



CITY OF HOBART

MINUTES ATTACHMENTS

CITY PLANNING COMMITTEE MEETING

OPEN PORTION OF THE MEETING

MONDAY, 25 FEBRUARY 2019

AT 5:00 PM

VENUE: LADY OSBORNE ROOM, TOWN HALL

TABLE OF CONTENTS

7.1.1	106 Salamanca Place, Battery Point - Partial Demolition, Alterations and Multiple Dwelling - PLN-17-1041	
A.	PLN-17-1041 - 106 SALAMANCA PLACE BATTERY POINT TAS 7004 - Planning Committee or Delegated Report - Attachment A	2
B.	PLN-17-1041 - 106 SALAMANCA PLACE BATTERY POINT TAS 7004 - Planning Referral Officer Cultural Heritage Report - Attachment C.....	25

Attachment A**APPLICATION UNDER SULLIVANS COVE PLANNING SCHEME 1997**

Type of Report: Committee
Council: 17 September 2018
Expiry Date: 4 March 2019
Application No: PLN-17-1041
Address: 106 SALAMANCA PLACE , BATTERY POINT
Applicant: Aurora Clarke
106 Salamanca Place
Paul Thompson
106 Salamanca Place
Proposal: Partial Demolition, Alterations and Multiple Dwelling
Representations: Twelve
Performance criteria: Heritage and Demolition

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, Alterations and Multiple Dwelling at 106 Salamanca Place.
- 1.2 The proposal is for the construction of a 45m² one bedroom apartment to be sited above and extend towards the rear of the existing garage of 104 and 106 Salamanca Place. It features a minimal gabled roof form, clad in zinc, that is set back from the garage façade, allowing for a small balcony. There would also be decks created underneath the building. There would be alterations to the roof of the garages and removal of the existing store buildings to the rear to facilitate the development. The use of the garages for vehicular parking for 106 and 104 Salamanca Place would be unaffected by the proposal.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Conservation of Cultural Heritage Values
 - 1.3.2 Demolition
- 1.4 Twelve (12) representations objecting to the proposal were received within the statutory advertising period between 26 July and the 17 August 2018 including the re-advertising of the application.

- 1.5 The proposal is recommended for refusal subject to conditions.
- 1.6 The final decision is delegated to the Council.

2. Site Detail

- 2.1 The proposed apartment is to be sited above the garage of 104 and 106 Salamanca Place but fully contained within the 312m² Strata Lot of 106 Salamanca Place (CT59694/106). The site is part of the Harbour Pilot Worker Cottages at 100 to 106 Salamanca Place.



Figure 1: GIS Map Image 1:2000



Figure 2: GIS Map Image 1:500



Figure 3: Existing garages that the dwelling is proposed to be sited above.



Figure 4: Western side of garage



Figure 5: Looking towards site with the worker cottages in view

3. Proposal

- 3.1 Planning approval is sought for Partial Demolition, Alterations and Multiple Dwelling at 106 Salamanca Place.
- 3.2 The proposal is for the construction of a 45m² one bedroom apartment to be sited above and extend towards the rear of the existing garage of 104 and 106 Salamanca Place. It features a minimal gabled roof form, clad in zinc, that is set back from the garage façade, allowing for a small balcony. There would also be decks created underneath the building. There would be alterations to the roof of the garages and removal of the existing store buildings to the rear to facilitate the development. The use of the garages for vehicular parking for 106 and 104 Salamanca Place would be unaffected by the proposal.

Architectural drawing of the South Elevation of a property. The drawing shows an existing house with a chimney and a new proposed addition. A large tree is on the left. The drawing includes various labels and dimensions.

Labels and dimensions include:

- EXISTING TREE
- EXISTING HOUSE
- PROPOSED ADDITION
- EXISTING GARAGE
- EXIST. EXTERIOR FLOOR FINISH
- EXIST. INTERIOR FLOOR FINISH
- EXIST. GATE
- EXIST. CHIMNEY
- EXIST. ROOF
- EXIST. WALL
- EXIST. FLOOR
- EXIST. CEILING
- EXIST. DOOR
- EXIST. WINDOW
- EXIST. PORCH
- EXIST. PATIO
- EXIST. DRIVEWAY
- EXIST. WALKWAY
- EXIST. FENCE
- EXIST. GROUND
- EXIST. SKYLINE
- EXIST. HORIZON
- EXIST. VERTICAL LINE
- EXIST. HORIZONTAL LINE
- EXIST. DIAGONAL LINE
- EXIST. CURVED LINE
- EXIST. DOTTED LINE
- EXIST. DASHED LINE
- EXIST. SOLID LINE
- EXIST. THICK LINE
- EXIST. THIN LINE
- EXIST. BOLD LINE
- EXIST. ITALIC LINE
- EXIST. UPPERCASE LETTER
- EXIST. LOWERCASE LETTER
- EXIST. NUMBER
- EXIST. SYMBOL
- EXIST. PUNCTUATION
- EXIST. SPECIAL CHARACTER
- EXIST. UNKOWN CHARACTER
- EXIST. SPACE CHARACTER
- EXIST. TAB CHARACTER
- EXIST. NEWLINE CHARACTER
- EXIST. OTHER CHARACTER

3.4



Figure 7: Photo Montage 1 showing the proposed development from the eastern end of Salamanca Place

3.5



Figure 8: Photo Montage 2 showing the proposed development from the west.

