE SUMMARY

This report forms part of a request for an amendment to the *Hobart Interim Planning Scheme 2015* (the Scheme), under the S8C and the Savings and Transitional Provisions of Schedule 6 of the *Land Use Planning and Approval Act 1993 (LUPAA)*, which requires amendments to interim planning schemes to be considered in accordance with the former requirements of LUPAA. This application has been prepared by Ireneinc Planning on behalf of the City of Hobart.

The amendment relates to Certificates of Title 176661/1, 137807/1, 137808/1 and 137808/2 referred to as 321-325 Elizabeth Street, North Hobart (refer Figure 2).

The subject site is a dual-zoned lot which the application seeks to rezone the rear part of the site from 'Inner Residential' to 'General Business'. This is to enable the City of Hobart to seek a discretionary use for the site, specifically opportunity for additional carparking opportunities in the expansion of the Council owned Lefroy Street carpark.

This report is an assessment of the strategic rationale for the proposed rezoning of the land at 321-325 Elizabeth Street, North Hobart. The report considers the transport and parking strategies for Hobart, considering the need and supply for vehicle parking in the area.

The assessment draws on the statutory requirements of LUPAA, as well as reference to other non-statutory documents informing historic context and strategic intent.

The following documents have been referenced as part of this analysis:

- DIER Southern Integrated Transport Plan, 2010
- Hobart: A Community Vision for Our Island Capital, 2018
- Parking, A Plan for the Future, 2013
- Elizabeth Street Parking Survey and Overstay, 2017
- Southern Tasmanian Regional Land Use Strategy, 2018
- City of Hobart Transport Strategy (Draft), 2018

In accordance with s33A, the proposal has also been assessed in relation to the state policies.

### 1.2 SITE DESCRIPTION

The subject site is contained in Certificates of Title 176661/1, 137807/1, 137808/1 and 137808/2 and referred to as 321-325 Elizabeth Street. The site is currently zoned General Business for the first 30m extending from the frontage, with the rear 45m zoned Inner Residential. This pattern consistently runs along the land on this section of Elizabeth Street, with the General Business zone extending for the first 30m from the street frontage.

ATTACHMENT A

The subject site is bordered by a newsagency at 317 Elizabeth Street and a homewares and gift shop at 319 Elizabeth Street to the south-east, and an access strip to the north-west. All remaining properties that adjoin the site are zoned Inner residential and predominantly containing residential uses, with the exception of 16A Lefroy Street which is a Council operated carpark.

Current access to the site is from the south-western side via a right of way accessed from Elizabeth street.



Figure 1 Site location within the broader area (source: www.theLIST.tas.com.au © State of Tasmania)



Figure 2: Subject site and surrounds (source: www.theLIST.tas.com.au © State of Tasmania)



Figure 3 view of the site from the frontage (source: Google Maps)



Figure 4 View of the HCC Lefroy St carpark (source: Google Maps)



Figure 5 Image location map (source: www.theLIST.tas.com.au © State of Tasmania)



ATTACHMENT A



Figure 6 Northern extent of the site (Image 1). (source: E Febey)



Figure 7 Southern extent of site (Image 2). (source: E Febey)

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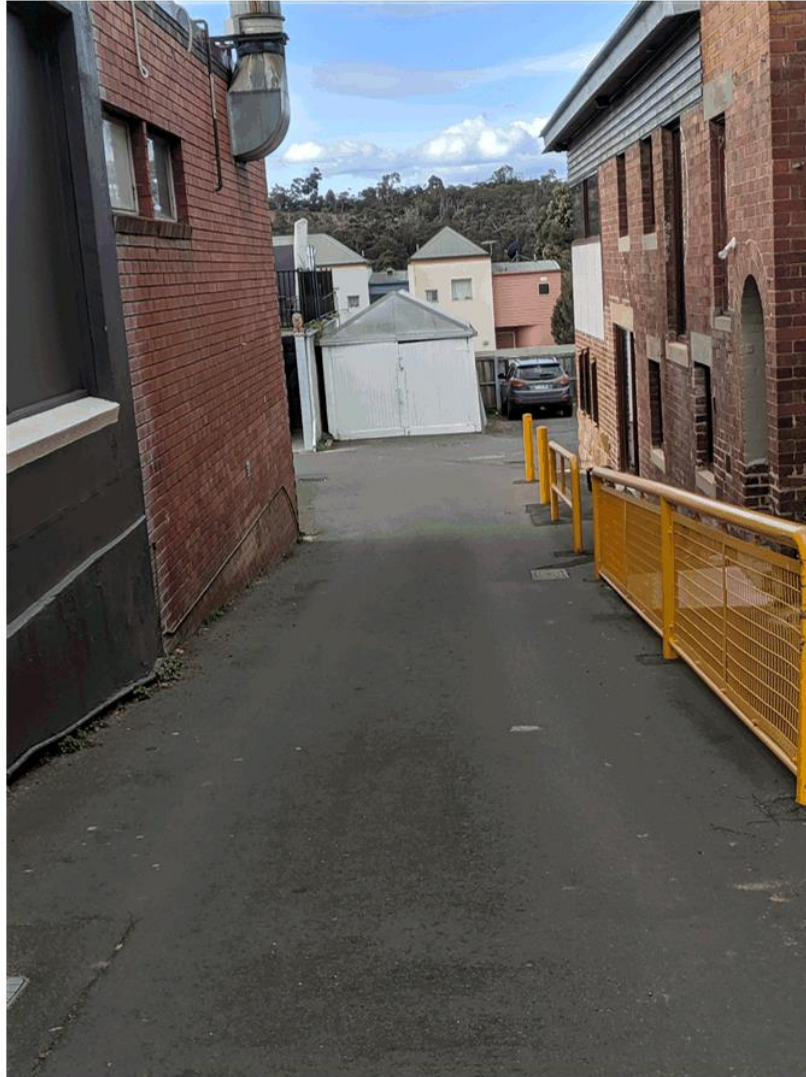


Figure 8 Access strip via a Right of Way from Elizabeth Street (Image 3). (source: E Febey)

ATTACHMENT A



Figure 9 Indicative site plan

## 1.2.1 SITE HISTORY

The site is within the main activity area of North Hobart. There are no Tasmanian Heritage Register listed properties on the site. The nearby properties with THC listed heritage values include 315, 331, 333, and 335 Elizabeth Street.

The site has been used as an unapproved private car park (non-conforming use) for a number of months. The car park has been managed by a property agency, with users gaining access via a right of way from Elizabeth Street.

A portion of the site is affected by the HIPS Heritage Area/Precinct overlay, the overlay aligns with the area of the site that is currently zoned General Business. The subject site and the City of Hobart Council operated carpark to the west are separated by an open section of the Providence Gully Rivulet.



Figure 10 Heritage Area/Precinct Overlay shown purple hatching, Heritage Register Listed properties shown shaded pink. (source: [www.theLIST.tas.com.au](http://www.theLIST.tas.com.au) © State of Tasmania. Adapted: Ireneinc)

## 1.2.2 Aboriginal Heritage

The land that is the subject of this amendment has not been identified as including Aboriginal Heritage sites<sup>1</sup>. Upon any works taking place, an Unanticipated Discovery Plan as required by Aboriginal Heritage Tasmania in accordance with the requirements of the *Aboriginal Relics Act* would be in place should an unanticipated discovery be made.

<sup>1</sup> *Aboriginal Heritage Tasmania*, September 19, 2019, accessed at <https://www.aboriginalheritage.tas.gov.au/propertysearch/>

## ATTACHMENT A

## 1.2.3 Natural Values

The subject land is not mapped as containing any native vegetation communities, having been developed for urban purposes and the surrounds being heavily developed. There are therefore no priority natural values which will be impacted by the proposal.

No watchlist weeds have been identified on the site.

## 1.2.4 Services

The site is serviced with access to reticulated water and sewage. The infrastructure detail plan shows the sewer mains bisecting the site.



Figure 11 Sewerage infrastructure (red) and reticulated water infrastructure (blue) (source: [www.theLIST.tas.com.au](http://www.theLIST.tas.com.au) © State of Tasmania.)

## 1.2.5 Specific Area Plans

The subject site is within the Royal Hobart Hospital Helipad Airspace Specific Area Plan and partially within the North Hobart Specific Area Plan.

The portion of the site that is within the North Hobart Specific Area Plan does not have any changes included in this proposed amendment.

The site is wholly within the Royal Hobart Hospital Helipad Airspace Specific Area Plan outer area. This imposes restrictions on heights for structures.

This application does not propose any changes to the operation of either SAP, nor does either SAP present an issue for the potential use of the site for vehicle parking.



Figure 12 Land affected by the North Hobart Specific Area Plan shown shaded yellow (Source: [www.theLIST.tas.com.au](http://www.theLIST.tas.com.au) © State of Tasmania)

#### 1.2.6 Adjoining Land Tenure

To the north of the site is the Lefroy Street Carpark which is on land owned by the City of Hobart. Other land to the north of the site is under Authority Freehold tenure for residential use. The remaining surrounding sites are private tenure, being a mix of residential and general retail uses as shown in figure 13.

ATTACHMENT A

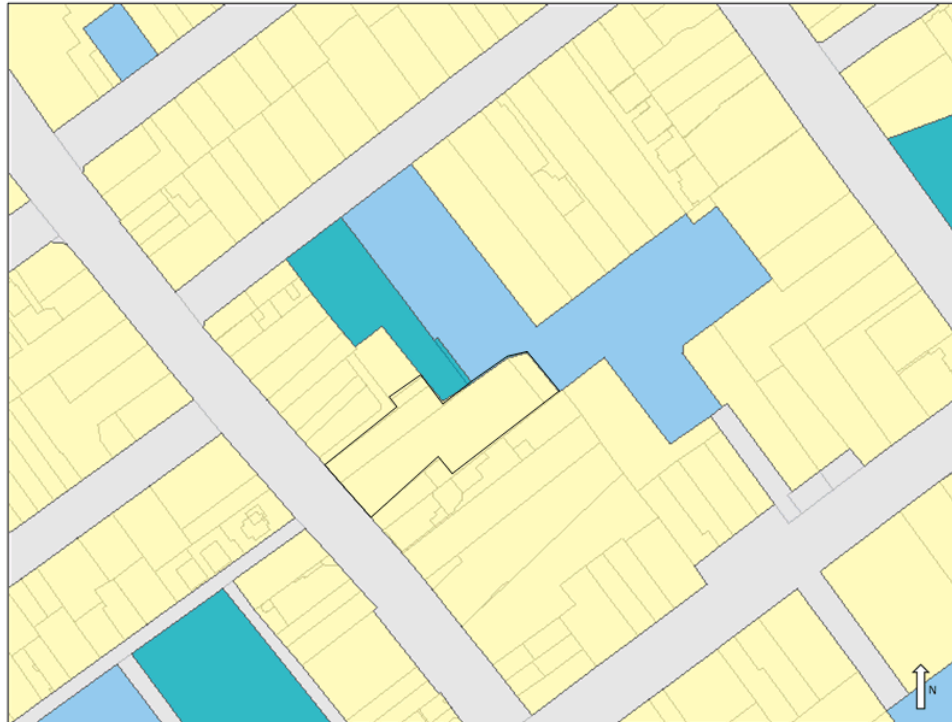


Figure 13: Land Tenure (source: [www.theLIST.tas.com.au](http://www.theLIST.tas.com.au) © State of Tasmania)

### 1.3 TRAFFIC GENERATION AND PARKING

Traffic congestion and parking are significant issues for greater Hobart. In the study *A Parking Plan for the Future 2012-2017*, some of the key issues identified in North Hobart were the instance of vehicles overstaying timed parking areas, and commuters using the bulk of the medium to long-term car parking, impacting upon the availability of parking for shoppers and visitors. The study found that a majority of short-term spaces were being used by commuters who would move their vehicle multiple times per day to avoid infringement notices from City of Hobart officers. It has been noted that there is a shortfall of parking in the area, with the recent increase of food delivery services such as Uber Eats and Qooka resulting in higher traffic and greater strain on the utilities in the already congested area.

## 2. STRATEGIC ANALYSIS

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Strategic planning for the Hobart municipality, and the North Hobart area specifically, is heavily guided by a suite of National and local planning documents which outline future projections for economic development and supply of commercial land. These documents identify a number of strategic arguments in favour of rezoning land to cater for modest increases to vehicle parking use and development. A summary of key points from each document is detailed within this section below.

### 2.1 PARKING, A PLAN FOR THE FUTURE

The study identifies the off-street carparks in North Hobart as being among some of the most important that the Council manage.

Short term street parking is in high demand in North Hobart. The review established that the Lefroy St and Condell Pl carparks, with short term spaces, were crucial for local businesses along the North Hobart strip. There is a demand for short term (two-hour parking) in the area which is not met by supply. There is also difficulty with ensuring that the spaces are the subject of vehicle turnover. The report notes that commuters and workers often move their vehicle multiple times per day to avoid parking infringements, while taking up the spaces otherwise intended for customers. Commuter parking has been noted as one of the biggest challenges for supply in North Hobart, with it representing a large portion of the existing car parking usage.

### 2.2 DIER SOUTHERN INTEGRATED TRANSPORT PLAN

#### 2.2.1 Integration of transport systems

A key future challenge identified in the Southern Integrated Transport Plan is the integration of land use and transport systems to work towards making cities more liveable and sustainable. While the region is looking to a more sustainable and public transport focused system, the provision of adequate vehicle parking is a key factor in the system.

The plan identified that the generally sparse distribution of the population presents challenges, as single zone suburbs have led to homogenous residential uses, creating distance between homes and essential services.

Resilience is a key theme throughout the transport plan. This includes the orderly and gradual move towards sustainable transport. In the immediate to medium term, private vehicle short falls must be addressed in order to deal with the increasing pressure on the road system and provision of public utilities.

### 2.3 HOBART: A COMMUNITY VISION FOR OUR ISLAND CAPITAL

The proposed amendment is consistent with Pillar 5 as identified in the vision, specifically 5.3.3 and 5.4.4 which centre around ensuring there is adequate supply and a variety of options for commuters, customers and visitors to access businesses and allow for high levels of accessibility.



