



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Council:	20 May 2019
Expiry Date:	20 May 2019
Application No:	PLN-18-770
Address:	209 - 213 HARRINGTON STREET , HOBART 215 - 217 HARRINGTON STREET , HOBART ADJACENT ROAD RESERVE
Applicant:	(6ty Pty Ltd) PO Box 63
Proposal:	Demolition and New Building for 39 Multiple Dwellings, Food Services and General Retail and Hire
Representations:	Nine (9)
Performance criteria:	Commercial Zone Use Standards; Potentially Contaminated Land Code; Road and Railway Assets Code; Parking and Access Code; Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for Demolition and New Building for 39 Multiple Dwellings, Food Services and General Retail and Hire, at 209-217 Harrington Street.

- 1.2 More specifically the application includes:
- The demolition of all existing buildings, and the construction of a new residential apartment and retail building comprising four levels, containing 39 residential apartments in the upper three levels, and two commercial tenancies, residential car parking (38 spaces), bicycle parking, lobby, pedestrian and vehicle access in the ground level. Awnings will extend over the footpath from both the Harrington Street and Patrick Street facades.
 - Of the residential apartments, the proposal includes 27 two-bedroom apartments, nine one-bedroom apartments and three three-bedroom apartments. Each residential apartment level of the proposed building has the same layout and mix of apartments. All apartments include balconies of varying area and dimensions.
 - Vehicles will enter and exit the site from Patrick Street.
 - All titles making up the subject site will be consolidated as part of the proposal.
 - The building is proposed to have a height of approximately 14.2 metres.
 - The total gross floor area of the proposed building is 5,804m².
 - The proposed building is finished externally with a combination of materials – Pre-cast concrete panels in charcoal, light grey and white; powder coated aluminium feature battens; glass balustrades; copper-coloured zincalume edging.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 Commercial Zone Use Standards
 - 1.3.2 Potentially Contaminated Land Code
 - 1.3.3 Road and Railway Assets Code
 - 1.3.4 Parking and Access Code
 - 1.3.5 Historic Heritage Code
- 1.4 Nine (9) representations (six objecting; three in support) to the proposal were received within the statutory advertising period between 14 March and 28 March 2019.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council.

2. Site Detail



Image 1: Aerial view of the subject site and surrounds.

2.1 209-217 Harrington Street is made up of six titles in common ownership, having a total combined area of approximately 1700m². The site is located on the corner of Harrington and Patrick Streets, and currently includes several vacant buildings, at least one still tenanted low-rise conjoined commercial building and open commercial car parking areas. To the north and north-west, commercial sites continue, whilst to the north-east there is a row of smaller and older dwelling-style buildings currently occupied as a mix of both residential and office uses. Diagonally opposite the site across Harrington Street to the south is St. Mary's Cathedral and St. Mary's College. Elsewhere in the immediate area are a mix of commercial and residential properties.

2.2 Site photos follow below (Plates 1 to 4 and Image 2):



Plate 1: The site as viewed from diagonally opposite on the corner of Harrington and Patrick Streets.



Plate 2: The site as viewed from the opposite side of Patrick Street.



Plate 3: Looking back towards the site from further to the north-west along Harrington Street.



Plate 4: Looking down to the site from uphill on Patrick Street.



Image 2: Looking north-west up Harrington Street towards the site which is to the right after the intersection (Source: Google Streetview).

3. Proposal

- 3.1 Planning approval is sought for Demolition and New Building for 39 Multiple Dwellings, Food Services and General Retail and Hire, at 209-217 Harrington Street.

3.2 More specifically, the proposal includes:

- The demolition of all existing buildings, and the construction of a new residential apartment and retail building comprising four levels, containing 39 residential apartments in the upper three levels, and two commercial tenancies, residential car parking (38 spaces), bicycle parking, lobby, pedestrian and vehicle access in the ground level. Awnings will extend over the footpath from both the Harrington Street and Patrick Street facades.
- Of the residential apartments, the proposal includes 27 two-bedroom apartments, nine one-bedroom apartments and three three-bedroom apartments. Each residential apartment level of the proposed building has the same layout and mix of apartments. All apartments include balconies of varying area and dimensions.
- Vehicles will enter and exit the site from Patrick Street.
- All titles making up the subject site will be consolidated as part of the proposal.
- The building is proposed to have a height of approximately 14.2 metres.
- The total gross floor area of the proposed building is 5,804m².
- The proposed building is finished externally with a combination of materials – Pre-cast concrete panels in charcoal, light grey and white; powder coated aluminium feature battens; glass balustrades; copper-coloured zincalume edging.

4. Background

4.1 A previous application for a similar but taller and differently designed building was deferred by the City Planning Committee and then withdrawn in April 2018 prior to being determined. This withdrawal occurred after it was highlighted to the applicant that the proposal was likely to be recommended for refusal by Council officers due to the proposal's inconsistency with planning scheme height provisions following decisions (at the time) of the Resource Management and Planning Appeal Tribunal that changed the required approach with regard to performance criteria assessment.

4.2 The current application has been considered by the Council's Urban Design Advisory Panel (UDAP), with the following issues raised during discussions:

- The protection of residential amenity (setback) with the balconies and windows located on the boundary of the site. The Panel raised concern that the design is unlikely to comply with the Building Code of Australia and that the applicant should seek advice from a building surveyor before proceeding further with the Application.

- The Panel suggested that a design statement that illustrated and justified the design process that had led to the development proposal would have been of benefit to the Panel and demonstrated that some rigour had been exercised in respect of that process.
- The Panel felt that the design of the lobby was awkward as it lacked a linkage to the stairs. It was also noted that the split floor levels incorporating steps leading to alternate fire exits may raise concerns around the adequacy of disability access and fire safety.
- The first floor of the proposal above the car park shows an outdoor area of vacant space. The Panel raised the opportunity for landscaping within this space and suggested this could be utilised as a common area for residents.
- The ground floor shows no internal access to garbage disposal area. The Panel felt that there should be an internal connection to the garbage disposal area for both residents and the occupiers of the retail space.
- The Panel noted that the proposal includes no external common spaces or landscaping and suggested that consideration be given to the provision of outdoor dining, landscaping and greenery that would encourage interaction from the street and where possible with neighbouring properties. The canopy/awning projection over the footpath was also noted as being very shallow.
- The Panel did consider the elevational treatment patterns to be an improvement on the previous application. However, they were of the view that the lobby/entrance section to the north-west end of the building could be improved with a glazed panel or similar for additional natural light.
- Concerns were raised regarding the colour palette and finishes. The Panel believed that the black, white and grey concrete finishes were particularly austere for a prominent residential complex in this location.
- More broadly, the Panel suggested that the application should be withdrawn or deferred in its current form so the issues with the Building Code (including disability access provisions) could be reviewed.
- The Panel also questioned the adequacy of the Planning Scheme in its ability to promote and protect residential amenity in the Commercial Zone as this current proposal basically complies with the Scheme provisions. The Panel saw very little support from within the Scheme to champion a better design outcome.

