



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Council:	19 December 2016
Expiry Date:	20 December 2016
Application No:	PLN-16-1069
Address:	34 ARGYLE STREET , HOBART 38 ARGYLE STREET , HOBART ADJACENT ROAD RESERVE
Applicant:	FRAZER READ All Urban Planning Pty Ltd
Proposal:	Alterations to Previously Approved Development (PLN-14-00952-01), Signage and Partial Change of Use to Visitor Accommodation (Including Restaurant, Bar and Conference Facilities) and Offices
Representations:	Nil
Performance criteria:	Development Standards and Parking and Access Code

1. Executive Summary

- 1.1. The proposal is for alterations to the previously approved development at 34 and 38 Argyle Street and adjacent road reservation (PLN-14-00952-01), signage and partial change of use to visitor accommodation (including restaurant, bar and conference facilities) and offices. More specifically the proposal involves:

- Removal of the retail arcade and retail spaces and replacement with a vehicle and pedestrian right of way from Argyle Street to Kemp Street.
- Alterations to the existing ramp and canopy at the entrance of the existing building at 34 Argyle Street.
- Change of use to include a restaurant and bar, storage area, amenities, substation and bicycle storage together with the hotel reception.
- Change to the approved uses on the first floor from cafe/bar and retail to office space.
- Alterations to the front and rear canopies on the first floor.
- Change to the approved use on the fourth floor from a childcare centre to office space.
- Change to the approved use of the fifth floor from office to hotel conference room, staff amenities together with the hotel pool facilities.
- An additional hotel room and suite on the sixth and fourteenth floors respectively.
- Alterations to the ground floor facades and internal alterations to all floors to accommodate the proposed uses and roadway.
- Associated stormwater infrastructure in Kemp Street and Argyle Street

1.2. The proposal relies on performance criteria to satisfy the following standards and codes.

1.2.1. Development standards - design, passive surveillance

1.2.2. Parking and access code

1.3 No representations were received during the statutory advertising period.

1.4 The proposal is recommended for approval subject to conditions.

1.5 The final decision is delegated to the Council.

2. Site Detail



Figure 1: Location of the subject site at 34-38 Argyle Street with the adjoining road reservations in Argyle Street and Kemp Street (outlined in red). For a more specific plan of the location of the proposed works, see figure 2 below.

- 2.1. The subject site is located on the south-west side of Argyle Street between Liverpool and Collins Street, Hobart. With a total site area of 1300m², the subject site is comprised of a number of title areas (or part of) as follows:

Title Reference	Address	Area affected
C.T. 125255/1	34-36 Argyle Street.	Area of site currently utilised for car parking.
C.T. 156236/6	Strip of Council owned land extended across the frontage of 34-36 Argyle Street.	Whole site.
C.T. 164485/1	38 Argyle Street (Argyle Street car park).	Existing covered walkway extending from Argyle Street to car park lift and stair well and section of vacant land adjacent to Kemp Street.
N/A	Argyle Street road reservation.	Encroachment over road reservation for cantilevered café.

The subject site with property boundaries and affected areas is shown in figure 2 submitted to the Council within the planning report from All Urban Planning on 13

October 2016.

