



City of **HOBART**

## APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee  
Council: 19 December 2016  
Expiry Date: 4 January 2018  
Application No: PLN-16-839  
Address: 85 - 99 COLLINS STREET , HOBART  
49 - 51 MURRAY STREET , HOBART  
Applicant: (Meyer Shircore & Associates)  
Suite 2, 437 Roberts Road  
Proposal: Partial Demolition, Alterations and Extensions and Partial Change of Use to  
Business and Professional Services and Signage  
Representations: Five (5)  
Performance criteria: Historic Heritage Code, Signage Code

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### 1. Executive Summary

- 1.1. Planning approval is sought for partial demolition, alterations and extensions, partial change of use to business and professional services and signage. The proposal is comprised of the following:
- Partial demolition and alterations to the Collins Street frontage to provide for refurbished ground and first floor general retail and hire use;
  - Partial demolition and alterations to the Collins Street facade;
  - To the Collins Street frontage, alterations to provide for second floor office (business and professional services) use
  - Further would be a ground floor (Cat and Fiddle upper level) extension of floor area of 22 square metres over the northern side of the Cat and Fiddle Square (the 'Clock Court void').
  - Associated signage.
- 1.2. The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.2.1. Historic Heritage Code - Listed Places - E13.7.1 P1 and E13.7.2 P1, P2, P3 and P4.
- 1.2.2. Signs Code - Part E17.7.2 P1

- 1.3. A total of five (5) representations all objecting to the heritage demolition (Collins Street) aspect of the proposal were received within the statutory advertising period.
- 1.4. The proposal is recommended for conditional approval.
- 1.5. The final decision is delegated to the Council.

## **2. Site Detail**

- 2.1. The site is in the city centre. Existing uses on site generally comprise shops (general retail and hire).

## **3. Proposal**

- 3.1. Planning approval is sought for partial demolition, alterations and extensions, partial change of use to business and professional services and signage. More specifically, the proposal is comprised of the following:

- Partial demolition and alterations to the Collins Street frontage to provide for refurbished ground and first floor general retail and hire use;
- Partial demolition and alterations to the Collins Street façade;
- To the Collins Street frontage, alterations to provide for second floor office (business and professional services) use.
- Further would be a ground floor (Cat and Fiddle upper level) extension of floor area of 22 square metres over the northern side of the Cat and Fiddle Square (the 'Clock Court void').
- Associated signage.

## **4. Background**

- 4.1. There has been ongoing applicant consultation.
- 4.2. The application has been advertised twice. The first proposal was for a partial demolition, alterations and extensions and partial change of use to visitor accommodation.
- 4.3. The first proposal attracted twelve representations which raised concern with regard to the proposed demolition of the 1955 Collins Street facade.
- 4.4. Major heritage concerns were raised with the applicant with regard to the partial demolition of that Collins Street facade.
- 4.5. The application was subsequently deferred by the applicant and an extension of time granted.

- 4.6. Following further consultation, the applicant has lodged the current amended application (received dated 18/11/2016 and 21/11/2016) for a partial demolition, alterations and extensions, partial change of use to business and professional services and signage. Much of the demolition and alterations proposed to the 1955 Collins Street façade that was part of the original proposal and considered contrary to planning scheme heritage provisions has been omitted from the re-advertised proposal that is the subject of this assessment. The visitor accommodation component of the original proposal has also been omitted.
- 4.7. The current amended application was referred to an external heritage consultant for review (David Wixted of Heritage Alliance). The initial advice from the consultant is provided below at paragraph 6.6.8. The full report of the consultant will be tabled at the Special City Planning Committee meeting on 19 December 2016.

## 5. Concerns raised by representors

- 5.1. The following table outlines the issues raised by the representors. All concerns raised with respect to the discretions invoked by the proposal will be addressed in Section 6 of this report.
- 5.2. A total of five representations have been received, principally on grounds detailed in the table below relating to heritage.

Concerns that internal stairway and balcony are intrinsic parts of the facade and should be retained in accordance with Hobart Interim Planning Scheme provisions E13.7.1 P1.
Concern that Council uphold its heritage listing and reject the proposed demolition of the 'Fitzgeralds' facade and internal stair. The retained facade and stair could be readily and easily incorporated into a new development.
The value of the building is recognised as Post War International Style department store and that it makes a contribution to the streetscape.
20th century architecture needs to be maintained and appreciated as much as 19th century architecture.
The 1955 Fitzgeralds department store facade (the glazed frontage of C48, as represented in the application), designed by Hartley Wilson, is significant and should be retained.
The facade, atrium and stairway are architecturally significant and should be retained in the redevelopment.

