



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Committee:	1 February 2023
Expiry Date:	3 February 2023
Application No:	PLN-22-790
Address:	83 MELVILLE STREET , HOBART 80 BRISBANE STREET , HOBART
Applicant:	(University of Tasmania) C/- All Urban Planning Pty Ltd 19 Mawhera Avenue
Proposal:	Alterations to Previously Approved Development for Pedestrian Bridge
Representations:	Thirteen
Performance criteria:	Central Business Zone Development Standards, Potentially Contaminated Land Code, Inundation Prone Areas Code

1. Executive Summary

1.1 Planning approval is sought for Alterations to Previously Approved Development for Pedestrian Bridge, at 83 Melville Street and 80 Brisbane Street, Hobart.

1.2 More specifically the proposal includes:

- Construction of a pedestrian bridge along eastern side of laneway to link Brisbane Street footpath to Level 2 of the previously approved building extension
- The bridge is to be constructed with mass timber fins and patterned brick paving. Metal mesh stretched between the fins will provide a visually permeable balustrade
- Five concrete columns will support the bridge and the new understory area will be landscaped with low level planting. Several spotlights and recessed downlights will be installed beneath the bridge to provide additional secure lighting of the laneway space

1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

1.3.1 Central Business Zone - Passive Surveillance

- 1.3.2 Potentially Contaminated Land Code - Excavation
- 1.3.3 Inundation Prone Areas Code - Riverine Inundation Hazard Areas, Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas

- 1.4 Thirteen (13) representations objecting to the proposal were received within the statutory advertising period between 22/12/22 - 12/01/23.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Planning Committee, because more than six (6) objections were received within the statutory advertising period.

2. Site Detail

2.1 The subject site is located at 83 Melville Street, Hobart (also known as 79-83 Melville Street) and 80 Brisbane Street, Hobart and comprises a two strata lots and the parent title lot, with an area of approximately 7873m² in area in the Hobart Central Business District. The site spans the width of the block and has frontages to both Melville and Brisbane Streets. The site presently comprises of a large two storey building (Forestry Building) on the Melville Street frontage and a large furniture showroom with understorey parking on the Brisbane Street frontage. The approved uses on the site are Business and Professional Services, General Retail and Hire, and Bulky Goods Sales. The surrounding area is characterised by wide variety of uses including Business and Professional Services, General Retail and Hire, Residential, Vehicle Parking, and Community Meeting and Entertainment. The site has two vehicle crossovers, both on the Brisbane Street frontage including a driveway and laneway along the north eastern side boundary. A site visit was undertaken following the conclusion of the statutory advertising period.

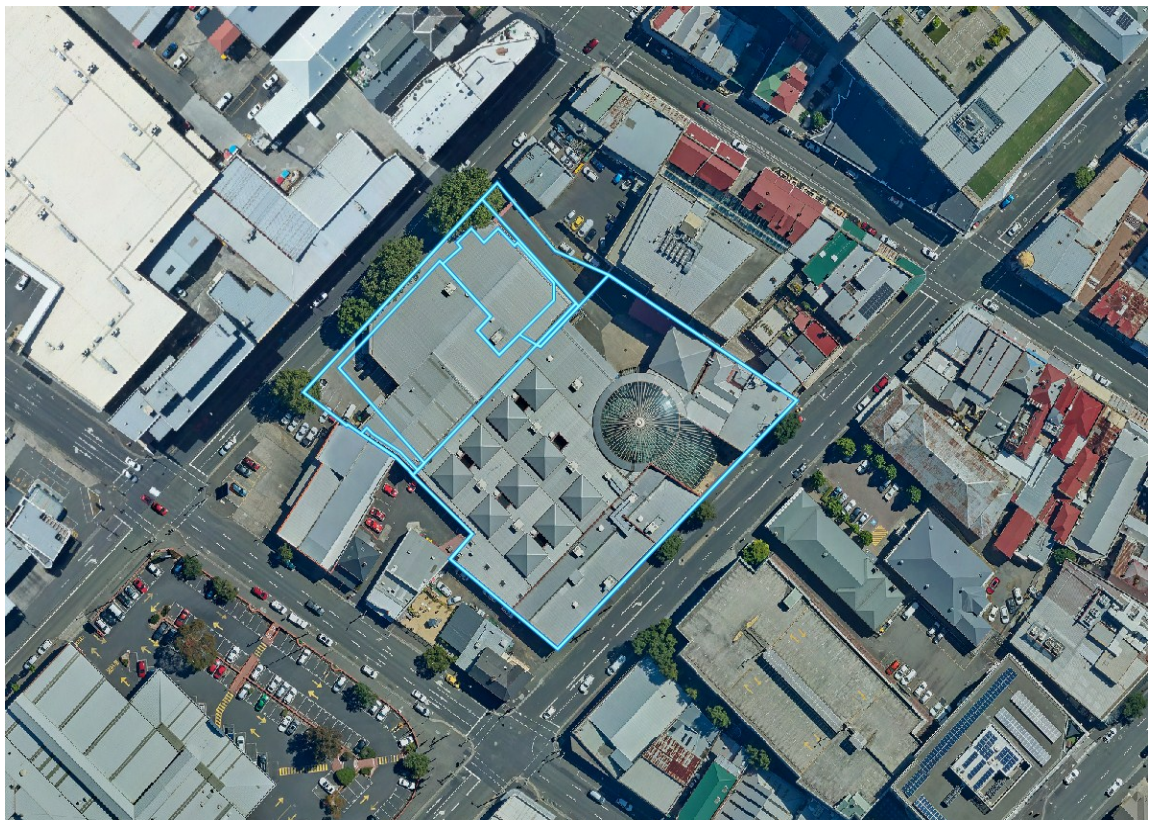


Figure 1: Aerial image of the subject site (bordered in blue) and surrounding area.



