

Type of Report: Committee  
Council: 14 January 2019  
Expiry Date: 6 February 2019  
Application No: PLN-16-1133  
Address: 2 COLLINS STREET , HOBART  
ADJACENT ROAD RESERVE  
Applicant: (Fragrance TAS-HOBART (Collins) Pty Ltd)  
C/O PO Box 1271  
Proposal: Demolition and New Development for Visitor Accommodation, Function  
Centre and Associated Facilities  
Representations: 1459  
Performance criteria: Use; Conservation of Cultural Heritage Values; Urban Form; Public Urban  
Space; Demolition

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## **1. Executive Summary**

- 1.1 Planning approval is sought for Demolition and New Development for Visitor Accommodation, Function Centre and Associated Facilities at 2 Collins Street and adjacent road reserve, Hobart.

1.2 More specifically the proposal includes:

- The demolition of existing buildings, and the construction of a new hotel with 16 floors (plus roof and rooftop plant) including 256 hotel rooms, conference facilities including a 1000 seat conference hall, meeting spaces, two restaurants, a retail space, a pool and wellness centre, three levels of above ground carparking (167 spaces), full size coach parking and works in, over and under the Collins Street and Ragged Lane Road Reservations, including the removal of an established street tree on Collins Street.
- The building is proposed to have a height of approximately 55 metres to the top of its rooftop plant. The total gross floor area of the proposed building is 24,270m<sup>2</sup>.
- The proposed building is finished externally with a combination of materials - Alucabond or similar cladding; sandstone facing; powder coated steel elements; perforated mesh; Alucabond or similar louvres; off form concrete panels; curtain wall glazing; glazed window suites; and timber soffit lining for its Collins Street feature awning.

1.3 The proposal relies on performance criteria to satisfy the following standards and codes of the Sullivans Cove Planning Scheme 1997:

- 1.3.1 Activity Area Controls - Use
- 1.3.2 Schedule 1 - Conservation of Cultural Heritage Values: Adjacency; Archaeology
- 1.3.3 Schedule 2 - Urban Form: Building Form; Building Surfaces
- 1.3.4 Schedule 3 - Public Urban Spaces
- 1.3.5 Schedule 7 - Demolition

1.4 Fourteen-hundred and Fifty Nine (1459) representations to the proposal were received within the statutory advertising period between 17 August and 31 August 2018. Of these, three (3) were supportive of the proposal.

1.5 The proposal is recommended for refusal.

1.6 The final decision is delegated to the Council.

## 2. Site Detail



*Image 1: Aerial view of the subject property and surrounds.*

2.1 2 Collins Street, Hobart is situated on the corner of Collins Street and Brooker Avenue, with Ragged Lane running along the majority of the south-western boundary of the property. The site includes an existing warehouse-style building (formerly Roberts) occupying the north-eastern half of the property, with a carpark and a semi-enclosed former Council garage building in the south-western corner of the site. The site backs onto the site of The Old Woolstore Apartment Hotel, and residential properties of Wapping are nearby across Ragged Lane. There is a large area of paved highway reservation in front of the property at the bottom end of Collins Street that includes street trees and a prominent sculpture and water feature. 2 Collins Street has a total area of 3009m<sup>2</sup>.

2.2 Photos of the site and surrounds:





*Plate 1: The subject site as viewed from the intersection of Collins Street and Brooker Avenue. Note the former Roberts building to the left and the former Council garage to the right, with the green/grey Woolstore building behind.*



*Plate 2: Looking back to the site from along Collins Street. The tree in the centre of the image is proposed to be removed.*





*Plate 3: Looking up Collins Street from the opposite side of Brooker Avenue with the subject site on the left. Note the sculpture and water feature which is proposed to remain in the widened pavement of the Highway Reservation in this location.*



*Plate 4: Looking towards the site from the opposite side of the Brooker Avenue/Tasman Highway/Macquarie Street/Davey Street intersection. Note the Hospital redevelopment rising behind, and part of the Woolstore building to the left of the site.*





*Plate 5: The internal rear of the site as viewed from the end of Crewswells Row, which is adjoined by the Woolstore site and residential properties of Wapping. The former Roberts building lies in the centre of the image.*





*Plate 6: Looking up Ragged Lane towards Collins Street, with the subject site (and former Council garage building) on the right and residential properties of Wapping on the left.*

### **3. Proposal**

- 3.1 Planning approval is sought for Demolition and New Development for Visitor Accommodation, Function Centre and Associated Facilities 2 Collins Street and adjacent road reserve, Hobart..

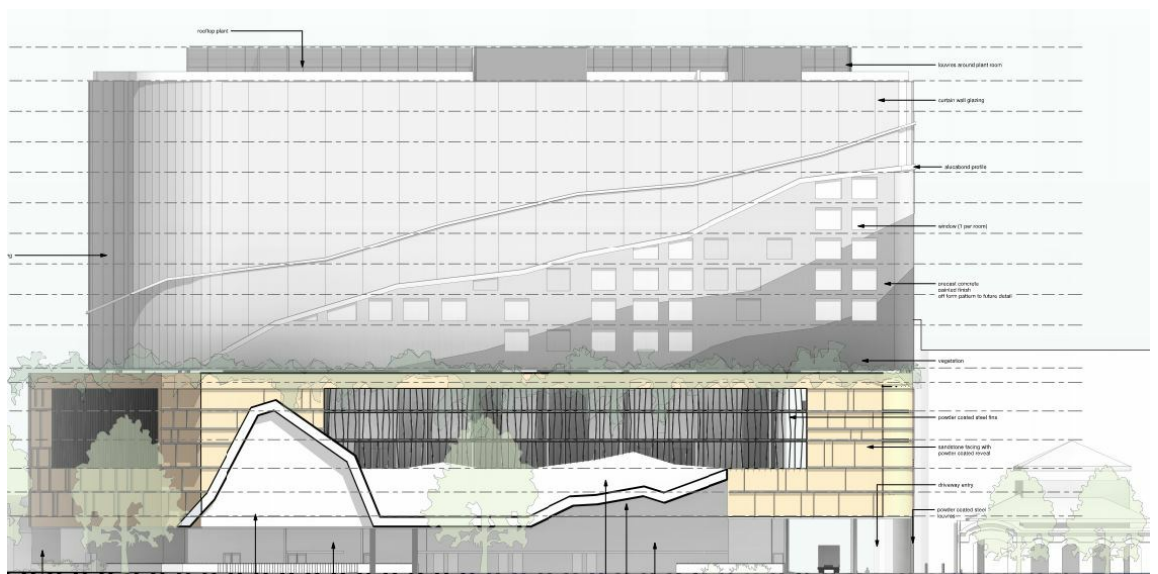
### 3.2 More specifically the proposal is for:

- The demolition of existing buildings, and the construction of a new hotel with 16 floors (plus roof and rooftop plant), 256 hotel rooms, conference facilities including a 1000 seat conference hall, meeting spaces, two restaurants, a retail space, a pool and wellness centre, three levels of above ground carparking (167 spaces), full size coach parking and works in, over and under the Collins Street and Ragged Lane Road Reservations, including the removal of an established street tree on Collins Street.
- The building is proposed to have a height of approximately 55 metres to the top of its rooftop plant. The total gross floor area of the proposed building is 24,270m<sup>2</sup>.
- The proposed building is finished externally with a combination of materials - Alucabond or similar cladding; sandstone facing; powder coated steel elements; perforated mesh; Alucabond or similar louvres; off form concrete panels; curtain wall glazing; glazed window suites; and timber soffit lining for its Collins Street feature awning.