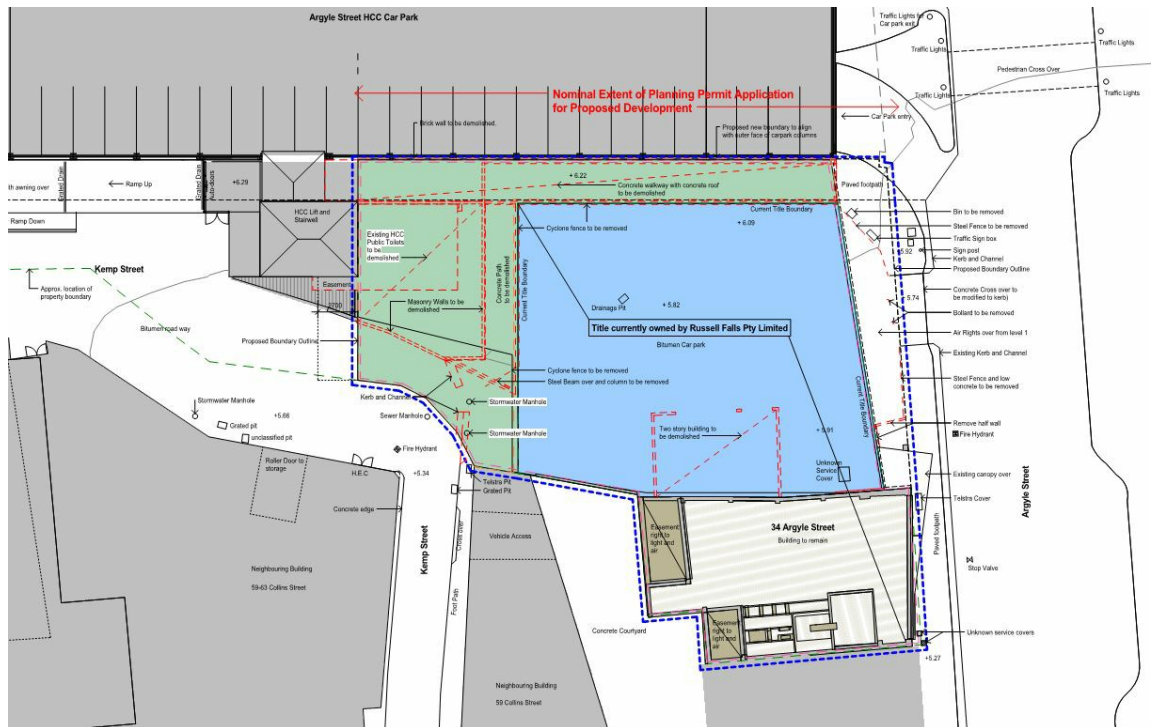


Figure 2: location of the proposed development at 34-38 Argyle Street (source: planning report from All Urban Planning submitted to Council on 13 October 2016)

The surrounding locality is intensively developed: part of the subject site comprises one of the last long term vacant sites within the CBD. Surrounding uses include the Argyle Street car park, Royal Hobart Hospital and Hobart Private Hospital, the Wellington Centre (comprising a mix of retail, offices and medical consulting suites), other small scale retail and café uses, as well as both minor and major office facilities.

The streetscape within this section of Argyle Street is dominated by the massive bulk of the two hospitals on the opposite side of the road. Slightly less prominent, but nonetheless also of limited architectural or urban design value, is the Argyle Street car park.

The combination of these older buildings within this section of Argyle Street, the interaction with the street at ground level, the current underutilisation of the subject site, the traffic and road function has created poor pedestrian amenity and streetscape character, particularly in comparison to other parts of the CBD.

More recent developments, including the Wellington Centre and the upgrade of 34 Argyle Street (former Southern Cross TV building) have however provided a more positive contribution.



Figure 3: Existing view up Argyle Street from near Macquarie Street intersection.



Figure 4: View of the site from corner of Argyle and Collins Street. The building adjacent to

the sandstone former Red Cross Building on the corner is 34 Argyle Street and will be retained under the proposal.



Figure 5: The site of the proposal from the opposite side of Argyle Street. The curved roof structure is the garage/shed building which is to be demolished.



Figure 6: The existing Argyle Street car park walkway which would be demolished and replaced by the retail arcade which would be located to the left of this picture.



Figure 7: View of the subject site from Kemp Street (with bins in front) is the existing toilet block of the Argyle Street car park which will be demolished and replaced with public toilets integrated into the new building.



Figure 8: View up Argyle Street showing the height and bulk of the existing hospital buildings.

3. Proposal

3.3. The proposal is for alterations to the previously approved development (PLN-14-00952-01), signage and partial change of use to visitor accommodation (including restaurant, bar and conference facilities) and offices. More specifically the proposal involves:

- 3.3.1. Removal of the retail arcade and retail spaces and replacement with a vehicle and pedestrian right of way from Argyle Street to Kemp Street.
- 3.3.2. Alterations to the existing ramp and canopy at the entrance of the existing building at 34 Argyle Street.
- 3.3.3. Change of use to include a restaurant and bar, storage area, amenities, substation and bicycle storage together with the hotel reception.
- 3.3.4. Change to the approved uses on the first floor from cafe/bar and retail to office space.
- 3.3.5. Alterations to the front and rear canopies on the first floor.
- 3.3.6. Change to the approved use on the fourth floor from a childcare centre to office space.

- 3.3.7. Change to the approved use of the fifth floor from office to hotel conference room, staff amenities together with the hotel pool facilities.
- 3.3.8. An additional hotel room and suite on the sixth and fourteenth floors respectively.
- 3.3.9. Alterations to the ground floor facades and internal alterations to all floors to accommodate the proposed uses and roadway.
- 3.3.10. Associated stormwater infrastructure in Kemp Street and Argyle Street



Figure 9: the proposed changes to the ground floor showing the vehicle and pedestrian right of way from Argyle Street to Kemp Street.



Figure 10: the proposed changes to the Argyle Street facade showing the vehicle and

pedestrian right of way from Argyle Street to Kemp Street.

4. Background

- 4.1. This application proposes changes to the existing approved, but as yet un-constructed hotel development. This development was approved by the then Development and Environmental Services Committee in December 2014 under PLN-14-00952-01. Minor amendments to this original permit were approved under delegation in January and September 2016. The changes proposed as part of this current planning application are too great to be considered as a minor amendment under Section 56 of the *Land Use Planning and Approvals Act 1993*.
- 4.2. An extension of time for the commencement of works for the original planning permit was granted in November 2016. As such, that permit remains valid until 22 December 2018 after which an second, and final, two year extension may be granted if requested. Accordingly, the unchanged aspects of the original application do not require re-assessment as part of the current application. A condition is recommended that links this current planning application and the 2014 original planning approval.