- 4.3 Whilst raising a number of relevant practical considerations, the majority of these matters are not considered by the *Hobart Interim Planning Scheme 2015* and its Commercial Zone which governs the site. The matter of BCA compliance was stressed upon the applicant during the UDAP meeting and they have subsequently advised that their Building Surveyor has confirmed that the proposed design can be certified. The remainder of the matters raised focus on improved amenity and functionality of the proposed building. The external colours and finishes could be revised to an extent without the need for further planning considerations, albeit that there are no controls around this applicable to the site in terms of development standards. Other minor changes to internal access arrangements could also be accommodated as being substantially in accordance with the original proposal if a permit were to be granted for the proposal as submitted.

5. Concerns raised by representors

- 5.1 The application was publicly notified between 14 March and 28 March 2019. Nine (9) representations (six objecting; three in support) to the proposal were received. One of the nine representations (objecting to the proposal) was received after the advertising period but has been given statutory status pursuant to s57(5) of the *Land Use Planning and Approvals Act 1993* in accordance with the decision of the Full Court of the Supreme Court relating to 10 Birngana Avenue.
- 5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

Building too high and does not transition. Comparison to buildings further afield misleading and irrelevant.
Building and its siting up to the boundary does not positively contribute to the streetscape. Not consistent with height and bulk of surrounds.
Impacts upon the amenity of the area through high density, overdevelopment, visual impact, overlooking and overshadowing; blocking of views.
Design inferior to the last proposal. Concern about external cladding appearance and safety.
Inadequate car parking - shortfall not adequately justified. Traffic impact information inaccurate and misrepresents the current parking situation in the area.
Traffic generated by the development will have negative impacts upon local road safety and pedestrian activity.
Direct public notification should be wider.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Commercial Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The proposal includes Residential (Multiple Dwelling), Food Services and General Retail and Hire uses. A Residential use is permitted in the zone provided it is above ground floor level. Food Services (other than a takeaway food premises or cafe) and General Retail and Hire uses are discretionary in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 23 Commercial Zone
 - 6.4.2 E2.0 Potentially Contaminated Land Code
 - 6.4.3 E5.0 Road and Railway Assets Code
 - 6.4.4 E6.0 Parking and Access Code
 - 6.4.5 E7.0 Stormwater Management Code
 - 6.4.6 E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Commercial Zone Use Standards:
 - Determining Applications - Part B 8.10.1 and 8.10.2*
 - Zone Use Table - Part D 23.2*
 - Outdoor Work Areas - Part D 23.3.5 P1*
 - 6.5.2 Potentially Contaminated Land Code:

Use - Part E 2.5 P1
Subdivision - Part E 2.6.1 P1
Excavation - Part E 2.6.2 P1

6.5.3 Road and Railway Assets Code:

Existing Road Accesses and Junctions - Part E 5.5.1 P3

6.5.4 Parking and Access Code:

Number of Car Parking Spaces - Part E 6.6.1 P1
Layout of Parking Area - Part E 6.7.5 P1
Landscaping of Parking Areas - Part E 6.7.8 P1
Facilities for Commercial Vehicles - Part E 6.7.13 P1

6.5.5 Historic Heritage Code:

Places of Archaeological Potential - Buildings, Works and Demolition - Part E 13.10.1 P1

6.6 Each performance criterion is assessed below.

6.7 Use - Part B 8.10.1 and 8.10.2 and Part D 23.2

6.7.1 As the proposal does not rule out a restaurant, the proposed potential Food Services use is classified as discretionary, as is the potential General Retail and Hire use in the Commercial Zone. It should be noted however that within the Food Services use group, takeaway food premises or cafes are classified as permitted uses in the zone.

6.7.1 There is no acceptable solution with regard to use, rather Part B, Clauses 8.10.1 and 8.10.2 ('determining applications') state that when determining an application for a discretionary use, the Council must consider the following (in-so-far as each is relevant to the particular discretion being exercised):

- *All applicable standards and codes;*
- *Any representations received;*
- *The purpose of the applicable zone;*
- *Any relevant local area objective or desired future character statement for the applicable zone;*
- *The purpose of any applicable code;*
- *The purpose of any applicable specific area plan.*

6.7.2 The Zone Purpose Statement for the Commercial Zone at Part D, Clause 23.1.1 states that the zone should provide for the following:

- *To provide for large floor area retailing and service industries.*
- *To provide for development that requires high levels of vehicle access and car parking for customers.*
- *To provide for a diversity of generally non-residential uses reflecting the transition between the Central Business Zone and inner residential areas.*
- *To allow for uses such as car yards, warehouse and showrooms in the areas of high traffic volume and high passing visibility.*
- *To allow good quality building stock to be used for less land extensive central service uses such as offices and specialist wholesaling uses.*
- *To allow for service industry uses such as motor repairs which provide a valuable service to users of the central area.*
- *To provide for residential use primarily above ground floor level.*

6.7.3 The proposal seeks approval to use the ground level commercial spaces for either food services uses or general retail and hire uses, allowing for flexibility in the occupation of the space. As proposed, the commercial spaces are reasonably generous in terms of floor area. These uses are non-residential, and between them allow for a diversity of use. Where the proposal incorporates residential use, this is all above ground floor level. With the layout proposed, the development promotes a transition between the Central Business Zone and the inner residential areas, which in this case commences directly across Harrington Street. The proposed commercial uses are of a nature less likely to adversely affect the amenity of nearby residential areas as opposed to some of the more commercially-oriented uses considered as permitted in the zone, such as service industry or bulky goods sales. Similarly, the proposed uses are not entirely reliant on high levels of vehicle access and car parking for customers, and would provide services that could be utilised by those utilising various forms of transport, including walking.

6.8 Outdoor Work Areas - Part D 23.3.5 P1

6.8.1 The acceptable solution at clause Part D 23.3.5 A1 requires outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilation fans to be located more than 50m from a residential zone.