5.3.3 We encourage connectivity to distinctive and diverse businesses, groups and locations by providing transport and technology systems that cater to our long-term needs.

5.4.4 Our transport options make our daily activities, such as going to work and school, shopping and socialising, effective and efficient.

The proposed amendment would allow for the provision of parking in the area, which is currently underprovided. Anecdotal evidence has been given to HCC from businesses in the area that the current parking situation is so insufficient that it is impacting upon local business along Elizabeth street. The amendment would allow for the opportunity to remediate some of the access issue in the area, allowing for effective and efficient access to the businesses and services of North Hobart.

2.4 SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY

It is acknowledged that the site and surrounding area are prime locations for potential infill residential development. Rezoning from Inner Residential to General Business would not inhibit the land being used for residential use or development in the future.

Under the General Business zone, Residential Use has the qualification of 'Permitted' *Only if above ground floor level (except for access)*, and 'Discretionary' *except if No Permit Required or Permitted*. The rezoning of the subject land would allow for the resolution of several existing land use conflicts, without precluding the possibility for residential infill development in the future or concurrently with a vehicle parking use.

2.5 ELIZABETH STREET PARKING SURVEY AND OVERSTAY (2017)

The scope of supply in the study considered 715 public vehicle parking spaces, including the 34 spaces in the Lefroy Street carpark and 88 spaces in the Condell Place carpark.

The average amount of parking that is subject to overstay is an average of 16% over the course of a day, between 8am and 9.30pm. The peak time during the study for overstays in parking spaces was between 3-5pm on weekdays and 11.30am and 2.30pm on Saturdays. There are approximately 300 additional private carparking spaces for business use in the area. The study showed a clear deficit in the provision of parking in the area, with demand peaking at lunch times and from 5pm onwards.

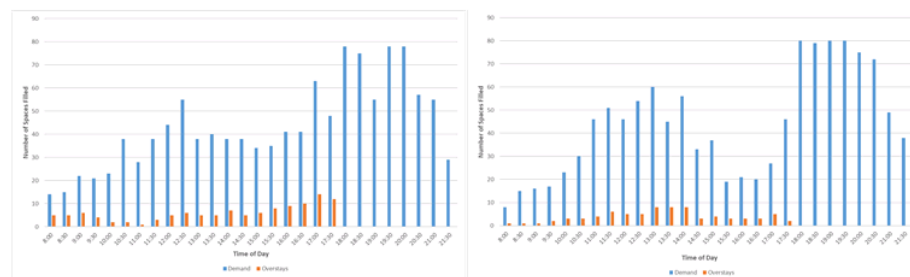


Figure 14 Off-street parking demand and overstay for Friday (left) and Saturday (right)<sup>2</sup>

The proposed amendment would facilitate the potential provision of approximately 30 additional spaces to alleviate peak demands on the existing infrastructure.

<sup>2</sup> Elizabeth Street Parking Survey and Overstay (2017), CoH

## ATTACHMENT A

## 2.6 CITY OF HOBART TRANSPORT STRATEGY (DRAFT)

The City of Hobart Transport Strategy identifies nine key themes for the future planning and development of transport in the future.

Transport is identified as a major contributor to the Tasmanian Economy. It will take long term planning and policy to reduce our reliance on private motor vehicles. Despite the importance of improving public and active transport, cars will remain ingrained in our lifestyle for the immediate and medium-term future. There is a critical lack of adequate parking for the needs of North Hobart, and with the projected growth of the greater Hobart region, essential infrastructure to accommodate the numbers of people who will live, work and visit the area.

This proposal is consistent with Strategy Actions 2.5 and 6.9 of the City of Hobart Transport Strategy 2018-30 DRAFT plan;

*Action 2.5 - Identify appropriate locations in central Hobart for new parking stations and control the location and size of new parking stations through the planning scheme.<sup>3</sup>*

*Action 6.9 - Work with our city planners to discuss potential amendments to planning schemes and zones relating to parking provisions for new developments, with the aim of aligning with this Transport Strategy, and addressing issues including: 1. centralised public parking in city centre and suburban centres instead of providing parking by individual commercial land owners, and 2. the conversion of off street parking to residential or commercial land use as appropriate.*

The proposed amendment would facilitate the above Strategy Actions by providing a controlled and appropriate area adjacent to an existing facility to provide for parking needs. The amendment would allow for a Council maintained and operated parking utility, would not preclude a future residential use on the site, and would alleviate parking pressures in the area which could further allow for surrounding residential infill development.

## 2.7 OTHER CONSIDERATIONS

## 2.7.1 Food delivery service impacts

The makeup of the North Hobart strip is subject to fluctuations in business types. At the time of this report there were 33 cafes or restaurants established between Burnett and Federal streets. Of these, there are 20 food services that are signed up to food delivery services such as Uber Eats, Qooka, and Deliveroo. There has been anecdotal evidence from both businesses and Council's parking/infringement officers that with the rise of delivery service, among other impacting factors, there has been a reduction in availability of both on-street and off-street public parking spaces.

## 2.7.2 North Hobart Land-use Survey

As part of the preparation of documentation for this application, a land use survey was undertaken along Elizabeth Street between Federal and Burnett streets. It was found that for all uses within this area, a total requirement of 1,000 carparking spaces would be needed in order to comply with the requirements of the Parking and Access Code Acceptable Solutions. The actual number of parking provided is in the order of 200 spaces. The number of spaces provided in Council managed carparks is approximately 102. This equates to a shortfall of 698 off street parking spaces. While there is on-street carparking provided along Elizabeth street and the intersecting residential streets, this is not adequate to meeting the required shortfall. This is especially the case for uses

<sup>3</sup> City of Hobart Transport Strategy 2018-30 DRAFT

that generate long term parking needs, such as restaurants and the State Cinema. The majority of surrounding on-street carparking spaces are 5min-1hour, with some 2-hour spaces also provided. Given the tight urban grain of development in the area, the on-street parking is also essential for many of the residences in the surrounding area. The largest demand for parking spaces along Elizabeth Street is generated by longer term uses, pubs and restaurants, where a typical stay could easily be 3 hours or more. The provision of 30 additional spaces afforded by the proposed amendment would go a considerable way towards alleviating the pressure on the current provision of this essential public utility.

2.7.3 Historic Development

The suburb of North Hobart has significant heritage values that present unique challenges to planning for transport infrastructure. As shown in the figure below, there are several heritage precincts within proximity to the subject site. Preservation of these values is important for maintaining the integrity of character and streetscape of North Hobart. It is preferable for utilities and infrastructure to be located behind building lines, to preserve the heritage values and minimise visual impacts that may detract from significant values.

As such, this amendment would allow for the future provision of essential infrastructure, without compromising the streetscape value or heritage value that North Hobart has.

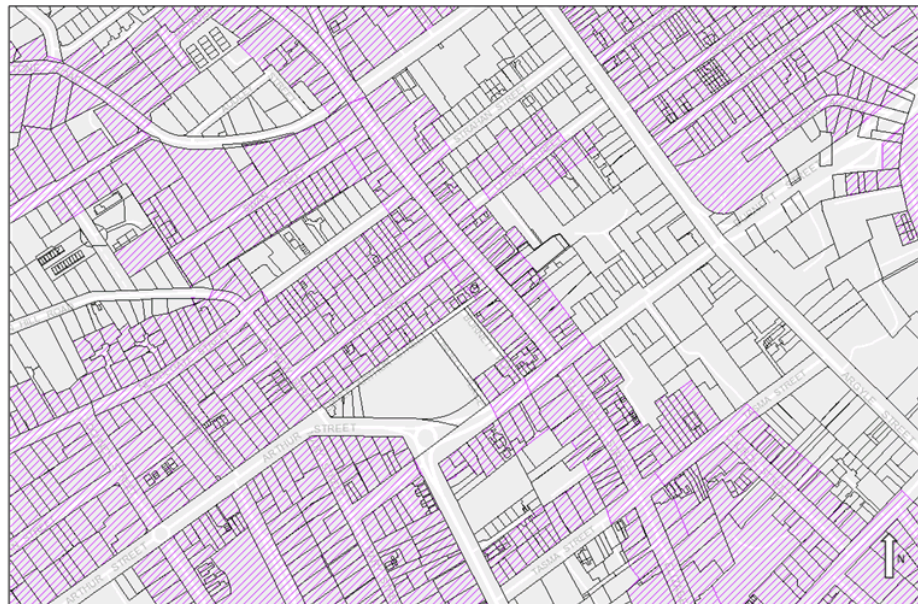


Figure 15 Heritage Code overlay in surrounding area; precincts NH3-12, WH1-2, and MS4 shown (source: www.theLIST.tas.com.au © State of Tasmania)

2.7.4 Potential Residential Density Calculations

As the rezoning involves the change from a residential zone to a business zone.

While this application does not involve a development application, some calculations have been undertaken to compare the potential yield of residences for the site depending on the zone.

ATTACHMENT A

As the site already contains a row of buildings along the Elizabeth Street frontage, the potential development area has been restricted to the rear portion of lot 321-323A Elizabeth St (PID: 5662281).

Several assumptions were required to be made for the following calculations, as the assessment of applications that require Council to use their discretionary powers for performance criteria relaxations are heavily influenced by design, amenity impacts, and the context of setting, the Acceptable Solutions for both zones have been considered as they provide quantitative measures for assessment.

	INNER RESIDENTIAL ZONE	GENERAL BUSINESS ZONE
USE QUALIFICATION	Permitted if: multiple dwellings	Permitted if: above ground floor Disc otherwise
HEIGHT	projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 3m from the rear boundary; to a building height of not more than 9.5 m above natural ground level	8.5m
SETBACKS	only have a setback within 1.5 m of a side boundary if the dwelling: does not exceed a total length of 9 m or □ 3m from rear	5m or ½ height of wall (the greater of the 2)
DENSITY	Permitted: site area per dwelling of not less than 200m2 and not more than 400m2. Below 200m2 is discretionary	NA
SUN	Window that faces between 30 degrees west and 30 degrees east of north	NA
SITE COVERAGE %	not more than 50% a site area of which at least 25% of the site area is free from impervious surfaces	no more than 60%.
POS	12 m2, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level	NA
PRIVACY	A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), window or glazed door, to a habitable room that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side or rear boundary, unless the balcony, deck,	NA

ATTACHMENT A

	roof terrace, parking space, or carport has a setback of at least 3 m from the boundary	
WASTE STORAGE	an area of at least 1.5m <sup>2</sup> per dwelling	NA
LANDSCAPING	(parking code)	(parking code)
PARKING	1 per 1 bed unit 2 per 2 bed unit + 1 Visitor space per 4 units	1 per 1 bed unit 2 per 2 bed unit + 1 Visitor space per 4 units

A building of 2 ½ storeys has been assumed for both zone scenarios given the prescribed building envelope. A ground floor that is solely utilised for; parking, vehicle circulation, service infrastructure, entry ways and waste storage has also been assumed for the General Business zone scenario.

Based on density alone, the Inner Residential zone Acceptable Solution would require that the development be restricted to 4-7 dwellings. The site coverage standards also heavily restrict the potential building area in the Inner Residential zone as the site already has a row of buildings along the Elizabeth Street frontage which have a building area of approximately 348m<sup>2</sup>.

As there are no density restrictions for the General Business zone development under this zoning may yield a greater number of residences without the requirement to meet provisions for these.

### 3. CURRENT PLANNING SCHEME PROVISIONS

The subject land is within the bounds of the *Hobart Interim Planning Scheme 2015* (the Scheme), the following provides the provisions of the Scheme relevant to the site and use and development proposed for the land.

#### 3.1 EXISTING ZONES

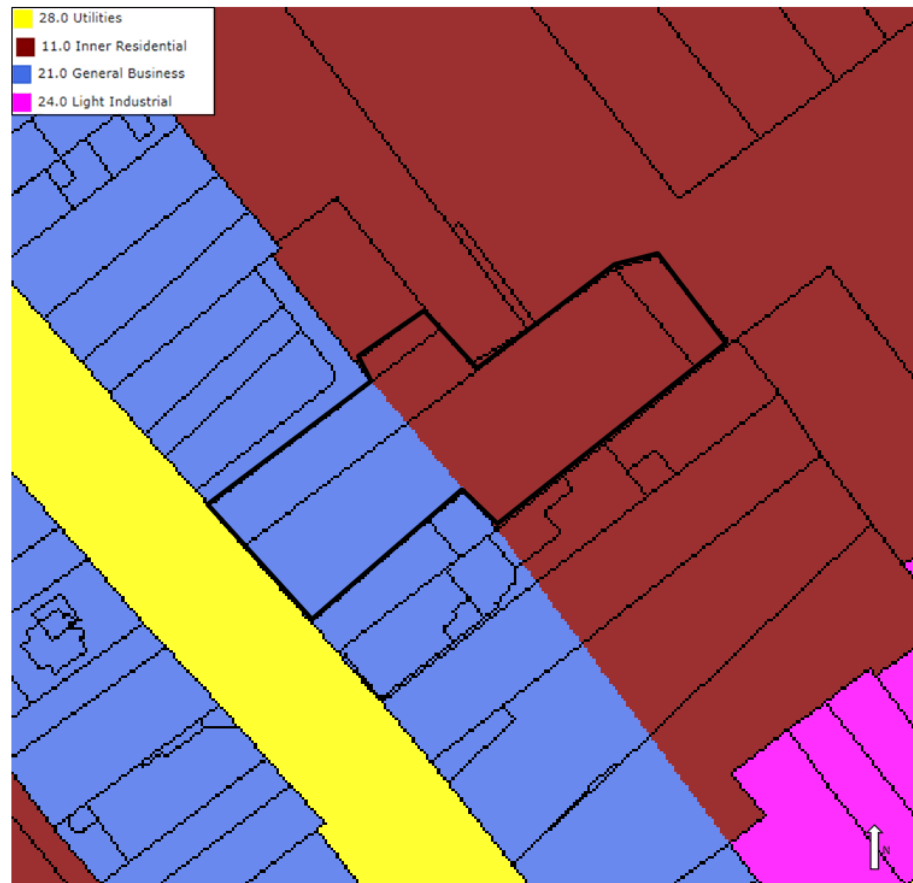


Figure 16 Current zoning (Source: [www.theLIST.tas.com.au](http://www.theLIST.tas.com.au) © State of Tasmania)

The subject site currently has dual zoning, being both Inner Residential and General Business zone. This pattern is reflected along the larger lots that have frontage to Elizabeth Street. The sites with frontage to Elizabeth street are zoned General Business to an extent of 30m, with the balance of the sites and the surrounding suburb being predominantly zoned inner residential. There are also light industrial and urban mixed-use zones in the wider area.