### 3.3 Proposal images:

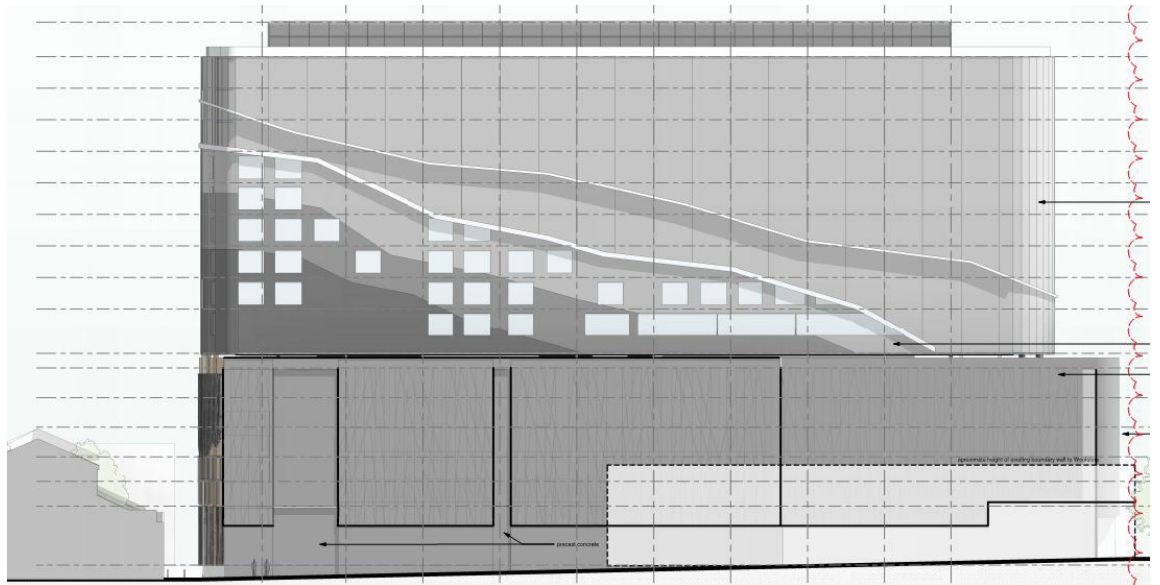


*Image 2: Architect's render of the proposed development (Excerpt from proposal plans).*

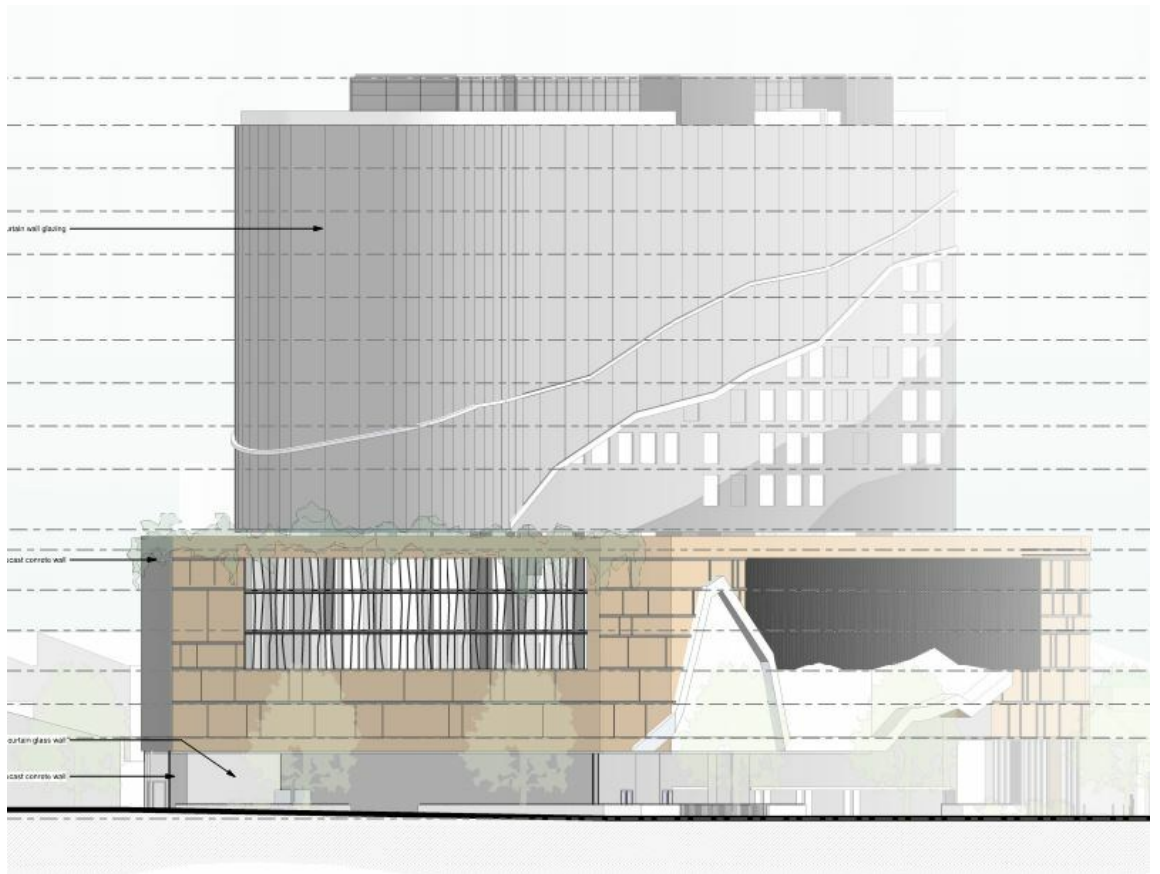


*Image 3: Collins Street Elevation (Excerpt from proposal plans).*

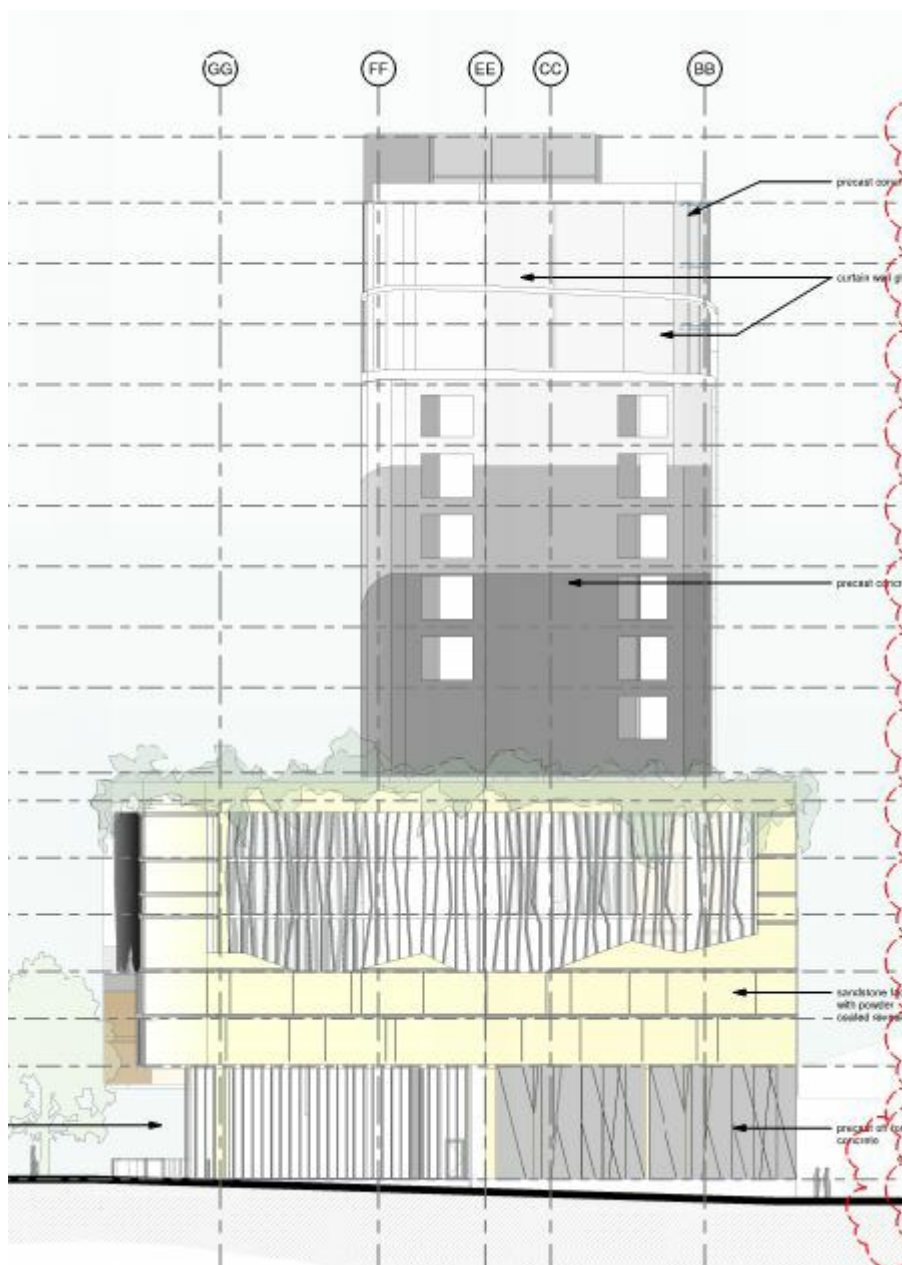




*Image 4: South East Elevation (from Woolstore) (Excerpt from proposal plans).*



*Image 5: Brooker Avenue Elevation (Excerpt from proposal plans).*



*Image 6: Ragged Lane Elevation (Excerpt from proposal plans).*

## 4. Background

- 4.1 When originally submitted in October 2016, the application was of a different, taller design than that currently being considered, being 23 floors with 479 hotel rooms and a height of around 84m to the top of rooftop plant and around 94m to the top of a spire which was part of an external design feature. Revisions to the proposal were made voluntarily by the applicant during the period where additional information was being sought by assessing officers.

