



## **DEVELOPMENT APPLICATION**

### **PDPLANPMTD-2024/044890**

**PROPOSAL:** Signage

**LOCATION:** 1 Scott Street, Bellerive

**RELEVANT PLANNING SCHEME:** Tasmanian Planning Scheme - Clarence

**ADVERTISING EXPIRY DATE:** 10 July 2024

The relevant plans and documents can be inspected at the Council offices, 38 Bligh Street, Rosny Park, during normal office hours until 10 July 2024. In addition to legislative requirements, plans and documents can also be viewed at [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au) during these times.

Any person may make representations about the application to the Chief Executive Officer, by writing to PO Box 96, Rosny Park, 7018 or by electronic mail to [clarence@ccc.tas.gov.au](mailto:clarence@ccc.tas.gov.au). Representations must be received by Council on or before 10 July 2024.

To enable Council to contact you if necessary, would you please also include a day time contact number in any correspondence you may forward.

Any personal information submitted is covered by Council's privacy policy, available at [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au) or at the Council offices.



Clarence... a brighter place

# Clarence City Council

## APPLICATION FOR DEVELOPMENT / USE OR SUBDIVISION

The personal information on this form is required by Council for the development of land under the Land Use Planning and Approvals Act 1993. We will only use your personal information for this and other related purposes. If this information is not provided, we may not be able to deal with this matter. You may access and/or amend your personal information at any time. How we use this information is explained in our **Privacy Policy**, which is available at [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au) or at Council offices.

Proposal:

Business Directory Signage

Location:

Address 1 Scott Street  
Suburb/Town Bellerive Postcode 7018

Current Owners/s:

Applicant:

**Personal Information Removed**

Tax Invoice for application fees to be in the name of: (if different from applicant)

Estimated cost of development

\$ 1,000

Is the property on the Tasmanian Heritage Register?

Yes

No

(if yes, we recommend you discuss your proposal with Heritage Tasmania prior to lodgement as exemptions may apply which may save you time on your proposal)

If you had pre-application discussions with a Council Officer, please give their name

Current Use of Site: Business and Professional Services

Business and Professional Services

Does the proposal involve land administered or owned by the Crown or Council?

Yes

No


Declaration:

- *I have read the Certificate of Title and Schedule of Easements for the land and am satisfied that this application is not prevented by any restrictions, easements or covenants.*
- *I authorise the provision of a copy of any documents relating to this application to any person for the purposes of assessment or public consultation. I agree to arrange for the permission of the copyright owner of any part of this application to be obtained. I have arranged permission for Council's representatives to enter the land to assess this application*
- *I declare that, in accordance with Section 52 of the Land Use Planning and Approvals Act 1993, that I have notified the owner of the intention to make this application. Where the subject property is owned or controlled by Council or the Crown, their signed consent is attached. Where the application is submitted under Section 43A, the owner's consent is attached.*
- *I declare that the information in this declaration is true and correct.*

Acknowledgement:

- *I acknowledge that the documentation submitted in support of my application will become a public record held by Council and may be reproduced by Council in both electronic and hard copy format in order to facilitate the assessment process; for display purposes during public consultation; and to fulfil its statutory obligations. I further acknowledge that following determination of my application, Council will store documentation relating to my application in electronic format only.*

Applicant's Signature:

Signature  Date 11/06/2024

**PLEASE REFER TO THE DEVELOPMENT/USE AND SUBDIVISION CHECKLIST ON THE FOLLOWING PAGES TO DETERMINE WHAT DOCUMENTATION MUST BE SUBMITTED WITH YOUR APPLICATION.**

Documentation required:

### 1. **MANDATORY DOCUMENTATION**

*This information is required for the application to be valid. An application lodged without these items is unable to proceed.*

- Details of the location of the proposed use or development.
- A copy of the current Certificate of Title, Sealed Plan, Plan or Diagram and Schedule of Easements and other restrictions for each parcel of land on which the use or development is proposed.
- Full description of the proposed use or development.
- Description of the proposed operation.  
*May include where appropriate: staff/student/customer numbers; operating hours; truck movements; and loading/unloading requirements; waste generation and disposal; equipment used; pollution, including noise, fumes, smoke or vibration and mitigation/management measures.*
- Declaration the owner has been notified if the applicant is not the owner.
- Crown or Council consent (if publically-owned land).
- Any reports, plans or other information required by the relevant zone or code.
- Fees prescribed by the Council.

*Application fees (please phone 03 6217 9550 to determine what fees apply). An invoice will be emailed upon lodgement.*

### 2. **ADDITIONAL DOCUMENTATION**

*In addition to the mandatory information required above, Council may, to enable it to consider an application, request further information it considers necessary to ensure that the proposed use or development will comply with any relevant standards and purpose statements in the zone, codes or specific area plan, applicable to the use or development.*

- Site analysis plan and site plan**, including where relevant:
  - *Existing and proposed use(s) on site.*
  - *Boundaries and dimensions of the site.*
  - *Topography, including contours showing AHD levels and major site features.*
  - *Natural drainage lines, watercourses and wetlands on or adjacent to the site.*
  - *Soil type.*
  - *Vegetation types and distribution, and trees and vegetation to be removed.*
  - *Location and capacity of any existing services or easements on/to the site.*
  - *Existing pedestrian and vehicle access to the site.*
  - *Location of existing and proposed buildings on the site.*
  - *Location of existing adjoining properties, adjacent buildings and their uses.*
  - *Any natural hazards that may affect use or development on the site.*
  - *Proposed roads, driveways, car parking areas and footpaths within the site.*
  - *Any proposed open space, communal space, or facilities on the site.*
  - *Main utility service connection points and easements.*
  - *Proposed subdivision lot boundaries.*

- Where it is proposed to erect buildings, **detailed plans** with dimensions at a scale of 1:100 or 1:200 showing:
  - *Internal layout of each building on the site.*
  - *Private open space for each dwelling.*
  - *External storage spaces.*
  - *Car parking space location and layout.*
  - *Major elevations of every building to be erected.*
  - *Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites.*
  - *Relationship of the elevations to natural ground level, showing any proposed cut or fill.*
  - *Materials and colours to be used on rooves and external walls.*
- Where it is proposed to erect buildings, a plan of the proposed **landscaping** showing:
  - *Planting concepts.*
  - *Paving materials and drainage treatments and lighting for vehicle areas and footpaths.*
  - *Plantings proposed for screening from adjacent sites or public places.*
- Any additional reports, plans or other information required by the relevant zone or code.

*This list is not comprehensive for all possible situations. If you require further information about what may be required as part of your application documentation, please contact Council's Planning Officers on (03) 6217 9550 who will be pleased to assist.*



# Planning Report

Signage

1 Scott Street, Bellerive

For Behrakis Group Property Holding Pty Ltd

June 2024



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## Summary

Use:	General Retail and Hire (supermarket)
Development:	Signage
Location:	1 Scott Street, Bellerive (1,240m <sup>2</sup> )
Certificate of Title:	Volume 181914 Folio 2
Property ID:	9191526
Planning Authority:	Clarence City Council
Planning Policy:	Tasmanian Planning Scheme and Clarence Local Provisions Schedule
GM/Crown Consent:	No
Applicant:	Behrakis Group Property Holdings Pty Ltd
Date of Assessment:	June 2024
Assessor:	Tiara Williams

The development application relies on the performance criteria of C21.6.1 P1.1 Design and siting of signs within the *Tasmanian Planning Scheme - Clarence Local Provision Schedule*.