4. Background

- 4.1 The proposal was previously submitted under PLN-15-00115-01 and was refused by the Tasmanian Heritage Council. The applicant chose to withdraw the application rather than getting it determined by the Council at the time.

The current proposal is principally the same as the previous design however there are minor variations to the glazing design. The Tasmanian Heritage Council have issued a notice of approval for the current application.

- 4.2 The application was re-advertised part way through the first advertising period to amend the address of the property to 106 Salamanca Place instead of all the properties from 100 to 106 Salamanca Place. Although the properties are strata titled Council was made aware that the title had been amended from the previous application and the proposal would not involve common property of the strata and therefore be fully contained with the strata lot of 106 Salamanca Place.

5. Concerns raised by representors

- 5.1 Twelve (12) representations objecting to the proposal were received within the statutory advertising period between 26 July and the 17 August 2018 including the re-advertising of the application.
- 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.

Height of the building is excessive.
Undue individual prominence in the streetscape.
The proposal is in conflict with the guidelines expressed in the Sullivan's Cove Planning Scheme 1997 and in the Historic Cultural Heritage Act 1995.
The proposal is contrary to the Conservation Management Policy and Statement of Archaeological Potential by Mr Brad Williams of Praxis Environment which was completed for Lot 100. The conditions set out that the height of the new building must not exceed the height of the existing garage and dwelling. The location, bulk and appearance of the new dwelling must not be individually prominent and adversely affect the heritage values of the streetscape. The cottage must be maintained as the dominant feature of the place.
The planning application was submitted without consultation with the other owners of the Body Corporate.
The proposal will dominate the heritage streetscape and is not subservient to the maritime heritage precinct and the four cottages.
The development will overshadow the front garden of 104 Salamanca Place.
The proposal is in conflict with the by-laws of the body corporate for the properties.
A previous planning application for an additional dwelling at 100 Salamanca Place was subject to an intensive planning process with requirements for the building to be subservient to house and garage of the property. There needs to be consistency in the planning process.
There is no information on how the garages are to be supported at the front. The garages were not constructed to have another dwelling placed on top of them.
The proposed dwelling is the same height as the peak of the chimneys of the adjoining property and dominates the whole streetscape.
Disagreement with the submitted design statement.
If approved the proposal will set a precedent for other owners for the development of dwellings above garages and driveways.

The height of the proposed new dwelling will obstruct views from Princes Park to the Cenotaph, Domain and the Ordnance Store.
The proposed dwelling will compromise views of the line of cottages and the unique streetscape for pedestrians.
The proposed application does not consider the adverse impact on the adjacent properties.
An alternative proposal for a new dwelling could maintain the roofline below the existing garage like what has been constructed at 100 Salamanca Place.
The existing garages are a blight within the streetscape and combined with the industrial scale addition will destroy the heritage character of this area.
The application should be rejected.
The other properties have been developed sympathetically.
There was no community consultation or refinement of the proposal with Heritage and Council.
The recent approval at 98 Salamanca Place sought to keep the roof line of the garage to single storey at street level.
Impact on the use of parking space.
Not consultation on how it will effect the use of the garage.
Where is the parking to support the development?
No objection to development that is sympathetic to the history and streetscape as the other properties have had to adhere to.
There is room behind for a sympathetic build.
The bulk, colour and materials are inappropriate considering its historic context.

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 Sullivans Cove Mixed Use 2.0 Activity Area of the *Sullivans Cove Planning Scheme 1997*.
- 6.3 The proposed use is defined as Residential Accommodation and is a permitted use in the Activity Area.
- 6.4 The proposal has been assessed against:
- 6.4.1 Parts A and B – Strategic Framework
 - 6.4.2 Part D – Clause 16 – Activity Area Controls
 - 6.4.3 Part E – Schedule 1 – Conservation of Cultural Heritage Values
 - 6.4.4 Part E – Schedule 2 – Urban Form
 - 6.4.5 Part E – Schedule 7 – Demolition
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Conservation of Cultural Heritage Values – clause 22.4.5
 - 6.5.2 Demolition – clause 28.6.
- 6.6 Each performance criterion is assessed below.
- 6.7 Conservation of Cultural Heritage Values – clause 22.4.5
- 6.7.1 The site is a heritage listed property under the planning scheme and therefore the Council's Cultural Heritage Officer has provided the following assessment:

The application relates to No.106 Salamanca Place, a self-contained, semi-detached residential property with flat roofed detached brick built double garage, one part of which is strata titled and owned by No.104 Salamanca Place and is located within the front garden space of No.106, forward and the left of the properties front façade.

The building is one of a group of four purpose built cottages of the same design built during the 1890's by the then Hobart Marine Board

specifically for the use by Boatsmen. All four of the cottages were listed in 1985 by the National Trust given their historically significant association with the Port of Hobart and each has been the subject of addition and extension to the lower ground floor level to various degrees and in various architectural styles.

