



City of **HOBART**

APPLICATION UNDER SULLIVANS COVE PLANNING SCHEME 1997

Type of Report: Committee
Committee: 4 July 2022
Expiry Date: 25 July 2022
Application No: PLN-21-455
Address: 6 MONTPELIER RETREAT , BATTERY POINT
8 MONTPELIER RETREAT , BATTERY POINT
ADJACENT ROAD RESERVE
Applicant: Evan Boardman (e3planning Pty Ltd)
PO Box 58
Proposal: Partial Demolition, Alterations, Partial Change of Use to Car Parking, and
Associated Works
Representations: Two (2)
Performance criteria: Activity Area Controls (Use); Traffic, Access and Parking Schedule;
Demolition Schedule; Environmental Management Schedule

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, Alterations, Partial Change of Use to Car Parking, and Associated Works, at 6 Montpelier Retreat, 8 Montpelier Retreat and Adjacent Road Reserve.

- 1.2 More specifically the proposal includes:
- Conversion of the ground floor of 6 Montpelier Retreat, which is currently used for retail, into a car park. The car park will extend into part of 8 Montpelier Retreat.
 - The car park will provide 14 short term rental parking spaces for visitors to the area.
 - Internal demolition.
 - Excavation under part of 8 Montpelier Retreat.
 - Work in the road reserve including a new crossover, relocation of a light pole, reinstatement of footpath, removal of parking space and stormwater works. General Manager consent to the works has been granted under GMC-21-47.
 - New roller entry door.
 - New masonry infill for existing ground level windows either side of the roller entry door.
 - New blockwork wall and planter box in front of 8 Montpelier Retreat.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 Mixed Use Activity Area Controls (Use)
 - 1.3.2 Schedule 5 - Traffic, Access and Parking
 - 1.3.3 Schedule 7 - Demolition
 - 1.3.4 Schedule 8 - Environmental Management
- 1.4 Two (2) representations objecting to the proposal were received within the statutory advertising period between 24/05 and 07/06/2022.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee, because the application involves works within the Highway Reservation.

2. Site Detail



Fig. 1. Subject property. Source: HCC GIS.

- 2.1 The subject property (6 Montpelier) is a two-storey rendered block building on the eastern side of Montpelier Retreat. It is near the corner with Salamanca Place and sits opposite the large commercial car park at 1 Montpelier Retreat.

3. Proposal

- 3.1 Planning approval is sought for Partial Demolition, Alterations, Partial Change of Use to Car Parking, and Associated Works, at 6 Montpelier Retreat, 8 Montpelier Retreat and Adjacent Road Reserve.

3.2

- Conversion of the ground floor of 6 Montpelier Retreat, which is currently used for retail, into a car park. The car park will extend into part of 8 Montpelier Retreat.
- The car park will provide 14 short term rental parking spaces for visitors to the area.
- Internal demolition.
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- New roller entry door.
- New masonry infill for existing ground level windows either side of the roller entry door.
- New blockwork wall and planter box in front of 8 Montpelier Retreat.

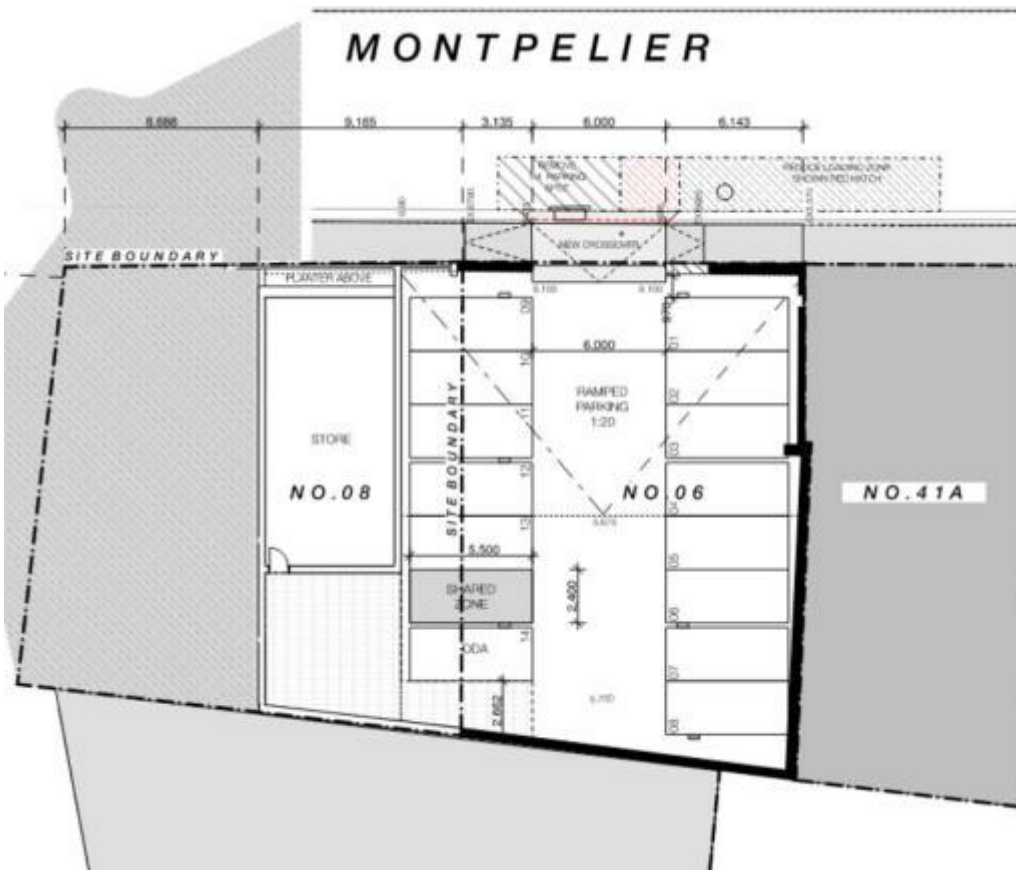


Fig. 2. Proposed floor plan. Source: Application documents.

