

ATTACHMENT 2

Launceston CBD Building Height and Massing Study Report to City of Launceston Council

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7th November 2018

Background

This report has been prepared for City of Launceston Council following the public consultation and workshop process. This study was presented to Council in July 2018 and again in September 2018. The study document has not been amended or updated, rather this report makes recommendations based on the study findings and the outcomes of the consultation and workshops and further discussions with council staff. The report was not changed as overall it was generally well received and while our recommendations vary from those in the study, the analysis and basis of the study remain unchanged.

The building height and massing study considers a range of related but essentially separate issues about how the future of Launceston city should be managed.

The study was focused around building height, determining if the current controls and approach can provide certainty for the future built form of Launceston and allow the management of applications for potentially larger development or whether a variation to the controls or new controls are required. Council expressed a desire to facilitate suitable development but also to manage it to avoid adverse impacts on the character and quality of the city.

How high a building should be in any location is subjective in that it depends on whether the commentator has an opinion that taller buildings are acceptable or not acceptable. There are strongly held opinions in the community on building height as a stand alone issue apart from the design and setting, etc. of any particular development. There also appears to be an understanding that the impact of height is not solely related to the absolute measurement of height, but a product of a range of factors including location, topography, built context and other factors that are relevant to visual impact.

The report recommended adjustments to the acceptable solution heights and then maximum height limits in the four identified precincts. The report also strongly recommended a set of controls or guidelines on how to fit new development into the city to achieve good design and urban outcomes.

The study also made comment on the desire to have good quality architecture in the city, although this was not a specific requirement of the brief.

Public Consultation

The public consultation has been informative and interesting. There was a high level of involvement and feedback was provided via questionnaires, attendance at workshops and meetings and in a number of detailed written responses.

Of most interest are the detailed responses that a number of individuals and groups have provided. They provide insights into how some parts of the community see their city. They vary in response but do have some consistent themes.

Understandably there is concern from the general public (not organisations) that building heights may increase and there appears to be a general consensus that height should be limited and at levels that are less than were recommended. The 30 metre height limit proposed for precinct A was not clearly understood (it was perceived as the recommended height limit across the city), but even where it was, it has been considered in many responses to be too great.

The Chamber of Commerce and several other groups do not want to see maximum heights imposed but have also provided valuable input on achieving good design outcomes, irrespective of height.

The most consistent response is the desire for 'design excellence' to be a key factor in determining new forms for the city, irrespective of potential height and scale. This was not part of the brief for the study but is very encouraging in that all groups appear to want the future of city development to be of high quality. We are in agreement with this and if this were to be a key driver of future city controls it would change the way in which height controls may be considered.

Council Workshops

Council have participated in several workshops, with the former and new councillors, to discuss the study recommendations. The recent workshop (November 14) reviewed the project and involved discussions around 'design excellence' and simplifying the study recommendations to adopt a single acceptable solution height, a single maximum height limit and the use of Scheme amendments to address major projects that may fall outside those controls.

It was generally agreed at that workshop that the term 'design excellence' should not be used as it does not accurately reflect the purpose of having design guidelines and that the term should be 'design guidelines' irrespective of whether they are embedded in the Scheme provisions or become a referenced document. This better reflects the purpose of guidelines which is to provide a clearer way of designing in the city for applicants and their architects, particularly around heritage places and a consistent way for Council to assess applications using the same criteria.

The recommendations arising from the last Council workshop are set out at the end of this report.

Current Controls

The current controls under the uniform planning scheme provisions are for an acceptable height with any further height allowable at the discretion of Council, having regard to a number of criteria. There is no actual height limit. This was often misunderstood by the public with a number of submissions indicating they did not understand that there was no absolute height control. The acceptable solutions now are predominantly 12 and 14.5 metres and are applied broadly to use zones.

Height controls are applied in isolation of other controls such as heritage, amenity, over shadowing and constructability as these controls have to be considered in their own right and may place greater constraints on a site than a simple height control. It is not possible to predict how other controls may affect height on a specific site as the parameters for a specific development cannot be known or anticipated.

It is also known that the Statewide Tasmanian Planning Scheme default for the CBD zone has an acceptable solution of 20 metres unless Council provide a response (such as that provided by this study) to support a different outcome. Based on the consultation an increase generally to 20 metres would meet community opposition and would not encourage design excellence.

The issue with having an acceptable solution for height and wanting design excellence is that once the acceptable height is satisfied, design excellence is not a factor considered by the current or proposed Planning Schemes unless additional criteria are brought in at a local level.

