



CITY OF HOBART

# **AGENDA**

## **CITY PLANNING COMMITTEE MEETING (OPEN)**

**TUESDAY, 14 JUNE 2016  
AT 5.00 PM**

### **SUPPLEMENTARY ITEMS**

#### **TABLE OF CONTENTS**

#### **6. COMMITTEE ACTING AS PLANNING AUTHORITY**

##### **6.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015**

**6.1.1 53 RUNNYMEDE STREET, BATTERY POINT - PARTIAL  
DEMOLITION, ALTERATIONS AND EXTENSION - PLN-16-  
00370-01 - FILE REF: 5589299 & P/53/797**

**6.1.2 98A CAMPBELL STREET, HOBART - ALTERATIONS AND  
PARTIAL CHANGE OF USE TO COMMUNITY MEETING AND  
ENTERTAINMENT - PLN-16-00413-01 –FILE REF: 5659226 &  
P/98-98A/388**

#### **14. RESPONSES TO QUESTIONS WITHOUT NOTICE – FILE REF: 13-1-10**

##### **14.1 DRAFT TASMANIAN CAT MANAGEMENT PLAN**

## **6. COMMITTEE ACTING AS PLANNING AUTHORITY**

---

### **6.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015**

#### **6.1.1 53 RUNNYMEDE STREET, BATTERY POINT - PARTIAL DEMOLITION, ALTERATIONS AND EXTENSION - PLN-16-00370-01 - FILE REF: 5589299 & P/53/797 30x's (Council)**

The General Manager reports:

“In accordance with the provisions of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, this supplementary matter is submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- (a) information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act.”

City of **HOBART****APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Council  
Committee: 14 June 2016  
Council: 20 June 2016  
Expiry Date: 21 June 2016  
Application No: **PLN-16-00370-01**  
Address: **53 Runnymede Street, Battery Point**  
Applicant: Suzanne Solvyns, 13 Araluen Place, Glenhaven  
Proposal: **Partial Demolition, Alterations and Extension**  
Representations: Three (3)  
Performance criteria: Historic heritage code

---

**1. Executive Summary**

- 1.1. Planning approval is sought for partial demolition and alterations to facilitate a second storey extension to the rear of the existing dwelling at 53 Runnymede Street.
- 1.2. The proposal relies on performance criteria to satisfy the following standards and codes.
  - 1.2.1. Historic heritage code
- 1.3. Three (3) representations objecting to the proposal were received within the statutory advertising period from the 28 April 2016 to 12 May 2016.
- 1.4. The proposal is recommended for refusal subject to conditions.
- 1.5. The final decision is delegated to the Council.

## 2. Site Detail

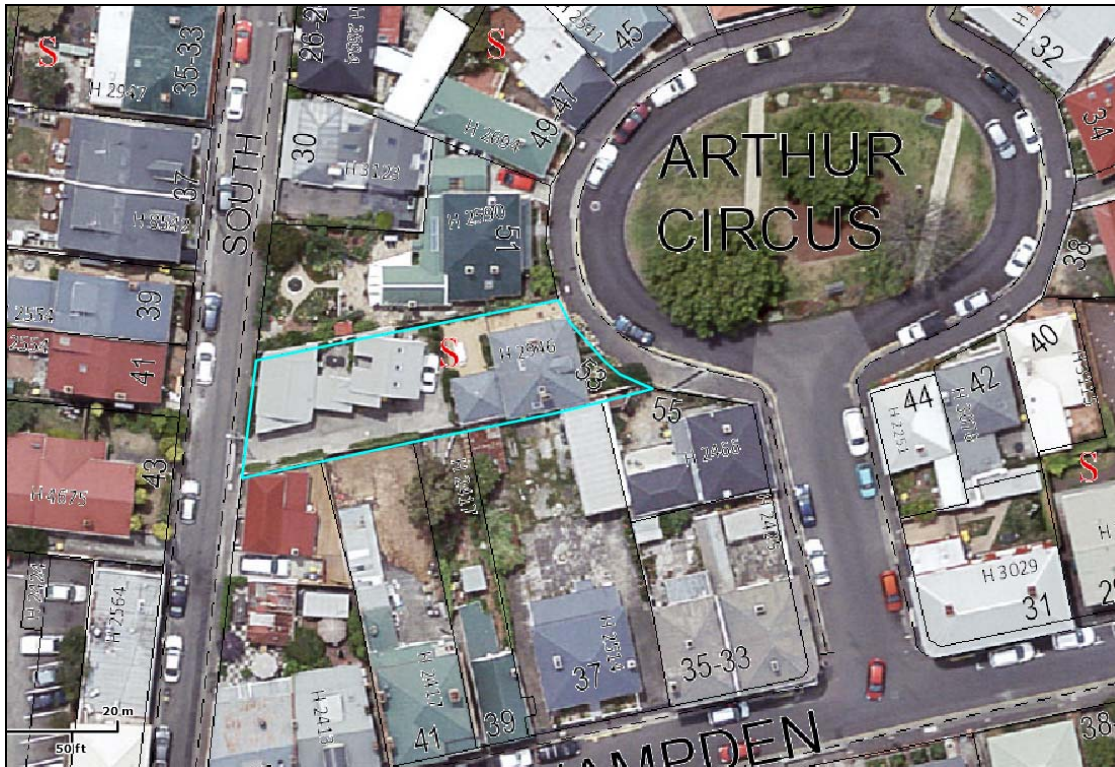


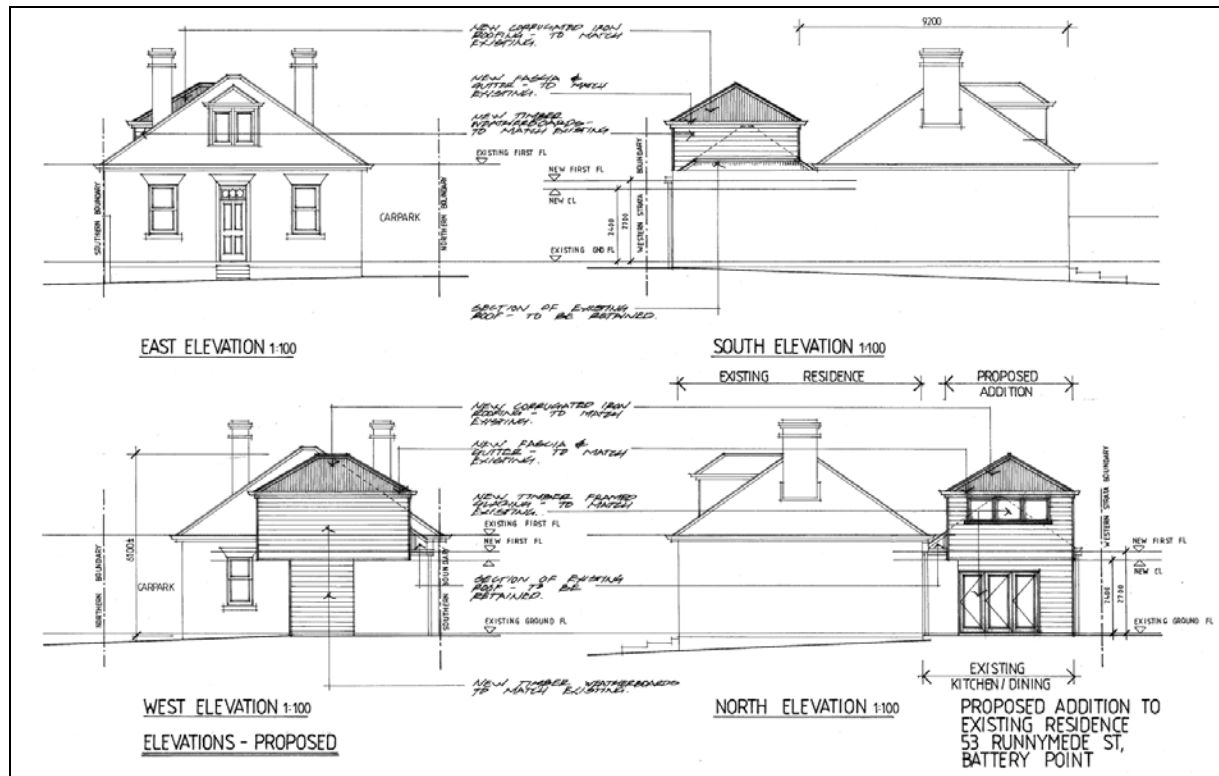
Photo 1: Site photo



Photo 2: 53 Runnymede Street to the left of image

### 3. Proposal

- 3.1. The proposal is for an upper level extension to the rear of the existing dwelling at 53 Runnymede Street. The 22.4m<sup>2</sup> extension is to be sited on the same footprint as an existing rear addition and is to contain a bedroom with ensuite. The proposal will involve the demolition of a section of the existing rear addition's roof to facilitate the additional storey, which is to be clad in weather boards with a corrugated iron roof to match the existing dwelling.



### 4. Concerns raised by representors

- 4.1. The following table outlines the issues raised by representors. All concerns raised with respect to the discretions invoked by the proposal will be addressed in Section 6 of this report.

- The proposed addition will detract from the rich history and amenity of Arthur Circus with additional height.
- The view to the spire of the St Georges Church both day and night will be blocked from most of the Circus.
- How could HCC consider this when our application was blocked for a similar second storey.
- We feel a second storey would not be in keeping with the area or its heritage, which attracts many visitors to Arthur Circus. The majority are very interested in the buildings and planning.
- The Horse Chestnut trees will not hide the extension as claimed, nor should they have to.
- It will impact on our only south facing window and we are concerned we will have far less natural light into our small kitchen area.

- This property is one of 16 small privately owned Georgian cottages forming “Arthur Circus” which is a discrete precinct. Every property is heritage listed as well as the central Arthur Circus Village Green. The streetscape is unique in Australia and attracts large numbers of visitors to view the Arthur Circus precinct as a whole. We are owners of one of the 16 cottages.
- We consider the application is not consistent with the intents, goals and schedules of the HIPS and should not be approved. The proposal is contrary to the objective of giving residential amenity the first priority in the development of residential zones in that it will not ensure the survival of the existing form and pattern of buildings in the area, it will not fully protect the residential amenity of the area and will not protect the historic, aesthetic, architectural elements and historic townscape quality of the area.
- The Tasmanian Heritage Places listing for this property indicates the entire precinct including the central village green is significant. “The resultant townscape of consistently detailed Georgian cottages built in the period 1847-1852 around a small urban park, is of a very high and unique order. The resultant qualities of the tight urban space and unified Georgian housing are possibly not found anywhere else.”

Enlarging the residential character of any of these 16 properties contradicts the use provisions of the Hobart Interim Planning Scheme 2015 (HIPS) in that the building on of a 2<sup>nd</sup> storey master bedroom suite is not maintaining the cultural heritage value that this listed precinct projects. The height and bulk of the building will not be similar to the buildings near it.

Improving utility areas of these small cottages in single storey extensions to accommodate more modern kitchens and bathrooms is expected. Extending the density of an already congested land area when this block has been strata titled to fit in another residence facing South Street is contrary to planning provisions.

- The scope of this proposed development demonstrates the applicant expects approval of a revolutionary quantum leap rather than evolutionary and gradual change. The proposed new extension is NOT consistent with gradual change!
- The introduction of a second storey development to this or any other property in Arthur Circus that is visible in any way from Arthur Circus should be refused. The proposed extension is contrary to siting provisions and the second storey, if built, would obscure current views of St George’s Church from northern sections of Arthur Circus which are now on view to all, day and night. Residents of Arthur Circus contribute to the St George’s Church Lighting Appeal which keeps the tower floodlit all year for all to enjoy.

- The alterations will be visible from the street. The applicant's claim that the deciduous chestnut trees in the Arthur Circus Village Green will hide the 2nd storey extension/addition is laughable. The fact pedestrian visitors examine the streetscape from all over Arthur Circus is discounted and our deciduous Chestnut trees are bare for months of the year. Previously, a tree located in the front garden of number 32 Runnymede Street, did obscure the additional building to the rear of number 34 Runnymede Street. That tree was cut down and not replaced when the property was painted in 2012 and the addition is now clearly visible and should not be. The same mistake should not be compounded when assessing this application.
- This development fails sections of the Historic Heritage Code - Part E - of the Hobart Interim Planning Scheme 2015, in particular the provisions outlined in Parts E 13.7 and E 13.8. We don't believe this extension complies with most of the provisions in these sections. No discretion should be applied to waive these non-complying sections.
- Four bedrooms suggest a need for the property to accommodate more than one motor vehicle. This property offers a single off street parking space. Currently there are 10 motor vehicle parking spaces in the Arthur Circus section of Runnymede Street. Seven of the sixteen properties have NO off street parking. There are 12 residential parking permits currently issued to residents of Arthur Circus. Residents compete for the 10 parking spaces with non-permit holders such as commuters and restaurant patrons.
- The 2<sup>nd</sup> storey extension/addition will most likely compromise privacy by overlooking adjoining properties such as 51 Runnymede Street and will certainly shade parts of properties 35, 37 and 39 Hampden Road and have an adverse effect on sightlines from 36 South Street.

- All properties on the western side of Arthur Circus (Numbers 41 to 55) are currently single storey, with two properties having attic dormers. Previously, No 53 was allowed to strata title so a frontage to South Street was developed on which a building, incorporating a 2nd storey, partly visible from Arthur Circus, was built. Number 34 on the eastern side of Arthur Circus was previously allowed a 2<sup>nd</sup> storey following a negotiated settlement with conditions between that applicant and the Heritage Council of Tasmania and subsequently rubber stamped by TASRMPAT after initially being refused by HCC and Heritage Tasmania. TASRMPAT did not “hear” argument after the applicant agreed to drop a change of use to Visitor Accommodation (VA).

This applicant (53 Runnymede Street) has previously submitted three (3) Visitor Accommodation applications under the now surpassed Battery Point Planning Scheme (BPPS) over 9 years. The three applications were generated as a result of regular complaints by Arthur Circus residents to Hobart City Council that 53 Runnymede Street was being used for unapproved short term visitor accommodation. By planning to add a 4<sup>th</sup> bedroom, further VA applications may be contemplated by the applicant, which would seem to be disallowed under the new HIPS.

Number 38 Runnymede Street has a steeply pitched attic roof with windows in both end gables. It is not two storey.

This above described pair of previously approved inconsistent and incompatible developments should not be used as precedents but rather prompt, as Empress Towers did, to provide the impetus to protect Battery Point heritage and Arthur Circus in particular for future generations which occurred by establishing the BPPS. The above pair of inadvertent breaches of the BPPS ‘tenor’ by previous administrations should not be perpetuated by a current better informed administration when administering the new HIPS.

Arthur Circus should remain a homogenous group of single storey properties. The fact two storey properties facing South Street are visible from Arthur Circus should not be further extended by approving this application that features a 2<sup>nd</sup> storey.

- Adding a further bedroom to this cottage is out of keeping with the rest of the Arthur Circus precinct. The attic area shown as store has previously been promoted as a 4th bedroom when marketed as visitor accommodation so this “Master Suite” would in truth become a 5th bedroom making the place like a boarding house which cannot be sustained when there one off street parking space.

- We consider the application is not consistent with the intents, goals and schedules of the HIPS and should not be approved. The proposal is contrary to the objective of giving residential amenity the first priority in the development of residential zones in that it will not ensure the survival of the existing form and pattern of buildings in the area, it will not fully protect the residential amenity of the area and will not protect the historic, aesthetic, architectural elements and historic townscape quality of the area.

## 5. Assessment

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

- 5.1. The site is located within the inner residential zone of the *Hobart Interim Planning Scheme 2015*.
- 5.2. The existing use of the site is as a dwelling.
- 5.3. The proposal has been assessed against:
  - 5.3.1. Part D.11 Inner residential zone
  - 5.3.2. E7.0 Stormwater management code
  - 5.3.3. E13.0 Historic heritage code
- 5.4. The proposal relies on the following performance criteria to comply with the applicable standards;
  - 5.4.1. Heritage – Part E
- 5.5. Each performance criterion is dealt with separately below.
- 5.6. Heritage – Part E
- 5.7. The site is individually listed within the Heritage Code and is also contained within the BP1 Heritage Precinct. The Council's Senior Cultural Heritage Officer has provided the following assessment of the proposal against the Heritage Code:

The application involves construction of a two-storey addition at the rear of the existing residence at 53 Runnymede Street (Arthur Circus). All buildings on this side of Runnymede Street are single storey (some have attic space with dormer windows). The subject building is one of a group of single storey cottages located in Arthur Circus, built within the space of five years (between 1847 and 1852). Arthur Circus epitomises the qualities that make Battery Point particularly significant, not only within Tasmania, but also on a national scale. The importance of the visual qualities of the Arthur Circus cottages is widely recognised.



PLATE VIII. – Cottages in Arthur Circus



PLATE IX. – Cottages in Arthur Circus

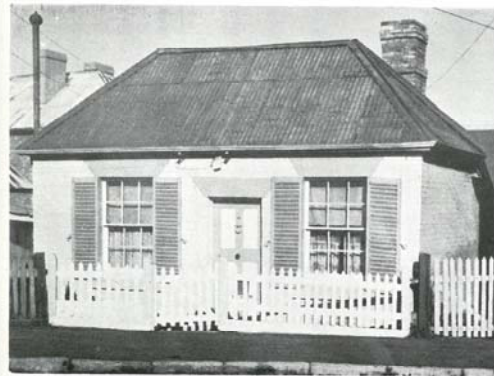


PLATE XI. – Painted Green and White and at present has tall hollyhocks in the garden



PLATE XII. – One of the cottages in Arthur Circus

Photographs of Arthur Circus cottages in 1951 book, *Battery Point Today and Yesterday*, by Amy Rowntree (1968 reprint). No 53 is shown in lower right hand photograph.

The architectural style (and features) of the existing building help to reinforce the cohesive quality of the immediate area, which contains many buildings of a similar age. The degree of intactness of such buildings is a significant factor – most of the buildings (including the subject house) have survived in their original form, with only minimal (and reversible) intervention.

With the exception of the Salamanca Place warehouses, Arthur Circus represents the most cohesive and intact collection of nineteenth century buildings within a Battery Point streetscape. Its significance as a precinct of mid nineteenth century cottages is unrivalled. All cottages are single storey; all have hipped or gabled roofs, and all retain their original general form.

## Development Standards

The existing building is a Heritage Place and is located within a Heritage Precinct. The following relevant provisions apply to **Heritage Places**:

### *E13.7.2 Buildings and Works other than Demolition*

#### *Objective:*

*To ensure that development at a heritage place is:*

- (a) undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance; and*
- (b) designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics.*

### *Performance Criteria P1 – P4*

#### *P1*

*Development must not result in any of the following:*

- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

#### *P2*

*Development must be designed to be subservient and complementary to the place through characteristics including:*

- (a) scale and bulk, materials, built form and fenestration;*
- (b) setback from frontage;*
- (c) siting with respect to buildings, structures and listed elements;*
- (d) using less dominant materials and colours.*

#### *P3*

*Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.*

#### *P4*

*Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.*

*Acceptable Solution A5*

*New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.*

*Performance Criterion P5*

*New front fences and gates must be sympathetic in design, (including height, form, scale and materials), to the style, period and characteristics of the building to which they belong.*

*Acceptable Solution A6*

*Areas of landscaping between a dwelling and the street must be retained.*

*Performance Criterion P6*

*The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance of the place.*

The following relevant provisions apply to **Heritage Precincts**:

*E13.8.2**Objective:*

*To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1</p> <p><i>No Acceptable Solution</i></p>	<p>P1</p> <p><i>Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.</i></p>
<p>A2</p> <p><i>No Acceptable Solution</i></p>	<p>P2</p> <p><i>Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.</i></p>

<p>A3</p> <p><i>No Acceptable Solution</i></p>	<p>P3</p> <p><i>Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.</i></p>
<p>A4</p> <p><i>New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.</i></p>	<p>P4</p> <p><i>New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.</i></p>
<p>A5</p> <p><i>Areas of landscaping between a dwelling and the street must be retained.</i></p>	<p>P5</p> <p><i>The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance or the streetscape values and character of the precinct.</i></p>

The significance of the Heritage Precinct is described in Table E13.2:

## **BP1**

### **Battery Point**

*This precinct is significant for reasons including:*

- 1. The wide variety of architectural styles and historic features ranging from entire streets of 19th century Colonial Georgian cottages, to Victorian, Edwardian and Pre and Post War examples of single and attached houses that are of historic and architectural merit, many of which demonstrate housing prior to mass car ownership.*
- 2. It is primarily a residential area with a mix of large substantial homes and smaller workers cottages on separate lots, gardens, an unstructured street layout, and lot sizes that show successive re-subdivision into narrow lots that demonstrate early settlement patterns of Hobart.*
- 3. The original and/or significant external detailing, finishes and materials demonstrating a high degree of integrity with a homogenous historic character.*

Specific development standards apply in **Heritage Precinct BP1**:

*E13.8.4 Buildings and Works in Heritage Precinct BP1*

*Objective:*

*To ensure that development undertaken within Heritage Precinct BP1 is sympathetic to the character of the precinct.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p><i>Site area per dwelling unit in Heritage Precinct BP1 must be not less than 350m<sup>2</sup>.</i></p>	<p><b>P1</b></p> <p><i>Site area per dwelling may be less if the development does not detract from the pattern of development that is a characteristic of the cultural heritage significance of the precinct in the vicinity of the site.</i></p>
<p><b>A2</b></p> <p><i>No acceptable solution.</i></p>	<p><b>P2</b></p> <p><i>Buildings should be close to the street frontage except where the prevailing setback on the same side of the street is substantial, in which case the setback shall conform to the general building line.</i></p>
<p><b>A3</b></p> <p><i>Building height (not including the basement or attic floor space with dormer windows) must not be greater than two storeys, or one storey if most buildings on the same side of the street in the immediate vicinity are single storey.</i></p>	<p><b>P3</b></p> <p><i>The height of development must neither be obtrusive in the streetscape nor detract from the pattern of development that is a characteristic of the cultural heritage significance of the precinct in the vicinity of the site.</i></p>
<p><b>A4</b></p> <p><i>No acceptable solution.</i></p>	<p><b>P4</b></p> <p><i>Where reasonable and practicable, a dwelling must substantially occupy the width of the frontage of a lot, except where the prevailing setbacks from side boundaries on the same side of the street are substantial and not so as to exclude a driveway or car parking at the side of the building.</i></p>

<p><b>A5</b></p> <p><i>The rear setback of the principal building must be at least:</i></p> <p>(a) 6 m for lots of up to 14 m in width;</p> <p>(b) 5 m for lots greater than 14 m in width.</p>	<p><b>P5</b></p> <p><i>The rear setback of the principal building must not detract from the layout pattern of development that contributes to the cultural heritage significance of the precinct and its contribution to private amenity facilitated by the 'house and garden' form of development.</i></p>
<p><b>A6</b></p> <p><i>A site where the principal building, excluding the basement, in part or whole is:</i></p> <p>(a) not more than one storey in height, or one storey comprising attic floor space with dormer windows, must have a site coverage of not more than 50%;</p> <p>(b) two or more storeys must have a site coverage of not more than 40%.</p>	<p><b>P6</b></p> <p><i>The building must not detract from the pattern of development that is a characteristic of the cultural heritage significance of the Precinct in the vicinity of the site.</i></p>
<p><b>A7</b></p> <p><i>No acceptable solution.</i></p>	<p><b>P7</b></p> <p><i>Land directly between a dwelling and the street shall not be designed or paved or used for the manoeuvring or parking of vehicles except to gain access.</i></p>

<p><b>A8</b></p> <p><i>No acceptable solution.</i></p>	<p><b>P8</b></p> <p><i>Each lot must have not more than one crossing over the footpath per frontage and have a maximum width of 3 m unless it can be demonstrated that the crossing and its width is essential and will:</i></p> <p>(a) <i>not detract from the historic cultural heritage significance of the precinct;</i></p> <p>(b) <i>provide a net benefit in parking quantum taking into account any loss in on-street parking required to facilitate the additional or wider access.</i></p>
<p><b>A9</b></p> <p><i>Maximum of 1 parking space per dwelling.</i></p>	<p><b>P9</b></p> <p><i>Parking must not detract from the cultural heritage significance or the setting of existing dwellings.</i></p>

The setting of the Arthur Circus cottages has been gradually compromised within the last few years by development within rear yards or in adjacent streets. Examples of approved buildings which have had a cumulatively negative impact are:

- Additional house in the original rear yard of 53 Runnymede Street – now numbered 36 South Street; this development, approved in 2004, now forms part of a strata title with the subject site.
- Rear extension of 30 South Street – located immediately behind 49 and 51 Runnymede Street;
- Rear extension of 34 Runnymede Street – originally screened by vegetation, but now quite obvious.

These additions are shown in photographs below:



No 53 and No 51 Runnymede Street, with gabled house at 36 South Street behind.



No 51 Runnymede Street, with new house at 36 South Street and extension to 30 South Street behind



No 34 Runnymede Street with extension behind

This application is the first Arthur Circus proposal to be assessed under the provisions of the *Hobart Interim Planning Scheme 2015*.

### **Assessment against Development Standards**

#### *E13.7.2 Buildings and Works other than Demolition*

##### *P1*

*Development must not result in any of the following:*

- (a) *loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) *substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

##### *P2*

*Development must be designed to be subservient and complementary to the place through characteristics including:*

- (a) *scale and bulk, materials, built form and fenestration;*
- (b) *setback from frontage;*
- (c) *siting with respect to buildings, structures and listed elements;*

(d) *using less dominant materials and colours.*  
P3

*Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.*

#### E13.8.4 Buildings and Works in Heritage Precinct BP1

**Objective:**

To ensure that development undertaken within Heritage Precinct BP1 is sympathetic to the character of the precinct.

Acceptable Solution A3 states:

Building height (not including the basement or attic floor space with dormer windows) must not be greater than two storeys, or one storey if most buildings on the same side of the street in the immediate vicinity are single storey.

The proposal does not meet this standard.

Performance Criterion P3 states:

The height of development must neither be obtrusive in the streetscape nor detract from the pattern of development that is a characteristic of the cultural heritage significance of the precinct in the vicinity of the site.

While the proposed development is set behind the main hipped roof cottage, it is located immediately next to the main structure, in the position traditionally occupied by skillions, verandahs and outbuildings.

The two storey addition will be visible from the side of 53 Runnymede Street, and is located closer to the Arthur Circus frontage than the other new structures referred to above. The proposal, by virtue of its height, width and general form is inconsistent with the pattern of development which is characteristic of the cultural heritage significance of the precinct in the vicinity of the site.

The proposal fails to meet key performance criteria (E13.7.2 – P1, P2, P3 and P4 and E13.8.4 – P3) and warrants refusal.

5.8. The officer's recommendation is supported.

## **6. Discussion**

6.1. The proposed second storey extension to the existing rear addition of the existing cottage at 53 Runnymede Street meets all the relevant Acceptable Solutions of the Inner Residential Zone as well as meeting the requirement under the Stormwater Code for adequate servicing. The proposal is discretionary as the site is a listed property within the Historic Heritage Code and is also located within the BP1 Heritage Precinct under the *Hobart Interim Planning Scheme 2015*.

- 6.2. The proposal received three representations within the public advertising period. The representors main concern primarily related to the second storey element being inconsistent with the existing streetscape of Arthur Circus and compromising the historic character of the area.
- 6.3. The representors also raised concerns about the impact on light to the adjoining property's kitchen window generated by the height of the extension. The Scheme requires assessment of bulk under the heritage provisions relevant to Heritage Precinct BP1; however if the building envelope were to be applied to the side boundary, the encroachment would be very minor, with height well below that of the maximum permitted.
- 6.4. The issue of car parking was raised however the bedroom does not create the requirement for additional car parking spaces under the Scheme.
- 6.5. The matter of privacy impacts from the upper level window was also raised however the windows are consistent with the acceptable solutions for privacy.
- 6.6. The site is listed on the register of the Tasmanian Heritage Council. The Heritage Council's decision was for the approval of the proposal subject to conditions. A copy of their decision is included as an attachment to this report.
- 6.7. The Hobart City Council's heritage assessment of the proposal relates to its status as a listed property under the Hobart Interim Planning Scheme 2015 as well as its siting within the Battery Point Heritage Precinct (BP1). Specifically, concern surrounds the two storey height of the proposal. As detailed above, the assessment of the Council's Senior Cultural Heritage Officer is that the second storey extension fails to meet relevant performance criteria within the Planning Scheme's Historic Heritage Code.

In light of this assessment, the recommendation of the proposal is for refusal.

## 7. Conclusion

- 7.1. The proposed partial demolition, alterations and extension at 53 Runnymede Street, Battery Point does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for refusal.

## 8. Recommendations

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition, alterations and extension at 53 Runnymede Street, Battery Point for the following reasons:

1. The proposed development does not meet performance criterion E13.7.2 P1 of the *Hobart Interim Planning Scheme 2015* as the development will result in loss of historic cultural heritage significance to the place through incompatible design, including in height and form.

2. The proposed development does not meet performance criterion E13.7.2 P2 of the *Hobart Interim Planning Scheme 2015* as the development is not designed to be subservient and complementary to the place through characteristics including its built form.
3. The proposed development does not meet performance criterion E13.7.2 P3 of the *Hobart Interim Planning Scheme 2015* as the built form does not respond to the dominant heritage characteristics of the place.
4. The proposed development does not meet performance criterion E13.7.2 P4 of the *Hobart Interim Planning Scheme 2015* as the extension to the existing building detracts from the historic cultural heritage significance of the place.
5. The proposed development does not meet performance criterion E13.8.4 P3 of the *Hobart Interim Planning Scheme 2015* as the height of the proposal will be obtrusive in the streetscape and will detract from the pattern of development that is a characteristic of the cultural heritage significance of Heritage Precinct BP1 in the vicinity of the site.



(Tristan Widdowson)

**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.*



(Rohan Probert)

**MANAGER DEVELOPMENT APPRAISAL**

*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: 8 June 2016

Attachment(s) Attachment A – Documents and Drawings List  
Attachment B – Tasmanian Heritage Council's Notice of Heritage  
Decision, Works Application No. 5003  
Attachment C – Documents and Drawings

**Attachment A****Documents and Drawings that comprise  
Planning Application Number - PLN-16-00370-01****DEVELOPMENT ADDRESS: 53 Runnymede Street, BATTERY POINT****LIST OF DOCUMENTATION:**

<b>Description</b>	<b>Drawing Number/Revision/Auth or/Date, Report Author/Date, Etc</b>	<b>Date of Lodgement to Council</b>
Application Form		07/04/16
Title	CT148220/2	07/04/16
Site Plan	Drawing No: DA-01 Date of Drawing: Apr 16	07/04/16
Floor Plans- Proposed	Drawing No: DA-02 Date of Drawing: Apr 16	07/04/16
Elevations- Proposed	Drawing No: DA-03 Date of Drawing: Apr 16	07/04/16
Line of Site Drawing	Drawing No: DA-04 Date of Drawing: Apr 16	07/04/16
Floor Plans- Existing	Drawing No: MD-01 Date of Drawing: Jan 16	07/04/16
Elevations- Existing	Drawing No: MD-02 Date of Drawing: Mar16	07/04/16
Stormwater-Site Plan	Drawing No: DA-02 Date of Drawing: Apr 16	20/04/16
Stormwater-Elevations	Drawing No: DA-03 Date of Drawing: Apr 16	20/04/16



Tasmanian Heritage Council

**Attachment B**

Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
103 Macquarie St, Hobart Tasmania 7000  
Tel: 1300 850 332  
[enquiries@heritage.tas.gov.au](mailto:enquiries@heritage.tas.gov.au)  
[www.heritage.tas.gov.au](http://www.heritage.tas.gov.au)

PLANNING REF: PLN-I6-00370-01  
THC WORKS REF: 5003  
REGISTERED PLACE NO: 5964  
FILE NO: 10-63-88THC  
APPLICANT: Suzanne Solvyns  
DATE: 25 May 2016

## NOTICE OF HERITAGE DECISION

*(Historic Cultural Heritage Act 1995)*

The Place: 53 Runnymede Street, Battery Point.  
Proposed Works: Minor partial demolition to modern rear extension.  
Alterations and two storey rear addition.

