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**From:** PlanningAlerts <contact@planningalerts.org.au> on behalf of Dr Adam Russell  
**Sent:** Sunday, 5 March 2017 10:05 PM  
**To:** Council  
**Subject:** Comment on application DA0058/2017  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

## For the attention of the General Manager / Planning Manager / Planning Department

Application DA0058/2017  
Address 52 Abbott Street East Launceston TAS 7250  
Description General Retail and Hire - demolition of existing dwelling and development of extension to existing food store (amended application)  
Name of commenter Dr Adam Russell

### Comment

I wish to oppose the demolition of 38 Arthur Street, East Launceston (Application I.D> DA0058/2017)

Regarding the supporting documentation that accompanies the application, I note an error of fact and some omissions, all of which have the effect of grossly understating the heritage values of the building and the unique contribution it makes to the aesthetic amenity of the neighbourhood.

The applicant claims that the building was built in the 1930s. It is difficult to understand how the applicant could arrive at such a conclusion when it is obvious from the most cursory of external and internal inspections that the design and fabric of the building and some of its fittings date from the mid-Victorian era. It is equally clear that an addition was made to what was then an existing double-fronted Victorian cottage/residence in about 1900. Moreover, records within local archives and newspapers provide sufficient evidence to conclude that 38 Arthur street is actually to be counted among East Launceston's early timber residences. The heritage status of the building is also to be derived from its long association with the Burgess family, whose commercial and philanthropic activities within the local community are well-documented.

The supporting documentation is inadequate and incomplete in so far as it fails to consider the impact that the demolition of this building will have on the aesthetic amenity of the neighbourhood. There is no doubt that the streetscape will be significantly and adversely altered. This loss will in no way be remedied or mitigated by any structure or "garden" that the applicant proposes to build or create in the place of the existing building. The loss will be permanent and irreparable as no contemporary building (as proposed)

will ever make good the loss of the heritage values of the existing building. The relatively wide frontage of the building renders 38 Arthur Street a definitive, characteristic and indispensable element of the streetscape.

It is apparent that this early building could be readily adapted for commercial uses without the applicant having to bear unreasonable hardship in defraying costs that would be greater than demolition of the existing building and the construction costs of the proposed building (as currently proposed). Have the applicants genuinely considered all of the development options (other than demolition) available to them ?

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MS LAURA BREWSTER

6 MARCH 2017

TOWN PLANNER  
LAUNCESTON CITY COUNCIL

ATTENTION M<sup>S</sup> CATHERINE MAINS BRIDGE  
RE NOTICE APP PLANNING PERMIT DA0058/2017

DEAR MADAM

I am the resident of  
My concern is to do with the lack of  
parking in my vicinity.  
Often on returning from shopping etc I  
find I am unable to access my drive way  
because of vehicles blocking it.

I have photographic evidence of this.  
If I enquire why they are parked there  
their response is "I am only parked for a  
few minutes"  
Why is there not an area designated for  
residents.

THANK YOU

Laura Brewster

FILE No.	DA0058/2017			
PO	OD	✓	Box	✓
DATE	06 MAR 2017	LCC		
Action Officer		Noted	Replied	
WRANKAPRE				

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**From:**  
**Sent:** Monday, 6 March 2017 1:58 PM  
**To:** Catherine Mainsbridge  
**Cc:** Contact Us  
**Subject:** Re Planning Permit Application 38 Arthur Street ID DA0058 2017  
**Attachments:** Planning response alps amici submission March 2017.docx

**Importance:** High

Dear Ms. Mainsbridge,

Please find attached comments with regard to the proposed development at 38 Arthur Street East Launceston.

With thanks,

Janine Tasker

To whom it may concern,

Re: Planning Application ID DA0058/2017 (38 Arthur Street/52 Abbott Street)

As a resident of [redacted] I wish to pass comment on the proposed development of 38 Arthur Street, East Launceston (incorporating 52 Abbott Street) by Alps & Amici. Whilst I do not wish to obstruct Daniel Alps in his business development however I do have some concerns. So as to ensure my concerns are valid and not just whinging I consulted a professional for considered opinion and provide the report below.

With respect to the proposed demolition and redevelopment of 38 Arthur Street, East Launceston. Planning Application ID DA0058/2017.

We note that the majority of activities in the proposed extension relate to the sale and consumption of food as an extension of the existing activities. Normally this would be *Food Services* use as defined in your planning scheme.

It is also noted that the existing operation is essentially a gourmet supermarket, which is a *General Retail and Hire* use as defined. We submit that the proposed extension will also include general retail and hire, as shown on sheet DA04 of the drawings (food and wine exhibition and sales). Page 2 of the applicant's supporting submission identifies that this will further increase the space available for general retail and hire use above the 250m<sup>2</sup> limitation for permitted use status.