- 4.2 Landlord consent was sought and granted for the associated works within the road reservations adjacent to the site in May 2017. Due to revisions made to the proposal during the period where additional information was being sought, this initial landlord consent was invalidated and the applicant was required to reapply for new consent based on the revised proposal. This secondary landlord consent was granted in April 2018.

## 5. Concerns raised by representors

- 5.1 Fourteen-hundred and Fifty-nine (1459) representations to the proposal were received within the statutory advertising period between 17 August and 31 August 2018. Of the total amount received, three (3) were supportive of the proposal.
- 5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

Lack of compliance with Scheme standards, most notably for height and plot ratio. Fails to meet the Objectives of the Scheme. The proposal will be negatively visually prominent and will impede valued sightlines from within and around the city. Poor design – monstrous, ghastly, ugly, grotesque, boring, disgraceful and disrespectful – a tacky eyesore. Lack of vision in its design with no attempt made to think creatively to produce a good development outcome. Inappropriate height, bulk and materials. The building would be an unwelcome landmark. Potentially the most hideous development ever submitted for a DA in Hobart.
Height limitations should be adhered to.
Entirely unwelcome proposal. An insult. Insane. A sick joke. Approval would set a dangerous precedent. It is completely insensitive to its location and suggests greed above all else and a quick cash grab for overseas investors. Why has it gotten this far when it clearly acknowledges that it does not comply with applicable standards? Complete lack of understanding or consideration of what is appropriate for the area. The developer seems to be trying to take over Hobart with little regard for the rules or what is appropriate or needed. The proposal is arrogant and disrespectful.
Concerns around foreign investment.
The need for such a development is arguable and hardly justified in the proposal. The rush to capitalise on increased tourism puts at risk the attributes of the city that are valued so highly.



May cause traffic and parking problems. Roads and transport networks are not geared towards such overdevelopment.
The proposal's design offers little in the way of street level interaction. Provides nothing for locals.
Taller buildings should be located away from the city centre.
Any attempt to use existing buildings as examples for why a taller building is appropriate presents as a flawed argument. The arguments put forward in the supporting planning report are flawed and without merit.
Out of character, context and out of sync with the area and the City overall and its skyline. It is inappropriate and unsympathetic. High-rise buildings should not be allowed. Threatens the human scale, beauty, integrity and charm of Hobart, which should be preserved. The development would ruin Hobart, which does not need such tall buildings. The best cities in the world do not have high rise buildings.
Development should comply with the height limitations recommended by Leigh Woolley.
Presents the type of building that visitors to Tasmania and Hobart do not want to see. Visitors value the fact that Hobart is not dominated by such developments. The proposal is the complete opposite of what makes the city unique. Such buildings have their place in many other cities throughout the world which have already been ruined by this type of development being allowed. Why kill all that is worthwhile about Hobart all for the sake of becoming just another city that could be anywhere and profiting a few.
Amenity impacts upon residential properties close to the subject site – will block sunlight and will overshadow, may exacerbate the effects of wind tunnelling.
Negatively impacts upon and does not complement immediate and wider heritage and landscape values. Hobart is a small scale heritage city.
If the development must include car parking, why not within a basement instead of adding to the overall above ground level height?

## 6. Assessment

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

may be satisfactorily met by a proposal. Where a proposal relies on performance criteria, the Council's ability to approve or refuse the proposal relates only to the performance criteria relied on.

- 6.2 The site is located in the Activity Use 1.0 Inner City Residential Area of the *Sullivans Cove Planning Scheme 1997*.
- 6.3 The existing use of the site is limited to 'Carpark' with the existing buildings having been vacated some time ago. The proposed use is a combination of Visitor Accommodation and Function Centre. The existing Car Park use is a discretionary use in the Activity Area. The proposed uses are permitted (Visitor Accommodation) and discretionary (Function Centre) uses in the Activity Area.
- 6.4 The proposal has been assessed against:

6.4.1 Parts A and B – Strategic Framework

The Strategic Framework found in Part B clause 6.2 - Designing the Future Urban Form of the Sullivans Cove Planning Scheme 1997 includes the following:

*The built and spatial qualities of Sullivans Cove are a product of its unique historic cultural heritage. This must be retained, for once lost, it cannot be recreated.*

*This means more than retaining buildings of historical value. The future urban form of the Cove should respond to the quality of spaces and buildings which exist within the Cove.*

*Future developments within the Cove should respect the scale of the Cove's built form – new buildings should not be out of scale with neighbouring buildings, or the general character of the Cove.*

Of note under the Guiding Principles of Part B clause 7.3.1 are the following statements, of particular relevance to the proposal:

*Cultural Resource Principles: Cultural Heritage -*

- *To facilitate use and development which is compatible with conservation of the Cove's cultural heritage values.*
- *To encourage the recycling of existing buildings through the promotion of new uses, particularly in buildings of identified cultural heritage value.*

- *The recognisable historic character of Sullivans Cove is not to be compromised by new development which overwhelms the historic spaces and buildings, or, by new development which reduces the apparent authenticity of the historic places by mimicking historic forms.*

#### *Cultural Resource Principles: Urban Character -*

- *Changes to urban character will be consistent with conservation of cultural significance and maritime and historic character of Sullivans Cove.*
- *No new development or part of a development is to be individually prominent particularly when viewed from Sullivans Cove or the River Derwent. Exceptions include cranes and similar development relating to the essential operating requirements of the Tasmanian Ports Corporation.*
- *The distinctive urban form of Sullivans Cove is to be reinforced in development areas.*

#### *Efficiency Principles -*

- *The promotion of pedestrian and cycle movement, amenity and safety is the primary planning objective for movement within the Cove.*
- *The pavements, carriageways and parks of the Cove shall be improved to increase pedestrian circulation and safety, enhance the pedestrian's experience of the historic character, reduce pedestrian/vehicular conflict, yet maintain vehicular access (including parking and the movement of freight) to serve the diverse activities within the Cove.*
- *The operational requirements for safe and efficient vehicle movement related to the activities of the working port shall be facilitated.*
- *Parking supply within the Cove should be designed and administered to facilitate visitor access, rather than CBD commuters and other long-term parking space users. Long term commuter parking within the Cove should be discouraged.*
- *The visual dominance of car parking throughout the Cove should be reduced, particularly in the Central Cove area.*

#### *Economic Development Principles -*

- *A mix of retail activities, catering for the needs of tourists, visitors,*



*workers and local residents is encouraged.*

#### *People in the Cove -*

- *The further development of the residential and visitor accommodation in the Cove is encouraged in locations where the residential amenity will not constrain the economic functionality of the ports and other preferred industrial and commercial uses.*
- *Developments which incorporate convenience facilities, retailing, recreational activity, pedestrian amenity and visual interest will be encouraged at street level.*  
*Activities such as offices, residential accommodation and studios on major pedestrian routes through the Cove should be located at first floor or above.*
- *In its consideration of all applications for use or development the Planning Authority must be satisfied that the use or development:*
  - Reduces opportunities for crime to occur;*
  - Provides safe, well designed and maintains buildings, facilities and public spaces;*
  - minimises the potential for vandalism and anti-social behaviour;*  
*and*
  - Promotes safety on neighbouring public and private land.*