Whilst relying on the Performance Criteria of these clauses the development meets the objectives and purpose of the General Business Zone and complies with the *Tasmanian Planning Scheme - Clarence Local Provisions Schedule*.





## Introduction

MC Planners have been engaged by Behrakis Group Property Holdings Pty Ltd to prepare a development application for signage at 1 Scott Street, Bellerive.

The report details the proposed development and provides an assessment against the provisions of the *Tasmanian Planning Scheme - Clarence Local Provision Schedule* ('the Planning Scheme').

The proposal has been considered against the 'General Business Zone' [15.0] and Bellerive Specific Area Plan [CLA-S17.0].

Development on the site is subject to several Codes which it is required to be assessed against:

- Signs Code [C1.0];
- Parking and Sustainable Transport Code [C2.0];
- Road and Railway Assets Code [C3.0]; and the
- Safeguarding of Airports Code [C16.0].

## Site Location and Context

The subject site is located at 1 Scott Street (PID 9191526, CT 181914/2), Bellerive. The site has a total area of 1,240m<sup>2</sup> and has frontage to Scott Street.

The existing development on site is a Salamanca Fresh franchise with existing commercial uses within the area including a dentist, beauty salon, restaurants, and a vet. The site is also adjacent to a residential area and St Mark's Anglican Church.

Refer to the Title Information in Appendix A.

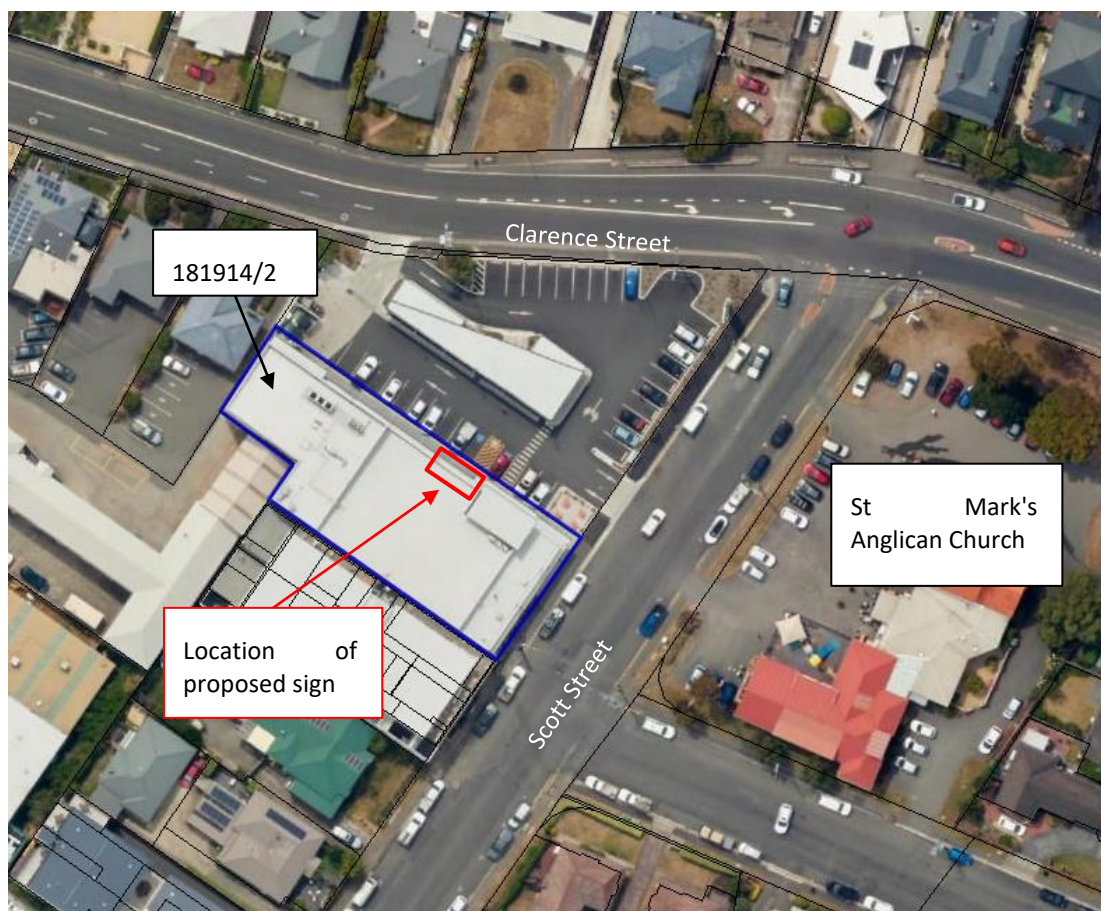


Figure 1. Subject Sites (CT 181914/2) in dark blue (source: LISTmap, Accessed 23/05/2024)



Figure 2. Street view of location of the proposed sign in red (source: LISTmap, Accessed 28/05/2024).



## Proposed Use and Development

The current use of the site is General Retail and Hire (Supermarket). This is to remain unchanged.

The development proposal seeks approval for a new single sided 2400mm wide x 1750mm high thin metal business identification sign with a red and white graphic of fixed design on the north-eastern façade of the building facing Clarence Street. The signage will be located at ground floor level and will be visible looking south-west down Scott Street and from Clarence Street.

The message on the sign will be a red and white graphic with a fixed design and will not be illuminated.

Refer to page CD401 of the Proposal Plans in Appendix B for full details.

## Policy Assessment

The proposed development does not meet the list of exemptions under Part B.5 of the Scheme.

The development site is located on land zoned 'General Business' (see Figure 2).

The site is subject to Airport obstacle limitation area overlay over the entire property.

The nature of the proposal and the location of the site requires that the proposal be considered against the following Scheme elements:

- General Business Zone [15.0];
- Bellerive Specific Area Plan [CLA-S17.0]
- Signs Code [1.0];
- Parking and Sustainable Transport Code [C2.0];
- Road and Railway Assets Code [C3.0]; and the
- Safeguarding of Airports Code.

The following section provides an assessment of the proposal against each of the above-listed Scheme elements.