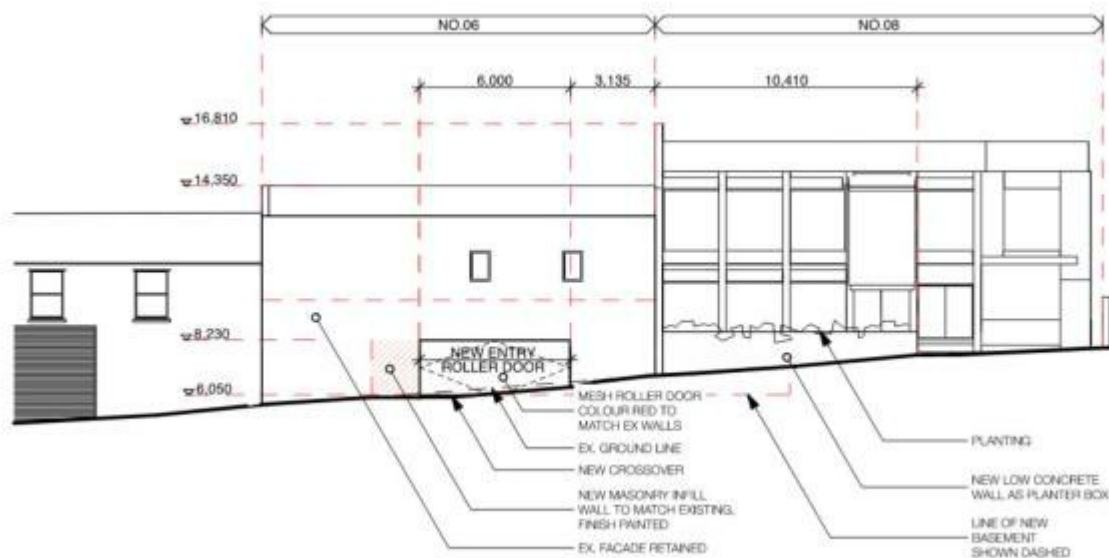


Fig. 3. Proposed elevation plans. Source: Application documents.

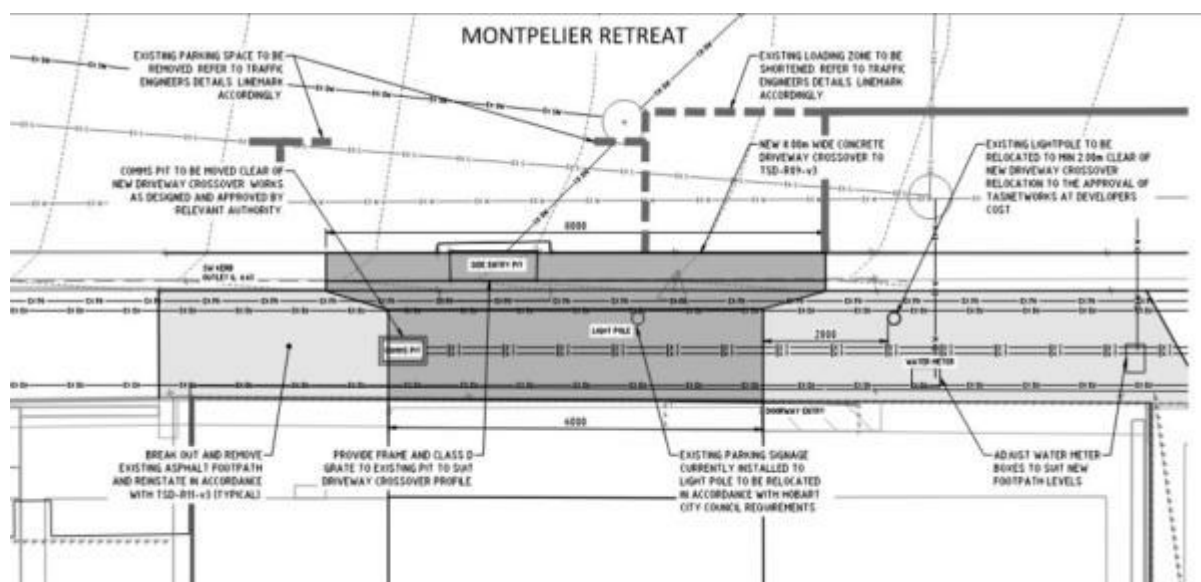


Fig. 4. Proposed work in the road reserve. Source: Application documents.

4. Background

4.1 N/A

5. Concerns raised by representors

- 5.1 Two (2) representations objecting to the proposal were received within the statutory advertising period between 24/05 and 07/06/2022.

- 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.

Concerns centred around the effect on amenity of the precinct and damage to adjoining property during the excavation stage of the proposal.

As Council would be aware from the previous Sultan Group Montpellier development appeals including TASRMPAT 20, 21, 22/15P (2015), the dolerite geology in the area is particularly hard and difficult to excavate. Accordingly, it is critical that excavation works are managed to mitigate noise, dust and vibration in order to meet the planning scheme requirement for best practice environmental management in the terms of Clause 29.2 and 29.5 of the planning scheme.

Clause 29 (Schedule 8 – Environmental Management) sets out matters to which consideration must be given in assessing applications for activities. Clause 29.2 identifies the objectives of this clause including:

- *To ensure that activities are managed in a way which will not cause environmental nuisance or material or serious environmental harm.*

Clause 29.5 sets out environmental objectives relevant to an assessment of this development.

In the above appeals the Tribunal determined that Clause 29 is applicable as an overarching statement of objectives even at the construction phase. That means that the construction phase, as much as any other aspect of the development, must be in accord with the Scheme objectives.

Considering the proposed site and excavation is directly adjacent to both common and private property there is a risk that private and common property and habitable tenancies in the Salamanca Square could be damaged and businesses suffer disturbance during the proposed excavation works.

There is significant potential for damage and disturbance during the works. Therefore, if Council is of a mind to issue a permit for the proposal it is requested that conditions are applied for a best practice construction and environmental management plan to be prepared and submitted to stakeholders, Council and the consideration of the EPA.

I suggest that the permit condition would be drafted similar to condition 6 of the Tribunal's decision discussed above.

A construction and environmental management plan should document, with the input of a suitably qualified geotechnical engineer a suitable method for extracting the unfractured dolerite rock from the premises without causing disruption, damage, dust and noise to adjoining premises and premises in the precinct.

The dolerite to be extracted presents as an exposed cliff face in premises and car parks on the western, southern and eastern boundaries of the Salamanca Square. Any disturbance of the rock mass under 6-8 Montpelier Retreat must be achieved without disturbing the cliff face visible inside adjoining properties. A professionally developed method for achieving this should be an essential requirement of any approval to undertake the works.

Previous attempts by others to excavate the Montpelier Retreat car park which did not address the issues around excavation of a hard solid dolerite mass have not been successful.

Stakeholders, including business owners and operators, residents and property investors require to be able to go about their business unaffected by difficult, noisy and potentially damaging excavation works.

If this is to occur, the permit should be conditioned to ensure that acceptable outcomes for neighbours and the neighbourhood are achieved.

6. Assessment

- 6.1 The *Sullivans Cove Planning Scheme 1997* is a performance based planning scheme. This approach recognises that there are in many cases a number of ways in which a proposal can satisfy desired environmental, social and economic standards. In some cases a proposal will be 'permitted' subject to specific 'deemed to comply' provisions being satisfied. Performance criteria are established to provide a means by which the objectives of the planning scheme may be satisfactorily met by a proposal. Where a proposal relies on performance criteria, the Council's ability to approve or refuse the proposal relates only to the performance criteria relied on.

