

FILE REF : 2280181
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25 March 2011

Ghd Pty Ltd (Hobart)
GPO Box 667
HOBART TAS 7001

Dear Sir/Madam

PROPOSED USE/DEVELOPMENT – RESTAURANT
ADDRESS - CLAREMONT VILLAGE SHOPPING CENTRE 35 MAIN ROAD CLAREMONT
APPLICATION NUMBER - PLN-10-371

The Glenorchy Planning Authority has granted a planning permit for the above use/development.

The planning permit and approved plans are enclosed.

Please read the permit carefully. You must comply with all permit conditions otherwise substantial penalties may be imposed.

You cannot lawfully start the works allowed under this permit until you have obtained any other approvals (including building approval) that may be required for the proposed use or development.

You may appeal the Planning Authority's decision within 14 days after this notice is served on you, by lodging the attached Notice of Appeal with the Resource Management and Planning Appeal Tribunal.

Representations were received for this application. The representors also have a right of appeal to the Appeal Tribunal within the same 14 day period..

If there is an appeal, this permit does not take effect until the appeal is determined or abandoned.

Yours faithfully

Belinda Loxley/Kylie Williams
Coordinators Planning Services



GLENORCHY CITY
Where ideas happen.

GLENORCHY PLANNING AUTHORITY

PLANNING PERMIT

GLENORCHY PLANNING SCHEME 1992

Application No:	PLN-10-371
Applicant:	GHD Pty Ltd (Hobart)
Proposed Use/development:	Restaurant
Address:	Claremont Village Shopping Centre 35 Main Road Claremont

This permit allows the use/development of the land, subject to the conditions set out below.

This permit will lapse if the use/development is not substantially commenced within 2 years of the permit date, unless the Planning Authority has granted an extension of the permit.

Please Note: This is NOT a Building Permit.

CONDITIONS

Planning:

1. Use and development must be substantially in accordance with planning permit application No. PLN-10-371 and Drawing No. P4 submitted on 17 January 2011 and Drawing No. P5 (access onto Main Road only) submitted 17 February 2011, except as otherwise required by this permit.
2. Outside storage areas must be screened from public view and maintained to satisfaction of Council's Co-ordinator Planning Services.
3. All pipes, fixtures and fittings, vents and other services must be concealed from external view to the satisfaction of Council's Co-ordinator Planning Services.
4. Roof mounted air conditioning equipment, lift motor housings and similar equipment must be designed and positioned to minimise visual impact on the streetscape.
5. All reasonable attempts must be made to relocate the existing roses which were planted in recognition to Rose breeder Lilia Weatherly. Prior to the removal of the roses, a report must be provided by a suitably qualified horticulturist, and a detailed

management plan must be submitted and approved by Council's Co-ordinator Planning Services.

Heritage:

6. That in the event of demolition or relocation of the Pink Iceberg Rose Garden a qualified Heritage Consultant produces an extant recording of the Pink Iceberg Rose Garden before the removal of any fabric or contents. A copy of which must be given to the GCC for archival purposes.

Environmental Health:

7. A copy of the conditions attached to this permit and any associated documents referred to in the conditions must always be held in a location that is known and accessible to the person responsible for the activity. All persons who, at any time, may be responsible for the activity carried out on the land, including contractors and sub contractors, must be familiar with the conditions attached to this permit as may be relevant to their work.
8. Subject to the requirements of the Glenorchy City Council Planning Scheme (as amended from time to time), none of the following changes may take place in relation to the activity authorised by this land use permit without a new permit from the Glenorchy City Council, where the Council determines that a new land use permit is required:
 - a) A change to a process used in the course of carrying out the activity; or
 - b) The construction, installation, alteration, operation or removal of any structure or equipment used, or previously used, in the course of carrying out the activity; or
 - c) A change in the nature of materials dealt with or used in the course of carrying out the activity;that may cause or increase the emission of a 'pollutant', or otherwise result in 'environmental harm'.
9. If the person who is or was responsible for the activity ceases to be responsible for the activity, then, within 30 days after that cessation, that person must –
 - a) Notify the Council in writing of that fact;
 - b) Provide the Council with full particulars in writing of any person succeeding him or her as the person responsible; and
 - c) If the person responsible for the activity is not the owner of the land upon which the activity is carried out and the owner of the land changes, then, within 30 days after becoming aware of the change, the person responsible must notify the Council in writing of the change in ownership.