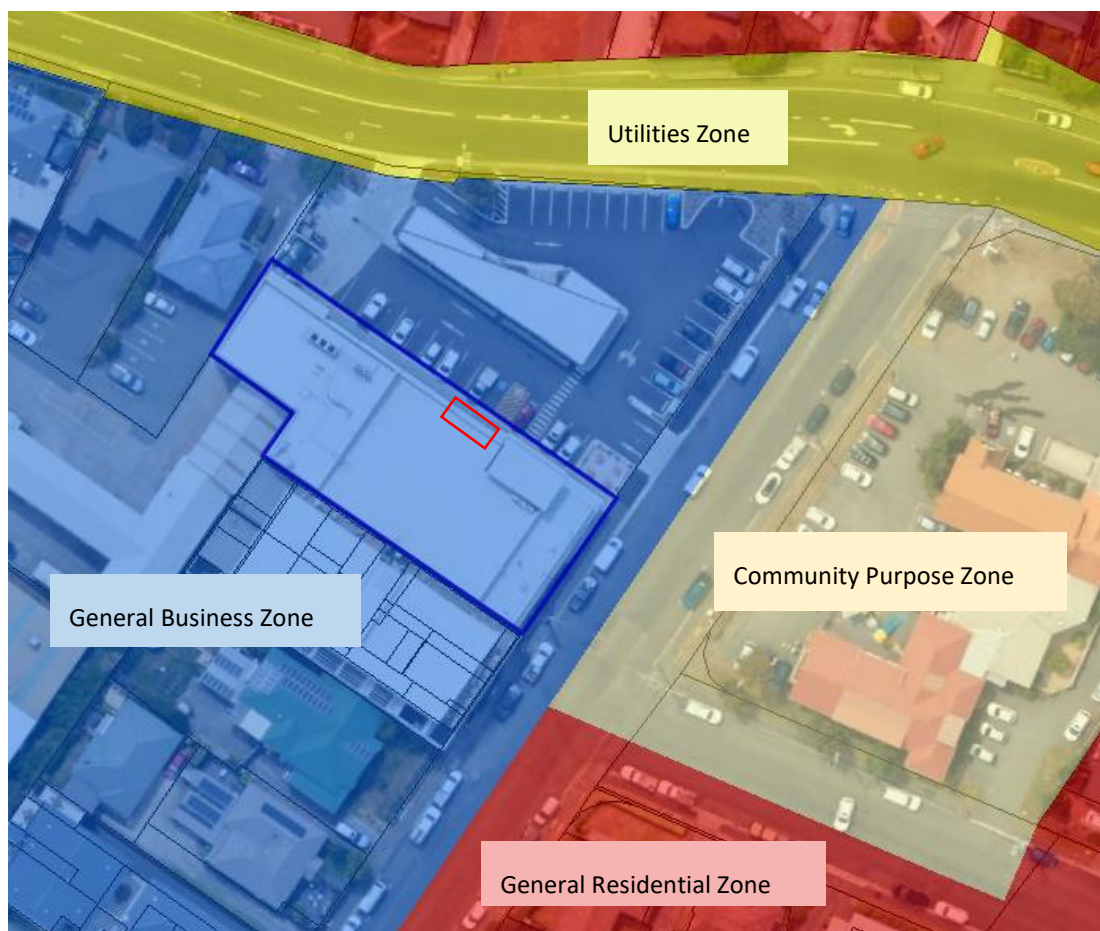


Figure 3. Land use zones (source: LIST map - accessed on 28.05.24).

## Tasmanian Planning Scheme - General Business Zone [15.0]

The site is zoned *General Business* in the *Tasmanian Planning Scheme*. As the proposal is only for one sign, there is no change of use proposed and any other structures proposed. As such, provisions under the General Business Zone are not applicable.

## Bellerive Specific Area Plan [CLA-S17.0]

The site is located within the *Bellerive Specific Area Plan* in the *Clarence Local Provisions Schedule*. As the proposal is only for one sign and there is no change of use proposed or building. Many of the provisions in the SAP are in addition to clauses within the General Business Zone, which are not considered applicable to this application. As such, provisions under the Bellerive Specific Area Plan are not applicable.

## Signs Code [C1.0]

### C1.3 Definition of Terms

The proposed sign is defined as a Business Directory sign, which is defined as follows:





*Business Directory means a sign for a building with multiple tenancies, which identifies the name of the business and its location within the same building and does not contain any product or other advertising content.*

C1.4 Development Exempt from this Code

The proposed sign does not meet all the exemption criteria, as such, it has been assessed against the provisions below.

C1.6.1 Design and sitting of signs

<p>A1</p> <p>A sign must:</p> <p>(a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and</p> <p>(b) meet the sign standards for the relevant sign type set out in Table C1.6, excluding for the following sign types, for which there is no Acceptable Solution:</p> <ul style="list-style-type: none"> <li>(i) roof sign;</li> <li>(ii) sky sign; and</li> <li>(iii) billboard.</li> </ul>	<p>P1.1</p> <p>A sign must:</p> <p>(a) be located within an applicable zone for the relevant sign type as set out in Table C1.6; and</p> <p>(b) be compatible with the streetscape or landscape, having regard to:</p> <ul style="list-style-type: none"> <li>(i) the size and dimensions of the sign;</li> <li>(ii) the size and scale of the building upon which the sign is proposed;</li> <li>(iii) the amenity of surrounding properties;</li> <li>(iv) the repetition of messages or information;</li> <li>(v) the number and density of signs on the site and on adjacent properties; and</li> <li>(vi) the impact on the safe and efficient movement of vehicles and pedestrians.</li> </ul> <p>P1.2</p> <p>If a roof sign, sky sign or billboard, the sign must:</p> <p>(a) be located within the applicable zone for the relevant sign type set out in Table C1.6;</p> <p>(b) meet the sign standards for the relevant sign type in Table C1.6; and</p> <p>(c) not contribute to visual clutter or cause unreasonable loss of amenity to the surrounding area, having regard to:</p> <ul style="list-style-type: none"> <li>(i) the size and dimensions of the sign;</li> <li>(ii) the size and scale of the building upon which the sign is proposed;</li> <li>(iii) the amenity of surrounding properties;</li> <li>(iv) the repetition of messages or information;</li> <li>(v) the number and density of signs on the site and on adjacent properties; and</li> <li>(vi) the impact on the safe and efficient movement of vehicles and pedestrians.</li> </ul>
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<p>A2</p> <p><i>A sign must be not less than 2m from the boundary of any lot in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone or Landscape Conservation Zone.</i></p>	<p>P2</p> <p><i>A sign must not cause an unreasonable loss of amenity to adjoining residential properties, having regard to:</i></p> <ul style="list-style-type: none"> <li><i>(a) the topography of the site and the surrounding area;</i></li> <li><i>(b) the relative location of buildings, habitable rooms of dwellings and private open space;</i></li> <li><i>(c) any overshadowing; and</i></li> <li><i>(d) the nature and type of the sign.</i></li> </ul>
<p>A3</p> <p><i>The number of signs for each business or tenancy on a road frontage of a building must be no more than:</i></p> <ul style="list-style-type: none"> <li><i>(a) 1 of each sign type, unless otherwise stated in Table C1.6;</i></li> <li><i>(b) 1 window sign for each window;</i></li> <li><i>(c) 3 if the street frontage is less than 20m in length; and</i></li> <li><i>(d) 6 if the street frontage is 20m or more, excluding the following sign types, for which there is no limit:</i> <ul style="list-style-type: none"> <li><i>(i) name plate; and</i></li> <li><i>(ii) temporary sign.</i></li> </ul> </li> </ul>	<p>P3</p> <p><i>The number of signs for each business or tenancy on a street frontage must:</i></p> <ul style="list-style-type: none"> <li><i>(a) not unreasonably increase in the existing level of visual clutter in the streetscape, and where possible, reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs; and</i></li> <li><i>(b) not involve the repetition of messages or information.</i></li> </ul>

Under clause 1.6.1 A1, the proposed business directory sign is located within the applicable zone as specified in Table C1.6 (a).

The proposed sign does not meet the sign standards in Table C1.6 due to it exceeding the size requirement of 2000mm x 600mm, the sign is proposed to be 2400mm x 1750mm. As such, P1.1 must be considered.

The proposed sign is located within the applicable zone as specified in Table C1.6 (a).