- 6.8.2 The proposal includes plant and equipment located within 50m of the nearest residential zone, approximately 17m to the west across Harrington Street. No outdoor work areas are proposed.
- 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 criterion at clause Part D 23.3.5 P1 provides as follows:

Outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilations fans located within 50 m of a residential zone must be accompanied by effective acoustic screening in the intervening space.

- 6.8.5 The application states that all plant and equipment including air-conditioning, ventilation and extraction will be located within the ground floor level or at the roof top. Actual and perceived noise emissions will be provided with effective acoustic screening by the building, distance and other specific acoustic treatments to reduce noise levels and protect the amenity of the residential apartments within it. The application concludes by stating that the location and position of noise-emitting plant and equipment will comply with the performance criteria. Upon consideration this conclusion is endorsed. To ensure that compliance with the performance criteria is maintained, a condition of any approval should ensure that effective acoustic screening is detailed.

- 6.8.6 The proposal complies with the performance criterion.

6.10 Potentially Contaminated Land Code - Use, Subdivision and Excavation - Part E 2.5 P1, Part E 2.6.1 P1 and Part E 2.6.2 P1

- 6.10.1 The acceptable solutions at clause Part E 2.5 A1 and Part E 2.6.1 A1 require the Director of the Environment Protection Authority, or a person approved by the Director for the purpose of this Code to:

(a) certify that the land is suitable for the intended use; or

(b) approve a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.

There is no acceptable solution for Part E 2.6.2 A1.

- 6.10.2 The proposal includes development, excavation and subdivision (consolidation of titles) upon a place listed as being potentially contaminated. Certification of the site as being suitable for the proposed use has not been provided by the Director of the Environment Protection Authority or such person approved by the Director for the purpose of this code. An Environmental Site Assessment has been prepared to address the corresponding performance criteria.
- 6.10.3 The proposal does not comply with the acceptable solutions; therefore assessment against the performance criteria is relied on.
- 6.10.4 The performance criteria at clause Part E 2.5 P1, Part E 2.6.1 P1 and Part E 2.6.2 P1 provide as follows:

E2.5.1 P1 - Use

Land is suitable for the intended use, having regard to:

- (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or*
- (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or*
- (c) a plan to manage contamination and associated risk to human health or the environment that includes:*
 - (i) an environmental site assessment;*
 - (ii) any specific remediation and protection measures required to be implemented before any use commences; and*
 - (iii) a statement that the land is suitable for the intended use.*

E2.6.1 P1 - Subdivision

Subdivision does not adversely impact on health and the environment and is suitable for its intended use, having regard to:

- (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or*
- (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or*
- (c) a plan to manage contamination and associated risk to human health and the environment that includes:*
 - (i) an environmental site assessment;*

(ii) any specific remediation and protection measures required to be implemented before any use or development commences; and
(iii) a statement that the land is suitable for the intended use or development.

E2.6.2 P1 - Excavation

Excavation does not adversely impact on health and the environment, having regard to:

(a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or

(b) a plan to manage contamination and associated risk to human health and the environment that includes:

(i) an environmental site assessment;

(ii) any specific remediation and protection measures required to be implemented before excavation commences; and

(iii) a statement that the excavation does not adversely impact on human health or the environment._

- 6.10.5 The proposal has been submitted with an Environmental Site Assessment which concludes that a risk to potential receptors has not been identified for either the construction phase or after the proposed development of the site; that all samples collected at the site are below threshold concentrations for assessment risk to human health; no particular health and safety issues are identified which may originate from on-site contamination activities; there are no specific remediation and protection measures required to be implemented before excavation commences; there is a very low human health risk to future users of the site as a result of excavation; and during site excavation works for the proposed development, there is a low risk that site contamination will present an environmental risk.

This assessment and its conclusions have been considered and accepted by the Council's Environmental Health Officer who confirms that all applicable performance criteria in the Code have been met. An associated condition of approval is recommended.

- 6.10.6 The proposal complies with the performance criterion.

- 6.11 Road and Railway Assets Code - Existing Road Accesses and Junctions - Part E
5.5.1 P3

- 6.11.1 The acceptable solution at clause Part E 5.5.1 A3 requires the annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, to not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.
- 6.11.2 The proposed use of the accesses to the development off Patrick Street will see a greater than 20% increase in vehicle movements and greater than 40 movements per day.
- 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 performance criterion at clause Part E 5.5.1 P3 provides as follows:

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- (a) the increase in traffic caused by the use;*
- (b) the nature of the traffic generated by the use;*
- (c) the nature and efficiency of the access or the junction;*
- (d) the nature and category of the road;*
- (e) the speed limit and traffic flow of the road;*
- (f) any alternative access to a road;*
- (g) the need for the use;*
- (h) any traffic impact assessment; and*
- (i) any written advice received from the road authority.*

- 6.11.5 The Traffic Impact Assessment submitted with the proposal determines that the proposed increase in vehicle movements will not unreasonably impact the efficiency and safety of Harrington or Patrick Street. This Assessment has been reviewed by the Council's Senior Development Engineer and Manager Traffic Engineering, and the conclusions within have been accepted and endorsed. The following comments in response are notable:

'It is arguable that the accesses are not existing (so don't trigger this clause), but is in fact new (given the fact it is being redesigned and assessed under Clause E6.7.2 and and Clause E5.6.2/4). Despite this, the access increase in use is assessed in the TIA and supported for performance criteria approval.'

6.11.6 The proposal complies with the performance criterion.

6.12 Parking and Access Code - Number of Car Parking Spaces - Part E 6.6.1 P1

6.12.1 The acceptable solution at clause Part E 6.6.1 A1 requires on site parking to be provided at the rate specified in Table E6.1 according to the scale of the proposed uses. Residential dwellings of one bedroom generate a demand for one space per dwelling, whilst two or three bedroom dwellings demand two spaces per dwelling. Visitor parking spaces are required at a rate of one space per four dwellings. In this case 78 residential spaces are required to comply with the acceptable solution. Unspecified food services uses require 15 spaces per 100m² of floor area (in this case 32 to comply), while unspecified general retail and hire uses require one space per 30m² of floor area (in this case eight to comply). For the proposed development either 110 spaces (residential and food services) or 86 spaces (residential and general retail and hire) are required to meet the acceptable solution based on the proposed potential uses.

6.12.2 The proposal includes a total of 38 car parking spaces within the ground floor level. All 38 spaces are allocated to the proposed residential apartments, in an arrangement where, although not specified, all bar one apartment is likely to be allocated one parking space each.