Figure 2: View of existing laneway. *Note brick wall at center of photograph to be removed, previous approvals will see rear extension and building entrance located approximately at red line.*

3. Proposal

3.1 Planning approval is sought for Alterations to Previously Approved Development for Pedestrian Bridge, at 83 Melville Street and 80 Brisbane Street, Hobart.

3.2 More specifically the proposal is for:

- Construction of a pedestrian bridge along eastern side of laneway to link Brisbane Street footpath to Level 2 of the previously approved building extension
- The bridge is to be constructed with mass timber fins and patterned brick paving. Metal mesh stretched between the fins will provide a visually permeable balustrade
- Five concrete columns will support the bridge and the new understory area will be landscaped with low level planting. Several spotlights and recessed downlights will be installed beneath the bridge to provide additional secure lighting of the laneway space

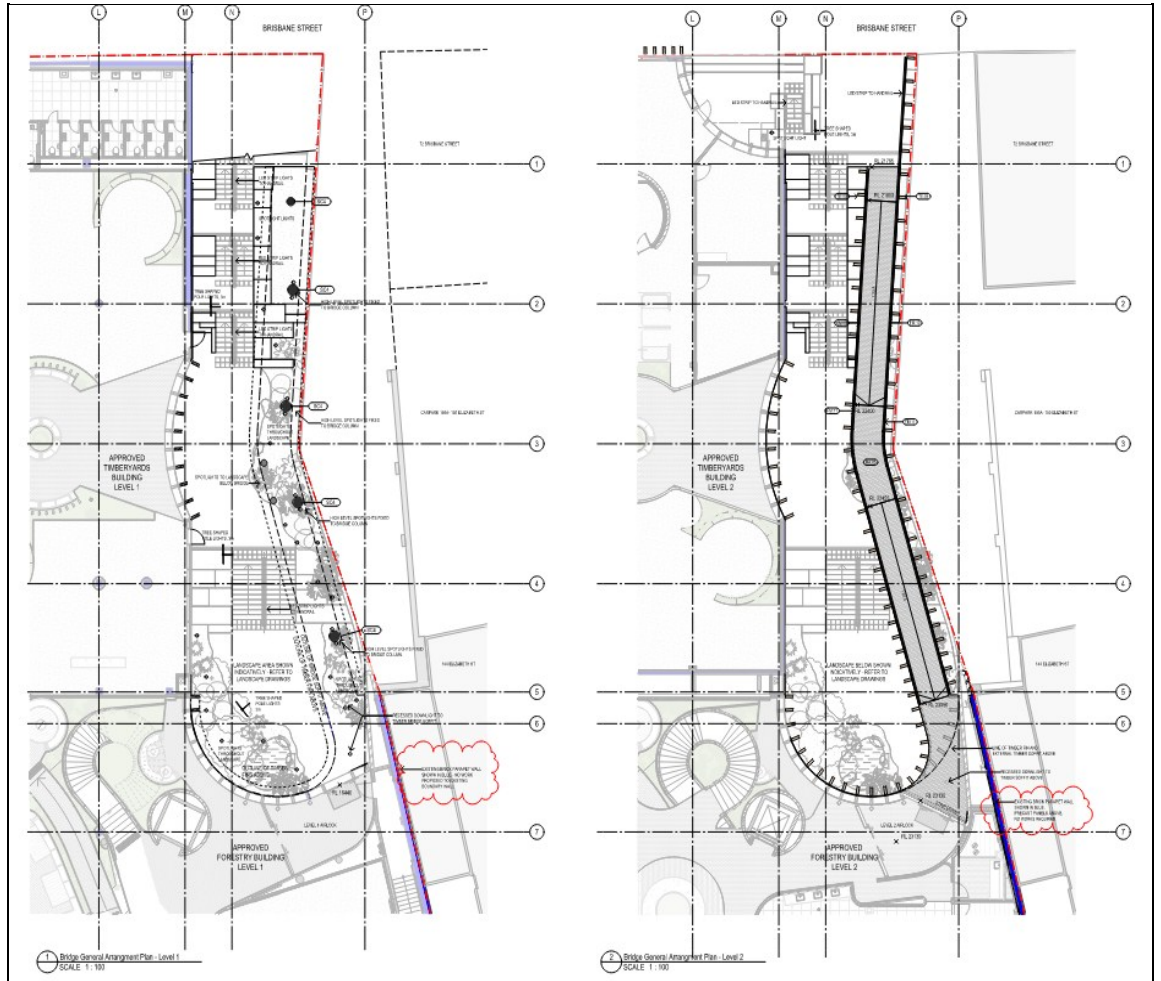


Figure 3: Ground and upper floor plan of laneway and proposed pedestrian bridge.