Further, it is noted that this is a substantial increase in the existing activities on the expanded site and displaces an existing residential use. The nature of the extended use will require an increase in the use of the kitchen facilities on the existing site to service the food requirements of 13 tables in the new restaurant space. While this may not be out of keeping with the emerging food precinct, we submit that this represents a substantial intensification of the existing kitchen facility and significant expansion of sale of food products from the site. We submit that this precludes consideration of the use as permitted pursuant to clause 9.2.1.

In this respect, consideration is required of clause 20.3.1 for the General Retail and Hire use.

A1 can be easily addressed and the City would not be able to know whether it is being complied with or not.

A2 The site adjoins the Inner Residential zone on two boundaries and therefore must be considered against (a). The existing operating hours are listed on google as 7.30am to 6.30pm. This complies with (a) provided office and administrative functions are the only activities that occur outside of 6am and 10pm.

20.3.2 requires consideration of plant and equipment. A1 requires that noise, odours, fumes and vibrations are contained within the property.

[Ms Tasker reports living in [redacted] she regularly receives odours from the kitchen, particularly from heavy reduction sauces and other such intense activities, often requiring closure of windows, curtailing the use of her rear garden and frequently providing complimentary *eau de kitchene* for her laundry].

We submit that this is not a reasonable situation for what is supposed to be an exclusive, inner city residential area.

The extension of the kitchen activities to service additional retail and food services uses will intensify that experience. This is not consistent with the objective of the relevant standard *to ensure that uses do not cause unreasonable loss of amenity to nearby uses*. Whilst not being an immediately adjoining or opposing use, the fact that the experience of these odours demonstrates that the immediately adjoining sensitive uses do as well.

The measure of infringement notices identified in point 3 of the application is not a reasonable measure of the problem, as odour is an intermittent problem that is difficult to demonstrate after the fact.

We submit that the extension of the use over the balance of the expanded site requires that the odour emissions be mitigated to a level that is consistent with modern technology and the reasonable expectation of residential amenity. Available technology can mitigate the smells to a reasonable level. The extension of the use under the application provides a suitable trigger for this to be required.

Please condition for this outcome. It is not unreasonable to expect commercial operators to comply with the regulatory requirements of the planning scheme.

We make no submissions to 20.3.4, noise.

We submit that 20.3.5 applies, as previously discussed and requires assessment against P1 as it involves discretionary use. The proposed building provides a skillion roofed L-shaped extension to replace a valued house with considerable street appeal. The building is designed in a minimal style, which provides no link to the existing Arthur St streetscape or supermarket building. We submit that this is not appropriate to the area and cannot comply with criteria for urban design outcomes and amenity, and provision of an attractive environment for pedestrians.

The cottage garden proposed in place of the balance of the existing house will not compensate for the lack of urban design input to the proposed building. The functional blandness of the proposed building is not appropriate to a recognised character area and requires redress.

Please require redesign of the facades to the street to provide some recognition of context and use of appropriate built mechanisms to protect the social values of the residents who live in the area, in addition to those who visit.

20.4.1 Building height, setbacks and siting.

A2 requires setbacks that are on the frontage or consistent with the area. The proposed cottage garden is not and cannot be made so. The objective of the standard requires that building form and bulk are compatible with the streetscape and character of the surrounding area, protect the amenity of the adjoining area and promotes high levels of public interaction and amenity.

It is submitted that the cottage garden blatantly fails criteria c, d, e and arguably f of P1 in its current form.

This is an opportunity for an intervention along this space to provide some character of the heritage buildings that comprise this precinct of East Launceston. A response of this type would prevent residents and visitors from looking at a design-less extension that is not an

appropriate building form or bulk to the subject and surrounding area. Other more recent responses to commercial uses in the area have provided better examples of responses to the streetscape amenity and character, this site should be required to as well.

20.4.2 requires consideration of the location of car parking and applies as both uses are listed in table 20.4. It requires that parking be located within the structure or behind the building. The proposal does neither with the two spaces that it provides. The proposal does nothing to minimise the impacts of car parking, except retain the two existing spaces from the previous house. It is submitted that compliance with P1 is at best questionable, if not doubtful.

20.4.3 addresses active ground floors. It is submitted that A1 applies to the proposal as it is for a new building that is not residential (albeit attached to an existing non-residential building). It is not apparent that the proposal complies, or can comply with, A1. P1 does not provide much real consideration of the relevant issue for this site, which is context and a lack of sympathetic response to the visual character and built form amenity of the immediate or wider character precinct. A better design response would assist with compliance against P1.

The remainder of the zone standards appear to be compliant or not relevant to the proposal.

Car parking within the area remains the biggest issue with the proposal.

[Ms Tasker reports that traffic and parking pressures from visitors to nearby entities ie. Alps & Amici Foodstore, Relish, Luxe Hairdressing, Sims Property, Essence, the Pumphouse development, Launceston Aquatic Centre, Scotch Oakburn Primary School Campus, Launceston Church Grammar School - Broadland Campus, East Launceston Primary School, St Lukes Hospital all contained within close proximity impacts local residents].