The proposal seeks minor works of demolition to the detached garage to facilitate the erection of a new storey to the garage in the form of a zinc clad gabled addition accessed via an external staircase close to the roadside of the properties side garden. The additional storey would be set back from the front elevation of the garage, which would be fitted with a balustrade to create an area of roof terracing. The rear part of the proposal would be partially supported by a new wall and partially by way of a cantilever over the rear garden. Windows would be limited to a single band of glazing panels roughly dividing the structure into two, and a number of rear facing windows. The building height would extend to 7.49m when measured from the front boundary, although it is noted that due to the fall of the rear of the site, this would increase relative to the fall of the ground, and the proposal would sit hard against the side boundary of the site.

Internally, the proposal would provide double bed accommodation with kitchen, bathroom, laundry and dining/lounge room and thus capable of independent occupation.

The site is individually listed in Schedule 1 of the Sullivans Cove Planning Scheme 1997 (SCPS), as is its immediate neighbour at No.104, the remaining cottages within the group and 19-21 Castray Esplanade, one of the Ordinance Stores, which backs onto the rear of the site. The area also immediately overlooks Princes Park. The proposed works to No.100 must therefore be assessed against Schedule 1 of the Plan.

With regard to Heritage Issues, Schedule 1 requires;

22.2 Objectives

- To ensure that the recognisable historic character of Sullivans Cove is not compromised by new development which overwhelms the places of cultural significance, or, by new development which reduces the apparent authenticity of the historic places by mimicking historic forms.

- 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.

22.4.5 goes on to state in part that -

- 'The following criteria must be taken into consideration in the assessment of all proposals to undertake 'building or works' on places of cultural significance:

'Building or works' must complement and contribute to the cultural significance, character and appearance of the place and its setting;

'The location, bulk and appearance of 'building or works' must not adversely affect the heritage values of any place of cultural significance;

'Building or works' must not reduce the apparent authenticity of places of cultural significance by mimicking historic forms;

'Building or works' may be recognisable as new but must not be individually prominent;

Demolition works

The proposed demolition work would be limited to the roofing material of the garage structure and a short section of external wall which forms a narrow storage shed located directly behind the garage.

All demolition works are discretionary under the SCPS. The garage in both form and materials would appear to date from the second half of the 20th century and is of only marginal historical interest by virtue of it representing the development of the residential use of the cottage. The degree of demolition is limited and would have no discernible impact upon the cultural significance of the wider site.

Proposed Extension

With regard to the proposed extension, the site should be viewed within the context of the row of four semi-detached cottages of which it forms part. The cottages, including the site, have all been subject to alteration and extension to some degree through a range of extensions to the rear. However, the form (including roof form), silhouette, facade, massing, materials and detailing such as chimneys, verandas and windows of the cottages, both individually and as a group, are all notably intact when viewed from the principal public spaces of Salamanca Place and Princes

Park. The flat roofed garages appear to have been added to the row during the second half of the twenty century at both ends of the short group. These garages stand forward of the front building line, facing directly onto the street so as to essentially act as bookends to the row of cottages. The garage previously attached to 100 Salamanca Place has been extended to the rear at a lower level and a low roof form applied to create independent residential accommodation. However, it is considered that despite these additions, from the public realm, both garages have retained a simplified built form, the massing of which still sits below the eaves of the cottages. Importantly, the garage at No.106 has a limited depth, so that when viewing the side elevation of the property from the western parts of this section of Salamanca Place, the return is largely unobscured, allowing clear views of its depth, original side windows, roof form, chimneys and eaves line. It is therefore considered that both of the above factors allow each of these otherwise unfortunate later garage addition to still play a subservient role within the immediate streetscape.

It is therefore considered that No.106 Salamanca Place is a well maintained cottage whose extensions to the rear have not had a negative impact upon the buildings original form or its ability to clearly read as a late Victorian cottage. Whilst modest, the cottage has retained most of its original detailing and is consistent with the other three cottages within the group. Its former role as accommodation for 'Boatsmen' employed by the Port of Hobart provides it with additional cultural significance. The low number of similar workers cottages within this part of the Cove is testament as to the origins of the accommodation, its integral and historical links to the Port of Hobart and its cultural role in the development of the city and wider State.

As previously stated, the following criteria must be taken into consideration in the assessment of all proposals to undertake 'building or works' to places of cultural significance:

'Building or works' must complement and contribute to the cultural significance, character and appearance of the place and its setting;

With regard to the above, it is noted that the Macquarie Concise Dictionary defines the word 'complement' as 'something that completes or makes perfect' or to 'fulfil'. 'Contribute' is defined as 'to give in common with others; or to give to a common stock or for a common purpose'.