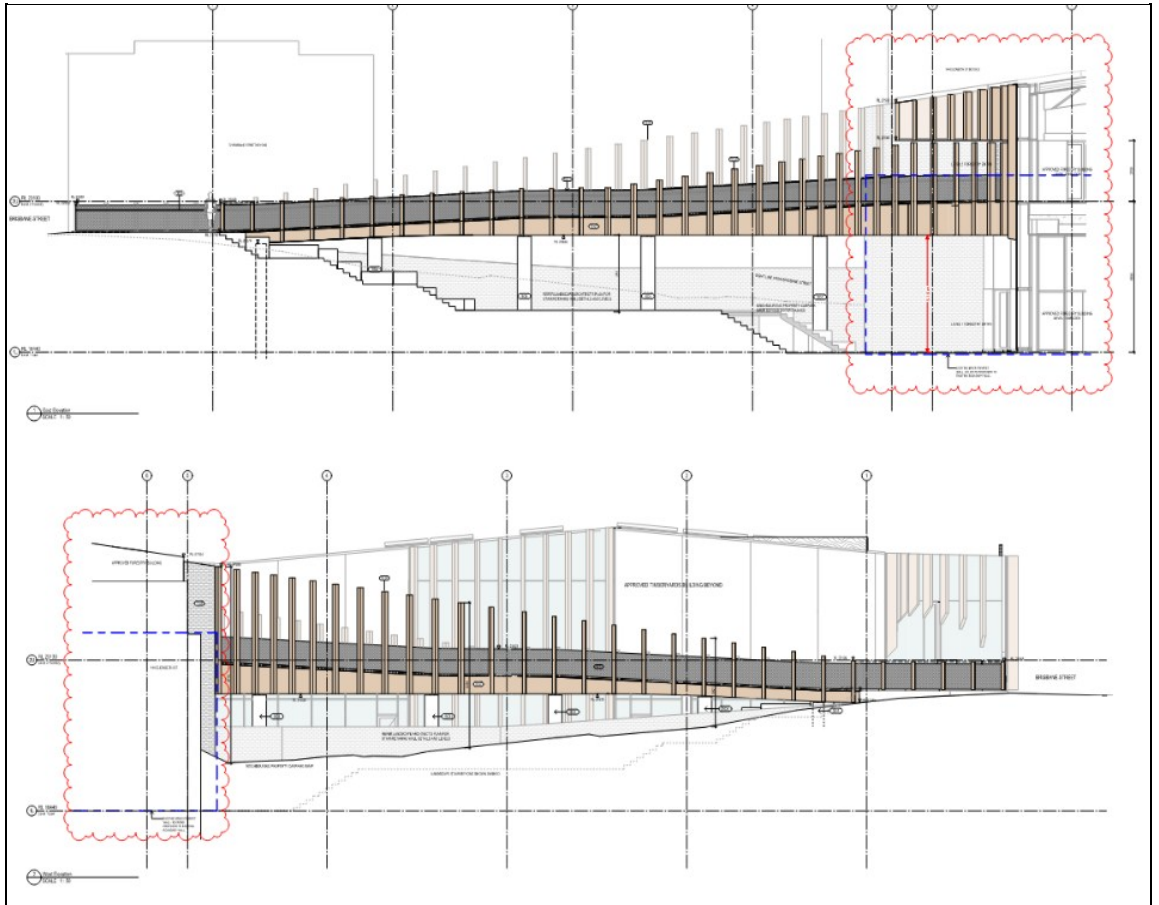


Figure 4: Elevations of proposed pedestrian bridge.



Figure 5: Axonometric View and Photo-Renders of proposed pedestrian bridge.

4. Background

- 4.1 Approval was granted in 2022 under PLN-21-869 for Partial Demolition, Alterations, Extension, and Change of Use to Educational and Occasional Care. The images below show the Brisbane Street entry as approved under this previous planning permit.