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995* (the Act), the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with Development Application PLN-I6-00370-01 advertised on 28/04/2016 subject to the following conditions:

- 1. The colours and finishes for the new additions must be sympathetic to the heritage character of the house and the historic character of Arthur Circus. A schedule of the proposed finishes and colours must be submitted to Heritage Tasmania and be to the satisfaction of the Works Manager prior to the commencement of works.**

Reason for condition

To ensure that the new work is compatible with the heritage values of the place and to minimise the visual intrusion of the new work.

- 2. The upper level of the new addition must cantilever no more than 900mm in length beyond the footprint of the existing modern addition, extending over the existing courtyard.**

Reason for condition

To ensure the new work results in an acceptable degree of visual intrusion on the character of the place and the Arthur Circus precinct.

- 3. The overall height of the new addition must be minimised as far as possible, with the overall height being no greater than 6100mm above the existing ground level, as taken adjacent to the existing extension.**

Reason for condition

To ensure the new works results in an acceptable degree of visual intrusion on the character of the place.

- 4. A copy of all plans and specification in making application for a building permit, and that demonstrates compliance with the requirements of Conditions 2 and 3, must be submitted to Heritage Tasmania and be signed off by the Works Manager prior to the commencement of works.**

Reason for condition

To ensure the proposed scope of works is in accordance with Heritage Tasmania's requirements.

Please ensure the details of this notice, including conditions, are included in any permit issued, and forward a copy of the permit or decision of refusal to the Heritage Council for our records.

Please contact Deirdre Macdonald on 1300 850 332 if you require clarification of any matters contained in this notice.

A handwritten signature in dark ink, appearing to be 'KE' followed by a long horizontal stroke.

Dr Kathryn Evans

**Chair**

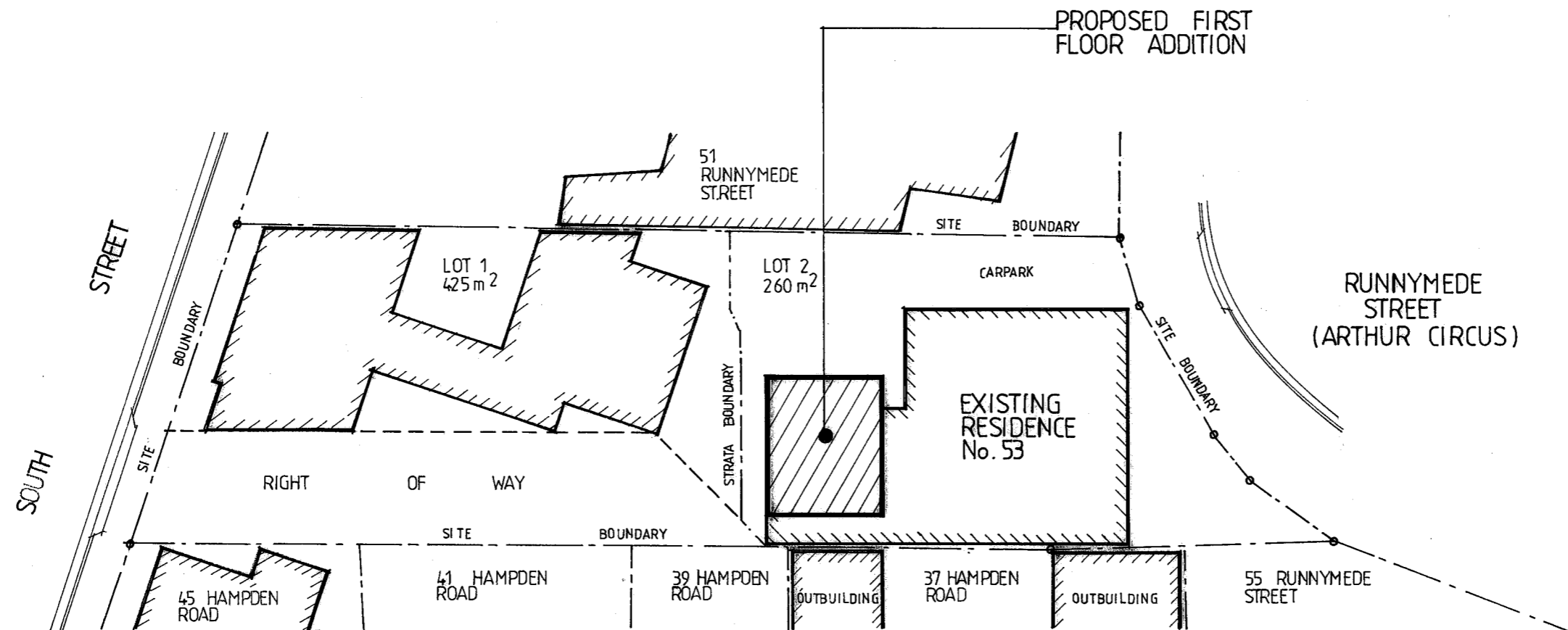
*Under delegation of the Tasmanian Heritage Council*

## Attachment C

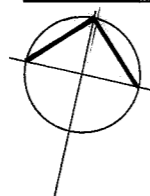
## DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit no. PLN-16-00370-01 and was received on 7 April 2016.

Planning Authority: Hobart City Council



SITE PLAN 1:200



## PLANNING SUMMARY

LOT No.2     C/T 148220     260m<sup>2</sup>

EXISTING GROUND FLOOR GROSS FLOOR  
AREA = 89.24 m<sup>2</sup>  
(NOT INCLUDING VERANDAH)

EXISTING FIRST FLOOR GROSS FLOOR  
AREA = 25m<sup>2</sup>

PROPOSED GROUND FLOOR ADDITION = 7.28m<sup>2</sup>  
(VERANDAH INFILL)

PROPOSED FIRST FLOOR ADDITION = 22.36m<sup>2</sup>

## DRAWING SCHEDULE

DA01 SITE PLAN

DA02 FLOOR PLANS - PROPOSED

DA03 ELEVATIONS - PROPOSED

DA04 LINE OF SIGHT DRAWING

MD01 FLOOR PLANS - EXISTING

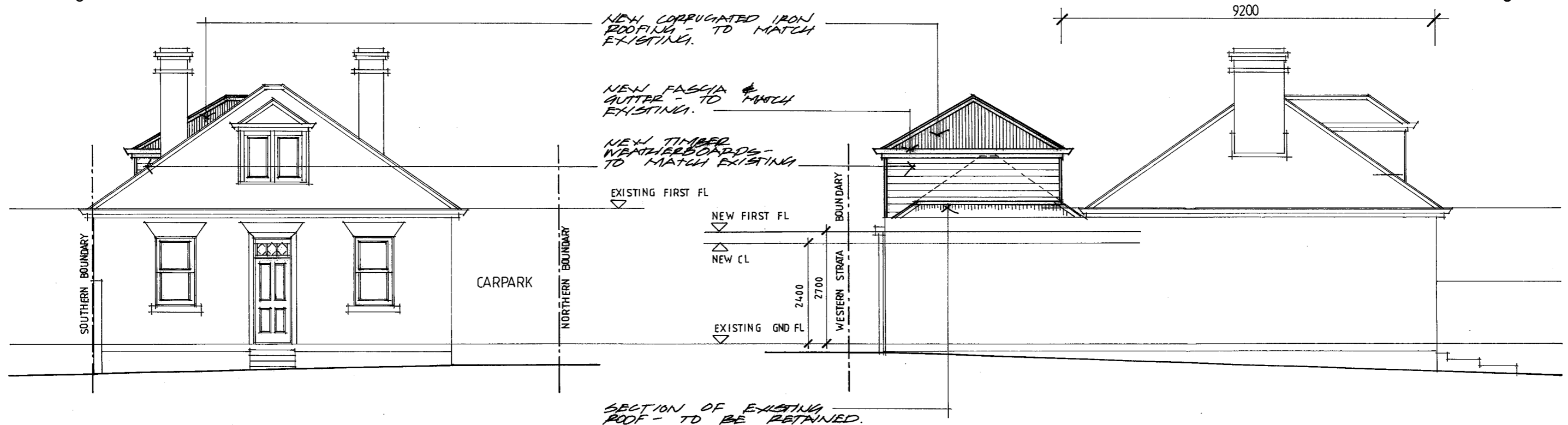
MD02 ELEVATIONS - EXISTING

PROPOSED ADDITION TO  
EXISTING RESIDENCE  
53 RUNNYMEDE ST,  
BATTERY POINT

FOR IBROMA PTY. LTD.

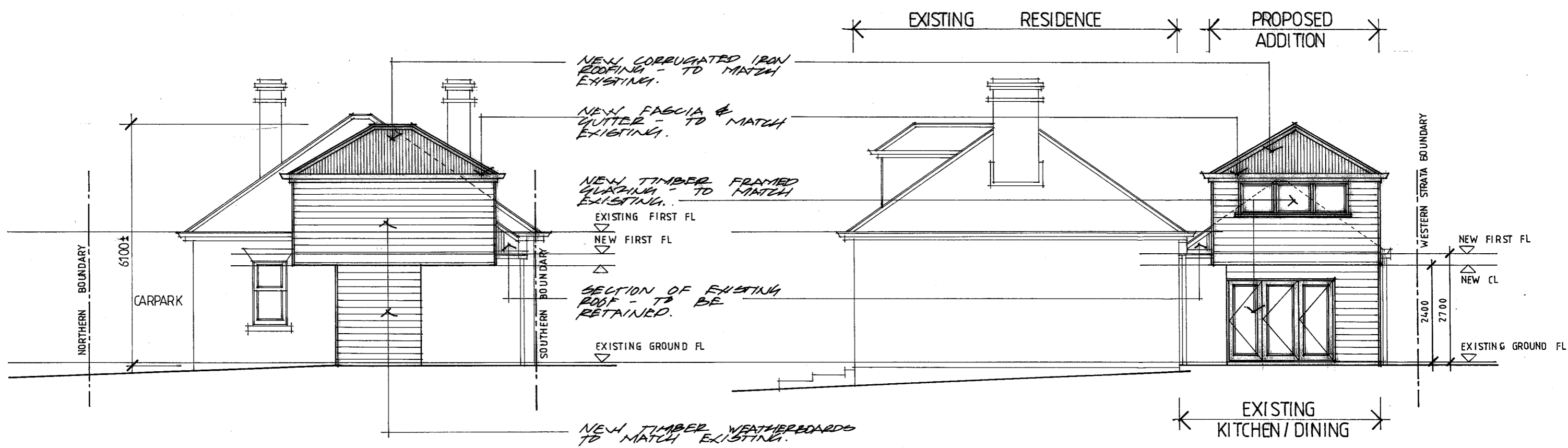
APR '16      DRG. No. IR-DA01





EAST ELEVATION 1:100

SOUTH ELEVATION 1:100



WEST ELEVATION 1:100

NORTH ELEVATION 1:100

ELEVATIONS - PROPOSED

## DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit no. PLN-16-00370-01 and was received on 7 April 2016.

Planning Authority: Hobart City Council

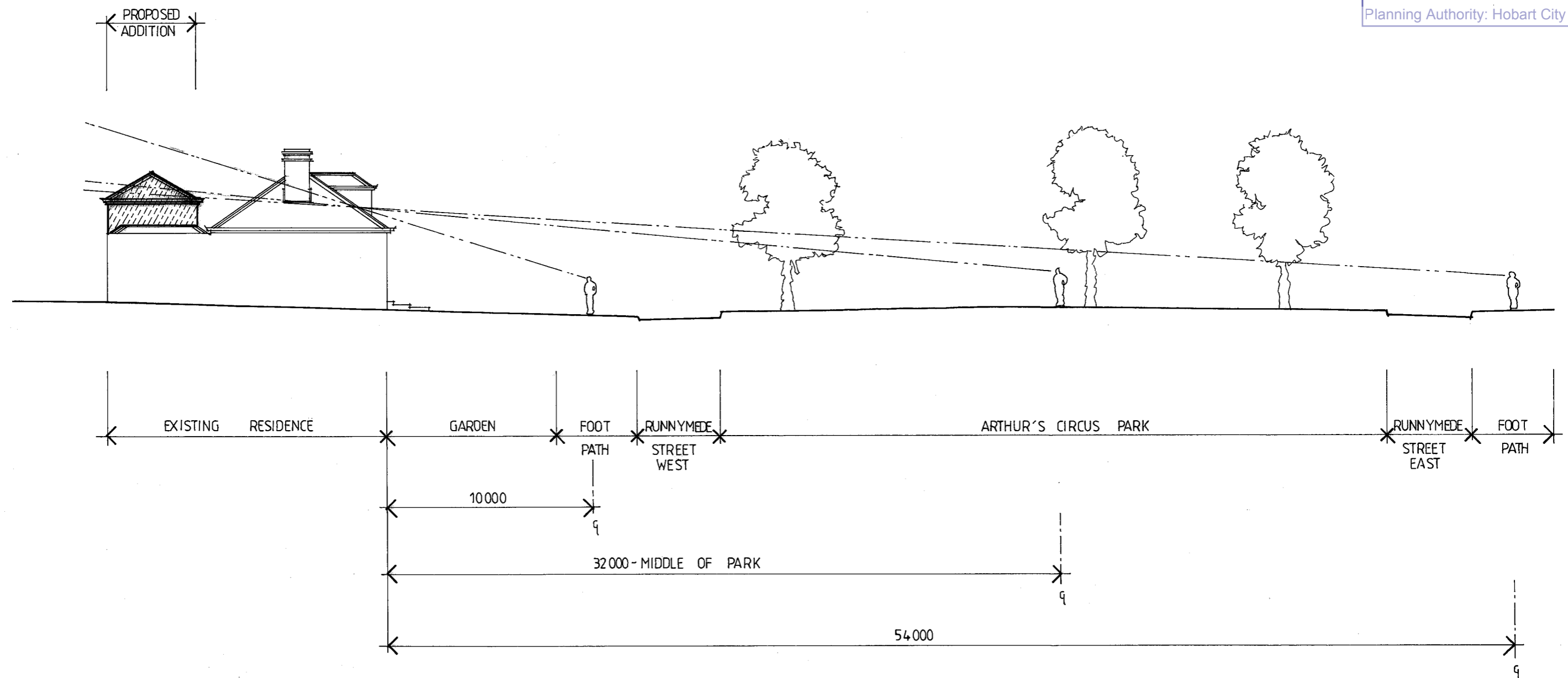
PROPOSED ADDITION TO  
EXISTING RESIDENCE  
53 RUNNYMEDE ST,  
BATTERY POINT

FOR IBROMA PTY. LTD.

APR '16 DRG. No. IR-DA03

This document is one of the documents relevant to the application for a planning permit no. PLN-16-00370-01 and was received on 7 April 2016.

Planning Authority: Hobart City Council

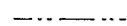


### SOUTH ELEVATION - LINE OF SIGHT DRAWING 1:200

#### LEGEND



INDICATES HUMAN  
FIGURE 1.8 m HIGH  
EYE LINE 1.6 m HIGH



INDICATES SIGHT  
LINE OF HUMAN  
FIGURE.

#### NOTE:

LINE OF SIGHT FROM THE  
MIDDLE OF ARTHUR'S CIRCUS  
PARK & EASTERN FOOTPATH  
IS OBSCURED BY THE EXISTING  
TREES IN THE PARK.

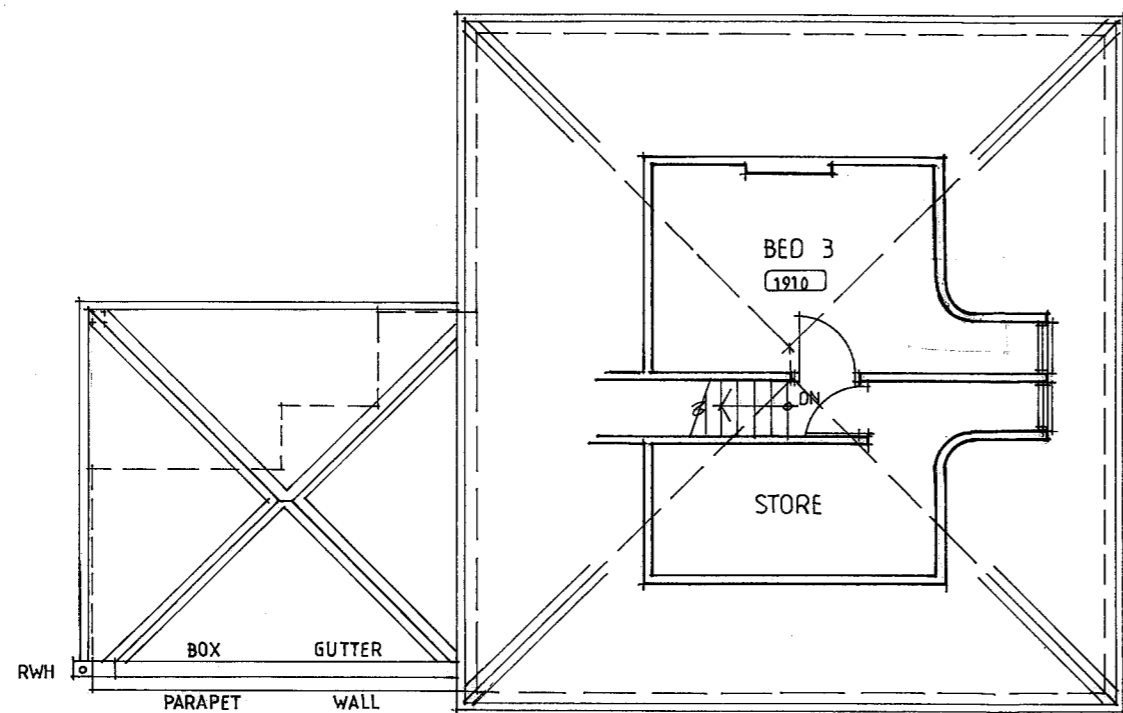
PROPOSED ADDITION TO  
EXISTING RESIDENCE  
53 RUNNYMEDE ST,  
BATTERY POINT

FOR - IBROMA PTY. LTD.

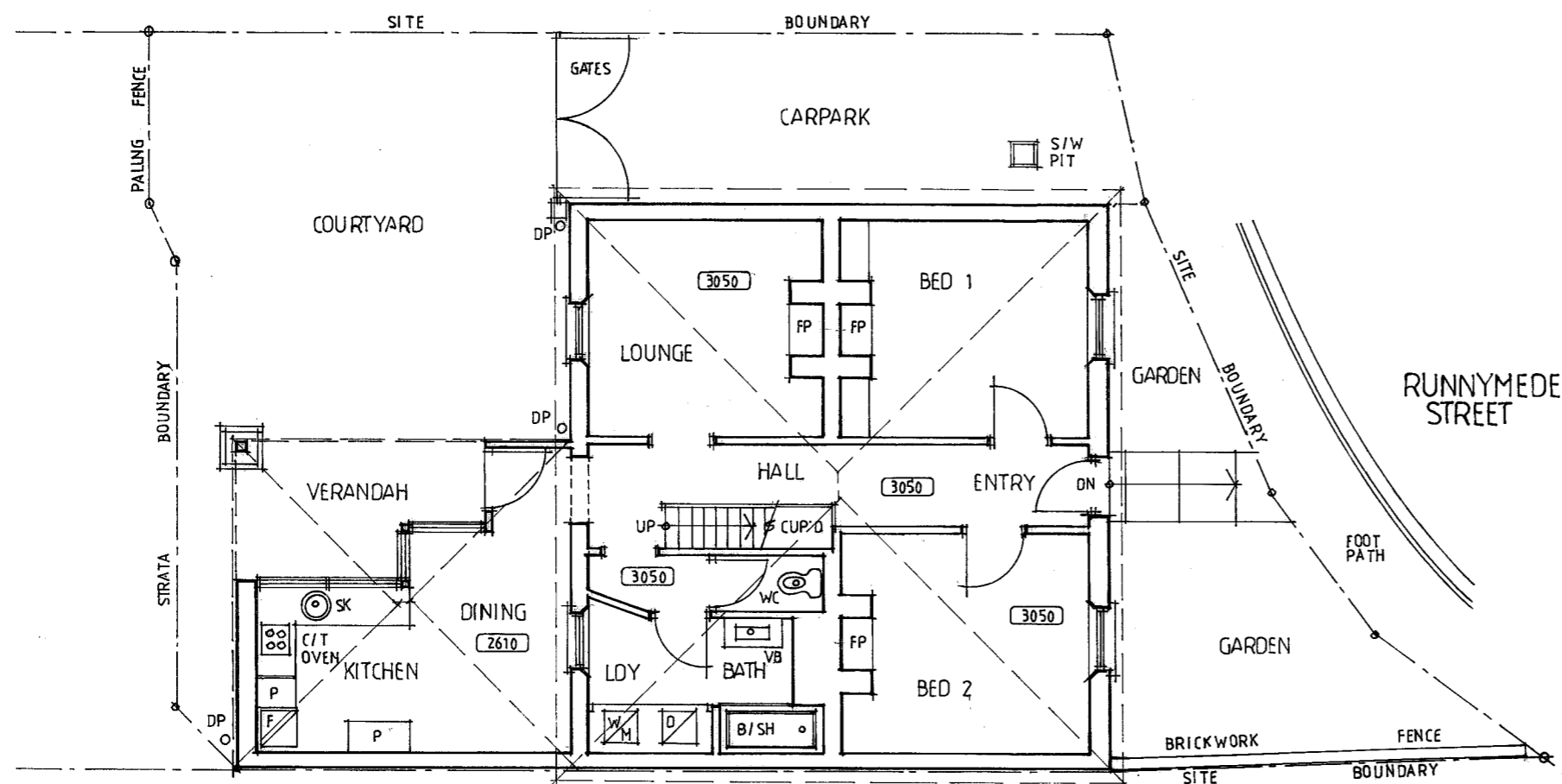
APR '16 DRG.No.IR-DA04

This document is one of the documents relevant to the application for a planning permit no. PLN-16-00370-01 and was received on 7 April 2016.

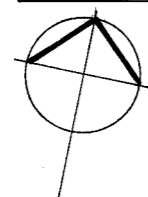
Planning Authority: Hobart City Council



FIRST FLOOR PLAN-EXISTING 1:100



SITE / GROUND FLOOR PLAN - EXISTING 1:100



LEGEND

3050 INDICATES CEILING HEIGHT ABOVE FLOOR LEVEL.

MEASURED PLANS OF  
EXISTING RESIDENCE  
53 RUNNYMEDE ST.  
BATTERY POINT

FOR IBROMA PTY. LTD.

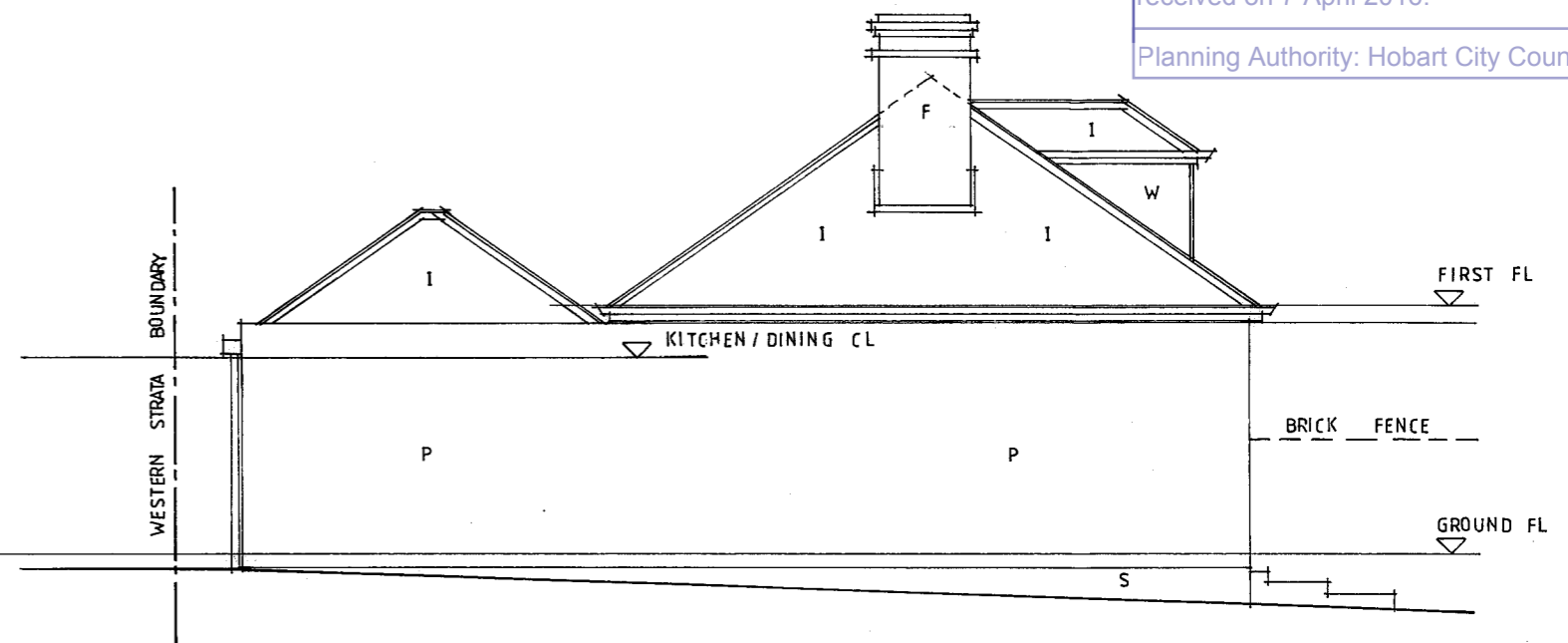
JAN '16 DRG.No. IR-MD01

This document is one of the documents relevant to the application for a planning permit no. PLN-16-00370-01 and was received on 7 April 2016.

Planning Authority: Hobart City Council



EAST ELEVATION 1:100



SOUTH ELEVATION 1:100

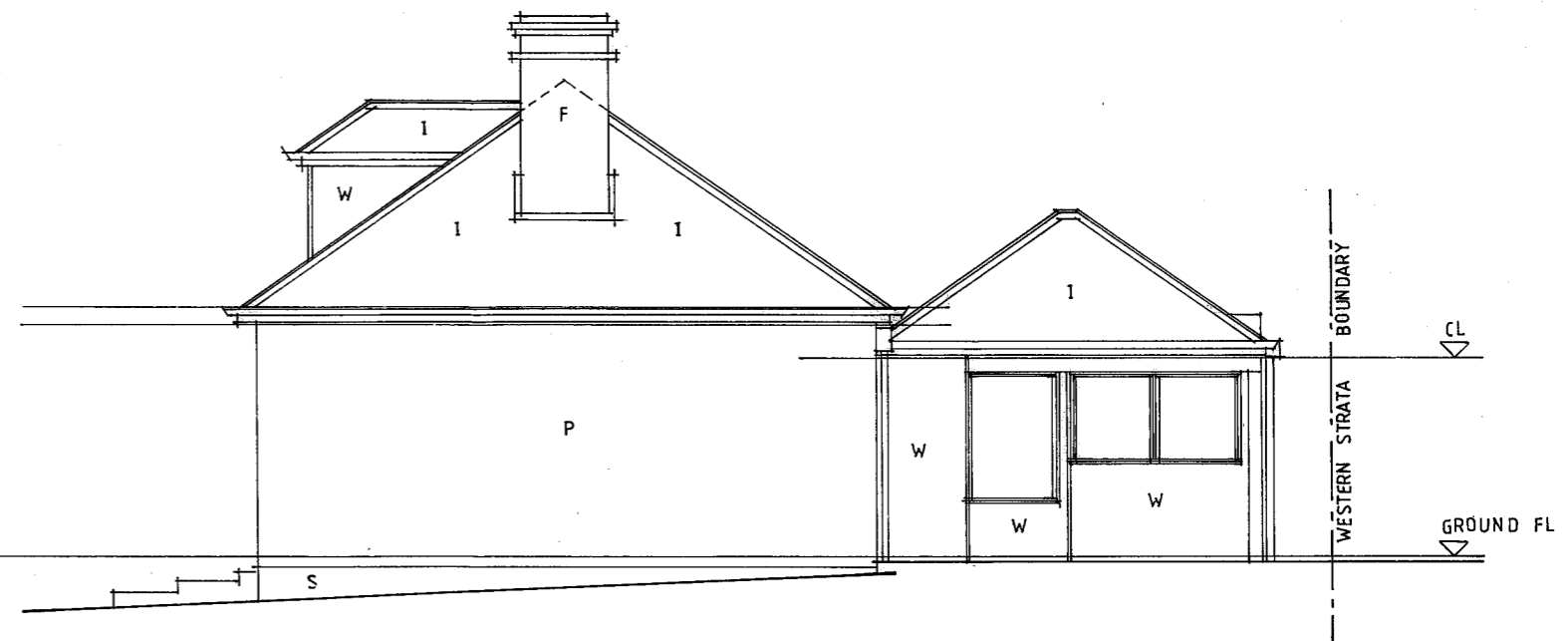


WEST ELEVATION 1:100

ELEVATIONS - EXISTING

LEGEND

- P PAINTED BRICKWORK.
- F FACE BRICKWORK.
- I IRON ROOFING - CORRUGATED.
- W WEATHERBOARDS - TIMBER.
- S SANDSTONE FOUNDATION WALL.



NORTH ELEVATION 1:100

MEASURED ELEVATIONS OF  
EXISTING RESIDENCE  
53 RUNNYMEDE ST,  
BATTERY POINT

FOR IBROMA PTY. LTD.

MAR '16 DRG.No. IR-MD02



Planning Authority: Hobart City Council



APR '16 DRG. No. IR-DA03

## **6. COMMITTEE ACTING AS PLANNING AUTHORITY**

---

### **6.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015**

#### **6.1.2 98A CAMPBELL STREET, HOBART - ALTERATIONS AND PARTIAL CHANGE OF USE TO COMMUNITY MEETING AND ENTERTAINMENT - PLN-16-00413-01 –FILE REF: 5659226 & P/98-98A/388**

109x's  
(Council)

The General Manager reports:

“In accordance with the provisions of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, this supplementary matter is submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- (a) information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act.”

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report	Council
Committee:	14 June 2016
Council:	20 June 2016
Expiry Date:	14 July 2016
Application No:	<b>PLN-16-00413-01</b>
Address:	<b>98A Campbell Street, Hobart</b>
Applicant:	Kelsey Timms, PO Box 210, Newstead
Proposal:	<b>Alterations and partial change of use to community meeting and entertainment</b>
Representations:	Six
Performance criteria:	Use standards, historic heritage code

---

**1. Executive Summary**

- 1.1. Planning approval is sought for alterations and partial change of use at the Penitentiary Chapel and Criminal Courts Historic Site at 98A Campbell Street. The site is owned and administered by the National Trust of Australia (Tasmania).
- 1.2. The proposal relates to the Penitentiary Chapel, which is located towards the south-eastern boundary of the overall site (see Images 1, 2 and 3 below).