- 6.2 The site is located in Activity Area 2.0 (Sullivans Cove Mixed Use) of the *Sullivans Cove Planning Scheme 1997*.
- 6.3 The existing use is 'shop'. The proposed use is a commercial car park which is an unlisted use. The existing use is a permitted use in the Activity Area. The proposed use is a discretionary use in the Activity Area.
- 6.4 The proposal has been assessed against:
- 6.4.1 Parts A and B – Strategic Framework
 - 6.4.2 Part D – Part 16.0 – Activity Area Controls
 - 6.4.3 Part E – Schedule 1 – Conservation of Cultural Heritage Values
 - 6.4.4 Part E – Schedule 2 – Urban Form
 - 6.4.5 Part E – Schedule 5 – Traffic, Access and Parking
 - 6.4.6 Part E – Schedule 7 – Demolition
 - 6.4.7 Part E - Schedule 8 - Environmental Management
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Activity Area Controls (Use)
 - 6.5.2 Schedule 5 - Traffic, Access and Parking
 - 6.5.3 Schedule 7 - Demolition
 - 6.5.4 Schedule 8 - Environmental Management
- 6.6 Each performance criterion is assessed below.
- 6.7 Activity Area Controls (Use)
- 6.7.1 The proposed use is commercial car parking, which is an unlisted, and therefore discretionary, use in the Activity Area.
 - 6.7.2 The Sullivans Cove Strategic Framework (Part B, sections 6.0 and 7.0)

must be used in the consideration and assessment of all applications for use and development in the planning scheme area.

The Preferred Future for the Cove (section 6.0) includes to encourage a range of economic activities including tourism, retail and other commercial developments. Section 6.4 (Creating a Place for People) indicates that there are many aspects to the function and form of the Cove which need to be addressed in order to enhance the pedestrian experience, and that obstacles to access and circulation, including traffic and car parking, will be managed.

The Planning Principles for Management of Activities in the Cove (Section 7.0) lists some Guiding Principles, which must be taken into account in the consideration of all future use and development of land in the Cove. This includes that the area should continue as a cultural centre, recreation and entertainment district, centre of government and a place for commerce and living. Activities and associated development should not adversely impact on pedestrian and other forms of movement throughout the Cove. Clause 7.3.4 states that:

Parking supply within the Cove should be designed and administered to facilitate visitor access, rather than CBD commuters and other long-term parking space users. Long-term commuter parking within the Cove should be discouraged.

The visual dominance of car parking throughout the Cove should be reduced, particularly in the Central Cove Area.

The proposal is considered to be broadly compatible with the Sullivans Cove Strategic Framework, as by providing short-term car parking for tourists and visitors, it supports the preferred uses in the area (shops, art galleries, restaurants, etc). It is compliant with clause 7.3.4, which prefers the provision of short-term parking over long-term commuter parking, and it will not be visually dominant (like an open air car park), as it is enclosed within an existing building.

- 6.7.3 Clause 16.2 sets out the Objectives and Performance Criteria for Activities within Activity Area 2.0. Use within the area must be assessed against these objectives and performance criteria.

The car park will be located within an existing building, with the only visible changes being a new roller door, a new planter box, and some work within the road reserve, including a new crossover. It provides short-term

parking for visitors and tourists to the area, including people who would be shopping, dining in restaurants, visiting galleries, or walking around the waterfront area. The proposal is therefore consistent with the following under clause 16.2:

- Objective (a) which requires that activities respect the cultural heritage and character of the area. The use requires a large, undifferentiated floor area, which is usually discouraged in the activity area, but meets the performance criterion because it is accommodated within an existing building.
- Objective (b) which requires that the values of the Cove's roads and other public spaces are conserved and enhanced.
- Objective (c) which encourages use and development which generates pedestrian movement through the activity area.
- Objective (d) which encourages the further development of the area as a tourist destination.
- Objective (e) is not relevant.
- Objective (f) which is to ensure that the activity area's primary function is a place for arts, cultural, civic, recreational and entertainment activities is strengthened.
- Objectives (g) and (h) are not relevant.
- Objective (i) which is to minimise the use of public land resources for commuter and other long-term parking and that public car parking in the cove should be provided primarily to meet the short-term parking needs of tourists and other visitors to the Cove. Whilst the car park is not proposed on public land, the proposal meets the general principle encouraged by Objective (i) which is that car parking should be short-term to support the shops, restaurants, etc, in the area, rather than long-term commuter parking.
- Objective (j) which is to ensure sound environmental planning and management for all activities. This is achieved by the reuse of an existing building.
- Objectives (k) and (l) are not relevant.

6.7.4 The proposed use is therefore consistent with Part B and the standards for Activity Area 2.0.

6.8 Schedule 1 - Conservation of Cultural Heritage Values

6.8.1 The property is adjacent to a heritage listed site (2-4 Montpelier Retreat).

6.8.2 The proposal is permitted if it meets the following (clause 22.5.4):

'Building or works' on other land within the planning area is 'permitted' in respect to this Schedule where it can be demonstrated that the following 'deemed to comply' standards can be met:

For 'buildings and works' on sites adjacent (as defined in clause 22.3) to a place of cultural significance:

- *The height of 'buildings or works' adjacent to places of cultural significance must not exceed that of any building on the place, at a distance of less than 10 (horizontal) metres from the building; and*
- *The area of facade of any new 'building or works' must not exceed that of the facade of an adjacent place of cultural significance by a factor of 2.*

The external work is minor and meets clause 22.5.4 and so is permitted under the schedule.

6.8.3 The Council's Cultural Heritage Officer has advised as follows:

This proposal is adjacent to a place heritage listed in Table 1: Place of Cultural Significance in the *Sullivans Cove Planning Scheme 1997*. That place is 2-4 Montpelier St. (ref 63 and 64) and the warehouses on the opposite side of the road.

The proposal is to convert a masonry building (previously used as a chemist) to a carpark and includes the widening of the existing entry, new cross over and ramping internally as well as demolition.



Existing building: Council image



Adjacent existing heritage listed building. Source: Council image

The submitted drawings do not accurately represent the existing facade as there are two windows either side of the central door that are not shown. A new drawing was submitted to demonstrate that the existing windows are proposed to be removed and filled in, the facade rendered to paint as existing.

The proposed works to widen the existing doorway into a roller door and car entry as well as a new planter and wall. This work must be assessed against Clause 22.5.4 'Permitted' 'Building or Works' which states:

'Building or works' on other land within the planning area is 'permitted' in respect to this Schedule where it can be demonstrated that the following 'deemed to comply' standards can be met:

For 'building or works' on sites adjacent (as defined in clause 22.3) to a place of cultural significance:

- The height of 'building or works' adjacent to places of cultural significance must not exceed that of any building on the place, at a distance of less than 10 (horizontal) metres from the building; and*
- The area of the facade of any new 'building or works' must not exceed that of the facade of an adjacent place of cultural significance by a factor of 2.*

In this case, there is no additional height and the area of the facade is not changed. In this instance the proposal satisfies clause 22.5.4.