<p>Designed by Hartley Wilson, the designer of many buildings, including art deco hotels in Hobart, including Casino's Wrest Point Riviera Hotel, Ocean Child Hotel and Shamrock Hotel, examples of key Inter-War and Deco early Modern buildings in Hobart.</p>
<p>This building marks a time in Hobart's history that recalls the optimistic spirit of the post WW2 period</p>
<p>'There is no need for such drastic demolition of this heritage listed site. The glazed atrium space is/was the largest glazed shopfront in Hobart, and generations of Hobart families have enjoyed a meal on the top floor. Perhaps the owners could be counselled to consider including this building element in any new development of the site'.</p>
<p>'The 1955 Fitzgeralds building deserves to be preserved and enjoyed for the architectural history it brings to the streetscape'.</p>
<p>Loss 'would show disrespect to the fine traditions of innovation in Tasmanian architecture, by erasing important features of a landmark building. The facade and stair can easily be incorporated into a new development and this is the most appropriate course of action'.</p>
<p>Demolition of 85-99 Collins Street will result in the loss of a building that is significant to the history of Hobart and Tasmania, both architecturally and commercially.</p>
<p>Largely intact, the retention of the facade and staircase of this building would easily be incorporated into a new building.</p>
<p>'The original 85-99 Collins Street facade presents as precious mid-century fabric. The glazed facade and atrium space with a glazed curved stair overlooking the foyer is possibly the first atrium space and largest glazed shopfront in Hobart. The curved glass balustrade is significant for its time. Their important and valuable characteristics should be authentically appreciated by the developer and seen as an opportunity to realise an innovative solution to any new proposed works at the site. The buildings original architect designed a number of other highly significant mid-century buildings in and around Hobart. The lineage is important to the legibility of our CBD streetscape'.</p>
<p>'Largely intact, the retention of even the staircase and balcony of this building would easily be incorporated into a new building set back from the Collins Street boundary, which would enhance the value of the commercial development'.</p>
<p>'Adaptive reuse of an existing heritage building is a more environmentally sound solution to the proposed development of 85-99 Collins Street'.</p>
<p>'I implore Hobart City Council to maintain their heritage listing of 85-99 Collins Street and reject the proposed demolition of all but the street facade, to preserve a significant piece of Tasmania's social and cultural heritage'.</p>

'It is suggested that a fabric survey of the Fitzgerald building be undertaken before any decisions are made regarding the development of the site (as) it is likely that murals and many other significant original features are in situ and waiting to be uncovered'.  
'Proposal to retain only the street facade is a dangerous precedent to set', given current development pressures. Concern at 'facadism'.

## 6. Assessment

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

- 6.1. The site is located within the Central Business zone of the Hobart Interim Planning Scheme 2015.
- 6.2. Existing use of the site is general retail and hire.
- 6.3. The proposal has been assessed against:
  - 6.3.1. Part D-22 Central Business Zone - development standards.
  - 6.3.2. E13.0 Historic Heritage Code.
  - 6.3.3. E17.0 Signs Code.
  - 6.3.4. E7.0 Stormwater Management Code.
- 6.4. The proposal relies on the following performance criteria to comply with the applicable standards:
  - 6.4.1. Historic Heritage Code - Listed Places - E13.7.1 P1 and E13.7.2 P1, P2, P3 and P4.
  - 6.4.2. Signs Code - E17.7.2 P1.
- 6.5. Each performance criterion is dealt with separately below.
- 6.6. Historic Heritage Code - E13.7.1 P1 and E13.7.2 P1, P2, P3 and P4.
  - 6.6.1. Works to a listed place are proposed at the Collins Street frontage.

- 6.6.2. There is no acceptable solution for works to a listed place.
- 6.6.3. Given there is no acceptable solution, assessment against the performance criteria is relied on.
- 6.6.4. Clause 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.*

- 6.6.5. Clause E13.7.2 Buildings and Works other than Demolition states:

**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.*
- and includes the following Performance Criteria:*

**Performance Criteria**

**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.*

- 6.6.6. The amended proposal involves redevelopment of several existing heritage-listed buildings. It also involves the demolition of part of the interior of the 1955 component of FitzGerald's Department Store in Collins Street, including the internal staircase and first floor balcony within that building. Also proposed is the removal of the large section of existing glazing and associated framing located at first floor level and replacement with new stainless steel framing and new glazing.
- 6.6.7 The amended proposal was referred to an external heritage consultant for assessment.