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

6.12.4 The performance criterion at clause Part E 6.6.1 P1 provides as follows:

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the*

consolidation of shared car parking spaces;

(g) any car parking deficiency or surplus associated with the existing use of the land;

(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;

(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;

(j) any verified prior payment of a financial contribution in lieu of parking for the land;

(k) any relevant parking plan for the area adopted by Council;

(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;

(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.

- 6.12.5 The proposal relies on the submitted Traffic Impact Assessment to justify the shortfall in car parking. The TIA emphasises the need for one parking space per dwelling to support this justification. The assessment considers that the shortfall in car parking can be sufficiently justified and offset by the likely need for residents to own a car given the provision of bicycle parking within the development, and the location of the development within convenient walking distance of the Hobart CBD, North Hobart commercial and retail strip and other key community facilities and services. Further adding to the justification for the shortfall is the site's proximity to the high frequency public transport which operates along Elizabeth Street, located within 250m of the development site. It is also pointed out that the removal of crossovers in Harrington Street will increase the amount of kerbside parking and the reduction in crossover width on Patrick Street will provide additional parking in the vicinity of the site. Further, comments regarding the shared parking demand by way of residents who are also patrons to the proposed commercial tenancies are noted.

The TIA and its response to the parking allocation has been considered in detail by both the Council's Senior Development Engineer and Manager Traffic Engineering. The following comments are provided:

Development Engineer:-

Some of the apartment development examples used by the TIA to justify the deficiency in the provision on site car parking spaces, are located in the Central Business zone of the planning scheme which do not require on-site parking. This development is located within the Commercial Zone which does require on-site parking in accordance with table E6.1. The lack of alternative solutions to offset the significant deficiency of on site car parking spaces other than the use of on street parking, public transport, and walkability to the the CBD, share/trip parking demand and the possibility the residence are unlikely to have two cars, is a concern.

Manager Traffic Engineering is supportive of the deficiency of parking subject to at least one on site car parking space is provided for each of the 39 residential apartments and the maximum number of bicycle spaces are provided due to the lack of provisions to offset the parking deficiency.

The on site parking space for people with disabilities may be removed as the residential use does not require parking for people with disabilities. The removal of the parking space for people with disability will allow for two additional Class A1 residential car parking spaces to be provided, therefore achieving a total of 39 on site parking spaces. The provision of these two car parking spaces may impact on the bicycle parking spaces and alteration to the bicycle parking may be required.

Manager Traffic Engineering:-

I generally concur with the conclusions of the TIA, with the following comments:

- There needs to be a minimum of one off-street parking spaces per apartment. There is no requirement to provide an accessible parking space for people with a disability and therefore the space [currently] shown on the plans could be reconfigured to provide parking for two cars. This should be a condition of the permit. It is noted that the removal of the shared space for the accessible car parking would impact on the ability to provide the adjacent bicycle parking – which should still be provided to off-set the parking shortfall (see dot points below).*
- Advice should be placed on the permit to highlight that residents of these apartments will not be eligible to access the*

residential parking permit scheme.

- *It is pleasing to see that the applicant is proposing to provide bicycle parking within the basement car park. However, there is no “public” bicycle parking provided for the development.*
- *A minimum of 2 bicycle parking spaces are required for the retail space (one visitor space and one employee space) which increases to a minimum requirement of 4 bicycle parking spaces if the commercial space is used for food services (one visitor space and three employee spaces). This minimum requirement needs to be a condition on the permit as this bicycle parking is not shown on the plans and needs to be provided to off-set the parking discrepancy for this development.*
- *The developer should be encouraged to explore further bicycle parking within the development to support access to the site and also to off-set the parking discrepancy. Parking accessible by visitors should be included – for example there may be opportunities within the large lobby areas to provide some bicycle parking or in the entrance alcoves.*
- *The development is removing a number of driveways around the site with only one driveway proposed (off Patrick Street). With the reinstatement of the redundant driveway crossovers as barrier kerb – this will increase the available on-street parking by approximately 26m on Harrington Street which is sufficient space to park four to five vehicles (depending on vehicle size).*
- *It is noted that service vehicle access for this development will need to be provided on-street and that the kerbside traffic lane in Harrington Street is sufficient to safely allow for a loading zone to be provided. Advice should be placed on the permit to indicate that any change to on-street parking should be directed to the Manager Traffic Engineering.*
- *A Construction Traffic Impact Assessment should be provided prior to commencement of works (including demolition) to ensure that the traffic impacts in the location are appropriately managed and mitigated, particularly given the proximity to a number of schools.*

- 6.12.6 As a footnote to the above, and the recommendation for one additional parking space being provided, the development as proposed does not trigger the need for motorcycle parking, as this requirement is only triggered after there are at least 20 spaces after the first 19, meaning that with the 38 proposed, the provision of motorcycle parking is not required. Whilst requiring an additional one parking space brings the development up to the threshold warranting the provision of one motorcycle parking space, it is not considered appropriate to consider a development to be discretionary based on the result of a recommended condition requiring changes to the development.
- 6.12.7 The proposal complies with the performance criterion.
- 6.13 Parking and Access Code - Layout of Parking Area - Part E 6.7.5 P1
- 6.13.1 The acceptable solution at clause Part E 6.7.5 A1 requires the layout of car parking spaces, access aisles, circulation roadways and ramps to be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.
- 6.13.2 The proposal includes a parking layout that includes blind aisle lengths greater than six car parking spaces.
- 6.13.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.13.4 The performance criterion at clause Part E 6.7.5 P1 provides as follows:
- The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.*
- 6.13.5 The Council's Senior Development Engineer concludes that while the car parking area has a blind aisle greater than six car parking spaces, there is room to turn around in another aisle. Given that the use of the car park will be by residents, there will be familiarity, so approval under Performance Criteria is supported.
- 6.13.6 The proposal complies with the performance criterion.

6.14 Parking and Access Code - Landscaping of Parking Areas - Part E 6.7.8 P1

- 6.14.1 The acceptable solution at clause Part E 6.7.8 A1 requires landscaping of parking and circulation areas to be provided where more than five car parking spaces are proposed. This landscaping must be no less than five percent of the area of the car park, except in the Central Business Zone where no landscaping is required.
- 6.14.2 The proposal does not include landscaping of its internal parking or circulation area.
- 6.14.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.14.4 The performance criterion at clause Part E 6.7.8 P1 provides as follows:

Landscaping of parking and circulation areas accommodating more than 5 cars must satisfy all of the following:

(a) relieve the visual impact on the streetscape of large expanses of hard surfaces;

(b) soften the boundary of car parking areas to reduce the amenity impact on neighbouring properties and the streetscape;

(c) reduce opportunities for crime or anti-social behaviour by maintaining passive surveillance opportunities from nearby public spaces and buildings.