Taking the first of these, it is considered that the definition of the word 'complement', requires proposed development to make whole or complete existing cultural heritage places in the event that it currently does not possess completeness. It is accepted that this places a high requirement on development within the Cove. However, it is noted that in a recent Appeal Decision relating to proposals within the Cove (74/16P James Richard Gandy v Hobart City Council and Tasmanian Heritage 2016), The Planning Tribunal accepted and adopted this notion of 'complement' as to mean "completeness", stating that it's reasonable to take the position that the intension of the Planning Scheme is to allow development only where 'completeness' occurs and where there is a clear contribution to the intrinsic cultural heritages values of the place and its setting, essentially by way conserving or restoring a heritage place. They state:

'38. 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. By way of example which is apposite in this context, work to restore the roof through the removal of the existing terrace might be work which achieves those results...

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.'

It goes on,

'39. It is harder to make the case in circumstances where, for example, it is proposed to add some adornment to a part of the public face of a building. Arguably, such work does not bring balance, nor does it contribute by bringing completeness or adding something to each of the elements identified.'

In relation to the above, it is considered that the proposed extension is not an act of restoration, nor would it provide the cottage with a sense of completeness. Notwithstanding the merits or otherwise of the design of the proposed extension, the development does not seek to replicate previously removed culturally significant elements of this place or its setting. Further, with regard to the term 'Contribute', it is also considered that the proposal does not seek to replicate existing culturally significant features elsewhere within the row of cottages. Importantly, there is no historical precedent for above garage structures of this type, either as

later additions or as purpose built structures. Indeed, there is no history of structures of this type, be it for residential or uses associated with the Port, in any form.

As such, it is therefore considered that the proposal would fail to complement or contribute to the cultural significance, character and appearance of the place and its setting.

Turning to the issue of prominence, as previously stated, 22.4.5 states that the

'Building or works' may be recognisable as new but must not be individually prominent'

From the submitted plans, elevations and photomontages submitted in support of the proposal, it is clear that the development would significantly increase the height and overall bulk of the existing flat roofed garage, effectively creating a two storey structure within a row of single storey cottages. The proposed extension would be visible from Princes Park, and from the roadside, both in the immediate and from longer views. As part of the supporting documentation submitted with the application, a Heritage Impact Statement and a separate Design statement has been prepared by Paul Davies Pty Ltd. Mr Davies does not directly address the issue of prominence, but rather makes comments on the issue of dominance in relation to views in which the cottage is experienced.

In page 2 of his Design Statement, he writes:

'The concept of visual domination is not easy to define. One observer may find any new element added near a listed building visually dominant where another may not even notice a new built form. This is not a question of whether something can be seen, rather it is a consideration of how is something seen in relation to a heritage place, does the new element confuse the understanding of heritage values and are the key ways of seeing the place affected.'

He states that the primary visual impact would occur when looking east towards at the property from Salamanca Place. At Page 14 of his submission he states:

"The street view within Salamanca Place looking east towards the garages and cottages is not an identified or particular view that requires retention or protection. The view is framed by contemporary buildings,

terminates with a vehicle turning circle, contains trees and includes the end wall of the garaging with part of the roof form of the cottages beyond. The addition of the first floor form above the garage will partially obscure the view to the western face of the cottage roof but this is not a significant or important view."

Again, drawing upon the views expressed by The Planning Tribunal in their determination of Planning Appeal 74/16P, with regard to the criterion of 22.4.5 they state;

"4.3 In relation to Criterion 5, the evidence supports the conclusion that from some vantage points the installation will be "particularly noticeable" and from others it will not. This, in turn, raises the question of which views are relevant to an assessment of the question. In that respect the Tribunal adopts its reasons in relation to the Heritage Council's case. That is, that the matter is to be determined by reference to views from all places from which it is possible to appreciate the historic cultural significance of the place.....'From those views the installation will be 'particularly noticeable' (even if acceptable to some), and on that basis Criterion 5 cannot be satisfied.'

4.4 The Tribunal considers that this Criterion does not introduce a subjective element, but is rather 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."

Based on the above, it is therefore considered that the test is not whether the proposal would be seen from a particular viewpoint based on an arbitrary ranking of importance, but rather if it can be seen from any vantage point. Nor is the test the subjective individual merits of the architecture. Rather, the test is whether the proposed development would be individually prominent or, in the words of the Tribunal, 'noticeable'.

Taking the above, it is considered that the proposed extension, by virtue of its height, bulk and location in relation to the cottage and the wider row visually would be the principal feature seen when approaching along Salamanca Place and would clearly therefore meet the definition of being prominent and noticeable. Whilst adopting a form that is recognisably new, it is considered that the proposal would fail to fully meet this criteria

of 22.4.5.

Lastly, turning to the issue of impact upon heritage values, as previously stated, 22.4.5 requires that:

'The location, bulk and appearance of 'building or works' must not adversely affect the heritage values of any place of cultural significance;

With regard to the above, it is noted that the proposed extension has adopted a largely featureless design with hidden eaves, notable lack of fenestration to front facing gable and utilisation of cladding more commonly associated with industrial roofing. In colouration, the proposal has adopted a dark colour to largely match that of the roof of the cottage and the rest of the row in which it stands. It would therefore largely read as a stylised 'industrial' gable roof structure partially viewed against the roof planes of the cottages.