The size and dimensions of the sign are in accordance with the frontage capacity of the building, please see Appendix C sheet CD401 for the elevation plans. The plans show that the sign takes up a relatively small area of space on the building's facade, is compatible with the development and does not result in an unreasonable impact on the building or surrounding sites (i).

The proposed sign size is compatible with the size of the building and is not encroach beyond the building, the size of the sign fits well within the area identified (please see Appendix C, Sheet CD401) and does not block other signage (ii).

As the sign is a fixed design and location and is flat against the existing building, it will not cause overshadowing. The sign is not illuminated and is within a business zoning, so it is compatible with the current street scape. It is therefore unlikely that the proposed sign will interfere with the amenity of surrounding properties (iii).

Although the proposed sign is for business directory, there is only one proposed sign. Therefore, the information on the sign will not be repeated (iv).

Due to there being more than one business operating on the site, there are already existing signs on the site, however the signs are compatible with the bulk and size of the building and are not repetitive. The adjoining site at 23 Clarence Street, Bellerive also has multiple



signs advertising the same message. The proposed sign will not be repeated and is of a suitable size for its position on the building. As such, the proposed sign will be compatible with the streetscape (v).

The proposed sign will not impact the safe and efficient movement of vehicles and pedestrians as it is an unchanging, non-illuminated, and simple sign that will not be distracting to drivers (vi).

As the proposed sign is not a roof sign, sky sign, or billboard, P1.2 is not applicable.

The proposed sign is not within 2m of any surrounding lot in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone, or the Landscape Conservation Zone. As such, the proposed sign complies with C1.6.1 A2.

Under A3, there is only one proposed sign of this sign type (a).

The proposed sign is not a window sign (b).

There is only one proposed sign (c).

There is only one proposed sign (d).

#### C1.6.2 Illuminated Signs

The proposed sign is not illuminated, as such, clause 1.6.2 is not applicable.

#### C1.6.3 Third party sign

As a third party sign is not proposed, clause 1.6.3 is not applicable.

#### C1.6.4 Signs on local heritage places and in local heritage precincts and local historic landscape precincts

As the proposed sign is not located within a local heritage place, or within a local heritage precinct or local historic landscape precinct, clause C1.6.4 is not applicable.

### **Parking and Sustainable Transport Code [C2.0]**

No use or development is exempt from assessment against this code (C2.1.1). As the proposal is only for one sign, provisions under C2.0 are not applicable.

### **Road and Railway Assets Code [C3.0]**

There are no exemptions from Road and Railway Assets Code, therefore provisions under C3.0 need to be considered. As the proposal is only for one sign, provisions under C3.0 are not applicable.

### **Safeguarding of Airports Code [C16.0]**

The site is located within the Safeguarding of Airports Code in the *Tasmanian Planning Scheme*. As the proposal is only for one sign, there is no change of use proposed and any other structures proposed. As such, provisions under the Safeguarding of Airports Code are not applicable.



## Conclusion

This report has been prepared in support of a Planning Application for the new signage at 1 Scott Street, Bellerive (CT 181914/2) with the consent of the landowner.

This proposal is for a business directory sign of fixed design and location, with dimensions of 2400mm wide x 1750mm high. The proposal has been considered against the development standards of Zone and the proposal generates the following one discretion under the *Tasmanian Planning Scheme - Clarence Local Provisions Schedule: C1.6.1 P1.1* Design and siting of signs.

The proposal has been assessed against all relevant scheme criteria and is found to either comply with the Acceptable Solutions or satisfy the relevant Performance Criteria. The application is considered to be acceptable with respect to the Planning Scheme requirements and therefore ought to be supported by the Planning Authority.





# APPENDIX A

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Title Information

SEARCH OF TORRENS TITLE

VOLUME 181914	FOLIO 2
EDITION 2	DATE OF ISSUE 21-Nov-2023

SEARCH DATE : 07-Jun-2024

SEARCH TIME : 11.31 AM

DESCRIPTION OF LAND

City of CLARENCE

Lot 2 on Sealed Plan 181914

Derivation : Part of 15A-2R-9P Gtd. to George Nichols & Thomas Jillett

Prior CTs 123659/2, 103784/1 and 225702/1

SCHEDULE 1

N155608 TRANSFER to BEHRAKIS GROUP PROPERTY HOLDINGS PTY LTD  
Registered 21-Nov-2023 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP181914 EASEMENTS in Schedule of Easements

SP181914 FENCING PROVISION in Schedule of Easements

E343030 AGREEMENT pursuant to Section 78 of the Land Use

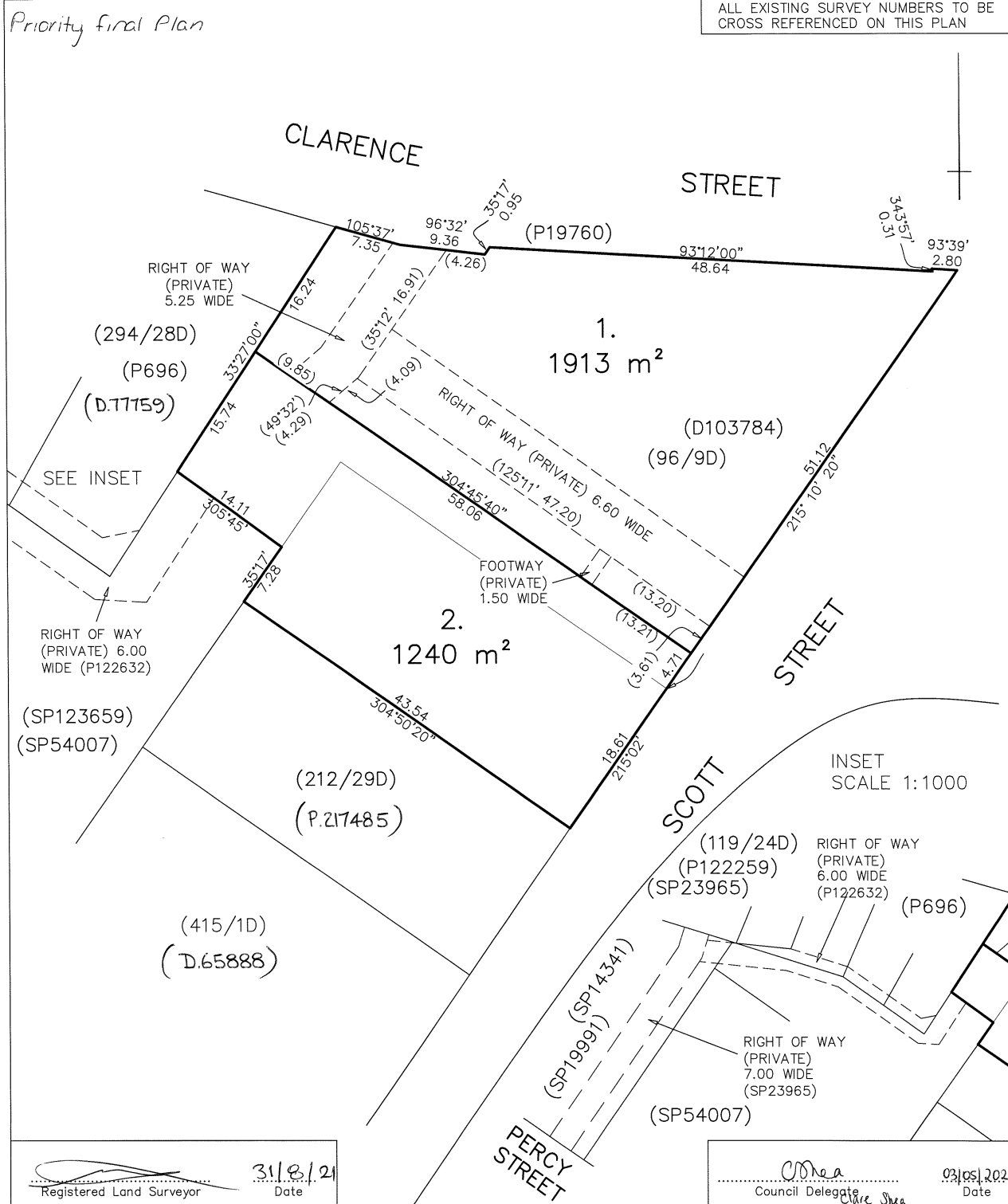
Planning and Approvals Act 1993 Registered