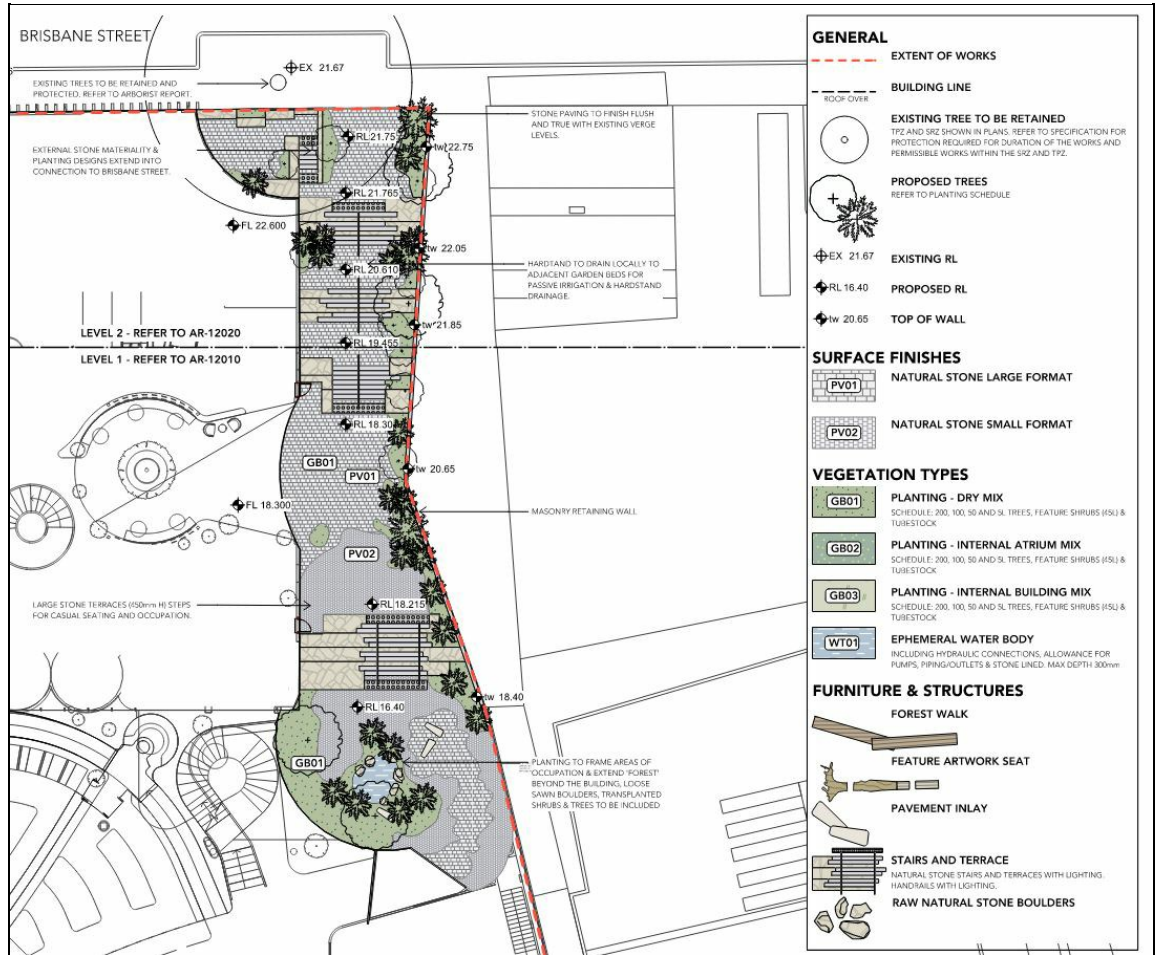


Figure 6: Approved landscaped plan under PLN-21-869.

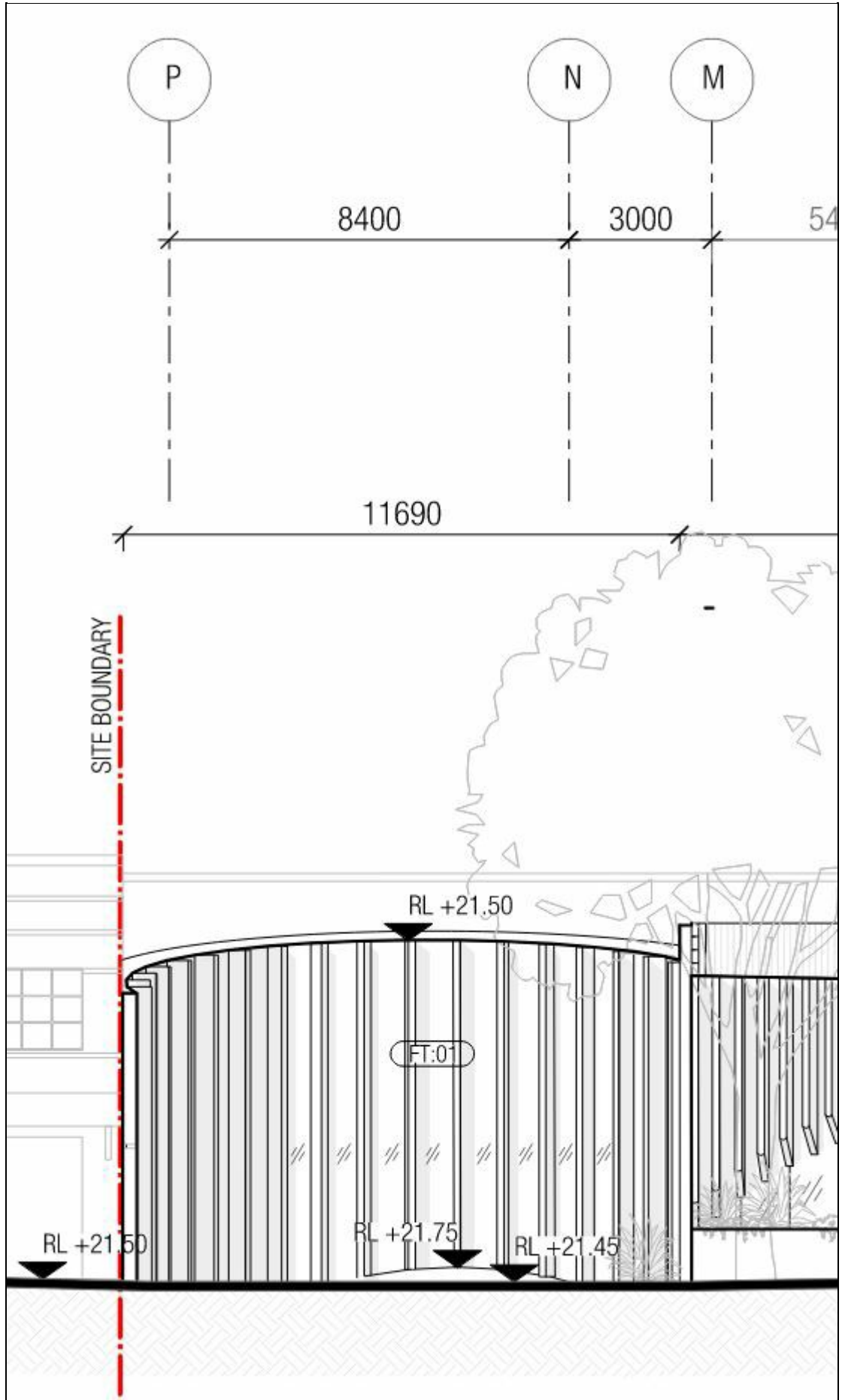


Figure 7: Approved elevation of Brisbane Street access point under PLN-21-869.



Figure 8: Approved render of access into new building off Brisbane Street under PLN-21-869.



Figure 9: Approved render of access point on Brisbane Street under PLN-21-869.

5. Concerns raised by representors

- 5.1 Thirteen (13) representations objecting to the proposal were received within the statutory advertising period between 22/12/22 - 12/01/23.
- 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.