Whilst it is acknowledged that the existing garage was an unfortunate addition during the life of the cottage, it does retain a degree of subservience to the cottage. In contrast, the proposal would substantially add to its height and bulk, with the overall height and eaves line notably exceeding that of the cottage, (not correctly shown on the photomontage which shows the height of the structure at a lower level). In so doing, it would become the highest structure within an otherwise balanced group which in part derives its collective strength from its uniformity of scale.

When viewed from the west, due to its height and bulk, it would obscure large parts of the cottages return elevation, its roof form and chimneys, as well as those of the row beyond, removing the ability to understand and read the dimensions of the cottage. The design and proposed cladding hints at a semi-industrial architectural expression that whilst echoing limited elements of the working port of the Cove, would sit uncomfortably within what is a clearly residential enclave.

Overall, the impact of the proposal would be to place the garage, visually at least, on an equal footing with the cottage and the wider row, removing its current subservient role in favour of a structure that takes a prominent role in setting the context in which the place of cultural significance is viewed. It would obscure views of the cottage and introduce a semi-industrial form into what is a clearly a residential enclave within the Cove. Given the above, it is therefore considered that the proposal by virtue of its location, bulk and appearance, adversely affect the heritage values of this place of cultural significance and to those of the wider terrace in which

it stands. It is therefore considered that the proposal would fail to fully meet this criteria of 22.4.5.

Conclusion

In view of the above, it is considered that the proposal would fail to complement and contribute to the cultural significance, character and appearance of the cottage, and the wider group of which it forms; it would adversely affect the heritage values of the cottage and its setting by virtue of its location, bulk and appearance; and the proposal would occupy and take a form that would be individually prominent to the cottage. The proposal would therefore fail to comply with the criteria of 22.4.5 of the Sullivans Cove Planning Scheme and should therefore be refused.

Reasons for refusal

1. The proposed development would fail to complement and contribute to the cultural significance, character and appearance of this place of cultural significance or its setting contrary to 22.4.5 of the Sullivans Cove Planning Scheme 1997.

2. The proposed development, by virtue of its location, bulk, height and form would be individually prominent to this place of cultural significance and its setting contrary to 22.4.5 of the Sullivans Cove Planning Scheme 1997.

3. The proposed development, by virtue of its location, bulk and appearance would adversely affect the heritage values of this place of cultural significance, its setting and those of the cottages which make up the wider row, contrary to 22.4.5 of the Sullivans Cove Planning Scheme 1997.

6.7.2 The proposal is not considered to meet relevant provisions.

6.8 Demolition – Clause 28.6

6.8.1 The Scheme states that all demolition is Discretionary; therefore the proposed aspects of demolition are to be considered against the following:

- 6.8.2
- *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*

6.8.3 The proposal includes demolition of the roof above the garages, stores and deck to the rear to facilitate the proposal. The proposed aspects of demolition are minor features and their removal will not compromise the character of the area, cultural heritage values of the Cove or create 'lost space' within the Cove.

6.8.4 The proposal is considered to meet relevant provisions.

7. Discussion

7.1 Planning approval is sought for Partial Demolition, Alterations and Multiple Dwelling at 106 Salamanca Place.

7.2 The application was advertised and received Twelve (12) representations. The representations raised concerns largely related to the perceived inappropriateness of the proposed building being sited above the existing garages and the associated impact on the heritage streetscape, in particular the four heritage listed maritime cottages. It was suggested that development of the sites containing the cottages should be of a single storey form fronting the street, and this approach has been applied consistently in respect of the development of the other properties within this section of Salamanca Place. Beyond the concern of the undue prominence of the development, there were also issues raised regarding the impact of the height on adjoining properties and existing views from Princes Park.

The issue of the suitability and legality of constructing the dwelling above the garage was also raised, as well as the lack of consultation with other strata lot owners. Although civil matters that the parties will need to seek their own advice on, advice from the Council's Surveying Services Unit suggests that provisions to facilitate development above the garage of 104 Salamanca Place may have been incorporated into the strata by-laws through recent amendment to the title. The proposed development will also be fully contained within the strata title area belonging to 106 Salamanca Place.

- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme. The proposal presents a unique use of space and a well resolved architectural solution for an additional dwelling. However, the proposal is subject to discretion under Schedule 1 Conservation of Cultural Heritage Values of the Scheme due to the property's listing and adjacency to listed properties. The Council's Cultural Heritage Officer concluded as follows in relation to the proposal:

Conclusion

In view of the above, it is considered that the proposal would fail to complement and contribute to the cultural significance, character and appearance of the cottage, and the wider group of which it forms; it would adversely affect the heritage values of the cottage and its setting by virtue of its location, bulk and appearance; and the proposal would occupy and take a form that would be individually prominent to the cottage. The proposal would therefore fail to comply with the criteria of 22.4.5 of the Sullivans Cove Planning Scheme and should therefore be refused.