29-Jun-2023 at 12.04 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

OWNER: P Behrakis, V A Behrakis, D Behrakis & M Behrakis, BGPH Property Development (No.1) Pty Ltd. FOLIO REFERENCE: C.T.123659/2, C.T.225702/1, C.T.103784/1 GRANTEE: Part of 15A.2R.1P gtd to George Nichols & Thomas Jillett.	PLAN OF SURVEY BY SURVEYOR: N.M.CREESE LOCATION: City of CLARENCE SCALE: 1:400                      LENGTHS IN METRES	REGISTERED NUMBER <b>SP181914</b> APPROVED EFFECTIVE FROM <b>29 JUN 2023</b>  Recorder of Titles
	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	



<b>SCHEDULE OF EASEMENTS</b>	Registered Number
<b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	SP. 18 19 14

PAGE 1 OF 2 PAGES

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

**EASEMENTS**

1. Lot 2 on the Plan is together with a Right of Carriageway over the land marked **Right of Way (Private) 6.60 Wide** as shown passing through Lot 1 on the Plan.
2. Lot 1 on the Plan is subject to a Right of Carriageway (appurtenant to Lot 2 on the Plan) over the land marked **Right of Way (Private) 6.60 Wide** as shown passing through Lot 1 on the Plan.
3. Lot 2 on the Plan is together with a Right of Carriageway over the land marked **Right of Way (Private) 5.52 Wide** as shown passing through Lot 1 on the Plan.
4. Lot 1 on the Plan is subject to a Right of Carriageway (appurtenant to Lot 2 on the Plan) over the land marked **Right of Way (Private) 5.52 Wide** as shown passing through Lot 1 on the Plan. *5.25 26/5/2023*
5. Lot 2 on the Plan is together with a Right of Footway over the land marked **Footway (Private) 1.50 Wide** as shown passing through Lot 1 on the Plan. *5.25 26/5/2023 Con Tsamassiros, solicitor for Subdivider*
6. Lot 1 on the Plan is subject to a Right of Footway (appurtenant to Lot 2 on the Plan) over the land marked **Footway (Private) 1.50 Wide** as shown passing through Lot 1 on the Plan.
7. That portion of Lot 2 on the Plan which formerly comprised part of Lot 2 on Sealed Plan 123659 is together with Rights of Carriageway over the land marked **Right of Way (Private) 6.00 Wide** and marked A, B, C, D, E, F, G, H, J, K, S, R, P, N and the land marked **Right of Way (Private) 7.00 Wide** as shown on ~~Sealed Plan 123659~~ *the plan.*
8. That portion of Lot 1 on the Plan which formerly comprised part of Lot 2 on Sealed Plan 123659

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: P Behrakis, V A Behrakis, D Behrakis & M Behrakis, and BGPH Property Development (No. 1) Pty Ltd FOLIO REF CT 123659/2, 225702/1 and 103784/1 SOLICITOR: Butler McIntyre & Butler & REFERENCE: (Con Tsamassiros) CT:163407	PLAN SEALED BY: <i>Clarence Council</i> DATE: <i>3<sup>rd</sup> May 2023</i> <i>PDPLAN/MTD -</i> REF NO. <i>2020/011442</i> <div style="text-align: right;"> <i>CDnea</i>                      Council Delegate  <i>Clare Shea</i> </div>
<p><b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.</p>	

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<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 2 OF 2 PAGES	Registered Number  <b>SP. 18 19 14</b>
SUBDIVIDER: P Behrakis, V A Behrakis, D Behrakis & M Behrakis, and BGPH Property Development (No. 1) Pty Ltd FOLIO REFERENCE: CT 123659/2, 225702/1 and 103784/1	

is together with Rights of Carriageway over the land marked **Right of Way (Private) 6.00 Wide** and marked A, B, C, D, E, F, G, H, J, K, S, R, P, N and the land marked **Right of Way (Private) 7.00 Wide** as shown on ~~Sealed Plan 123659~~ the plan.

**FENCING PROVISION**

~~In respect of the Lots shown on the Plan the Vendor, shall not be required to fence.~~

In respect to the lots on the plan the Vendor Peter Behrakis, Victoria Ann Behrakis, Dennis Behrakis and Maria Behrakis shall not be required to fence.

SIGNED by BGPH Property Development (No. 1) )  
 Pty Ltd (ACN 645 534 916) as the Registered )  
 Proprietor of the Land in Certificate of Title Volume )  
 225702 Folio 1 by the signature of two of its )  
 directors pursuant to section 127(1) of the )  
 Corporations Act 2001 )

  
 .....  
 Peter Behrakis - Director

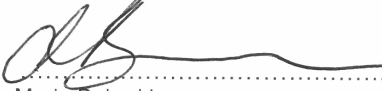
  
 .....  
 Dennis Behrakis - Director

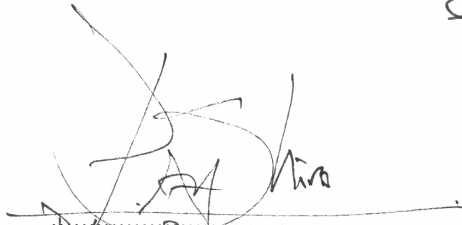
SIGNED by Peter Behrakis, Victoria Ann Behrakis, )  
 Dennis Behrakis and Maria Behrakis as the )  
 Registered Proprietors of the Land in Certificates of )  
 Title Volume 123659 Folio 2 and Volume 103784 )  
 Folio 1 )

  
 .....  
 Peter Behrakis

  
 .....  
 Victoria Ann Behrakis

  
 .....  
 Dennis Behrakis

  
 .....  
 Maria Behrakis

Witness Signature:   
 Witness Name: PETER SHIRES  
 Witness Address: 10 TASTA ST, HOBART  
Tas. 7000  
*con transaction registered under subdivision*

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing. (2)

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# TASMANIAN LAND TITLES OFFICE

## Notification of Agreement under the Land Use Planning and Approvals Act 1993

Section 78



E343030

DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
181914	2		

### REGISTERED PROPRIETOR:

Peter Behrakis, Victoria Ann Behrakis, Dennis Behrakis and Maria Behrakis of 246 Argyle Street, Hobart TAS 7000

### PLANNING AUTHORITY:

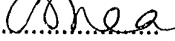
I/we ... CLARENCE COUNCIL

of ... 38 Bligh Street, Rosny Park TAS 7018

the abovename Planning Authority, certify that the above particulars are correct and that attached is a certified executed copy of the agreement between the abovenamed parties, notice of which is to be registered against the abovementioned folio of the Register.