<p>Design and Visual Impact</p> <ul style="list-style-type: none"> - The bridge will block light to the neighboring property - The bridge will block views to the mountain from the neighboring property
<p>Access</p> <ul style="list-style-type: none"> - The laneway below does not allow for disabled access. - The bridge is too narrow for two-way pedestrian traffic. - The bridge seems like it is intended to allow disabled access, however there are no disabled car parks included at the entrance to the bridge.

Entrapment and Visibility

- The bridge could lead to entrapment as it leads to building doors which will be locked at times unknown to the public
- The bridge cannot rely on safety sight lines from the neighboring property as this site may well be developed and change
- The proposed pedestrian bridge does not comply with the requirements for Passive Surveillance (Clause 22.4.4 of the Hobart Interim Planning Scheme 2015).
- Concealed spaces will be created underneath the proposed pedestrian bridge
- The drawings show that sight-lines from the boundary with Brisbane St to the pedestrian entrances of the building will be blocked by the angled boundary wall, the columns supporting the bridge above, the proposed landscaping and the vertical timber fins at the sides of the bridge.
- The perspectives and views shown on the drawings are highly selective and are views from well within the site, and are not shown from Brisbane St

Landscaping

- Proposed landscaping will be inconsistent with conditions of 2022 approval and will create sight line issues

Construction

- I am gravely concerned that the additional information provided by UTAS regarding the underlying issues with any excavations and ground works continue to NOT take into account any affect this may have on the conjoined buildings (e.g. 61, 63, 65 and 67 Melville Street).

I can find no evidence that the amended application details includes any details of how UTAS's considerable excavations and building works WILL NOT affect the integrity and structure of my building.

Opening Hours

- The application states that the building is to be open for “extended hours” to staff and students – the final opening hours will vary depending on the university calendar. These "extended hours" are not defined, so it is highly likely that the building itself will not be accessible to the public on weekends, after hours and during semester breaks. However, the bridge and laneway, as designed, will still be accessible to the public at those times, and the lack of through traffic at those times will make it an unsafe area.

Parking

- Little consideration appears to be given to the impact from the proposal on on-street parking for the 3000 students and staff who will be utilising this site

General Comment

- The bridge does not appear to serve any purpose as the site already has level access from Brisbane Street.

- The original DA for 83 Melville St did not provide access for people with disabilities from Brisbane St as required by the Disability Discrimination Act and the National Construction Code

- Risks of Council liability for damages if incident occurs in laneway

- I question whether the increased amount of rates UTAS is now paying the Hobart City Council is sufficient to clean up the ever increasing mess left in the city streets overnight by students (and staff) who have over indulged.

- A ‘reasonableness’ test of the Environmental Management and Pollution Control Act 1994, Section 53, must be applied to the running of UTAS functions on this site.

This should include a ban on live music or bands on this site – limiting noise to acoustic operations kept to a reasonable level in a manner that prevents sound from being heard from my premises adjacent to the UTAS site.

- I believe that advertising proposals just before Christmas and providing such a short period for representations over the Christmas-New Year period, when people are focused on other matters and/or on holiday is poor practice.

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 Central Business Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Business and Professional Services, Bulky Goods Sales, and General Retail and Hire. The previously approved use is Education and Occasional Care. The existing use is a discretionary use in the zone. The proposed use is a discretionary use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 D22.0 Central Business Zone
 - 6.4.2 E2.0 Potentially Contaminated Land Code
 - 6.4.3 E6.0 Parking and Access Code
 - 6.4.4 E7.0 Stormwater Management Code
 - 6.4.6 E13.0 Historic Heritage Code
 - 6.4.7 E15.0 Inundation Prone Areas Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Central Business Zone
Passive Surveillance - D22.4.4 P1
 - 6.5.2 Potentially Contaminated Land Code
Excavation - E2.6.2 P1
 - 6.5.3 Inundation Prone Areas Code

*Riverine Inundation Hazard Areas- E15.7.4 P3
Riverine, Coastal Investigation Area, Low, Medium, High Inundation
Hazard Areas - E15.7.5 P1*

6.6 Each performance criterion is assessed below.

6.7 Passive Surveillance - D22.4.4 P1

6.7.1 The acceptable solution at clause 22.4.4 A1 requires the following:

Building design must comply with all of the following:

(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;

(b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade;

(c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30 % of the surface area of the ground floor level facade;

(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;

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

(f) provide well-lit public access at the ground floor level from any external car park.

6.7.2 The planning scheme does not provide a definition of 'entrapment space'. Erring on the side of caution, it is considered prudent to assess the proposal against the performance criterion on the basis that it may create an entrapment space, contrary to the acceptable solution subclause (d), in bold above.

It is acknowledged that the applicant's planning report assesses the proposal as complying with the above acceptable solution on the basis that:

- the new pedestrian bridge will maintain a clear line of sight to the pedestrian entry to the atrium door; and
- the space below the bridge will be treated with landscaped sandstone blocks and landscaping to avoid the creation of a potential entrapment space.

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

6.7.4 The performance criterion at clause 22.4.4 P1 provides as follows:

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

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

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

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

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

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

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

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

6.7.5 The proposed pedestrian bridge will extend the length of the eastern side of the existing laneway. The bridge will provide new level access into 'Level 2' of the building, which is the Brisbane Street level of the building.

The PLN-21-869 approved a new ground floor (called Level 1 on the plans) entrance to the building off Brisbane Street. This entrance was at the end of the laneway, and down a number of stairs. The entrance approved by the 2021 planning permit moved the pedestrian entrance to

the building around 16m closer to Brisbane Street than the currently existing situation for the building (refer Figure 4 above). The location of the new entrance was assessed as being compliant with the performance criterion as the it would remain clearly visible from nearby buildings and public spaces. Further conditions were imposed to have a landscaping plan endorsed that would ensure all vegetation would be at a low level and that lighting would be sufficient to minimise and dark area at night. This plan was supplied and endorsed by officers following the approval of the application.