The Study Recommendations

The study identified four city precincts that were broadly accepted in the submissions made. Base acceptable heights of 12 and 15 metres were proposed with local variations to address potential for development. The study then proposed maximum heights of 24 and 30 metres that are allowable through the discretionary process.

Based on observations made in various submissions there are a number of ways in which controls could be developed. We have refined our recommendations to reflect some of the more nuanced comments and set out below options for council to consider on how to best achieve control over the future character of the city, to provide for design excellence and to encourage development.

We remain convinced that a height limit is necessary and desirable. It could remain as set out in the study or could be simplified to a single height of 24 metres. This height limit allows for approximately 7 storeys of development which we assess would cover most potential developments within the city area. More importantly it establishes a limit that can be managed in terms of retaining the character and scale of the city.

The study did not promote 'design excellence' as a principal way to manage height, however that has arisen as a key theme in submissions and consultation and is included in our recommendations.

Perhaps the most critical part of the study is the recommendation that links heights to a series of guidelines on how to undertake development within the city so that each potential development is contextually considered and managed. This is achieved by height and setback controls and by proposing a set of design guidelines or controls. How they are included in the Planning Scheme requires further consideration.

A summary of key issues in relation to height is:

- i There should be a maximum height limit in the city that is the height that includes infrastructure, mechanical plant etc. For simplicity we are recommending that a common height be adopted across the study area.
- ii Street frontage heights are proposed in all areas to ensure that infill and new development responds to the immediate contextual setting of the specific site. The current controls allow development to fit into the existing context and we recommend that this approach, with further nuance, be continued.
- iii An acceptable solution height does not need to be imposed if the design guidelines and the concept of design excellence were to apply to all development. A number of respondents noted that some buildings beneath the acceptable height limit have an adverse impact on the character

of the city and consequently there is strong argument to support removing any acceptable height solution.

- iv If an acceptable height is deemed to be necessary, it should be a relatively low height, less than was recommended in the report, to ensure that any building that has potential to have a detrimental impact on the quality of the city can be assessed against design criteria. A height within the range of 6- 9 metres should be considered.
- v If proposals greater than the height limit are proposed they should be undertaken with a Scheme amendment. This was not supported by several submissions largely on the basis that this is considered to be time consuming and difficult and the belief that it is design and not height that is the key issue. However, this approach is not supported as height can of itself create adverse impacts irrespective of design. The value of the recommended approach is that it requires engagement with Council at the design stage to ensure that there is support for an amendment. If a proposal achieves council and some community support at whatever scale it is proposed, the approval process becomes more straightforward and reliable and can avoid the appeal process and the vagaries of that process.
- vi Height should not be considered in isolation and a height limit does not mean that any particular development can be built to that height as there are numerous other controls and constraints that affect every site in the city.

Potential Changes to Recommendation arising from the Public Consultation

There are several changes arising from the consultation process that we have explored. Our recommendation to Council is set out later in this report, for clarity we set out the areas that were reviewed:

- 1 We are recommending that the use of 'design excellence' as a key control be incorporated into the planning scheme. This can be achieved by using design guidelines that could form part of the Planning Scheme provisions.¹ A framework for this was outlined in the study. They would set out how design takes place in the city irrespective of height. These guidelines require further exploration and testing against 'best practice' in similarly scaled cities elsewhere in the world. This would form part of a second stage of work to establish new controls.
- 2 We recommend that the controls as set out in the report to council need to be simplified to delete small variations in heights where there was identified potential for greater acceptable height in discrete areas. While the exercise of testing the capacity of the city to accommodate height has been valuable, for the purpose of controls, it is too complex. This would result in one acceptable height being applicable to a precinct or zone and any proposal beyond that being discretionary.
- 3 If design excellence is a key outcome, it should ideally be applied to all development. A number of comments and submissions noted that lower buildings that are poorly designed can have greater adverse impact on the character of the city than higher buildings of good design. While this is not a justification for larger buildings, it is a valid observation and would logically result in acceptable heights being lower than proposed as it will be difficult to apply guidelines to acceptable solutions.

¹ The Planning Scheme could reference another document that contains design excellence guidelines or those provisions could be added to the Scheme through a specific area plan.

Theoretically, if design excellence is used as a principle control, there should be no acceptable height solution as all development should work within those guidelines. If an acceptable height is required to satisfy the broader requirements of the Planning Scheme, we would suggest a lower height of no greater than 9 metres and possibly 6 metres across the whole study area. Alternatively, to ensure that design excellence applies to all projects, it could be added to the Planning Scheme separately to height controls.