The abovenamed Planning Authority holds the original executed Agreement.

Date: 16<sup>th</sup> November 2021

Signed:   
(on behalf of the Planning Authority)

Clare Shea  
Corporate Secretary  
Clarence City Council  
38 Bligh Street  
Rosny Park 7018

Land Titles Office Use Only

**LUA**  
Version 2 (TOLD)

REGISTERED IN TASMANIA

29 JUN 2023

RECORDER OF TITLES

THE BACK OF THIS FORM MUST NOT BE USED

Created 11-Mar-2020 03:39PM

**Butler  
McIntyre  
&Butler**

*Lawyers  
Est. 1824*

**CLARENCE CITY COUNCIL**  
(Planning Authority)

and

**PETER BEHRAKIS, VICTORIA ANN BEHRAKIS, DENNIS  
BEHRAKIS AND MARIA BEHRAKIS**  
(Owner)

---

**PART 5 AGREEMENT**  
**17-19 Clarence Street, Bellerive**

---

**I HEREBY CERTIFY THAT  
THIS IS A COPY OF THE  
ORIGINAL DOCUMENT**



**Office**

20 Murray Street  
Hobart 7000  
Tasmania

**Postal**

GPO Box 980  
Hobart 7001  
Tasmania

**Contact**

**Tel** 03 6222 9444  
**Fax** 03 6223 6321  
**DX** 113 Hobart

**www.bmbtas.com**  
enquiry@bmbtas.com  
ABN 73 206 174 836

THIS AGREEMENT is made the 16<sup>th</sup> day of November 2021

**BETWEEN**

**CLARENCE CITY COUNCIL** of 38 Bligh Street, Rosny Park in Tasmania (the Planning Authority)

**AND**

**PETER BEHRAKIS, VICTORIA ANN BEHRAKIS, DENNIS BEHRAKIS AND MARIA BEHRAKIS** of 246 Argyle Street, Hobart in Tasmania (the Owner)

**RECITALS**

- A. The Owner is the registered proprietor of an estate in fee simple of the Land.
- B. The Planning Authority is:
  - (a) a body corporate pursuant to the provisions of the LGA; and
  - (b) the planning authority under LUPA; and
  - (c) the planning authority under the LGBMP for the purpose of the Parking and Access Code.
- C. The Land is subject to the provisions of the Scheme.
- D. The Owner, in conjunction with the Adjoining Owner, is proposing to subdivide the Land as detailed in Planning Permit.
- E. Condition 3 of the Planning Permit requires the Owner to enter into this Part 5 Agreement to provide, at all times, staff and customer vehicle parking to serve the Retail Premises.
- F. The Planning Authority and the Owner have agreed:
  - (a) to enter into this Agreement pursuant to Part 5 of LUPA;
  - (b) that the Planning Authority will register this Agreement pursuant to the provisions of LUPA; and
  - (c) that the effect of registration will be that the burden of any covenant contained in this Agreement will run with the land to which the Agreement relates as if it were a covenant to which section 102(2) of LTA applies.

**OPERATIVE PROVISIONS**

**1.1 Definitions**

**Adjoining Land** means the Land situate at 1 Scott Street, Bellerive in Tasmania, more particularly described in the folio of the register volume folio 2.

**Adjoining Owner** means BGPH Property Development (No. 1) Pty Ltd (ACN 645 535 002).

**Agreement** means this Deed of Agreement.

**Land** means the Land situate at 17/19 Clarence Street, Bellerive in Tasmania more particularly described in folio of the register volume folio 1.

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ORIGINAL DOCUMENT**



**LGA** means the Local Government Act 1993 (Tas).

**LGBMP** means the Local Government (Building and Miscellaneous) Provisions Act 1993 (Tas).

**LTA** means the Land Titles Act 1980 (Tas).

**LUPA** means the Land Use Planning and Approvals Act 1993 (Tas).

**Owner** means the person or persons from time to time registered or entitled to be registered by the Recorder of Titles as proprietor or proprietors of an estate in fee simple in the Land or any part of the Land and includes a Mortgagee in possession.

**Parking and Access Code** means Part E6.0 (Parking and Access Code) of the Scheme.

**Planning Permit** means the Planning Permit Application No. PDPLANPMTD-2020/011442, evolving the subdivision of the land formerly described in Certificates of Title Volume 123659 Folio 2, Volume 225702 Folio 1 and Volume 103784 Folio 1.

**Plan of Survey** means the plan of the lots to be created from the subdivision of the land described in the Planning Permit, a copy of which is exhibited in Annexure A.

**Retail Premises** means the premises to be constructed by the Adjoining Owner on the Adjoining Land.


**Scheme** means the Clarence Interim Planning Scheme 2015.

## 1.2 General Interpretation

In this Agreement unless the context otherwise requires:

- (a) reference to the Planning Authority includes a reference to any new Council which has jurisdiction in respect to the land established pursuant to Part 2 of the LGA or any other legislation or proclamation;
- (b) a reference to any legislation or any legislative provision includes any statutory modification or re-enactment of, or legislative provision substituted for, and any subordinate legislation issued under, that legislation or legislative provisions;
- (c) the singular includes the plural and vice versa;
- (d) a reference to an individual person includes a corporation, partnership, joint venture, association, authority, trust, State or government, or vice versa;
- (e) a reference to any gender includes all genders;
- (f) a reference to a recital, clause, schedule, annexure or exhibit is to a recital, clause, schedule, annexure or exhibit of or to this Agreement;
- (g) a recital, schedule, annexure or a description of the parties forms part of this Agreement;
- (h) a reference to any agreement or document is to that agreement or document (and, where applicable, any of its provisions) as amended, innovated, supplemented, or replaced from time to time;
- (i) a reference to any party in this Agreement or any other document or arrangement includes that party's executors, administrators, substitutes, successors and permitted assigns.
- (j) where an expression is defined another part of the special grammatical form of that expression has a corresponding meaning.

**I HEREBY CERTIFY THAT  
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ORIGINAL DOCUMENT**



### 1.3 Headings

In this Agreement, headings are for convenience of reference only and do not affect interpretation.

## 2. Confirmation of Recitals

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The parties acknowledge and agree that the Recitals to this Deed:

- (a) are true and correct;
- (b) are deemed to form part of this Deed; and
- (c) any fact or matter referred to in the Recitals that is inconsistent with any matter or provision of this Deed shall be read as subject to that term or provision.

## 3. Effect of agreement and registration

---

### 3.1 Agreement under section 71 of Part 5 of LUPA

The parties agree that without limiting or restricting the respective powers to enter into this agreement and, in so far as it can be so treated, this Agreement is made pursuant to section 71 of LUPA.

### 3.2 Covenants to run with the Land

The parties agree and declare that the obligations imposed on the Owner under this Agreement are intended to take effect as covenants the burden of which will run with the Land to which the Agreement relates as if they were covenants to which section 102(2) of the LTA applies and shall bind the Owner, its successors, transferees and permitted assigns, the registered proprietor or proprietors for the time being of the land.