The consultant engaged by the Council, David Wixted of Heritage Alliance, has reviewed the documentation submitted with the application and has undertaken an inspection of the buildings which form part of the proposal.

- 6.6.8. The initial advice received from the consultant concludes:

*The main window of the Hartley Wilson building and the interior balcony and stairs should be retained and repaired, not just as part of a modernist design, but also because they are the only two design features of the building. Changing either feature would devalue the listing of the building in the planning scheme. Changing features further into the interior is less of an issue.*

- 6.6.9. The full report of the consultant will be tabled at the Special City Planning Committee meeting on 19 December 2016.
- 6.6.10. In light of the heritage consultant's recommendation, the following condition of approval is recommended:

**The existing original external window framing, internal first floor balcony and internal stair must be retained.**

**Plans must be submitted and approved prior to the commencement of work on the site. The plans must show the retention of the window framing, balcony and stairway in situ, to satisfy the above requirement.**

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

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

Reason for condition

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

- 6.6.11. The proposal complies with the performance criteria subject to the recommended condition.

## 6.7. Signs Code Part E17.7.2 P1

- 6.7.1. The proposal includes signage to the Collins Street frontage, comprising three wall signs and one vertical projecting sign.
- 6.7.2. There is no Acceptable Solution under E17.7.2 A1.
- 6.7.3. Given there is no acceptable solution, assessment against the performance criteria is relied on.
- 6.7.4. The Performance Criteria for Clause E17.7.2 P1 states as follows.

*A sign on a Heritage Place listed in the Historic Heritage Code or within*

*a Heritage Precinct or Cultural Landscape Precinct must satisfy all of the following:*

- (a) be located in a manner that minimises impact on cultural heritage significance of the place or precinct;*
- (b) be placed so as to allow the architectural details of the building to remain prominent;*
- (c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;*
- (d) be placed in a location on the building that would traditionally have been used as an advertising area if possible;*
- (e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;*
- (f) have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;*
- (g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;*
- (h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;*
- (i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.*

6.7.5. Assessment is as follows:

- This city centre streetscape is characterised by retail shopfronts and intensive associated display and signage.
- The proposed signage treatment of this heritage listed façade is considered to be consistent with the performance criteria listed above.

6.7.6 The proposal complies with the performance criteria.

## **7. Discussion**

7.1. Pedestrian Links - Part 22.4.8.

7.1.1 The proposal includes an upper level extension of floor area of 22 square metres over the northern side of the Cat and Fiddle Square (the 'clock court void').

- 7.1.2 The Acceptable Solution under Part 22.4.8 A1 is that 'Existing malls, arcades and through-site links must be retained'.
- 7.1.3. The proposal complies with the Acceptable Solution.
- 7.1.4. Under Zone Purposes Statements, Part 22.1.1.6 states to encourage intense activity at pedestrian levels with shop windows offering interest and activity to pedestrians, and Part 22.1.1.7 states to encourage a network of arcades and through site links characterised by bright shop windows, displays and activities.
- 7.1.5. The proposal would result in a reduction of the two storey open area at Cat and Fiddle Square, by extending the upper floor area into the space. The incursion would amount to around a 2 metre width on the northern side and of greater extent on the eastern side. There would be a potential loss of amenity in terms of a reduction in size of what can be regarded as a publicly important space. On the other hand, the eastern side upper level wall which is currently blank, would be reconfigured as a dual entrance to two proposed upper level 'department store' uses. A high degree of activity and interest at the upper floor level is likely to be introduced. The proposal as stated would meet the acceptable solution under 22.4.8, and is also considered acceptable in terms of the Zone Purpose Statements.
- 7.1.6. The proposal is acceptable with regard to pedestrian links provisions under Part 22.4.8, and is considered acceptable in terms of the Zone Purpose Statements under part 22.1.1 under the Scheme.
- 7.2. In an overall sense, the proposal is considered generally acceptable. It is acknowledged that a number of aspects of the original proposal that were considered contrary to the Hobart Interim Planning Scheme 2015's Historic Heritage provisions have been addressed due to amendments that form part of the application that is the subject of this assessment.
- 7.3. Based on the external heritage consultant's review of the proposal, a condition of approval requiring the retention of the original external window framing, internal first floor balcony and internal stair within the 1955 heritage listed building is recommended.
- 7.4. Approval subject to conditions is recommended.