#### 3.2 INNER RESIDENTIAL ZONE

The following details the provisions for the zone currently applicable to the subject land.

3.2.1 Zone Purpose

- 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.

There are no Local Area Objectives or Desired Future Character Statements for this zone.

3.2.2 Use Table

The uses allowable in the zone are in accordance with the Table at 11.2, as follows:

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Educational and occasional care	Only if home-based childcare in accordance with a licence under the Child Care Act 2001
Natural and cultural values management	
Passive recreation	
Residential	Only if single dwelling. Only if home-based business with no more than 1 non-resident worker/employee, no more than 1 commercial vehicle and a floor area no more than 30 m <sup>2</sup> .
Utilities	Only if minor utilities
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Residential	Except if No Permit Required. Except if home-based business with more than 1 non-resident worker/employee, more than 1 commercial vehicle or a floor area more than 30m <sup>2</sup> .
Visitor accommodation	
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Business and professional services	Only if a consulting room, medical centre, veterinary surgery or child health clinic.  Only if not displacing a residential or visitor accommodation use, unless occupying floor area previously designed and used for non-residential

	<i>commercial purposes (excluding visitor accommodation) or on the properties shown on Figure 11.2.1 (Former Douglas Parker Rehabilitation Complex - 31b and 35 Tower Road). Except if a consulting room within 200m of the boundary of 35.0 Particular Purpose Zone (Calvary Hospital) or on the properties at 21 and 23 to 28 Gregory Street and 18, 20, 22 and 22a Princes Street.</i>
<i>Community meeting and entertainment</i>	<i>Only if church, art and craft centre or public hall</i>
<i>Educational and occasional care</i>	<i>Except if No Permit Required.</i>
<i>Emergency services</i>	
<i>Food services</i>	<i>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). Except if a takeaway food premises with a drive through facility.</i>
<i>General retail and hire</i>	<i>Only if in an existing building, except if a local shop, 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).</i>
<i>Residential</i>	<i>Except if No Permit Required or Permitted.</i>
<i>Sports and recreation</i>	
<i>Utilities</i>	<i>Except if no permit required.</i>
<i>Prohibited</i>	
<i>All other uses</i>	

3.3 GENERAL BUSINESS ZONE

The Zone Purpose Statements for the General Business Zone are as follows:

21.1.1.1 *To provide for business, community, food, professional and retail facilities serving a town or group of suburbs.*

21.1.1.2 *To facilitate residential use above ground floor level.*

21.1.1.3 *To ensure development is highly accessible by public transport, walking and cycling.*

21.1.1.4 *To ensure that the design of development is sympathetic to the setting and compatible with the character of each of the business centres in terms of building scale, height and density.*

21.1.1.5 *To ensure that the proportions, materials, openings and decoration of building facades contribute positively to the streetscape and reinforce the built environment of the area in which the site is situated.*

21.1.1.6 *To ensure that vehicular access and parking is designed so that the environmental quality of the local area is protected and enhanced.*

The proposed amendment would allow the current non-conforming use to be regulated as consistent with 21.1.1.6 of the ZPS. Residential use would remain a key opportunity for the site.



## 3.3.1 Local Area Objectives

## 21.1.2 Local Area Objectives

*To maintain, reinforce and enhance the function, character, appearance and distinctive qualities of each of the identified business centres as follows:*

- (a) the Elizabeth Street area, North Hobart as a daytime local shopping area and night-time restaurant destination with neither function becoming dominant; and*
- (b) the Sandy Bay shopping centre as the main shopping and commercial focus for the southern suburbs of the city.*

The amendment would be consistent with the LAO given that there would be a variety of uses provided for under this zoning. The intent is to allow for the development of additional parking to service both the retail and food service uses in the area. The amendment would not result in either function being dominant. Additionally, the amendment would not affect the buildings that present to Elizabeth Street, preserving the visual qualities of the area.

## 3.3.2 Desired Future Character Statements

## 21.1.3 Desired Future Character Statements

*Elizabeth Street North Hobart*

*Central North Hobart should continue to function as a day-time local shopping area and night-time restaurant destination. These functions should exist equally, with neither becoming predominate.*

*New development should continue the traditional height and rectangular building form parallel to Elizabeth Street where buildings are either one or two storeys.*

*New development should not be permitted to intrude into important views, either views to, from, or across;*

- (a) Holy Trinity Church (Church Street),*
- (b) The high ground of the Queens Domain,*
- (c) Knocklofty Reserve, or*
- (d) Mount Wellington.*

*All new development should be built to the street edge and should improve pedestrian amenity and convenience. Protection from the elements for the pedestrian should be provided, primarily by the retention and/or introduction of awnings.*

*The historic streetscape and particularly the 'red brick' character of many individual buildings are highly valuable and should be retained. Painting of intact brickwork on the Elizabeth Street frontage is prohibited.*

*The diversity and intactness of shop fronts is essential to the character of central North Hobart, the retention of the physical fabric of shop fronts is critical to the preservation of character.*

*Development should provide detail and architectural interest at various levels of the streetscape, inset doorways and associated detailing are desirable as they contribute to the diverse pattern of the existing streetscape.*

*Development should encourage laneways to extend the network of informal public spaces. Development should not 'build in' laneways. Commercial use of buildings fronting laneways is appropriate. Development should reinforce the existing hierarchy of public spaces.*

*Integrated artwork/s are entirely appropriate and contribute to the cultural and artistic focus that has developed in North Hobart.*

The amendment would not cause a conflict with the DFCS or result in any change to the relevant development/use standards. DFCS are not included in the SPPs.

### 3.3.3 Use Table

The uses allowable in the zone are in accordance with the Table at 21.2, as follows:

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
<i>Any permitted use</i>	<i>Only if replacing an existing use on the site and there is no associated development requiring a permit</i>
<i>Residential</i>	<i>Only if home-based business</i>
<i>Utilities</i>	<i>Only if minor utilities</i>
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
<i>Business and professional services</i>	<i>Except if a bank on the properties at 59-65 Queen Street or 267-275 Sandy Bay Road, Sandy Bay Except if consulting rooms on the properties at 17 and 19 Gregory Street</i>
<i>Community meeting and entertainment</i>	
<i>Educational and occasional care</i>	<i>Only if above ground floor level, (except for access).</i>
<i>Food services</i>	<i>Except if a take away food premises with a drive through facility Except if a restaurant or take-away food premises on the properties 59-65 Queen Street, Sandy Bay</i>
<i>General retail and hire</i>	<i>Except if adult sex product shop or supermarket Except if a shop on the property at 267-275 Sandy Bay Road unless it is ancillary to or in association with the community and fund raising activities of the Church at 275 Sandy Bay Road</i>
<i>Passive recreation</i>	
<i>Residential</i>	<i>Only if above ground floor level (except for access)</i>
<i>Research and development</i>	<i>Only if above ground floor level (except for access)</i>
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
<i>Bulky goods sales</i>	
<i>Custodial facility</i>	<i>Only if a remand centre</i>
<i>Educational and occasional care</i>	<i>Except if No Permitted</i>
<i>Emergency services</i>	
<i>Equipment and machinery sales and hire</i>	
<i>Food services</i>	<i>Except if permitted</i>

## ATTACHMENT A

	<i>Except if a restaurant, drive through take-away or take-away food premises on the properties 59-65 Queen Street, Sandy Bay</i>
<i>General retail and hire</i>	<i>Except if permitted</i>
<i>Hospital services</i>	
<i>Hotel industry</i>	<i>Except if adult entertainment venue.</i>
<i>Natural and cultural values management</i>	
<i>Research and development</i>	<i>Except if permitted.</i>
<i>Residential</i>	<i>Except if No Permit Required or Permitted.</i>
<i>Service industry</i>	<i>Only if an extension to an existing use.</i>
<i>Sports and recreation</i>	
<i>Tourist operation</i>	
<i>Transport depot and distribution</i>	
<i>Utilities</i>	<i>Except if no permit required.</i>
<i>Vehicle fuel sales and service</i>	<i>Must have frontage and access to Sandy Bay Road</i>
<i>Vehicle parking</i>	
<i>Visitor accommodation</i>	<i>Except if camping and caravan park or overnight camping area Except if a motel, bed and breakfast accommodation or backpacker accommodation on the properties at 59-65 Queen Street, Sandy Bay</i>
<b>Prohibited</b>	
<i>All other uses</i>	

The amendment would allow for the use of 'Vehicle Parking' to be discretionary instead of prohibited. Any application made would remain at the discretion of Council for both use and development design. The rezoning would not have a detrimental impact upon the potential for residential uses to be proposed in the future, being *No Permit Required* or *Permitted* in the zone.

## 3.3.4 Use Standards

The use standards include provisions for Hours of Operation, Noise and External Lighting, which are relevant to vehicle parking use and could be conditioned as part of a permit.

The existing Lefroy St car park operates 24 hours; however, fees apply within the car park between the hours of 8.30 am - 10 pm when the biggest demand occurs. While this amendment does not include a development application for a car park if the proposed amendment would be approved, then a subsequent application to develop vehicle parking on the site would need to meet the relevant use standard and a permit could be conditioned to restrict the operating hours to the hours prescribed permitted standards.

## 3.4 OTHER RELEVANT PROVISIONS

There are Scheme Codes which apply to the subject land, as well as a portion of the land being within the North Hobart Specific Area Plan which applies to a portion of the subject sites. This amendment does not propose any change to the application or function of these.

## 4. SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY

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The *Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS)*, most recently amended 19 February 2020, includes the following:

### 8. MANAGING RISKS AND HAZARDS

*MRH 2 Minimise the risk of loss of life and property from flooding.*

*MRH 2.1 Provide for the mitigation of flooding risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by avoiding locating sensitive uses in flood prone areas.*

*MRH 2.2 Include provisions in the planning scheme for use and development in flood prone areas based upon best practice in order to manage residual risk.*

The subject site is located adjacent to the Providence Gully Rivulet which may be subject to riverine flooding. The site is however not mapped within a Riverine Inundation Hazard Area and as such not considered to be subject to 1% AEP. As such the site is not subject to the Inundation Prone Areas Code of the Interim Scheme.

Although not an intended consequence of the zone provisions, rezoning the land to General Business would result in some sensitive uses including residential to become discretionary at ground floor which reduces risk from these sensitive uses being located at ground floor within the vicinity of the Rivulet.

### 13. LAND USE AND TRANSPORT INTEGRATION

*LUTI 1 Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.*

*LUTI 1.9 Ensure car parking requirements in planning schemes and provision of public car parking is consistent with achieving increased usage of public transport.*

*LUTI 1.11 Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.*

The proposed amendment does not change the existing car parking requirements of the planning scheme. North Hobart is not within a carparking exemption area under the Parking and Access Code therefore any future development on the site, or any other vacant portions of land would be required to provide carparking in line with the requirements of the Code.

### 18. ACTIVITY CENTRES

AC 1.7 Improve the integration of public transport with Activity Centre planning, particularly where it relates to higher order activity centres.

AC 3.1 Actively encourage people to walk, cycle and use public transport to access Activity Centres.

AC 3.4 Provide for coordinated and consistent car parking approaches across the Principal and Primary Activity Centres that support improved use of public transport and alternative modes of transports, pedestrian amenity and urban environment.

The site of the proposed amendment is located on the outer edge of the Primary Activity Centre of Hobart CBD. North Hobart is already well integrated into the public transport system with Metro high frequency 'Turn Up and Go' service travelling along Elizabeth Street. However, Hobart is still currently a car centric city and many people visit the businesses of North Hobart from areas which are outside of the primary transport corridors and are required to travel by private vehicle.

**19. SETTLEMENT AND RESIDENTIAL DEVELOPMENT**

**19.5 REGIONAL SETTLEMENT STRATEGY**

Table 2: The Settlement Network

GREATER HOBART (INCLUDING THE METROPOLITAN AREA AND SATELLITES)	
METROPOLITAN AREA OF GREATER HOBART	
Description	The metropolitan area of Greater Hobart is the largest urban area in the State and the region...
Population*	200,000+ (including all Satellites and dormitory suburbs)
Utility Connections	Full reticulated services
Services	A full range of services as provided through the Activity Centres Network
Growth Strategy	Will be identified through a specific spatial strategy including Urban Growth Boundary ...

Table 3: Growth Management Strategies for Settlements

SETTLEMENT	PROPOSED REGIONAL FUNCTION	GROWTH STRATEGY**	GROWTH SCENARIO
Greater Hobart	Primary urban centre for the region, providing for significant housing and employment opportunities ...	See Map 10	See Map 10

**19.6 GREATER HOBART RESIDENTIAL STRATEGY**

The management of residential growth within Greater Hobart requires a more detailed approach because of the size and extent of growth pressures and the influence that metropolitan growth has on the economic, social and environmental health of the whole region. ...

... Residential growth will be primarily managed through an Urban Growth Boundary that will set the physical extent for a 20-year supply of residential land for the metropolitan area. As the name implies, it will include land for other urban purposes (i.e. commercial and industrial development) as well as pockets of open space and recreational land that assist in providing urban amenity. ...

The Urban Growth Boundary is shown in Map 10 and has been mapped on the basis of known constraints, values and opportunities including infrastructure capacity, environmental, landscape and heritage values and land hazards. ...