- 6.14.5 As there is no parking external to the building, there is no impact upon the streetscape or the amenity of neighbouring properties generated by the provision of more than five parking spaces on-site. This Code standard is not relevant to the proposal.
- 6.14.6 The proposal complies with the performance criterion.

6.15 Parking and Access Code - Facilities for Commercial Vehicles - Part E 6.7.13 P1

- 6.15.1 The acceptable solution at clause Part E 6.7.13 A1 requires commercial vehicle facilities for loading, unloading or manoeuvring to be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a

dedicated loading zone within 50 m of the site; or (b) the use is not primarily dependent on outward delivery of goods from the site.

6.15.2 The proposal requests that a loading zone be provided on Harrington Street where there is currently a timed parking zone.

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

6.15.4 The performance criterion at clause Part E 6.7.13 P1 provides as follows:

Commercial vehicle arrangements for loading, unloading or manoeuvring must not compromise the safety and convenience of vehicular traffic, cyclists, pedestrians and other road users.

6.15.5 The Council's Senior Development Engineer states:

It is noted from Council GIS that there is a 15m long 15min parking zone AND an 8m long 1hr parking area in this location.

It is also noted that the reinstatement of kerb/redundant crossovers on Harrington/Patrick St will actually increase the area available for parking on Harrington/Patrick St, so it is considered that providing a loading zone in this location would be too onerous for Council City Infrastructure Traffic Engineers to provide given that onstreet parking can be picked up in the new kerb areas. Given that there is already landlord consent from Council for some works within the highway reservation, I believe the planning authority is able to condition for works in the highway reservation.

6.15.6 The proposal complies with the performance criterion.

6.16 Historic Heritage Code - Places of Archaeological Potential - Building, Works and Demolition - Part E 13.10.1 P1

6.16.1 The acceptable solution at clause Part E 13.10.1 A1 requires that buildings and works do not involve excavation or ground disturbance.

6.16.2 The proposal includes development upon a site included in an area mapped as having archaeological potential. Some excavation/ground disturbance is proposed, primarily for the basement carpark level. The applicant confirms the extent of excavation as 4,172m³.

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

6.16.4 The performance criterion at clause Part E 13.10.1 P1 provides as follows:

Buildings, works and demolition must not unnecessarily impact on archaeological resources at places of archaeological potential, having regard to:

(a) the nature of the archaeological evidence, either known or predicted;

(b) measures proposed to investigate the archaeological evidence to confirm predictive statements of potential;

(c) strategies to avoid, minimise and/or control impacts arising from building, works and demolition;

(d) where it is demonstrated there is no prudent and feasible alternative to impacts arising from building, works and demolition, measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation;

(e) measures proposed to preserve significant archaeological evidence 'in situ'.

6.16.5 The applicant has provided a preliminary statement of historic archaeological potential which allows for the proposal to be assessed against the Code. This statement makes preliminary archaeological observations, with the areas with greater archaeological potential being those fronting each street, with the larger areas at the rear probably having a lower potential. The statement considers that all early buildings on the site were probably domestic. The statement recommends a number of actions to be carried out, including that a more detailed and rigorous statement of historic archaeological potential be produced if the proposal is approved.

The Council's Cultural Heritage Officer has reviewed the proposal and the statement, and provides the following assessment:

The site is located within a place of archaeological potential (Figure E13.4.1). The proposal must therefore be considered

against the objective set under Clause E13.10.1 of the scheme which deals with Building, Works and Demolition. The objective of the Clause is:

'To ensure that building, works and demolition at a place of archaeological potential is planned and implemented in a manner that seeks to understand, retain, protect, preserve and otherwise appropriately manage significant archaeological evidence.'

Given that the proposal intends to implement significant excavation and ground disturbance across the majority of the site, performance criterion P1 applies. This states that:

P1

Buildings, works and demolition must not unnecessarily impact on archaeological resources at places of archaeological potential, having regard to:

- (a) the nature of the archaeological evidence, either known or predicted;
- (b) measures proposed to investigate the archaeological evidence to confirm predictive statements of potential;
- (c) strategies to avoid, minimise and/or control impacts arising from building, works and demolition;
- (d) where it is demonstrated there is no prudent and feasible alternative to impacts arising from building, works and demolition, measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation;
- (e) measures proposed to preserve significant archaeological evidence 'in situ'.

Notwithstanding requests from the Council that a full archaeological report of potential be submitted, the application only contains a preliminary statement of historic archaeological potential [albeit] by a suitably qualified practitioner. Although based on only a preliminary desk bound examination of the history of the site, the statement confirms that due to the regular

occupation of the site with a number of residential properties, it is considered that there is a high likelihood of archaeological evidence within the development site, particularly relating to those areas close to the street frontages of the site.

Given the above and because the proposal has been designed in the absence of any analysis of archaeological potential, it is considered essential that if the application is approved, any permit include appropriate conditions to address the scheme requirements. A number of suitably worded conditions relating to the submission of a full Statement of Archaeological Potential including acceptable methodology, suitable on-site monitoring during excavation works with provisions for stop orders and agreed procedures for protection, retaining, salvage and re-use of heritage fabric are therefore recommended.

- 6.16.6 The proposal complies with the performance criterion subject to conditions.

7. Discussion

- 7.1 Planning approval is sought for Demolition and New Building for 39 Multiple Dwellings, Food Services and General Retail and Hire, 309-317 Harrington Street.
- 7.2 The application was advertised and received nine representations (six objecting, three supportive). The representations raised concerns including the height and form of the building being inappropriate, the building's impact upon surrounding amenity, the reduced amount of car parking not being justified, and the impacts of the additional traffic generated by the proposal upon the surrounding road and footpath network. In terms of height and form, the proposed building demonstrates compliance with relevant planning scheme development standards, so there is little by way of planning argument against the proposal from this perspective. The standards of the applicable Commercial Zone provide some greater protections where sites are within close proximity to a residential zone, however this site and this proposal are not subject to these provisions. The issues of traffic and car parking numbers have been reviewed in detail by Council engineers who have conditionally endorsed the proposal with regard to these matters.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well subject to recommended conditions.

- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Manager Traffic Engineering, Stormwater Engineers, Environmental Health Officer, Cultural Heritage Officer, and Surveying Services Officer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Demolition and New Building for 39 Multiple Dwellings, Food Services and General Retail and Hire at 209-217 Harrington Street, 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 Demolition and New Building for 39 Multiple Dwellings, Food Services and General Retail and Hire at 209-217 Harrington Street, HOBART for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-18-770 209-217 HARRINGTON STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01768-HCC dated 14/12/2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG 12

A construction waste management plan must be implemented throughout construction.

A construction waste management plan must be submitted and approved, prior to commencement of work on the site. The construction waste management plan must include:

- 1. Provisions for commercial waste services for the handling, storage, transport and disposal of post-construction solid waste and recycle bins from the development; and**
- 2. Provisions for the handling, transport and disposal of demolition**

material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.

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

Advice:

- *Once the construction waste management plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill. Further information can also be found on the Council's [website](#).*

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

Reason for condition

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

ENG sw4

The development must be drained to Council infrastructure taking into account the limited receiving capacity of Council's infrastructure. Any new stormwater connection(s) required must be constructed, and existing

redundant connections must be sealed, by the Council at the owner's expense prior to issue of a Certificate of Completion / first occupation/ sealing of the final plan, whichever comes first.

Detailed design drawings showing both existing and proposed services and calculations must be submitted and approved, prior to issue of any consent under the *Building Act 2016*. The detailed design drawings must be checked and certified by a qualified and experienced engineer and include:

1. The location of the proposed connections and all existing connections;
2. The size and design of the connection(s) such that they are appropriate to safely service the development given the limited receiving capacity of Council infrastructure (e.g backflow prevention, temporary stormwater storage, overflows);
3. Long-sections of the proposed connection(s) clearly showing any nearby services, cover, size, material and delineation of public and private infrastructure; and
4. A clear distinction between public and private infrastructure.

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

Advice:

- *Once the detailed design drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to initiate an application for service connection.*

Reason for condition

To ensure the site is drained adequately

ENG sw7

Stormwater pre- treatment from the development car park must be installed prior to issue of a certificate of completion or first occupancy.

A stormwater management report and design must be submitted and approved, prior to issue of any consent under the *Building Act 2016*. The stormwater management report and design must:

- 1. Be prepared by a suitably qualified engineer;**
- 2. Include detailed design of the proposed treatment train, including final estimations of contaminant removal; and**
- 3. Include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.**

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

Advice:

- *Once the stormwater management report and design has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

OR

A stormwater management report and design must be submitted and approved, prior to issue of any consent under the *Building Act 2016*. The stormwater management report and design must:

- 1. Be prepared by a suitably qualified engineer; and**
- 2. Include detailed design of the car park area draining to sewer, including approval from Taswater.**

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

Advice:

- *Once the stormwater management report and design has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting*

documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

To avoid the possible pollution of drainage systems and natural watercourses, to comply with relevant State legislation.

ENG sw8

Stormwater detention for stormwater discharges from the development must be installed prior to issue of a certificate of completion or first occupancy, whichever comes first.

A stormwater management report and design must be submitted and approved, prior to issue of any consent under the *Building Act 2016*. The stormwater management report and design must be prepared by a suitably qualified engineer and include:

- 1. Detailed design and supporting calculations of the detention tank, sized such that there is no increase in flows from the developed site up to 16 l/s for a worst case 5% AEP storm event. All assumptions must be clearly stated.**
- 2. Design drawings of the detention tank showing the layout, the inlet and outlet (including long section), and the overflow mechanism.**
- 3. Clarification of the emptying times and outlet size.**
- 4. A supporting maintenance plan.**
- 5. A Stormwater Management Summary Plan that outlines the obligation for future property owners to stormwater management.**

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

Advice:

- *Once the stormwater management report and design has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).
Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure the development's stormwater system takes into account limited receiving capacity of Council's infrastructure.

ENG 13

An ongoing waste management plan for all commercial and domestic waste and recycling must be implemented post construction.

A waste management plan must be submitted and approved, prior to commencement of work on the site. The waste management plan must include provisions for commercial waste services for the handling, storage, transport and disposal of domestic waste and recycle bins from the development.

All work required by this condition must be undertaken in accordance with the approved waste management plan.

Advice:

- *Once the waste management plan has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

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 (including demolition). The construction traffic and parking management plan must:

- 1. Be prepared by a suitably qualified person.**
- 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.**
- 5. Nominate a superintendent, or the 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, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- A separate construction traffic and parking management plan may be submitted for each stage of the proposed development (i.e. demolition, excavation, construction).*

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 3a

The access driveway, and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed prior to the first occupation and in accordance with Australian Standard AS/NZS2890.1:2004, unless approved otherwise by Council.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG 3b

The access driveway and parking module (parking spaces, aisles and manoeuvring area) design must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016*.

The access driveway and parking module (parking spaces, aisles and manoeuvring area) design must:

- 1. Be prepared and certified by a suitably qualified engineer.**
- 2. Be generally in accordance with the Australian Standard AS/NZS2890.1:2004.**
- 3. Demonstrate safe and efficient access, and use, where the design deviates from AS/NZS2890.1:2004.**
- 4. Show all class 1A car parking spaces.**
- 5. Show the locations of all structural columns and obstruction with regard to car parking spaces and provide clearance in accordance with Figure 5.2 of AS/NZS 2890.1:2004.**
- 6. Show all bicycle parking spaces.**
- 7. Show dimensions, levels, gradients & transitions, and other details as Council deem necessary to satisfy the above requirement.**

Advice:

- A minimum of one (1) bicycle parking space must be provided that is accessible to the customers and a minimum of three (3) bicycle spaces must be provided that is accessible for employees of the commercial use component of the development.*
- The maximum number of bicycle parking spaces should be provided to offset the deficiency in car parking spaces. Bicycle parking spaces accessible by visitors of the residential component of the development should be provided and may be located in areas such as lobby and/or entrance alcoves, however should not create a hazard for pedestrians or obstruct pedestrian access. Bicycle parking spaces for residents for the residential component of the development should be provided and may be located in any available spaces accessible by residents such as the on-site car park, however should not impact on any of the car parking spaces. All areas that can practically provide for bicycle parking spaces are to be utilised and clearly shown on the design.*

All bicycle parking spaces are to be fully contained within the property boundaries of the subject site and not to encroach on to the highway reservation. A statement should also be provided describing the amount and location of the bicycle parking spaces to be provided.