Schedule 7 - Demolition also applies. While the building is not heritage listed in Schedule 1, Table 1. the revised drawing shows that the elevation will be blank and lacking the features of facades within Sullivans Cove of solid to void, ground floor apertures and features that represent and respect the historic character of the Cove, respecting the scale of the Cove and to enhance the pedestrian experience in the Cove. As such the resultant demolition will result in the loss of an element that contributes to the scale, pedestrian experience of the Cove, by removing apertures that provide scale and pedestrian interest. While it is not expected that the proposed use - a carpark - should retain windows the guiding principles of the Scheme requires consideration of the above factors. As such it is considered a condition be imposed to reduce

the apparent harshness of the blank facade with apertures, that are solid and offer no visibility into the building, but create relief and an appearance of the reduction in scale and visual interest. On this basis the demolition is considered appropriate.

It is considered that the conversion of a building within Sullivans Cove to a shell containing carparking is not the preferred outcome for the future for buildings in the Cove. Unfortunately, the strategic and statutory framework within Schedule 1 does not offer adequate principles to guard against this.

The proposal satisfies the above provisions of the Scheme. A condition of permit is necessary for revision of drawings to be submitted to reflect a requirement for visual interest and reduction in scale of the facade.

- 6.8.4 The proposal complies with clause 22.5.4 and the objectives of the schedules with conditions as recommended.

6.9 Schedule 5 - Traffic, Access and Parking

- 6.9.1 The Principles for parking, access and traffic in the Cove are set out under clause 26.2, which is as follows:

Development will not be granted a permit unless:

- (a) It will facilitate the mutual compatibility of public and private transport;*
- (b) It can demonstrate either:*
 - (i) that it will not create traffic flows and movements that are detrimental to safety or amenity; or*
 - (ii) that any such flows or movements can be accommodated through engineering works or traffic management arrangements – on or off site – that are satisfactory to the Planning Authority;*
- (c) It can make adequate provisions for the direction, access, turning and parking of all vehicular traffic;*
- (d) It can provide for pedestrian movement, in accordance with the requirements of the Planning Authority.*

Unless particularly specified as a policy objective or requirement for all or part of an Activity Area, or approved as part of the guidelines for the redevelopment of a Key Site, developments will not be expected to incorporate on-site vehicle parking and it will only be approved to the

extent that the car parking does not direct the design of the development and does not have a detrimental effect on the form and character of Sullivans Cove or on its pedestrian amenity and activity. Any development necessitating an exercise of discretion under the Scheme in relation to height to facilitate the provision of on site parking would not be considered to be in keeping with the planning principles for the Cove.

Any provision for parking will aim to:

- (a) Encourage pedestrian and cycle access, amenity and safety; and*
- (b) Address the essential and short term parking demands of customers/visitors in the Cove; and*
- (c) Discourage long term commuter parking within the Cove.*

- 6.9.2 The proposal has been assessed by Council's Development Engineer, Road Engineer and Traffic Engineer. The following summary has been provided by Council's Development Engineer:

Documentation submitted to date appears not to be able to satisfy clause 26.2. The E3 Planning planning report has stated " The proposed carpark would not be available for commuter carparking but only for short term carparking to meet the needs of tourists and other visitors. If approval is granted a condition of approval could be included limiting the time people could parking in the carpark."

The Traffic Impact Assessment prepared by Midson Traffic Pty Ltd has stated "The car park will be used by permit holders who are likely to utilise the car parking for commuter use" which contradicts the E3 Planning planning report.

The principles for parking of the Sullivans Cove Planning Scheme 1997 includes long term commuter parking within the Cove is to be discouraged. A condition is to be applied that the car parking provided is for short term parking only not for all day parking.

- 6.9.3 The proposal is not detrimental to pedestrian and cycle access, amenity and safety. It addresses short-term parking demands of customers and visitors to the Cove and discourages long-term commuter parking.
- 6.9.4 The proposal is considered to meet clause 26.2.
- 6.9.5 The Objectives specific to each activity area are provided under clause 26.3. The Objectives for Activity Area 2.0 are as follows:

The provision of short term public car parking stations on appropriate sites in this Activity Area will be promoted. Such stations would be expected to serve a range of users for all days of the week and for 24 hours a day. The Planning Authority will seek the joint involvement of private developers in the construction of such car parking facilities where this is seen as desirable to further the objectives of the Scheme overall. Any car parking approved as part of the redevelopment of land for a single or mixed use development will be encouraged or required to be made available for public use and not restricted to traffic generated by the particular development. Public transport, services and facilities which serve metropolitan Hobart will be encouraged in this Activity Area. Pedestrian safety is an important consideration in the location and design of access.

- 6.9.6 The proposal is considered consistent with this Objective, with an appropriate condition confirming how the parking is to be utilised as discussed above, recommended.

- 6.9.7 Clause 26.4.1 (Traffic Generation) provides as follows:

Where a development (including subdivision) is approved that involves the provision of on site car parking, servicing or emergency access facilities that will result in a material increase in the volume of vehicular traffic entering or leaving a public road, then provision shall be made to accommodate such additional vehicles and their movement to the satisfaction of the Planning Authority, having regard to traffic safety or amenity as appropriate. Similar provision shall be made for pedestrians...

The location and form of any proposed access to an existing public road shall ensure that adequate sight distance in relation to the speed of through traffic is available...

All access, parking and traffic management works shall be constructed to the Planning Authority's current standards and in accordance with plans approved by the Planning Authority.

- 6.9.8 The Council's Development Engineer has advised that:

Based on the existing traffic volumes on Montpelier Retreat, the traffic generated by the development will not have any significant adverse impacts on traffic efficiency of the network.

A new vehicular driveway crossover access is proposed for vehicles to access from Montpelier Retreat. The access design is to be in accordance with section 3 "Access Facilities to Off-Street Parking Areas and Queuing Areas" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking to meet the acceptable solution.

Vehicular sight distance appears to be achievable for the new vehicular access in accordance with AS/NZS 2890.1:2004 however pedestrian sight distances do not comply with AS/NZS 2890.1:2004 due to obstructions such as the wall of the structure located within the pedestrian sight triangle. The TIA has misrepresented the location of the pedestrian sight triangle indicating compliance with AS/NZS 2890.1:2004 however the correct location of the pedestrian sight triangle shows that it does not comply with the Australian Standard and is to be assessed against performance criteria. Conditioning the provision of a speed hump at the exit to the carparking area and pedestrian warning devices will be acceptable for the performance criteria with regard to the proposed pedestrian sight distances.