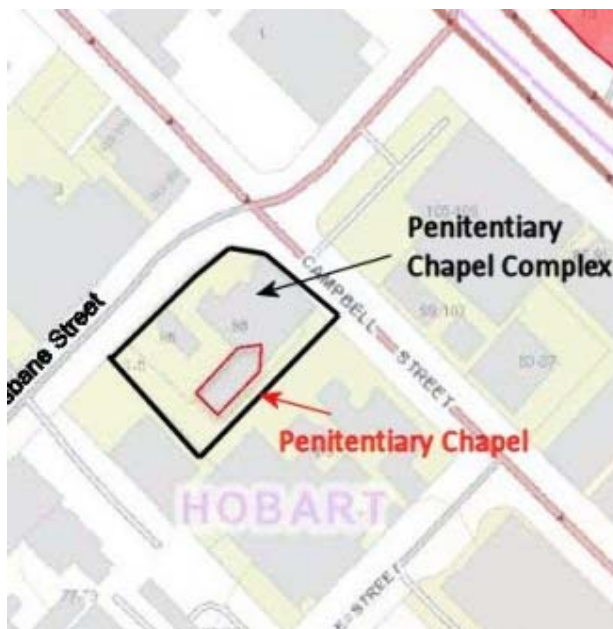


Image 1: location plan

relevant to the application for a plan  
permit No.PLN-16-00413-01 and was  
received on the 15 April 2016

Planning Authority: Hobart City Council



Image 2: The Brisbane Street frontage of the site



Image 3: An internal view of the Chapel Room

- 1.3. The application, more specifically, proposes to utilise the chapel space within the site to be the venue of what the application describes as an 'immersive film experience intended to raise the awareness of the site's significance and to provide an engaging experience for visitors to the site'. To facilitate the project, the application proposes to install 3 projectors and 9 speakers, all being matt black or a similar dull finish in colour.

- 1.4. This audiovisual equipment would be clamped to existing ceiling trusses, and associated cabling would be hidden from view where possible. An audio visual hardware box would be installed under a podium, and blinds would be installed to all windows. Lighting would be upgraded to be low energy usage, and dimmable and internal painting would occur.
- 1.5. The proposal relies on performance criteria to satisfy the following standards and codes.
  - 1.5.1. Use standards
  - 1.5.2. Historic heritage code
- 1.6. Six representations objecting to the proposal were received within the statutory advertising period.
- 1.7. The proposal is recommended for approval subject to conditions.
- 1.8. The final decision is delegated to the Council.

## 2. Site Detail

- 2.1. The site is the Penitentiary Chapel and Criminal Courts Historic Site at 98A Campbell Street, owned and administered by the National Trust of Australia (Tasmania).

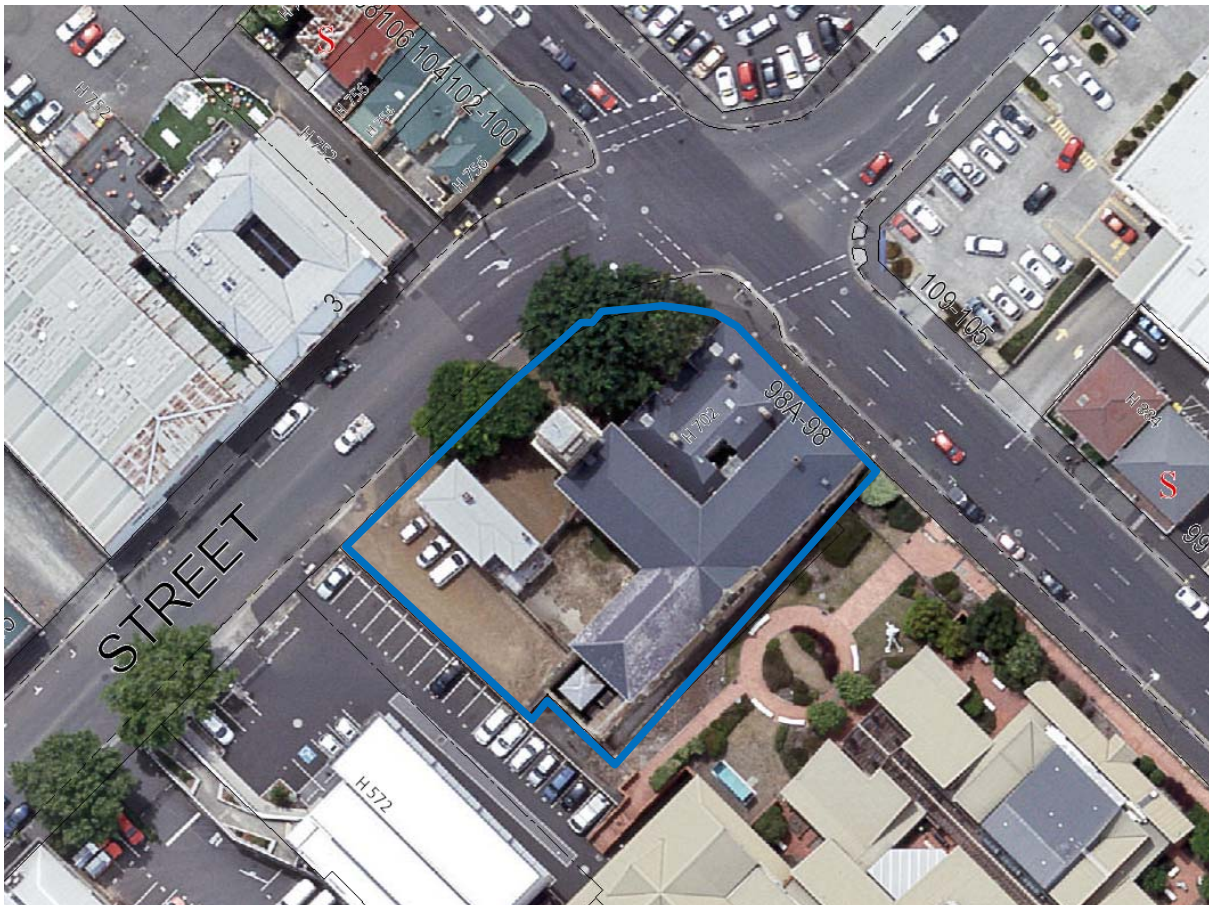


Image 4: subject site

### 3. Proposal

- 3.1. Planning approval is sought for alterations and partial change of use at the Penitentiary Chapel and Criminal Courts Historic Site at 98A Campbell Street. The site is owned and administered by the National Trust of Australia (Tasmania).
- 3.2. The proposal relates to the Penitentiary Chapel, which is located towards the south-eastern boundary of the overall site.
- 3.3. The application, more specifically, proposes to utilise the chapel space within the site to be the venue of what the application describes as an 'immersive film experience intended to raise the awareness of the site's significance and to provide an engaging experience for visitors to the site'. To facilitate the project, the application proposes to install three projectors and nine speakers, all being matt black or a similar dull finish in colour. This audiovisual equipment would be clamped to existing ceiling trusses, and associated cabling would be hidden from view where possible. An audio visual hardware box would be installed under a podium, and blinds would be installed to all windows. Lighting would be upgraded to be low energy usage and dimmable, and internal painting would occur.

### 4. Background

- 4.1. There is no relevant background to this application.

### 5. Concerns raised by representors

- 5.1. The following table outlines the issues raised by representors. All concerns raised with respect to the discretions invoked by the proposal will be addressed in Section 6 of this report.

Six representations have been received.

- Concern that proposal would 'allow this iconic chapel to be cheaply modified by the National Trust into an entertainment theatre with modern window frames, blinds and electronic equipment which will have an immeasurable impact on the daily visitors' first impression of the heritage chapel.
- Chapel at present remains largely unchanged, concern at appropriateness of changes.
- Concern at fire danger in darkened chapel, and concern at degree of fire safety precautions.
- Concern at impact on heritage fabric.
- Concern that there would be 'enormous visual impact on the aesthetic heritage value of the chapel.
- 'Hobart is exceedingly fortunate to have retained the Penitentiary Chapel Historic Site which features John Lee Archer's magnificent restored 1831 Chapel. To allow it to be converted into a movie theatre would be an extremely sad indictment on Hobart City's current heritage values and ideals'.
- Council should 'totally reject' proposal.
- 'Virtual experience' is a 'hideous betrayal of the historic and cultural heritage of the chapel'.
- Please do not destroy such an important structure.

- 'Will destroy ambience of convict structure'.
- 'Commercialism is not what this site is about'.
- 'Preserve it for what it is and treat this site as being every bit as, or even more important than Port Arthur to Tasmania's history and heritage'.

## 6. Assessment

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

6.1. The site is located within the Commercial Zone of the *Hobart Interim Planning Scheme 2015*.

6.2. The proposed use as defined under the Scheme is community meeting and entertainment. The proposal has discretionary status use.

6.3. The proposal has been assessed against:

- 6.3.1. Part D-23 Commercial Zone provisions
- 6.3.2. E13.0 Historic heritage code
- 6.3.3. E6.0 Parking and access code
- 6.3.4. Note with regard to parking and access code.

6.3.4.1. The acceptable solution under E6.6.1 A1 and Table E6.1 has a parking requirement of 1 space per 15 square metres or one space per 3 seats, whichever is the greater. The proposal would have a 42 seat capacity and comprise 140 square metres in area. The parking requirement based on seating capacity would be 14 spaces. The applicant submission dated 22 April 2016 states an existing parking provision for the entire site of 14 spaces. The proposal does not increase the existing parking requirements for the site, as the seating capacity and floor area is existing. The proposed use would, to a degree, be similar to that existing at the site, being 'community meeting and entertainment' in the form of public tours.

6.3.5. The Council's Development Engineer states the existing car park area provides 14 spaces and the partial change of use requires 14 spaces. The partial change of use should not generate any more demand. The Council's Manager Traffic Engineering raises no objection to the proposal.

6.3.6. The proposal complies with the acceptable solution.

- 6.4. The proposal relies on the following performance criteria to comply with the applicable standards;
- 6.4.1. Use – Part D 23.2: discretionary. No performance criteria apply.  
23.1.1 Zone purpose statements.
- 6.4.2. Historic Heritage Code – Part E
- 6.5. Each performance criterion is dealt with separately below.
- 6.6. Use – Part D 23.2: discretionary. No performance criteria apply.
- 6.6.1. The proposal includes what is considered to be a small intensification of the existing use, described as partial change of use to community meeting and entertainment.
- 6.6.2. No acceptable solution nor performance criteria apply.
- 6.6.3. Assessment against the zone purpose statements of the Commercial Zone is relied upon.
- 6.6.4. Those zone purpose statements are as follows:
- 23.1.1.1  
*To provide for large floor area retailing and service industries.*
- 23.1.1.2  
*To provide for [development](#) that requires high levels of vehicle [access](#) and car parking for customers.*
- 23.1.1.3  
*To provide for a diversity of generally non-[residential](#) uses reflecting the transition between the Central Business Zone and inner [residential](#) areas.*
- 23.1.1.4  
*To allow for uses such as car yards, warehouse and showrooms in the areas of high traffic volume and high passing visibility.*
- 23.1.1.5  
*To allow good quality [building](#) stock to be used for less land extensive central service uses such as offices and specialist wholesaling uses.*
- 23.1.1.6  
*To allow for [service industry](#) uses such as [motor repairs](#) which provide a valuable service to users of the central area.*
- 23.1.1.7  
*To provide for [residential](#) use primarily above ground floor level.*

6.6.5. The proposal involves a heritage listed building complex on the fringe of the city centre. The proposed use would, to a degree, be similar to that existing at the site, being 'community meeting and entertainment' in the form of public tours. The proposal would remain reasonably consistent with the character and amenity of the site and surroundings.

6.6.6. The proposal is considered to comply with the zone purpose statements.

#### 6.7. Historic Heritage Code

6.7.1. Proposed partial change of use to community meeting and entertainment.

6.7.2. There is no acceptable solution under E13.7.1 A1 or E13.7.2 A1.

6.7.3. The proposal does not comply with the acceptable solution; therefore assessment against performance criteria E13.7.1 P1 and E13.7.2 P1, P2, P3 and P4 is relied on.

6.7.4. Each performance criterion is dealt with separately below.

6.7.5. Heritage Clauses E13.7.1 and E13.7.2 - heritage place.

6.7.5.1. E13.7.1 P1 states:

*Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;*

*(a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*

*(b) there are no prudent and feasible alternatives;*

*(c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;*

*(d) significant fabric is documented before demolition.*

## 6.7.5.2. E13.7.2 P1 states:

*Development must not result in any of the following:*

- (a) *loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) *substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

## 6.7.5.3. E13.7.2 P2 states:

*Development must be designed to be subservient and complementary to the place through characteristics including:*

- (a) *scale and bulk, materials, built form and fenestration;*
- (b) *setback from frontage;*
- (c) *siting with respect to buildings, structures and listed elements;*
- (d) *using less dominant materials and colours.*

## 6.7.5.4. E13.7.2 P3 states:

*Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.*

## 6.7.5.5. E13.7.2 P4 states:

*Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.*

## 6.7.6. The comment of the Council's Senior Cultural Heritage Officer is as follows:

The application involves adaptation and minor alterations to the interior of a key space within an existing building for the purpose of presenting an interpretive film.

The Penitentiary Chapel and Criminal Courts Historic Site is a major convict period complex, now owned by the National Trust of Australia (Tasmania). The complex originally housed the 1831 Trinity Chapel, designed by John Lee Archer – a unique religious building with three separate naves, forming a T-shape. Two of these nave elements were subsequently converted for use as courtrooms, and are presented as such. The third wing retains its chapel configuration, with tiered pews. It is the only part of the complex where the arrangement of the original chapel can be clearly understood. It is within this space that the National Trust intend showing an interpretive film on convict transportation, entitled Pandemonium.

Use of the chapel space for audio-visual interpretation involves the installation of blinds to the existing windows, multiple projectors attached to the tie-beams of the roof trusses and multiple speakers. The work is intended to be entirely reversible, with no physical impact upon the significant building fabric.

The primary impact of the proposed works is upon the general appreciation of the space as part of the former chapel. It is intended to restrict the screening of the film to a limited period at the end of each day, thus ensuring that the existing qualities of the space can still be appreciated, with daylight coming through the high level windows. For most visitors to the Penitentiary Chapel and Criminal Courts Historic Site, the experience of the former chapel space will be unchanged, although introduced equipment such as projectors will be visible.

Interpretation is an important aspect of presenting any historic site, and most major sites provide some audio-visual presentation as part of the overall visitor experience. The challenge for any organisation, including the National Trust, is to provide appropriate interpretation opportunities, without compromising the very site that is being 'interpreted'.

The proposal will have some impact upon the existing site, but within the broader context of what the complex constitutes, this impact is considered within acceptable limits – particularly given the reversible nature of the works.

The proposal is discretionary, and was publicly advertised. It generated a number of well-articulated representations, primarily from members of the public with a close association with the Penitentiary Chapel and Criminal Courts Historic Site, either as site managers or volunteer guides. The proposal is viewed by representors as somewhat challenging, and at odds with the highly significant nature of the chapel interior and inconsistent with the traditional interpretation of the site. The National Trust received Tasmanian Community Fund support for this project, but could arguably have done more to garner support for the project from within its own 'community'. The development of a long-term 'interpretation plan' would provide an important opportunity to harness the knowledge and enthusiasm of community members who have a strong attachment to the site and its history.

The planning scheme contains the following relevant provisions for Heritage Places:

---

#### *E13.7.2 Buildings and Works other than Demolition*

##### *Objective:*

*To ensure that development at a heritage place is:*

- (a) undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance; and*
- (b) designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics.*

##### *P1*

*Development must not result in any of the following:*

- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

##### *P2*

*Development must be designed to be subservient and complementary to the place through characteristics including:*

- (a) scale and bulk, materials, built form and fenestration;*
- (b) setback from frontage;*
- (c) siting with respect to buildings, structures and listed elements;*
- (d) using less dominant materials and colours.*

P3

*Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.*

P4

*Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.*

---

Given the reversible nature of the proposal and the fact that the aesthetic qualities of the interior space of the former chapel will still be capable of appreciation during the day (i.e. the space will be used as a 'cinema' for very limited periods), the proposal is considered acceptable within the terms of the planning scheme.

The Tasmanian Heritage Council (THC) has considered this proposal and advised conditional approval. It is recommended that the conditions imposed by the THC be mirrored in the planning permit. The THC has also provided advice, and this should also be reflected in the Council's own permit.

- 6.7.7. The officer's assessment is supported. The proposal complies with the performance criterion.

## **7. Discussion**

- 7.1. The proposal is considered conditionally acceptable.
- 7.2. Approval is recommended.

## **8. Conclusion**

- 8.1. The proposed alterations and partial change of use to community meeting and entertainment at 98A Campbell Street Hobart satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

## 9. Recommendations

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for alterations and partial change of use to community meeting and entertainment at 98A Campbell Street, Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

### GENERAL

GEN The use and/or development must be substantially in accordance with the documents and drawings that comprise the Planning Application No. PLN-16-00413-01 outlined in attachment A to this permit except where modified below.

#### Reason for condition

To clarify the scope of the permit.

### TASMANIAN HERITAGE COUNCIL

THC The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, Works Application No. 5005 dated 25 May 2016, as attached to the permit.

#### Reason for condition

To clarify the scope of the permit.

### HERITAGE

Wall mounted conduits for power and audio-visual cables must be fixed using adhesive tape and be affixed only to surfaces finished with modern paint.

#### Reason for condition

To ensure that disturbance of historic masonry and surface finishes is avoided.

### ADVICE

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

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

- If a condition endorsement is required by a planning condition above, please forward documentation required to satisfy the condition to [rfi-information@hobartcity.com.au](mailto:rfi-information@hobartcity.com.au), clearly identifying the planning permit number, address and the condition to which the documentation relates.

Once approved, the Council will respond to you via email that the condition/s has been endorsed (satisfied).

Detailed instructions can be found at

[www.hobartcity.com.au/Development/Planning/How\\_to\\_obtain\\_a\\_condition\\_endorsement](http://www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement)

- Building permit in accordance with the *Building Act 2000*; [www.hobartcity.com.au/Development/Building](http://www.hobartcity.com.au/Development/Building)
- Plumbing permit under the *Tasmanian Plumbing Regulations 2014*; [www.hobartcity.com.au/Development/Plumbing](http://www.hobartcity.com.au/Development/Plumbing)
- TasWater does not object to the proposal under Submission to Planning Authority Notice TWDA 2016/00518-HCC dated 4/5/2016.
- Waste disposal -Top ten tips [www.hobartcity.com.au/Environment/Recycling\\_and\\_Waste](http://www.hobartcity.com.au/Environment/Recycling_and_Waste)
- Fees and charges [www.hobartcity.com.au/Council/Fees\\_and\\_Charges](http://www.hobartcity.com.au/Council/Fees_and_Charges)
- Dial before you dig [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

If you do not have access to the Council's electronic web page, please phone the Council (City Planning) on 6238 2715 for assistance.

The action taken by the National Trust to prepare a Conservation Management Plan for the Penitentiary Chapel and Criminal Courts Complex is commended; however, an interpretation plan ought to be developed for the complex before submitting any further applications for interpretative installations.

It is recommended that the interpretative images projected in the chapel space relate directly to the site, its evolution and its connection with the course of Tasmania's history.



(Richard Bacon)

**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.*



(Rohan Probert)

**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.*

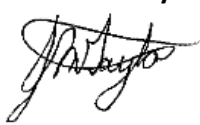
Date of Report: 8 June 2016

Attachment(s) Attachment A – Documents and Drawings List  
Attachment B – TasWater form Reference No. TWDA 2016/00518-HCC dated 4/5/2016.  
Attachment C – Tasmanian Heritage Council's Notice of Heritage Decision, Works Application No. 5005 dated 25/5/2016.  
Attachment D – Documents and Drawings

**Attachment A****Documents and Drawings that comprise  
Planning Application Number - PLN-16-00413-01****DEVELOPMENT ADDRESS: 98A Campbell Street, HOBART****LIST OF DOCUMENTATION:**

<b>Description</b>	<b>Drawing Number/Revision/Author/Date, Report Author/Date, Etc</b>	<b>Date of Lodgement to Council</b>
Application Form		15/4/2016
Title		15/4/2016
Documentation	Applicant submission 14/4/2016	15/4/2016
Documentation	Heritage Impact Statement Cultural Heritage Management Australia S Huys and Z Stanin 13/4/2016	15/4/2016
Documentation	Applicant submission 22/4/2016	26/4/2016
Site plan showing parking	Project No: - Drawing No: - Revision No: - Drawn by: - (list map) Date of Drawing: -	26/4/2016

## Submission to Planning Authority Notice

Council Planning Permit No.	PLN-16-00413	Council notice date	22/04/2016
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2016/00518-HCC	Date of response	4 May 2016
TasWater Contact	Greg Clausen	Phone No.	(03) 6237 8242
<b>Response issued to</b>			
Council name	HOBART CITY COUNCIL		
Contact details	hcc@hobartcity.com.au		
<b>Development details</b>			
Address	98A CAMPBELL ST, HOBART	Property ID (PID)	5659226
Description of development	Temporary fitout to Penitentiary Chapel Historic Site		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(2)(a) TasWater does not object to the proposed development and no conditions are imposed.			
<b>Advice</b>			
<p>For information on TasWater development standards, please visit <a href="http://www.taswater.com.au/Development/Development-Standards">http://www.taswater.com.au/Development/Development-Standards</a></p> <p>For information regarding headworks, further assessment fees and other miscellaneous fees, please visit <a href="http://www.taswater.com.au/Development/Fees---Charges">http://www.taswater.com.au/Development/Fees---Charges</a></p> <p>For application forms please visit <a href="http://www.taswater.com.au/Development/Forms">http://www.taswater.com.au/Development/Forms</a></p>			
<b>Declaration</b>			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
<b>Authorised by</b>			
			
<b>Jason Taylor</b> Development Assessment Manager			
<b>TasWater Contact Details</b>			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au



Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
103 Macquarie St, Hobart Tasmania 7000  
Tel: 1300 850 332  
[enquiries@heritage.tas.gov.au](mailto:enquiries@heritage.tas.gov.au)  
[www.heritage.tas.gov.au](http://www.heritage.tas.gov.au)

PLANNING REF: PLN-16-00413  
THC WORKS REF: 5005  
REGISTERED PLACE NO: 2208  
FILE NO: 09-05-81 THC  
APPLICANT: Kelsey Timms  
DATE: 25 May 2016

## NOTICE OF HERITAGE DECISION

*(Historic Cultural Heritage Act 1995)*

The Place: Penitentiary Chapel and Criminal Courts Complex,  
98 Campbell Street, Hobart.

Proposed Works: Alterations and Partial Change of Use.

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995* (the Act), the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with documentation submitted with Development Application PLN-00413-01, advertised on 27/04/2016 subject to the following condition and advice:

- 1. Wall mounted conduits for power and audio-visual cables are to be fixed using adhesive tape and be affixed only to surfaces finished with modern paint.**

Reason for condition

To ensure that disturbance of historic masonry and surface finishes is avoided.

Advice

- 1) The action taken by the National Trust to prepare a Conservation Management Plan for the Penitentiary Chapel and Criminal Courts Complex is commended; however, an interpretation plan ought to be developed for the complex before submitting any further applications for interpretative installations.
- 2) It is recommended that the interpretative images projected in the chapel space relate directly to the site, its evolution and its connection with the course of Tasmania's history.

Please ensure the details of this notice, including conditions, are included in any permit issued, and forward a copy of the permit or decision of refusal to the Heritage Council for our records.

Please contact Russell Dobie on 1300 850 332 if you require clarification of any matters contained in this notice.

A handwritten signature in dark ink, appearing to read 'K. Evans'.

Dr Kathryn Evans

**Chair**

*Under delegation of the Tasmanian Heritage Council*

**COMMERCIAL PROJECT DELIVERY**

Project + Construction Management

Kelsey Timms  
 Commercial Project Delivery  
 Po Box 210, Newstead, 7250, Tas

Hobart City Council  
 Attn: Richard Bacon  
 GPO Box 503  
 Hobart 7001

DEVELOPMENT APPLICATION DOCUMENT
This document is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 26 April 2016.
Planning Authority: Hobart City Council

4/22/2016

**Dear Richard,**

**98A Campbell Street, Hobart**

**Penitentiary Chapel Historic Site – Request for Information: PLN-16-00413-01**

Please find below the information that has been requested

**1. Current and proposed use of the Chapel space within the PCHS**

Currently the chapel space is used for tourism purposes, it is open for access to the general public for a fixed entry fee. The National Trust conducts multiple tours through the site including the chapel space during the day and evenings seven days a week.

During the year the PCHS becomes a venue for theatrical events and functions, during these functions tours are conducted through the chapel. The size of tour groups both during functions and in day to day operation can vary in size with a capacity of up to 42 visitors.

The proposed use of the Chapel would be to have two interpretation film showings daily, seven days per week excluding public holidays. There space has the seating capacity for 42 visitors per showing. This means there is no change in capacity numbers for the chapel. Whilst for a business case it would be desirable that the Chapel space would operate at full capacity, we predict that it is more likely to average at around 20% or 8-9 people.

**2. The seating capacity of the Chapel space**

The existing floor area and seating capacity will remain the same, at 42pax and 140m<sup>2</sup>.

**3. Available parking spaces**

Stated on the DA there is parking available for 14 cars, these spaces are un marked and are accessed from Brisbane street. This capacity remains unchanged. As discussed on this phone yesterday I have indicated on the

Kelsey Timms

---

plans submitted parking locations, please find this attached with the parking locations highlighted.  
Please also note the proximity to available public parking.

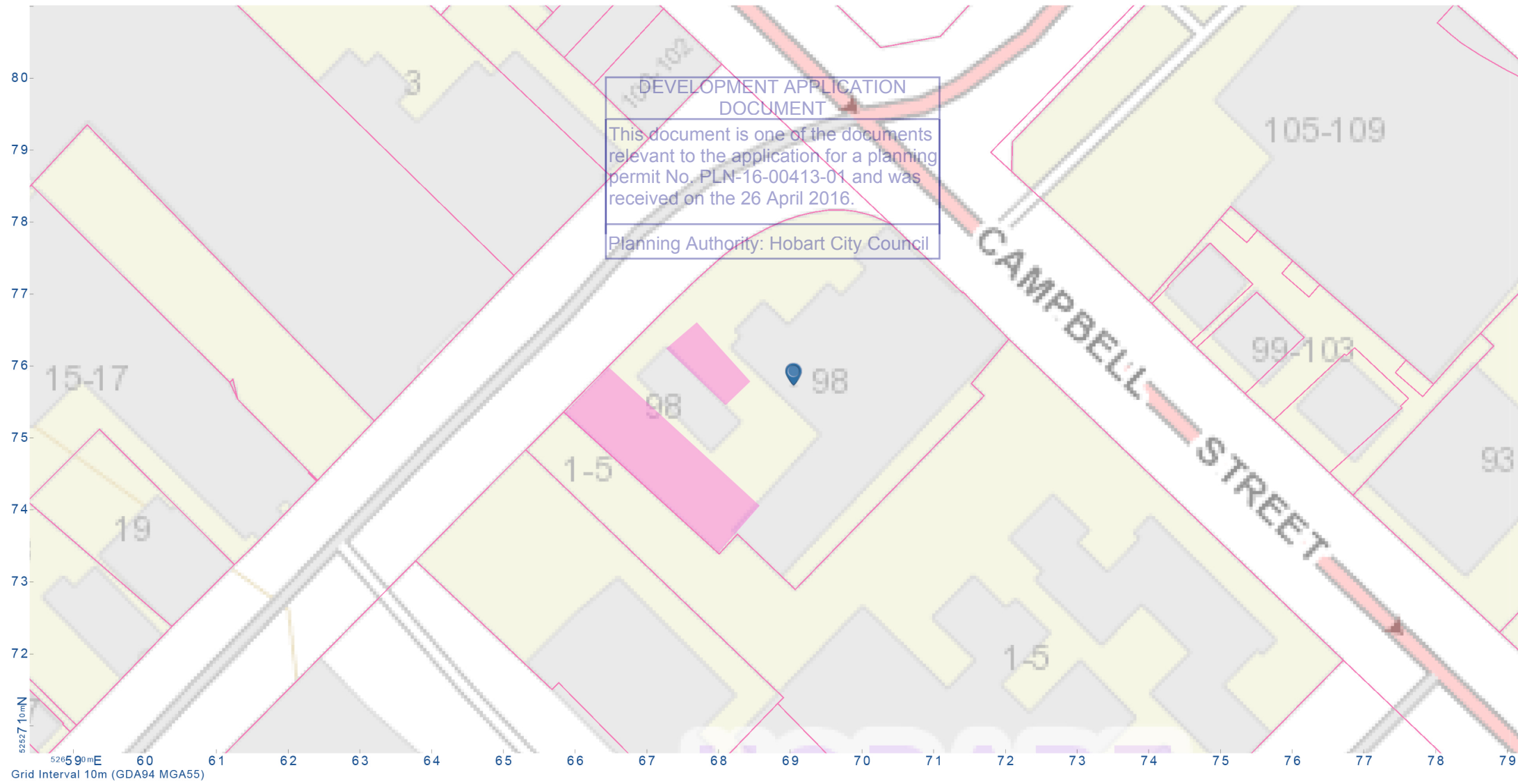
#### **4. Conclusion**

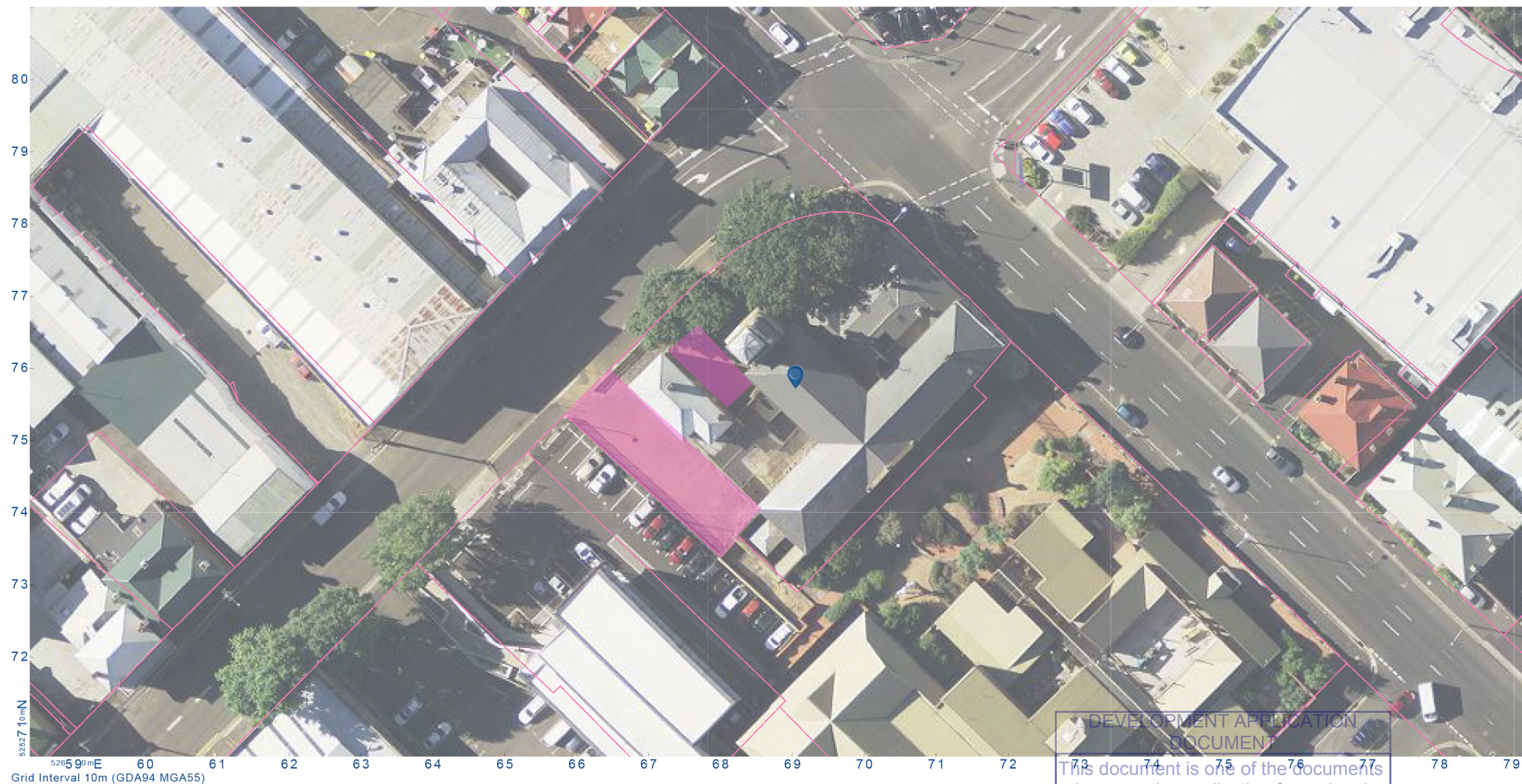
Please confirm that this satisfies your request for further information, should you have any queries, please do not hesitate to contact me.