Construction Activities

10. Demolition and construction must only occur during the following hours:

Monday through to Friday	0700 to 1800
Saturday	0800 to 1800
Sunday and Public Holidays	1000 to 1800

Operating hours reflect the *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004* for use of mobile machinery.

11. In accordance with Section 4 of the *Environmental Management and Pollution Control Act 1994*, best environmental management practices must be employed to prevent the emission of dust, water, effluent or other matter from the site during the construction process.

Operational Activities

12. The use of the site must only operate between the hours of 0600 to 2300 Monday to Thursday inclusive; and 0600 to 2400 Friday to Sunday inclusive.
13. Noise levels from the building/activity must be controlled to prevent an environmental nuisance as defined by the *Environmental Management and Pollution Control Act 1994* with regard to what constitutes 'unreasonable noise'.
14. Loading and unloading of raw materials, and/or processed materials onto trucks, on the land and the transportation of raw and processed materials from the land, must only take place between the following hours:

Monday through to Saturday	0700 to 1800
Sunday and Public Holidays	0900 to 1800

15. All solid wastes must be managed in accordance with the hierarchy of waste management summarised below, unless otherwise approved by the Council in writing:
 - a) Waste must be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;
 - b) Waste must be re-used or recycled to the maximum extent that is reasonable and practicable; and
 - c) Any residual waste must be disposed of only at a site and in a manner approved by the Council.
16. The discharge of liquids, other than unpolluted rainwater, to Council's stormwater system, receiving water bodies or watercourses is strictly prohibited.
17. Light overspill must not be emitted from any source on the land so as to become an environmental nuisance, as defined under Section 53 of the *Environmental Management and Pollution Control Act 1994*.
18. The building and all equipment associated with the processing operations on the land must be maintained and operated in such a manner that dust or odour do not cause environmental nuisance beyond the boundary of the land.
19. The proponent's Building Surveyor must forward copies of the following documents to Council's Coordinator Environmental Health Services prior to any works being undertaken on site (including the installation of fixtures and fittings) that relate to the proposed food premises:

- a) A request in an approved form (Form 42) for an Environmental Health Officer report.
- b) Any relevant drawings, specifications or other documents submitted with the application.
- c) Details provided by the owner of the nature of the foods to be prepared, handled, stored or sold and the types of manufacturing processes to be undertaken on the premises.
- d) Council's Coordinator Environmental Health Services may require the premises to meet equipment and fit out specifications which exceed those required by the *Building Code of Australia*, before the premises can be registered and the food business licensed pursuant to the *Food Act 2003*.

Environmental Health Special Conditions:

20. All recommendations contained in the acoustic report prepared by Vipac Engineers & Scientists dated 11 February 2011 are to be fully implemented during construction and use of the premises. This includes the following recommendation: 'As the design of mechanical plant progresses, use an acoustics engineer to ensure appropriate siting, choice of equipment and noise control measures are instigated so that the mechanical plant acoustic design criteria are met (40dBA at the nearest residence)'.
21. A verification report is required to be submitted to Council within six weeks from commencement of issue of the Occupancy Certificate to certify the development or proposed use is complying with acceptable noise levels indicated in the noise report and operating without causing a noise nuisance.
22. The building must include an acoustic barrier designed by an appropriately qualified acoustic engineer that runs the entire length of the western side of the drive through. The barrier must be contiguous and provide a level of noise attenuation to fully satisfy the acceptable noise values outlined in the Noise Assessment Report. The barrier must be set back from the Road Alignment a minimum of 1 metre to allow landscaping along this boundary in the form of the replanting of the rose bushes located in the Pink Iceberg Rose Garden.