The gradients of the access crossover do not meet the requirements of AS/NZS 2890.1:2004 and is to be assessed against performance criteria. Compliance with the Tasmanian Standard Drawing TSD-09-v3 or an alternate design that demonstrates that a B85 vehicle can access the site without scraping the underside of the vehicle will meet the requirements of the Council's Roads Engineer and meet the performance criteria. The documentation provided indicates it feasible that a vehicular access can be provided to satisfy the performance criteria, however Council's Roads Engineer has conditioned for a detailed design of the crossover is to be submitted for approval.

Further, The proposal requires construction of a new driveway crossover that will require alterations to the existing on street parking arrangements. One existing on street metered car parking space is to be removed including the parking sensor and an existing on street loading bay will be reduced in length. Council's Traffic Engineer has commented "as part of this application it is proposed that the existing Loading Zone outside 6 Montpelier Retreat be shortened to allow for a crossover to be installed. In addition, it is proposed that one metered parking space be removed. Shortening of the loading zone to 11.5 metres is acceptable, based on the

advice provided in the Traffic Engineer's report. In regard to the removal of a single metered 1/4P parking space, it should be made clear to the applicant that they are responsible for the cost of removing and relocating a parking meter." A condition has been applied with regard to alterations to the existing on street parking arrangements.

- 6.9.9 The minimum vehicle access widths are provided under clause 26.4.2. The Council's Development Engineer has advised that:

The Traffic Impact Assessment prepared by Midson Traffic Pty Ltd has stated "The development provides 14 car parking spaces an access width of 6.0 metres. Table 1 [of clause 26.4.2] requires a 1.0 metre pedestrian path and an access width less than 5.0m (through the access driveway). The total requirement is 6.0 metres, therefore the access complies with the requirements of clause 26.4.2 of the Planning Scheme."

- 6.9.10 Clause 26.4.3 (Parking Standards) provides as follows:

The number of parking spaces which can be accommodated in a car parking area and the aisle widths within it, shall comply with the relevant Australian Standard, unless otherwise determined by the Planning Authority having regard to the impact on the site and its environs.

- 6.9.11 The Council's Development Engineer has advised that:

The layout of car parking spaces, access aisles, circulation roadways and ramps must 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.

The car parking area is proposed to be utilised by visitors to Salamanca and used for short term parking. The dimensions of the car parking spaces are proposed to be 2.4 metres wide by 5.5 metres long with a 6.0m wide aisle width. Figure 2.2 of AS/NZS 2890.1:2004 provides car parking space and aisle way dimensions for different user classes. The user class for short term parking is class 3 which would required dimensions of the car parking spaces to be 2.6 metres wide by 5.4 metres long with a 5.8 metre wide aisle way. The user class for employee and commuter parking is

class 1 which requires dimensions of car parking spaces to be 2.4 metres wide by 5.4 metres with an aisle width of 6.2 metres (or aisle width of 5.8m for class 1A). The proposed parking area complies with class 1 (commuter parking) but does not comply with class 3 (short term parking) which is the intended use.

The length of the blind aisle is not to be greater than the width of six 90 degree spaces plus one metre unless provision is made for cars to turn around at the end and drive out forwards to meet the requirements of AS/NZS 2890.1:2004. The proposed length of the blind aisle is equivalent to seven 90 degree spaces plus one metre without a designated turn around area which does not comply with AS/NZS 2890.1:2004.

The proposed dimensions for the car parking area and length of the blind aisles is acceptable under the performance criteria due to the low number of car parking spaces proposed and the low traffic generation.

6.9.12 Clause 26.4.4 (Nature of Parking) provides as follows:

The Planning Authority may require the parking spaces approved as part of any development to be of a particular size, type, proportion and location to be suited to the likely nature of demand including turnover of use, type of use and user or visitor vehicles to be accommodated, and servicing needs. This will be determined by the Planning Authority after taking into consideration matters such as:

Location of the site;

The nature of the site;

The nature of the surrounding area;

Existing traffic and parking patterns;

The nature of the operation and future growth plans or opportunities;

Existing on street restrictions;

Future on street or off street public parking proposals.

The Planning Authority may require specific parking spaces to be reserved for exclusive use by visitors to the development or for people with disabilities.

Any car parking spaces sought to be provided on site will only be approved if located in a manner appropriate to the character and appearance of development in the vicinity and/or with the Principles of

this Schedule and the parking and other Objectives for the relevant Activity Area.

- 6.9.13 The parking is located within an existing building and will be visible from the street, but only through the roller door. It is not considered to adversely affect streetscape and is located in a manner appropriate to the character and appearance of the vicinity.

The Council's Development Engineer has advised that the documentation submitted to date appears able to satisfy clause 26.4.4, and also states:

The development is exclusively a car park with no associated land use. The nature the car parking is proposed for short term for visitors to the area and use not for all day commuter use. A condition will be applied such that the car parking provided is to be for short term parking only and not for all day parking.

- 6.9.14 The proposal is considered to meet the Matters to be Considered under clause 26.5 which is as follows:

The Planning Authority shall ensure that proposed development:

- *Will not interrupt the efficient passage of port related vehicular movements;*
- *Will not generate vehicular traffic which is detrimental to other vehicle movements in Sullivans Cove;*
- *Will not utilise a key site identified in Part F, or other land considered appropriate, in a manner that would prevent its use for the provision of public parking purposes. The Planning Authority shall ensure the scope for the provision of significant public parking generated by the development - whether on-site or off-site is explored and evaluated, including the use of part Five Agreements;*
- *Minimises footpath crossovers and disruption to footpath movements;*
- *Providing parking, shall do so in accordance with requirements for the design and location of spaces and access as specified in this schedule;*
- *Providing parking, is designed to complement the form and detail of adjacent buildings and have a continuity of street level activity and/or visual interest;*
- *Providing parking, the vehicle access shall be discrete and where possible located so as to not disrupt traffic flows along streets through queuing; and*

- *Incorporates through-site and cross-block pedestrian links and access to the waterfront unless it can be demonstrated that there is no benefit to the enhancement of pedestrian movement and/or amenity in the Cove.*

6.10 Schedule 7 - Demolition

- 6.10.1 The proposal involves some minor demolition, including in the road reserve
- 6.10.2 Pursuant to clause 28.3.1, a permit is required for all demolition, and all demolition is discretionary.
- 6.10.3 The demolition is minor, is not on a heritage place and pursuant to clause 28.6 (Matters to be Considered), does not create a vacant space, or impact on the character or cultural heritage values of the area. The demolition meets the provisions of the schedule. Note also the comments and conclusions regarding demolition as provided above by the Council's Senior Cultural Heritage Officer.

6.11 Schedule 8 - Environmental Management

- 6.11.1 Schedule 8 is considered applicable to the proposed development as there is potential for environmental harm from excavation works (noise, vibration and sedimentation).
- 6.11.2 The proposal includes internal excavation within the existing buildings in order to create the necessary space and clearance for the car park.
- 6.11.3 The Objectives of the Environmental Management Schedule at clause 29.2 state:
 - *To ensure that activities are managed in a way which facilitates the ecologically sustainable development of the Cove's natural and physical resources and the maintenance of ecological processes and genetic diversity.*
 - *To ensure that activities are managed in a way which will not cause environmental nuisance or material or serious environmental harm.*
- 6.11.4 Applications subject to Schedule 8 must satisfy the following environmental objectives:

Air Quality

Activities shall demonstrate 'Best Practice Environmental Management' in respect to the minimisation and mitigation of all discharges to the atmosphere.