- 4 While there were understandably divergent views on the use of an absolute height control between the general community and the small number of developers who made submissions, we remain convinced that it is necessary to establish height controls to manage the future character of the city. The general community view was for heights to be lower than recommended, but a maximum height of around 15 metres (as a number of submissions suggested) is an effective height of 4 storeys which we believe would be unduly restrictive in terms of development potential. There is a need for balance between height, character and encouraging investment in the city that offers scope for development. Design controls can provide council with the management tools necessary to retain the character of the city.
- 5 While there were, as noted above, differences in submissions in regard to how heights should be applied, the 30 metre maximum height in precinct A was clearly the most negatively received recommendation. However, it may also be useful to note that a number of people did respond more positively to this concept after attending workshops and meetings where greater understanding of the real meaning of a maximum height limit was provided. On review, applying a constant height control across the whole of the study area has the benefits of consistency and simplicity and we are recommending that the 24 metre proposed height be generally adopted across the area.

How to Proceed

There are four principle ways in which controls could be implemented in the future:

- 1 Maintain the current controls including the unlimited discretionary height - Status quo
- 2 Review current acceptable solution heights, adjust them to reflect the study and consultation findings and retain the unlimited discretionary height - minor Scheme amendment
- 3 Adopt either the current or reviewed acceptable heights and add height limits. The discretion would be limited by those heights - a more significant Scheme amendment
- 4 Remove acceptable solutions for height and make all applications discretionary with or without a height limit - a fundamental change to the Scheme framework

Onto this matrix can then be added other considerations such as:

- The use of design excellence as a principal method of development control
 - this was widely discussed and raised and has clear advantages for the future of the city
 - it would need to be carefully defined and explained to ensure that it was not based simply on personal opinion
 - there would need to be a process for design review to assess the design quality or excellence of any proposal

- Development of detailed design guidelines in the form of a 'development control plan' that addresses how to add new development into the city to encourage design excellence.

A quick analysis on how this could look is:

1 Retain Current Scheme provisions

- not workable as the height is to be changed by the Planning Commission to increase acceptable heights to 20 metres unless there is a sound alternative
- 20 metres would not be acceptable to the general community nor be in line with the Gehl recommendations
- the 12 and 14.5 metre heights, while modest, do not work well where they are allocated and some adjustment should be considered
- unrestricted height will result in applications for buildings that will be considered to be out of scale with the desired city form.
- discretionary applications will require a much higher assessment framework
- this approach reduces certainty for the community and for applicants
- it will potentially invite proposals that are difficult and are likely to be costly to defend.

Not recommended.

2 Minor Scheme Adjustment

Apply 12 and 15 metre acceptable height limits across the whole area, retain discretionary height as is and introduce design excellence above acceptable height and introduce DCP controls for all sites.

A number of submissions noted that the varied heights were potentially complex and it may be better to simply adopt a single height or 2 heights with anything beyond these being discretionary.

There are advantages in this approach but it is more restrictive on development.

The addition of design excellence complicates this scenario as it would only currently apply to discretionary heights, consequently it may be more appropriate to lower the acceptable solution height to say 9 metres across the city area and make all development in excess of that discretionary height and subject to a design excellence process.

3 More significant Scheme Amendment

Apply revised acceptable heights (as discussed above) across the whole area and add absolute height limits at either those set out in the study or adjusted heights, then introduce design excellence for any application involving discretionary height and DCP controls for all sites.

- The variation to option 2 is the addition of an absolute height limit. The height limit appears to be supported in the general community but not by the Chamber of Commerce and a number of potential developers. That is an understandable outcome.
- The general absolute height of 24 metres proposed (putting aside the precinct A height of 30 metres for the moment) was designed to accommodate scope for development - up to 7 storeys – with restrictions on how and where that could take place. This was seen as too

restrictive in the Chamber of Commerce submission and too generous by most of the community submissions and surveys. Community submissions had a consensus of around 15 metres as a maximum.

- Responses from the community, when they allowed for taller buildings, appeared to support the idea of a scheme amendment approach, but this was not supported by the Chamber of Commerce.
- The argument against height controls focussed on design excellence and how an excellent design no matter what height or scale, had potential to add to Launceston and limiting height was limiting design and potential. There is some merit in that argument provided there is a desire to see the city change character in the future by having taller buildings. It is agreed that design excellence assists in mitigating potential impacts but it does not address the fundamental question of whether the city wants buildings above a certain height. The general community appear quite clear in their responses that they do not want to see the city increase significantly in height.
- Retaining an open height limit does not address the broad concerns of the community in wanting clear and quite tight height controls nor does it provide certainty for developers. There is a need for a balance between allowing for reasonable development and maintaining the character and form of the city. This can be achieved by establishing height controls in combination with design excellence controls.