5. Concerns raised by representors

- 5.1. No representations were received during the statutory advertising period.

6. Assessment

The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

- 6.1. The site is located within the central business zone of the *Hobart Interim Planning Scheme 2015*.
- 6.2. The current use of the site is a car park however the site has approval for the following: unlisted use (hotel), offices, consulting rooms, childcare centre, shops, restaurant/takeaway food shop/unlisted use (bar). This proposal seeks the following changes to the previously approved uses:

- removal of the shops, consulting rooms, childcare centre, restaurant/takeaway food shop/unlisted use (bar) components.
- intensification of the hotel use and the inclusion of ancillary restaurant, bar and conference facilities.
- intensification of the office use.

The uses to be intensified are both permitted in the zone.

6.3. The proposal has been assessed against;

- 6.3.1. Part D- Central business zone
- 6.3.2. E5.0 Road and railway assets code
- 6.3.3. E6.0 Parking and access code
- 6.3.4. E7.0 Stormwater management code
- 6.3.5. E13.0 Historic heritage code

6.4. The proposal relies on the following performance criteria to comply with the applicable standards;

- 6.4.1. Design - Part D 22.4.3.P1, P4
- 6.4.2. Passive surveillance - Part D 22.4.4 P1
- 6.4.3. Number of bicycle parking spaces - Part E6.6.1 P1
- 6.4.4. Number of vehicle access - E6.7.1.P2
- 6.4.5. Vehicular passing along an access - E6.7.3.P1,
- 6.4.6. On-site turning - E6.7.4.P1
- 6.4.7. Design of bicycle parking spaces - E6.7.10.P1 P2

6.5. Each performance criterion is dealt with separately below.

6.6 Design Part D 22.4.3 P1, P4

- 6.6.1 It is proposed that the wall of the waste storage area adjoining Kemp Street would have a single door opening which would consist of 30% of

the facade. This would leave a single expanse of wall, albeit with a corner, that would be 48% of the length of the wall facing Kemp Street.

6.6.2 The acceptable solution under clause 22.4.3.A1 requires a single expanse of wall facing a public space to be no less than 30% of the length of the facade, and the acceptable solution under clause 22.4.3.A4 requires facades facing public spaces to have glazing or door openings for no less than 80% of the surface area of the facade.

6.6.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.6.4 The performance criteria under clause 22.4.3.P1 provides as follows:

Building design must enhance the streetscape by satisfying all of the following:

(a) provide the main access to the building in a way that addresses the street or other public space boundary;

(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;

(c) treat large expanses of blank wall in the front façade and facades facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;

(d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;

(e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;

(f) not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity or if not possible due to physical constraints;

(g) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;

(h) be consistent with any Desired Future Character Statements provided for the area.

The performance criteria under clause 22.4.3.P4 states:

Provide windows in the front façade in a way that enhances the streetscape, provides for an active street frontage and passive surveillance of public spaces.

6.6.5 The wall of the originally approved building was a glazed entrance to the

retail arcade linking the site to Argyle Street. With the replacement of the arcade with a vehicle access, the use of this part of the building at the northern end of Kemp Street has been changed to a waste storage area. It is considered that this is an appropriate location for the waste storage area as it would not detract from the front facade and streetscape of Argyle Street and would allow for easy access by waste collection vehicles. It is also considered that the total enclosure of this area would be appropriate to screen it from the public. Kemp Street has the appearance of a rear service street where adjoining buildings have their main facades facing other streets. As such, many of the buildings do not have large openings to Kemp Street and there are existing expanses of blank wall. It is considered that the proposed development would follow this pattern and would not be out of character with the streetscape of Kemp Street.

6.6.6 The proposal complies with the performance criterion.

6.7 Passive Surveillance Part D 22.4.4.P1

6.7.1 It is proposed that the wall of the waste storage area adjoining Kemp Street would have a single door opening which would consist of 30% of the facade.

6.7.2 The acceptable solution under clause 22.4.4.A1 requires a single expanse of wall facing a public space to contain windows and door openings which amount to no less than 30 % of the surface area of the ground floor level facade.

6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.7.4 The performance criteria under clause 22.4.4.P1 provides as follows:

Building design must provide for passive surveillance of public spaces by satisfying all of the following:

(a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;

(b) locate windows to adequately overlook the street and adjoining public spaces;

(c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;

(d) locate external lighting to illuminate any entrapment spaces around the building site;

(e) provide external lighting to illuminate car parking areas and

pathways;

(f) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;

(g) provide for sight lines to other buildings and public spaces.