#### 6.4.2 Part D – Clause 15 – Activity Area Controls

The Objectives of the Activity Area at clause 15.2 include:

- *To provide for the development of an inner city residential neighbourhood providing quality urban housing for a range of household types and income groups.*
- *To ensure that residential development is the primary focus throughout the Activity Area but allow non-residential uses to be developed on a flexible performance approach based on the amenity and characteristics of specific sites.*
- *To retain and restore where appropriate buildings of cultural significance.*
- *To ensure that building masses and facades appropriately relate to the spaces they form. Streets within the Zone be considered as spaces in their own right.*
- *To encourage architecture of the highest quality which is modern in approach but at the same time incorporate some interpretation of the history of the area as appropriate.*
- *To ensure that new development incorporate historic cues, whilst*

*not relying on historical mimicry.*

- *To facilitate the transition from the CBD by allowing substantial commercial uses on key sites on the main connecting streets (Campbell and Collins Streets) or in places where reasonable residential amenity is unachievable because of existing traffic or environmental impacts. These commercial uses must not themselves diminish the amenity of or the potential for adjacent residential development.*
- *To encourage frontages of commercial activity only on the ground floor of buildings abutting streets.*
- *To encourage commercial activity in existing buildings where this is required to assist in their conservation.*
- *To encourage a mix of uses on the sites in the west and north-west of the Activity Area and fronting Campbell Street.*

6.4.3 Part E – Schedule 1 – Conservation of Cultural Heritage Values

Part E – Schedule 2 – Urban Form

Part E – Schedule 3 – Public Urban Space

Part E – Schedule 5 – Traffic, Access and Parking

Part E – Schedule 7 – Demolition

Part E – Schedule 8 – Environmental Management

6.5 The proposal relies on the following performance criteria to comply with the applicable standards:

6.5.1. Activity Area Controls (Use) – clause 15.3.4

Conservation of Cultural Heritage Values - Heritage – (Adjacent) – clause 22.5.5

Conservation of Cultural Heritage Values - Archaeology – clause 22.6.5

Urban Form (Building Form) – clause 23.6.2

Urban Form (Building Surfaces) – clause 23.7.2

Public Urban Space (Building or Works) – clause 24.4.6

6.6 Each performance criterion is assessed below.

6.7 Activity Area Controls (Use) – clause 15.3.4

6.7.1 There is no acceptable solution for a Function Centre use in the Inner City Residential (Wapping) Activity Area.

6.7.2 The proposal includes a 1000 seat conference hall with associated meeting spaces.

6.7.3 There is no acceptable solution; therefore assessment against the performance criterion (or in this case the Objectives of the Activity Area) is relied on. A use that is deemed to not meet the relevant objectives is deemed to be prohibited.

6.7.4 The Objectives of the Inner City Residential (Wapping) Activity Area at clause 15.2 provide as follows:

- *To provide for the development of an inner city residential neighbourhood providing quality urban housing for a range of household types and income groups.*
- *To ensure that residential development is the primary focus throughout the Activity Area but allow non-residential uses to be developed on a flexible performance approach based on the amenity and characteristics of specific sites.*
- *To retain and restore where appropriate buildings of cultural significance.*
- *To ensure that building masses and facades appropriately relate to the spaces they form. Streets within the Zone be considered as spaces in their own right.*
- *To encourage architecture of the highest quality which is modern in approach but at the same time incorporate some interpretation of the history of the area as appropriate.*
- *To ensure that new development incorporate historic cues, whilst not relying on historical mimicry.*
- *To facilitate the transition from the CBD by allowing substantial commercial uses on key sites on the main connecting streets (Campbell and Collins Streets) or in places where reasonable residential amenity is unachievable because of existing traffic or environmental impacts. These commercial uses must not themselves diminish the amenity of or the potential for adjacent*



*residential development.*

- *To encourage frontages of commercial activity only on the ground floor of buildings abutting streets.*
- *To encourage commercial activity in existing buildings where this is required to assist in their conservation.*
- *To encourage a mix of uses on the sites in the west and north-west of the Activity Area and fronting Campbell Street.*

6.7.5 While the discretionary component of the proposed use, the 1000 seat conference hall, forms a smaller percentage of the overall proposal, it is housed within the overall building being proposed. Therefore, both the function centre use and the proposed building that houses it must be assessed against the objectives listed above.

As the proposal includes no residential component, it does not further the objectives that relate to the provision of housing. If forming part of a different, future planning application with a built form and operating parameters that were consistent with all relevant provisions of the planning scheme, it is possible that 'function centre' as a use may be considered appropriate in the Activity Area.

As the proposal seeks to demolish all existing buildings on the site, no retention or restoration of buildings is intended, albeit that the existing buildings are not individually listed for cultural significance.

The mass and facade of the proposed building does not appropriately relate to the space that it forms. While at ground level the building provides glazing and some openings, and commercial activities encouraged by one of the objectives, above ground level the podium element of the building rises sharply above the street, albeit with some interest provided in the variable shape of the proposed awning on Collins Street.

The proposed building is clearly modern in its approach, however it is not evident that the design incorporates any relevant interpretation of the history of the area, nor does it appear to incorporate any historic cues. The use of sandstone facing throughout the podium level as a more traditional material is noted.

While the proposal is a substantial commercial use, that use is by no means justified, as the sheer scale of the building it is housed within and its location relative to neighbouring properties would dwarf adjacent residential development, diminishing existing and potential future

residential amenity through unreasonable overshadowing and visual obtrusion. It is considered that reasonable residential amenity for both occupants and neighbours of the subject site could be achieved with an alternative development proposal.

The proposed use does therefore not meet or sufficiently further the Objectives of the Activity Area that are relevant to the subject site. In accordance with the conditions of clause 15.3.4, the use is therefore considered to be prohibited.

6.7.6 The proposal does not comply with the performance criterion (Objectives of the Activity Area).

6.8 Schedule 1 - Conservation of Cultural Heritage Values – Heritage - (Adjacent) – 22.5.5

6.8.1 The acceptable solution at clause 22.5.4 states that 'Building or works' on other land within the planning area is 'permitted' in respect to this Schedule where it can be demonstrated that the following 'deemed to comply' standards can be met:  
For 'building or works' on sites adjacent (as defined in clause 22.3) to a place of cultural significance:

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

6.8.2 The proposal does not satisfy the 'deemed to comply' standards of clause 22.5.4.

6.8.3 The proposal does not comply with the 'deemed to comply' standards; therefore assessment against the performance criterion is relied on.

6.8.4 The performance criterion at clause 22.5.5 provides as follows:

*'Building or works' on land which cannot satisfy the 'deemed to comply' provisions of Clause 22.5.4 may be approved at the discretion of the Planning Authority. The following criteria must be taken into consideration in the assessment of all proposals for 'building or works':*

- *'Building or works' adjacent to a place of cultural significance must not dominate that place when viewed from the street or any other public space, or be more prominent in the street than the adjacent place of cultural significance.*
- *The area of a facade of any new building may be permitted to exceed that of the building on an adjacent place of cultural significance where the Planning Authority is satisfied that the visual impact of the apparent disparity of scale is not significant or that historic precedent warrants the scale disparity.*
- *'Building or works' must complement and contribute to the specific character and appearance of adjacent places of cultural significance and the historic character of the Cove generally.*
- *The location, bulk and appearance of 'building or works' must not adversely affect the heritage values of any adjacent or nearby place of cultural significance.*
- *'Building or works' must not reduce the heritage value of any adjacent places of cultural significance by mimicking historic forms.*

6.8.5 The Council's Senior Cultural Heritage Officer provides the following assessment of the proposal:

*The subject site is adjacent to two places of cultural significance listed within Table 1 of Schedule 1 of the Sullivans Cove Planning Scheme 1997. 'Place' is defined as the site, area, building or work, group of buildings or works with associated contents and surroundings. The only building or works that are 'permitted' adjacent to places of cultural significance must comply with the following standards:*

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

*The proposal falls well outside the scope of 'permitted' status and must therefore be assessed against the provisions of clause 22.5.5 of the scheme. Among the mandatory tests within that clause are the following:*

- *'Building or works' adjacent to a place of cultural significance must not dominate that place when viewed from the street or any other public*



*space, or be more prominent in the street than the adjacent place of cultural significance.*