**19.7 REGIONAL POLICIES**

## ATTACHMENT A

- SRD 1 Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.*
- SRD 1.1 Implement the Regional Settlement Strategy and associated growth management strategies through planning schemes.*
- SRD 1.2 Manage residential growth in District Centres, District Towns and Townships through a hierarchy of planning processes as follows:*
- 1. Strategy (regional function & growth scenario);*
  - 2. Settlement Structure Plans (including identification of settlement boundaries);*
  - 3. Subdivision Permit;*
  - 4. Use and Development Permit. ...*
- SRD 1.5 Ensure land zoned residential is developed at a minimum of 15 dwellings per hectare (net density). ...*
- SRD 2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.*
- SRD 2.1 Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.*
- SRD 2.2 Manage greenfield growth through an Urban Growth Boundary, which sets a 20 year supply limit with associated growth limits on dormitory suburbs. ...*
- SRD 2.4 Recognise that the Urban Growth Boundary includes vacant land suitable for land release as greenfield development through residential rezoning as well as land suitable for other urban purposes including commercial, industrial, public parks, sporting and recreational facilities, hospitals, schools, major infrastructure, etc ...*
- SRD 2.6 Increase densities to an average of at least 25 dwellings per hectare (net density)(i) within a distance of 400 to 800 metres of Integrated transit corridors and Principal and Primary Activity Centres, subject to heritage constraints.*
- SRD 2.7 Distribute residential infill growth across the existing urban areas for the 25 year planning period as follows:*
- Glenorchy LGA 40% (5300 dwellings)*
  - Hobart LGA 25% (3312 dwellings)*
  - Clarence LGA 15% (1987 dwelling)*
  - Brighton LGA 15% (1987 dwellings)*
  - Kingborough LGA 5% (662 dwellings)*
- SRD 2.8 Aim for the residential zone in planning schemes to encompass a 10 to 15 year supply of greenfield residential land when calculated on a whole of settlement basis for Greater Hobart. ...*
- SRD 2.9 Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.*
- SRD 2.10 Investigate the redevelopment to higher densities potential of rural residential areas close to the main urban extent of Greater Hobart. ...*

ATTACHMENT A

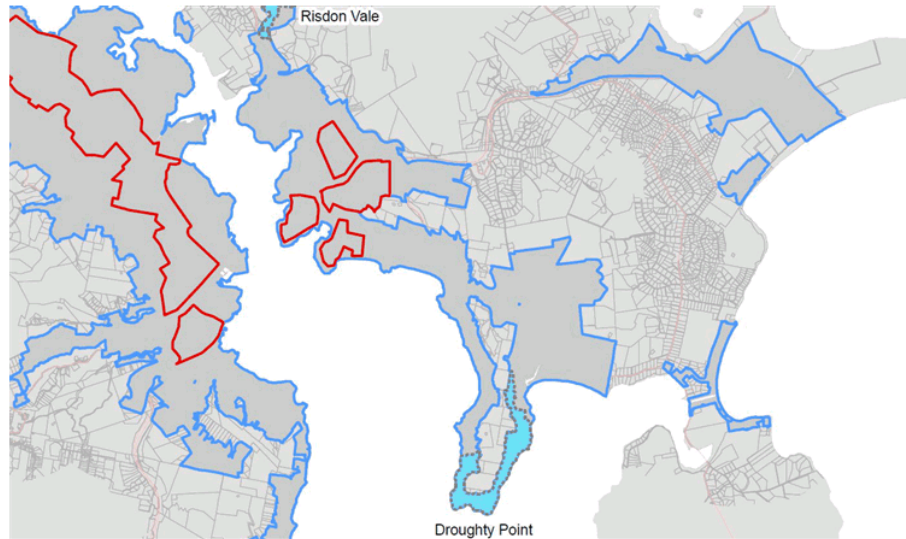


Figure 17: STRLUS Map 10 extract (Source: STRLUS)

The urban growth boundary provided for in the STRLUS, described in the figure above, indicates the subject land is located within the Urban Growth Boundary and in an identified Densification Area. The land is not within Greenfield Development Precinct. As such, the proposal is considered suitable for the expansion of the carpark in a density consistent with surrounding development.

The Strategy outlines elements that should be considered; More efficient use of physical and transport infrastructure; Maximising aggregation potential of inner cities through intensification of land use. The rezoning of the site will allow for the development of essential public utility, which is currently at capacity. The rezoning of the land from 'Inner Residential' to 'General Business' would not preclude the site from infill residential development. The amendment would also resolve a pre-existing issue within the scheme, being a dual zoned lot, which is not desirable or an efficient form of land-use planning.

Residential infill would remain as a 'permitted' use class in the general business zone, with the qualification; *if above ground floor*. The site has several issues which impact the viability of ground level residential development, namely its proximity to the rivulet and main plumbing services bisecting the centre of the site.

## 5. FORMAT OF THE AMENDMENT

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It is intended to amend the Planning Scheme to facilitate the existing use on site and allow for the provision of public utility.

### 5.1 AMENDMENT APPROACH

The intent of the amendment request is to provide for change of use to enable vehicle parking.

The location, topography and proximity to the rivulet make the land suitable for development for vehicle parking. Infill residential development would face greater challenges at ground level given the possibility of flooding from the Providence Gully Rivulet. The rezoning would not preclude residential development on the site at upper levels and is therefore consistent with the intention of the Urban Growth Boundary of the STRLUS and as a logical extension of the neighbouring CoH Lefroy Street carpark.

#### 5.1.1 Specific amendment

The amendment proposed is for rezoning from Inner Residential Zone to General Business Zone for the following land:

- Folio of the Register 176661/1, 321-325 Elizabeth Street North Hobart;
- Folio of the Register 137807/1, 321-325 Elizabeth Street North Hobart;
- Folio of the Register 137808/1, 321-325 Elizabeth Street North Hobart; and
- Folio of the Register 137808/2, 321-325 Elizabeth Street North Hobart.

The zoning plan for the area would be reflected in figure 18.

A review of the relevant strategic and statutory instruments supports an amendment of the Planning Scheme and therefore the part of the subject site should be rezoned from 'Inner Residential' to 'Local Business' to support the intended use.



ATTACHMENT A

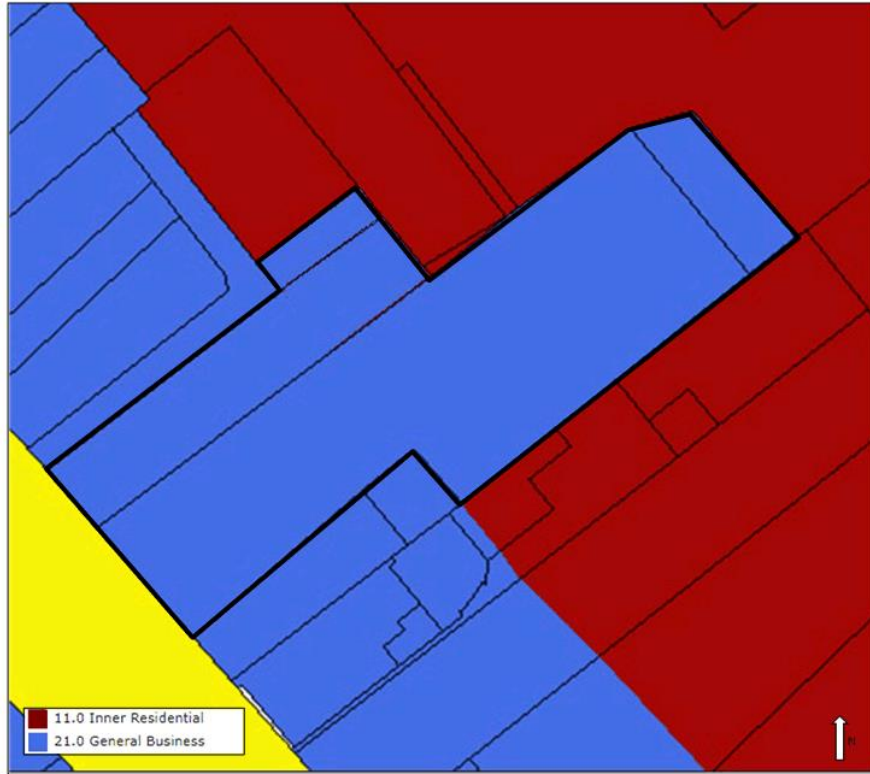


Figure 18 Proposed zones - Option 1 (Source: [www.theLIST.tas.com.au](http://www.theLIST.tas.com.au) © State of Tasmania. Adapted: Ireneinc)

## 6. ASSESSMENT UNDER LUPAA

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In accordance with S8C and the Savings and Transitional Provisions of Schedule 6 request for amendment to the Scheme is made under the former *Land Use Planning and Approval Act 1993* in accordance, the former Section 32 which requires that amendments to planning scheme be considered against the following:

- (1) *A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A)-*
  - (a) . . . . .
  - (b) . . . . .
  - (c) . . . . .
  - (d) . . . . .
  - (e) *must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
  - (ea) *must not conflict with the requirements of section 300; and*
  - (f) *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*
- (2) *The provisions of section 20(2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.*

Section 20 also includes the following:

- 20.(1) (a) *seek to further the objectives set out in Schedule 1 within the area covered by the scheme; and*
- (b) *prepare the scheme in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993; and*
- (c) . . . . .

The above provisions are considered in the following sections.

### 6.1 LAND USE CONFLICTS

The rezoning of the subject land from Inner Residential to General Business will not create land use conflict given that:

- The directly adjoining land is already partially in the General Business Zone;
- The south eastern portion of the site is already zoned General Business and the proposed amendment would be an extension of the existing zoning and not introduce a new zoning conflict;

## ATTACHMENT A

- The site is within the main North Hobart commercial area;
- The rezoning would result in an existing non-conforming use being consistent with the zone requirements; and
- Land use conflicts relating to hours of operation, light spill and noise have been addressed in section 3.3.4 of this report.

The comparative use table in Attachment B demonstrates the allowable uses under the current/surrounding zoning against the proposed zoning. This table shows that land use conflicts will not occur because of the proposed amendment. Additional uses not allowed under the Inner Residential zoning, could only be allowed at the discretion of the planning authority under the General Business zoning. Discretionary uses would be required to meet the use standard provisions for the zone.

## 6.2 REQUIREMENTS OF SECTION 300

Section 300 provides as follows:

### 300. Amendments under Divisions 2 and 2A of interim planning schemes

- (1) *An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.*
- (2) *An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if -*
  - (a) *the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and*
  - (b) *the amendment does not revoke or amend an overriding local provision; and*
  - (c) *the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.*
- (3) *Subject to section 30EA, an amendment may be made to a local provision if -*
  - (a) *the amendment is to the effect that a common provision is not to apply to an area of land; and*
  - (b) *a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.*
- (4) *An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.*
- (5) *Subject to section 30EA, an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of -*

ATTACHMENT A

- (a) taking an optional common provision out of the scheme; or
- (b) taking the provision out of the scheme and replacing it with another optional common provision.

The amendment proposed is a rezoning of an area of land and as such is a local provision which can be amended under Division 2 or 2A. The amendment will not conflict with any common or overriding local provision.

6.3 REGIONAL IMPACT

As detailed previously the proposed amendment is consistent with the *Southern Tasmanian Regional Land Use Strategy* which provides strategic direction of the Region given that it is within the UGB. The land is not identified as a greenfield area. The land is within an infill area with existing developed boundaries of urban residential land. The proposed amendment would not restrict the potential for residential development on the land for the purposes of infill development. The proposed zoning would result in the residential use class being No Permit Required if a home-based business, Permitted if above ground floor level (except for access), and Discretionary for all remaining residential uses.

6.4 SCHEDULE 1 OBJECTIVES OF LUPAA

The objectives are considered in the following tables:

6.4.1 Part 1

PROVISION	RESPONSE
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	The proposed amendment relates to an area of land which was modified and cleared of original native vegetation many years ago. There will therefore be no significant impact from the proposed rezoning on natural physical resources or ecological processes.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water: and</i>	The rezoning will provide for fair, orderly and sustainable development by providing a relatively small additional area of land zoned for general business purposes supporting the regional strategy.
<i>(c) to encourage public involvement in resources management and planning; and</i>	The process required for the assessment of amendments to planning schemes provides interested parties with an opportunity to make representations during public exhibition as well as attending subsequent hearings. This process additionally provides Council and subsequently the TPC to consider issues raised during their assessment.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c): and</i>	The proposal is aimed at facilitating economic development of an existing parcel of underutilised land in accordance with the objectives (a), (b) and (c) by enabling development and use of a site with suitable site characteristics and location for urban development and providing an opportunity for an essential Council service.
<i>(e) to promote the sharing of responsibility for resource management and planning between</i>	Assessment of the amendment will occur at local and state level and will include the

ATTACHMENT A

<i>the different spheres of Government, the community and industry in the State.</i>	opportunity for involvement of the community.
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6.4.2 Part 2 - Objectives of the Planning Process Established by this Act

PROVISION	RESPONSE
<i>(a) to require sound strategic planning and co-ordinated action by State and local government; and</i>	The amendment process requires assessment at local and state levels.
<i>(b) to establish a system of planning instruments to be the principle way of setting objectives, policies and controls for the use, development and protection of land;</i>	The system as per LUPAA provides the instruments to achieve these objectives.
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;</i>	There are no direct effects on the environment caused through the proposed rezoning given there is a range of use and development opportunities available in the current zone. Notwithstanding this, all matters related to the future use and development will be considered in accordance with the provisions of the Scheme as part of current and future applications.
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;</i>	Not directly applicable to the proposed amendment.
<i>(e) to provide for the consolidation of approvals for land use and development and related matters, and to co-ordinate planning approvals with related approvals;</i>	The S43A process provided for through the Act allow for the consideration of any use/development application in conjunction with a proposed amendment. This application does not propose a development.
<i>(f) to secure a pleasant, efficient and safe working environment for all Tasmanians and visitors to Tasmania;</i>	Not specifically relevant to this amendment.
<i>(g) to conserve those buildings and areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;</i>	The portion of land subject to the rezoning application is not identified as having particular cultural value. The rezoning does not include land with significant or heritage buildings.
<i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and</i>	The subject land is located with access to all required services, the proposed use and development application will be required to detail connection and/or extension to infrastructure if required.
<i>(i) to provide a planning framework which fully considers land capability.</i>	The proposed rezoning considers land capability.