Reasons for refusal

1. The proposed development would fail to complement and contribute to the cultural significance, character and appearance of this place of cultural significance or its setting contrary to 22.4.5 of the Sullivans Cove Planning Scheme 1997.
 2. The proposed development, by virtue of its location, bulk, height and form would be individually prominent to this place of cultural significance and its setting contrary to 22.4.5 of the Sullivans Cove Planning Scheme 1997.
 3. The proposed development, by virtue of its location, bulk and appearance would adversely affect the heritage values of this place of cultural significance, its setting and those of the cottages which make up the wider row, contrary to 22.4.5 of the Sullivans Cove Planning Scheme 1997.
- 7.4 The proposal has also been assessed by other Council officers, including the Council's Development Engineer, and Council's Surveying Services Unit. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for refusal.

8. Conclusion

- 8.1 The proposed Partial Demolition, Alterations and Multiple Dwelling at 106 Salamanca Place, Battery Point 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 Partial Demolition, Alterations and Multiple Dwelling at 106 Salamanca Place, Battery Point for the following reasons:

- 1 The proposed development would fail to complement and contribute to the cultural significance, character and appearance of this place of cultural significance or its setting contrary to 22.4.5 of the *Sullivans Cove Planning Scheme 1997*.
- 2 The proposed development, by virtue of its location, bulk, height and form would be individually prominent to this place of cultural significance and its setting contrary to 22.4.5 of the *Sullivans Cove Planning Scheme 1997*.
- 3 The proposed development, by virtue of its location, bulk and appearance would adversely affect the heritage values of this place of cultural significance, its setting and those of the cottages which make up the wider row, contrary to 22.4.5 of the *Sullivans Cove Planning Scheme 1997*.



(Tristan Widdowson)

Development Appraisal Planner

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



(Rohan Probert)

Manager Development Appraisal

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

Date of Report: 6 September 2018

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - CPC Supporting Documents - Planning Referral Officer Cultural Heritage Report

Application Referral Cultural Heritage - Response

From:	Nick Booth
Recommendation:	Proposal is unacceptable.
Date Completed:	
Address:	106 SALAMANCA PLACE, BATTERY POINT
Proposal:	Partial Demolition, Alterations and Multiple Dwelling
Application No:	PLN-17-1041
Assessment Officer:	Tristan Widdowson,

Referral Officer comments:

The application relates to No.106 Salamanca Place, a self-contained, semi-detached residential property with flat roofed detached brick built double garage, one part of which is strata titled and owned by No.104 Salamanca Place and is located within the front garden space of No.106, forward and the left of the properties front façade.

The building is one of a group of four purpose built cottages of the same design built during the 1890's by the then Hobart Marine Board specifically for the use by Boatsmen. All four of the cottages were listed in 1985 by the National Trust given their historically significant association with the Port of Hobart and each has been the subject of addition and extension to the lower ground floor level to various degrees and in various architectural styles.

The proposal seeks minor works of demolition to the detached garage to facilitate the erection of a new storey to the garage in the form of a zinc clad gabled addition accessed via an external staircase close to the roadside of the properties side garden. The additional storey would be set back from the front elevation of the garage, which would be fitted with a balustrade to create an area of roof terracing. The rear part of the proposal would be partially supported by a new wall and partially by way of a cantilever over the rear garden. Windows would be limited to a single band of glazing panels roughly dividing the structure into two, and a number of rear facing windows. The building height would extend to 7.49m when measured from the front boundary, although it is noted that due to the fall of the rear of the site, this would increase relative to the fall of the ground, and the proposal would sit hard against the side boundary of the site.

Internally, the proposal would provide double bed accommodation with kitchen, bathroom, laundry and dining/lounge room and thus capable of independent occupation.

The site is individually listed in Schedule 1 of the Sullivans Cove Planning Scheme 1997 (SCPS), as is its immediate neighbour at No.104, the remaining cottages within the group and 19-21 Castray Esplanade, one of the Ordinance Stores, which backs onto the rear of the site. The area also immediate overlooks Princes Park. The proposed works to No.100 must therefore be assessed against Schedule 1 of the Plan.

With regard to Heritage Issues, Schedule 1 requires;

22.2 Objectives

- To ensure that the recognisable historic character of Sullivans Cove is not compromised by new development which overwhelms the places of cultural significance,

or, by new development which reduces the apparent authenticity of the historic places by mimicking historic forms.

- 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.

22.4.5 goes on to state in part that -

- *'The following criteria must be taken into consideration in the assessment of all proposals to undertake 'building or works' on places of cultural significance:*

'Building or works' must complement and contribute to the cultural significance, character and appearance of the place and its setting;

'The location, bulk and appearance of 'building or works' must not adversely affect the heritage values of any place of cultural significance;

'Building or works' must not reduce the apparent authenticity of places of cultural significance by mimicking historic forms;

'Building or works' may be recognisable as new but must not be individually prominent;

Demolition works

The proposed demolition work would be limited to the roofing material of the garage structure and a short section of external wall which forms a narrow storage shed located directly behind the garage.

All demolition works are discretionary under the SCPS. The garage in both form and materials would appear to date from the second half of the 20th century and is of only marginal historical interest by virtue of it representing the development of the residential use of the cottage. The degree of demolition is limited and would have no discernible impact upon the cultural significance of the wider site.