6.7.5 The wall of the originally approved building was a glazed entrance to the retail arcade linking the site to Argyle Street. With the replacement of the arcade with a vehicle access, the use of this part of the building at the northern end of Kemp Street has been changed to a waste storage area. It is considered that this is an appropriate location for the waste storage area as it would not detract from the front facade and streetscape of Argyle Street and would allow for easy access by waste collection vehicles. It is also considered that the total enclosure of this area would be appropriate to screen it from the public. It is also considered that there would be sufficient overlooking of the area and maintenance of sight lines from the glazed walls to the hotel lobby and reception area along the proposed vehicle access

6.7.6 The proposal complies with the performance criterion.

6.8 Number of bicycle parking spaces Part E6.6.4.P1

6.8.1 Eight bicycle parking spaces have been proposed within an enclosure beside the car parking spaces.

6.8.2 The proposal is for changes to an existing approved building. The original permit was approved under the *City of Hobart Planning Scheme 1982*, where there was no bicycle parking requirement. That permit is still valid and assessment of the existing approved uses is not required. As such, the bicycle parking requirement under the *Hobart Interim Planning Scheme 2015* relates to the increase in office floor area and the additional hotel rooms. It is considered that the conference facilities, restaurant and bar are ancillary to the hotel use and do not require additional bicycle parking in this instance.

Accordingly the acceptable solution under clause E6.6.4 and Table E6.2 requires the following number of bicycle parking spaces:

	Class 1 or 2	Class 3
Office	7	2
Visitor accommodation	N/A	N/A
total required	7	2
number provided	8	0

The visitor accommodation is not applicable because the addition of two rooms does not trigger the need for additional bicycle parking.

6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.8.4 The performance criteria under clause E6.6.4.P1 provides as follows:

The number of on-site bicycle parking spaces provided must have regard to all of the following:

(a) the nature of the use and its operations;

(b) the location of the use and its accessibility by cyclists;

(c) the balance of the potential need of both those working on a site and clients or other visitors coming to the site.

6.8.5 It is proposed that eight bicycle parking spaces would be provided onsite. Whilst the class and use of the spaces has not been specified, it is considered that as they would be within an enclosure, the bicycle parking spaces are intended to be class 1 or 2 and as such would be primarily for staff and possibly hotel guests rather than one-off visitors to the restaurant, bar or conference facilities.

As such there would be a deficiency in two class-three bicycle parking spaces. The applicant has stated that there are bicycle parking facilities in the Argyle Street Car park, however it appears as though they are secure parking spaces for which a membership is required. As such, they would not be suitable for casual visitors or short term hotel guests. Nevertheless, it is considered that given the location of the site, there would be sufficient bicycle facilities and places for temporary bicycle parking in close proximity to the site and that use of this infrastructure would not be detrimental to other users of the area. It is therefore considered that the bicycle parking deficiency generated by the proposed development would not be unreasonable and would be acceptable in this instance.

6.8.6 The proposal complies with the performance criterion.

6.9 Number of vehicle access - E6.7.1.P2

- 6.9.1 It is proposed to construct two new access points. The access to Argyle Street would replace the access point to the existing car park and the access to Kemp Street would be new.
- 6.9.2 The acceptable solution under clause E6.7.1.A2 requires that no new vehicle access point should be provided unless an existing access point is removed.
- 6.9.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.9.4 The performance criteria under clause E6.7.1.P2 provides as follows:
- In the areas covered by the Active Frontage Overlay (Figure 22.1) and Pedestrian Priority Street Overlay (Figure E6.7.12) and in Particular Purpose Zone 10 any new vehicular access point must not compromise any of the following:*
- (a) pedestrian safety, amenity and convenience;*
 - (b) traffic safety;*
 - (c) streetscape;*
 - (d) cultural heritage values if the site is subject to the Historic Heritage Code;*
 - (e) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.*
- 6.9.5 The proposed access to Kemp Street would allow vehicles to enter the site from Argyle Street and travel through the site in a forward direction and exit onto Kemp Street. This would remove the need for onsite turning and a wider crossover onto Argyle Street for two way traffic. Furthermore, the access would facilitate future development of Kemp Street by the Hobart City Council and changes to how the area is used and accessed. Kemp Street currently acts as a rear service street and does not have shop fronts or alfresco dining. Furthermore, the proposal includes a pedestrian footpath along the proposed access to connect up with the footpath on Kemp Street. It is considered that the proposed access would not be detrimental to pedestrians or vehicles on Argyle or Kemp Streets and would not detract from the streetscape or cultural heritage values. It is noted that the proposal has the support of the Council's Development Engineer, subject to conditions.
- 6.9.6 The proposal complies with the performance criterion.
- 6.10 Vehicular passing along an access - E6.7.3.P1, and on-site turning - E6.7.4.P1

- 6.10.1 It is proposed that vehicles would enter the site from Argyle Street and leave onto Kemp Street. Vehicles would not be able to pass on the access or turn on site.
- 6.10.2 The acceptable solutions under clause E6.7.3.A1 and Clause E6.7.4.A1 require vehicle passing areas where an access is more than 30m long and for vehicles to turn on site to enter and leave in a forward direction where it meets a road carrying more than 6000 vehicles per day.
- 6.10.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.10.4 The relevant performance criteria are as follows:

Clause E6.7.3.P1 states:

Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:

- (a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;*
- (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;*
- (c) suitability for the type and volume of traffic likely to be generated by the use or development;*
- (d) ease of accessibility and recognition for users.*

Clause E6.7.4.P1 states:

On-site turning may not be required if access is safe, efficient and convenient, having regard to all of the following:

- (a) avoidance of conflicts between users including vehicles, cyclists, dwelling occupants and pedestrians;*
- (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;*
- (c) suitability for the type and volume of traffic likely to be generated by the use or development;*
- (d) ease of accessibility and recognition for users;*
- (e) suitability of the location of the access point and the traffic volumes on the road.*

- 6.10.5 Whilst there would technically be no onsite turning or passing areas, vehicles would enter and leave the site in a forward direction and would be travelling through the site in the same direction. As a result of this one

way movement of vehicles, and as there would not be a high volume of traffic using the right-of-way, it is considered that there would not be unreasonable conflicts between users or interference with the flow of traffic on Argyle Street. It is noted that the proposal has the support of the Council's Development Engineer, subject to conditions.

6.10.6 The proposal complies with the performance criterion.

6.11 Design of bicycle parking spaces - E6.7.10.P1 P2

6.11.1 Eight bicycle parking spaces have been proposed on the southern side of the proposed right of way and pick up/drop off area. The class and design of these spaces has not been specified.

6.11.2 The acceptable solutions under clauses E6.7.10.A1 and A2 require bicycle parking facilities to comply with the number of spaces required under Table E6.2, be located within 30m of the main entrance of the building and be designed in accordance with the relevant Australian Standard.

6.11.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.11.4 The relevant performance criteria are as follows:

E6.7.10.P1:

The design of bicycle parking facilities must provide safe, obvious and easy access for cyclists, having regard to all of the following:

- (a) minimising the distance from the street to the bicycle parking area;*
- (c) providing clear sightlines from the building or the public road to provide adequate passive surveillance of the parking facility and the route from the parking facility to the building;*
- (d) avoiding creation of concealment points to minimise the risk.*

E6.7.10.P2:

The design of bicycle parking spaces must be sufficient to conveniently, efficiently and safely serve users without conflicting with vehicular or pedestrian movements or the safety of building occupants.

6.11.5 The proposed bicycle storage would be sited approximately 10m from the entrance to the hotel and would be easily accessed from the building as

well as Kemp Street and Argyle Street. It is considered that there would be clear sightlines for the movement of cyclists and the proximity to the hotel and lighting of the right-of-way would ensure that passive surveillance of the storage area. It is also considered that the location of the storage area would be suitable for convenient safe and efficient use without conflicting with the movement of pedestrians and vehicles.

6.11.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1. The proposal is for alterations to a previously approved development on the site at 34-38 Argyle Street to allow for vehicle access between Argyle Street and Kemp Street as well as changes to the approved uses within the building. The proposed uses, office and visitor accommodation, are permitted uses within the central business zone and would comply with the relevant acceptable solutions under the use standards for the zone. The proposed access would allow for a pick up and drop off area to improve vehicle access to the hotel whilst facilitating future redevelopment of Kemp Street by the Hobart City Council. The development would not conflict with the relevant provisions under the development standards for the central business zone, the parking and access code or the stormwater code and as such is considered acceptable in this instance.
- 7.2. It is noted that the advertised description included signage. During assessment, it was realised that the signage detail provided was only 'indicative (to future detail)'. As such, signage has not been included in the assessment of this application and further planning approval for signage will be required. A condition to this effect has been included in the recommendation below.
- 7.3. It is noted that the proposal has been assessed by and has the support of the Council's Development Engineer, Road and Environmental Engineering Unit, Traffic Engineering Unit and Surveying Services Unit. A number of engineering and surveying related conditions are proposed.

8. Conclusion

The proposed Alterations to Previously Approved Development (PLN-14-00952-01), Signage and Partial Change of Use to Visitor Accommodation (Including Restaurant, Bar and Conference Facilities) and Offices at 34 and 38 Argyle Street and adjacent road reserve, Hobart satisfies the relevant provisions of the Hobart Interim Planning Scheme 2015, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the Hobart Interim Planning Scheme 2015, the Council approve the application for Alterations to Previously Approved Development (PLN-14-00952-01), Signage and Partial Change of Use to Visitor Accommodation (Including Restaurant, Bar and Conference Facilities) and Offices at 34 and 38 Argyle Street and adjacent road reserve, Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-16-1069 - 34 ARGYLE STREET & 38 ARGYLE STREET & ADJACENT ROAD RESERVE HOBART TAS 7000 - Final planning documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2016/01598-HCC dated 1 November 2016 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

This permit is subject to and conditional on substantial commencement of the development approved by planning permit PLN-14-00952-01. This permit will lapse if planning permit PLN-14-00952-01 does not take effect.