As noted above, the intent of the new pedestrian bridge is to enable level access into the building off Brisbane Street, which currently does not exist. In doing so, it creates a new pedestrian entrance into the building, which will be visible from Brisbane Street. That is, the new bridge doesn't impede visibility of the new entrance.

In terms of the visibility of the ground floor (noted on the plans as Level 1) entrance, it is considered that the proposal will still allow it to be seen from Brisbane Street, in the same way as approved under PLN-21-869. The advertised plans demonstrate that the bridge will provide a clearance of between 3.4m and 5.1m which would be sufficient to provide a line of sight between the footpath and both the airlock entrance and internal doorway into the building. Representation repeated concerns that the timber battens from the proposed pedestrian bridge would obscure visibility. Whilst they may increase the visual and bulk of the bridge structure, the battens will not extend lower than the bridge itself, minimising any intrusion into the line of sight between the building entrance and the footpath. Additional photo renders were supplied by the applicant following the conclusion of advertising which are supplied below in Figure 6 and Figure 7, and at Attachment D to this report. These renders demonstrate the extent of visibility between the entrance and public footpath.

It should also be noted that there is no change to the pedestrian access off Melville Street, which is most likely to be the 'main' pedestrian access point to the building.

With respect to subclauses (b) and (c) there will be no change to the existing windows approved under PLN-21-869 which will be located along the length of the laneway and facing the Brisbane Street frontage.

Addressing subclauses (d) and (e), additional external lighting in the form of spotlights and recessed downlights will be positioned beneath the

bridge to illuminate any potential entrapment spaces along the entire length. This is in addition to external lighting which extends throughout the laneway space and pathways which was already approved under PLN-21-869. The extent of this lighting will aid in the provision of passive surveillance throughout the space and appropriately illuminate any perceived entrapment spaces and alcoves.

With respect to subclause (f) and (g), public access remains unchanged on the site, as above there will remain clear sight lines between entrance and public spaces which will provide for high visibility for users of the space. As addressed above, the inclusion of the pedestrian bridge does not compromise or impede the sight lines from the entrance to adjacent public spaces. The bridge itself will have chain mesh balustrading which will also allow for visibility of the laneway space, in addition to the visibility from buildings on the site.

Representations have also repeated concerns over the additional creation of concealed spaces and the management of the space. As evident in the advertised plans, the entire space will be lit by floodlights and downlights to minimise concealment space. Landscaping will also be provided alongside and underneath the bridge to either limit access to the area between the bridge and laneway floor or make the space open and useable. Noting the previous conditions for landscaping under the 2021 approval, and the advertised documentation for the current application, there is limited opportunity for the creation of concealed spaces or entrapment. A condition is proposed for the current application for any variation in the landscaping approved by the previous permit must be approved by the Director City Life and will take into account the potential for concealed spaces. CCTV coverage will be available across the entire laneway and as already noted in the advertised documents, a 24 hour manned security office will be located on-site overseeing those cameras and conducting patrols. The creation of the laneway allows for the extension of the public realm into an otherwise space of limited engagement or use, appropriate efforts have been taken by the applicant to ensure that the design of the space and buildings provides for the safety of the public.

The advertised documentation included a submission from the architect in relation to passive surveillance (refer plans 3.04 Sightlines and Safety), and the accompany planning report assessed the proposal as compliant with the acceptable solution. In light of the lack of clarity around what an entrapment space is, and given the number of representations raising this issue as a concern, the applicant was afforded the opportunity to address

the above performance criteria. That response is provided in full at Attachment D to this report. It concludes that the proposal satisfies the performance criteria. Officers support this conclusion.



Figure 10: View from adjacent to Brisbane Street frontage looking towards proposed pedestrian bridge and both upper floor (a) and ground floor (in red) entrances. *Note landscaping illustrated does not reflect landscaping approval under PLN-21-869 - Landscape Laneway Design (Rev C) dated 7 July 2022.*



Figure 11: View of the laneway space from the first floor looking towards

the Brisbane Street frontage. *Note landscaping illustrated does not reflect landscaping approval under PLN-21-869 - Landscape Laneway Design (Rev C) dated 7 July 2022.*

6.7.6 The proposal complies with the performance criterion.

6.8 Excavation - E2.6.2 P1

6.8.1 There is no acceptable solution at clause 2.6.2 A1.

6.8.2 The proposal includes excavation of a potentially contaminated site greater than 1m².

6.8.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.

6.8.4 The performance criterion at clause 2.6.2 P1 provides as follows:

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.

6.85 Referral was made to Council's Environmental Health Officer who has assessed the proposal and deemed the proposal as meeting the performance criterion subject to a condition requiring compliance with the recommendations of the supplied Environmental Site Assessment.

6.8.6 The proposal complies with the performance criterion.

6.9 Riverine Inundation Hazard Areas - E15.7.4 P3

- 6.9.1 The acceptable solution at clause 15.7.4 A3 requires that the total floor area of all non-habitable buildings, outbuildings and Class 10b buildings under the Building Code of Australia, on a site must be no more than 60 m².
- 6.9.2 The proposal includes a pedestrian bridge which is assessed as a non-habitable building with a floor area greater than 60m².
- 6.9.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.9.4 The performance criterion at clause 15.7.4 P3 provides as follows:

A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must satisfy all of the following:

(a) risk to users of the site, adjoining or nearby land is acceptable;

(b) risk to adjoining or nearby property or public infrastructure is acceptable;

(c) need for future remediation works is minimised;

(d) provision of any developer contribution required pursuant to policy adopted by Council for riverine flooding protection works;

- 6.9.5 Referral was made to Council's Stormwater Engineer who has provided the following assessment:

The proposed works do not substantially alter the risk to users of the site due to inundation- the slight constriction at the top of the ramp does not increase the pre-existing hazard rating. Whilst several representations note the risk to the building proper, this is unchanged by the works and cannot be assessed under this application. P3(a) is considered to be satisfied.