### 3.3 Registration of the Agreement

An application pursuant to section 78 of LUPA shall be made by the Planning Authority to the Recorder of Titles for the registration of this Agreement on the Folio of the Register constituting the title to any land to which the Agreement relates.

### 3.4 Commencement of the Agreement

This Agreement shall commence on the day that separate titles are issued by the Recorder of Titles for the lots shown on the Plan of Survey and Planning Permit.

## 4. Owner's covenants

---

In consideration of the Planning Authority granting the Planning Permit allowing the subdivision, the Owner and their successors in title hereby covenant and agree with the Planning Authority that the Land will, at all times, provide for a customer and staff car parking to serve the Retail Premises on the Adjoining Land, in accordance with provisions of the Scheme's Parking and Access Code.

**I HEREBY CERTIFY THAT  
THIS IS A COPY OF THE  
ORIGINAL DOCUMENT**  
*Erudger May* *Kajal May*

**5. No fettering of the Planning Authority's powers**

---

The parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of the Planning Authority to make any decision or impose any requirement or conditions in connection with the granting of any planning approval or certification of any plans of subdivision relating to the land or relating to the use or development of the land.

**6. Notices**

---

Any notice under this Agreement may be served by delivering either personally or by registered mail to the parties.

**I HEREBY CERTIFY THAT  
THIS IS A COPY OF THE  
ORIGINAL DOCUMENT**  
*Erin O'Connell*

EXECUTED as a Deed

SIGNED by CLARENCE CITY COUNCIL by affixing of the Common Seal of the Planning Authority pursuant to a resolution of the Planning Authority passed the \_\_\_\_\_ day of \_\_\_\_\_ 2021 in the presence of: *by its duly authorised delegate*



Clare Shea  
Corporate Secretary  
Clarence City Council  
38 Bligh Street  
Rosny Park 7018

*[Signature]*

I HEREBY CERTIFY THAT  
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ORIGINAL DOCUMENT

*[Signature]*

EXECUTED by PETER BEHRAKIS, VICTORIA ANN BEHRAKIS, DENNIS BEHRAKIS and MARIA BEHRAKIS in the presence of:

*[Signature]*  
Peter Behrakis

*[Signature]*  
Victoria Ann Behrakis

*[Signature]*  
Dennis Behrakis

*[Signature]*  
Maria Behrakis

*[Signature]*  
WITNESSES  
10 ASTA ST, HOBERT

Witness Signature:

Witness Name:

Witness Address:

**ANNEXURE A**

---

**PLAN OF SURVEY**

---

**I HEREBY CERTIFY THAT  
THIS IS A COPY OF THE  
ORIGINAL DOCUMENT**

*Bridget Kay Bissett*

OWNER: P Behrakis, V A Behrakis, D Behrakis  
& M Behrakis, BGPH Property  
Development (No.1) Pty Ltd.  
FOLIO REFERENCE: C.T.123659/2, C.T.225702/1,  
C.T.103784/1  
GRANTEE: Part of 15A.2R.19P gtd to George  
Nichols & Thomas Jillett.

# PLAN OF SURVEY

BY SURVEYOR: N.M.CREESE

LOCATION:

City of CLARENCE

SCALE: 1:400

LENGTHS IN METRES

Registered Number

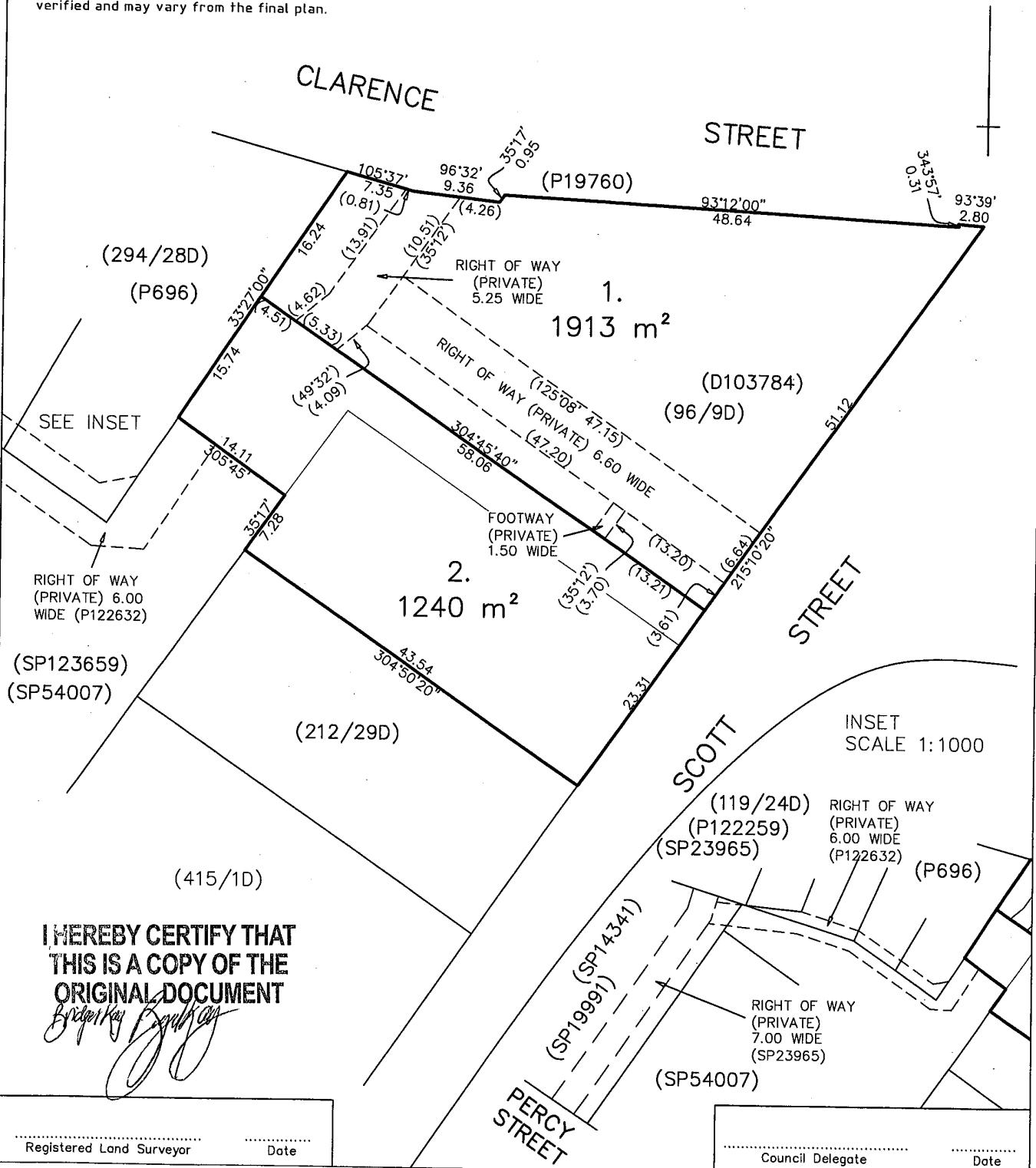
APPROVED  
EFFECTIVE FROM .....

Recorder of Titles

ALL EXISTING SURVEY NUMBERS TO BE  
CROSS REFERENCED ON THIS PLAN

DRAFT

This plan has been prepared from preliminary  
survey information and as such has not been  
verified and may vary from the final plan.