Reason for condition

To clarify the scope of the permit.

PLN s2

No signage is approved by this permit. Any proposed signage requiring planning approval must be the subject of a separate planning application, submitted to and approved by the Hobart City Council.

Reason for condition

To clarify the scope of the permit.

ENG sw s1

Any existing stormwater mains to be made redundant as a result of the development must be formally abandoned as Council infrastructure at the developer's cost, prior to the commencement of work.

An in-pipe CCTV inspection of any of the Council's infrastructure to be abandoned must be undertaken by a Council-approved contractor at the developer's cost, to locate and identify all connections.

Advice: Once the CCTV and associated report have been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

ENG sw3

The proposed development must be designed to ensure the long term protection and access to the Council's storm water infrastructure, including the protection of any infrastructure that is to be temporarily retained and abandoned later.

A detailed engineering design must be submitted and approved prior to commencement of works. The detailed design must:

1. **Demonstrate, including sections, how the design will ensure the protection of and access to Council's stormwater main(s).**
2. **Be certified by a suitably qualified and experienced engineer.**

All work required by this condition must be undertaken in accordance with the approved design.

Advice: Once the detailed design drawings has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

ENG sw s2

Safe and efficient drainage of the site and surrounds must be maintained throughout the construction of the development.

A Construction Sequence Plan (CSP) must be submitted and approved prior to the commencement of work. The CSP must detail:

- The construction sequence for the works, with any necessary contingency options, including but not limited to:
 1. The existing and future surface levels in Kemp Street
 2. The abandonment of any existing public infrastructure, or temporary retention (and protection) of any existing public infrastructure
 3. Reconnection of any private services effected by the development

All work required by this condition must be undertaken in accordance with the approved CSP.

Advice: Once the CSP has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure that the site and surrounding land is adequately drained.

ENG sw5

The proposed alterations to the public stormwater infrastructure must be designed and constructed prior to the commencement of use.

Engineering drawings must be submitted and approved (along with supporting calculations and catchment analysis), prior to commencement of work. The engineering drawings must:

1. Be certified by a qualified and experienced Engineer.

2. Include both plan, long and cross sections of the proposed mains, including the finished surface levels for the right of way, the road reserve in both Kemp and Argyle Street, and hotel floor levels
3. Include any existing stormwater mains to be abandoned
4. Include all other services and potential clashes
5. Include detailed design of the connection into the Hobart Rivulet (including minimisation of hydraulic intrusion and scour protection)
6. Include details of sizing, cover, grade, pipe material and class, connections, velocities, clearances to structures and services, easements
7. Demonstrate how the system will accommodate flows associated with a 1% AEP rainfall event at 2100 (i.e including a loading for climate change). The system incorporates both the piped system and designated overland flow paths
8. Demonstrate that the proposed alterations to the stormwater infrastructure do not adversely impact any third party properties
9. Include consideration of the flood levels in the Hobart Rivulet and their impact on receiving drainage capacity

All work required by this condition must be undertaken in accordance with the approved engineering drawings.

Advice: Once the engineered drawings has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Any construction of public infrastructure (which will be taken over by the Council) must be carried out either by the Council or by a Council-approved private contractor with a Permit to Construct Public Infrastructure. A maintenance period of 12 months will apply, and a Maintenance Bond equal to 5% of the contract value of the works must be lodged with the Council in the form of a cash deposit or bank guarantee from an approved financial institution. This bond will be released at the end of the 12 months maintenance period should no maintenance works on public infrastructure be required. This will be demonstrated by a final inspection by the Council, and submission of a recorded CCTV inspection and associated report of all new public stormwater infrastructure taken no more than one month before the end of the maintenance period. Where remedial works are to be undertaken, the bond will not be released until the works are completed to the satisfaction of the Council's Director Infrastructure Services.

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw6

All stormwater from the proposed development (including roofed areas and runoff from the right of way) must be discharged via gravity to the Council's infrastructure prior to first occupation. All costs associated with works required by this condition are to be met by the owner.

Design drawings (including supporting calculations) of the proposed stormwater drainage and connection(s) to Council infrastructure must be submitted and approved prior to the commencement of work. The design drawings must:

1. Be prepared by a suitably qualified person
2. Provide a single connection to Council infrastructure for each final lot, separate to each lot, sized to meet the needs of the development
3. Clearly distinguish between public and private infrastructure
4. Identify any existing connections to be made redundant
5. Incorporate consideration of the limited receiving capacity of the downstream system
6. Include long section(s), levels, and grades to the point of discharge

All work required by this condition must be undertaken in accordance with the approved design drawings.

Advice: Once the design drawing has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

ENG sw s3

The proposed development and new public infrastructure works must not adversely impact the Hobart Rivulet.