The flood report did not find any impact on third-party land from the additional works. P3(b) is considered to be satisfied.

The structural elements of the works within the flood zone are built of flood-resistant materials (concrete pillars). Any damage to the fins or siding in such a major flood event would be minor significance. P3(c) is

considered to be satisfied.

Council has no such policy - P3(d) is not applicable.

6.9.5 The proposal complies with the performance criterion.

6.10 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas - E15.7.5 P1

6.10.1 The acceptable solution at clause 15.7.5 A1 requires that for landfill, or solid walls greater than 5 m in length and 0.5 m in height, there is no acceptable solution.

6.10.2 Whilst starting at Brisbane St level, the air bridge rapidly rises above ground level, with only the 5 supporting columns in the floodpath. The initial 7m has no solid balustrade, and as such does not trigger A1. There is some fill at the Brisbane ST entrance - it is not clear if this has 0.5m depth for 10m² as required to trigger A1. As such a pre-cautionary approach was taken

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

6.10.4 The performance criterion at clause 15.7.5 P1 provides as follows:

Landfill, or solid walls greater than 5 m in length and 0.5 m in height, must satisfy all of the following:

(a) no adverse affect on flood flow over other property through displacement of overland flows;

(b) the rate of stormwater discharge from the property must not increase;

(c) stormwater quality must not be reduced from pre-development levels.

6.10.5 Referral was made to Council's Stormwater Engineer who has provided the following assessment:

As above, the report did not find any impact on third-party land. Due to the hard nature of the works, no decrease in water quality is expected. No increase in runoff or flood velocities (beyond a small local effect within the property itself) is expected from the current fully impervious site. P1 is considered to be satisfied.

6.10.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Alterations to Previously Approved Development for Pedestrian Bridge, at 83 Melville Street and 80 Brisbane Street, Hobart.
- 7.2 The application was advertised and received thirteen (13) representations. The representations raised concerns including visual impact, restrictions to passive surveillance, entrapment risk, compliance with previous landscaping conditions, construction impacts, public access hours, flooding risk, parking, timing of public advertising, and liabilities risk to Council.
- 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, Stormwater Engineer, and Environmental Health Officer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 In relation to heritage, it is noted that this application is for works that are located outside the heritage listing in the planning scheme, so the heritage provisions do not apply. The Tasmanian Heritage Council has approved the proposal. Their decision is included at Attachment B to this report.
- 7.6 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Alterations to Previously Approved Development for Pedestrian Bridge, at 83 Melville Street and 80 Brisbane 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 Planning Committee, in accordance with the delegations contained in its terms of reference, approves the application for Alterations to Previously Approved Development for Pedestrian Bridge, at 83 Melville Street and 80 Brisbane 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-22-790 - 83 MELVILLE STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 8058 dated 25 January 2023, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

This permit is subject to and conditional upon the substantial commencement of planning permit PLN-21-869.

Reason for condition

To clarify the scope of the permit

PLN s2

If any departure is proposed from the landscaping plans which are required to be complied with by condition PLN s4 in planning permit PLN-21-869 (as

varied by condition HER 8 of the same permit), then revised plans must be submitted and approved by the Director City Life.

All landscaping must be carried out in accordance with the plans approved pursuant to this permit and permit PLN-21-869 prior to the commencement of the use.

The vegetation which is planted on the site pursuant to the approved plans must be maintained and must not be disturbed. If any vegetation dies or is destroyed, replacement vegetation of a similar size must be planted within 30 days of the death or destruction.

Advice:

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

ENG sw1

All stormwater from the proposed development must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

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.

Reason for condition

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

SW 1

Prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first), a pre-construction structural condition assessment and visual record (eg video and photos) of the Hobart City Council's stormwater infrastructure adjacent to the proposed development must be submitted to the City of Hobart as a Condition Endorsement.

The condition assessment must include at least:

1. a site plan clearly showing the location of the investigation, with access

- points and all segments and nodes shown and labelled, with assets found to have a different alignment from that shown on the City of Hobart's plans to be marked on the ground and on the plan;
2. a digital recording of a CCTV inspection and written condition assessment report in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia, in a 'Wincan' compatible format; and
 3. photos of any existing drainage structures connected to or modified as part of the development.

The preconstruction condition assessment will be relied upon to establish the extent of any damage caused to Hobart City Council's stormwater infrastructure during construction. If the owner/developer fails to provide the City of Hobart with an adequate pre-construction condition assessment then any damage to the City of Hobart's infrastructure identified in the postconstruction condition assessment will be the responsibility of the owner/developer.

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. Council notes the timing of the proposed development may be such that these pre and post-work CCTVs requirements may be covered by those within PLN-21-869 and associated Permit to Construct Public Infrastructure.

SW 2

Prior to occupancy or the commencement of the approved use (whichever occurs first), a post-construction structural condition assessment and visual record (eg video and photos) of the Hobart City Council's stormwater infrastructure adjacent to the proposed development must be submitted to the City of Hobart.