6.5 STATE POLICIES

The following are the state policies and have been considered as part of this application.

6.5.1 The State Coastal Policy 1996

The subject land is not located within the coastal zone to which this State Policy applies.

## ATTACHMENT A

## 6.5.2 The State Policy on Water Quality Management 1997

The proposed rezoning of the subject land will not directly impact on any issues related to water quality given the existing zone provides a range of use and development opportunities. Any future application for development will be required to detail appropriate water management, through connection to services and appropriate stormwater management practices in accordance with the provisions of the Scheme and therefore be consistent with this Policy.

## 6.5.3 The State Policy on the Protection of Agricultural Land 2009

The proposed rezoning of the subject land will not directly impact upon any agricultural land to which this State Policy applies.

## 6.5.4 National Environment Protection Measures (NEPMs)

NEPMs are also taken to be State Policies in Tasmania. NEPMs are made under Commonwealth legislation and given effect in Tasmania through the State Policies and Projects Act.

The Codes within the Scheme deal in detail with the relevant matters (Heritage) and the assessment of the submitted application can be undertaken against the appropriate Use and Development Standards. The proposed amendment is not considered affected by the NEPMs.

ATTACHMENT A

## ATTACHMENT A - TITLES

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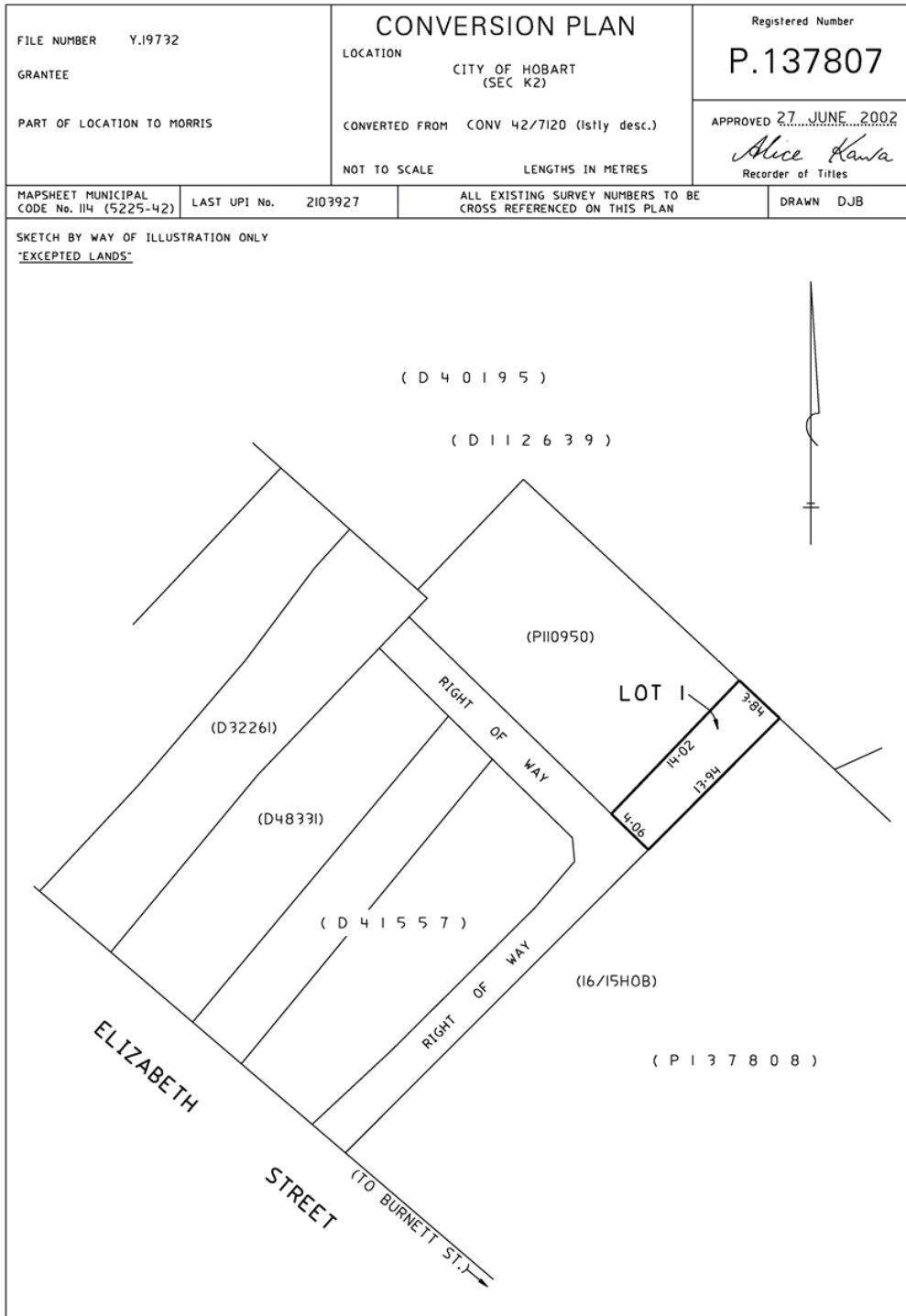


**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

ATTACHMENT A





**RESULT OF SEARCH**

ATTACHMENT A

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## SEARCH OF TORRENS TITLE

VOLUME 137807	FOLIO 1
EDITION 4	DATE OF ISSUE 28-Jun-2017

SEARCH DATE : 10-Sep-2020

SEARCH TIME : 11.51 AM

DESCRIPTION OF LAND

City of HOBART  
 Lot 1 on Plan 137807  
 Being the land firstly described in Conveyance No.42/7120  
 Derivation : Part of Location to Morris  
 Derived from Y19732

SCHEDULE 1

C543007 & C543008 TRIANTAFILLOS PAPATRIANTAFILLOU and  
 THEODORA PAPATRIANTAFILLOU Registered 19-Mar-2004  
 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 42/7120 BENEFITING EASEMENT: Right of Carriageway over the  
 Right of Way shown on Plan 137807  
 E96857 MORTGAGE to Bank of Queensland Limited Registered  
 28-Jun-2017 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

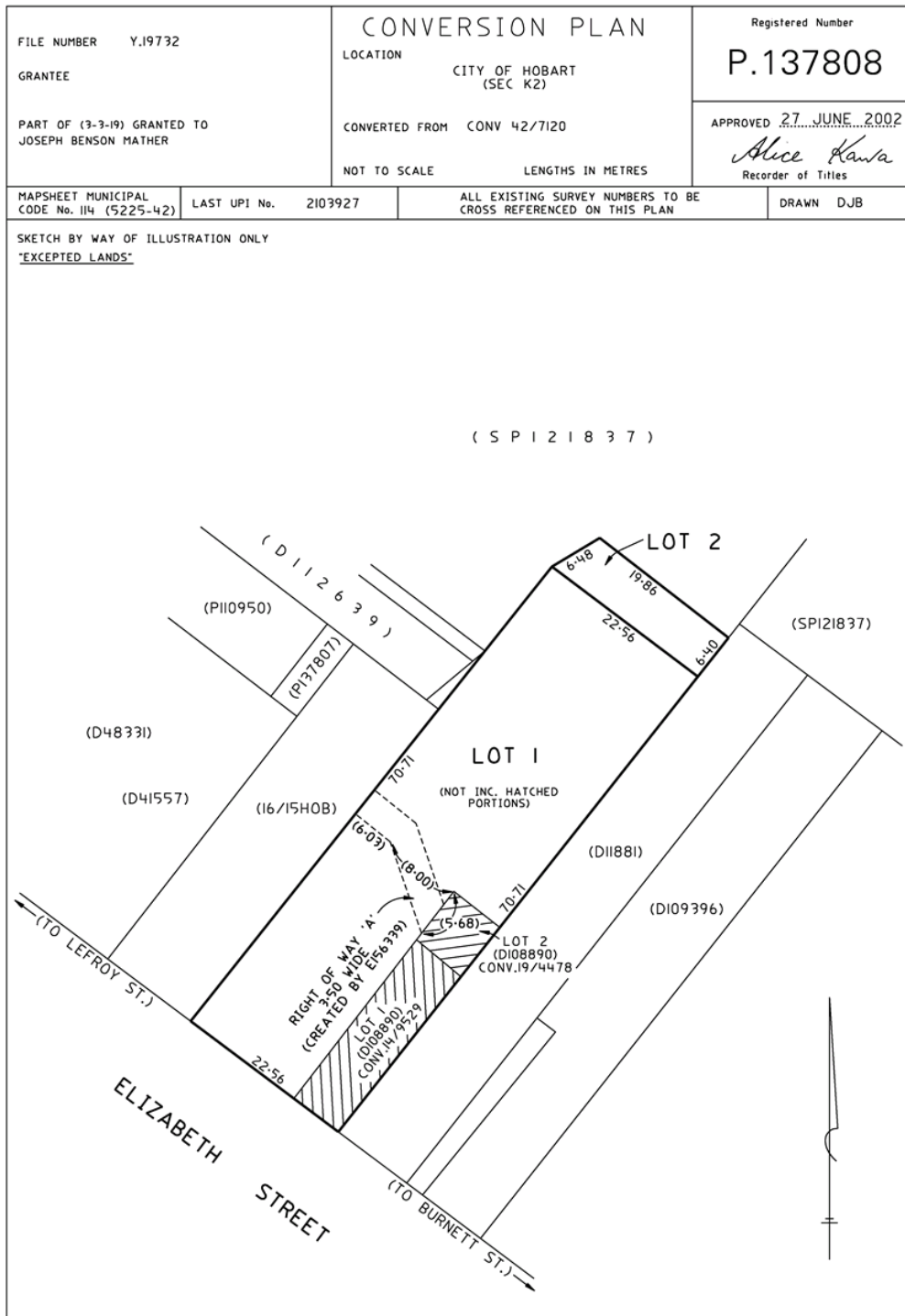


**FOLIO PLAN**

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## SEARCH OF TORRENS TITLE

VOLUME	FOLIO
137808	1
EDITION	DATE OF ISSUE
2	05-Mar-2019

SEARCH DATE : 25-Feb-2020

SEARCH TIME : 10.04 AM

DESCRIPTION OF LAND

City of HOBART  
 Lot 1 on Plan 137808  
 Being the land secondly described in Conveyance No.42/7120  
 Excepting thereout Lots 1 & 2 on Plan 108890  
 Derivation : Part of 3a-3r-19p Gtd to Joseph Benson Mather  
 Derived from Y19732

SCHEDULE 1

FILIS PAPANTRIANTAFILLOS and THEODORA PAPANTRIANTAFILLOS

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 E156339 BURDENING EASEMENT: A Right of Carriageway  
 (appurtenant to Lot 2 on Diagram 108890) over the  
 Right of Way A 3.50 wide on Plan 137808 Registered  
 05-Mar-2019 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

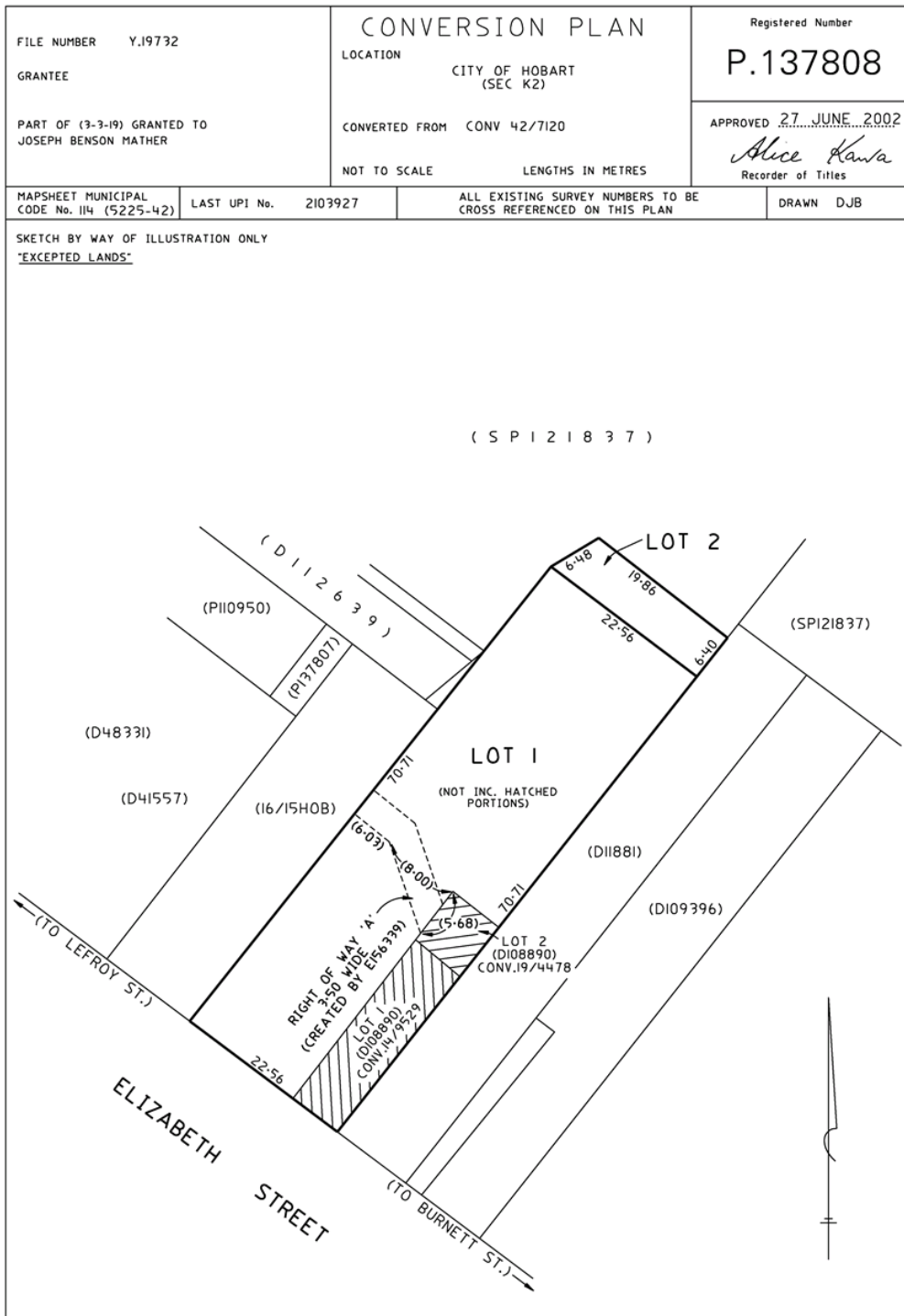


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## SEARCH OF TORRENS TITLE

VOLUME 137808	FOLIO 2
EDITION 1	DATE OF ISSUE 26-Jul-2002

SEARCH DATE : 25-Feb-2020

SEARCH TIME : 10.05 AM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Plan 137808