- There is no requirement to provide an on-site carparking space for people with disabilities for the residential use component of the development. The on-site car park will only be able to provide car parking for the residents and there will be no on-site car parking for customers or employees of the commercial component of the development. There is no on-site car parking for customers or employees of the commercial component of the development and therefore no requirement to provide an on-site car parking space for people with disabilities for the commercial component of the development. The car parking space for people with disabilities may be removed to accommodate the minimum number of class 1A car parking spaces to be provided.*
- Once the design has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)*
- Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG 3c

The access driveway and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the design drawings approved by Condition ENG 3b.

Prior to the first occupation, documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the above drawings must be lodged with Council.

Advice:

- Certification may be submitted to Council as part of the Building Act 2016 approval process or via condition endorsement (see general advice on how to obtain condition endorsement)*

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG 4

The access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the first occupation.

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

ENG 5

The minimum number of class 1A car parking spaces to be provided on the site for the residential use component of the development is thirty nine (39), unless approved otherwise by Council. All car parking spaces must be in accordance with Australian Standards AS/NZS 2890.1:2004 or a Council approved alternate design.

All parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1:2004, prior to first occupation.

Advice:

- *There is no requirement to provide an on-site car parking space for people with disabilities for the residential use component of the development. The on-site car park will only be able to provide car parking for residents and there will be no on-site car parking for customers or employees of the commercial component of the development. There is no on-site car parking for customers or employees of the commercial component of the development and therefore no requirement to provide an on-site car parking space for people with disabilities for the commercial component of the development. The car parking space for people with disabilities may be removed to accommodate the minimum number of class 1A car parking spaces to be provided.*

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

ENG 6

The minimum number of bicycle parking spaces to be provided on the site for the commercial use (general retail and hire, and food services) component of the development is four (4), unless approved otherwise by Council. A minimum of one (1) bicycle parking space must be accessible to the customers and a minimum of three (3) bicycle spaces must be accessible for employees of the commercial use component of the development.

All bicycle parking spaces must be in accordance with Australian Standards AS 2890.3: 2015 or a Council approved alternate design and provided prior to commencement of use.

Advice:

- The maximum number of bicycle parking spaces should be provided on site to offset the deficiency in car parking spaces. Bicycle parking spaces accessible by visitors of the residential component of the development should be provided and may be located in areas such as lobby and/or entrance alcoves, however should not create a hazard for pedestrians or obstruct pedestrian access. Bicycle parking spaces for residents of the residential component of the development should be provided and may be located in any available spaces accessible by residents such as the on-site car park, however should not impact on any of the car parking spaces. All areas that can practically provide for bicycle parking spaces are to be utilised. All bicycle parking spaces are to be fully contained within the property boundaries of the subject site and not to encroach on to the highway reservation.*

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

ENG 11

Prior to the first occupation, the driveway crossovers to be abandoned must be reinstated and the proposed crossover on the Patrick Street highway reservation must be designed and constructed in general accordance with the following Tasmanian Standard Drawings:

1. **Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing; and**
2. **Footpath - Urban Roads Footpaths TSD-R11-v1.**

Advice:

- *Any deviation from the Tasmanian Standard Drawings will require Council City Amenity Division approval.*
- *Redundant crossovers are required to be reinstated under the Hobart City Council's Highways By-law.*
- *You will require a Permit to Open Up and Temporarily Occupy a Highway (for works within the road reserve) in order to reinstate the existing and construct the proposed crossovers.*

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. **Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or**
2. **Be repaired and reinstated by the owner to the satisfaction of the Council.**

A photographic record of the Council's 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's 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's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full

cost.

ENG s1

An adequate overland flow path must be maintained through the site, such that flows are excluded from the dwelling and not redirected onto third-party land, for the 1% AEP as at 2100 (including climate change loading) storm event.

Plans certified by a suitably qualified and experienced engineer as meeting the above requirement must be submitted prior to issue of any consent under the *Building Act 2016* or commencement of works (whichever occurs first).

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

Advice:

- *Overland flow paths will need to demonstrate the excess flows caused from 1% AEP with climate change comply with the above condition, and are direct to public infrastructure.*

Reason for condition

To ensure that the risks associated with inundation are adequately managed.

ENG s2

A loading zone on Harrington Street (or equivalent Council approved location) must be installed prior to the commencement of use of the commercial use (general retail and hire, and food services) components of the development.

Advice:

- *Approval will be required from Council's City Planning Division Manager Traffic Engineering in a process separate to the planning process. All works will be at the developer's expense. Please contact Council's City Planning Division Manager Traffic Engineering with regard to the application for any proposed loading zone and/or other changes to on-street parking.*

Reason for condition

To ensure facilities for commercial vehicles are provided within 50m of the site.

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 prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

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

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

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

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.

HER 6

All onsite excavation and disturbance must be monitored by a qualified archaeologist. Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

- 1. All excavation and/or disturbance must stop immediately; and**
- 2. The qualified archaeologist must provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and**
- 3. All and any recommendations made by the archaeologist engaged in accordance with (2) above must be complied with in full; and**
- 4. All features and/or deposits discovered must be reported to the Council with five days of the discovery; and**
- 5. A copy of the archaeologist's advice, assessment and recommendations obtained in accordance with paragraph (2) above**

must be provided to Council within five days of receipt of the advice, assessment and recommendations.

Excavation and/or disturbance must not recommence unless and until approval is granted from the Council.

Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve and manage significant archaeological evidence.

HER 7

In the event of the Statement of Archaeological Potential (see HER s3 below) confirming the likelihood of nineteenth century structures remaining on the site, archival quality annotated photographs and drawings of the building and features to be demolished must be recorded prior to commencement of work.

The photographs and drawings must be submitted and approved, prior to the commencement of work. The photographs and drawings must include:

- 1. Each elevation of the building;**
- 2. The interior of the building;**
- 3. Architectural design detailing of the building;**
- 4. Both electronic and hard copy colour images;**
- 5. Photographs of any detail that may be of historical or architectural interest; and**
- 6. Cross referencing of all photographs to an “as existing” plan showing the location and orientation of the camera.**

Advice:

- Once the annotated photographs and drawings have been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure recognition of the historic cultural heritage significance of the place.

HER 8

Salvage must be undertaken to ensure the protection and/or reuse of heritage fabric.