Kelsey Timms

Contract Administrator

DEVELOPMENT APPLICATION DOCUMENT
This document is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 26 April 2016.
Planning Authority: Hobart City Council





www.thelist.tas.gov.au

**COMMERCIAL PROJECT DELIVERY**

Project + Construction Management



Kelsey Timms  
Commercial Project Delivery  
Po Box 210, Newstead, 7250, Tas

**DEVELOPMENT APPLICATION  
DOCUMENT**

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

Hobart City Council  
Attn: Brendan Lennard  
GPO Box 503  
Hobart 7001

4/14/2016

**Dear Brendan**

**98A Campbell Street, Hobart**

**Penitentiary Chapel Historic Site – Development Application**

Application is made for temporary works associated with the Penitentiary Chapel Historic Site. Discretion is triggered in relation to the Historic Heritage Code.

**1. The Site and Zoning**

The land is located at 98A Campbell Street Hobart and has a 50 metre frontage to Brisbane Street and a 35 metre frontage to Campbell Street. Access to the existing car park is via Brisbane Street. The site contains the existing Penitentiary Chapel and Criminal Courts Complex.

The site is contained within the following title:

- Certificate of Title Volume 159426, Folio 1

The site is situated in the Commercial Zone. The complex is owned and administered by the National Trust of Australia(Tasmania) and is currently operating as a tourism attraction.

**2. The Proposal**

It is proposed to utilise the chapel space within the site to be the venue of an immersive film experience intended to raise awareness of the sites significance and to provide an engaging experience for visitors to the site. To facilitate the films immersive experience, some minor and completely reversible works will need to occur. The overall cumulative heritage impacts of these various elements of the Pandemonium project on the Chapel room is assessed as being very low. The design and installation processes outlined above are designed to ensure that the physical impacts on the fabric and structural elements of the room will be negligible.

Kelsey Timms

Planning Authority: Hobart City Council

Audio visual equipment will be installed by clamping to building fabric, this eliminates the need for any permanent fixtures. A box to house all audio visual hardware will be installed beneath the podium at the northern end of the chapel and will have no visual impact on the space. To optimize the quality of the projection we will be painting over existing acrylic blue paint on the eastern wall of the chapel to match the off white surface of the surrounds. All windows will have a bespoke blind system installed so they can be operable throughout the day. The existing lighting will be upgraded to become low energy usage and dimmable, these fixtures are already modern and will only be slightly altered in appearance. Please refer to Heritage Impact Assessment for further detail on works considered.

The installation processes have also been designed so that the aesthetic impacts on the room are minimised. This includes the hiding of hardware from public view, and using innovated window treatments to ensure that natural lighting can still access the room outside of the Pandemonium viewing times.

### **3. Planning Assessment**

All proposed works are internal to the building therefore the zone development standards are not applicable. Please refer to attached Heritage Impact Statement for assessment against the Historic Heritage Code provisions.

No changes are proposed to the approved existing use of Tourist Operation (discretionary in the zone).

### **4. Conclusion**

This proposed works to enable an audio visual installation in the chapel at the Penitentiary Chapel Historic Site are the minimum necessary to enable the addition of the interpretative attraction at the site and are all reversible in the future. Assessment against the Historic Heritage Code is provided in the attached Heritage Impact Statement which demonstrates compliance with all relevant performance criteria (noting that for most clauses there is no acceptable solution) can be achieved.

Should you have any queries, please do not hesitate to contact me.

Kelsey Timms

Contract Administrator

DEVELOPMENT APPLICATION DOCUMENT
-------------------------------------

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016
--

Planning Authority: Hobart City Council
---

Kelsey Timms  
Commercial Project Delivery

**Loring, Jacqui**

---

**From:** Kelsey Timms [kelsey@cpdelivery.com.au]  
**Sent:** Thursday, 14 April 2016 5:09 PM  
**To:** E Planning  
**Subject:** Attn: Brendan Lennard - Development Application for PCHS  
**Attachments:** PCHS DA 140416.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Sent for Front Counter Lodgement (in place of CD)

**DEVELOPMENT APPLICATION  
DOCUMENT**

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

Dear Brendan,

Please find attached the completed DA for temporary works at the Penitentiary Chapel Historic Site.

Kind Regards  
Kelsey Timms  
Contract Administrator  
0422 967 442  
[www.cpdelivery.com.au](http://www.cpdelivery.com.au)

**COMMERCIAL PROJECT DELIVERY**

Project + Construction Management



This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version. Commercial Project Delivery, Level 1, 47a Brisbane St, Launceston, Tasmania, [www.cpdelivery.com.au](http://www.cpdelivery.com.au)

This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version. Commercial Project Delivery, Level 1, 47a Brisbane St, Launceston, Tasmania, [www.cpdelivery.com.au](http://www.cpdelivery.com.au)

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council



CULTURAL  
HERITAGE  
MANAGEMENT  
AUSTRALIA

The Penitentiary Chapel Pandemonium Project  
Heritage Impact Assessment

Final Report

AUTHORS NAME: Stuart Huys and Zvonka Stanin  
27 Apsley St South Hobart, Tas 7004

**CLIENT NAME : National Trust (Tasmania) 13-4-2016**

The Penitentiary Chapel Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council



The Penitentiary Chapel and Criminal Courts Complex



The Chapel Room where the Pandemonium Project will be focused

The Penitentiary Chapel Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## Table of Contents

	Page
<b>Executive Summary</b>	<b>1</b>
<b>1.0 Project Background</b>	<b>6</b>
1.1 Project Description	6
1.2 The Proposed Venue for the Pandemonium Film	7
<b>2.0 Methodology for the Heritage Impact Assessment and Limitations</b>	<b>9</b>
2.1 Project Methodology	9
2.2 Project Limitations	10
<b>3.0 A Brief History of the Penitentiary Chapel Site</b>	<b>11</b>
3.1 Introduction	11
3.2 Early Convict Administration – The Building of the Chapel (1829-1833)	11
3.3 Archer's Design	12
3.4 Chapel Operations 1833-1857	17
3.5 Transformation - The Supreme Court, Hobart Gaol and Penitentiary Chapel (1857-1963)	18
3.6 The interior of the Chapel (1950s)	20
3.7 Execution Yard and Gallows (1857-present)	22
3.8 The Abandonment of the Gaol and Demolition 1961-1983	24
3.9 Conservation, Restoration, Interpretation and the Public; 1984-Present	26
<b>4.0 Results of the Heritage Registers Search</b>	<b>28</b>
<b>5.0 Significance Assessment for the Penitentiary Chapel and Criminal Courts Complex</b>	<b>32</b>
5.1 Assessment Guidelines	32
5.2 The Burra Charter	32
5.3 Tasmanian Heritage Assessment Criteria	33
5.4 Significance Assessment for the Penitentiary Chapel and Criminal Courts Complex	34
5.5 Significance Assessment for the Penitentiary Chapel, former Western Transept	35

The Penitentiary Chapel Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## Table of Contents

	Page
<b>6.0 Statement of Heritage Impacts for the Pandemonium Project</b>	<b>40</b>
6.1 Summary of Heritage Impacts and Overarching Considerations	40
6.2 Statement of Heritage Impacts for the Installation of Projectors	44
6.3 Statement of Heritage Impacts for Speaker Installations	47
6.4 Statement of Heritage Impacts for the AV Box Installation	52
6.5 Statement of Heritage Impacts for Lighting Alterations	53
6.6 Statement of Heritage Impacts for the Re-painting of Chapel Walls	54
6.7 Statement of Heritage Impacts for the Installation of Automated Blinds on the Chapel Windows	55
<b>7.0 Statutory Controls and Legislative Requirements</b>	<b>59</b>
7.1 National Conventions	59
7.2 Commonwealth Legislation	61
7.3 State Legislation	62
7.4 Local Planning Schemes	65
<b>8.0 Heritage Management Plan</b>	<b>68</b>
8.1 Legal Requirements and Approval Processes	68
8.2 Procedures for Dealing with Accidental Impacts	69
8.3 Alterations and Additions to the Installation Process	69
8.4 General Recommendations	70
<b>References Cited</b>	<b>71</b>
<b>Appendix 1 Tasmanian Heritage Register Data Sheet for the Penitentiary Chapel and Criminal Courts Complex</b>	<b>75</b>
<b>List of Figures</b>	
Figure 1: The location of the Penitentiary Chapel Site west wing or transept, as the current study area (theLIST <a href="http://www.theList.tas.gov.au">www.theList.tas.gov.au</a> , sourced 1/04/2016)	8
Figure 2: Sprent's Book Mosaic, taken from survey of Hobart dated to between 1833 and 1837. Shows the original walls and prior to the execution chamber	13
Figure 3: <a href="https://stors.tas.gov.au/AUTAS001126077049w800">https://stors.tas.gov.au/AUTAS001126077049w800</a> , sourced 1/04/2016 South-west view of Trinity Church Publication Information: Hobart Town : H. Melville, 1834. Physical description: 1 print : b&w., lithograph ; 10 X 17 cm.	14

## Table of Contents

### List of Figures

Figure 4: Plan of the Chapel from Boyd's Report , 1847 , TAHO GO 33/58 P. 973 (copied from <a href="http://www.penitentiarychapel.com/html/hishtml/pchs%20plan.htm">http://www.penitentiarychapel.com/html/hishtml/pchs%20plan.htm</a> , sourced 01/04/2016)	15
Figure 5: Elevation of cells as planned by Archer from Superintendent 7's Report on the Condition of Convicts, 1847, TAHO GO 33/58 P. 973, sourced 1/04/2016)	15
Figure 6: A model of the Chapel, held in the current refractory, showing the pulpit and seating in the eastern transept, as interpreted from Archer, <a href="http://www.penitentiarychapel.com/html/hishtml/pchs%20pulpit.htm">http://www.penitentiarychapel.com/html/hishtml/pchs%20pulpit.htm</a> , sourced 1/04/2016	16
Figure 7: A model of the Chapel, held in the current refractory, showing the western side of the chapel. Model shows the open space on all sides of the building. A 20 <sup>th</sup> century model by J. Akerman of the National Trust.	16
Figure 8: Exterior of Chapel showing the southern side (1960-1970). TAHO, AA116_1_120, <a href="http://search.archives.tas.gov.au/default.aspx?detail=1&amp;type=I&amp;id=AA116/1/120">http://search.archives.tas.gov.au/default.aspx?detail=1&amp;type=I&amp;id=AA116/1/120</a> , sourced 1/04/2016	17
Figure 9: Plan of the Courts and Chapel. Penitentiary Chapel, dated to post 1909. Reproduced from <a href="http://www.penitentiarychapel.com/html/hishtml/pchs%201910%20plan.htm">http://www.penitentiarychapel.com/html/hishtml/pchs%201910%20plan.htm</a> , sourced 01/04/2016)	19
Figure 10: TAHO, NS2340_1_1, Photograph - Campbell Street Gaol, Hobart – interior of chapel; 1955; ( <a href="http://search.archives.tas.gov.au/default.aspx?detail=1&amp;type=I&amp;id=NS2340/1/1">http://search.archives.tas.gov.au/default.aspx?detail=1&amp;type=I&amp;id=NS2340/1/1</a> , sourced 1/04/2016)	20
Figure 11: TAHO, NS2340_1_2, Photograph - Campbell Street Gaol, Hobart – Internal walls and cell doors; 1955, ( <a href="http://search.archives.tas.gov.au/default.aspx?detail=1&amp;type=I&amp;id=NS2340/1/2">http://search.archives.tas.gov.au/default.aspx?detail=1&amp;type=I&amp;id=NS2340/1/2</a> , sourced 1/04/2016)	21
Figure 12: TAHO, NS2340_1_3, See Figure 12 and 13, <a href="http://search.archives.tas.gov.au/default.aspx?detail=1&amp;type=I&amp;id=NS2340/1/3">http://search.archives.tas.gov.au/default.aspx?detail=1&amp;type=I&amp;id=NS2340/1/3</a> , sourced 1/04/2016	21

The Penitentiary Chapel Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## Table of Contents

### List of Figures

Figure 13: Exterior Location of the Penitentiary Chapel against modern infrastructure. TheLIST, [www.theiist.tas.gov.au](http://www.theiist.tas.gov.au), sourced 1/04/2016. Red delineates the original western chapel roofline, the yellow delineates the executioner's yard and gallows 23

Figure 14: TAHO, NS2340\_1\_23, a photo dating to 1955, showing trapdoor. <http://search.archives.tas.gov.au/default.aspx?detail=1&type=I&id=NS2340/1/23>, sourced 1/04/2013 24

Figure 15: View of the western transept following 1863 partial demolition, facing north west, <http://www.penitentiarychapel.com/html/hishtml/pchs%20cyclone.htm>, sourced 1/04/2016 25

Figure 16: View of the western transept following 1863 partial demolition, facing north west <http://www.penitentiarychapel.com/html/hishtml/pchs%20chapel%20today.htm>, sourced 1/04/2016 25

Figure 17: Places of Archaeological Potential in the Hobart City Council Area <http://iplan.tas.gov.au/pages/plan/book.aspx?exhibit=hobips>, sourced 31/03/2016 31

Figure 18: Plan showing the proposed location of the three projector units, mounted to the ceilings trusses 46

Figure 19: The location of speakers 1-9 on the ceiling trusses of the Chapel room 49

Figure 20: The location of speakers 10-20 at audience level in the Chapel room 50

Figure 21: The location of speakers 21-24 below audience level in the Chapel room 51

### List of Tables

Table i: Summary Statement of Heritage Impacts for the Pandemonium Project 2

Table 1: Preliminary significance assessment including a timeline of the key phases of construction and use, at the Penitentiary Chapel, former western transept. The executioner's yards are also described 36

Table 2: Summary Statement of Heritage Impacts for the Pandemonium Project 42

The Penitentiary Chapel Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## Table of Contents

Page

### List of Plates

Plate 1: View of the ceiling trusses where it is proposed to mount the three Projectors	45
Plate 2: View south at the Chapel room showing the ceiling trusses where speakers 1-9 will be placed, and the areas where speakers 10-20 will be positioned, below seating or in voids	48
Plate 3: View south in the Chapel room showing the general location of speakers 21-24 placed at below audience level	48
Plate 4: The proposed location of the AV Box, beneath the podium at the northern end of the Chapel room	52
Plate 5: The existing lighting along the western wall of the Chapel room which will be modified	53
Plate 6: The blue paint on the northern and eastern internal wall of the Chapel room, which is proposed to be repainted	54
Plate 7: View showing the five windows within the Chapel Room	57
Plate 8: The four windows on the northern wall of the Chapel room which are proposed to have automated shutters installed	57
Plate 9: The single window on the southern wall of the Chapel room which is proposed to have an automated shutter installed	58

The Penitentiary Chapel Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## Executive Summary

### Project Background

Penitentiary Chapel and Criminal Courts Complex (The Trench) is located at the corner of Brisbane and Campbell Streets in the Hobart CBD (see Figure 1). The complex is owned and administered by the National Trust of Australia (Tasmania), and is currently operating as a tourism venue.

The National Trust of Australia (Tasmania) are assessing opportunities for improving the visitors' experience of the Penitentiary Chapel site, and increasing visitation numbers. As part of this process, Roar Film has been engaged by the Board of the National Trust of Australia (Tasmania) to produce a short film which incorporates the themes of convict life in Tasmania, and the role of the Penitentiary Chapel site in the penal history of the Australia. The film project is known as "Pandemonium". It is proposed that the film will be shown in the surviving portion of the Penitentiary Chapel room.

CHMA Pty Ltd has been engaged by the Board of the National Trust of Australia (Tasmania) to undertake a Heritage Impact Assessment and prepare a Statement of Heritage Impacts for the Pandemonium Film Project. This report presents the findings of the assessment.

### Statement of Heritage Impacts

Table i below provides a summary of the installations and alterations that are proposed to take place in the Chapel Room as part of the Pandemonium Film Project, and a summary statement of heritage impacts.

The overall cumulative heritage impacts of these various elements of the Pandemonium project on the Chapel room is assessed as being very low. The design and installation processes outlined above are designed to ensure that the physical impacts on the fabric and structural elements of the room will be negligible.

The installation processes have also been designed so that the aesthetic impacts on the room are minimised. This includes the hiding of hardware from public view, and using innovated window treatments to ensure that natural lighting can still access the room outside of the Pandemonium viewing times.

The detailed Statement of Heritage Impacts for the Pandemonium Project is presented in section 6 of this report.

The Penitentiary Chapel Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

**Table i: Summary Statement of Heritage Impacts for the Pandemonium Project**

Description of Installation or Alteration	Statement of Heritage Effects
<b>Installation of Projectors</b> Three projectors plus associated cabling to be installed on the ceiling trusses of the Chapel room.	Installation and removal of projectors and cabling will have no physical impacts on the ceiling trusses. Projectors and cabling will be partially hidden from public trafficable areas. Therefore the aesthetic impacts of the installation is assessed as low.
<b>Installation of Speakers</b> It is proposed to install 24 speakers within the Chapel room. Speakers 1-9 will be clamped to the ceiling trusses. Speakers 10-20 will be positioned at audience level within the Chapel room. Speakers 21-24 will be positioned below audience level in void spaces within the Chapel room.	Installation and removal of the speakers and associated cabling will have no physical impacts on the structure or fabric of the Chapel room. The speakers and cabling will all be largely hidden from view to the public trafficable areas. This means that the visual aesthetic impacts on the room will be very low.
<b>Installation of AV Box</b> Audio-visual hardware that will be required for the operation of the projectors and speakers will be housed within an AV box, placed beneath the podium at the northern end of the Chapel room.	AV Box will be hidden from public view beneath the podium at the northern end of the Chapel room, therefore the visual aesthetic impacts on the room will be negligible. The AV Box will not be fixed to any structural feature, which means there will be no physical impacts to structural elements or fabric of the room.
<b>Lighting Alterations</b> The existing artificial lighting within the Chapel room will be modified, involving fitting dimmers and LED warm colour temperature lights to the existing lighting adjacent to the western wall of the Chapel room.	The steel poles and the lights are comparatively modern additions, and are not heritage features. Therefore the modification of the lighting will have no physical impacts on the heritage values of the Chapel room. Given that the new lighting will incorporate adjustable dimmers, it is not anticipated that there will be any change to the aesthetic values of the space.
<b>Repainting of Chapel Walls</b> It is proposed to repaint over the existing blue paint on the northern and eastern internal walls of the Chapel room. The new paint will be an off-white colour that is designed to match the existing white paint on the eastern wall, below the blue paint.	The blue paint is a comparatively modern addition, and appears to be an acrylic. The paint itself has no inherit heritage value. The blue colour is also assessed as having no intrinsic heritage value to the room. On this basis it is assessed that the painting of the walls will have no detrimental impacts to the heritage values of the Chapel room.

The Penitentiary Chapel Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

---

Description of Installation or Alteration	Statement of Heritage Effects
<p><b>Installation of Automated Blinds on Chapel Windows</b></p> <p>It is proposed to install automated blinds to the five windows in the Chapel room.</p> <p>The process will involve wedging prefabricated wooden frames into each of the five existing window frames. There will be no requirement to fix these the prefabricated frames to the existing windows with any form of screws or hinges. The automated blinds will then attached directly to the prefabricated insert frames.</p>	<p>Based on the described installation processes it is expected that the installation and removal of the automated blinds will have no physical impacts to the existing window frames or windows.</p> <p>The blind installation themselves will result in temporary changes to the look of the windows, as the inserts will partially hide the original frames. This is assessed as a minor impact. When the automated blinds are lowered, the natural light in the Chapel room will be extinguished. Blinds will only be lowered during film viewing, and will be raised for the remainder of the time. On this basis, it is assessed that the installation of the automated blinds will only have a minor impact on the aesthetic heritage values of the Chapel room.</p>

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## Management Recommendations

### ***Legal Requirements and Approval Processes***

The Penitentiary Chapel and Criminal Courts Complex is listed on the Tasmanian Heritage Register (THR 2208: see Appendix 1). The site is therefore afforded statutory protection. Under the *Historic Cultural Heritage Act 1995*.

*'a person must not carry out any works in relation to a registered place...which may affect the historic cultural heritage significance of the place unless the works are approved by the Tasmanian Heritage Council.'*

The Penitentiary Chapel and Criminal Courts Complex is also Heritage Place no 505 on the Hobart City Council Interim Planning Scheme 2015, and is afforded protection under this scheme.

Works to places included in the THR require approval, either through a Certificate of Exemption for works which will have no or negligible impact, or through a Discretionary Permit for those works which may impact on the significance of the place (see section 7.3 of this report).

As detailed in section 6 of this report, the overall cumulative heritage impacts of the various elements of the Pandemonium project on the Chapel room is assessed as being very low. The design and installation processes are designed to ensure that the physical impacts on the fabric and structural elements of the room will be negligible. The installation processes have also been designed so that the aesthetic impacts on the room are minimised. This includes the hiding of hardware from public view, and using innovated window treatments to ensure that natural lighting can still access the room outside of the Pandemonium viewing times.

On the basis of this assessment, it is reasonable possible to argue that the potential heritage impacts associated with the Pandemonium Project are sufficiently reduced to warrant a Certificate of Exemption. However, because of the elevated significance of the Penitentiary Chapel and Criminal Courts Complex, and the fact that the proposed works are focused within the Chapel Room, which is a significant element of the complex, it is recommended that the proponent apply for a Discretionary Permit. Installation works associated with the Pandemonium Project should not proceed until the Discretionary Permit has been issued.

Discretionary permit applications are lodged with the relevant local planning authority (Hobart City Council in this instance). On receipt, the application is sent to the Heritage Council, which will firstly decide whether they have an interest in determining the application. If the Heritage Council has no interest in the matter, the local planning authority will determine the application.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

---

This document is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

If the Heritage Council has an interest in determining the application, a number of matters may be relevant to its decision. This includes the likely impact of the works on the significance of the place; any representations; and any regulations and works guidelines issued under the HCH Act. The Heritage Council may also consult with the planning authority when making a decision.

In making a decision, the Heritage Council will exercise one of three options: consent to the discretionary permit being granted; consent to the discretionary permit being granted subject to certain conditions; or advise the planning authority that the discretionary permit should be refused. The Heritage Council's decision is then forwarded to the planning authority, which will incorporate the decision into any planning permit.

### ***Procedures for Dealing with Accidental Impacts***

The design and installation processes are designed to ensure that the physical impacts on the fabric and structural elements of the room will be negligible. However, there is always the potential for accidental damages to occur to significant elements of the Chapel room, either through the installation process, or the removal of installations.

If accidental damages do occur, it is recommended that a suitably qualified and experienced Conservator is engaged to assess the extent of the damage, and to provide advice as to appropriate restoration procedures.

### ***Alterations and Additions to the Installation Process***

The Statement of Heritage Impacts presented in section 7 of this report is based on the current scope of installation works proposed for the Pandemonium project. If there any additions or alterations to the scope of installation works, then it is advised that these should be implemented in the same sympathetic manner as the current proposal. If there are major changes to the installation process which may have an adverse impact on the heritage values of the Chapel room, then advice should be sought from Heritage Tasmania regarding any addition assessment requirements.

### ***General Recommendations***

- As per the Practice Note No 2 by the Tasmanian Heritage Council, processes must be followed should any unexpected archaeological features and/or deposits be revealed during works.
- Copies of this report should be submitted to Heritage Tasmania (HT) for review and comment.

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## 1.0 Project Background

### 1.1 Project Description

Penitentiary Chapel and Criminal Courts Complex (The Tench) is located at the corner of Brisbane and Campbell Streets in the Hobart CBD (see Figure 1). The building complex currently consists of the original church, built between 1831 and 1833, which was constructed over prisoner confinement cells. The church was subsequently converted into a prison chapel and law courts in the late 1850s.

The Penitentiary Chapel and Criminal Courts Complex was once part of a much larger set of buildings known as the Campbell Street Prison and Law Court Complex. The complex extended along Campbell Street, between Bathurst and Brisbane Streets. The site complex was initially occupied in 1821, when the prisoner barracks were built. These barracks continued to be used as a place of detention and correction, until its closure in 1963. The barracks buildings were demolished a short time later, in the mid 1960s. All that remains of the barracks is the base of the high sandstone wall along Campbell Street that once enclosed the Gaol. The law courts continued to be used as Criminal Courts and the Supreme Court until 1975, and as Magistrates' and Coroners' Courts until 1983.

The continued use of the Campbell Street Prison and Law Court Complex as a place of law enforcement and detention, for a period of 162 years, is the longest in Tasmanian history and one of the longest in Australia. The surviving set of buildings associated with the Penitentiary Chapel historic site are acknowledged as being of State and National significance.

The Penitentiary Chapel and Criminal Courts Complex was proclaimed a historic site in 1984, under the National Parks and Wildlife Act 1970. The complex is now owned and administered by the National Trust of Australia (Tasmania). It is currently operating as a tourism venue. The National Trust of Australia (Tasmania) are assessing opportunities for improving the visitors' experience of the Penitentiary Chapel site, and increasing visitation numbers.

As part of this process, Roar Film has been engaged by the Board of the National Trust of Australia (Tasmania) to produce a short film which incorporates the themes of convict life in Tasmania, and the role of the Penitentiary Chapel site in the penal history of the Australia. The film project is known as "Pandemonium". It is proposed that the film will run for a duration of around 26 minutes, and will be shown in the surviving portion of the Penitentiary Chapel room.

CHMA Pty Ltd has been engaged by the Board of the National Trust of Australia (Tasmania) to undertake a Heritage Impact Assessment and prepare a Statement of

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

Heritage Impacts for the Pandemonium Film Project. This report presents the findings of the assessment.

### 1.2 The Proposed Venue for the Pandemonium Film

Roar Film has been working in close collaboration with Aegres (a Hobart based technology Engineering Company) to design and develop installation solutions for the Pandemonium Film. As part of this process, Aegres and Roar Film representatives initially carried out an assessment of the Penitentiary Chapel and adjacent courthouses with the aim of determining which of these space would be the best suited venue for the showing of the Pandemonium film. It was concluded that the chapel space was the most suitable venue with respect to the following:

- Invisibility
  - The chapel space offered the greatest potential to hide equipment and cable reticulation when considered against other spaces.
  - The chapel space offered the best choice of projection surfaces without the need to install projection screens.
- Immersiveness
  - The chapel space provided the best layout of projection and acoustic space for audience immersion when compared to the alternative spaces.
  - The chapel space provided a more appropriate and controlled seating configuration for an immersive and replicable experience.
  - The chapel space provided the least challenging set of requirements to achieve a blacked out space (even when considering the potential need for motorised systems).
- Outcome vs Cost
  - As a product of fixed budget vs achievable outcomes, it was concluded the chapel would yield the most engaging and entertaining result.

Based on the above rationale, the Chapel room was selected as the venue for the Pandemonium Film.

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

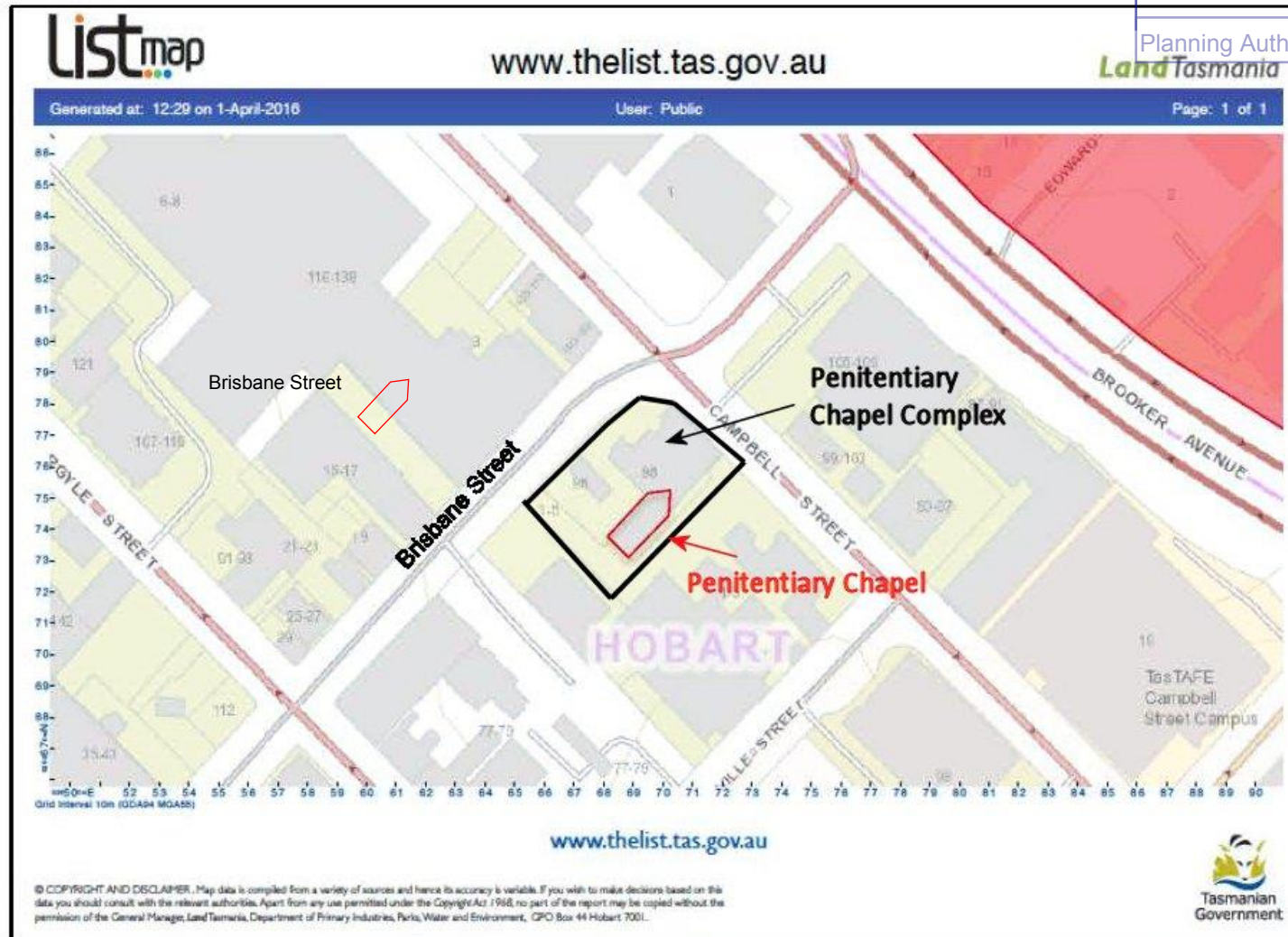
Planning Authority: Hobart City Council

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council



**Figure 1: The location of the Penitentiary Chapel Site west wing or transept, as the current study area (theLIST [www.theList.tas.gov.au](http://www.theList.tas.gov.au), sourced 1/04/2016)**

## 2.0 Methodology for the Heritage Impact Assessment and Limitations

### 2.1 Project Methodology

The heritage impact assessment for the Penitentiary Chapel Pandemonium Project has been implemented in three broad stages.

#### Stage 1 (Background Research and Project Liaison)

##### *Meeting with Stakeholders*

On the 16-3-2016, a meeting was held at the Penitentiary Chapel Site to discuss the scope of heritage assessment works that would be required to be undertaken for the Pandemonium Project. The following people were present at the meeting.