Being the land thirdly described in Conveyance No.42/7120

Derivation : Part of 3a-3r-19p Gtd to Joseph Benson Mather

Derived from Y19732

SCHEDULE 1

FILIS PAPATRIANTAFILLOS and THEODORA PAPATRIANTAFILLOS

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

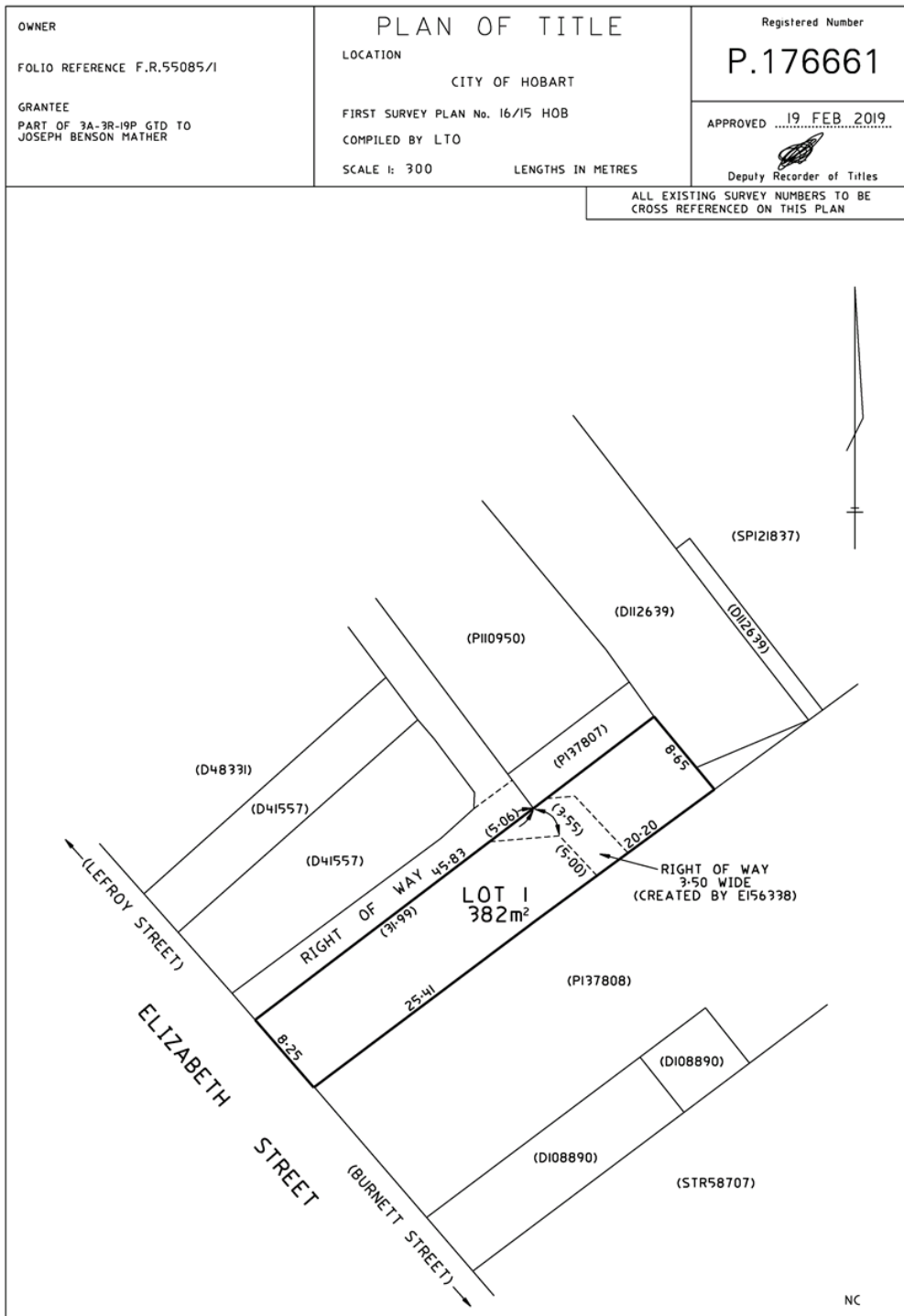


**FOLIO PLAN**

RECORDER OF TITLES

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**RESULT OF SEARCH**

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## SEARCH OF TORRENS TITLE

VOLUME 176661	FOLIO 1
EDITION 1	DATE OF ISSUE 05-Mar-2019

SEARCH DATE : 10-Jun-2020

SEARCH TIME : 09.57 PM

DESCRIPTION OF LAND

City of HOBART  
 Lot 1 on Plan 176661  
 Derivation : Part of 3A-3R-19Ps. Gtd. to J.B. Mather  
 Prior CT 55085/1

SCHEDULE 1

A351611, C543007 & C543008 TRIANTAFILLOS PAPATRIANTAFILLOU  
 and THEODORA PAPATRIANTAFILLOU Registered  
 19-Mar-2004 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 BENEFITING EASEMENT: TOGETHER WITH a way or passage and right  
 and privilege of way and passage at all times and  
 with or without horses cattle carts and carriages  
 laden or unladen for Andrew James Thomas Walker his  
 executors administrators and assigns and his and  
 their tenants and servants and others by his or their  
 permission in over along and upon the Right of Way  
 shown on D.55085 Reserving to The Mayor Aldermen and  
 Citizens of the City of Hobart the right for the full  
 and unobstructed flow of storm watr along the "Creek"  
 shown on D.55085 and the right to enter upon the land  
 for the purpose of cleaning or doing other necessary  
 work in connection therewith

E156338 BURDENING EASEMENT: A Right of Carriageway  
 (appurtenant to Lot 2 on Diagram 108890) over the  
 Right of Way 3.50 wide on Plan 176661 Registered  
 05-Mar-2019 at 12.01 PM

E97633 AGREEMENT pursuant to Section 71 of the Land Use  
 Planning and Approvals Act 1993 Registered  
 26-Jun-2017 at noon

E96857 MORTGAGE to Bank of Queensland Limited Registered  
 28-Jun-2017 at 12.01 PM



**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

ATTACHMENT A



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UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



ATTACHMENT A

## ATTACHMENT B - COMPARATIVE USE TABLE

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## ATTACHMENT A

	Inner Residential	General Business
Bulky goods sales	X	D
Business and professional services	D - only if a consulting room, medical centre, veterinary surgery or child health centre - Only if not displacing a residential or visitor accommodation use, unless occupying floor area previously designed and used for non-residential commercial purposes (excluding visitor accommodation), otherwise X	P
Community meeting and entertainment	D - Only if church, art and craft centre or public hall, otherwise X	P
Custodial facility	X	D - only if a remand centre, otherwise X
Crematoria and cemeteries	X	X
Domestic animal breeding, boarding, or training	X	X
Educational and occasional care	NPR - Only if home-based child care in accordance with a licence under the Child Care Act 2001, otherwise D	P - only if above ground floor level, (except for access), otherwise D
Emergency services	D	D
Equipment and machinery sales and hire	X	X
Extractive services	X	X
Food services	D - 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). - Except if a take away food premises with a drive through facility, otherwise X	P - Except if a take away food premises with a drive through facility, otherwise D
General retail and hire	D - Only if in an existing building, except if a local shop, 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), otherwise X	P - Except if adult sex product shop or supermarket, otherwise D
Hospital services	X	X
Hotel Industry	X	D - Except if adult entertainment venue.
Manufacturing and processing	X	X
Motor racing facility	X	X
Natural and cultural values management	NPR	D
Passive recreation	NPR	P
Pleasure boat facility	X	X
Port and shipping	X	X
Recycling and waste disposal	X	X
Research and development	X	P - Only if above ground floor level (except for access), otherwise D



ATTACHMENT A

Residential	NPR - Only if single dwelling. Only if home-based business with no more than 1 non-resident worker/employee, no more than 1 commercial vehicle and a floor area no more than 30 m2. P - Except if No Permit Required. Except if home-based business with more than 1 non-resident worker/employee, more than 1 commercial vehicle or a floor area more than 30m2, otherwise D.	NPR - Only if home-based business P - Only if above ground floor level (except for access), otherwise D
Resource development	X	X
Resource processing	X	X
Services Industry	X	D - Only if an extension to an existing use, otherwise X
Sports and recreation	D	D
Storage	X	X
Tourist operation	X	D
Transport depot and distribution	X	D
Utilities	NPR - if minor utilities, otherwise D	NPR - if minor utilities, otherwise D
Vehicle fuel sales and service		X, as Must have frontage and access to Sandy Bay Road
Vehicle parking	X	D
Visitor accommodation	P	P



ATTACHMENT A

TASMANIAN PLANNING COMMISSION

## Form No. 1

## Owners' consent

Accompanying draft planning scheme amendment requests under section 33(1), including combined permit applications under section 43A of the *Land Use Planning and Approvals Act 1993*.

Requests for draft amendments or combined permit applications require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

### 1. Request made by:

Name(s): City of Hobart, by their Agent, Ireneinc Planning and Urban Design

Address: C/- 49 Tasma Street, North Hobart

Email address: emerald@ireneinc.com.au

Contact number: 6234 9281 (extension 105)

### 2. Site address:

Address:  
321-325 Elizabeth Street, North Hobart

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):  
Certificates of Title 176661/1, 137807/1, 137808/1 and 137808/2

## ATTACHMENT A

**NOTES:****a. Who can sign as owner?**

Where an owner is a natural person they must generally sign the owner's consent form personally.

Where an owner is not a natural person then the signatory must be a person with legal authority to sign, for example company director or company secretary.

If the person is acting on behalf of the owner under a legal authority, then they must identify their position, for example trustee or under a power of attorney. Documentary evidence of that authority must also be given, such as a full copy of the relevant Trust Deed, Power of Attorney, Grant of Probate; Grant of Letters of Administration; Delegation etc.

Please attach additional pages or separate written authority as required.

**b. Strata title lots**

Permission must be provided for any affected lot owner and for common property for land under a strata title under the *Strata Titles Act 1998*. For common property, permission can be provided in one of the following ways:

- i. a letter affixed with the body corporate's common seal, witnessed by at least two members of the body corporate (unless there is only one member, in which case the seal must be witnessed by that member) and which cites the date on which the body corporate or its committee of management met and resolved to give its consent to the application; or,
- ii. the consent of each owner of each lot on the strata plan.

**c. Companies**

If the land is owned by a company then consent must be signed in accordance with the *Corporations Act 2001 (Cwth)* as follows:

- i. one company director and company secretary; or
- ii. two company directors; or
- iii. if a sole director/sole shareholder who is also the sole secretary, the sole director; or,
- iv. a company with a common seal may execute a document if the seal is fixed to the document and witnessed by two directors; or one director and a company secretary, or for a proprietary company that has a sole director who is also the sole company secretary, that director.

The ABN or ACN, the names and positions of those signing the consent, and a current ASIC company extract ([www.asic.gov.au](http://www.asic.gov.au)) must be provided.

**d. Associations**

If the land is owned by an incorporated association then the document must be signed in accordance with the rules of the association by, for example being:

- i. sealed and witnessed in accordance with the association's rules; or,
- ii. signed by a person authorised in accordance with the association's rules.

The ABN, the names and positions of those signing the consent, and copy of the association's rules must be provided.

**e. Council or the Crown**

If the land is owned by a council or the Crown then consent must be signed by a person authorised by the relevant council or, for Crown land, by the Minister responsible for the Crown land, or a duly authorised delegate.

The name and positions of those signing must be provided.

Effective Date: 30 March 2020

<sup>1</sup> References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

3. Consent of registered land owner(s):


Every owner, joint or part owner of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner : TRIANTAFILLOS PAPATRIANTAFILLOU  
AKA. FILIS PAPATRIANTAFILLOS

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature: 

Date: 08.06.2020

Registered owner (please print): THEODORA PAPATRIANTAFILLOU  
A.K.A. THEODORA PAPATRIANTAFILLOS

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature: T. Pappas

Date: 08.06.2020

Registered owner (please print):

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature:

Date:

ATTACHMENT A

TASMANIAN PLANNING COMMISSION

## Form No. 1

## Owners' consent

Requests for amendments of a planning scheme or Local Provisions Schedule and applications for combined permits require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

### 1. Request made by:

Name(s): City of Hobart, by their agent, Ireneinc Planning & Urban Design

Email address: laura@ireneinc.com.au

Contact number: 6234 9281

### 2. Site address:

Address:

321-325 Elizabeth Street, North Hobart

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Certificates of Title 176661/1, 137807/1, 137808/1 and 137808/2

3. Consent of registered land owner(s):

Every owner, joint or part owner of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner: LJ Kump Pty Ltd

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

CT 108890/2 - 319 Elizabeth Street, benefiting from easement over CT 37808/1 and CT 176661/1

Position (if applicable): *DIRECTOR / SECRETARY*

Signature: *[Handwritten Signature]* Date: *13-11-2020*

Registered owner (please print): *JUKKA SAKARI KUMPULAINEN*

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable): *Director*

Signature: *[Handwritten Signature]* Date: *13-11-2020*

Registered owner (please print): *Kyette A Kumpulainen*

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature: Date:



ATTACHMENT A

Inquires 1300 300 630

Issue date 07 Aug 20

## Company Statement

Extract of particulars - s346A(1) Corporations Act 2001

CORPORATE KEY: 42738989

### Check this statement carefully

You are legally obligated to ensure that all your company details listed on this company statement are complete and correct. This is required under s346C (1) and/or s346B and s346C (2) of the Corporations Act 2001.