## **8. Conclusion**

- 8.1. The proposed partial demolition, alterations and extensions and partial change of use to business and professional services, and signage at 85-89 Collins Street and 49-51 Murray 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 a partial demolition, alterations and extensions and partial change of use to business and professional services, and signage (amended proposal) at 85-89 Collins Street and 49-51 Murray Street, Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:.

### **GEN**

**The use and development must be substantially in accordance with the documents and drawings that comprise PLN-16-839 - 85-99 COLLINS STREET AND 49-51 MURRAY STREET HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

### **TW**

**The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2016/01111-HCC response dated 19/8/2016 as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

### **ENG sw6**

**All stormwater from the proposed development (including roofed areas, g drains, retaining wall g drains and impervious surfaces - driveways etc) must be discharged to the Council's infrastructure with sufficient receiving capacity prior to commencement of use.**

**All costs associated with works required by this condition are to be met by the owner.**

**Detailed engineering design drawings and calculations of the proposed**

**stormwater drainage and connections to Council infrastructure must be submitted and approved by Council prior to issuing of any permit under the Building Act 2000. The design drawing must be prepared by a suitably qualified person.**

**Pumped private stormwater system(s) must be designed with a duty and standby pump design, and demonstrate compliance with the Hobart City Council's Guidelines for Property Owners and Developers "Private Stormwater Pumping Stations".**

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

Reason for condition

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

## **ENG 1**

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

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

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

Reason for condition

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

## **ENV1**

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

*Advice: For further guidance in preparing a Soil and Water Management Plans (SWMP) – in accordance with Fact sheet 3 Derwent Estuary Program go to [www.hobartcity.com.au/development-engineering-standards-and-guidelines](http://www.hobartcity.com.au/development-engineering-standards-and-guidelines)*

Reason for condition

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

## **HER 11**

**The existing original external window framing, internal first floor balcony and internal stair must be retained.**

**Plans must be submitted and approved prior to the commencement of work on the site. The plans must show the retention of the window framing, balcony and stairway in situ, to satisfy the above requirement.**

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

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

Reason for condition

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

## **ADVICE**

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

## **CONDITION ENDORSEMENT**

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

Once approved, the Council will respond to you via email that the condition(s) has been endorsed (satisfied). Detailed instructions can be found at [http://www.hobartcity.com.au/Development/Planning/How\\_to\\_obtain\\_a\\_condition\\_endorsement](http://www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement)

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:

### **BUILDING PERMIT**

Building permit in accordance with the Building Act 2000;

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

### **PLUMBING PERMIT**

Plumbing permit under the Tasmanian Plumbing Regulations 2014;

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

### **OCCUPATION OF THE PUBLIC HIGHWAY**

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

[http://www.hobartcity.com.au/Transport/Permits/Construction\\_Activities\\_Special\\_Events\\_in\\_the\\_Road\\_Reservation](http://www.hobartcity.com.au/Transport/Permits/Construction_Activities_Special_Events_in_the_Road_Reservation)

### **TEMPORARY PARKING PERMITS**

Temporary parking permits for construction vehicles i.e. residential or meter parking/loading zones.

[http://www.hobartcity.com.au/Transport/Permits/Parking\\_Permits](http://www.hobartcity.com.au/Transport/Permits/Parking_Permits)

### **WORK PLACE HEALTH AND SAFETY**

Appropriate occupational health and safety (OH&S) measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours.

<http://www.worksafe.tas.gov.au/safety>

## **NOISE REGULATIONS**

The following link provides information with respect to noise nuisances in residential areas.

[http://www.hobartcity.com.au/Environment/Environmental\\_Health/Environmental\\_Management\\_and\\_Pollution\\_Control](http://www.hobartcity.com.au/Environment/Environmental_Health/Environmental_Management_and_Pollution_Control)

## **WASTE DISPOSAL - TOP TEN TIPS**

[http://www.hobartcity.com.au/Environment/Recycling\\_and\\_Waste](http://www.hobartcity.com.au/Environment/Recycling_and_Waste)

## **FEES AND CHARGES**

[http://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)

## **DIGITAL ACCESS**

If you do not have access to the Council's electronic web page, please phone the Council (City Planning) on 62382715 for assistance.



(Richard Bacon)

*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: 7 November 2016

**Attachment(s)**

Attachment B - CPC Agenda Documents