- Warwick Oakman (Board member of the National Trust Australia (Tasmania));
- Russell Dobie (Heritage Tasmania);
- Brendan Lennard (Hobart City Council);
- Sam Tucker (Commercial Project Delivery);
- Kelsey Timms (Commercial Project Delivery);
- Stuart Huys (CHMA).

At this meeting it was confirmed that a Heritage Impact Assessment would be required for the Pandemonium Project, and that a Statement of Heritage Impacts would need to be prepared and submitted as part of the planning approval process for the project.

It was further agreed that, as part of a longer term management strategy, a Conservation Management Plan and Interpretation Plan would be prepared for the Penitentiary Chapel Site. However, these documents would not be required to be submitted as part of the planning approval process for the Pandemonium Project.

##### *Collation of Background Information*

As part of Stage 1 the following research was carried out and background information collated for this project.

- A review of the relevant heritage registers and the collation of information pertaining to heritage register entries for the Penitentiary Chapel and Criminal Courts Complex.
- Historic literature, site plans and records for the for the Penitentiary Chapel site.
- Documentation and plans relating to the proposed installation of infrastructure associated with the Pandemonium Project.
- Planning and Regulatory requirements for heritage sites in Tasmania and the Hobart City Council Municipality.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## Stage 2 (Field Inspection of the Penitentiary Chapel Site)

Stage 2 entailed the fieldwork component of the Heritage Impact Assessment. The field inspection of the Penitentiary Chapel Site was undertaken on the 30-3-2016 by Stuart Huys (CHMA archaeologist). The primary purpose of the field inspection was to confirm the specific locations for the installation of the necessary equipment and infrastructure associated with the Pandemonium Project, as well as those areas where any additional alterations to the existing fabric of the building may occur. The aim being to ascertain the extent of potential impacts that these installations and alterations may have on the heritage values of the Penitentiary Chapel Site.

As part of the inspection process, all areas where installations and alterations would occur were photographed, and plotted onto floor plans of the site.

## Stage 3 (Preparation of the Statement of Heritage Impacts)

Stage three of the project involved the production of this report which details the findings of the Heritage Impact Assessment and includes a Statement of Heritage Impacts for the Pandemonium Project. The report has been prepared by Stuart Huys and Zvonka Stanin from CHMA Pty Ltd.

### 2.2 Project Limitations

Conservation Management Plans and Interpretation Plans are integral to the effective long term management of Significant Heritage places. Together, these documents provide the basic framework for understanding the specific heritage values of a place, for prioritising conservation management strategies and assessing any proposal that may affect the integrity and identified values of a heritage place.

To date, there is no detailed Conservation Management Plan or Interpretation Plan in place for the Penitentiary Chapel and Criminal Courts Complex. The Board of the National Trust (Tasmania) has identified this as a significant issue, and has committed to the development of these documents as a management priority. Work has now commenced on the production of a Conservation Management Plan for the complex. It is anticipated that this document will be completed by the end of 2016. The Interpretation Plan will be in place by early 2017.

This Heritage Impact Assessment for the Pandemonium Project has been prepared without the context of either a Conservation Management Plan or Interpretation Plan. This is not ideal. However, given the small scale of the Pandemonium Project proposal, and the limited nature of proposed installations and alterations, the limitations on the Heritage Impact Assessment is considered to be minimal. In an effort to offset these limitations, a summary of the historic background for the Penitentiary Chapel and Criminal Courts Complex has been included with the Heritage Impact Assessment, as well as an outline of significance for the complex.

### 3.0 A Brief History of the Penitentiary Chapel Site

#### 3.1 Introduction

Today, the western transept of the Penitentiary Chapel and the Law Courts and Hobart Gaol Complex, forms part of a range of standing buildings that also include a clock tower facing Brisbane Street, executioner's yards and two courthouses. Except for the yards, which are documented as a faithful 1960s reconstruction, the standing buildings are largely original in exterior design (i.e. see National Trust 2007). In contrast, little of the Hobart Gaol remains, including a half demolished stone perimeter wall and areas of archaeological potential.

The history of the Complex is relatively well documented, being largely contained within several pamphlets, reports and newspaper articles (Tanner 1999, The Mercury 17/06/2000: 40, Tasmanian Life 2002, Moody 2005, Mercer 2007, Rieusset 2007, National Trust 1999, 2007). The separate data appears to be collated from similar sources, largely based on original research conducted by Brand in 1986 and potentially, an earlier 1970s conservation study (Howroyd and Forward Architects 1976). The data includes primary source material, including copies of plans and convict records from the Tasmanian Archives Hobart Office (TAHO). This information is also collated on Rieusset's very informative website (<http://www.penitentiarychapel.com>, sourced 1/04/2016).

More specific information with regards to the evolution of the Chapel, including that regarding changes to paint finishes throughout the Complex, form part of a recent conservation project (Ellsmore 2001). In 2011, Port Arthur Site Management Authority and the National Trust also completed a set of excavations associated with the western transept, with the report pending.

The following discussion provides a historical summary, and unless specifically noted, is largely based on the above sources.

#### 3.2 Early Convict Administration – The Building of the Chapel (1829-1833)

The Penitentiary Chapel, planned and constructed by the Colonial Architect and Civil Engineer John Lee Archer between 1829 and 1836, was designed to address a range of unique problems associated both with early convict administration and the settlement of Hobart, in general (Rieusset 2007, Brand 1998 {2003} for comparison).

The building of the Chapel came at the height of the Convict Assignment Period (1803-1839), a time when the provision of food and clothing by the government, was gradually replaced by a reliance on private settlers. Each convict's "career" was micro-managed and documented. *More literate convicts could be placed in government service, while others on secondary punishment (about 10%) were sent to Port Arthur from 1830* (<http://www.linc.tas.gov.au/convict-portal/pages/convict-life.aspx>, sourced 1/04/2016).

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This document is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

*During this time, convicts were free to move about during the day when they were not assigned to work duties. In isolated places such as Sydney and Hobart, they were given only rudimentary accommodations... At the end of the 1810s... Governor Macquarie ordered the construction of both night time barracks in Sydney (Hyde Park Barracks, 1818) and Hobart (Hobart Penitentiary Barracks 1821) for convicts not yet assigned to settlers. They were required to return to these at night (Ellsmore 2001: 6).*

The Hobart Penitentiary Barracks were built in 1821, at Campbell Street, south of the current Chapel, and facing Bathurst Street. However, by 1830, as the number of convicts in Van Diemen's Land grew to 10,000, the government identified a need to address existing problems with Convict infrastructure

(<http://www.penitentiarychapel.com/history.htm>, 1/04/2016):

- Lack of facilities for the secure holding and separating into classes of large numbers of prisoners.
- Lack of places for worship and religious instruction for convicts, as well as the overflow of free settlers that could not be accommodated in Hobart's St David's Anglican Church.
- A need for additional space for serious or repeat offenders sentenced to secondary punishment institutions, including those at the Chapel, and in order to supplement Hobart's first prison at Murray Street (1817) and the one at Launceston (1827).
- During this time, punishment stations were also established - Macquarie Harbour (1817), Maria Island (1825), Port Arthur (1830), and Point Puer boys prison (1834). Female convicts undertook punishments, such as the treadmill, at female factories (see (<http://www.linc.tas.gov.au/convict-portal/pages/convict-life.aspx>, sourced 1/04/2016).
- As the first port of call in Hobart, the Murray Street gaol was housed in an older (c.1816) small two-story building that was considered insufficient. Despite this, it remained in full use as town gaol and the scene of all Hobart executions from 1825 until 1857.

### 3.3 Archer's Design

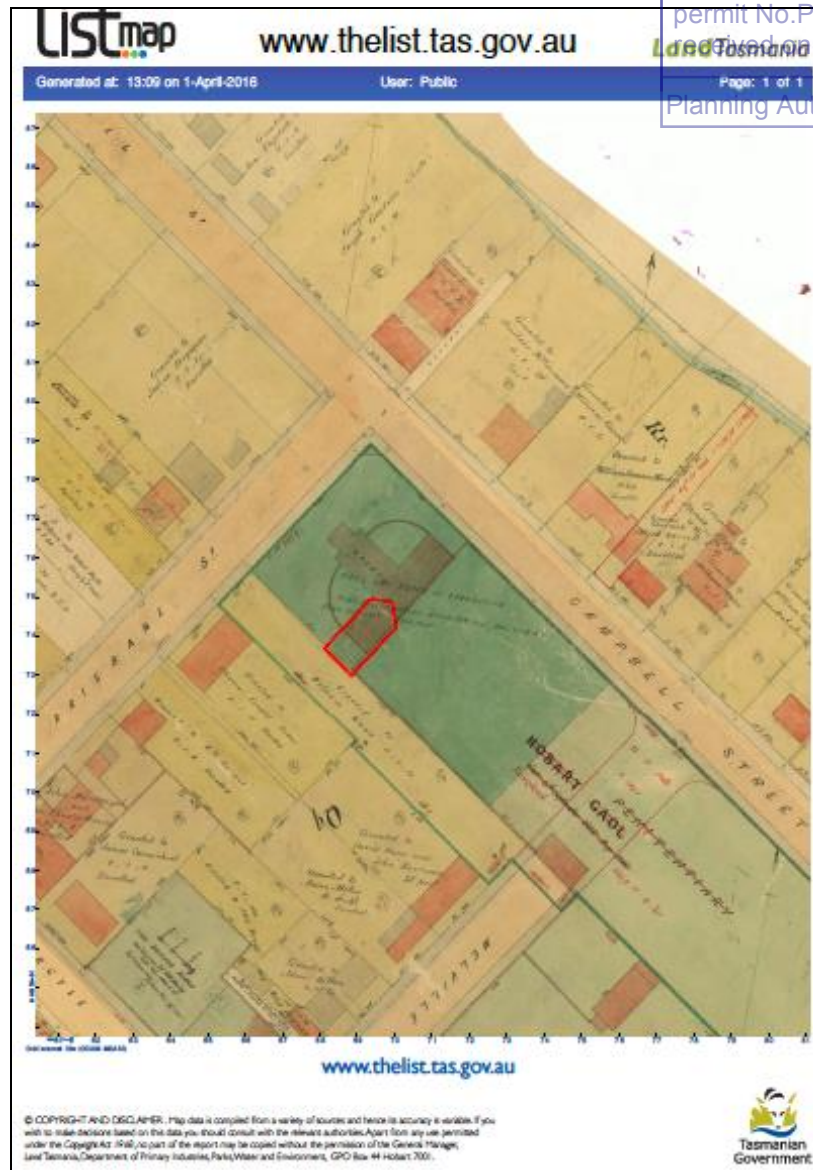
In 1829 John Lee Archer (1791-1852, ADB) designed a new gaol to be built directly across Murray Street next to the courthouse on the present site of the Treasury Buildings. It was in the shape of a cruciform with a flat landing leading from a chapel on which it was proposed to execute criminals. This building was never built, but its cruciform shape was to be used when Lee Archer prepared the plans for the Penitentiary Chapel (<http://www.linc.tas.gov.au/convict-portal/pages/convict-life.aspx>, sourced 1/04/2016).

The location for the Chapel was to be at the Brisbane Street end, facing the Penitentiary (Figure 2). The design of the central tower, similarly to that used by Archer for the Hobart Parliament House, derived inspiration from the English architect Christopher Wren

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

(1632-1723, see <http://spc.adlibhosting.com/brief.aspx>, sourced 1/4/2016 - the Wren influence is also noted in Ellsmore 2001:7). The rest of the Penitentiary Chapel was largely Colonial Georgian (1788-1840) in its simplicity, reflecting the growing wealth and artisanship available to the colony.

According to Ellsmore 2001: 10, the design comprised an austere stone façade on the Gaol side, with the brick and stone with the Wren style tower in the north. The overall design therefore presented a '*strong forbidding*' aspect to the convicts and a civic aspect to the township (Figure 3).



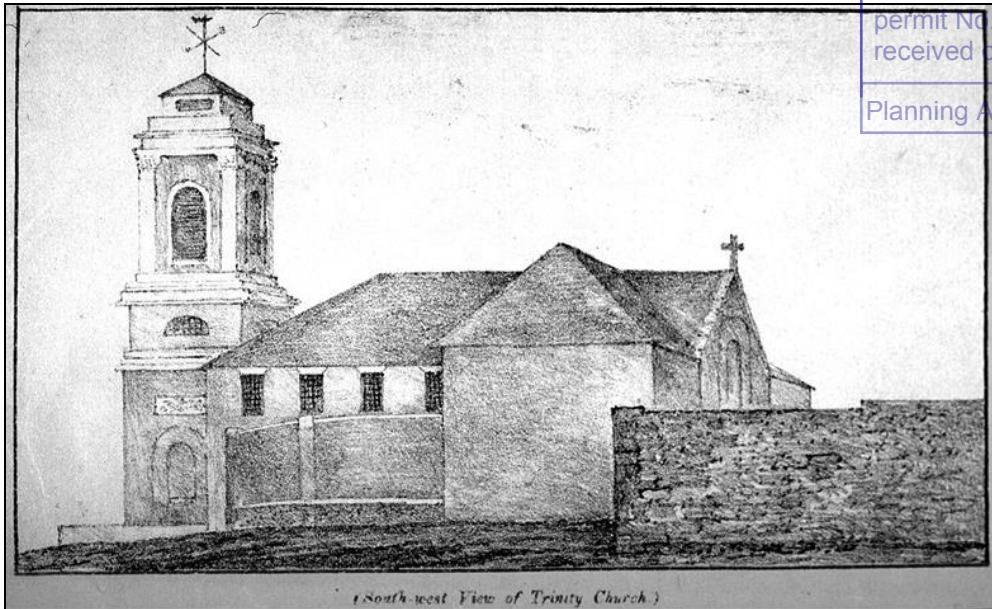
**Figure 2: Sprent's Book Mosaic, taken from survey of Hobart dated to between 1833 and 1837. Shows the original walls and prior to the execution chamber**

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council



**Figure 3:** <https://stors.tas.gov.au/AUTAS001126077049w800>, sourced 1/04/2016  
**South-west view of Trinity Church Publication Information:**  
**Hobart Town : H. Melville, 1834. Physical description:**  
**1 print : b&w., lithograph ; 10 X 17 cm.**

Important features of the Chapel are described by Rieusset (<http://www.penitentiarychapel.com/history.htm>, sourced 1/04/2016), shown in the original plans (Figures 4-5) and within a 20<sup>th</sup> century 3D model reconstruction of the design (Figures 6-7). These comprise:

- Semi-circular exercise yards enclosed the west and east wings of the chapel. From the barracks in the south, the prisoners would enter the chapel by doors in the southern wall on either side of the raised pulpit, which was directly beneath the main triptych window. Below the window, on the exterior is a 'foundation stone', which bears the date Anno Domini M.DCCCXXXI (1831).
- Originally each of the three wings of the chapel were to hold 500 prisoners each. However, the northern wing of the chapel, was quickly designed to take the overflow congregation of free inhabitants from the Anglican St. David's Church. The entrance was provided through the tower, via a large staircase spiralled around inside the tower to a doorway cut high in the chapel wall.
- According to the Rieusset, the public in the northern nave sat *in neat cedar pews which could be reserved at a nominal annual rental of £1 (\$2), while the 1000 convicts in the east and west wings were crowded in and shared simple but hard wooden bench seats*. Brand's 1986 report confirms that English deal boards were used for the seating (Brand 1986:5), due to the shortage of local timbers.
- *The original pulpit contained simple fittings made by prisoners of cedar and stringy bark, and surrounded to the north west and south wings. Behind the wall were prisoners barracks.*

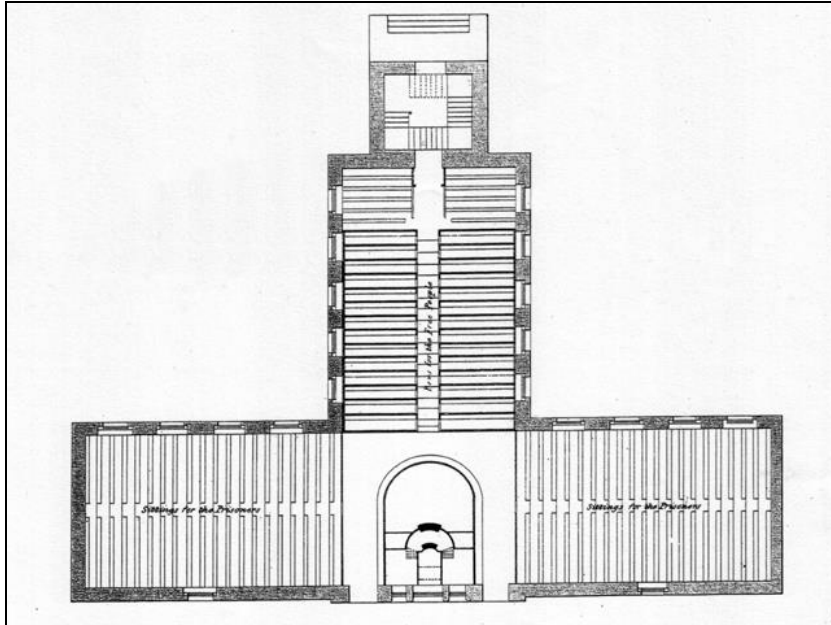
The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

DEVELOPMENT APPLICATION  
DOCUMENT

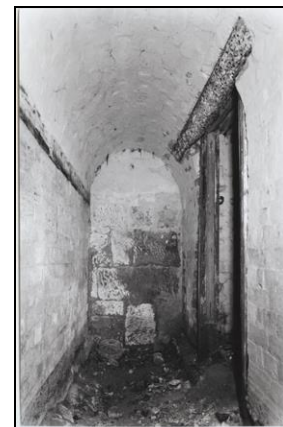
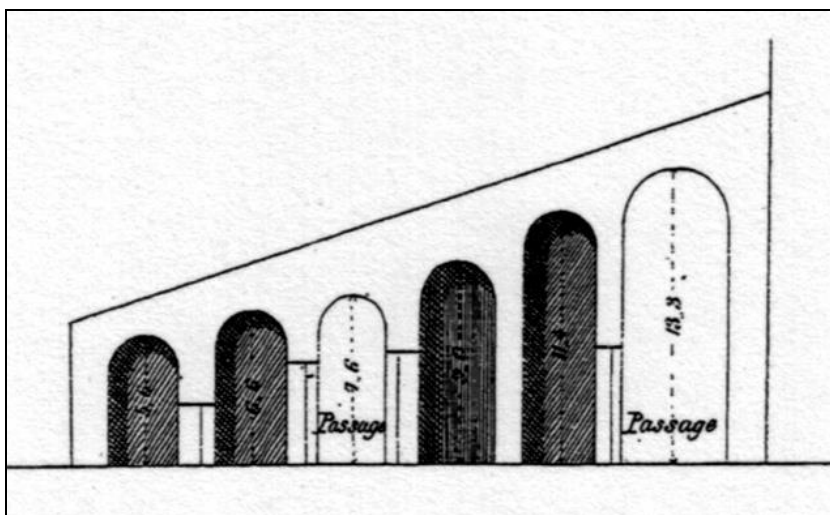
This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

The interior design also included the unique feature of *thirty-six solitary confinement cells beneath the chapel floor, which were later declared inhuman...* These cells are shown in plan in Figure 4, along with passages through the flooring, and were lined with brick, with no light or ventilation. The smallest cells, known as the Dust Holes, were only 70 cm high (27 inches, Figures 5 and 6) and despite the term solitary confinement, occasionally accommodated more than one drunken man. These cells were sealed up in 1847 (Boyd reported that these were being converted into a fumigatory [Brand 1986:32], see also see Derrincourt 1899 description of cells).



**Figure 4: Plan of the Chapel from Boyd's Report , 1847 , TAHO GO 33/58 P. 973 (copied from <http://www.penitentiarychapel.com/html/hishtml/pchs%20plan.htm>, sourced 01/04/2016)**



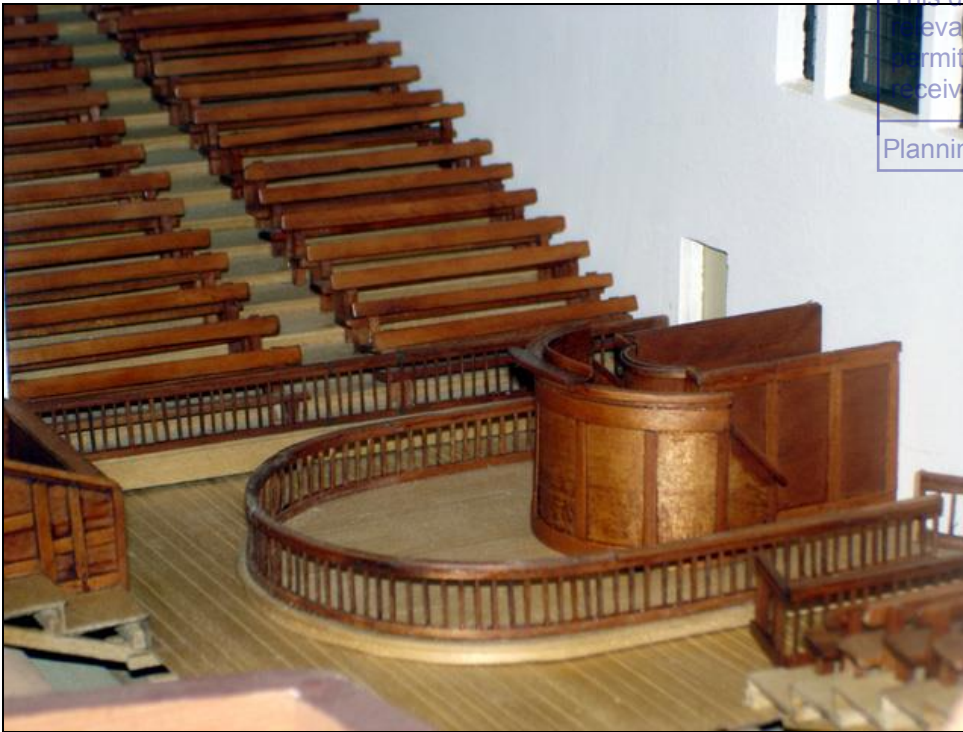
**Figure 5: Elevation of cells as planned by Archer from Superintendent 7's Report on the Condition of Convicts, 1847, TAHO GO 33/58 P. 973, sourced 1/04/2016)**

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council



**Figure 6: A model of the Chapel, held in the current refractory, showing the pulpit and seating in the eastern transept, as interpreted from Archer, <http://www.penitentiarychapel.com/html/hishtml/pchs%20pulpit.htm>, sourced 1/04/2016.**



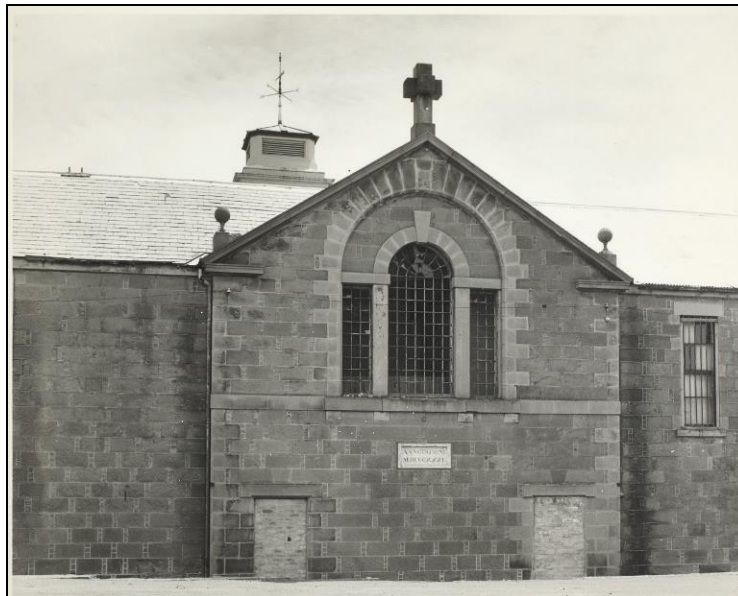
**Figure 7: A model of the Chapel, held in the current refractory, showing the western side of the chapel. Model shows the open space on all sides of the building. A 20<sup>th</sup> century model by J. Akerman of the National Trust.**

### 3.4 Chapel Operations 1833-1857

Despite escalating costs (£2000) and constructional delays, and largely owing to cheap convict labour, the chapel was in use by late 1833. However, another few months passed before the final fittings were finished and the tower completed (<http://www.penitentiarychapel.com/history.htm>, 1/04/2016).

*...The Chapel became an integral part of the whole complex as attempts were made to reform the prisoners by exposing them to religion. Attendance was compulsory and both Protestant and Roman Catholic Services were held.*

The Chapel, never consecrated as a church, was used for a range of normal services including communion, baptisms, funerals and marriages throughout the remainder of the Assignment Period and through the Probation Period (1840-1853, Brand 1986:10-12). The enforced dual function of the Chapel, the public and the prisoners was not ideal however. Complaints ranged from the lack of access to the building for the free public (*Hobart Town Courier*, Friday 13 June 1834 p 4, see Figure 9 for original prisoner access doors), to the total lack of ventilation in the chapel to noises coming from the prisoner cells beneath the floor. The need to shield the public from the gaze of convicts was only briefly solved by the acting Reverend Palmer. There were also stories of illicit activities, gambling within the chapel during services and swift justice by confinement in the cells below. Overall, the Chapel remained in use by the public until 25 February 1845 when it was closed by the Comptroller General and used only by convicts, prison officers and their families only (<http://www.penitentiarychapel.com/history.htm>, 1/04/2016, National Trust 2007:19, also see Brand 1986).



**Figure 8: Exterior of Chapel showing the southern side (1960-1970). TAHO, AA116\_1\_120, <http://search.archives.tas.gov.au/default.aspx?detail=1&type=l&id=AA116/1/120>, sourced 1/04/2016**

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

### 3.5 Transformation - The Supreme Court, Hobart Gaol and Penitentiary Chapel (1857-1963)

On 29 December 1856, in the wake of the end of the convict period, the Penitentiary Chapel and adjoining Barracks were proclaimed a Gaol and House of Correction under the *Prison Regulation Act* (Brand 1986:34).

Extensive renovations followed the proclamation, firstly in order to accommodate the prisoners from the Murray Street Gaol - which was to be demolished - and by 1859, tenders were also invited for the additions and alterations required in the erection of court houses and offices at the Penitentiary Chapel (National Trust 2007: 27-34).

The new courts were designed to replace the dilapidated first Supreme Court (c. 1823-25, situated on the corner of Murray and Macquarie Streets and involved subdivision and conversion of the nave and eastern transept of the Chapel into two courtrooms. Cedar pews and fittings were to be utilised in the courts as jury boxes and reporter's benches tenders were invited by the Director of Public Works for the additions and alterations required in the erection of court houses and offices at the Penitentiary.

(<http://www.penitentiarychapel.com/history.htm>, sourced 1/04/2016).

The major changes in the eastern transept and the nave included (Figure 9):

- The removal of inclined wooden floors
- Demolition of brick cells
- Gas lit, stone lined tunnels were installed below floor level to connect the dock of each court to a central entrance where the pulpit once stood
- New street level floors, external doors and dividing high walls were constructed to separate each of the courts from the western transept
- Jury rooms and offices for members of the legal profession were constructed on the corner between Campbell and Brisbane Streets
- Rooms to house the deputy gaoler were added to the first floor
- Introduction of an executioners yard on the west end of the Chapel (see next section)

The court rooms were first used on 17 April 1860 and continued to function as Supreme Courts, Criminal, Magistrates and Coroners Courts up until 1983. During that time there were only minor alterations (see *The Cornwall Chronicle*, Saturday 21 April 1860 p 5):

- In 1874, it was recorded that there were two refractory cells and two condemned cells in this department, besides the last dread sentence of the law is carried out (in Brand 1986:78). The reference relates to the executioner's yard.
- In 1891, the courts were redecorated and it was reported that late Victorian decorations in most of the rooms are legacy of this period (Ellsmore 2001:8).
- Amongst this the Prisoner's Chapel was cleaned and re-painted in 1913-14. At the same time electric heating was installed and electric lighting replaced gas soon after. (Journals and Papers of parliament, 1914-1915, Paper 33 Gaols Report and Paper 59, Gaols Report).



### 3.6 The interior of the Chapel (1950s)

A small range of photos from the TAHO, taken in the mid 1950s, show the earliest depiction of the interior of the former western transept. Major features include the painted dado, the light colour and the modern window on the north side. Electrical lighting is also apparent, as are the exposed electrical conduits, which are installed on top of the walls and ceiling.

The front wall, most likely installed in 1857 in order to partition the chapel from the court and one of the vestries, also contain a dado, and doorways.

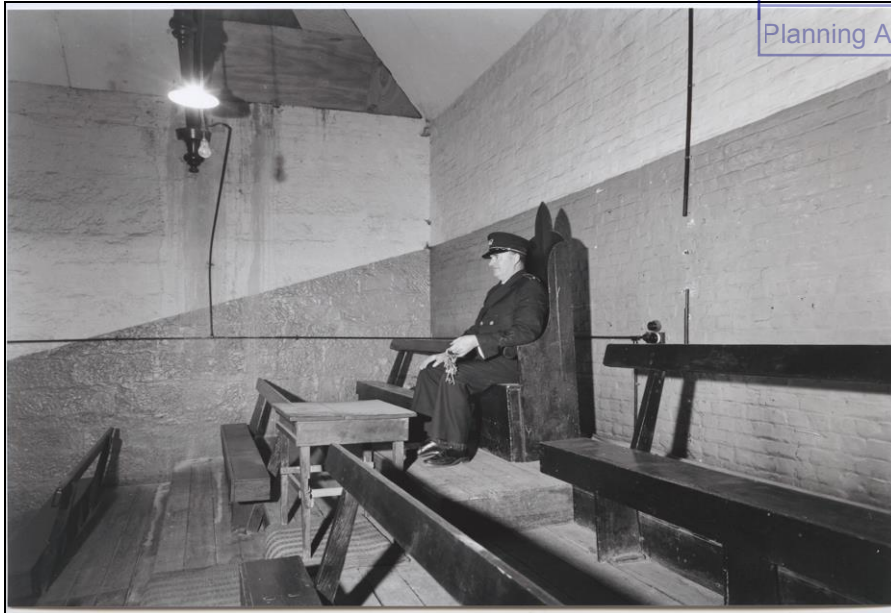


**Figure 10: TAHO, NS2340\_1\_1, Photograph - Campbell Street Gaol, Hobart - interior of chapel; 1955;**  
(<http://search.archives.tas.gov.au/default.aspx?detail=1&type=I&id=NS2340/1/1>, sourced 1/04/2016)

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council



**Figure 11: TAHO, NS2340\_1\_2, Photograph - Campbell Street Gaol, Hobart - Internal walls and cell doors; 1955, (<http://search.archives.tas.gov.au/default.aspx?detail=1&type=I&id=NS2340/1/2>, sourced 1/04/2016)**



**Figure 12: TAHO, NS2340\_1\_3, See Figure 12 and 13, (<http://search.archives.tas.gov.au/default.aspx?detail=1&type=I&id=NS2340/1/3>, sourced 1/04/2016.**

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

---

This is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

### 3.7 Execution Yard and Gallows (1857-present)

As part of the 1857 transformation into Gaol and Court Complex, a high brick and stone wall was added to the western transept of the Penitentiary Chapel (Figure 13). The yard was to receive the gallows and trapdoor mechanism from the Murray Street Gaol. The first execution at the Penitentiary Chapel Complex took place on Tuesday, 18 August 1857. The last execution was in 1946 and was also the last Tasmanian hanging.