Energy Efficiency

Use and development must demonstrate measures undertaken to improve energy efficiency in the design, layout and use of new and existing buildings.

Flora and Fauna

Flora and fauna of significance within the Sullivans Cove Planning Area must be protected. In particular, the habitats of the Derwent Estuary and Sullivans Cove water environment must be protected from the adverse environmental impacts of activities.

Hazard and Risk

Land within the Cove must be used and developed in a manner which provides a safe working and living environment. In doing so, best practices must be employed in respect to the handling of dangerous goods and all relevant dangerous goods and environmental laws complied with.

Land Contamination

New activities which are proposed on land with a known history of industrial or other use where potential for contamination exists shall be accompanied by an environmental audit including an assessment of site condition.

Contaminated land shall be managed in a manner which is compatible with the intended future use of the area. New activities on known contaminated sites must only be 'permitted' to occur after appropriate clean-up of the site, or where it is clearly demonstrated that the proposed activity will not result in an immediate or likely long term hazard to human health or the environment.

Land Reclamation

Land forming and reclamation activities, where required, shall be carried out in a manner which minimises adverse environmental consequences.

Noise

Buildings shall be sited and designed having regard to current noise levels in the area as well as their intended use.

Where activities with the potential to generate significant noise are proposed in proximity to residential accommodation and other 'noise sensitive' activities, appropriate measures to mitigate and minimise noise emissions must be undertaken.

New 'noise sensitive' activities such as residential accommodation shall be located and where necessary incorporate acoustic measures to minimise the potentially adverse impacts of existing or likely future activities on nearby land.

Waste Minimisation

Activities must demonstrate how the practices and process associated with the activity will reduce as much as possible the amount of waste generated or the amount which requires subsequent treatment, storage or disposal. Activities must address waste minimisation from the source (source reduction) and recycling.

Where appropriate, applications for new activities must include a waste management plan.

Activities within roads and other public spaces must incorporate where relevant suitable waste and litter management facilities.

Water Quality

Activities shall demonstrate 'Best Practice Environmental Management' in respect to water use and management. Water use and disposal shall be managed in a manner which seeks to minimise off site disposal and which seeks to protect and, where possible, improve ambient water quality. The principles of minimising water sewage and waste water generation and the re-use, recycling and pre-treatment of waste water prior to disposal must be encouraged.

- 6.11.5 The Council's Environmental Development Planner has assessed this aspect of the proposal and provides the following:

Approval is sought to change the use of 6 and 8 Montpelier Retreat, Battery Point, to a car park. Associated development proposed includes a new crossover, opening and roller door, and excavation within the building.

The submitted demolition plan indicates an area of approximately 173m² would be excavated. No plans specifying excavation depths has been submitted, however the submitted elevation shows the 'line of new basement'. Assuming this represents the lower extent of

excavation, and assuming that the existing ground level shown on the elevation represents the approximate existing ground level within the building, the total volume of excavation can be estimated based on the cross-sectional area (9.35m²) and calculates to 1618m³. The maximum depth of excavation proposed would be 1.4m if the external existing ground line shown on the submitted elevation corresponds with the ground level within the building.

Schedule 8 Environmental Management

Schedule 8 is considered applicable to the proposed development as there is potential for environmental harm from excavation works (noise, vibration and sedimentation).

The objectives of the Schedule are:

- *To ensure that activities are managed in a way which facilitates the ecologically sustainable development of the Cove's natural and physical resources and the maintenance of ecological processes and genetic diversity.*
- *To ensure that activities are managed in a way which will not cause environmental nuisance or material or serious environmental harm.*

Clause 29.5 of the Schedule states '*where an activity constitutes either a Permissible 'Level 1' activity or a Permissible 'Level 2' activity within the relevant Activity Area, the following environmental objectives must be satisfied in determining such an application*'. The environmental objectives are addressed individually below.

Air Quality

Activities shall demonstrate 'Best Practice Environmental Management' in respect to the minimisation and mitigation of all discharges to the atmosphere.

Significant atmospheric emissions are not expected, although there is potential for dust generation as a result of excavation works. This can be satisfactorily addressed by an excavation management plan.

Energy Efficiency

Use and development must demonstrate measures undertaken to improve energy efficiency in the design, layout and use of new and existing buildings.

The proposed use and development would not have significant energy requirements.

Flora and Fauna

Flora and fauna of significance within the Sullivans Cove Planning Area must be protected. In particular, the habitats of the Derwent Estuary and Sullivans Cove water environment must be protected from the adverse environmental impacts of activities.

Provided that contaminated runoff from the site is minimised during the development and the operation of the car park, no significant adverse biodiversity impacts are expected. The risk during construction works can be satisfactorily addressed by an excavation management plan. The application proposes stormwater pre-treatment to treat contaminated washdown water prior to discharge to the public stormwater network.

Hazard and Risk

Land within the Cove must be used and developed in a manner which provides a safe working and living environment. In doing so, best practices must be employed in respect to the handling of dangerous goods and all relevant dangerous goods and environmental laws complied with.

The proposed use is unlikely to require the use of dangerous goods in quantities of any significance. Compliance with dangerous goods and environmental laws is mandatory.

Land Contamination

New activities which are proposed on land with a known history of industrial or other use where potential for contamination exists shall be accompanied by an environmental audit including an assessment of site condition.

Contaminated land shall be managed in a manner which is compatible with the intended future use of the area. New activities

on known contaminated sites must only be 'permitted' to occur after appropriate clean-up of the site, or where it is clearly demonstrated that the proposed activity will not result in an immediate or likely long term hazard to human health or the environment.

The land is not identified in Council's Potentially Contaminated Sites Register as having hosted a potentially-contaminating activity.

Land Reclamation

Land forming and reclamation activities, where required, shall be carried out in a manner which minimises adverse environmental consequences.

Not applicable.

Noise

Buildings shall be sited and designed having regard to current noise levels in the area as well as their intended use.

Where activities with the potential to generate significant noise are proposed in proximity to residential accommodation and other 'noise sensitive' activities, appropriate measures to mitigate and minimise noise emissions must be undertaken.

New 'noise sensitive' activities such as residential accommodation shall be located and where necessary incorporate acoustic measures to minimise the potentially adverse impacts of existing or likely future activities on nearby land.

The proposed use is not noise sensitive. Significant noise generation could occur from excavation works, particularly if rock is present. Residential and visitor accommodation is located near the site, so measures to mitigate and minimise noise emissions must be undertaken. A condition requiring an excavation management plan is recommended for any permit granted.