A Construction Management Plan (CMP) must be submitted and approved prior to commencement of works. The CMP must:

- Detail the methodology for installing the connection into the Hobart Rivulet
- Detail how the Rivulet will be protected, with consideration of (but not limited to):
 1. Likely forces associated with the construction, including vibration, traffic loading, etc
 2. Extent and duration of excavation next to the rivulet

3. **Risk treatment plan for all reasonably possible risks, e.g flood, collapse of Rivulet wall, undermining, environmental damage to the waterway, project delays, unknown Rivulet construction or condition, etc**
4. **Be prepared by a suitably qualified and experienced person.**

All work required by this condition must be undertaken in accordance with the approved CMP.

Advice: Once the CMP has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

ENG tr2

A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to commencement work. The construction traffic and parking management plan must:

1. **Be prepared by a suitably qualified person, by the Council;**
2. **Develop a communications plan to advise the wider community of the traffic and parking impacts during construction;**
3. **Include a start date and finish dates of various stages of works;**
4. **Include times that trucks and other traffic associated with the works will be allowed to operate; and**
5. **Nominate a superintendant or like to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works.**

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management plan.

Advice: Once the construction traffic and parking management plan has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 1

The cost of repair of any damage to the Council infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council.

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

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

Reason for condition

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

ENGR 3

The proposed driveway access within the Argyle Street and Kemp Street highway reservation must be designed and constructed in accordance with the drawings submitted and the Tasmanian Standard Drawings and other relevant standards, guidelines and codes prior to the commencement of the use.

Design drawing must be submitted and approved prior to the commencement of work. The design drawing must:

- **Show cross and long section of the driveway access within the highway reservation, into the property and along the footpath**
- **Detail the standard the access, including road pavement, kerbs and footpath will be design and constructed too**

- Detail the location and level of any services or infrastructure at or near the proposed driveway access
- The access to be designed for heavy vehicle loadings
- Show swept path templates in accordance with AS/NZS 2890.1 2004 (B85 or B99 depending on use)
- All works should be in accordance with the Tasmanian Standard Drawings
- Be prepared and certified by a suitable qualified person, to satisfy the above requirement.

All work required by this condition must be undertaken in accordance with the approved drawings.

Advice: Once the approved drawings has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

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

ENGR s1

The pavers within the Argyle Street, Collins Street and Kemp Street highway reservation that will be effected by the construction must be removed and replaced with a temporary asphalt seal at the developers cost prior to the commencement of work. The pavers must not be damaged during the process and stored off site. The pavers are to be reinstated at end of the development at the developers cost and to the satisfaction of the Director City Infrastructure.

Reason for condition

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

ENGR s2

Provide details on the widening of the footpath on Argyle Street, the reinstatement of existing footpath on Argyle Street and new footpath within Kemp Street, prior to the commencement of work.

Detail engineering drawings must be submitted and approved, prior to commencement of work. The drawings must:

- Show the location of new and existing footpaths within the highway reservation
- Show cross and long section of the new and existing footpaths within the highway reservation Note: that the agreement of the Council's is required to adjust footpath levels
- Detail the standard the footpaths and associated infrastructure such as ramps and kerbs will be design and constructed to
- Detail the location and level of any services or infrastructure at or near the proposed and existing footpaths
- All works should be in accordance with the Tasmanian Standard Drawings and other relevant standards, guidelines and codes
- Be prepared and certified by a suitable qualified person, to satisfy the above requirement.

All work required by this condition must be undertaken in accordance with the approved drawings.

Advice: Once the drawings have been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

Reason for condition

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

ENGR s3

The traffic signal box and street bin on Argyle Street are to be relocated to the back of the footpath along the building line or removed/placed underground at the developers cost, prior to first occupation.

Reason for condition

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

ENGR s4

A street lighting design for roads, footways and driveway access which the City has an interest in, surrounding the development site must be submitted and approved prior to the commencement of work. The street lighting design must be:

- in accordance with AS/NZS 1158 series to the requirements of Tas Network and Council
- include Tas Networks standard supplied poles and energy-efficient road light fittings if

lighting in the highway reservation

- be certified by a qualified person

All work required by this condition must be undertaken in accordance with the approved street lighting design. The on-going maintenance of the lighting of the driveway access will be at the owners cost.

Advice: Once the street lighting design has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

Reason for condition

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

ENV 2

Sediment and erosion control measures, in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted and approved, prior to the commencement of work. The SWMP must:

a. be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008).

http://www.hobartcity.com.au/Development/Engineering_Standards_and_Guideline. All work required by this condition must be undertaken in accordance with the SWMP.

Advice: Once the soil SWMP has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for Condition

To avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

SURV 8

The applicant, at no cost to the Council shall have prepared, entered into, and have registered at the Land Titles Office, a deed pursuant to Section 75CA of

the *Conveyancing and Law of Property Act 1884* for any building encroachments over the Argyle and Kemp Street highway, prior to the issue of a certificate of occupancy.