Proposed Extension

With regard to the proposed extension, the site should be viewed within the context of the row of four semi-detached cottages of which it forms part. The cottages, including the site, have all been subject to alteration and extension to some degree through a range of extensions to the rear. However, the form (including roof form), silhouette, facade, massing, materials and detailing such as chimneys, verandas and windows of the cottages, both individually and as a group, are all notably intact when viewed from the principal public spaces of Salamanca Place and Princes Park. The flat roofed garages appear to have been added to the row during the second half of the twenty century at both ends of the short group. These garages stand forward of the front building line, facing directly onto the street so as to essentially act as bookends to the row of cottages. The garage previously attached to 100 Salamanca Place has been extended to the rear at a lower level and a low roof form applied to create independent residential accommodation. However, it is considered that despite these additions, from the public realm, both garages have retained a simplified built form, the massing of which still sits below the eaves of the cottages. Importantly, the garage at No.106 has a limited depth, so that when viewing the side elevation of the property from the western parts of this section of Salamanca Place, the return is largely unobscured, allowing clear views of its depth, original

side windows, roof form, chimneys and eaves line. It is therefore considered that both of the above factors allow each of these otherwise unfortunate later garage addition to still play a subservient role within the immediate streetscape.

It is therefore considered that No.106 Salamanca Place is a well maintained cottage whose extensions to the rear have not had a negative impact upon the buildings original form or its ability to clearly read as a late Victorian cottage. Whilst modest, the cottage has retained most of its original detailing and is consistent with the other three cottages within the group. Its former role as accommodation for 'Boatsmen' employed by the Port of Hobart provides it with additional cultural significance. The low number of similar workers cottages within this part of the Cove is testament as to the origins of the accommodation, its integral and historical links to the Port of Hobart and its cultural role in the development of the city and wider State.

As previously stated, the following criteria must be taken into consideration in the assessment of all proposals to undertake 'building or works' to places of cultural significance:

'Building or works' must complement and contribute to the cultural significance, character and appearance of the place and its setting;

With regard to the above, it is noted that the Macquarie Concise Dictionary defines the word 'complement' as 'something that completes or makes perfect' or to 'fulfil'. 'Contribute' is defined as 'to give in common with others; or to give to a common stock or for a common purpose'.

Taking the first of these, it is considered that the definition of the word 'complement', requires proposed development to make whole or complete existing cultural heritage places in the event that it currently does not possess completeness. It is accepted that this places a high requirement on development within the Cove. However, it is noted that in a recent Appeal Decision relating to proposals within the Cove (74/16P *James Richard Gandy v Hobart City Council and Tasmanian Heritage* 2016), The Planning Tribunal accepted and adopted this notion of 'complement' as to mean "completeness", stating that it's reasonable to take the position that the intension of the Planning Scheme is to allow development only where 'completeness' occurs and where there is a clear contribution to the intrinsic cultural heritages values of the place and its setting, essentially by way conserving or restoring a heritage place. They state:

'38. 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. By way of example which is apposite in this context, work to restore the roof through the removal of the existing terrace might be work which achieves those results...

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.'

It goes on,

'39. It is harder to make the case in circumstances where, for example, it is proposed to add some adornment to a part of the public face of a building. Arguably, such work does not bring balance, nor does it contribute by bringing completeness or adding something to each of the elements identified.'

In relation to the above, it is considered that the proposed extension is not an act of restoration, nor would it provide the cottage with a sense of completeness. Notwithstanding the merits or otherwise of the design of the proposed extension, the development does not seek to replicate

previously removed culturally significant elements of this place or its setting. Further, with regard to the term 'Contribute', it is also considered that the proposal does not seek to replicate existing culturally significant features elsewhere within the row of cottages. Importantly, there is no historical precedent for above garage structures of this type, either as later additions or as purpose built structures. Indeed, there is no history of structures of this type, be it for residential or uses associated with the Port, in any form.

As such, it is therefore considered that the proposal would fail to complement or contribute to the cultural significance, character and appearance of the place and its setting.

Turning to the issue of prominence, as previously stated, 22.4.5 states that the

'Building or works' may be recognisable as new but must not be individually prominent'

From the submitted plans, elevations and photomontages submitted in support of the proposal, it is clear that the development would significantly increase the height and overall bulk of the existing flat roofed garage, effectively creating a two storey structure within a row of single storey cottages. The proposed extension would be visible from Princes Park, and from the roadside, both in the immediate and from longer views. As part of the supporting documentation submitted with the application, a Heritage Impact Statement and a separate Design statement has been prepared by Paul Davies Pty Ltd. Mr Davies does not directly address the issue of prominence, but rather makes comments on the issue of dominance in relation to views in which the cottage is experienced.

In page 2 of his Design Statement, he writes:

'The concept of visual domination is not easy to define. One observer may find any new element added near a listed building visually dominant where another may not even notice a new built form. This is not a question of whether something can be seen, rather it is a consideration of how is something seen in relation to a heritage place, does the new element confuse the understanding of heritage values and are the key ways of seeing the place affected.'