Waste Minimisation

Activities must demonstrate how the practices and process associated with the activity will reduce as much as possible the

amount of waste generated or the amount which requires subsequent treatment, storage or disposal. Activities must address waste minimisation from the source (source reduction) and recycling.

Where appropriate, applications for new activities must include a waste management plan.

Activities within roads and other public spaces must incorporate where relevant suitable waste and litter management facilities.

The proposed activity would not generate significant waste, apart from soil and rock from the excavation, which could be used as fill if free from significant contamination.

Water Quality

Activities shall demonstrate 'Best Practice Environmental Management' in respect to water use and management. Water use and disposal shall be managed in a manner which seeks to minimise off site disposal and which seeks to protect and, where possible, improve ambient water quality. The principles of minimising water sewage and waste water generation and the re-use, recycling and pre-treatment of waste water prior to disposal must be encouraged.

The proposed activity would not generate significant volumes of wastewater, and washdown water would be pre-treated prior to disposal to the stormwater network. Stormwater infrastructure will need to be protected during excavation works, to prevent sediment transfer. A condition requiring an excavation management plan is recommended.

Representations

Two representations were received stating that the dolerite geology in the area is particularly hard and difficult to excavate, and raising concern about noise, dust and vibration impacts to surrounding properties.

While the specific geology and depth to bedrock is unknown at this particular site, it is considered likely that bedrock would need to be excavated and that the rock would be high strength making

excavation difficult. It is therefore recommended that a condition be applied to any permit granted requiring the implementation of an excavation management plan addressing noise, vibration, dust and sedimentation in accordance with best-practice standards.

- 6.11.6 The proposal complies with the objectives of the schedule with conditions as recommended.

7. Discussion

- 7.1 Planning approval is sought for Partial Demolition, Alterations, Partial Change of Use to Car Parking, and Associated Works, at 6 Montpelier Retreat, 8 Montpelier Retreat and Adjacent Road Reserve.

- 7.2 The application was advertised and received two (2) representations. The representations raised a concern primarily regarding the potential for impact upon adjoining an nearby amenity during the excavation and construction phases of the development, and the need to ensure these processes are appropriately managed through the imposition of a condition of approval requiring a management plan to be put in place.

This matter has been taken into account in the assessment of the application, and the Council's Environmental Development Planner has recommended that a condition be applied to any permit granted requiring the implementation of an excavation management plan addressing noise, vibration, dust and sedimentation in accordance with best-practice standards.

- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Cultural Heritage Officer, Road and Traffic Engineers and Environmental Development Planner. 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 Partial Demolition, Alterations, Partial Change of Use to Car Parking, and Associated Works at 6 Montpelier Retreat, 8 Montpelier Retreat and Adjacent Road Reserve satisfies the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Partial Demolition, Alterations, Partial Change of Use to Car Parking, and Associated Works at 6 Montpelier Retreat, 8 Montpelier Retreat and Adjacent Road Reserve 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-21-455 - 6 MONTPELIER RETREAT & 8 MONTPELIER RETREAT BATTERY POINT TAS 7004 & ADJACENT ROAD RESERVE - Final Planning Documents except where modified below.

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 as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The construction waste management plan must include:

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

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

It is recommended that the developer liaise with the Council's City Resilience 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.

SW 6

The affected public stormwater infrastructure must be designed and constructed prior to occupancy or the commencement of the approved use (whichever occurs first).

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted and approved as a Condition Endorsement. The detailed engineering drawings must be certified by a suitably qualified and experienced civil engineer and must:

- 1. be substantially in accordance with the Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020), as varied by the City of Hobart's published departures from those Drawings, and the Local Government Association of Tasmania, Tasmanian Subdivision Guidelines (October 2013);**
- 2. clearly distinguish between public and private infrastructure;**
- 3. show in both plan and long-section the proposed alterations to the public stormwater system (eg abandoned connections and replacement pit), which show reinstatement, flows, maintained inlet capacity, clearances (including vertically from other services), cover, gradients, sizing, material, pipe class, and inspection openings;**
- 4. no adverse impact on the public stormwater system's service level**
- 5. include any supporting calculations.**

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

Advice:

The proposed conversion of the stormwater side entry pit to a 'v' pit is not accepted as shown. An alternate design to maintain inlet capacity is required. This may require pit relocation.

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

SW 8

All stormwater from the proposed development (including but not limited to: roofed areas, 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).

Detailed engineering designs, prepared and certified by a suitable qualified person, must be submitted and approved as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first).

These must demonstrate:

- 1. All private pipework must be contained within the respective Lot boundaries.**
- 2. All impervious areas which can be drained via gravity (including charged systems) must be drained via gravity. The pump system must be limited to capture stormwater only from areas which cannot be drained via gravity.**
- 3. All pump rising main discharges must occur to a private dispersion pit within the property, sized such that only free-flowing gravity discharge occurs from the property into the Council stormwater connection.**

All works must be undertaken and maintained in accordance with the approved plans.

Advice:

Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater quality treatment for stormwater discharges from the development must be installed.

A stormwater management report and design must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The stormwater management report and design must be prepared by a suitably qualified engineer and must:

- 1. include final detailed design of the proposed treatment train, including final estimations of contaminant removal demonstrating the treatment meets current best practice;**
- 2. include a supporting maintenance plan, which specifies the required 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:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit. Current best practice is taken as achieving 80% removal sediments, 45% removal total nitrogen and 45% removal of total phosphorous; and (if a carpark) targeting fine sediments and hydrocarbons.

ENG tr1

Traffic management within the access driveway, and parking module (parking spaces and aisles) must be installed prior to the commencement of use.

Traffic management design drawing(s) (including signage and line marking), must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The design drawing(s) must include (but not be limited to):

- 1. Be prepared by a suitably qualified person;**
- 2. Relevant signage;**

3. **Pedestrian safety bollards for egress to/from any lifts or doorways;**
4. **Delineation of pedestrian pathways along the shared vehicular circulation roadway;**
5. **Road hump located at the car park exit to ensure low vehicle speeds when exiting onto Montpelier Retreat;**
6. **Warning devices (both active and static) at the car park exit to alert drivers and pedestrians on Montpelier Retreat that a vehicle is exiting the car park; and**
7. **Any other details as Council deem necessary.**

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

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

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

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 as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement work on the site (whichever occurs first). 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 be responsible for the implementation of the approved traffic management plan and available as a direct contact to Council and/or members of the community**

regarding day to day construction traffic operations at the site, including any immediate traffic issues or hazards that may arise.

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

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

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 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* or commencement of works on the site (whichever occurs first).