Overall, promoting a punishment that was for much of the 19<sup>th</sup> century seen as the ultimate deterrent to crime - the extreme penalty of the law – the yard saw the execution of thirty two people in total; including one woman. It is unclear whether the relatively humane and scientific approaches to death by hanging were well understood and implemented in the process (Brand 1986: 51-52, National Trust 2007: 38-42). In 1961 the Hobart Gaol was closed and the prisoners transferred to Risdon. During its demolition in 1963, the gallows were deliberately burnt, possibly in line with the increasing protest against this type of punishment.

- At the time, a prison officers retrieved 3 large gallows beams, the trapdoor, iron mechanism that operated it and iron stanchions and chains. These were stored until returned for display.
- The execution yards were left intact, as was the bottom portion of the gallows walls. The verandah was complete although badly rotted.

Completed amidst heated debate, and based on a range of available evidence – including photos, aerial photography, and interviews with former officers – the gallows were restored faithfully to a state evident just prior to their destruction (see Figure 14).

By 1968 however, when capital punishment was legally abolished throughout the state, the gallows were once more removed. They were officially reinstated as part of the broader heritage features of the Complex, in 1991.

Aesthetically, it has been noted that it is unlikely that many of the existing features reflect the 1860s original design. This includes the paneled cladding, although both the scaffold door and trapdoor may be original. Today, the hanging beams are believed to be the only intact original surface of the yard, with analysis showing that while there are no modern finishes consistent with the post 1960s remodeling (Ellsmore 2001:16-17).

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council



**Figure 13: Exterior Location of the Penitentiary Chapel against modern infrastructure. TheLIST, [www.theist.tas.gov.au](http://www.theist.tas.gov.au), sourced 1/04/2016. Red delineates the original western chapel roofline, the yellow delineates the executioner's yard and gallows**

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council



**Figure 14: TAHO, NS2340\_1\_23, a photo dating to 1955, showing trapdoor.**  
<http://search.archives.tas.gov.au/default.aspx?detail=1&type=l&id=NS2340/1/23>,  
sourced 1/04/2013

### 3.8 The Abandonment of the Gaol and Demolition 1961-1983

A range of structural changes to the Court Complex followed the closure of Hobart Gaol in 1961, and its subsequent demolition.

The most relevant to the western transept is the conversion of the Deputy Gaoler's residence in Brisbane Street, into a daytime holding block with 'cyclone wire' cells for prisoners awaiting trial in the adjacent court buildings.

- In order to gain access to the tunnels under the courts leading to the docks, part of the remaining chapel was demolished and a wire security runway installed. The feature, skirting the northern wall of the chapel is clearly visible in Figure 15 and 16, leading to the exposure of the underground cells and the north side of the stalls. The cage itself continued to be utilised until the removal of the Courts from Campbell Street in 1983 (<http://www.penitentiarychapel.com/history.htm>, sourced 1/04/2016).

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council



**Figure 15: View of the western transept following 1863 partial demolition, facing north west, <http://www.penitentiarychapel.com/html/hishtml/pchs%20cyclone.htm>, sourced 1/04/2016**



**Figure 16: View of the western transept following 1863 partial demolition, facing north west  
<http://www.penitentiarychapel.com/html/hishtml/pchs%20chapel%20today.htm>, sourced 1/04/2016**

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

### 3.9 Conservation, Restoration, Interpretation and the Public: 1984-Present

In 1984, the complete Penitentiary Chapel and Criminal Courts and Hobart Gaol Complex was proclaimed a place of National Significance, later to be managed by the National Trust and used for public display. Subsequent conservation works are not all well documented (see TAHO, PWD266/4/22081 for example), but include the partial reconstruction of the northern and southern walls of the western transept, as well as improvements to the security of the building.

The recent conservation works drew attention to the chronology and significance of the historical features that remained within the extant buildings, including that within the western transept. These include a joint archaeological excavation of the refractory cells by the Penitentiary Chapel Historic Site Authority (PCHSA) and Port Arthur Historic Site Management Authority (PAHSMA) and a conservation study relating to the nature of paint finishes throughout the Complex (Ellsmore 2001).

While the PCHSA/PAHSMA report is still pending, the project unearthed a range of comparative archaeological assemblage - comprising buttons, beads, gaming tokens and smoking pipes - that appear to be typical remnants of penitentiary life. These add to the understanding of the everyday function of the underground cells and the chapel above them.

Ellsmore 2001 study was completed with the assistance of funds made available by the Commonwealth of Australia under the 1999/2000 Cultural Heritage Projects. Based on the premise that the Complex was a place *that had been altered in ways that make it inappropriate to consider a reconstruction of an overall authentic colour scheme of a particular era*, the project aimed to establish the nature of authentic finishes and to introduce a systematic approach to the conservation of the rare, authentic fabric, in the form of paint colour schemes and other decorative finishes;

*There are opportunities to recover significance in recently altered areas, such as the Prisoner's Chapel, and to recreate the appearance of an early time, albeit with a modern adaptation, and to set up an opportunity for later works to recover lost significance* (Ellsmore 2001:II).

The methodology included historic research, photomicrography of plaster, paint and paper collected as samples for micro-analysis.

On this basis, the study determined that the original Penitentiary Chapel was a large space with white washed walls and oak grained timber joinery. The floor was probably bare scrubbed perhaps with a few mats (Ellsmore 2001:6-8). As the Chapel was subdivided in 1860, a new brick wall divided the western transept and a vestry, was plastered with the same buff coloured plaster as for other 1860s works around the building. New walls carried to the roof. The roof and ceiling of vestry became inaccessible as a result (Ellsmore 2001:22).

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

---

Impact Assessment is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

The study found that within the western transept - the remnant chapel - early intact finishes comprise oak grain on the roof trusses, wall console brackets and furniture.

Lime wash can still be seen where the flooring had been removed. The roof beams are oak grained in naïve style. The original paint has been painted over once in recent times with polyurethane clear glossy varnish. Small traces of grey paint under the graining could relate to assembly markings put onto the roof timbers before erection.

- The wall bosses, or console brackets, are turned pieces of stringy bark timber. These original features show the 1830s oak graining in-tact.
- It was also noted that the prisoner's chapel walls are now painted in an odd patchwork of that demonstrates an inadequate understanding of the history of painting of the walls. The chapel walls were originally painted in white and light coloured earth washes with dados. Various coloured wall washes were used later in combination with oil painted dados. The current blue colour therefore appears to be a poor representation of the original historical finishes.
- The chapel windows of the 1830s are believed to be intact on the north wall. The single south wall window probably dates to the 1860s, and a replacement sash – which fits into the original frame – is made of pine. It exhibits white lead paint finishes and oak graining.
- All the original windows show traces of the near white lead paint finishes. They also exhibit oak graining below a series of modern topcoats. It appears that all the finishes were oak grained from the 1860s to recently.
- Furniture was mostly oak-grained in a naïve manner.
- Painted doors (c.1860) were also probably oak-grained.

The holding cells below the stalls were lime washed and regularly maintained. The refractory cells at the western end appear to have been painted in lead white, as pigments at the time were expensive.

Overall the study recommended a more careful approach to conservation, also noting the potential to damage existing historic features via foot traffic.

Ellsmore (2001) noted that there is no conservation management plan for the Penitentiary Chapel and Criminal Courts Complex. There is a management policy statement that provides overall guidance in the day to day management of the site but this is limited in scope.

The management policy includes the following relevant to this project:

- That the social, historical, and architectural significance of the place should be preserved.
- That all work should be done in accordance with Burra Charter Guidelines.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## 4.0 Results of the Heritage Registers Search

A search was carried out of a number of historic registers and databases in order to determine the listing status of the Penitentiary Chapel site. Agency databases searched included:

- Australian National Heritage List (NHL)
- Australian Commonwealth Heritage List (CHL)
- The Australian Heritage Database (AHD)
- Tasmanian Heritage Register (THR)
- The Register of the National Estate (RNE)
- Australian Heritage Places Inventory (AHPI)
- The National Trust of Australia (NT), Tasmania
- The Hobart City Council Planning Scheme

The search revealed that the Penitentiary Chapel site is listed on the National Trust List, the RNE, the THR and is permanently registered within the Hobart City Council. The role of each of these registers is discussed below.

### **The National Trust of Australia (Tasmania)**

***The Penitentiary Chapel and Criminal Courts Complex is registered by the National Trust.***

The National Trust of Australia (Tasmania) is a community based member organisation responsible for the protection and presentation of historic heritage places.

In Tasmania, it is governed by an Act of Parliament (the [National Trust Act 2006](#)), a voluntary Board of Management and a Managing Director. It is also a member of the Australian Council of National Trusts which was incorporated in 1965 and federates the eight autonomous National Trusts in each State and Territory.

The Trust has been operating in Tasmania since 1960 and was formed to acquire The Hollies (Franklin House), a fine late Georgian house built in 1838 on the outskirts of Launceston. Through the work of the Trust a number of significant heritage properties throughout the state now belong to the Tasmanian community and are able to be enjoyed by locals and visitors.

Through the support of its members and volunteers, the National Trust has played a critical role in advocating for Tasmanian heritage places that would no longer be here without its intervention on behalf of the community. This included the recording and classification of heritage places which is now carried out by Heritage Tasmania.

## The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

Today, the National Trust's major activities include:

- The management, presentation and promotion of heritage properties in Tasmania that are open to the public.
- The coordination of the Tasmanian Heritage Festival, the State's largest celebration of our island's cultural heritage.
- Operating tax-deductible heritage conservation appeals for public buildings owned by community groups.
- Heritage Auspice Program: supporting non-incorporated bodies when applying for heritage grants.
- Heritage Co-operative Promotional Program: joint marketing initiatives involving community managed heritage sites and collections.

(<https://www.nationaltrust.org.au/about-us-tas/>, sourced 01/04/2016)

The National Trust listing is not a statutory list.

### **Register of the National Estate (RNE)**

The Penitentiary Chapel location is registered on the RNE as the Old Criminal Courts Group, (Place ID 11102). It is not listed on the National Heritage List (NHL).

The RNE ceased to be an active register in February 2007 and from this point onwards sites were unable to be added or removed from the list. Many places on the RNE are also included in state and local government registers, which provide sites with various level of protection.

The Register of the National Estate is no longer a statutory list. All references to the Register of the National Estate were removed from the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 19 February 2012.

The Register of the National Estate (RNE) is now an archive of information about more than 13,000 places throughout Australia. The list of places is accessed through the Australian Heritage Database.

### **Tasmanian Heritage Register (THR)**

The chapel is an integral part of the Penitentiary Chapel and Criminal Courts Complex registered as THR 2208 (Hobart City Council, 98 Campbell Street), on the Tasmanian Heritage Register.

The Tasmanian Heritage Register provides a list of places recognized as possessing 'historic cultural heritage significance to the whole of Tasmania' ([www.heritage.tas.gov.au/thr.html](http://www.heritage.tas.gov.au/thr.html), sourced 10/11/2015), as representatives/contributors to our cultural fabric and historic identity of Tasmania. The Register is maintained by the Heritage Council, under the *Historic Cultural Heritage Act 1995*.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

---

Impact Assessment is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

The Act offers protection to all registered heritage places and areas under Part 6 s.32 (1) in which it states:

A person must not carry out any works in relation to a registered place or a place within a heritage area which may affect the historic cultural heritage significance of the place unless the works are approved by Heritage Council.'

Approval to carry out works or to impact upon places registered on the Tasmanian Heritage Register must therefore be sought through the appropriate planning authority. For the current study, this comprises the Hobart City Council.

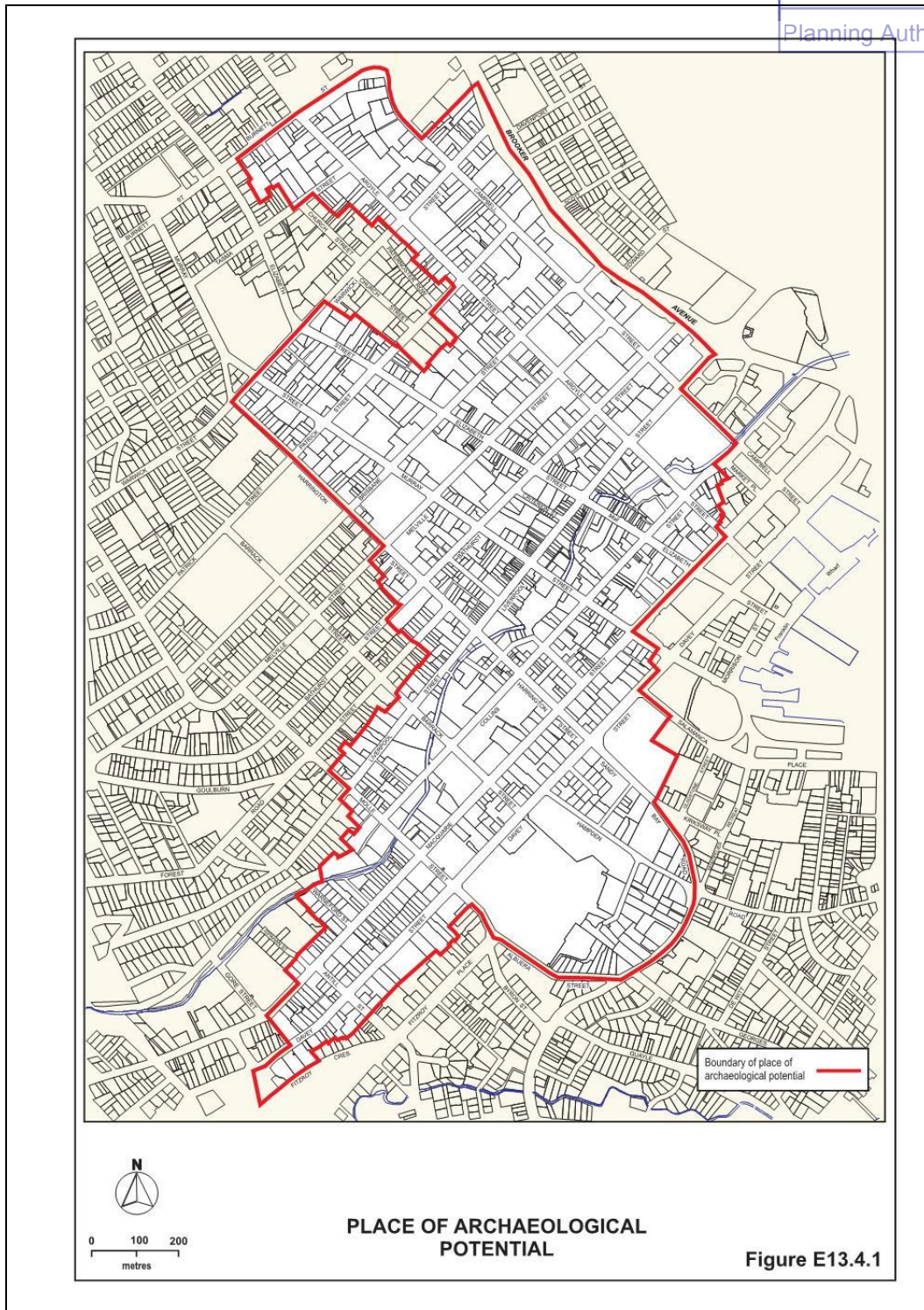
**The Hobart City Council Interim Planning Scheme 2015 (HCCIPS)**

The Penitentiary Chapel and Criminal Courts Complex is included as one of the places of Archaeological Potential on the Hobart City Council Interim Planning Scheme (2015, Figure 17). It is also Heritage Place 505, according to Table E13.1 of the HCCIPS.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council



**Figure 17: Places of Archaeological Potential in the Hobart City Council Area**  
<http://iplan.tas.gov.au/pages/plan/book.aspx?exhibit=hobips>, sourced 31/03/2016

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## 5.0 Significance Assessment for the Penitentiary Chapel and Criminal Courts Complex

The following provides an outline of the processes used to assess the significance of historic heritage sites.

### 5.1 Assessment Guidelines

The heritage assessment criteria utilised in Tasmania, encompass the five values identified in the Australian ICOMOS Burra Charter 2013 (*Burra Charter*). In the definition of historic cultural heritage significance, outlined in the *Historic Cultural Heritage Act 1995*, reference is also made to archaeological, architectural, cultural and technical values.

### 5.2 The Burra Charter

Under the guidelines of the Burra Charter 'cultural significance' refers to the 'aesthetic, historic, scientific, social or spiritual value for past, present or future generations' of a 'place' (ICOMOS 1999:2). The guidelines to the Burra Charter comment:

*"Although there are a variety of adjectives used in definitions of cultural significance in Australia, the adjectives 'aesthetic', 'historic', 'scientific' and social' ... can encompass all other values".*

The following provides the descriptions given for each of these terms.

#### Historic Value

A place may have historic value because it has influenced, or has been influenced by, an historic Figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment (Marquis-Kyle & Walker 1992).

#### Aesthetic Value

Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and materials of the fabric; the smells and sounds associated with the place and its use (Marquis-Kyle & Walker 1992).

#### Scientific Value

The scientific or research value of a place will depend upon the importance of the data involved or its rarity, quality or representativeness and on the degree to which the place may contribute further substantial information.

## The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment CHMA 2016

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

A site or a resource is said to be scientifically significant when its further study may be expected to help current research questions. That is, scientific significance is defined as research potential (Marquis-Kyle & Walker 1992).

### Social Value

The social value of a place is perhaps the most difficult value for heritage professionals to substantiate (Johnston 1994). However, social value is broadly defined as 'the qualities for which a place has become a focus of spiritual, political, natural or other cultural sentimental to a majority or minority group' (ICOMOS 1988:30). In What is Social Value, Johnston (1994) has provided a clear definition of social value:

*"Social value is about collective attachment to places that embody meaning important to a community, these places are usually community owned or publicly accessible or in some other way 'appropriated' into people's daily lives. Such meanings are in addition to other values, such as the evidence of valued aspects of history or beauty, and these meanings may not be apparent in the fabric of the place, and may not be apparent to the disinterested observer". (Johnston 1994: 10).*

Although encompassed within the criterion of social value, the spiritual value of a place is a relatively new addition to the Burra Charter (ICOMOS 1999:1). Spiritual value is predominantly used to assess places of cultural significance to Indigenous Australians. The degree to which a place is significant can vary. As Johnston (1994: 3) has stated when trying to understand significance a 'variety of concepts [are] used from a geographical comparison ('national', 'state', 'local') to terms such as 'early', 'rare', or 'seminal'. Indeed the Burra Charter clearly states that when assessing historic significance, one should note that for:

*'any given place the significance will be greater where evidence of the association or event survives in situ, or where the setting is substantially intact, than where it has been changed or evidence does not survive'. (ICOMOS 1988: 29)*

### 5.3 Tasmanian Heritage Assessment Criteria

Section 16 of the *Historic Cultural Heritage Act 1995* expresses heritage values through the following seven assessment criteria:

- Criterion (a): The place is important to the course or pattern of Tasmania's history.
- Criterion (b): The place possesses uncommon or rare aspects of Tasmania's history.
- Criterion (c): The place has the potential to yield information that will contribute to an understanding of Tasmania's history.
- Criterion (d): The place is important in demonstrating the principal characteristics of a class of place in Tasmania's history.
- Criterion (e): The place is important in demonstrating a high degree of creative or technical achievement

## The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

Criterion (f): The place has a strong or special association with a particular community or cultural group for social or spiritual reasons.

Criterion (g): The place has a special association with the life or works of a person, or group of persons of importance in Tasmania's history.

Criterion (h): The place is important in exhibiting particular aesthetic characteristics.

At the national level, agreement exists to standardise heritage criteria in line with the national heritage convention of chairs and directors of heritage (HERCON) adopted by all governments within Australia in 1998.

In Tasmania, heritage may be afforded protection as either a place of state heritage significance (entered on the THR) or of local significance (listed in a heritage schedule of a local planning authority).

State heritage significance as defined by the *Historic Cultural Heritage Act 1995* means: *'aesthetic, archaeological, architectural, scientific, social, spiritual or technical value to the whole STATE for past, present and future generations.'*

This compares with the definition for Local heritage significance:

*'aesthetic, archaeological, architectural, scientific, social, spiritual or technical value to a LOCAL OR REGIONAL AREA for past, present and future generations.'*

### 5.4 Significance Assessment for the Penitentiary Chapel and Criminal Courts Complex

The Pandemonium project will be focused in the western transept of the Penitentiary Chapel and Hobart Gaol and Criminal Courts Complex. The Complex is recognised as being of local, State and National significance. It is registered by the National Trust, it is Heritage Place no 505 on the Hobart City Council Interim Planning Scheme 2015, is on the Register of the National Estate (Place ID 11102) and is listed on the Tasmanian Heritage Register (THR 2208). According to the THR 2208 data sheet, the place meets at least three of the Tasmanian heritage assessment significance criteria (criteria a-e-g).

a.) The place is important in the course of Tasmania's History: The Penitentiary Chapel and Criminal Courts Complex of historical cultural heritage significance as a place that has features prominently in the growth and development of colonial Tasmania.

e.) The place is important in demonstrating a high degree of technical or creative achievement; the early colonial brick chapel demonstrates a high degree of technical achievement in the design and the detailing of the brick work construction.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

g.) The site has important associations with people and groups significant to the growth and development of Tasmania, including J. L. Archer and the National Trust (Tasmania) among many others.

The Heritage Tasmania data sheet for the Penitentiary Chapel and Hobart Gaol and Criminal Courts Complex is provided in Appendix 1).

Ellsmore (2001:1) conservation study of paint finishes for the whole of the Hobart Gaol and associated Penitentiary Complex, expands on the question of significance. The report reiterates that the Complex occupies one of Australia's most significant early sites.

- Together with the Hyde Park Barracks in Sydney (1818) it has the ability to demonstrate important aspects of colonial life and the management and treatment of convicts.
- It illustrates the architecture of the first group of formally designed colonial buildings and colonial building craftsmanship. J. Lee Archer's work has important aesthetic and technical significance, It is unique.
- The chapel and associated structures evoke a strong emotional response from site visitors today. The place evokes an eerie comprehension of convict life and incarceration in austere and sometimes squalid conditions.
- The courtroom and offices illustrate rare aspects of design, construction and decorative finishes of the nineteenth century.
- The place is significant within the National themes of 'peopling the continent' and 'government'. Relevant State themes include; convicts, townships, government administration, law and order, death and persons.

While the overall significance of the Penitentiary Chapel and Hobart Gaol and Criminal Courts Complex is high, the significance of the various individual features of the Complex may vary. This includes features within the remnant Chapel room. The following section provides an assessment of the significance of the various elements of the Chapel room.

### **5.5 Significance Assessment for the Penitentiary Chapel, former Western Transept**

As a general statement, the chapel room is assessed as being one of the most significant elements of the entire site complex, being a surviving internal component of the original Church (constructed in 1833), and the subsequently converted Penitentiary Chapel (conversions undertaken between 1857 and 1860). Table 1 provides a preliminary significance assessment of varied individual features of the Chapel room.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Hobart City Council

**Table 1: Preliminary significance assessment including a timeline of the key phases of construction and use, at the Penitentiary Chapel, former western transept. The executioner's yards are also described**

Phase	Dates	Description of Feature	Significance Rating
Early Hobart	<1830	No features evident, but may be represented as archaeological deposits, below surface and under cells.	High State Significance:
Early Convict Administration; the Assignment Period; Construction and Design	1831-1833	<p>Designed according to the J. Lee Archer's original plan for the Penitentiary Chapel (1831-1833). Even though the former western transept has been partially demolished, it best illustrates a range of Archer's 1830s features.</p> <p>Elements of this Phase evident in northern side windows, the elevated pews and the remnants of underfloor cells, as well as doors and openings on the south and north side of the wing. Other evidence of the period are the oak grained trusses and consoles, as well as the flooring and sub-floor timber work.</p> <p>Today, most of the timber features appear to have been oak grained. It is known however that original seating was made from cedar (English deal) boards.</p> <p>Original features include lime-washed walls in the cells and lightly washed walls under the stairs.</p> <p>Some of the furniture may also date to the Phase, or may have been made from materials recycled when the Chapel was deconstructed into the Hobart Gaol in 1857.</p>	<p>High State Significance:</p> <p>Associated with J. Lee Archer, perhaps the most prominent surveyor and architect of the Governor Arthur era of Van Diemen's land occupation.</p> <p>The design also based on ecclesiastical ideals, including the unfinished cruciform designed for the Hobart Gaol in 1829. It is a unique example of Colonial Georgian architecture.</p> <p>Lee Archer's design of underground cells is unique in the colony and overseas has no precedents.</p> <p>Demonstrates early government's early treatment of prisoners and methods of reform via religious instruction.</p>

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

Phase	Dates	Description of Feature	Significance Rating
Early Convict Administration; Assignment and Probation Periods; Penitentiary Chapel Phase	1833-1857	<p>Based on the original plans, it is likely that the original end wall (western wall) and the chapel was open to the pulpit, once requiring a curtain to keep the public in the central nave away from the gaze of prisoners.</p> <p>From 1847, the complete Chapel was closed to the public. The smallest of the cells below the Chapel floor are said to have been sealed.</p> <p>The phase is evident in the original plan of the Chapel, but is less apparent in the remnant former western transept, other than it is noticeably separate. Phase may be apparent through archaeological excavation.</p>	<p>High State Significance:</p> <p>The original design demonstrates government's early administration of the settlement and convicts, and less so, a desire to separate free citizens from convicts during worship.</p>
Hobart Criminal Courts and Gaol; Continued use as Chapel	1857-1961	<p>This includes considerable changes in the original Archer design, most of which occurred in the eastern and northern transepts.</p> <p>The major feature within the remaining chapel area is the newly built eastern wall, which divides the former western Chapel from a new vestry and courts. The wall was brick, covered with buff coloured plaster and lightly washed. It was ceiling height and a dado may have been present. Associated with this are new doors and stairs near the wall; probably originally oak grained.</p> <p>The building was periodically lime washed using light earth colours. A dado was still in place in 1955.</p> <p>The oak grained original windows in the north may have been painted with lead paint at the end of this period, but remain intact. A lesser quality sash in the southern window was probably placed into the original frame. It may also have been painted.</p> <p>Other features that may have been added during this phase potentially include new oak grained furniture, including a smaller pulpit, and perhaps new or recycled pews. Gas, followed by electric lighting, and associated features (metal conduits) were also added during this period.</p>	<p>Medium to High Significance:</p> <p>The transformation from the Penitentiary Chapel to Supreme Courts and Gaol demonstrate changes in convict transportation at the end of the 1850s, and a shift to a different justice system.</p> <p>While irrevocably altering the original design, including aesthetics and acoustics, the renovations associated with the court and gaol are a significant due to their lengthy association with correction and law enforcement, and in particular due to the prison religious activity.</p>

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

Phase	Dates	Description of Feature	Significance Rating
Hobart Gaol-Executioner's Yard	1857-present	<p>The executioner's yard was installed on the western end of the chapel in 1857, in order to house the trapdoor and gallows from the Murray Street Prison. From this period to 1946, thirty two people were hanged in the location.</p> <p>Following the closure of the Gaol in 1961, the gallows were deliberately burnt (1963), but were quickly restored reconstructed using only a few original features (trapdoor included).</p> <p>The gallows were removed again as capital punishment ended in 1968, and restored as a heritage item in 1991.</p> <p>It is that many of the existing features reflect the 1860s original design. This includes the paneled cladding, although both the scaffold door and trapdoor may be original. Today, the hanging beams are believed to be the only intact original surface of the yard, with analysis showing that while there are no modern finishes consistent with the post 1960s remodeling (Ellsmore 2001:16-17).</p>	<p>High Significance:</p> <p>Significant in their lengthy association with changing attitudes regarding capital punishment, as well as the changing justice system (see above).</p>
Hobart Gaol Demolition and Criminal Courts; Reconstruction	1961-1983	<p>The most relevant to the western transept is the conversion of the Deputy Gaoler's residence in Brisbane Street, into a daytime holding block with 'cyclone wire' cells for prisoners awaiting trial in the adjacent court buildings.</p> <p>In order to gain access to the tunnels under the courts leading to the docks, part of the remaining chapel was demolished and a wire security runway, and new (possibly recycled) doors, were installed.</p> <p>The demolition led to the exposure of the underground cells and the north side of the stalls. The wire cage itself continued to be utilised until the removal of the Courts from Campbell Street in 1983.</p>	<p>Low to Medium Significance:</p> <p>While irrevocably altering the original design, the partial destruction of the former pulpit is significant due to its association with changes in the correction and law enforcement at the end of the 20<sup>th</sup> century.</p> <p>The destruction is significant as signaling the end of religious activity within the Chapel Complex and for, perhaps incidentally, exposing the original structure for public display.</p> <p>Public display was to become increasingly important in the final, current phase of the building.</p>

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

Phase	Dates	Description of Feature	Significance Rating
Conservation, Restoration, Interpretation and the Public	1984-Present	<p>The final phase involves the consolidation and interpretation of the remnant heritage fabric within the former western transept.</p> <p>Minor features of this phase include a wall colour scheme described as 'curious' (Ellsmore 2001) and perhaps the addition of other finishes, including polyurethane sealants on wood trusses and painted finishes for doors and walls.</p> <p>The phase is also demonstrated by surfaces exposed through archaeological excavation, situated under the stalls, as well as portable items that may date to the original Convict phase.</p>	<p>Generally Low Significance:</p> <p>The status of the archaeological potential of the room is pending results of recent archaeological excavations.</p>

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## 6.0 Statement of Heritage Impacts for the Pandemonium Project

### 6.1 Summary of Heritage Impacts and Overarching Considerations

As discussed in previous sections of the report, the chapel room is one of the most significant elements of the entire Penitentiary Chapel site, being a surviving internal component of the original Church (constructed in 1833), and the subsequently converted Penitentiary Chapel (conversions undertaken between 1857 and 1860).

Because of the significance values of the chapel room, it is imperative that all installations and alterations that are required for the showing of the Pandemonium film are designed to have a minimal impact upon the physical and aesthetic values of the space. This imperative has been communicated to Aegres (the firm engaged to design and install the audio visual components of the Pandemonium film) and has been a foremost consideration in the proposed concept designs for the installations. Aegres has confirmed that their stated objectives are to install equipment and cabling so that they are largely hidden from public view, and to ensure that the installations can be completely removed without trace at the conclusion of the project. It should be noted that Aegres has had previous experience in designing and installing infrastructure within sensitive heritage spaces, having undertaken installations at multiple locations at Port Arthur and the Bond Store which is now part of the Tasmanian Museum and Art Gallery.

Table 2 below provides a summary of the installations and alterations that are proposed to take place in the Chapel Room as part of the Pandemonium Film Project, and a summary statement of heritage impacts. Each of these elements are discussed in more detail in sections 6.2 to 6.7 of the report.

The overall cumulative heritage impacts of these various elements of the Pandemonium project on the Chapel room is assessed as being very low. The design and installation processes outlined above (and discussed in sections 6.2 to 6.7 of the report) are designed to ensure that the physical impacts on the fabric and structural elements of the room will be negligible.

The installation processes have also been designed so that the aesthetic impacts on the room are minimised. This includes the hiding of hardware from public view, and using innovated window treatments to ensure that natural lighting can still access the room outside of the Pandemonium viewing times.

It should be noted that this Heritage Impact assessment, and associated Statement of Heritage Impacts, has not addressed the potential issue of increased public visitation to the Penitentiary Chapel and Criminal Courts Complex that may arise through this

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

---

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

Pandemonium Project, or other future tourism ventures. It is intended that these matters will be assessed as part of the broader Conservation Management Plan that is being prepared for the Penitentiary Chapel and Criminal Courts Complex.