Traffic Engineering:

23. No alterations are to be made to the traffic management arrangements on Main Road and the existing median lane and right turn lane at the Box Hill Road traffic signals remain as currently provided.
24. The level differences between the new access driveway and the footpath must be dealt with within the extent of the Main Road frontage of the development site. Any impacts to the footpath outside adjacent properties would require a separate development application.
25. The new access driveway must be altered to meet the requirements of Table 3.2 of Australian Standard AS 2890.1:2004 Off-Street Car parking. That is, an entry width of 6.0 metres, an exit width of 4.0 to 6.0 metres and a driveway separation of 1.0 to 3.0 metres. This is wider than the driveway access shown on the drawings provided with the application documentation. Details are to be submitted with the building permit application and approved by Council's Co-ordinator Planning Services.

26. The Main Road access driveway shall be restricted to left-in / left-out only, including the provision of a suitably designed median island to physically restrict the right-turn traffic movements. "Left Only" (R2-14) signage will need to be placed for traffic exiting the driveway and a left turn arrow painted on the driveway to reinforce the restriction. Also, "No Right Turn" (R2-6) signage will need to be placed on the driveway median island and directed to face northbound traffic on Main Road to advise that right turn entry to this access is not allowed. Signage is to be erected to the satisfaction of Council's Traffic Engineer.
27. The three car parking spaces shown adjacent to the fence line of 33 Main Road are not required and must be removed.
28. A minimum of three (3) bicycle parking spaces must be provided on the site. These spaces shall be well-lit and must comply with the requirements of AS 2890.3.
29. A minimum of one (1) motorcycle parking spaces must be provided on the site. This space shall be well-lit and must comply with the requirements of Clause 2.4.7 of AS 2890.1.
30. A separate and accessible pedestrian path must be provided between Main Road and the front door of the KFC restaurant and into the Claremont Village car park. Details are to be submitted with the building permit application and approved by Council's Coordinator Planning Services.
31. That "Keep Clear" markings in the vicinity of the entry to the KFC car park must be provided to prevent vehicles queuing at the drive through from blocking the car parking area.

Engineering:

32. Soil and water management is to comply with best practice to prevent any transfer of soil material outside of the area specifically and necessarily disturbed for construction. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system. All aspects and protection measures in connection with soil and water management are to comply with the requirements of Council's Development Engineer and be installed prior to the removal of and/or disturbance of any soil or vegetation.
33. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
34. Damage to Council Assets:
 - (a) Any damage to Council's assets, including services, footpaths, driveway crossings and nature strips must be promptly reported to and then repaired to the requirements of Council's Development Engineer, at the developer's cost.
 - (b) It shall be the developer's responsibility to obtain and submit with the Building Application, a comprehensive photographic record of the condition of the footpaths, driveways and nature strips at the road frontage to the site and adjacent to the site, prior to commencing construction. The photographic record shall be relied upon to establish the extent of damage caused to Council's assets throughout construction. In the event that the developer fails to provide a pre-construction photographic record of the site then any damage to Council

assets found on completion of the works shall be deemed to be the responsibility of the developer and shall be repaired at the developer's cost.

35. Any modifications to vehicular kerb crossing must include reinstatement of the footpath/nature strip and kerbing to match the existing environment.
36. A minimum of 18 clearly marked car parking spaces must be provided for this development as shown on the Site Plan submitted with the development application and kept available for these purposes at all times. Car parking spaces, manoeuvring areas and aisles must be provided in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking.
37. In addition to the above, one (1) of the 18 clearly marked car parking spaces must be provided for the exclusive use of persons with a disability and kept available for these purposes at all times. This car space must be provided in accordance with Australian Standard AS 2890.6 – 2009 Off-Street Parking for persons with a disability.
38. In areas set aside for car parking, securely fixed wheel stops or kerbing must be provided to the satisfaction of Council to prevent damage to fences or landscaped areas.
39. Driveways, car parking and turning areas must be constructed and sealed with an approved impervious surface treatment. All runoff from paved and driveway areas in excess of 30m² must be retained within site boundaries, collected into a grated drain and silt pit and discharged into Council's stormwater system. Construction details must generally be in accordance with Council's standard requirements.
40. The existing stormwater main located adjacent to the proposed development from Main Road to the manhole at the rear of the proposed development car park and along the length of the rear car park may be substandard and must be replaced by Council at the developer's cost if it is deemed to be unfit to meet the requirements of the development. Council records indicate the size of these stormwater mains are 450mm and 150mm, however this is required to be confirmed on site.
41. Prior to submitting an application for building approval, the exact location and depth of the existing stormwater mains must be established and the condition of the main located adjacent to the proposed development as described above must be assessed by Council's Development Engineer. Subject to the age and condition of the mains, replacement or rehabilitation of the mains may be required to the requirements of Council's Development Engineer. The developer must arrange for inspection of the mains by Council and all costs associated with inspecting and replacement/rehabilitation in new materials, if required, must be met by the developer.
42. Prior to the issuing of the Building Permit the applicant shall enter into a registered agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993, for Council services beneath or within one metre of buildings or structures which are subject to this permit. The Part 5 agreement shall require the owner and his successors in title to covenant and agree with Council the following:
 - a) Not to hold Council liable for any damage or inconvenience arising from the erection of the building or structure over the main or within one metre of the main.