The condition assessment must include at least:

1. a site plan clearly showing the location of the investigation, with access points and all segments and nodes shown and labelled, with assets found to have a different alignment from that shown on the City of Hobart's plans shall be marked on the ground and on the plan;
2. a digital recording of a CCTV inspection and written condition assessment report in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia, in a 'Wincan' compatible format; and
3. photos of any existing drainage structures connected to or modified as

part of the development.

The post-construction condition assessment will be relied upon to establish the extent of any damage caused to the Hobart City Council's stormwater infrastructure during construction. If the owner/developer fails to provide the City of Hobart with an adequate pre-construction condition assessment then any damage to the Hobart City Council's infrastructure identified in the post-construction CCTV will be deemed to be the responsibility of the owner/developer.

Advice: Council notes the timing of the proposed development may be such that these pre and post-work CCTVs requirements may be covered by those within PLN-21-869 and associated Permit to Construct Public Infrastructure.

SW 3

The proposed development (including foundations and overhangs) must be designed to ensure the protection and access to the Hobart City Council's stormwater main and overland flow path.

Prior to the issuing of any approval under the Building Act 2016 or commencement of works (whichever occurs first), a detailed design must be submitted and approved as a Condition Endorsement. The detailed design must:

- a) Demonstrate how the design will maintain the overland flow path, provide adequate access to the main, impose no additional loads onto the main and that the structure will be fully independent of the main and its trenching.
- b) include final detailed design plan, cross-sections and long-section which clearly demonstrate the relationship both vertically and horizontally between the proposed Council stormwater infrastructure and easement, and the proposed works (including overhang and footings). The plans must state the minimum setbacks from the works to the nearest external surface of the infrastructure, vertical clearance, and minimum work zone width.
- c) include an associated report discussing how the design provides adequate access to the main including assessment of working space required for future renewals, and details of how any demountable elements can be removed
- d) Be certified by a suitably qualified engineer

Prior to issue of any Certificate of Completion a suitably qualified engineer must confirm the installation of the works within two metres of Council's stormwater main is in accordance with the approved drawings and complies with this condition. Should any remediation works be required, these must be carried out at the developer's cost.

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

You will need separate permission under s73/74 of the Building Act 2016 and s13 of the Urban Drainage Act 2013 for any works within one metre horizontally of the nearest external surface of the stormwater main or within the easement.

It is not currently apparent that this permission will be granted due to the restricted access.

Please contact Hobart City Council's Bushland, Biodiversity and Waterways Unit to discuss.

SW 5

Construction of the development must not adversely impact the public stormwater infrastructure (ie the newly diverted piped rivulet down the laneway).

A construction management plan (CMP) must be submitted and approved prior to commencement of works. The CMP must be prepared by a suitably qualified and experienced engineer and must:

- 1. detail the proposed construction methodology /timing and identify all potential risks to the stormwater infrastructure during construction including but not limited to construction loading, traffic loading, excavation works, footing construction, vibrations, undermining, flood, and environmental harm;**
- 2. provide treatment measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks;**
- 3. include a monitoring regime.**

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

SW 11

The structure must be constructed and maintained to mitigate flood risk from the critical 1% AEP at 2100 event.

No additional intrusion into the floodwaters beyond that modelled in the JMG

Flood Report submitted as part of this application is approved.

Plans submitted for issue of any approval under the *Building Act 2016* must be certified by an accredited and qualified structural engineer that all proposed structures within the flood zone are designed to resist inundation, erosion, undermining and likely forces from a flood event (including debris loading with support columns).

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 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 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 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.

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

Advice:

For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

ENVHE 1

Recommendations in the report Environmental Site Assessment for DA, Old Forestry Building - 79-83 Melville Street and 80 Brisbane Street, Hobart (GHD) must be implemented, for the duration of the site development.

Specifically:

- 1. Management and handling (PPE and hygiene practices) of soil onsite during excavation is to be in accordance with Section 7 of the Environmental Site Assessment (page 25-26).**
- 2. No soil should be removed from site until it has been characterised under EPA Bulletin 105 Soils for Disposal by a suitably qualified person (as per Section 7, pages 25-26).**
- 3. The material to be excavated from the area in carpark at Brisbane Street near the Freedom Furniture loading bay should be segregated from the other spoil generated and retested to determine disposal options due to an elevated lead reading in one sample (as per Section 7, pages 25-26).**
- 4. If USTs are encountered during excavation, works are to cease until advice is sought from a suitably qualified person (the author of the ESA). If tanks are to be removed, they must be removed in accordance with EPA UPSS and Council requirements.**

Reason for condition

To ensure that the risk to site workers, the environment and future occupants of the building remain low and acceptable.

OPS 4

Two Platanus x acerifolia (London plane) trees in Brisbane Street must be protected from damage during the works, as per planning approval PLN-21-869. Therefore, prior to works commencing, all of the tree protection zones of both trees are to be fenced off and signs erected stating that the fencing is for tree protection. Where works encroach into the tree protection zones, the fencing should be erected as close to the edge of the zone as possible, to the satisfaction of the Project Arborist. No works are to occur within the fenced areas.

Reason for condition

To maintain the amenity value of street trees as per the City of Hobart Street Tree Strategy.

OPS 5

Details of the street tree protection measures specified in permit condition OPS 4 must be clearly notated on any plans submitted to the Council under the Building Act 2016.

Advice: Once the plans showing tree protection measures have been approved, the City will issue a condition endorsement (see general advice on how to obtain condition endorsement). 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 maintain the amenity value of street trees as per the City of Hobart Street Tree Strategy.

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](#).

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 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.

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.

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 Mobility Unit on 62382711.

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 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 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.



(Michael McClenahan)

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: 23 January 2023

Attachment(s):

Attachment B - Planning Committee Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

Attachment D - Applicant Submission on Passive Surveillance