At this point it is sufficient to note that the Pandemonium viewings are to be held once a day, with maximum visitor numbers being 40 people per showing. This level of increased public foot traffic through the complex is not anticipated as having any short impacts of consequence.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

**Table 2: Summary Statement of Heritage Impacts for the Pandemonium Project**

Description of Installation or Alteration	Statement of Heritage Effects
<b>Installation of Projectors</b> Three projectors plus associated cabling to be installed on the ceiling trusses of the Chapel room.	Installation and removal of projectors and cabling will have no physical impacts on the ceiling trusses. Projectors and cabling will be partially hidden from public trafficable areas. Therefore the aesthetic impacts of the installation is assessed as being low.
<b>Installation of Speakers</b> It is proposed to install 24 speakers within the Chapel room. Speakers 1-9 will be clamped to the ceiling trusses. Speakers 10-20 will be positioned at audience level within the Chapel room. Speakers 21-24 will be positioned below audience level in void spaces within the Chapel room.	Installation and removal of the speakers and associated cabling will have no physical impacts on the structure or fabric of the Chapel room. The speakers and cabling will all be largely hidden from view to the public trafficable areas. This means that the visual aesthetic impacts on the room will be very low.
<b>Installation of AV Box</b> Audio-visual hardware that will be required for the operation of the projectors and speakers will be housed within an AV box, placed beneath the podium at the northern end of the Chapel room.	AV Box will be hidden from public view beneath the podium at the northern end of the Chapel room, therefore the visual aesthetic impacts on the room will be negligible. The AV Box will not be fixed to any structural feature, which means there will be no physical impacts to structural elements or fabric of the room.
<b>Lighting Alterations</b> The existing artificial lighting within the Chapel room will be modified, involving fitting dimmers and LED warm colour temperature lights to the existing lighting adjacent to the western wall of the Chapel room.	The steel poles and the lights are comparatively modern additions, and are not heritage features. Therefore the modification of the lighting will have no physical impacts on the heritage values of the Chapel room. Given that the new lighting will incorporate adjustable dimmers, it is not anticipated that there will be any change to the aesthetic values of the space.
<b>Repainting of Chapel Walls</b> It is proposed to repaint over the existing blue paint on the northern and eastern internal walls of the Chapel room. The new paint will be an off-white colour that is designed to match the existing white paint on the eastern wall, below the blue paint.	The blue paint is a comparatively modern addition, and appears to be an acrylic. The paint itself has no inherit heritage value. The blue colour is also assessed as having no intrinsic heritage value to the room. On this basis it is assessed that the painting of the walls will have no detrimental impacts to the heritage values of the Chapel room.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

Description of Installation or Alteration	Statement of Heritage Effects
<p><b>Installation of Automated Blinds on Chapel Windows</b></p> <p>It is proposed to install automated blinds to the five windows in the Chapel room.</p> <p>The process will involve wedging prefabricated wooden frames into each of the five existing window frames. There will be no requirement to fix these the prefabricated frames to the existing windows with any form of screws or hinges. The automated blinds will then attached directly to the prefabricated insert frames.</p>	<p>Based on the described installation processes it is expected that the installation and removal of the automated blinds will have no physical impacts to the existing window frames or windows.</p> <p>The blind installation themselves will result in temporary changes to the look of the windows, as the inserts will partially hide the original frames. This is assessed as a minor impact. When the automated blinds are lowered, the natural light in the Chapel room will be extinguished. Blinds will only be lowered during film viewing, and will be raised for the remainder of the time. On this basis, it is assessed that the installation of the automated blinds will only have a minor impact on the aesthetic heritage values of the Chapel room.</p>

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

---

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## 6.2 Statement of Heritage Impacts for the Installation of Projectors

### ***Description***

It is proposed to install three projectors within the Chapel room, each of which will be clamped to the ceiling (roof) trusses. This method for fixing the projectors is 100% reversible, and the clamps are designed so as not to cause any damage to the ceiling trusses. Figure 18 shows the proposed location of the projectors.

The three projectors will all be positioned so as to be partially hidden from view to the public trafficable areas (placed behind ceiling beams or columns). The data and power cabling to the projectors will also be hidden from view wherever possible (via running cables on top of beams). A single riser will be required to link the projectors' data and power cables to services in the ceiling. This may be the only component of the cabling that is visible to the public. However, options are still being investigated for hiding these services.

### ***Statement of Heritage Impacts***

The ceiling (roof) trusses are an original feature of the Church, and a significant component of the Chapel room. When the Church was first constructed, the ceiling trusses were oak grained in a naïve style. More recently, a polyurethane clear glossy varnish has been applied over the original finish (Ellsmore 2001:23).

The installation of the projectors and associated cabling, using the procedures described above, will have no physical impacts on the ceiling trusses within the Chapel room. Being a 100% reversible process, it will also be able to be removed without any physical impacts to the trusses.

As described above, the three projectors and the data cabling will all be partially hidden from view to the public trafficable areas. The possible exception being the riser that will be used to link cabling to services in the ceiling. This means that the visual aesthetic impacts on the room will be negligible.

Overall, it is assessed that the installation of the projectors and associated cabling will have a minimal impact on the heritage values of the Chapel room.

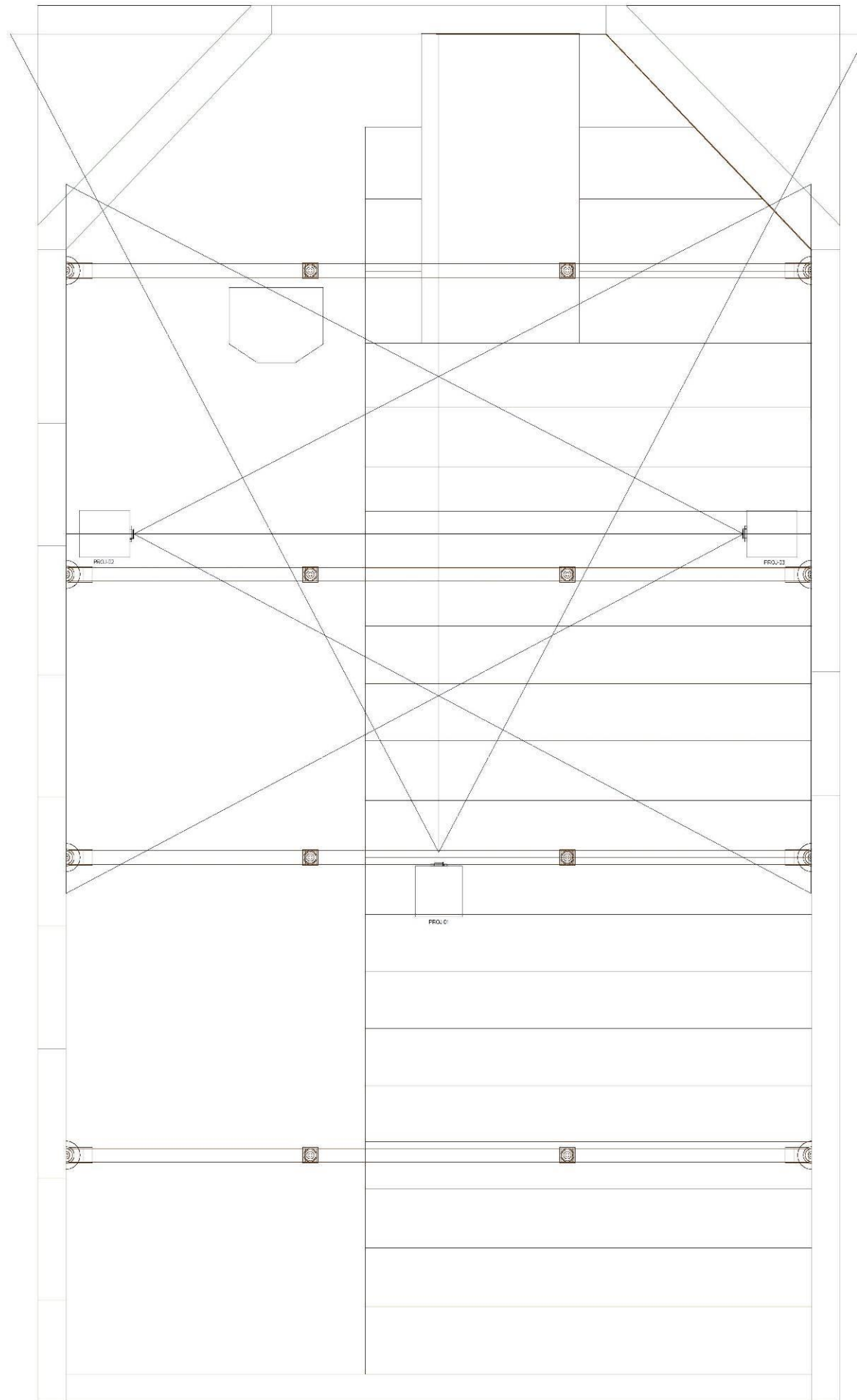
The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council



Plate 1: View of the ceiling trusses where it is proposed to mount the three projectors



- Projectors PJ-01 to PJ-03 to be of same type for matched visual performance.
- Projectors to be black in colour of matt or dull finish to minimise reflectivity.
- Projectors to be mounted with greatest consideration towards minimising visibility from publicly accessible areas. Wherever possible projectors should be obscured from view for the majority of publicly trafficable areas (e.g. by columns, beams, etc)
- Cabling to be hidden from view where ever possible.
- The Hobart Penitentiary chapel is to be considered a significant and high value heritage site and as such:
  - All fixing methods are to be zero damage and 100% reversible - any fixing methods that do not adhere must be approved before proceeding. Non-damaging clamping may be considered as a zero damage and 100% reversible fixing method.
  - All installations are to provide the greatest consideration to preserving and maintaining the existing presentation of the Penitentiary site. Equipment and infrastructure should be hidden from view wherever possible.

drawing created: 0 Preliminary 1 For Approval  AR105 16-11-2016 AR10 21-02-2018	NUMBER   LEADING ZEROS PARTIAL 11 05 2018 SPREAD 0 DATE 21-02-2018  PROJECT HOBERT PENITENTIARY CHAPEL PANDEMONIUM  © COPYRIGHT 2016 AEGRES ALL RIGHTS RESERVED	SCALE NTS @ A2  PROJECT HOBERT PENITENTIARY CHAPEL PANDEMONIUM  PROJECTOR POSITIONS	1002 Pty Ltd Trading as Aegres, ABN13 137 002 777 8-801 Lane, Ewingsdale, TAS 7512 PO Box 266 Hobart, TAS 7000  T: 03 6221 5500 F: 03 6221 4000 W: www.aegres.com	 DRAWING NO. CPV-03 REV NO. 1 FOR APPROVAL
--	--	--	---	--

**Figure 18: Plan showing the proposed location of the three projector units, mounted to the ceilings trusses**

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

### 6.3 Statement of Heritage Impacts for Speaker Installations

#### **Description**

It is proposed to install 24 speakers within the Chapel room. Speakers 1-9 will be clamped to the ceiling trusses. This method for fixing the speakers is 100% reversible, and the clamps are designed so as not to cause any damage to the ceiling trusses. The 9 speakers will all be positioned so as to be largely hidden from view to the public trafficable areas (placed behind ceiling beams or columns). Figure 19 shows the proposed location of these 9 speakers. The data and power cabling to the 9 speakers will also be hidden from view wherever possible (via running cables on top of beams). A single riser will be required to link the speakers' data and power cables to services in the ceiling. This may be the only component of the cabling that is visible to the public. However, options are still being investigated for hiding these services.

Speakers 10-20 will be positioned at audience level within the Chapel room. The speakers will be either placed behind beams so as to be hidden from public trafficable seating, or will be hidden under seating. Where speakers are required to be fixed to features, clamping will be used. This method for fixing the speakers is 100% reversible, and the clamps are designed so as not to cause any damage to beams or seating. Figure 20 shows the proposed location of speakers 10-20. The cabling for these speakers will be hidden under the flooring so as not to be visible to the public.

Speakers 21-24 will be positioned below audience level in void spaces within the Chapel room. Where speakers are required to be fixed to features, clamping will be used. This method for fixing the speakers is 100% reversible, and the clamps are designed so as not to cause any damage to beams or seating. Figure 21 shows the proposed location of speakers 10-20. The cabling for these speakers will be hidden under the flooring so as not to be visible to the public.

#### **Statement of Heritage Impacts**

The ceiling (roof) trusses and the Chapel Room seating are original features of the Church, and a significant component of the Chapel room.

The installation of the speakers and associated cabling, using the procedures described above, will have no physical impacts on the structure or fabric of the Chapel room. Being a 100% reversible process, it will also be able to be removed without any physical impacts to the room.

As described above, the speakers and cabling will all be largely hidden from view to the public trafficable areas. The possible exception being the riser that will be used to link cabling to services in the ceiling. This means that the visual aesthetic impacts on the room will be negligible. Overall, it is assessed that the installation of the speakers and

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

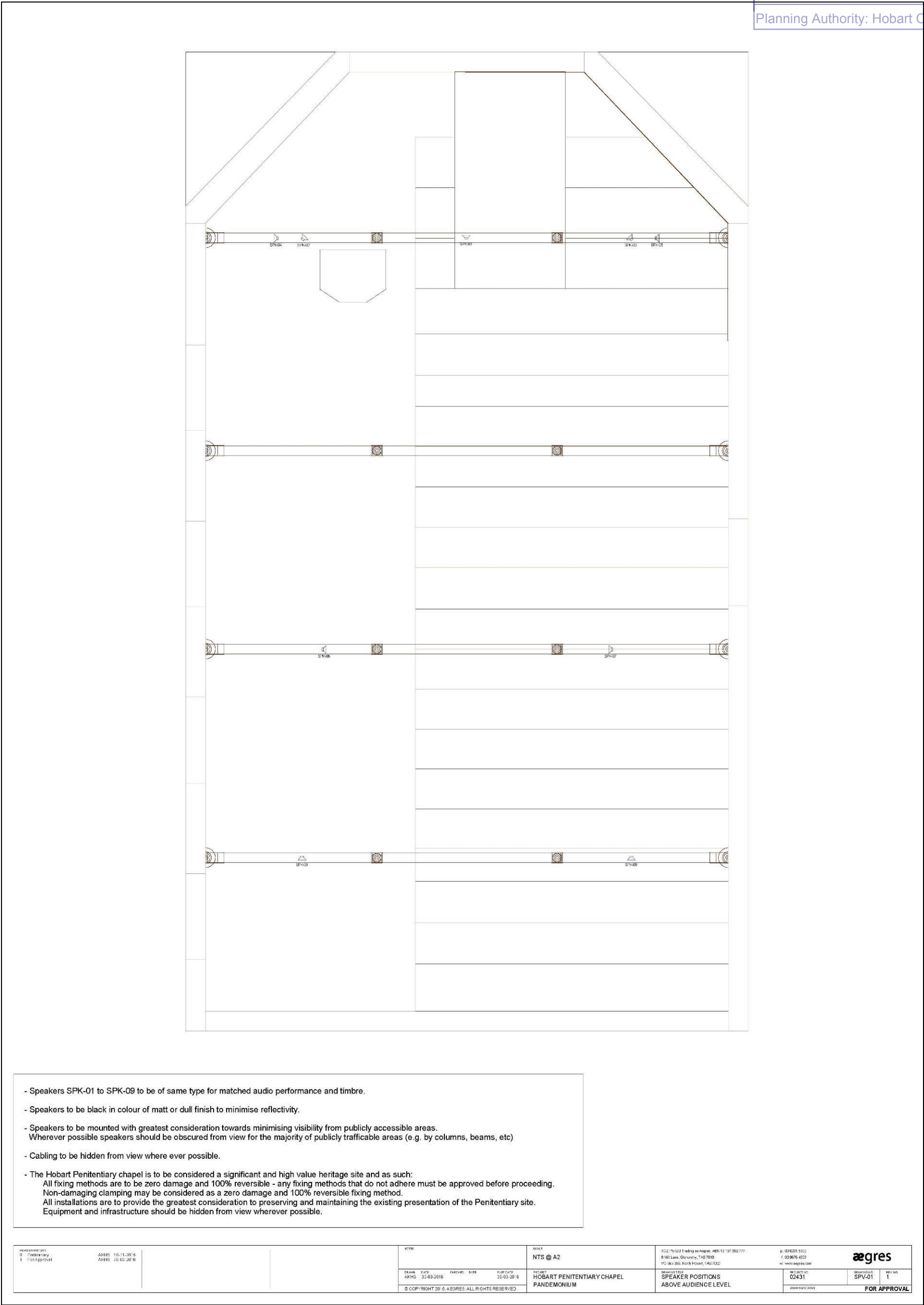
associated cabling will have a minimal impact on the heritage values of the Chapel room.



Plate 2: View south at the Chapel room showing the ceiling trusses where speakers 1-9 will be placed, and the areas where speakers 10-20 will be positioned, below seating or in voids



Plate 3: View south in the Chapel room showing the general location of speakers 21-24 placed at below audience level



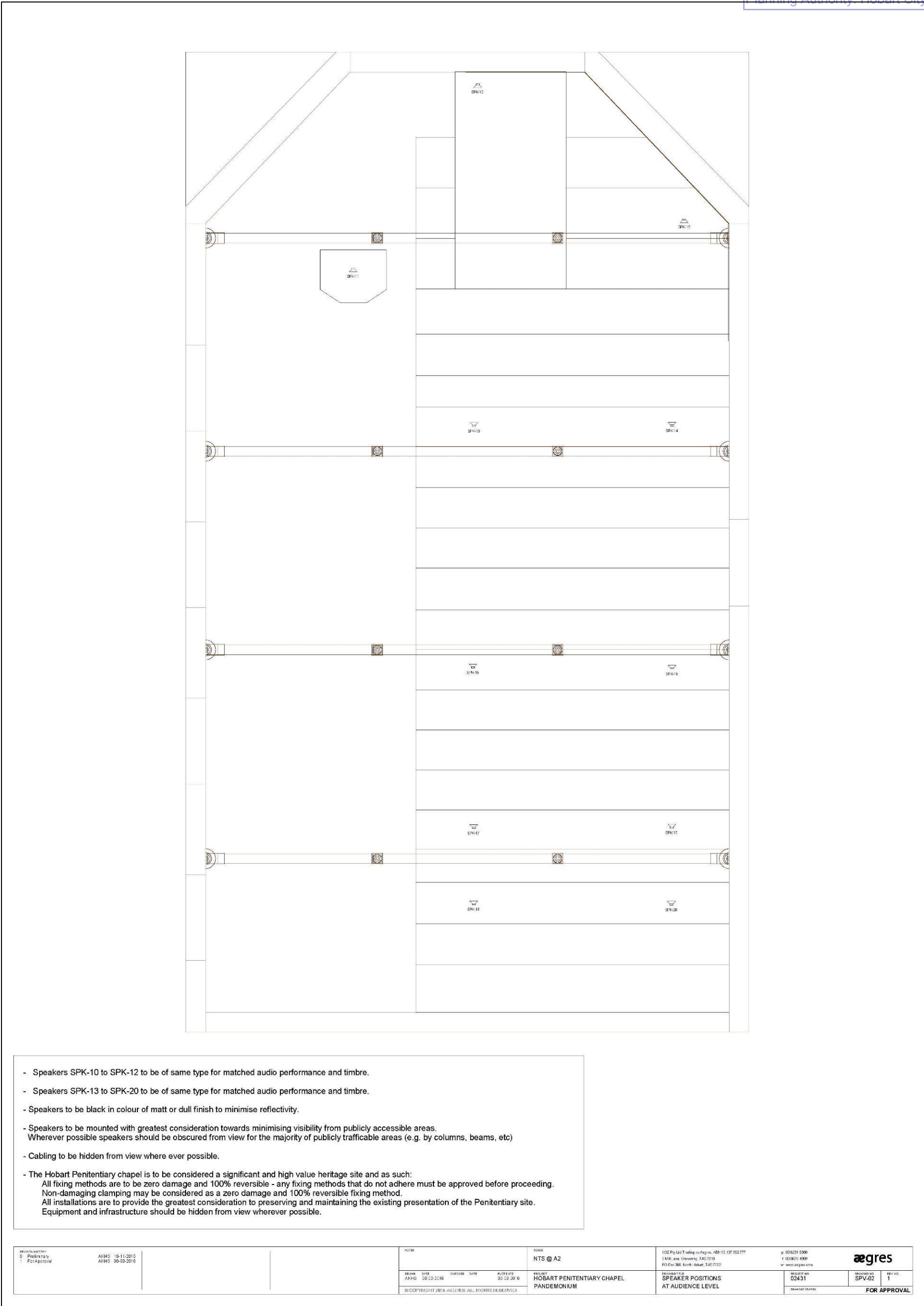


Figure 20: The location of speakers 10-20 at audience level in the Chapel room

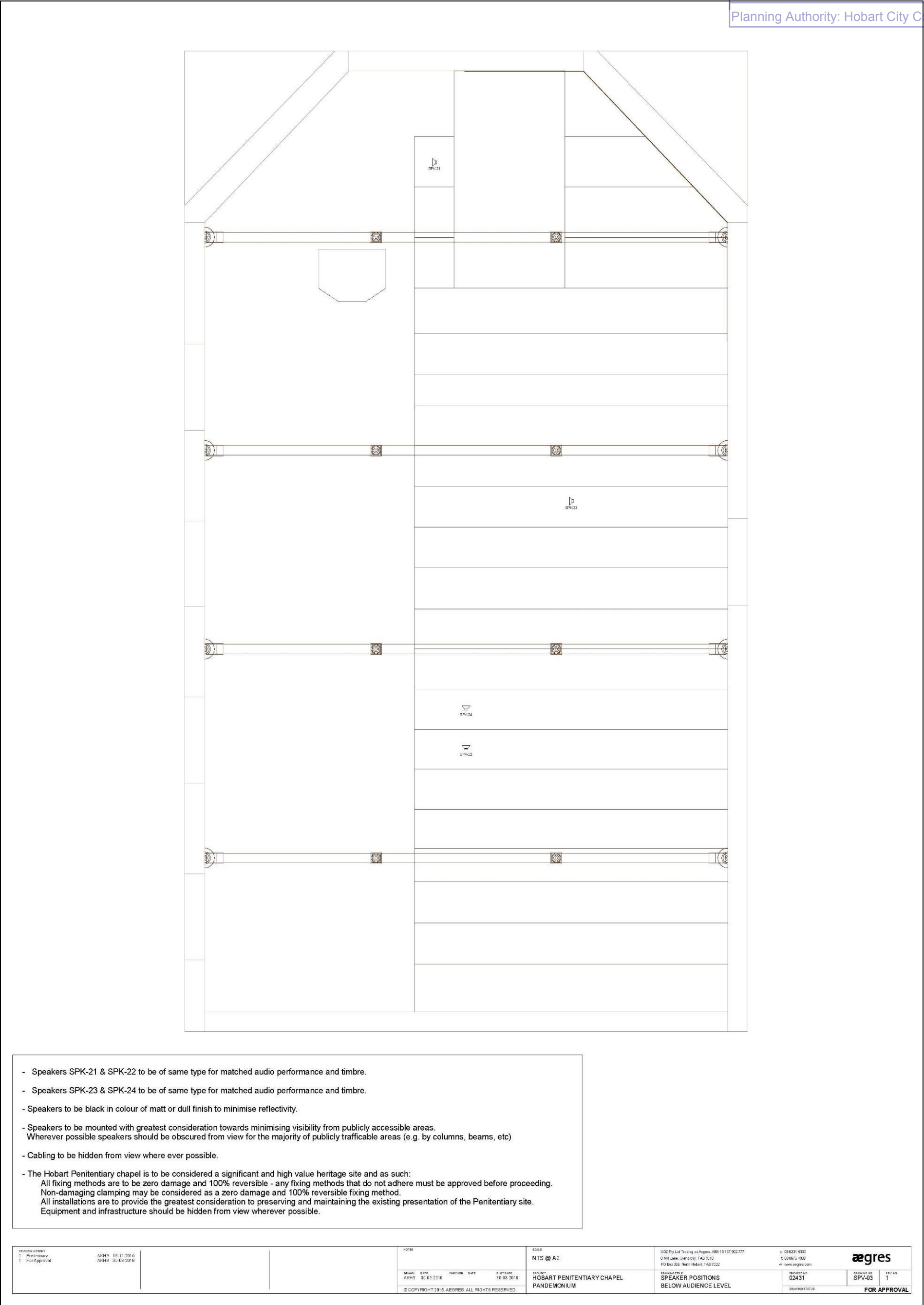


Figure 21: The location of speakers 21-24 below audience level in the Chapel room

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

#### 6.4 Statement of Heritage Impacts for the AV Box Installation

##### *Description*

All the audio-visual hardware that will be required for the operation of the projectors and speakers will be housed within an AV box. This box will be hidden from public view, beneath the podium at the northern end of the Chapel room (see Plate 4). The AV Box will not be required to be fixed to any structural feature.

##### *Statement of Heritage Impacts*

The AV Box will be positioned beneath the podium at the northern end of the Chapel room, and will not be visible to the public. This means that the visual aesthetic impacts on the room will be negligible. The AV Box will not be fixed to any structural feature, which means there will be no physical impacts to the structural elements or fabric of the room.

Overall, it is assessed that the installation of the AV Box will have no impact on the heritage values of the Chapel room.



Plate 4: The proposed location of the AV Box, beneath the podium at the northern end of the Chapel room

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## 6.5 Statement of Heritage Impacts for Lighting Alterations

### *Description*

It is proposed to modify the existing artificial lighting within the Chapel room. The modifications will involve fitting dimmers and LED warm colour temperature lights to the existing lighting adjacent to the western wall of the Chapel room (see Plate 5). These modifications will provide improved lighting within the Chapel room, at times when the Pandemonium film is not being shown. It is also anticipated that power usage will be reduced, and heat output minimised compared to the existing lighting.

### *Statement of Heritage Impacts*

The existing lighting in the Chapel room which is proposed to be modified, is currently mounted on steel poles along the western wall of the room. The steel poles and the lights are comparatively modern additions, and are not heritage features. Therefore the modification of the lighting will have no physical impacts on the heritage values of the Chapel room. Given that the new lighting will incorporate adjustable dimmers, which means that the extent of artificial lighting within the Chapel room can be adjusted depending on the use of the room, it is not anticipated that there will be any change to the aesthetic values of the space.

Overall, it is assessed that the modification of the lighting will have no impact on the heritage values of the Chapel room.



Plate 5: The existing lighting along the western wall of the Chapel room which will be modified

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## 6.6 Statement of Heritage Impacts for the Re-painting of Chapel Walls

### *Description*

The Pandemonium film will be projected onto the walls of the Chapel room. In order to enhance the visual quality of the projected image, it is proposed to repaint over the existing blue paint on the northern and eastern internal walls of the Chapel room (see Plate 6). The new paint will be an off-white colour that is designed to match the existing white paint on the eastern wall, below the blue paint (see Plate 6).

### *Statement of Heritage Impacts*

The internal Chapel walls were originally painted in white and light coloured earth washes with dados. Various coloured wall washes were used later in combination with oil painted dados (Ellsmore 2001:23). The Chapel walls are currently painted in an odd patchwork of colours that in the words of Ellsmore (2001:23) 'demonstrates an inadequate understanding of the history of painting of the walls'. The blue paint on the northern and eastern internal walls of the Chapel room is a modern addition. The paint itself has no inherent heritage value. The blue colour is also assessed as having no intrinsic heritage value to the room. On this basis it is assessed that the painting of the walls will have no detrimental impacts to the heritage values of the Chapel room.

If it is necessary to strip the blue paint off the wall, prior to repainting, then care should be taken not to damage the underlying plaster on the walls. The preferred process would be to paint directly over the existing blue paint.



.Plate 6: The blue paint on the northern and eastern internal wall of the Chapel room, which is proposed to be repainted

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

One of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## 6.7 Statement of Heritage Impacts for the Installation of Automated Blinds on the Chapel Windows

### *Description*

There are a total of five windows in the Chapel room (see Plate 7). Four of these windows are located on the northern wall (see Plate 8), with the remaining window being located on the southern wall (see Plate 9). In order to enhance the visual quality of the projected image within the Chapel room, it is proposed to install automated blinds to these five windows.

The process will involve wedging prefabricated wooden frames into each of the five existing window frames. There will be no requirement to fix these the prefabricated frames to the existing windows with any form of screws or hinges. The automated blinds will then attached directly to the prefabricated insert frames. The following provides a more detailed description for the fitting of the automated blinds.

- Frame inside the window socket fits flush to the edge of the inside wall (as though the window has a frame to the space). Front face of timber (flush with wall) to have a distressed look as per the surroundings to match for projection. Internals will look as per newer timber so that a heritage look is not confused as being genuine.
- A U-shaped channel will frame around the inside of the framing again flush with the inside wall to create a light trap. The front face will be distressed to match for projection, but the rest will not be disguised as heritage to avoid confusion. The U-shaped channel will contain the blind system thoroughly and will create a highly effective light trap. This approach has been used on other sites where the complete blackout from roller blinds has been required.
- A roller blind will be installed at the top of the frame and over-rolled so that the blind is deployed flush with the face of the inside wall. The blind will be white on the inside and then have a distressed finish applied to match surroundings for projection purposes. The rear of the blind will be black to ensure the external visual perspective of the building is not impacted.
- The top part of the frame will form a pelmet over the roller blind and again the front face will be distressed for projection matching purposes.
- All blind motors will be 12 or 24V ELV to avoid the need to use conduit as is required with protecting 240V cabling. We believe the cabling can be almost completely hidden and be of the most minimal visual impact. The cabling will be custom run on to the top of the overhead beams where it will be completely hidden. Typically the cable will only have to travel between 30-60cm on the wall face from the blind motor.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

### ***Statement of Heritage Impacts***

The four chapel windows on the north wall are original features of the 1830s building. All the original windows show traces of the near white lead paint finishes. They also exhibit oak graining below a series of modern topcoats. It appears that all the finishes were oak grained from the 1860s to recently. The small panelled square glass panes within each of the four windows also appear to be original (Ellsmore 2001). The single south wall window probably dates to the 1860s, and a replacement sash (which fits into the original frame) is made of pine. It exhibits white lead paint finishes and oak graining (Ellsmore 2001).

The vaulted ceilings within the Chapel room, and the windows placed high up on the walls, would have been designed to encourage the churchgoers to lift thy eyes to the heavens, and to ponder the glories of the lord. For those prisoners that were housed in the cells beneath the Chapel, and in the adjacent Gaol, this would have been one of the few opportunities in the weekly cycle where they were exposed to natural daylight. As such, the experience is likely to have been even more profound. Interestingly, the windows are quite modest, both in size and design, being a simple square shape, and featuring relatively plain clear glass panes. This is likely to reflect the relative austerity of the early colonial times, when the Church was first erected.

The four windows on the northern wall, and to a lesser extent, the single window on the southern wall, therefore constitute a significant element of the fabric and aesthetics of the Chapel room.

Based on the installation processes detailed above, it is expected that the automated blinds will have no physical impacts to the existing window frames or windows. Moreover, the process is 100% reversible, so that the automated blinds can be completely removed at the end of the Pandemonium Project, without any physical impacts to the windows.

The only impact associated with this proposal relates to potential changes to the aesthetics and ambience of the Chapel room. The blind installation themselves will result in temporary changes to the look of the windows, as the inserts will hide the original frames. This is assessed as a minor impact.

When the automated blinds are lowered, the natural light in the Chapel room will be extinguished. This of course is the purpose of the installation, as it will enhance the visual quality of the film. At this point it is anticipated that the Pandemonium Film will be shown once a day, between the hours of 5pm and 7pm (this may alter pending visitor numbers). It is proposed that the automated blinds will only be lowered during those periods of the day when the film is being shown. For the remainder of the day, the blinds will be raised, allowing the natural light to fill the room, and giving the guided tours the opportunity to experience the Chapel room in its natural ambience. On this basis, it is

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

assessed that the installation of the automated blinds will only have a minor impact on the aesthetic heritage values of the Chapel room.



Plate 7: View showing the five windows within the Chapel Room



Plate 8: The four windows on the northern wall of the Chapel room which are proposed to have automated shutters installed

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

---

Impact Assessment is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council



Plate 9: The single window on the southern wall of the Chapel room which is proposed to have an automated shutter installed

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## 7.0 Statutory Controls and Legislative Requirements

The following provides a summary overview of the various legislative instruments and statutory requirements relating to historic heritage in Tasmania. The review is presented in order to provide the proponent with a basic understanding of the statutory frameworks and procedures relating to heritage in Tasmania.