You must check this statement carefully and inform ASIC of any changes or corrections immediately. **Do not return this statement.** You must notify ASIC within 28 days after the date of change, and within 28 days after the date of issue of your annual company statement. Late lodgement of changes will result in late fees. These requirements do not apply to the **Additional company information.**

ACN 132 618 725  
FOR LJ KUMP PTY LTD

**SIGN HERE**

REVIEW DATE: 07 August 20

### You must notify ASIC of any changes to company details — Do not return this statement



To make changes to company details or amend incorrect information

- go to [www.asic.gov.au/changes](http://www.asic.gov.au/changes)
- log in to our online services and make the required updates
- first time users will need to use the corporate key provided on this company statement



Phone if you've already notified ASIC of changes but they are not shown correctly in this statement.  
Ph: 1300 300 630



Use your agent

## Company Statement

These are the current company details held by ASIC. You must check this statement carefully and inform ASIC of any changes or corrections immediately. Late fees apply. **Do not return this statement.**

**1 Registered office**  
C/- JOHN N WILLIAMS LEVEL 1 162 MACQUARIE STREET HOBART TAS 7000

**2 Principal place of business**  
108 CEMETERY ROAD LUNAWANNA TAS 7150

**3 Officeholders**

Name: JUKKA SAKARI KUMPULAINEN  
Born: ROVANIEMI FINLAND  
Date of birth: 27/11/1948  
Address: 108 CEMETERY ROAD LUNAWANNA TAS 7150  
Office(s) held: DIRECTOR, APPOINTED 07/08/2008; SECRETARY, APPOINTED 07/08/2008

Name: LYNETTE ALISON KUMPULAINEN  
Born: HOBART TAS  
Date of birth: 27/08/1953  
Address: 108 CEMETERY ROAD LUNAWANNA TAS 7150  
Office(s) held: DIRECTOR, APPOINTED 07/08/2008

### 4 Company share structure

Share class	Shares description	Number issued	Total amount paid on these shares	Total amount unpaid on these shares
ORD	ORDINARY SHARES	2	\$2.00	\$0.00

### 5 Members

These details continue on the next page

LJ KUMP PTY LTD ACN 132 618 725

ATTACHMENT A

**Company statement continued**

Name: JUKKA SAKARI KUMPULAINEN  
 Address: 108 CEMETERY ROAD LUNAWANNA TAS 7150

Share Class	Total number held	Fully paid	Beneficially held
ORD	1	Yes	Yes

Name: LYNETTE ALISON KUMPULAINEN  
 Address: 108 CEMETERY ROAD LUNAWANNA TAS 7150

Share Class	Total number held	Fully paid	Beneficially held
ORD	1	Yes	Yes

You must notify ASIC within 28 days of the date of change, and within 28 days of the issue date of the annual company statement. Late lodgement of changes will result in late fees.

**End of company statement**

This concludes the information to which the company must respond (if incorrect) under s346C of the *Corporations Act 2001*.

**Additional company information**

This information is optional under the *Corporations Act 2001*. Late lodgement fees or late review fees do not apply to this information. To add, remove or change a contact address, see [www.asic.gov.au/addresses](http://www.asic.gov.au/addresses).

**6 Contact address for ASIC use only**  
 Registered agent name: JOHN N WILLIAMS PTY. LTD.  
 Registered agent number: 13341  
 Address: GPO BOX 345 HOBART TAS 7001

ATTACHMENT A

ireneinc

PLANNING &amp; URBAN DESIGN

8<sup>th</sup> December 2020

City of Hobart

By Email: [crawfords@hobartcity.com.au](mailto:crawfords@hobartcity.com.au)

To Mr McIlhenny,

**FURTHER INFORMATION REQUEST - PSA-20-2 AT 321-325 ELIZABETH STREET,  
NORTH HOBART**

I am writing in response to the requests for additional information which was issued on the 29th of June 2020 and 9<sup>th</sup> July 2020 for PSA-20-2. The following responds to the points raised in this letter.

1. Owner consent for 319 Elizabeth Street has now been included with this application in the form of a signed Tasmanian Planning Commission consent form.

2. Other amendments options, including Site Specific Qualifications:

- Under Schedule 6 of LUPAA only some amendments will be allowed to be considered as draft amendments to the LPS. In accordance with Schedule 6 modifications that seek to insert or amend site-specific qualifications (SSQs) would lapse once the LPS comes into effect.

Land could be used for uses other than car parking:

- Whilst it is true that there would be no guarantee that the land would be used for carparking, the permitted uses would be consistent with those permitted along Elizabeth Street. The extent of permitted uses in the General Business Zone include; business and professional services, community meeting and entertainment, food services, general retail and hire, passive recreation, research and development (if above ground floor) and visitor accommodation.

All of these uses are likewise either no permit required or permitted within the existing Inner Residential Zone, with exception of research and development. It is therefore considered unlikely that any allowable uses would be inappropriate for the site, given that adjoining land is likewise zoned along Elizabeth Street. As discussed below the rezoning of the site would also lend itself to the commercial activation of the site as identified in Village Well's *North Hobart Retail and Entertainment Precinct Engagement Report*.

Non-conforming use of 16A Lefroy Street:

- If the vehicle movements from 16A Lefroy St substantially intensify because of the proposed development of a carpark on the subject site, then the use of 16A Lefroy Street as a carpark would in fact be prohibited. In this case Special Provision 9.6 *Access Across Land In Another Zone*, which allows access across land in another zone where the use would otherwise be prohibited would apply.
- Issues regarding ownership and subsequent landowner consent for access to the site can be dealt with at development application stage.

ireneinc

49 Tasma St, North Hobart, TAS 7000

Tel (03) 6234 9281

Fax (03) 6231 4727

Mob 0418 346 283

Email [planning@ireneinc.com.au](mailto:planning@ireneinc.com.au)

ABN 78 114 905 074

ATTACHMENT A

3. Demonstrate alignment with the finding and recommendations of the North Hobart Retail and Entertainment Precinct Engagement Report

a. Part B:

Page 44 - While it is identified that surface car parking no longer represents the most valuable use of land in North Hobart, the development of inner residential development at the rear of the subject site would restrict the intended public pedestrian links recommended for the site. The use of the site for car parking, or other uses permitted in the General Residential Zone, would allow for ongoing permeability and activation of the site, with opportunities to include safe pedestrian pathways, lighting and signage to the rear of site.

Page 46 - There is a recommendation on page 46 for laneway activation creating a continuous pedestrian link between Condell Places and Lefroy. The rezoning will facilitate future development which will allow for the existing laneway from Elizabeth Street to the subject site to be utilised for pedestrian access to the site, making the existing Lefroy Street carpark access the primary thoroughfare for vehicles.

b. Part A 6.0 Item 3:

The rezoning and intended future development of car parking on the site adjacent to the Providence Rivulet will not preclude the development of quality pathways, lighting and public bench seating. In fact, the requirement for the lighting for carparking will require that adequate lighting be provided for the site during car parking operation hours. The additional and upgraded lighting, as well as the movement of people across the site to access the car park will improve the safety and security of the area.

The current zoning of the rear of the site as Inner Residential impedes the vision of this plan, as the zoning does not readily lend itself to the activation of these backyards. If the land were to be rezoned and utilised as a car park it leaves open the option of redeveloping this site for outdoor dining in the future once active and public transport options have been generally improved in the area.

While it would be ideal to encourage commercial property owners to activate the backyard areas there needs to be an incentive for property owners to do so. By leasing the land for use as a car park, Hobart City Council can also ensure that as part of the carpark design best practice urban design principles are utilised and also provides an opportunity for Council to integrate heritage and environmental interpretation of the Rivulet into the overall development of the site.

I trust that the supplied information satisfies Council's request and will allow the application to continue to be processed. If you would like to discuss any aspect of the requested amendment, please contact the office on 6234 9281 or [planning@ireneinc.com.au](mailto:planning@ireneinc.com.au).

Yours sincerely



Irene Duckett  
Director  
Ireneinc Planning & Urban Design

## Proposed Site Specific Qualification – HIPS2015 Inner Residential Zone

## Extract showing discretionary use Classes only.

Existing (black) Proposed (blue)

Discretionary	
Use Class	Qualification
Business and professional services	<p>Only if a consulting room, medical centre, veterinary surgery or child health clinic.</p> <p>Only if not displacing a residential or visitor accommodation use, unless occupying floor area previously designed and used for non-residential commercial purposes (excluding visitor accommodation) or on the properties shown on Figure 11.2.1 (Former Douglas Parker Rehabilitation Complex - 31b and 35 Tower Road).</p> <p>Except if a consulting room within 200m of the boundary of 35.0 Particular Purpose Zone (Calvary Hospital) or on the properties at 21 and 23 to 28 Gregory Street and 18, 20, 22 and 22a Princes Street.</p>
Community meeting and entertainment	Only if church, art and craft centre or public hall
Educational and occasional care	Except if No Permit Required.
Emergency services	
Food services	<p>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).</p> <p>Except if a take away food premises with a drive through facility.</p>
General retail and hire	Only if in an existing building, except if a local shop, 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).
Residential	Except if No Permit Required or Permitted.
Sports and recreation	
Utilities	Except if no permit required.
Vehicle Parking	<p>Only if at:</p> <ul style="list-style-type: none"> <li>• 321 - 323A Elizabeth Street (CT 137808/1 and 2); or</li> <li>• 325 Elizabeth Street (CT 176661/1 and CT 137807/1); or</li> <li>• 16A Lefroy Street (CT 112639/1 and CT 112639/2)</li> </ul>



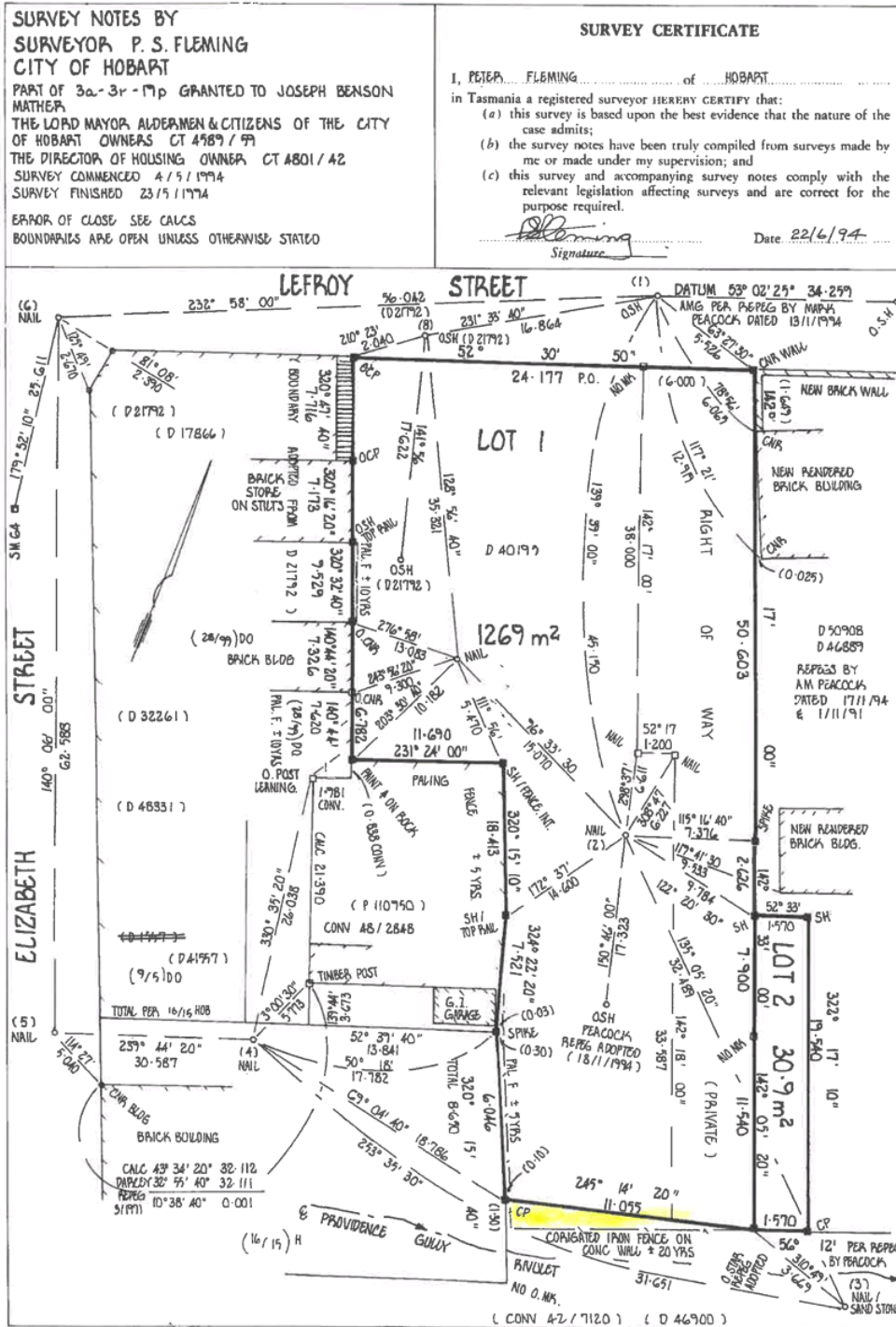


**SURVEY NOTES**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

ATTACHMENT C





**FOLIO PLAN**  
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

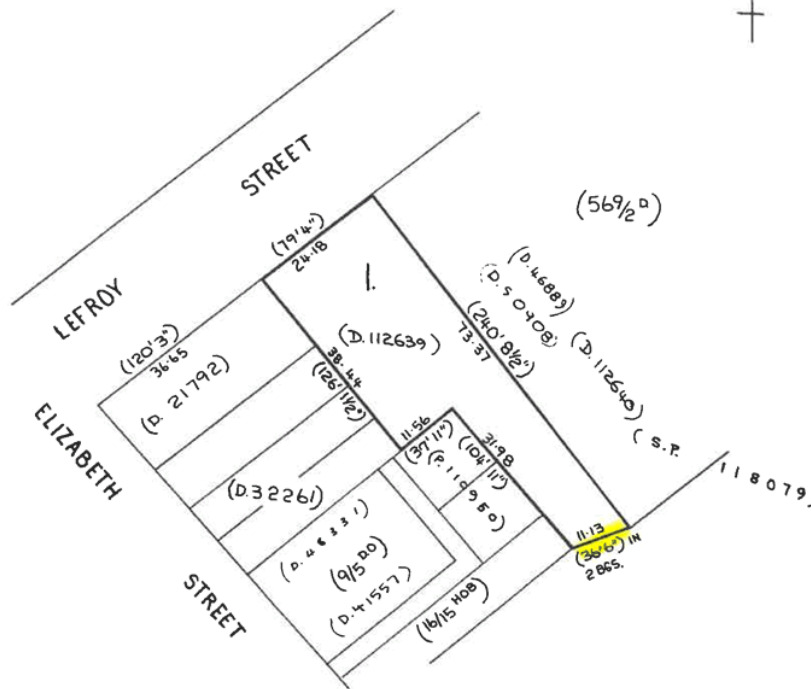
ATTACHMENT C



APPROVED ..... <i>[Signature]</i> RECORDER OF TITLES	<b>CONVERSION PLAN</b> CONVERTED FROM 60/2521	REGISTERED NUMBER <b>D.40195</b>
FILE NUMBER A. 7850	GRANTEE: PART OF 3.3.19 G.T.D. TO JOSEPH BENSON MATHER.	DRAWN A. HORSEY 13.6.89