He states that the primary visual impact would occur when looking east towards at the property from Salamanca Place. At Page 14 of his submission he states:

"The street view within Salamanca Place looking east towards the garages and cottages is not an identified or particular view that requires retention or protection. The view is framed by contemporary buildings, terminates with a vehicle turning circle, contains trees and includes the end wall of the garaging with part of the roof form of the cottages beyond. The addition of the first floor form above the garage will partially obscure the view to the western face of the cottage roof but this is not a significant or important view."

Again, drawing upon the views expressed by The Planning Tribunal in their determination of Planning Appeal 74/16P, with regard to the criterion of 22.4.5 they state;

"4.3 In relation to Criterion 5, the evidence supports the conclusion that from some vantage points the installation will be "particularly noticeable" and from others it will not. This, in turn, raises the question of which views are relevant to an assessment of the question. In that respect the Tribunal adopts its reasons in relation to the Heritage Council's case. That is, that the matter is to be determined by reference to views from all places from which it is possible to appreciate the historic cultural significance of the place.....'From those views the installation will be 'particularly noticeable' (even if acceptable to some), and on that basis Criterion 5 cannot be satisfied.'

4.4 The Tribunal considers that this Criterion does not introduce a subjective element, but is rather 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."

Based on the above, it is therefore considered that the test is not whether the proposal would be seen from a particular viewpoint based on an arbitrary ranking of importance, but rather if it can be seen from any vantage point. Nor is the test the subjective individual merits of the architecture. Rather, the test is whether the proposed development would be individually prominent or, in the words of the Tribunal, 'noticeable'.

Taking the above, it is considered that the proposed extension, by virtue of its height, bulk and location in relation to the cottage and the wider row visually would be the principal feature seen when approaching along Salamanca Place and would clearly therefore meet the definition of being prominent and noticeable. Whilst adopting a form that is recognisably new, it is considered that the proposal would fail to fully meet this criteria of 22.4.5.

Lastly, turning to the issue of impact upon heritage values, as previously stated, 22.4.5 requires that:

'The location, bulk and appearance of 'building or works' must not adversely affect the heritage values of any place of cultural significance;

With regard to the above, it is noted that the proposed extension has adopted a largely featureless design with hidden eaves, notable lack of fenestration to front facing gable and utilisation of cladding more commonly associated with industrial roofing. In colouration, the proposal has adopted a dark colour to largely match that of the roof of the cottage and the rest of the row in which it stands. It would therefore largely read as a stylised 'industrial' gable roof structure partially viewed against the roof planes of the cottages.

Whilst it is acknowledged that the existing garage was an unfortunate addition during the life of the cottage, it does retain a degree of subservience to the cottage. In contrast, the proposal would substantial add to its height and bulk, with the overall height and eaves line notably exceeding that of the cottage, (not correctly shown on the photomontage which shows the height of the structure at a lower level). In so doing, it would become the highest structure within an otherwise balanced group which in part derives its collective strength from its uniformity of scale.

When viewed from the west, due to its height and bulk, it would obscure large parts of the cottages return elevation, its roof form and chimneys, as well as those of the row beyond, removing the ability to understand and read the dimensions of the cottage. The design and proposed cladding hints at a semi-industrial architectural expression that whilst echoing limited elements of the working port of the Cove, would sit uncomfortably within what is a clearly residential enclave.

Overall, the impact of the proposal would be to place the garage, visually at least, on an equal footing with the cottage and the wider row, removing its current subservient role in favour of a structure that takes a prominent role in setting the context in which the place of cultural significance is viewed. It would obscure views of the cottage and introduce a semi-industrial form into what is a clearly a residential enclave within the Cove. Given the above, it is therefore considered that the proposal by virtue of its location, bulk and appearance, adversely affect the heritage values of this place of cultural significance and to those of the wider terrace in which it

stands. It is therefore considered that the proposal would fail to fully meet this criteria of 22.4.5.

Conclusion

In view of the above, it is considered that the proposal would fail to complement and contribute to the cultural significance, character and appearance of the cottage, and the wider group of which it forms; it would adversely affect the heritage values of the cottage and its setting by virtue of its location, bulk and appearance; and the proposal would occupy and take a form that would be individually prominent to the cottage. The proposal would therefore fail to comply with the criteria of 22.4.5 of the Sullivans Cove Planning Scheme and should therefore be refused.

Reasons for refusal

1. The proposed development would fail to complement and contribute to the cultural significance, character and appearance of this place of cultural significance or its setting contrary to 22.4.5 of the Sullivans Cove Planning Scheme 1997.
2. The proposed development, by virtue of its location, bulk, height and form would be individually prominent to this place of cultural significance and its setting contrary to 22.4.5 of the Sullivans Cove Planning Scheme 1997.
3. The proposed development, by virtue of its location, bulk and appearance would adversely affect the heritage values of this place of cultural significance, its setting and those of the cottages which make up the wider row, contrary to 22.4.5 of the Sullivans Cove Planning Scheme 1997.



Nick Booth
Heritage Officer
29 August 2018