### 7.1 National Conventions

#### *Council of Australian Governments Agreement 1997*

In 1997, COAG reached an agreement on Commonwealth, State and local government roles and responsibilities for heritage management. Local government, through the Australian Local Government Association, and the Tasmanian Government were both signatories to this Agreement. The Agreement resulted in the following outcomes:

- Acceptance of a tiered model of heritage management, with the definition of places as being of either, world, national, state or of local heritage significance;
- Nominations of Australian places for the World Heritage List and management of Australia's obligations under the World Heritage Convention would be carried out by the Commonwealth Government;
- A new National Heritage System on one was created in January 2004, comprising the Australian Heritage Council (AHC), National Heritage List (NHL) and Commonwealth Heritage List (CHL);
- The Commonwealth Government, through the Australian Heritage Council would be responsible for listing, protecting and managing heritage places of national significance;
- State and Territory Governments would be responsible for listing, protecting and managing heritage places of state significance; and
- Local government would be responsible for listing, protecting and managing heritage places of local significance.

#### ***Environment Protection and Heritage Council of the Australian and State/Territory Governments 1998***

In 1998, the National Heritage Convention proposed a set of common criteria to be used in order to better assess, understand and manage the heritage values of places.

The Environment Protection and Heritage Council of the Australian and State/Territory Governments adopted this as a national set of desirable common criteria (known as the HERCON criteria). The adoption of these criteria by Heritage Tasmania has not yet been formalised. These criteria are also based upon the Burra Charter values. The Common Criteria (HERCON Criteria) adopted in April 2008 are summarised below:

- a) *Importance to the course or pattern of our cultural or natural history.*
- b) *Possession of uncommon, rare or endangered aspects of our cultural or natural history.*

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

- c) *Potential to yield information that will contribute to an understanding of our cultural or natural history.*
- d) *Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments.*
- e) *Importance in exhibiting particular aesthetic characteristics*
- f) *Importance in demonstrating a high degree of creative or technical achievement at a particular period.*
- g) *Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.*
- h) *Special association with the life or works of a person, or group of persons, of importance in our history.*

These criteria have been endorsed by the Heritage Chairs and Officials of Australia and New Zealand (HCOANZ) in the Supporting Local Government Project document, "Protecting Local Heritage Places: A National Guide for Local Government and Communities" (March 2009).

### **Burra Charter 2013**

Australia ICOMOS (International Council on Monuments and Sites) is the peak body of professionals working in heritage conservation in Australia. The Burra Charter was adopted by Australia ICOMOS in 1979 in Burra, South Australia based on other international conventions. Further revisions were adopted in 1981, 1988, 1999 and 2013 to ensure the Charter continues to reflect best practice in heritage and conservation management. The current version of the Australia ICOMOS Burra Charter 2013 is the only version that should be used.

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australian ICOMOS members. The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

The Charter recognises the need to involve people in the decision-making process, particularly those that have strong associations with a place. It also advocates a cautious approach to changing heritage places: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## 7.2 Commonwealth Legislation

### ***Environment Protection and Biodiversity Conservation Act 1999***

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides for the listing of natural, historic or indigenous places that are of outstanding national heritage value to the Australian nation as well as heritage places on Commonwealth lands and waters under Australian Government control.

Once a heritage place is listed under the EPBC Act, special requirements come into force to ensure that the values of the place will be protected and conserved for future generations. The following heritage lists are established through the EPBC Act:

- *National Heritage List* - a list of places of natural, historic and indigenous places that are of outstanding national heritage value to the Australian nation
- *Commonwealth Heritage List* - a list of natural, historic and indigenous places of significance owned or controlled by the Australian Government.
- *List of Overseas Places of Historic Significance to Australia* – this list recognises symbolically sites of outstanding historic significance to Australia but not under Australian jurisdiction.

### ***Australian Heritage Council Act 2003***

The Australian Heritage Council is a body of heritage experts that has replaced the Australian Heritage Commission as the Australian Government's independent expert advisory body on heritage matters when the new Commonwealth Heritage System was introduced in 2004 under amendments to the Environment Protection and Biodiversity and Conservation Act 1999.

The Council plays a key role in assessment, advice and policy formulation and support of major heritage programs. Its main responsibilities are to assess and nominate places for the National Heritage List and the Commonwealth Heritage List, promote the identification, assessment, conservation and monitoring of heritage; and advise the Minister on various heritage matters.

### ***Protection of Movable Cultural Heritage Act 1986***

The PMCH Act regulates the export of cultural heritage objects from Australia. The purpose of the Act is to protect, for the benefit of the nation, objects which if exported would significantly diminish Australia's cultural heritage. Some Australian protected objects of Aboriginal, military heritage and historical significance cannot be granted a permit for export. Other Australian protected objects may be exported provided a permit or certificate has been obtained.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

### 7.3 State Legislation

#### ***Land Use Planning and Approvals Act 1993***

This Act (LUPA) is the cornerstone of the State Resource Management and Planning System (RMPS). It establishes the legitimacy of local planning schemes and regulates land use planning and development across Tasmania. With regard to historic heritage, LUPAA requires that planning authorities will work to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value" [Schedule 1 Part 2(g)].

#### ***Resource Planning and Development Commission Act 1997***

The Resource Planning and Development Commission (now referred to as the Tasmanian Planning Commission) is responsible for overseeing Tasmania's planning system, approving planning schemes and amendments to schemes and assessing Projects of State Significance. In terms of heritage management, the TPC will consider the establishment of heritage overlays, precincts or areas as part of the creation of planning schemes.

#### ***Resource Management and Planning Appeal Tribunal Act 1993***

The Resource Management and Planning Appeal Tribunal determine planning appeals and enforce the Acts within the RMPS. The Tribunal plays an important role in the management of heritage places through its determinations on proposed development on, or near to, places of heritage significance.

#### ***Historic Cultural Heritage Act 1995***

The Historic Cultural Heritage Act 1995 (HCH Act) is the key piece of Tasmanian legislation for the identification, assessment and management of historic cultural heritage places. The stated purpose of the HCH Act is to promote the identification, assessment, protection and conservation of places having historic cultural heritage significance and to establish the Tasmanian Heritage Council". The HCH Act also includes the requirements to:

- establish and maintain the Tasmanian Heritage Register (THR);
- provide for a system for a system of approvals for work on places on the Register;
- provide for Heritage Agreements and assistance to property owners;
- provide for protection of shipwrecks;
- provide for control mechanisms and penalties for breaches of the Act.

Under the HCH Act, "conservation" in relation to a place is defined as:

- the retention of the historic cultural heritage significance of the place; and
- any maintenance, preservation, restoration, reconstruction and adaption of the place.

## The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

The definition of “place” under the HCH Act includes:

- a site, precinct or parcel of land;
- any building or part of a building;
- any shipwreck;
- any item in or on, or historically or physically associated or connected with, a site precinct or parcel of land where the primary importance of the item derives in part from its association with that site, precinct or parcel of land; and
- any equipment, furniture, fittings, and articles in or on, or historically or physically associated or connected with any building or item.

The Act created the Tasmanian Heritage Council (THC), which came into existence in 1997 and operates within the State RMPS. The THC is a statutory body, separate from government, which is responsible for the administration of the HCH Act and the establishment of the Tasmanian Heritage Register (THR), which lists all places assessed as having heritage values of state significance. The THC also assesses works that may affect the heritage significance of places and provides advice to state and local government on heritage matters. The primary task of the THC is as a resource management and planning body, which is focused on heritage conservation issues. Any development on heritage-listed places requires the approval of the THC before works can commence.

Heritage Tasmania (HT), which is part of the Department of Primary Industry, Parks, Water and the Environment, also plays a key role in fulfilling statutory responsibilities under the HCH Act.

HT has three core roles:

- co-ordinating historic heritage strategy and activity for the State Government;
- supporting the Tasmanian Heritage Council to implement the HCH Act; and
- facilitating the development of the historic heritage register.

In 2013, The *Historic Cultural Heritage Amendment Bill 2013* was passed, with the primary goal of streamlining the approvals process and better align the Heritage Act with the Planning Act. Under the Amendment Bill applicants need only lodge a single Development Application (DA) (as opposed to both a Works Application and DA), which will be referred to the Heritage Council by the local planning authority. Heritage Council then has the opportunity to advise the planning authority whether or not it has an interest in the DA and may request further information under s57 of the LUPAA. If the Heritage Council does not have an interest in the DA, it reverts to the status it has under the Scheme or Planning Act. Where Heritage Council does have an interest in the DA, the Council decision must be incorporated into the final permit (or refusal) issued by the local planning authority.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

HERCON  
Planning Authority: Hobart City Council

Also included in the Amendment Bill 2013 is the incorporation of the significance criteria for assessing the significance of heritage sites. Point 11 of the amendment (2013) details the substitution of Section 16 of the HCH Act 1995 with new protocols for the entry of places in the Heritage Register. The Heritage Council may enter a place in the Heritage Register if it satisfied that the place has historic cultural heritage significance by meeting threshold values for one or more of eight individual criteria. Aesthetic characteristics of a place now forms the eighth criterion against which heritage significance may be assessed.

Works to places included in the THR require approval, either through a Certificate of Exemption for works which will have no or negligible impact, or through a discretionary permit for those works which may impact on the significance of the place.

Discretionary permit applications are lodged with the relevant local planning authority. On receipt, the application is sent to the Heritage Council, which will firstly decide whether they have an interest in determining the application. If the Heritage Council has no interest in the matter, the local planning authority will determine the application.

If the Heritage Council has an interest in determining the application, a number of matters may be relevant to its decision. This includes the likely impact of the works on the significance of the place; any representations; and any regulations and works guidelines issued under the HCH Act. The Heritage Council may also consult with the planning authority when making a decision.

In making a decision, the Heritage Council will exercise one of three options: consent to the discretionary permit being granted; consent to the discretionary permit being granted subject to certain conditions; or advise the planning authority that the discretionary permit should be refused. The Heritage Council's decision is then forwarded to the planning authority, which will incorporate the decision into any planning permit

#### Works Guidelines for Historic Heritage Places 2015

The Tasmanian Heritage Council and Heritage Tasmania have issued Works Guidelines for Historic Heritage Places in November 2015. The guidelines provide a general reference for the types of works which may be exempt, or those where a permit will be required. They also define appropriate outcomes for a range of different works and development scenarios. Although specifically designed for places included in the THR, the guidelines provide useful advice for the management of heritage places generally.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

---

This is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

#### 7.4 Local Planning Schemes

In accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA), Local Planning Schemes have been established throughout Tasmania in accordance with regional divisions of the state.

The relevant scheme for this project is the Hobart City Council Interim Planning Scheme 2015.

The Minister for Planning has declared an interim planning scheme to apply all of the land in the City of Hobart except for that covered by the Sullivans Cove Planning Scheme 1997.

Notice of the declaration of the Hobart Interim Planning Scheme 2015 was published in the Tasmanian Government Gazette on 13 May 2015 and it came into operation on Wednesday 20 May 2015.

The City of Hobart Planning Scheme 1982 and the Battery Point Planning Scheme 1979 ceased to have effect on that day. Any valid permit application received by close of business on the 19 May 2015 will be determined under those schemes.

([http://www.hobartcity.com.au/Development/Planning/Planning\\_Schemes/Hobart Interim Planning Scheme 2015](http://www.hobartcity.com.au/Development/Planning/Planning_Schemes/Hobart_Interim_Planning_Scheme_2015), sourced 1/04/2016).

The objective of development in heritage places is stated in section E13.7.2 (see the Hobart Interim Planning Scheme 2015 » Part E Codes » E13.0 Historic Heritage Code » E13.7 Development Standards for Heritage Places » E13.7.2 Buildings and Works other than Demolition>

(<http://iplan.tas.gov.au/pages/plan/book.aspx?exhibit=hobips>, sourced 31/03/2016).

To ensure that development at a heritage place is:

- (a) undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance
- (b) designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics.

Acceptable solutions and performance criteria are shown below:

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

Acceptable Solutions:	Performance Criteria:
A1 No acceptable Solution	P1 Development must not result in any of the following: <ul style="list-style-type: none"> <li>(a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;</li> <li>(b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.</li> </ul>
A2 No acceptable Solution	P2 Development must be designed to be subservient and complementary to the place through characteristics including: <ul style="list-style-type: none"> <li>(a) scale and bulk, materials, built form and fenestration;</li> <li>(b) setback from frontage;</li> <li>(c) siting with respect to buildings, structures and listed elements;</li> <li>(d) using less dominant materials and colours.</li> </ul>
A3 No acceptable solution	P3 Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.
A4 No acceptable solution	P4 Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.
A5 New front fences and gates must accord with the original design, based on photographic, archaeological and other historical evidence	P5 New front fences and gates must be sympathetic in design, (including height, form, scale and materials), to the style, period and characteristics of the building to which they belong.
A6 Areas of landscaping between a dwelling and the street must be retained	P6 The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance of the place.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

The objective in terms of development in places of archaeological potential is stated in section E13.10.1 (see Hobart Interim Planning Scheme 2015 » Part E Codes » E13.0 Historic Heritage Code » E13.10 Development Standards for Places of Archaeological Potential » E13.10.1 Building, Works and Demolition (<http://iplan.tas.gov.au/pages/plan/book.aspx?exhibit=hobips>, sourced 31/03/2016). Acceptable solutions and performance criteria are shown below:

Acceptable Solutions:	Performance Criteria:
A1 Building and works do not involve excavation or ground disturbance.	P1 Buildings, works and demolition must not unnecessarily impact on archaeological resources at places of archaeological potential, having regard to: <ul style="list-style-type: none"> <li>(a) the nature of the archaeological evidence, either known or predicted;</li> <li>(b) measures proposed to investigate the archaeological evidence to confirm predictive statements of potential;</li> <li>(c) strategies to avoid, minimise and/or control impacts arising from building, works and demolition;</li> <li>(d) where it is demonstrated there is no prudent and feasible alternative to impacts arising from building, works and demolition, measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation;</li> <li>(e) measures proposed to preserve significant archaeological evidence 'in situ'.</li> </ul>

Table E13.4 lists Central Hobart, the extent of which is shown in Figure 17 (Plan E13.4.1), as a Place of Archaeological Potential. The area includes the Penitentiary Chapel and Criminal Courts Complex.

## The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

### 8.0 Heritage Management Plan

The heritage management recommendations provided in this report are made on the basis of the following criteria.

- The legal and procedural requirements as summarised in section 7 of this report, with specific reference to the Work Guidelines for Historic Heritage Places.
- The results of the heritage register searches and field investigation as documented in sections 4 and 6 of the report.
- The significance values of the Penitentiary Chapel and Criminal Courts Complex as detailed in section 5 of this report.

#### 8.1 Legal Requirements and Approval Processes

The Penitentiary Chapel and Criminal Courts Complex is listed on the Tasmanian Heritage Register (THR 2208: see Appendix 1). The site is therefore afforded statutory protection. Under the *Historic Cultural Heritage Act 1995*.

*'a person must not carry out any works in relation to a registered place...which may affect the historic cultural heritage significance of the place unless the works are approved by the Tasmanian Heritage Council.'*

The Penitentiary Chapel and Criminal Courts Complex is also Heritage Place no 505 on the Hobart City Council Interim Planning Scheme 2015, and is afforded protection under this scheme.

Works to places included in the THR require approval, either through a Certificate of Exemption for works which will have no or negligible impact, or through a Discretionary Permit for those works which may impact on the significance of the place (see section 7.3 of this report).

As detailed in section 6 of this report, the overall cumulative heritage impacts of the various elements of the Pandemonium project on the Chapel room is assessed as being very low. The design and installation processes are designed to ensure that the physical impacts on the fabric and structural elements of the room will be negligible. The installation processes have also been designed so that the aesthetic impacts on the room are minimised. This includes the hiding of hardware from public view, and using innovated window treatments to ensure that natural lighting can still access the room outside of the Pandemonium viewing times.

On the basis of this assessment, it is reasonable possible to argue that the potential heritage impacts associated with the Pandemonium Project are sufficiently reduced to warrant a Certificate of Exemption. However, because of the elevated significance of the Penitentiary Chapel and Criminal Courts Complex, and the fact that the proposed works are focused within the Chapel Room, which is a significant element of the complex, it is recommended that the proponent apply for a Discretionary Permit. Installation works

## The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment CHMA 2016

This is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

associated with the Pandemonium Project should not proceed until the Discretionary Permit has been issued.

Discretionary permit applications are lodged with the relevant local planning authority (Hobart City Council in this instance). On receipt, the application is sent to the Heritage Council, which will firstly decide whether they have an interest in determining the application. If the Heritage Council has no interest in the matter, the local planning authority will determine the application.

If the Heritage Council has an interest in determining the application, a number of matters may be relevant to its decision. This includes the likely impact of the works on the significance of the place; any representations; and any regulations and works guidelines issued under the HCH Act. The Heritage Council may also consult with the planning authority when making a decision.

In making a decision, the Heritage Council will exercise one of three options: consent to the discretionary permit being granted; consent to the discretionary permit being granted subject to certain conditions; or advise the planning authority that the discretionary permit should be refused. The Heritage Council's decision is then forwarded to the planning authority, which will incorporate the decision into any planning permit.

### **8.2 Procedures for Dealing with Accidental Impacts**

The design and installation processes are designed to ensure that the physical impacts on the fabric and structural elements of the room will be negligible. However, there is always the potential for accidental damages to occur to significant elements of the Chapel room, either through the installation process, or the removal of installations.

If accidental damages do occur, it is recommended that a suitably qualified and experienced Conservator is engaged to assess the extent of the damage, and to provide advice as to appropriate restoration procedures.

### **8.3 Alterations and Additions to the Installation Process**

The Statement of Heritage Impacts presented in section 7 of this report is based on the current scope of installation works proposed for the Pandemonium project. If there any additions or alterations to the scope of installation works, then it is advised that these should be implemented in the same sympathetic manner as the current proposal. If there are major changes to the installation process which may have an adverse impact on the heritage values of the Chapel room, then advice should be sought from Heritage Tasmania regarding any addition assessment requirements.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

---

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

### 8.3 General Recommendations

- As per the Practice Note No 2 by the Tasmanian Heritage Council, processes must be followed should any unexpected archaeological features and/or deposits be revealed during works. Given the limited scope of installation works associated with the Pandemonium project, the chances of Unanticipated discoveries occurring is assessed as being negligible.
- Copies of this report should be submitted to Heritage Tasmania (HT) for review and comment.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

This is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## References Cited

Brand, I. 1986 An Outline History of the Penitentiary Chapel and Criminal Courts, Hobart. Unpublished Report, Heritage Tasmania.

Brand, I. 1998 (2003) *Penal Peninsula Tasmania's Port Arthur and Its Outstations 1927-1898*, Regal Publications, Launceston.

Derrincourt, W. 1899, *Old Convict Days*. T. Fisher Unwin, New York.

Ellsmore, D. 2001 (Heritage and Conservation Services, Sydney - in conjunction with J. Whitlam, Conservator). The Penitentiary Chapel and Criminal Courts, Cnr Brisbane and Campbell Streets, Hobart, Tasmania. Analysis of External and Internal finishes. Prepared for the National Trust and Cultural Heritage Branch, Resource Management and Conservation; Department of Primary Industries, Water and Environment.

Howroyd and Forward Architects, 1976, 'Old Criminal Courts Study'. Prepared for the Public Works Department, Tasmania.

Moody, L. 2005 Hobart Gaol History. In *Tasmanian Ancestry* Vol 25, No 4 March: 195-199.

Mercer, P. 2007, The Penitentiary: Echoes from Hobart's Grim Past, In *Tasmania Forty Degrees South* No 45: 58-59.

National Trust of Australia (Tasmania) 1999 *The Penitentiary Chapel and Criminal Courts, cnr Brisbane and Campbell Streets, Hobart*, Tasmania. Australia. Produced for the Trust, by George Brown (et al). ; Editors Peter and Elizabeth Mercer, Consulting editor Gillian Winter.

National Trust Tasmania 2007, *The Penitentiary Chapel Historic Site, Cnr Brisbane and Campbell Streets, Hobart*. One in a Series of Monographs on the Tasmanian Heritage Estate, administered by the National Trust.

Rieusset, B. 2007, *Penitentiary Chapel: a brief history of the Penitentiary Chapel and Original Courts*, A National Bicentennial Project: First Published Hobart, Howrah, Tas.

Tanner, L. 1999, Voices from the Tench. In *Tasmania Forty Degrees South* No 15: 18-21.

Tasmanian Life 2002 Hobart's fascinating Penitentiary Chapel Historic Site. In *Tasmanian Life* 01/04/2002: 14.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council  
Courts Historic Site.

### **Other**

Management Policy Statement for the Old Trinity Church – Criminal Courts Historic Site.

### **Tasmanian Archives Heritage Office (TAHO)**

TAHO, AA116\_1\_120,

<http://search.archives.tas.gov.au/default.aspx?detail=1&type=I&id=AA116/1/120>,

sourced 1/04/2016.

TAHO, NS2340\_1\_1, Photograph - Campbell Street Gaol, Hobart - interior of chapel; 1955; (<http://search.archives.tas.gov.au/default.aspx?detail=1&type=I&id=NS2340/1/1>, sourced 1/04/2016).

TAHO, NS2340\_1\_2, Photograph - Campbell Street Gaol, Hobart - Internal walls and cell doors; 1955,

(<http://search.archives.tas.gov.au/default.aspx?detail=1&type=I&id=NS2340/1/2>,

sourced 1/04/2016).

TAHO, NS2340\_1\_3,

<http://search.archives.tas.gov.au/default.aspx?detail=1&type=I&id=NS2340/1/3>, sourced

1/04/2016.

TAHO, NS2340\_1\_29, showing the interior of the “Dust Hole”. Dated to 1955.

<http://search.archives.tas.gov.au/default.aspx?detail=1&type=I&id=NS2340/1/29>,

sourced 1/04/2016.

TAHO, Journals and Papers of parliament, 1914-1915, Paper 33 Gaols Report and Paper 59, Gaols Report).

TAHO, Report on the Royal Commission on the Hobart Gaol. 1943. In Parliamentary Papers No. 8 1943.

TAHO, PWD266/4/22081 Plan - Penitentiary Chapel/Criminal Courts - Stage 1 Conservation and Restoration; Drawing No - 5 South West Elevations; Contract Code C 53.203-1; Card No.22086.

### **Online Sources**

TheLIST, [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au), sourced 1/04/2016

<http://www.linc.tas.gov.au/convict-portal/pages/convict-life.aspx>, sourced 1/04/2016

<https://www.nationaltrust.org.au/about-us-tas/>, sourced 01/04/2016

<http://www.penitentiarychapel.com>, sourced 1/04/2016

<http://www.penitentiarychapel.com/history.htm>, sourced 1/04/2016).

<http://www.penitentiarychapel.com/html/hishtml/pchs%20cyclone.htm>, sourced 1/04/2016.

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

Impact Assessment is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

<http://www.penitentiarychapel.com/html/hishtml/pchs%20chapel%20today.htm>, sourced 1/04/2016.

<http://spc.adlibhosting.com/brief.aspx>, sourced 1/04/2016

<https://stors.tas.gov.au/AUTAS001126077049w800>, sourced 1/03/2016; South-west view of Trinity Church Publication Information: Hobart Town : H. Melville, 1834. Physical description: 1 print : b&w., lithograph ; 10 X 17 cm.

Plan of the Chapel from Boyd's Report, 1847 , TAHO GO 33/58 P. 973 (copied from <http://www.penitentiarychapel.com/html/hishtml/pchs%20plan.htm>, sourced 1/04/2016)

### **Newspapers**

The Mercury 17/06/2000: 40, Joining Our Penal Past: Helping Hands for the Chapel.

Hobart Town Courier (Tas. : 1827 - 1839) Friday 13 June 1834 p 4

The Cornwall Chronicle (Launceston, Tas. : 1835 - 1880) Saturday 21 April 1860 p 5

Examiner (Launceston, Tas.: 1900 - 1954) Tuesday 7 March 1933 p 6

### **Secondary Sources**

Australian ICOMOS. 1988. *Guidelines to the Burra Charter*.

Australian ICOMOS. 1999 *The Burra Charter*

Australian ICOMOS. 2013 *The Burra Charter*.

### **Heritage Registers**

- Australian National Heritage List (NHL)
- Australian Commonwealth Heritage List (CHL)
- The Australian Heritage Database (AHD)
- Tasmanian Heritage Register (THR)
- The Register of the National Estate (RNE)
- Australian Heritage Places Inventory (AHPI)
- The National Trust (NT)
- List of Overseas Places of Historic Significance to Australia

### **Legislation**

HCCIPS - The Hobart City Council Interim Planning Scheme 2015

[http://www.hobartcity.com.au/Development/Planning/Planning\\_Schemes/Hobart\\_Interim\\_Planning\\_Scheme\\_2015](http://www.hobartcity.com.au/Development/Planning/Planning_Schemes/Hobart_Interim_Planning_Scheme_2015), sourced 1/04/2016

<http://iplan.tas.gov.au/pages/plan/book.aspx?exhibit=hobips>, sourced 31/03/2016

Places of Archaeological Potential in the Hobart City Council Area

<http://iplan.tas.gov.au/pages/plan/book.aspx?exhibit=hobips>, sourced 31/03/2016

*Historic Cultural Heritage Act 1995*

*Council of Australian Governments Agreement 1997*

*Environment Protection and Heritage Council of the Australian and State/Territory Governments 1998*

*Land Use Planning and Approvals Act 1993*

*Resource Planning and Development Commission Act 1997*

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

---

Impact Assessment is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

*Resource Management and Planning Appeal Tribunal Act 1993*  
*Historic Cultural Heritage Act 1995*  
*Environment Protection and Biodiversity Conservation Act 1999*  
*Australian Heritage Council Act 2003*  
*Protection of Movable Cultural Heritage Act 1986*  
*Aboriginal Relics Act 1975*  
*Coroners Act 1995*

Protecting Local Heritage Places: A National Guide for Local Government and Communities” (March 2009).

Works Guidelines for Historic Heritage Places, Nov 2015

The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment  
CHMA 2016

---

This is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## Appendix 1

### Tasmanian Heritage Register Data Sheet for the Penitentiary Chapel and Criminal Courts Complex

# The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment CHMA 2016

## DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

### Tasmanian Heritage Register Datasheet



Tasmanian Heritage Council

103 Macquarie Street (GPO Box 618)

Hobart Tasmania 7001

Phone: 1300 850 332 (local call cost) | 6233 2037

Fax: 6233 3186 | Email: [enquiries@heritage.tas.gov.au](mailto:enquiries@heritage.tas.gov.au)

Web: [www.heritage.tas.gov.au](http://www.heritage.tas.gov.au)

**Name:** Penitentiary Chapel and Criminal Courts Complex  
**Status:** Permanently Registered  
**Tier:** State

**THR ID Number:** 2208  
**Municipality:** Hobart City Council  
**Date Listed:** 09-December-1998

#### Location Addresses

98A Campbell ST, Hobart 7000 TAS

#### Title References

159426/1

#### Property Id

5659226



Penitentiary Chapel  
and Criminal Courts  
Complex  
DPIPWE 1997

Penitentiary Chapel  
and Criminal Courts  
Complex  
DPIPWE 1997

Chapel Tower  
  
DPIPWE 1997

**Setting:** The Penitentiary Chapel and Criminal Courts Complex is a prominent visual landmark situated on the corner of Brisbane and Campbell Streets in Hobart.

**Description:** A complex of buildings including a chapel with tower, two court houses and gaol, all in original condition. The complex dates from 1831 and has various additions and removals.

**History:** Sections of the buildings were designed by Colonial Architect John Lee Archer. The site is presently occupied by the National Trust.

**Statement of Significance:** No Data Recorded

(non-statutory  
summary)

#### Significance:

The Heritage Council may enter a place in the Heritage Register if it meets one or more of the following criteria from the Historic Cultural Heritage Act 1995:

**a) The place is important to the course or pattern of Tasmania's history.**

The Penitentiary Chapel and Criminal Courts Complex is of historic cultural heritage significance as a place which has featured prominently in the growth and development of colonial Tasmania.

**b) The place possesses uncommon or rare aspects of Tasmania's history.**

No Data Recorded

**c) The place has the potential to yield information that will contribute to an understanding of Tasmania's history.**

No Data Recorded

**d) The place is important in demonstrating the principal characteristics of a class of place in Tasmania's history.**

No Data Recorded

## The Penitentiary Chapel Historic Site Pandemonium Project: Heritage Impact Assessment CHMA 2016

---

**e) The place is important in demonstrating a high degree of creative or technical achievement.**

The early colonial brick chapel demonstrates a high degree of technical achievement in the design and detailing of the brick work construction.

**f) The place has a strong or special association with a particular community or cultural group for social or spiritual reasons.**

No Data Recorded

**g) The place has a special association with the life or works of a person, or group of persons, of importance in Tasmania's history.**

The site has important associations with people and groups significant to the growth and development of Tasmania, including John Lee Archer and the National Trust (Tasmanian Division) among many others.

**h) The place is important in exhibiting particular aesthetic characteristics.**

No Data Recorded

**PLEASE NOTE** This data sheet is intended to provide sufficient information and justification for listing the place on the Heritage Register. Under the legislation, only one of the criteria needs to be met. The data sheet is not intended to be a comprehensive inventory of the heritage values of the place, there may be other heritage values of interest to the Heritage Council not currently acknowledged.

### DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00413-01 and was received on the 15 April 2016

Planning Authority: Hobart City Council

## **14. RESPONSES TO QUESTIONS WITHOUT NOTICE – FILE REF: 13-1-10**

---

The General Manager reports:-

“In accordance with the procedures approved in respect to Questions Without Notice, the following responses to questions taken on notice are provided to the Committee for information.

The Committee is reminded that in accordance with Regulation 29(3) of the Local Government (Meeting Procedures) Regulations 2015, the Chairman is not to allow discussion or debate on either the question or the response.”

### **14.1 DRAFT TASMANIAN CAT MANAGEMENT PLAN**

Ref. PRC 12/5/2016

Attachment

14.1

Memorandum to Aldermen from the Director  
City Planning of 6 June 2016.

### ***RECOMMENDATION:***

***That the attached memorandum be received and noted.***

The General Manager reports:

“In accordance with the provisions of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, this supplementary matter is submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- (a) information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act.”

City of **HOBART**

13-1-10; 17-4-2

6 June 2016

**MEMORANDUM: LORD MAYOR  
DEPUTY LORD MAYOR  
ALDERMEN**

## **QUESTIONS WITHOUT NOTICE – RESPONSE DRAFT TASMANIAN CAT MANAGEMENT PLAN**

*Pursuant to Council Policy 2.01, Clause A(10), where a response to a Question without Notice is not able to be provided at a meeting, the question is taken on notice. Upon distribution of the response to all Aldermen, both the Question and the Response is to be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, whereat it will be listed for noting purposes only, with no debate or further questions permitted, as prescribed in the Section 29 of the Local Government (Meeting Procedure) Regulations 2015.*

At the Parks and Recreation Committee meeting held on 12 May 2016 the following question without notice was asked by Alderman Briscoe:

**Question:** Will the City of Hobart be making a submission in respect to the Draft Tasmanian Cat Management Plan currently being prepared by the Department of Primary Industries, Parks, Water and Environment (DPIPWE)?

The Director Parks and City Amenity took the question on notice and advised that the response would be provided to the City Planning Committee. A response is subsequently provided below:

**Response:** An officer response to the Draft Tasmanian Cat Management Plan will be submitted for consideration to the City Planning Committee scheduled for 14 June 2016.

(Neil Noye)

**DIRECTOR CITY PLANNING**