SKETCH BY WAY OF ILLUSTRATION ONLY

CITY/TOWN OF HOBART  
LAND DISTRICT OF  
PARISH OF  
LENGTHS ARE IN METRES. NOT TO SCALE.  
LENGTHS IN BRACKETS IN METRES/FEET & INCHES.







ATTACHMENT D

**Indra Boss**

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**From:** McCrossen, Samuel <Samuel.McCrossen@planning.tas.gov.au>  
**Sent:** Thursday, January 7, 2021 12:21 PM  
**To:** Indra Boss  
**Cc:** Matthew Clark  
**Subject:** RE: Advice re Interim Scheme Amendments prior to LPS coming into force  
**Attachments:** Information Sheet Draft Amendments to IPS When LPS Approved.pdf

Hi Indra,

Thanks for your email. I think you've pretty much got it right.

Attached is an information sheet published by the Commission concerning the savings provisions for draft amendments prescribed by Schedule 6 LUPAA.

The other information that we have on this topic is a question and answer on the Planner's Portal, which is copied below. This is to do with what provisions and approved amendments the Minister can declare as transitioning.

<p>23-05-2018</p> <p>What happens to draft Amendments to an IPS that are not determined before a draft LPS is submitted under Section 35 but prior to final approval of the LPS?</p> <p>Does it matter what the content of the Amendment is i.e. zone, code or SAP?</p> <p>If an Amendment is finalised immediately prior to submission of the LPS can these provisions 'translate' or do they need to be integrated into the LPS prior to submission and potentially reconsidered as part of the LPS.</p>	<p>An amendment to an IPS that is a <b>PPZ, SAP or SSQ</b> may be declared to be a transitional provision under clause 8A of schedule 6, <b>at any time before an LPS is finally approved</b> under section 35L.</p> <p>A planning authority may address draft amendments to an IPS, not determined before a draft LPS submitted to the Commission by:</p> <ol style="list-style-type: none"> <li>1. incorporating the proposed amendment into the draft LPS; or</li> <li>2. any person (including the planning authority) making a representation for inclusion of the relevant amendment in the planning authority's report under section 35F.</li> </ol> <p>This first option is most suitable for amendments to zones (other than a PPZ) or code overlays. The second option is most suitable to PPZs, SAPs, SSQs and code-applying provisions.</p> <p>The Commission has the power under section 35K to modify (or require modification of) the draft LPS before final approval.</p> <p>Note: PPZs, SAPs, SSQs and code-applying provisions are subject to the transitional provisions in Schedule 6 of the Act. The exhibited draft LPS or made LPS must include transitional provisions.</p>
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**Saving of Draft Amendments in Process:**

ATTACHMENT D

As the information sheet shows, a draft amendment to an IPS for an SSQ that is in process can't be saved as an amendment to an LPS. A draft amendment for a PPZ, SAP or zoning can, if the Minister agrees.

**Declaration on Transitional Provisions:**

As discussed in the Planner's Portal answer above, an amendment to an IPS that is a PPZ, SAP or SSQ and has been made prior to the approval of an LPS may be declared to be a transitional provision under clause 8A of schedule 6, at any time before an LPS is finally approved.

**Option 1:**

If the Council opts for a rezoning, there is some chance that it would be lost if approved, however there are some things that can be done to try and incorporate it. One is that the Council try to include it in the draft LPS prior to exhibition. This would probably require a decision from the Council to modify its draft LPS, and this is not ideal because the draft LPS is already under assessment. This could potentially complicate the assessment, and if the Council were interested in doing this then they should discuss the idea with the assessing officer Claire Armstrong. The other avenue would be for the Council to make a representation (or recommendation under S35(2)(e)) during the exhibition so that the zoning can be considered through the hearing process and potentially included in the draft LPS. For what it's worth, the risk with that is that it's possible it could constitute a substantial modification, which would require further exhibition prior to a decision being made on the draft LPS.

**Option 2:**

If the Council opts for an SSQ, it opens the possibility that it could transition to the LPS if it is approved prior to the LPS being approved. The Hobart draft LPS is still pre-exhibition so it is likely that the assessment of the draft LPS will outstay the assessment of the draft amendment, so it sounds like there would be low likelihood that the draft amendment application itself would be lost prior to a decision being made. If approved prior to exhibition, the Council should also probably make a representation (or recommendation under S35(2)(e)) during the exhibition asking for it to be included. The SSQ would not necessarily need to be included in the draft LPS prior to exhibition. As discussed above, this would probably also require a decision from the Council to modify its draft LPS. If it was included, then it would need to meet the requirements of S32(4). This appears to be the most straightforward option for incorporating the provision into the IPS/LPS given the savings and transitional provisions in Schedule 6. Needless to say that the merits of the proposed SSQ will need to be tested through the process.

As you can see, a lot depends on the timing of the assessments. Generally, our advice to councils has been to continue to process draft amendments as normal and we'll try to manage things along the way to minimise disruptions.

Let me know if there's anything else.

Regards,

Samuel

Samuel McCrossen  
Planning Adviser

**TASMANIAN PLANNING COMMISSION**

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Level 3 144 Macquarie Street Hobart TAS 7000

GPO Box 1691 Hobart TAS 7001

03 6165 6833

[www.planning.tas.gov.au](http://www.planning.tas.gov.au)

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ATTACHMENT D

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**From:** Indra Boss <[iboss@jmg.net.au](mailto:iboss@jmg.net.au)>  
**Sent:** Wednesday, 6 January 2021 10:29 AM  
**To:** McCrossen, Samuel <[Samuel.McCrossen@planning.tas.gov.au](mailto:Samuel.McCrossen@planning.tas.gov.au)>  
**Cc:** Matthew Clark <[mclark@jmg.net.au](mailto:mclark@jmg.net.au)>  
**Subject:** Advice re Interim Scheme Amendments prior to LPS coming into force  
**Importance:** High

Hi Sam,

Further to our conversation this morning, can you please provide advice as to the following amendment options being considered:

Subject Land is currently zoned Inner Residential and is proposed to transition to Inner Residential in the draft LPS. Subject land adjoins land (also zoned inner residential) with an existing non-conforming use (i.e. Vehicle Parking). The adjoining land is also proposed to transition to Inner Residential in the draft LPS.

Proposed scheme amendment is intended to enable future use of the subject land for vehicle parking with access via the adjoining land (where vehicle use is a pre-existing non-conforming use).

Option 1 is to rezone only the subject land to 'General Business' zone in the Interim Scheme - where vehicle parking is a discretionary use with no qualifications. And rely on Special Provision 9.6 *Access Across Land In Another Zone* to enable vehicles to access the subject land via the adjoining Inner Residential zoned land.

Option 2 is to retain the Inner Residential Zone on all of the land (i.e. the subject site and the adjoining land) but to modify the Inner Residential zone Use Table to include Vehicle Parking as a Discretionary Use with the qualification "only if on the ....(title information) of the subject land and the adjoining land".

Our thinking is that Option 2 is the more appropriate one, as it enables the Amendment, if approved prior to the LPS being gazetted, to be included as a transitioning provision (as per Minister's declarations); and it brings the adjoining land into conformance with the scheme, so that any potential intensification resulting from the subject land being developed for vehicle parking, would also be catered for.

From our conversation this morning it seems that either option would require Council to include the "approved" amendment to be included in the draft LPS that was submitted to the TPC and that this would need to occur prior to the draft LPS being placed on Public Notification. However - the change to the zoning would not be protected as a transitioning provision the way the SSQ would be.

I hope the above is sufficiently clear to explain the situation on which I'm seeking your comments. If you need more specifics please get back to me. Please note that I need to have the Report finalised by COB tomorrow - so would appreciate it is you could reply by noon tomorrow at the latest.

Kind regards, Indra

**Indra Boss**  
**TOWN PLANNER**  
email [iboss@jmg.net.au](mailto:iboss@jmg.net.au)



**JMG**  
**Engineers & Planners**

**JOHNSTONE, McGEE & GANDY PTY LTD**  
117 Harrington St. Hobart TAS 7000  
ACN 009 547 139 ABN 76 473 834 852  
P:03 62312555 F:03 62311535  
Web: <<http://www.jmg.net.au>>

## Information Sheet 1/2019

**Subject:** Savings provisions – draft amendments to planning schemes not determined before a Local Provisions Schedule (LPS) is approved

**Purpose:** To provide information on the savings provisions under the *Land Use Planning and Approvals Act 1993* (the Act) for draft amendments to planning schemes that are not determined before an LPS has effect.

**Introduction**

This information sheet is to draw attention to savings provisions for draft amendments (including combined permit and draft amendment) to existing planning schemes that are not determined before a draft LPS is approved and comes into effect.

**Continuing draft amendments**

The savings and transitional provisions under Schedule 6 of the *Land Use Planning and Approvals Act 1993* (the Act) allow for some draft amendments, that have been initiated by the planning authority but not approved before a LPS comes into effect, to be considered as a draft amendment to the LPS. However, this is limited to the following:

- (a) altering the designation of a zone to an area of land, including amendment for a new particular purpose zone (PPZ) [Schedule 6, clause 4(1)(a)];
- (b) altering the requirements of a PPZ or specific area plan (SAP) in the existing planning scheme [Schedule 6, clause 5(1)(a)(i)]; or
- (c) establishing a new SAP [Schedule 6, clause 5(1)(a)(i)].

If the request for a draft amendment includes an application for a permit (under section 43A of the former provisions of the Act), the request and the application for a permit are to be determined under section 40T [Schedule 6, clause 6(2)].

Draft amendments that do not meet these requirements, including a request for a draft amendment not initiated by a planning authority, before the LPS comes into effect, will lapse [Schedule 6, clause 7].

**Lapsing draft amendments**

Examples of draft amendments (or combined permits and draft amendments) to a planning scheme that will lapse include:

- (a) modifications that seek to insert a new definition or exemption (excluding in PPZs or SAPs);
- (b) modifications that seek to insert or amend purpose statements, use tables and standards in zones (excluding PPZs) or codes;
- (c) modifications that seek to insert or amend site-specific qualifications (SSQs);
- (d) modifications to code overlays; and

(e) modifications to code tables such as scenic landscape areas and heritage lists.

#### **What happens when a draft amendment continues?**

The draft amendment continues to proceed at the stage that most closely corresponds to the stage reached for the assessment process. For example:

- (a) if the planning authority has certified a draft amendment and reported to the Commission (under section 35 of the former provisions of the Act) and then the LPS comes into effect, the next step would be for the planning authority to publically exhibit under section 40H; or
- (b) if public exhibition and receipt of representations are completed, the next step would be for the planning authority to report to the Commission under section 40K instead of section 39 of the former provisions of the Act.

When a LPS comes into effect, the planning authority may alter the draft amendment to ensure it relates to the LPS, such as refer to the SPP zone name or conform to LPS format, structure, and the numbering and drafting conventions [Schedule 6, clause 5(2)(b)].

#### **Withdrawal of continuing draft amendments**

The applicant may withdraw a continuing draft amendment, by written notice to the planning authority at any time before the Commission has determined the draft amendment under section 40Q of the Act [Schedule 6, clause 5 (2)(c)].

Subject to the approval of the Commission, the planning authority may withdraw a continuing draft it initiated of its own motion, at any time before the Commission has determined the draft amendment under section 40Q of the Act [Schedule 6, clause 5(2)(d)].

#### **Further information**

For further information contact the Tasmanian Planning Commission:

**Telephone:** (03) 6165 6828

**Email:** [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

**Website:** [www.planning.tas.gov.au](http://www.planning.tas.gov.au)

Sandra Hogue

**Acting Executive Commissioner  
Tasmanian Planning Commission**

Updated 8 May 2020



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HOBART INTERIM PLANNING SCHEME 2015

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# PSA-20-2 AMENDMENT INSTRUMENT OF CERTIFICATION

It is hereby certified that draft Amendment PSA-20-2 to the Hobart Interim Planning Scheme 2015 meets the requirements specified in section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993*.

The Common Seal of the Hobart City Council is fixed hereon, pursuant to Council's resolution of ????

in the presence of:

.....General Manager

.....Deputy General Manager

Date: .....

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