- The area of a façade of any new building may be permitted to exceed that of the building on an adjacent place of cultural significance where the Planning Authority is satisfied that the visual impact of the apparent disparity of scale is not significant or that historic precedent warrants the scale disparity.*
- ‘Building or works’ must complement and contribute to the specific character and appearance of adjacent places of cultural significance and the historic character of the Cove generally.*
- The location, bulk and appearance of ‘building or works’ must not adversely affect the heritage values of any adjacent or nearby place of cultural significance.*
- ‘Building or works’ must not reduce the heritage value of any adjacent places of cultural significance by mimicking historic forms.*

*The adjacent listed place in Brooker Avenue is approximately 6 metres high, rising to 8 metres at the apex of the sawtooth roof form. The podium of the proposed hotel is approximately 2.5 times higher than the highest part of the adjacent wall, and the height of the overall building (55.1m) is more than 6 times the height of the adjacent wall. The applicant acknowledges that the proposal will “alter the scale of buildings” within the Cove and will appear as a “landmark within the streetscape”.*

*By virtue of the height of the proposed hotel structure, the proposal will clearly dominate adjacent places of cultural significance when viewed from the street and other public spaces, and will be more prominent in the street than the adjacent places of cultural significance.*

*The area of the façade of the proposed new building will radically exceed that of the adjacent places of cultural significance. Any objective assessment would suggest that the visual impact of the apparent disparity of scale is significant. There is no historic precedent to warrant such scale disparity.*

*The proposal fails to complement and contribute to the specific character and appearance of adjacent places of cultural significance in any way – nor to the historic character of the Cove generally. The*

*Resource Management and Planning Tribunal (James Richard Gandy v Hobart City Council & Tasmanian Heritage Council [2016] TASRMPAT 36 (21 November 2016)) has provided the following interpretation in relation to the terms ‘complement’ and ‘contribute’:*

*To complement and contribute, requires that the works must confer a state of completeness (or wholeness) upon the building and bring something to the cultural significance, character and appearance of it, within its setting.*

*The Tribunal uses the notion of “completeness” as a concept synonymous with “complement”, to convey the idea that the works will make whole or complete the place. ... The idea of doing that work to bring balance back to the overall structure sits with the concept of complementing and contributing to the cultural significance, character and appearance of the place because it restores a part of it.*

*The location, bulk and appearance of the proposed building will adversely affect the heritage values of adjacent and nearby places of cultural significance, by creating an incongruous backdrop fundamentally out of scale with the present visual setting of these structures.*

*The ‘permitted’ height for the site of 15 metres suggests a much lower building than that proposed, and any building which complied with this height standard would also be likely to avoid being so prominent.*

6.8.6 The proposal does not comply with the performance criterion.

6.9 Schedule 1 - Conservation of Cultural Heritage Values - Archaeology – clause 22.6.5

6.9.1 The acceptable solution at clause 22.6.4 states that works which constitute the excavation of land on any place of cultural significance (as identified in Table 1), including those identified in Table 2, are ‘permitted’ where a statement is provided by a qualified archaeologist that either the site has been surveyed previously and found not to be of archaeological significance or that the nature of the ‘building or works’ will not result in destruction of any aspects of items of archaeological significance.

6.9.2 The proposal includes disturbance, including partial excavation of a site listed in Table 2 of Schedule 1 as a Place of Archaeological Sensitivity.

A Statement of Archaeological Potential and an Archaeological Impact Assessment and Method Statement have been submitted with the application, and it has been determined that the proposal is likely to have an impact on significant archaeological remains.

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

6.9.4 The performance criterion at clause 22.6.5 provides as follows:

*Having regard to the contents and recommendations of an Archaeological Sensitivity Report accepted by the Planning Authority pursuant to Clause 22.6.3 the following criteria must be taken into consideration in the assessment of all proposals to develop places of cultural significance listed in Table 2 or that are considered likely to be of archaeological interest or significance:*

- *The likelihood of the proposed 'building or works' resulting in the removal or destruction of items of archaeological significance.*
- *The cultural significance of the site.*
- *Evidence of an adequate archaeological reconnaissance and site sampling prior to the approval or carrying out of works.*
- *The need to reasonably protect potential archaeological significance during the design, and carrying out of works.*
- *The need to undertake an archaeological 'watching brief' to be required during the carrying out of works.*

6.9.5 The Council's Senior Cultural Heritage Officer provides the following assessment of the proposal:

*The subject site is also a 'Place of Archaeological Sensitivity' and both a Statement of Archaeological Potential and an Archaeological Impact Assessment and Method Statement have been provided. The studies identify zones of high archaeological sensitivity and state that "the proposed development is expected to have impact upon significant archaeological remains in approximately 20 locations across the site. The report suggests that "it is not considered feasible to retain any of these archaeological features in-situ." The proposal will result in a significant loss (about 20%) of archaeological resource across the site.*

*The overall objectives of Schedule 1 – Conservation of Cultural Heritage Values include such statements as:*



- *to ensure that the recognisable historic character of Sullivans Cove is not compromised by new development which overwhelms the places of cultural significance and*
- *to encourage new development to be recognisable as new, but not individually prominent. Such development must reflect a “good neighbour relationship to places of identified cultural value.*

*There are examples of new buildings within Sullivans Cove that adopt a ‘good neighbourly’ approach. Such buildings invariably reflect the predominant scale of the historic port and Wapping area, rather than the scale of more intrusive buildings.*

6.9.6 The proposal does not comply with the performance criterion.

## 6.10 Urban Form (Building Form) – clause 23.6.2

- 6.10.1 The acceptable solution at clause 23.6.1A requires new buildings to demonstrate that 'deemed to comply' provisions for Height; Alignment (Primary Space); Alignment (Secondary Space); Plot Ratio; Apparent Size and Urban Gardens have been satisfied.

### Deemed to Comply Provisions

Height - 15m

Alignment (Primary Spaces) - Buildings must be built to the street line of all primary street frontages, with walls located on the front property boundary and extending across no less than 90% of the primary street frontage.

Where a new building is located on a corner with two primary street frontages, this requirement must be satisfied for each frontage.

New buildings must not step back adjacent to a Primary Space. The only permissible exceptions to this is in situations where the stepping back is less than 1:20 relative to the height of the wall on the property boundary and where there is a wall to the boundary at least 12m high.

Alignment (Secondary Spaces) - Where applicable, buildings must also be built to, or align with, the secondary street frontage.

Plot Ratio - 3.0

Apparent Size - The length of buildings in street edge elevation must not

be more than twice the width of the abutting street.

Urban Gardens - Where the construction of a building results in the creation of secondary spaces with public access. These spaces must be fenced at street frontage, landscaped and include facilities for pedestrians as appropriate, such as seating.

6.10.2 The proposal would have a height of 55.1m.

The subject site fronts two primary spaces, however the proposed building is only built to the street line (and partially beyond with regard to the Collins Street awning) for the podium section of the first to fourth floor levels, with the ground level facade set inwards some 4-4.2m from the Collins Street boundary and 3.6m from the Brooker Avenue boundary. The levels above the podium exhibit a much greater setback, particularly from the Collins Street frontage.

There are no secondary spaces adjacent to the site.

The plot ratio of the proposed building is 8.1.

The building occupies the majority of the length of both street frontages, particularly for levels 1 through 4. There is a small discrepancy in the overall width of the ground floor level due to it being set in from the street frontage, with the initial upper levels overhanging. The Highway Reservation of the abutting streets varies in its width, with Brooker Avenue ranging from 30m to 26m, and Collins Street ranging from 51m to 20m. If taking an average between each figure, the proposed building does not exceed twice the width of Brooker Avenue, whilst it exceeds twice the width of the Collins Street reservation by approximately 3.5m. The wide expanse of the Collins Street Highway Reservation where it meets Brooker Avenue benefits the proposal in this regard.

No secondary spaces with public access are created as part of the proposal.