4 Remove acceptable solutions for height and make all applications discretionary with or without a height limit

- If there is a strong desire across the community for design excellence to be a key element, then it should not be limited to developments that are currently discretionary. It should be the base assessment for all development. Only then will the quality of built form in the city have the potential to improve. It then follows that all city development should be discretionary and design excellence should apply to all development in the CBD.
- If the removal of acceptable solutions for height is not palatable, a lower height of 9 metres across the whole study area could be implemented as the acceptable height so that most developments would require discretion.
- The matter of a height limit is then a decision on whether the council wishes to restrict future building heights to say 24 metres or is prepared to consider any proposal with the consequent potential impacts on city form. There is no right or wrong answer to the question but there are strong views expressed by the broader community that they do not want to change the fundamental character of the city (adding much larger buildings) even for good design.
- Gehl strongly recommended controlling height and setting relatively low limits. We suggest that 15 metres is too low and does not provide opportunity for innovative developments and that 24 metres is a generous height that will work for most future developments and which importantly protects the core scale values of the city.

Any of the above scenarios requires a detailed set of design controls/guidelines that at least at a most basic level need to be addressed and satisfied to achieve design excellence.

Design Guidelines

The idea of 'design excellence' can be difficult to understand. Most people know what they like in a design when they see it built but we all have different tastes and predilections and consider different outcomes to be 'excellent', consequently we cannot rely on personal taste or opinion to determine design excellence.

'Design excellence' is an aspiration that all buildings will be well designed and will seek to contribute to the quality of the city. In terms of a planning scheme, design guidelines that support design excellence are a way to improve design outcomes by requiring development to undertake considered design that responds to the site and context and offer something positive to the experience of the city, rather than just focus on commercial gain for the developer. This is not always seen in developments in Launceston but is a common requirement in many Australian and European cities.

The proposal in the study is to develop a series of guidelines that address the issues that a designer faces when designing a new built form in the city. As every site is different and there is considerable variation in types of sites, locations, surrounding development etc, controls need to reflect that diversity.

Once guidelines are established under a series of headings they will form a design checklist against which any development can be considered and assessed. The guidelines will provide a series of benchmarks against which a proposal can be considered.

They also provide a clear framework for an applicant to address to support their proposal as well as offering guidance on how to design within the city.

The guidelines would address:

- building street height and how to infill between adjoining sites of varying heights
- setbacks from street frontages where greater height is proposed and the principles of retaining streetscapes and viewlines
- how to infill corner sites, where greater height or scale is possible
- how to design adjacent to heritage items
- how to articulate new built forms in relation to adjoining development (heritage buildings in particular)
- how to understand street scale and form
- how to activate streetscapes at ground level
- how to design on large and deep sites to protect amenity and scale values of adjoining sites
- how to manage larger block or site developments
- use of materials
- use of scale and form

This checklist would form an objective way to assess an application based on 'design excellence'.

If a proponent has successfully addressed these issues and the proposal fits with other planning scheme controls, irrespective of the actual design, the built form should be capable of approval.

The guidelines become a measurable way to determine all proposals. This can be set out in the discretionary controls so that the guidelines form part of the scheme assessment by reference.

Recommendation

Based on the submissions, the public engagement, focused stakeholder group sessions, detailed discussions with Council staff and the Council workshops we propose that the study could progress in the following way:

- 1 Adopt the introduction of 'design guidelines' as part of the Planning Scheme and as part of the assessment process.
- 2 Make the following adjustments to the planning scheme controls (within the study area):
 - i Retain an acceptable height solution and reduce it to 9 metres consistently across the study area.
 - ii Introduce an absolute maximum height limit of 24 metres across the city area.
 - iii Areas that should not be subject to these controls be excised from the study and remain in their current zonings and controls (refer to mapping for details).
 - iv Prepare a SAP to address the changes proposed as they involve several different use zones and areas.
 - iv Establish design guidelines as part of the discretionary controls.
 - v Undertake a separate study to establish guidelines that can provide a clear framework for new development in the city.
 - vi Establish exemptions for minor works where the application of the design guidelines is not appropriate.
 - vii Proposals that exceed the maximum height limit be addressed by Planning Scheme amendments.
 - viii Consideration of design panels or other review processes be addressed separately as the recommendations arising from this study are independent of that consideration.