- b) To indemnify Council against all claims, costs and expenses incurred by Council in respect of repair, maintenance and/or reconstruction of the main to the extent that such claims, costs and expenses have been incurred or increased by reason of the building or structure being erected over the main or within one metre of the main.
 - c) To indemnify the Council against all claims, costs and expenses arising out of any damage caused to the building or structure as a result of the failure of or the repair, maintenance and/or reconstruction of the main whether such damage is caused by the negligence of Council or agents or otherwise.
 - d) To advise any successor in title of the existence of the agreement and its terms and conditions.
43. The developer must be responsible for locating existing service connections on site. Where existing service connections cannot be found or existing service connections require upgrading for the development, new connections must be provided by Council or other relevant service Authority at the developer's cost.
44. All service works required for the development must be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor.
45. Any driveway crossover work within Council's road reservation must be carried out by a Council-registered contractor. A road-opening permit from Council's Planning Services Program is required. An inspection fee is payable upon application.
46. Detailed engineering drawings showing the driveway and manoeuvring areas, new Council drainage main clear of the building, building foundation details near Council's main(s), internal service lines and connections to service mains, surface drainage collection including grated drains and silt collection pits, pavement composition and levels and finished floor levels must be submitted with the Building Application for approval by Council's Development Engineer.
47. The applicant must ensure that the provision of other services, such as service authority infrastructure, letterboxes or bin enclosures, do not conflict with requirements of this Permit. In particular, passing bays, driveway, parking and manoeuvring areas must be kept clear of obstructions so that vehicle paths are not restricted.

Southern Water:

48. The conditions as determined by Southern Water, and set out in the attached Appendix A, form part of this permit.

Advice to Applicant:

This advice does not form part of the permit but is provided for the information of the applicant.

- The developer should liaise with Metro Tasmania regarding the possible relocation of the existing bus stop at the Claremont Village Shopping Centre car park. It is noted that Council will not contribute to bus stop relocation costs.
- That the use may be subject to the *Disability Discrimination Act 1992 (DDA)* with respect to access provisions. It is noted for your information that the *Building Code of Australia (BCA)*, the Australian Standards (AS1428.2 1992) and associated Standards and the DDA may apply to both employees and visitors to the building. There are

currently no prescribed standards for compliance with the DDA.

This permit does not constitute a building approval nor does it ensure compliance with any other statute including the DDA.

A use or development which does not comply with the DDA may be subject of a complaint. The Council recommends that the Applicant seek further information concerning compliance obligations which arise under the DDA.

Further information concerning the DDA can be obtained from:-

Office of the Human Rights and Equal Opportunities Commission and from the Tasmanian Anti-Discrimination Commission.

Belinda Loxley/Kylie Williams
Coordinators Planning Services

21/03/2011

Planning Permit Verification sheet

Claremont Village Shopping Cen 35 Main Road Claremont

Does the permit require:

A Part 5 Agreement to be entered into: Yes No

Condition No/s.

Compliance Officer Follow Up Required: Yes No

Condition No/s.

Auxiliary Dwelling Statutory Declaration: Yes No

The Development/Use Permit for PLN-10-371 has been checked and found to be in accordance with the planning recommendation and conditions of approval.

Signed:

Planning Officer / Coordinator Planning Services

Date:

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