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

6.10.4 The performance criterion at clause 23.6.2 provides as follows:

*Development which cannot satisfy the 'deemed to comply' provisions' of Clause 23.6.1 may be approved at the discretion of the Planning*

*Authority taking into consideration the Objectives in Clause 23.2. Such development includes:*

- Any new buildings or works adjacent to a Place of Cultural Significance and which are not more prominent in the streetscape by strong contrast of scale, height, colour and tone with the buildings constructed on the place, and, which are not detailed in a manner which is similar to buildings of cultural significance or which adopts an “historic” appearance.*
- Works undertaken in accordance with a Conservation Plan approved by the Planning Authority where required and/or provided.*

The Objectives regarding Urban Form at Clause 23.2 state:

*The following objectives apply to the application of this Schedule:*

- The traditional urban pattern of Sullivans Cove is to be conserved. A contemporary adaptation is to be created in development/redevelopment areas.*
- Views to Sullivans Cove along primary spaces are to be retained, especially to the River Derwent.*
- Views over the land bounded by Tasman Highway, Brooker Avenue and Liverpool Street from the City and Wapping to the Domain and from the Domain and Tasman Highway to the City are to be retained.*
- Expression of the Wall of the Cove is to be encouraged where possible.*
- The bulk and height of buildings must reflect the natural topography of the Sullivans Cove Planning Area, the amphitheatre sloping down to the Cove and the Macquarie Street and Regatta Point Ridges.*
- A diversity of building heights and volumes will be encouraged within this over-riding pattern, but buildings must have a respectful relationship to each other and to buildings of identified cultural significance within a street.*
- New buildings must not be individually prominent in terms of contrast with neighbouring buildings by being significantly higher or having a larger apparent size when viewed in street elevation.*
- New buildings should facilitate the creation of ‘secondary spaces’ on lots in the Cove. Such spaces should be encouraged where they demonstrably create useable pedestrian environments and facilitate pedestrian movement and views.*
- New urban gardens are to be encouraged in secondary spaces*

only.

- *On the land bounded by the Tasman Highway, Brooker Avenue and Liverpool Street the landscaping should reflect the variety of garden areas and parkland styles that exist in the immediate surrounding area and that mark the transition to the Domain.*

6.10.5 Amongst other things, the urban form objectives require the traditional urban pattern of the Cove to be conserved, buildings to have a respectful relationship to each other and to buildings of identified cultural significance, and buildings not being individually prominent in terms of contrast with neighbouring buildings by being significantly higher or having a larger apparent size when viewed in street elevation.

The proposed development is more than 3.5 times the 'deemed to comply' building height, and 2.7 times the 'deemed to comply' plot ratio. For reference, the main roof of the existing, taller part of The Old Woolstore Apartment Hotel has a maximum height of approximately 21m, with the lower sawtooth section being approximately 15m tall. The Hotel Grand Chancellor has a maximum height of approximately 46m. The round building immediately opposite on Collins Street has a maximum height of 23m. The University's 'Hedberg' development currently under construction further to the south-west on the Collins/Campbell Street corner is approved at 33m. Further afield, and subject to a different planning scheme, is the Royal Hobart Hospital being redeveloped to a maximum height of 69m, which includes its helipad.

There are no buildings of similar size or bulk in the immediately adjacent blocks or in this defined entrance way to the Sullivans Cove area to the north-east and east of Campbell Street, and there is relative separation between what are the larger buildings in the immediate area. This is not a situation where the proposed building would fill a gap in a block of taller city buildings, for instance. The incongruous nature of the height, scale and bulk of the proposed new building will be obvious in Collins Street, Brooker Avenue and from a number of other public areas, including the grounds near the Cenotaph.

The over-arching principles of the Sullivans Cove Strategic Framework (within clauses 5, 6 and 7 of the Scheme) also provide general guidance on the nature of new development, responding to the quality of spaces and buildings in the Cove, with future development respecting the scale and general character of the Cove. Clause 7.3.2 reiterates the principle of no new development being individually prominent.

'Prominence' is a concept which features in the provisions of both

Schedule 1 – Conservation of Cultural Heritage Values and Schedule 2 – Urban Form. The Macquarie Dictionary defines ‘prominent’ as: standing out so as to be easily seen; conspicuous; very noticeable. The Resource Management and Planning Appeal Tribunal (James Richard Gandy v Hobart City Council & Tasmanian Heritage Council [2016] TASRMPAT 36 (21 November 2016)) considered the question of ‘prominence’ in relation to the corresponding criterion of clause 22.4.5:

*The Tribunal considers that this Criterion does not introduce a subjective element, but rather is a purely objective test. It manifests an intention that new work should be identifiable as such and that it should not be particularly noticeable. Whether it is particularly noticeable is not a question which can be answered by a subjective assessment: the question is not “is that which is installed acceptable”. New works which are individually prominent or particularly noticeable are not permitted by the Scheme. This interpretation is consistent with the Tribunal’s comments that the threshold for compliance with Criterion 1 with its terms is very high - to the extent that the Scheme intends that there should be little or no new development within the Cove.*

Any objective assessment of the proposal must inevitably lead to the conclusion that the proposed building will be higher, bigger and more prominent in the streetscape and townscape generally than neighbouring buildings. The proposal does not meet the discretionary provisions of clause 23.6.2, as it will be more prominent in the streetscape than adjacent Places of Cultural Significance, by strong contrast of scale, height, colour and tone.

Of note here also are the principles of Schedule 5 - Traffic, Access and Parking of the *Sullivans Cove Planning Scheme 1997*, as they relate to urban form. The proposal includes three levels of car parking, above ground within the podium section of the building on levels two, three and four. Schedule 5 states that car parking provided for facilities in the Cove is likely to be detrimental to the Cove’s urban character and heritage. Consequently, in general, car parking will not be required to be provided on-site for any use or development. In the Inner City Residential (Wapping) Activity Area 1.0, Traffic, Access and Parking standards only apply to the area covered by the Wapping Local Area Plan, which does not include and therefore does not apply to the subject site. Schedule 5 clause 26.1 goes on to state that:

*Any development involving the provision of on site car parking will have to demonstrate that the impact of that provision - either physically or*



*operationally will not adversely impact on the character and heritage values of the Cove, on pedestrian movement and amenity.*

Perhaps more critically, under the principles of Schedule 5 at clause 26.2:

*Unless particularly specified as a policy objective or requirement for all or part of an Activity Area, or approved as part of the guidelines for the redevelopment of a Key Site, developments will not be expected to incorporate on-site vehicle parking and it will only be approved to the extent that the car parking does not direct the design of the development and does not have a detrimental effect on the form and character of Sullivans Cove or on its pedestrian amenity and activity. Any development necessitating an exercise of discretion under the Scheme in relation to height to facilitate the provision of on site parking would not be considered to be in keeping with the planning principles for the Cove (emphasis added).*

6.10.6 The proposal does not comply with the performance criterion.

6.11 Urban Form (Building Surfaces) – clause 23.7.2

6.11.1 The acceptable solution at clause 23.7.1 requires development to comply with several 'deemed to comply' provisions, which include:

Building Facade to a Primary Space - Surfaces must be primarily masonry; A maximum allowable void of 50 percent is permissible in all street frontage elevations; Surfaces of facades to primary space must comprise high quality finishes that reinforce the status as a primary building frontage.

Building Facade to a Secondary Space - Surface must be finished so as to be presented in a less detailed and ornate manner than the surface of the building to a primary space, or the surfaces of adjacent buildings to primary spaces.

Night-Lighting - Must accentuate the wall of the building when illuminated, and where appropriate also highlight the landscaping.

Building Surfaces to Brooker Avenue and Tasman Highway in Activity Area 2.0 - Surfaces should contribute to buildings having a minimal visual presence through materials which provide a complex patterning; Surfaces must comprise high quality materials and finishes suitable for viewing as part of the 'gateway' into the Cove.

Surfaces adjacent to nectar bearing native flora (Tasmanian and exotic eucalyptus, etc) - The configuration of buildings and any adjacent nectar bearing native flora must be designed to prevent bird collisions caused by the reflection of such vegetation or sky in glazing and/or unobstructed views through a surface to an outdoor space. Glazing must be consistent with the DPIWE Threatened Species Unit publication "Prevent window collisions: Save our native birds", or achieve comparable performance.