Advice: A Section 75CA Conveyancing & Law of Property Act 1884 certificate for the occupation of a Highway requires that the encroachment is a minimum 2.40 metres above the footpath or 4.25 metres above the road carriageway. A 600mm set back from the back of kerb may also be required.

The applicant must prepare and forward the required instrument pursuant to section 75CA Conveyancing & Law of Property Act 1884, including a survey plan of the encroachment (certified by a registered surveyor), the associated \$220 Council application fee and the Land Titles Office registration fee, to the Council for execution and subsequent registration within the Land Titles Office.

Reason for Condition

To ensure that the proposed building encroachments over Argyle and Kemp Streets are formalised in accordance with statutory provisions.

SUB s1

A Right of Way, service easement and floodway easement in favour of Hobart City Council over the driveway and footpath from Argyle through to Kemp Street must be provided to the satisfaction of the Council's Director of Infrastructure Services and Director of City Planning prior to the issue of any certificate of occupancy for the development. The Right of Way, service easement and floodway easement are to be created by Transfer of Easements under section 58 of the Land Titles Act 1980. All costs associated with the creation of these easements are to be paid by the applicant.

Reason for condition

To ensure that there is no impediment to public access from Argyle Street to Kemp Street, to enable maintenance of Council's infrastructure and ensure that overland flow path through the site remains unobstructed at all times

SUB s2

Road widening must be provided along Kemp and Argyle Streets within land currently comprised in certificates of title 164485/1 and 164485/0 as shown on the Hobart City Council's plan S-194-41 Revision A dated 23/11/2016 or otherwise determined. The extent of the road widening must be to the

satisfaction of the Council's Director Infrastructure Services. The road widening must be dedicated as road on the final plan of survey associated with PLN-14-00952-01 and transferred to the Hobart City Council. Please refer to the Final Plan of Survey advice clause.

Reason for condition

To ensure that the title to the road lots issue in the Hobart City Council

SUB s3

An amendment to strata plan 164485 must be submitted concurrently with the final plan of survey associated with PLN-14-00952-01 for the boundary adjustment and approved by the Council in accordance with the requirements of Sections 19 and 31 of the Strata Titles Act 1998 prior to the sealing of the final plan for the boundary adjustment associated with PLN-14-00952-01. The amendment to strata plan 164485 is to reflect the proposed boundary adjustment and the road widening required along Kemp and Argyle Streets.

Reason for condition

To ensure compliance with statutory provisions

ADVICE

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

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

CONDITION ENDORSEMENT

If a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition, via the Condition Endorsement Submission on Council's online e-service portal.

Once approved, the Council will respond to you via email that the condition(s) has been endorsed (satisfied). Detailed instructions can be found

at http://www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement

BUILDING PERMIT

Building permit in accordance with the *Building Act 2000*;

<http://www.hobartcity.com.au/Development/Building>

PLUMBING PERMIT

Plumbing permit under the Tasmanian Plumbing Regulations 2014;

<http://www.hobartcity.com.au/Development/Plumbing>

OCCUPATION OF THE PUBLIC HIGHWAY

Permit for the occupation of the public highway for construction or special event (e.g. placement of skip bin, crane, scissor lift etc)

http://www.hobartcity.com.au/Transport/Permits/Construction_Activities_Special_Events_in_the_Road_Reservation

Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve)

http://www.hobartcity.com.au/Transport/Lighting_Roads_Footpaths_and_Street_Cleaning/Roads_and_Footpaths

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By-law

<http://www.hobartcity.com.au/Council/Legislation>

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

FINAL PLAN OF SURVEY

The applicant will need to prepare and arrange for the execution of a Land Titles Office transfer and partial discharge of mortgage (if required) for the road lots, attend to the assessment and payment of Stamp Duty with the Commissioner of Taxes and forward the stamped instruments together with the associated Land Titles Office registration fees (cheque made payable to the Recorder of Titles for \$200.43 (transfer) and \$162.18 (partial discharge of mortgage) and a completed notice of sale, to the Council's Manager Surveying Services prior to the sealing of the final plan of survey.

HERITAGE

Should any brick or sandstone material be excavated during the installation of the stormwater pipe into the Hobart Rivulet, work is to cease and Council's Cultural Heritage Officer is to be notified. Please contact Sarah Waight on 6238 2175.

CONSISTENCY WITH PLANNING APPROVAL PLN-14-00952-01

The applicant is encouraged to contact the Council to discuss amending the original approval for the site to remove any conditions on the 2014 permit that are superseded by or in conflict with the conditions imposed by this permit. Please contact the Council's Senior Statutory Planner in the first instance on 6238 2715 to initiate this discussion.



(Michaela Nolan)

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Ben Ikin)

Senior Statutory Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 28 November 2016

Attachment(s) Attachment B - CPC Agenda Documents

Attachment C - CPC Supporting Documents