I HEREBY CERTIFY THAT  
THIS IS A COPY OF THE  
ORIGINAL DOCUMENT

*Richard King*

Registered Land Surveyor

Date

Council Delegate

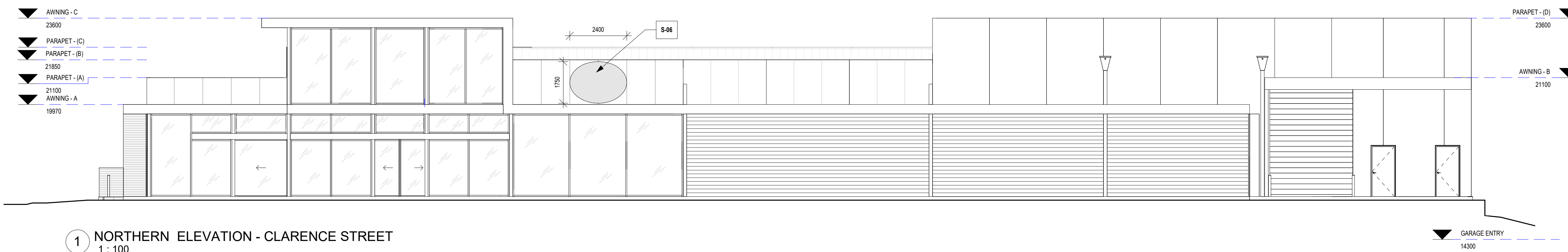
Date



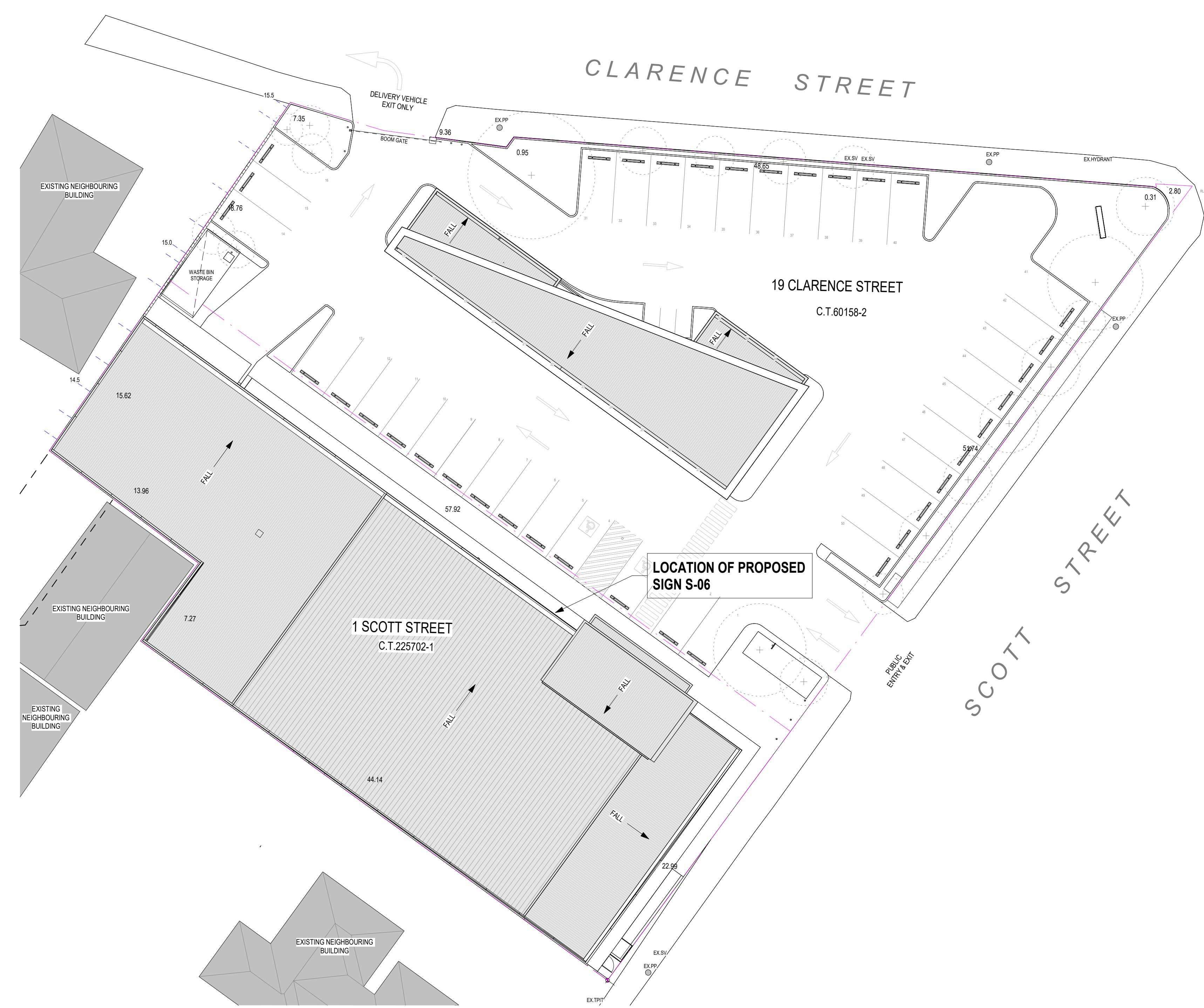
# APPENDIX B

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Proposal Plans



1 NORTHERN ELEVATION - CLARENCE STREET  
1 : 100



2 SITE PLAN  
1 : 200

SIGNAGE  
S-06



2400(w) x 1750(h) THIN METAL BUSINESS IDENTIFICATION SIGNAGE. RED AND WHITE GRAPHIC. DIRECT FIXED.




**BPSM** architects  
Bush Parkes Shugg & Moon

PROJECT **SALAMANCA FRESH**  
ADDRESS **19 CLARENCE STREET, BELLERIVE**  
CLIENT **THE BEHRAKIS GROUP**  
SHEET NAME **ELEVATIONS - SIGNAGE**

PROJECT NUMBER **H2004**  
SCALE AT A1 **As indicated**  
APPROVED BY **DJ**  
DRAWN BY **DJo**  
DATE **14/05/2024**  
SHEET **CD401** REV

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# APPENDIX C

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## Notification Letters

MC Planners Ref: 24065

11<sup>th</sup> June 2024

Behrakis Group Property Holdings Pty Ltd  
246 Argyle Street,  
North Hobart, TAS, 7000

Dear Behrakis Group Property Holdings Pty Ltd,

**NOTIFICATION LETTER - DEVELOPMENT APPLICATION - 1 SCOTT STREET, BELLERIVE -  
BUSINESS DIRECTORY SIGNAGE**

We advise that MC Planners has been engaged by Behrakis Group Property Holdings Pty Ltd to make a development application for business directory signage at 1 Scott Street, Bellerive (PID 9191526 CT 181914/2).

Accordingly, we write to notify you of the application, in accordance with our statutory obligations under section 52(1) of the *Land Use Planning and Approvals Act 1993*.

More information will be available from Clarence City Council when the application is formally advertised.

Yours faithfully

**MC PLANNERS PTY LTD**



**Mat Clark**  
**DIRECTOR/PRINCIPAL PLANNER**