- 6.11.2 The proposal includes a combination of external finishes, including Alucabond or similar spec. cladding; powder coated steel perforated mesh; Alucabond or similar spec. louvers; off form concrete panels; curtain wall glazing; glazing suites. The proposal states that night lighting will be incorporated to accentuate the walls of the building when illuminated, and where appropriate highlight the landscaping. The site is not located in Activity Area 2.0. Whilst there is no evidence provided as to how this will be achieved, the proposal states that The configuration of buildings and any adjacent nectar bearing native flora will be designed to prevent bird collisions caused by the reflection of such vegetation or sky in glazing and/or unobstructed views through a surface to an outdoor space. Glazing must be consistent with the DPIWE Threatened Species Unit publication "Prevent window collisions: Save our native birds", or achieve comparable performance.
- 6.11.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.11.4 The performance criterion at clause 23.7.2 provides as follows:

*Development which cannot satisfy the 'deemed to comply' provisions of Clause 23.7.1 may be approved at the discretion of the Planning Authority.*

*The objectives of this Schedule must be taken into consideration in the assessment of all 'discretionary' development.*

The Objectives regarding Urban Form at Clause 23.2 state:

*The following objectives apply to the application of this Schedule:*

- *The traditional urban pattern of Sullivans Cove is to be conserved. A contemporary adaptation is to be created in development/redevelopment areas.*

- *Views to Sullivans Cove along primary spaces are to be retained, especially to the River Derwent.*
- *Views over the land bounded by Tasman Highway, Brooker Avenue and Liverpool Street from the City and Wapping to the Domain and from the Domain and Tasman Highway to the City are to be retained.*
- *Expression of the Wall of the Cove is to be encouraged where possible.*
- *The bulk and height of buildings must reflect the natural topography of the Sullivans Cove Planning Area, the amphitheatre sloping down to the Cove and the Macquarie Street and Regatta Point Ridges.*
- *A diversity of building heights and volumes will be encouraged within this over-riding pattern, but buildings must have a respectful relationship to each other and to buildings of identified cultural significance within a street.*
- *New buildings must not be individually prominent in terms of contrast with neighbouring buildings by being significantly higher or having a larger apparent size when viewed in street elevation.*
- *New buildings should facilitate the creation of 'secondary spaces' on lots in the Cove. Such spaces should be encouraged where they demonstrably create useable pedestrian environments and facilitate pedestrian movement and views.*
- *New urban gardens are to be encouraged in secondary spaces only.*
- *On the land bounded by the Tasman Highway, Brooker Avenue and Liverpool Street the landscaping should reflect the variety of garden areas and parkland styles that exist in the immediate surrounding area and that mark the transition to the Domain.*

6.11.5 The proposed building does not meet the 'permitted' provisions of clause 23.7.1, which requires the surface of the building façade to be primarily masonry, with a maximum allowable void of 50 percent. The proposal incorporates Alucobond®, powder coated steel perforated mesh, off form concrete panels, curtain wall glazing, glazing suites and sandstone facing. The proposal must therefore be assessed against the objectives of clause 23.2. As stated previously, these objectives require the traditional urban pattern of the Cove to be conserved, buildings to have a respectful relationship to each other and to buildings of identified cultural significance. The proposed building materials and surface finishes do not have a respectful relationship with established nearby buildings. The majority of the exterior of the proposed tower will comprise curtain wall glass construction, which by any objective assessment is at the other end

of the scale from construction which is 'primarily masonry' as the planning scheme expects.

6.11.6 The proposal does not comply with the performance criterion.

6.12 Public Urban Space (Building or Works) – clause 24.4.6

6.12.1 The acceptable solution at clause 24.4.5 (and clause 24.4.2) requires all minor road works to be carried out in accordance with the Footpath and Road Median Material Types plan shown in Figure 9b of the *Sullivans Cove Planning Scheme 1997*, or any Civic Works & Public Street Furniture Concept Plan incorporated as part of this Scheme, or:

(a) no trees are required to be removed to facilitate the buildings or works;

(b) there is no material alteration to the road or footpath alignment, configuration or profile;

(c) there is no material change to the finished surface materials.  
Otherwise such works are discretionary.

6.12.2 The proposal includes an awning partially protruding into the airspace above the Collins Street Highway Reservation, removal and realignment of existing kerbs to alter the current on street car parking arrangement and road width on Collins Street adjacent to the site; removal of an existing street tree to allow for the proposed vehicle entry/exit point to function alterations to the existing footpath width and removal and relocation of existing bollards on Ragged Lane. For the most part, these works are considered to be 'Minor Road Works' classified as

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

6.12.4 The performance criterion at clause 24.4.6 provides as follows:

*All buildings or works nominated in the table to Clause 24.4.2 as 'D' (Discretionary) require a permit, except where the site is within the area identified by Figure 9a, the building or works are 'permitted'. The Planning Authority may exercise its discretion to approve, approve with conditions, or refuse any application. In considering such applications, the Planning Authority must satisfy itself that the proposed buildings or works are compatible with the following:*

- *The 'Civic Works and Public Street Furniture' Guidelines outlined in*

*Clause 24.4.8.*

- *The function of the Public Urban Space as described in Clause 24.4.10.*
- *The provisions of clause 24.4.9 apply where appropriate.*

- 6.12.5 On a technical basis, the proposed revisions to the pavement, on-street parking and kerb alignment, as well as the removal of the street tree have been accepted in principle by the technical officers tasked with their assessment, who will ensure that such works are carried out appropriately in accordance with Council standards. No public street furniture is proposed and as such the standards governing such things are not relevant to this proposal.

Of note are comments provided by the Council's Open Space and Reserves Officers regarding the proposal removal of the street tree, who state:

*Council's arborist has assessed the tree to be removed and determined an amenity value of \$57,331.15. There would also be a cost for a replacement tree. She also identified that the plans indicate that the awning along the Collins [Street] façade would jut out into the canopy of the trees to be retained along that street, damaging the trees. Could the design be altered to protect the street trees to be retained? And we notice that the street trees are not shown on several of the artist's impressions of the new building. Need to confirm that all the other trees would be retained, undamaged.*

Conditions addressing the payment of the amenity value of the tree to remove it, payment of a replacement cost, preparation of a tree protection plan for the trees to be retained and preparation of an environmental management plan for the removal of the tree have been recommended for any planning permit issued by the Council. Additional technical conditions to manage the alterations to the pavement, kerb and on-street parking areas would also be included on any permit granted for the proposal.

- 6.12.6 The proposal complies with the performance criterion subject to conditions.

6.13 Demolition – clause 28.6

- 6.13.1 There is no acceptable solution for demolition within the Cove under clause 28.3.1. All such demolition is 'discretionary'.



- 6.13.2 The proposal includes demolition of all existing buildings upon the site.
- 6.13.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.13.4 The performance criterion, or in this case 'Guidelines for Development Control' at clause 28.5 provides as follows:

*The demolition of any building, or works on land shall not be 'permitted' unless; a replacement development has been approved, or such demolition is required by statutory order or is authorised by the Building Surveyor as essential to public safety*

*Any application for demolition:*

*(a) Shall be refused if the building is included as a cultural heritage place in Table 1 of the Conservation of Cultural Heritage Values Schedule of this Scheme, unless;*

*(i) The demolition is approved as part of a Conservation Plan approved by the Planning Authority or otherwise in its discretion under the Conservation of Cultural Heritage Values Schedule of this Scheme;*

*(ii) The building clearly detracts from the cultural values or significance of the place; or*

*(iii) There are overriding environmental, economic considerations in terms of the building or practical considerations for its removal, either wholly or in part.*

*(b) May be refused if in the opinion of the Planning Authority the building contributes to the cultural heritage or urban character of the Activity Area and the building is capable of continued beneficial use.*

Additionally, matters to be considered for demolition under clause 28.6 include:

*In considering any proposal for demolition, the Planning Authority shall give regard to the following matters:*

- *The impact of the proposed demolition on the character of the Activity Area;*
- *The impact of the proposed demolition on the cultural heritage values of the Cove;*
- *The need to avoid creation of vacant sites and 'lost space' in the Cove.*

Further, the Objectives of Schedule 7 at clause 28.2 state:

*The protection and promotion of the Cultural Heritage and Urban Character of the Cove is of primary concern in the consideration of proposals to demolish the built fabric of the Cove.*

6.13.5 The proposal involves demolition of the Roberts building on the corner of Collins Street and Brooker Avenue. The proposal also involves the demolition of the former Council garage (c.1925) – a building which is still used for vehicle parking, and survives reasonably intact albeit with two external walls removed. The building façade to Collins Street contributes to the urban character of Collins Street and the area generally. The proposal does not meet the provisions of clause 28.5 and clause 28.6 of the Sullivans Cove Planning Scheme 1997, as it involves the demolition of a building which (a) contributes to the urban character of the Activity Area, and (b) is capable of continued beneficial use. The proposed demolition will have a detrimental impact on the character of the Activity Area.