This 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 in accordance with the Australian Standard AS/NZS 2890.1:2004, if possible;**
- 3. where the design deviates from AS/NZS 2890.1:2004 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use; and**
- 4. show [dimensions, levels, gradients and transitions], and other details as Council deem necessary to satisfy the above requirement.**

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

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

ENG 3c

Prior to commencement of use, a suitably qualified engineer must certify that the access driveway and parking area has been constructed in accordance with design drawings approved by Condition ENG 3b and ENG tr1.

Advice:

We strongly encourage you to speak to your engineer before works begin so that you can discuss the number and nature of the inspections they will need to do during the works in order to provide this certification. It may be necessary for a surveyor to also be engaged to ensure that the driveway will be constructed as approved. If the driveway is not constructed as it has been approved then this may mean that the driveway will either be unsafe or will not function properly.

Certification may be submitted to Council as part of the Building Act 2016 approval process or submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of the permit.

An example certificate is available on our [website](#).

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 commencement of use.

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 number of car parking spaces approved to be used on the site is fourteen (14).

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 commencement of use.

Reason for condition

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

ENG 9

All car parking spaces for people with disabilities must be delineated to Australian/NZS Standard, Parking facilities Part 6: Off-street parking for people with disabilities AS/NZS 2890.6: 2009, prior to the commencement of the use.

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 r3

Prior to the commencement of use, the proposed driveway crossover on the Montpelier Retreat highway reservation must be designed and constructed in accordance with:

- **Urban - TSD-R09-v3 – Urban Roads Driveways and TSD R14-v3 Type KC vehicular crossing;**
- **Footpath - Urban Roads Footpaths TSD-R11-v3.**

Design drawings must be submitted and approved as a Condition Endorsement prior to any approval under the *Building Act 2016*. The design drawings must:

1. **Show the cross and long section of the driveway crossover within the highway reservation and onto the property;**
2. **Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover;**
3. **Show swept path templates in accordance with AS/NZS 2890.1 2004(B85 or B99 depending on use, design template);**
4. **Show that vehicular and pedestrian sight lines.**
5. **Provide approval from TasNetworks regarding relocation of the light pole.**
6. **Be prepared and certified by a suitable qualified person, to satisfy the above requirements.**

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

Advice:

- *This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

- *Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Road Services Engineer and may require further planning approvals. It is advised to place a note to this effect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.*

Reason for condition

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

ENG s1

Approval from Council's City Futures Division as a Condition Endorsement must be obtained prior to the issue of any approval under the *Building Act 2016* or commencement of work on the site (whichever occurs first) for any changes to the existing on street parking arrangements in Montpelier Retreat.

Advice:

- *This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*
- *All works will be at the developer's expense. Please contact Council's City Mobility Manager with regard to the application process for any changes to the on street parking arrangements in Montpelier Retreat.*
- *Any request to temporarily or permanently remove any parking sensor requires a written application to be submitted to the Parking Operations Workgroup of the Smart & Sustainable City Unit. For more information and application forms with regard to the removal of parking sensors, go to <https://www.hobartcity.com.au/Business/Construction-activities-and-events-on-public-streets> and scroll to Dial Before You Dig - parking sensors.*

Reason for condition

To ensure that relevant approvals are obtained.

ENG s2

The car parking provided must be for short term parking only and not all-day parking.

Reason for condition

To be in accordance with the principles and objectives for traffic, access and parking of the *Sullivans Cove Planning Scheme 1997*.

ENV s1

An Excavation Management Plan, prepared by suitably qualified persons, must be implemented.

The plan must include, but is not limited to, the following:

- 1. Details of the excavation methodology and expected likely timeframes.**
- 2. The days and hours of work and hours of activities likely to generate significant noise emissions (including volume and timing of heavy vehicles entering and leaving the site).**
- 3. Details of potential environmental impacts associated with the excavation works including noise, vibration, dust and sediment transfer.**
- 4. Details of measures to avoid or mitigate all identified potential environmental impacts as far as is reasonable practicable and in accordance with industry best-practice including, but not limited to:**
 - a. A Noise and Vibration Management Plan generally consistent with AS 2436-2010 - Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites and the Interim Construction Noise Guidelines (New South Wales Department of Environment and Climate Change, July 2009), and with reference to any other applicable guidelines or standards referenced by those documents, including, but not limited to:**
 - i. identification and quantification of potentially noisy or vibration-causing excavation activities;**
 - ii. identification of the methods, procedures and equipment that will be adopted to ensure that all reasonable and feasible noise and vibration mitigation measures are applied; and**
 - iii. details of monitoring measures and triggers for actions.**
 - b. A soil and water management plan including:**
 - i. measures to avoid or minimise the discharge of contaminated stormwater from the site;**

- ii. measures to avoid or minimise dust emissions from the site; and
- iii. measures to avoid or minimise soil and debris being carried onto the street.

- 5. Details of responsible persons, communication protocols, compliance, recording and auditing procedures and complaint handling and response procedures.

The Noise and Vibration Management Plan must be certified by a suitably qualified person as being generally consistent with the referenced standards and guidelines.

A copy of the adopted Excavation Management Plan must be submitted to the planning authority prior to the commencement of works and a copy of the plan must be kept on site for the duration of the works and be available for inspection.

Reason for condition

To ensure that activities are managed in a way which will not cause environmental harm.

HER 11

The proposed flush masonry infill that is designed to match the existing facade, after the demolition of the ground floor windows, is not approved. A revised drawing is required to be submitted showing a change in surface treatment at ground level.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement in accordance with the above requirement and advice below.

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

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

The facade at ground level should offer visual interest, provide a change in surface treatment and reduce the solidity and scale of the blank facade with either recessed

blank and solid detailing or a change in material. The pattern of treatment should reflect the scale and proportions of apertures of adjacent heritage buildings. For further advice contact Council's Senior Cultural Heritage Officer on 6238 2175 or email waights@hobartcity.com.au.

Reason for condition

To ensure that development in Sullivans Cove is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

HER 17c

The external colour, materials and texture of the approved development must be substantially in accordance with the approved plans. Any substantial change in the colour, materials and texture requires further approval.

Reason for condition

To ensure that development in Sullivans Cove is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

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

If any condition requires that further documents are submitted and approved, 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](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been

endorsed (satisfied).

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.

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 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.

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

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Infrastructure 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.

TITLE ADHESION AND CAR PARKING EASEMENT

A building surveyor should consider if there are building requirements that would necessitate the adhesion of the two titles (CT 234896/1 and CT 10357/1) that comprise the development site.

The proposed basement car parking extends over the boundary between 6 and 8 Montpelier Retreat and will be partially within the title for 8 Montpelier Retreat. Currently both properties are in common ownership. If the titles are not adhered and if in future one of the titles were to be transferred to a different owner, a limited in height car parking easement will need to be created in favour of No 6 over No. 8 to enable the basement car parking to continue to function. Council will not be able to approve a boundary adjustment that includes a vertical component.

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.

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.



(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: 21 June 2022

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Updated Facade Plan

Attachment D - Planning Referral Officer Cultural Heritage Report