Code E6 of your planning scheme states the following purpose:

*E6.1.1 The purpose of this provision is to:*

- (a) *ensure that an appropriate level of parking facilities are provided to service use and development;*
- (b) *ensure that cycling, walking and public transport are supported as a means of transport in urban areas;*
- (c) *ensure access for cars and cyclists and delivery of people and goods is safe and adequate;*
- (d) *ensure that parking does not adversely impact on the amenity of a locality;*
- (e) *ensure that parking spaces and accesses meet appropriate standards; and*
- (f) *provide for the implementation of parking precinct plans.*

Clause E6.7.1 does not identify the site as within a precinct plan, therefore standards must apply. For this representation, the only standard of import is about car parking numbers E6.5.1. This requires car spaces at 1 per 15 m<sup>2</sup> for Food Services and per 30 m<sup>2</sup> for General Retail and Hire. DA04 identifies the proposed floor area as 132 m<sup>2</sup>, of which approximately 60% appears to be for active use. It is noted that Table 6.1 requires consideration of Gross Floor Area.

A1 requires provision of minimum 90% of the required amount, which suggests that 6-7 spaces would be required for Food Services and 2 for General Retail and Hire, requiring at least 8.1 parking spaces to be provided.

P1 requires that parking provision meet the reasonable needs of the use having regard to a range of matters, as discussed.

(a) requires the availability of off-road public car parking spaces within reasonable walking distance to be considered. This simply does not exist. The proposal cannot benefit from this criterion.

(b) requires consideration of the ability of uses to essentially time share parking. This cannot occur as most of the food precinct uses occur at the same or similar times. Parking can only be shared when the uses are not open. The proposal ought not benefit from assessment against this criterion.

If this is considered favourably, we request a copy of the data that forms the basis of this assessment for review.

(c) considers available public transport. This consideration is not under debate.

(d) site constraints are not relevant as the existing character building is to be removed. Site constraints from existing conditions are not relevant. The proposal cannot benefit from this criterion.

(e) requires consideration of the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity. We note the plans for a roundabout, and suggest that this will further reduce parking availability in the area through the design requirements of such infrastructure.

We submit that there are existing parking problems in all of the surrounding streets.

[Ms Tasker reports her experience living in suggests particular problems in Arthur, Abbott and Lyttleton Streets to the point where residents frequently have difficulty finding on-street parking and accessing off street parking spaces because of visibility problems caused by on street parking].

This suggests that there is not a reasonable amount of on-street parking available for the expanded use within the vicinity.

The proposal ought not benefit from this criterion.

(g) requires consideration of streetscape impacts. Detrimental streetscape impacts are the result of the (lack of) building design, not the parking solution. We submit that this is not really relevant to the parking issue.

(h) a traffic impact assessment was not part of the notified application and therefore cannot be considered in the assessment.

The result of this assessment suggests that the proposed parking solution cannot provide for the reasonable needs of the use and the requested parking variation ought to be refused.

The objective of obtaining and providing this report was not a wish to see the application refused, a desire for it to reflect its location. It is suggested that a better built form response would provide for a better development on the subject site and reflect the local character and amenity of this precinct of East Launceston.



In summation, I will state that I do not wish to prevent the extension of the Alps & Amici Foodstore it is enjoyed and appreciated by us all however development of the property at 38 Arthur Street causes some concern. In brief:

- **Streetscape:** The current property is an attractive building, admired by local residents. The proposed development is not sympathetic to the streetscape and not appropriate in this area of Victorian heritage. The lack of sympathetic design displayed in previous development along this section of Arthur Street is slowly eroding the charm of the area.  
If demolition is necessary (one would have thought building inspection prior to purchase would have provided this advice and therefore been considered in the initial planning application) a possible **solution** could be to retain the façade of the building. Everyone loves a verandah to sit on, and it would make an excellent shady outdoor spot for the many dogwalkers in the area, and, for those with limited mobility who find confined space amongst tables difficult. The rear of the facade wall could house a vertical herb garden. To walk through a portal conveying the customer from Victorian elegance into a petite garden then a modern foodstore would be inspiring!
- **Parking:** increasing encroachment of customer parking in the vicinity impacts nearby residents in a number of ways. This is exacerbated by the topography of the area. Note: the two bus stops located on the opposing sides of Abbott Street adjacent to the Arthur Street intersection create a false impression regarding parking congestion.
  1. Issues with off street parking being unavailable for residents and their visitors, in particular the elderly and those less ambulatory. At times night time reshuffling of vehicles is required.
  2. Obstruction of, and limitation of safe use of driveways.
  3. Noise from the constant onslaught of cars pulling up, parking, slamming doors etc. is disruptive. I hope Daniel Alps remains true to his word and does not open for evening meals without further consultation.

Thank you for your consideration.

Yours sincerely,

Janine Tasker