6.13.6 The proposal does not comply with the performance criterion.

## **7. Discussion**

7.1 Planning approval is sought for Demolition and New Development for Visitor Accommodation, Function Centre and Associated Facilities at 2 Collins Street and adjacent road reserve, Hobart.

7.2 The application was advertised and received Fourteen-hundred and Fifty-nine (1459) representations, of which three were in favour. The representations raised concerns including excessive height, inappropriate design, non-compliance with relevant scheme standards, impacts upon surrounding amenity, cultural heritage and the Hobart landscape, the building being out of character with the city and not being compatible with the scale and charm of the place.

- 7.3 The proposal has been assessed against the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, and while it is noted that the height of the building was reduced from what was originally proposed, the revised height of 55.1 metres now proposed is still considered to be significantly beyond the scope and intent of relevant planning scheme standards and objectives. Implications within documentation forming part of the application that these provisions are outdated are not supported. Although the planning scheme clearly had its genesis some years ago, it has been subject to numerous revisions and amendments over its lifespan. It is not a static document, and with regard to provisions around height, there is nothing to suggest that the Scheme is out of step with current community thinking, particularly when it comes to protecting the character of Sullivans Cove. It is suggested that community consultation conducted as part of the City of Hobart's Vision engagement and the City's recently commissioned height reviews support this proposition.
- 7.4 In relation to the proposed use of the building, there is reference within the submitted documentation to the proposed conference facility being reliant upon the number of rooms proposed, and by inference, the scale of the building. While it is accepted that conference facilities require accommodation for delegates to stay in, it is suggested that such accommodation does not necessarily need to be located on-site for a conference facility to be viable. Therefore, while it may be important for the proponent to offer a certain number of rooms to ensure the financial viability of the proposal, and while Hobart may be in need of additional conference facilities, the notion that the number of rooms proposed, and therefore the height and scale of the building, is justified by the proposed conference facility is not supported by the planning scheme.
- 7.5 The *Sullivans Cove Planning Scheme 1997* includes the ability to apply discretion where appropriate, and where the objectives and strategic framework of the scheme can still be achieved. This proposal, however, is considered inconsistent with planning scheme provisions relating to height, plot ratio, heritage, archaeology, demolition, use and parking. The development is more than 3.5 times the acceptable height for the area, and is significantly above the acceptable density. It represents a significantly larger building than those around it. It is unavoidably individually prominent, which is a key scheme consideration. Furthermore, the proposal includes multiple levels of above ground car parking, where the scheme specifically discourages such car parking that exacerbates the height of proposed development. The proposal is inconsistent with the *Sullivans Cove Planning Scheme 1997*, and does not warrant the exercising of discretion sought by the application.

7.6 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Stormwater, Road and Traffic Engineers, Cleansing and Solid Waste Services Officers, Open Space and Recreation Officers, Environmental Health Officers, Surveying Services Officers, Cultural Heritage Officer, and City Design Officers. Some of these officers have raised objection to the proposal, while others have recommended conditions in the event of any approval issued by the Council.

7.7 Given the height of the proposed development, the application was considered by the Council's Urban Design Advisory Panel (UDAP). The Panel met and discussed the proposal with the applicants at the UDAP meeting of 12 September 2018. Although only having an advisory capacity, the Panel formed the following views in relation to the proposal:

*(i) The proposal does not meet the requirements of the Sullivans Cove Planning Scheme 1997, particularly taking into account, the proposed height and form of the development and consideration of the Objectives of Schedules 1 and 2 of the Planning Scheme.*

*(ii) The case as to why the specific attributes of this Proposal (eg overall height and the podium design and its interface with the street) would support the substantial departure in the planning scheme provisions has not been made.*

*(iii) The case has not been made as to why this proposal justifies a fundamental shift in the built scale of the City and the Panel has significant concerns as to the precedent the proposal may have as a result. The proposal and specifically with regard to the proposed height, is not supported by the most recent work undertaken by Urban Design Architect Leigh Woolley which suggests a maximum height of 21 metres in this area. The current deemed to comply height within the Scheme is 15 metres.*

*It is also noted that (extract from the officer report)... 'principles of Schedule 5 highlight that developments will not be expected to incorporate on-site vehicle parking and it will only be approved to the extent that the car parking does not direct the design of the development and does not have a detrimental effect on the form and character of Sullivans Cove.'*

7.8 The proposal is recommended for refusal.

## 8. Conclusion

- 8.1 The proposed Demolition and New Development for Visitor Accommodation, Function Centre and Associated Facilities at 2 Collins Street and Adjacent Road Reserve, HOBART does not satisfy the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, and as such is recommended for refusal.



## 9. Recommendations

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council refuse the application for Demolition and New Development for Visitor Accommodation, Function Centre and Associated Facilities at 2 Collins Street and Adjacent Road Reserve, HOBART for the following reasons:

- 1 The proposed function centre does not meet the Objectives of Clause 15.2 of the *Sullivans Cove Planning Scheme 1997*, as it:
  - a) fails to ensure that the building masses and facades appropriately relate to the spaces they form.
  - b) fails to ensure that the proposed non-residential use is based on the amenity and characteristics of specific sites.
  - c) fails to ensure that the amenity of or the potential for adjacent residential development will not be diminished.and is therefore considered to be prohibited under clause 15.3.4 of the *Sullivans Cove Planning Scheme 1997*.
- 2 The proposal does not meet the performance standards of clause 22.5.5 of the *Sullivans Cove Planning Scheme 1997*, as:
  - (a) it will dominate adjacent places of cultural significance when viewed from the street or any other public space, and will be more prominent in the street than the adjacent places of cultural significance contrary to the Cultural Resource Principles (Cultural Heritage and Urban Character) of the *Sullivans Cove Planning Scheme 1997* espoused in clause 7.3.2.
  - (b) the area of the facade of the new building will exceed that of the buildings on adjacent places of cultural significance and the visual impact of the apparent disparity of scale is significant and historic precedent does not warrant the scale disparity.
  - (c) the proposal fails to complement and contribute to the specific character and appearance of adjacent places of cultural significance and the historic character of the Cove generally.

(d) the location, bulk and appearance of the proposed building will adversely affect the heritage values of adjacent and nearby places of cultural significance, by creating an incongruous backdrop out of scale with the present visual setting.

- 3 The proposal exceeds the 'deemed to comply' height, alignment, plot ratio, apparent size and building surfaces standards of clause 23.6.1A and 23.7.1 of the *Sullivans Cove Planning Scheme 1997* and in turn fails to meet the objectives of clause 23.2, in that:
  - a) it fails to conserve the traditional urban pattern of the Cove
  - b) its bulk and height does not reflect the natural topography of the Sullivans Cove Planning Area, the amphitheatre sloping down to the Cove and the Macquarie Street and Regatta Point Ridges.
  - b) it does not promote a respectful relationship between buildings and to buildings of identified cultural significance within a street.
  - c) the building will be individually prominent in terms of contrast with neighbouring buildings by being significantly higher or having a larger apparent size when viewed in street elevation.
  - d) the building does not facilitate the creation of 'secondary spaces' on lots in the Cove.
- 4 The proposal exceeds the maximum 'permitted' height standards and exceeds the standards for apparent size of clause 23.6.1A of the *Sullivans Cove Planning Scheme 1997* and does not meet the corresponding discretionary provisions of clause 23.6.2, as it will be more prominent in the streetscape than adjacent Places of Cultural Significance, by strong contrast of scale, height, colour and tone.
- 5 The proposal does not meet the provisions of clause 28.5 and clause 28.6 of the *Sullivans Cove Planning Scheme 1997*, as it involves the demolition of a building which (a) contributes to the urban character of the Activity Area, and (b) is capable of continued beneficial use. The proposed demolition will have a detrimental impact on the character of the Activity Area.



(Cameron Sherriff)

**Development Appraisal Planner**

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



(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: 31 December 2018

**Attachment(s):**

Attachment B - CPC Agenda Documents