



City of **HOBART**

## APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee  
Council: 20 March 2017  
Expiry Date: 10 April 2017  
Application No: PLN-16-1019  
Address: 80 LIVERPOOL STREET , HOBART  
Applicant: Sally Fong (Zambrero)  
Suite 2402, Level 24, 1 Alfred St  
Alterations (New Heat Pump Units)  
Proposal:  
Representations: None  
Performance criteria:  
Design  
Heritage Place

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### 1. Executive Summary

- 1.1. Planning approval is sought for alterations (new heat pump units). More specifically, retrospective planning approval is sought for three units to be mounted on and above the street front awning. The units are already in place.
- 1.2. The proposal relies on performance criteria to satisfy the following standards and codes.
  - 1.2.1. Central Business Zone
  - 1.2.2. Historic Heritage Code
- 1.3. No representations regarding the proposal were received within the statutory advertising period between 31 January and 16 February 2017.
- 1.4. The proposal is recommended for refusal for the following reasons.
- 1.5. The final decision is delegated to the Council.

## 2. Site Detail

- 2.1. The site is located on the south eastern side of Liverpool Street, Hobart. It is currently used as a Mexican restaurant.



Figure 1: Application site is highlighted in yellow.

## 3. Proposal

- 3.1. Application is made for the retrospective approval of three heat pump units to be mounted on and above the street front awning at 80 Liverpool Street, Hobart.



#### **4. Background**

- 4.1 A partial change of use to food services was approved through PLN-15-01127-01. This application included internal modifications and signage, but did not include any air conditioning units on the front awning of the building.
- 4.2 It was identified in December 2015 that air conditioning units had been installed above the street front awnings without any Council approval. As the site is a heritage place under the Historic Heritage Code of the Hobart Interim Planning Scheme 2015, these works require planning approval via a discretionary assessment process. The land owner was informed of their statutory obligations and enforcement proceedings commenced under ENF-15-01509-01.

#### **5. Concerns raised by representors**

- 5.1 No representations were received during the statutory advertising period between 31 January and 16 February 2017.

## 6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Central Business zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The application is for works associated with the existing use, not to change the use of the site. The existing food services use is permitted in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 22.0 Central Business Zone
  - 6.4.2 Part E - E6.0 Parking and Access Code
  - 6.4.3 Part E - E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Design - Part D 22.4.3
  - 6.5.2 Historic Heritage - Part E E13.7.2
- 6.6 Each performance criterion is assessed below.
- 6.7 Design - Part D 22.4.3 P1
- 6.7.1 The acceptable solution at clause 22.4.3 A1 requires all mechanical plant to be screened from view from public places.
  - 6.7.2 The proposal includes the installation of two air conditioning units and one refrigeration unit above the awning on the front facade of the building.
  - 6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.7.4 The performance criterion at clause 22.4.3 P1 provides as follows:

*Building design must enhance the streetscape by satisfying all of the following:*

- (a) provide the main access to the building in a way that addresses the street or other public space boundary;*
- (b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;*
- (c) treat large expanses of blank wall in the front façade and facades facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;*
- (d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;*
- (e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;*
- (f) not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity or if not possible due to physical constraints;*
- (g) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;*
- (h) be consistent with any Desired Future Character Statements provided for the area.*

6.7.5 The size, location and number of units will not be insignificant when viewed from the street.

6.7.6 The proposal does not comply with the performance criterion.

6.8 Works other than demolition (heritage place) - Part E E13.7.2 P1, P2, P3 & P4

6.8.1 There is no acceptable solution for E13.7.2 A1, A2, A3 & A4.

6.8.2 The proposal includes the installation of two air conditioning and one refrigeration unit above the awning on the front facade of the building.

6.8.3 There are no acceptable solutions; therefore assessment against the performance criteria is relied on.

6.8.4 The performance criteria at clause E13.7.2 P1, P2, P3 & P4 provide as follows:

*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.*

6.8.5 The proposal was assessed by the Council's Cultural Heritage Officer, who has advised that: "As the proposed Air Handling kits are large, bulky and located in a highly visual location, it is considered that the proposal displays little respect for and is to the detriment of the identifiable and significant historical, architectural, social and cultural characteristics of the original building".

6.8.6 The proposal does not comply with the performance criteria.

6.9 The property is also on the Tasmanian Heritage Register. The Tasmanian Heritage Council have assessed the proposal and recommended refusal. The notice of their decision is provided at attachment D.

## **7. Discussion**

7.1 Planning approval is sought for alterations (new heat pump units).

7.2 The application was advertised and no representations were received.

- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to be contrary to those provisions.
- 7.4 The proposal has been assessed by other Council officers, including the Councils Cultural Heritage Officer. That officer does not support the proposal.
- 7.5 The proposal has also been refused by the Tasmanian Heritage Council. Section 39 of the *Historic Cultural Heritage Act 1995* requires that where the Heritage Council have notified the planning authority that a proposal should be refused, the planning authority must refuse to grant the discretionary permit.
- 7.6 The proposal is recommended for refusal.

## **8. Conclusion**

- 8.1 The proposed alterations (new heat pump units) at 80 Liverpool Street, Hobart do not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and have been refused by the Tasmanian Heritage Council. They are therefore recommended for refusal.

## 9. Recommendations

- That: A: Pursuant to the *Land Use Planning and Approvals Act 1993* and the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for alterations (new heat pump units) at 80 Liverpool Street, Hobart for the following reasons:
- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause 22.4.3 of the *Hobart Interim Planning Scheme 2015* because the proposed alterations will have an unacceptable impact on the significant visual characteristics of the heritage listed place.
  - 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 of the *Hobart Interim Planning Scheme 2015* because the proposed alterations will have an unacceptable impact on the significant visual characteristics of the heritage listed place.
- B Pursuant to the *Land Use Planning and Approvals Act 1993* and section 39(10) of the *Historic Cultural Heritage Act 1995*, the Council must refuse the application for alterations (new heat pump units) at 80 Liverpool Street, Hobart for the following reasons provided by the Tasmanian Heritage Council:
- 1 The proposed alterations will have an unacceptable impact on the significant visual characteristics of the place.
  - 2 The proposed alterations are contrary to the appropriate outcomes for heating and cooling services in section 11 of the Tasmanian Heritage Council's Works Guidelines for Historic Heritage Places (November 2015).



(Helen Ayers)

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



(Ben Ikin)

**Senior Statutory Planner**

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

Date of Report: 24 February 2017

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Report (Heritage)

Attachment D - Tasmanian Heritage Council - Notice of Heritage Decision