Documentation must be submitted and approved, prior to the commencement of work. The documentation must outline the proposed salvage, retrieval and recycle options of the following building fabric, to satisfy the above requirement.

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

Advice:

- *Once the documentation has been approved the Council, will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values unless there are exceptional circumstance.

HER s3

A certified Statement of Archaeological Potential, a certified Archaeological Impact Assessment, and a certified Archaeological Method Statement, all prepared by a suitably qualified archaeologist, must be provided to the Council prior to the commencement of work.

All works, required by this condition must be undertaken in accordance with the certified Archaeological Method Statement.

Reason for condition

To ensure that the works is done to the satisfaction of the Council, and to comply with Clause E13.10, requiring protection of historical archaeological values.

HER s4

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing:

- 1. Compliance with all recommendations of the Archaeological Method Statement.**
- 2. Any design amendments required to mitigate impact upon historical archaeological values, in accordance with the Archaeological Method Statement.**

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

Reason for condition

To comply with clause E13.10, by protecting historical archaeological values.

ENVHE 1

Recommendations in the report *Environmental Site Assessment 209 - 215 Harrington Street, Hobart September 2018 by Geo Environmental Solutions* must be implemented, for the duration of the building works.

Reason for condition

To ensure that the risk to future occupants of the building remain low and acceptable.

SURV 8

The applicant, at no cost to the Council, must 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 the awning encroachments over Harrington and Patrick Streets, prior to the issue of a completion certificate.

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 \$230 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 or existing building encroachments over Harrington and Patrick Streets are formalised in accordance with statutory provisions.

SUB s1

The titles comprising the development site (CT 197488/1, CT 247958/1, CT 203787/1, CT 232390/1, CT 52395/1 and CT 52394/1) must be adhered in accordance with the provisions of section 110 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*, to the satisfaction of the Council prior to the issue of any occupancy permit.

Advice:

- *The application for an adhesion order to the Council has a fee of \$230. Evidence will be required that the owners and mortgagees do not object to the adhesion and the condition is considered completed when a copy of the engrossed receipt of the Land Titles Office lodgement slip for the adhesion order has been received by the Council.*

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 the Council's [website](#) for further information.

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

CONDITION ENDORSEMENT PLANNING

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 services e-planning portal](#).

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

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

CONDITION ENDORSEMENT ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction or special event (e.g. placement of skip bin, crane, scissor lift etc). Click [here](#) for more information.

You may require a road closure permit for construction or special event. Click [here](#) for more information.

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. Click [here](#) for more information.

BUILDING OVER AN EASEMENT

In order to build over the service easement, you will require the written consent of the person on whose behalf the easement was created, in accordance with section 74 of the *Building Act 2016*.

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Infrastructure Division to initiate the permit process).

NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Infrastructure Division to initiate the application process for your [new stormwater connection](#).

STORM WATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Hydraulic Services By law. Click [here](#) for more information.

STRUCTURES CLOSE TO COUNCILS' STORMWATER MAIN

The design of structures (including footings) must provide protection for the Council's infrastructure. For information regarding appropriate designs please contact the Council's City Infrastructure Division.

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By law. Click [here](#) for more information.

CBD AND HIGH VOLUME FOOTPATH CLOSURES

Please note that the City of Hobart does not support the extended closure of public footpaths or roads to facilitate construction on adjacent land.

It is the developer's responsibility to ensure that the proposal as designed can be constructed without reliance on such extended closures.

In special cases, where it can be demonstrated that closure of footpaths in the CBD and/or other high volume footpaths can occur for extended periods without unreasonable impact on other businesses or the general public, such closures may only be approved by the full Council.

For more information about this requirement please contact the Council's Traffic Engineering Unit on 6238 2804.

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.

REDUNDANT CROSSTOVS

Redundant crossovers are required to be reinstated under the Hobart City Council's

Highways By law. Click [here](#) for more information.

ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click [here](#) for more information.

CROSS OVER CONSTRUCTION

The construction of the crossover can be undertaken by the Council or by a private contractor, subject to Council approval of the design. Click [here](#) for more information.

STORM WATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT – standard drawings. Click [here](#) for more information.

TITLE ADHESION

An adhesion of your titles is required because a portion of your development is across one or more title boundaries. Contact your solicitor or a registered land surveyor to initiate the process.

WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

PROTECTING THE ENVIRONMENT

In accordance with the *Environmental Management and Pollution Control Act 1994*, local government has an obligation to "use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution." Click [here](#) for more information.

NOISE REGULATIONS

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

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid

Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.

RESIDENTIAL PARKING PERMITS ELIGIBILITY

It is advised that this development will not be eligible for residential parking permits for on-street parking.

URBAN DESIGN ADVISORY PANEL

The Council's Urban Design Advisory Panel considered this application at its meeting of 22 March 2019 and made the following recommendations which are provided for the applicant's consideration:

- The protection of residential amenity (setback) with the balconies and windows located on the boundary of the site. The Panel raised concern that the design is unlikely to comply with the Building Code of Australia and that the applicant should seek advice from a building surveyor before proceeding further with the Application.
- The Panel felt that the design of the lobby was awkward as it lacked a linkage to the stairs. It was also noted that the split floor levels incorporating steps leading to alternate fire exits may raise concerns around the adequacy of disability access and fire safety.
- The first floor of the proposal above the car park shows an outdoor area of vacant space. The Panel raised the opportunity for landscaping within this space and suggested this could be utilised as a common area for residents.
- The ground floor shows no internal access to garbage disposal area. The Panel felt that there should be an internal connection to the garbage disposal area for both residents and the occupiers of the retail space.

- The Panel notes that the proposal includes no external common spaces or landscaping and suggests that consideration be given to the provision of outdoor dining, landscaping and greenery that would encourage interaction from the street and where possible with neighbouring properties. The canopy/awning projection over the footpath was also noted as being very shallow.
- The Panel did consider the elevational treatment patterns to be an improvement on the previous application however believes that the lobby / entrance section to the north-west end of the building could be improved with a glazed panel or similar for additional natural light.
- Concerns were raised regarding the colour palette and finishes. The Panel believed that the black, white and grey concrete finishes were particularly austere for a prominent residential complex in this location.



(Cameron Sherriff)

Development Appraisal Planner

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



(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 6 May 2019

Attachment(s):

Attachment B - CPC Agenda Documents - Plans

Attachment C - CPC Supporting Documents

Attachment D - Urban Design Advisory Panel Minutes

Attachment E - Planning Referral Officer Cultural Heritage Report