

Attachment 1. Assessment against Clause 15.4.1 (P1)

15.4.1 Building height, setback and siting

Objective:

To ensure that building bulk and form, and siting:

- (a) is compatible with the streetscape and character of the surrounding area;
- (b) protects the amenity of adjoining lots; and
- (c) promotes and maintains high levels of public interaction and amenity.

Consistent

The proposed building height is compatible with the streetscape and character of the surrounding area, it protects the amenity of adjoining lots and promotes and maintains high levels of public interaction and amenity.

A1 Building height must be no greater than:

- (a) 12m; or
- (b) 1m greater than the average of the building heights on the site or adjoining lots; whichever is higher.

Relies on the Performance Criteria

The proposed building height is approximately 29 m (excluding the plant equipment) and 31.01 m measured at the top of the mechanical plant from the lowest point of the site.

The proposal relies on the performance criteria, the proposed building height is greater than 12 m. It is also greater than the average building heights on the site and adjoining lots.

P1 Building height must be compatible with the streetscape and character of the surrounding area, having regard to:

- (a) the topography of the site;
- (b) the height of buildings on the site, adjoining lots and adjacent lots;
- (c) the bulk and form of existing and proposed buildings;
- (d) the apparent height when viewed from roads and public places; and
- (e) any overshadowing of adjoining lots or public places.

Complies

The streetscape and character of the area must be determined in order to consider whether the proposal meets the relevant performance criteria.

The character of the surrounding area

As adopted by the Tribunal in recent decisions¹, the surrounding area is "a distance within the surrounding streets where the proposal is able to be viewed in the context of those streets which share similar distinctive qualities with the subject site".

The surrounding area is considered to be the former Industrial Precinct adjoining the North Esk River.



Fig. 1 Former Industrial Precinct

Buildings facing Cimitiere Street between Lawrence St and Lower Charles St, including the subject site, share distinctive qualities and are better classified as part of the former Industrial Precinct. Lindsay St and sections of Invermay Rd on the other side of the North Esk River are also included as the proposal is able to be viewed from these streets. These areas have undergone similar urban renewal processes as the rest of the precinct. Lots facing Cameron St directly to the south of the subject site, are excluded as they are predominantly developed with commercial and civic buildings which are part of the City Commercial Precinct.

¹ J Collier v Launceston City Council and Ors [2020] TASRMPAT 31

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Industrial activities developed within the former industrial precinct as a result of land affordability and access to maritime transport. The entire precinct is located in low-lying land. The majority of buildings within the surrounding area were originally built as manufacturing buildings and warehouses with adjacent shops, most of these repurposed. For example, the Glasgow Engineering Factory built in 1892 operating as engineers, brass founders, boiler-makers and electrical engineers. The Alfred Harrap and Sons Building established in 1857 as a Wool store has undergone a number of changes of use and more recently has been approved to be re-developed and used primarily as a hotel. The C H Smith and Co Warehouse constructed in 1840 as a store associated with the commercial services of the Tamar has been repurposed and is currently used as state governmental offices. Industrial buildings are interspersed with corner pubs, churches, offices, civic buildings and vacant lots currently used for car parking.

Industrial infrastructure is also a key feature found within the precinct. The Gas Works established in 1853 is a notable industrial site within the precinct which after additions in 1959 and 1978 has accommodated water gas plants, horizontal and vertical retorts, a laboratory, workshops and offices. Following re-developments in 2007 and 2012 Gasworks now accommodates a restaurant and office spaces. The gasometer is another form of industrial infrastructure that contributes to the reading of the precinct as industrial. Planning approval has been granted for its re-development including the construction of an art gallery and offices within the gasometer. A number of buildings have evident historic and aesthetic values. The majority of lots within the surrounding area are listed in the Tasmanian Heritage Register and/or listed as a local heritage place under the planning Scheme.

Following determinations by the Tribunal and other planning authorities, the character of the surrounding area comprises those qualities that are distinctive and give an identity to the area. These qualities can be both natural and built features. Based on this definition, the character of the former industrial precinct is considered to be:

- Low-lying land within close distance to the North Esk River which differs from the elevated ground of the City Commercial Precinct.
- A grid layout aligned to the North Esk River with road widths between 15 - 18m developed on both sides with buildings built to the front boundary.
- Large and irregular lot sizes, some lots are narrow lots oriented to the street like the subject site whilst others are large and occupy an entire block.
- A strongly built street edge and high site coverages. Buildings with little or no setback to the street frontage and side boundaries.
- Mixed building heights: approximately 21% of buildings are single storey; 48% are two storey buildings, 12% are three storey buildings, 4% four storey buildings and 6% are higher than four storeys. The remaining 9% are currently vacant.
- Large industrial and commercial forms with plain facades interspersed by examples of fine grain heritage buildings such as the former foundry at 136 Cimitiere St and a number of vacant lots, generally underutilised and currently

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used as off-street parking. A good example adjoining the site is 83-87 Cimitiere St currently operating as the RACT.

- Painted brick, face brick and stucco as prevailing materials.
- Industrial infrastructure, most notably the gasometer along Cimitiere St and James Boag's Brewery silos along George St.
- The surrounding area is also characterised by a continued re-development and re-purposing of underutilised or disused industrial buildings as previously discussed.

The character of the streetscape

Whilst the planning Scheme does not provide a definition for 'streetscape', the Tasmanian Planning Scheme does. Streetscape means: "the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setbacks of buildings and structures from the lot boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve. For the purposes of determining streetscape with respect to a particular site, the above factors are relevant if within 100 m of the site."

Based on the above, the factors to determine the streetscape are limited to Cimitiere St between Tamar St and St John St within 100 m of the site. The streetscape features are:

- Low-laying flat ground.
- A road width of 18 m developed on both sides of the street with no street planting or nature strip.
- Public utilities include electricity poles running from Tamar St to George Street along the northern footpath of Cimitiere St.
- A strongly built street edge and high site coverages. Buildings with little or no setback to the street frontage and side boundaries. This excludes the former Baptist Tabernacle and vacant lots along Cimitiere St.
- Large and irregular lot sizes.
- Large industrial and commercial forms with plain facades intercepted with examples of fine grain heritage buildings such as and a number of vacant lots, generally underutilised and currently used as off-street parking.
- Emerging development within the streetscape includes the office building at 113-135 Cimitiere St (Cimitiere House), the Verge Hotel at 50 Tamar St, the recently approved Fragrance Hotel at 116-128 Cimitiere St and the multi-storey car park, office and gallery approved at 90-110 Cimitiere St.
- Painted brick, face brick and stucco as prevailing materials.
- Mixed building heights. The majority of buildings are 1-2 storeys with a number of 3-5 storey-buildings.

Compatibility

The Scheme does not provide a definition for compatibility, however, recent assessments by the Tribunal have established that compatibility does not require

consistency. These assessments define compatible as "capable of co-existing in harmony or broad correspondence with the surrounding area".

It is considered that achieving harmonious co-existence requires balancing the surrounding forms and merging buildings with the neighbouring built form. One way of achieving harmony is via the repetition of design elements like colour, texture, shape and form, by the repetition of a particular design element or by a pleasing arrangement of parts. Ultimately, to achieve compatibility in terms of building height is to obtain a visual effect. Building height is best assessed at pedestrian eye levels from surrounding streets and public places.

Compatibility of the building height with the streetscape and character of the surrounding area having regard to the topography of the site - Clause 15.4.1 P1 (a)

The subject site is located on low lying land. The existing buildings sit at 4.6 to 4.9 m AHD along the northern boundary and approximately 5.4 - 5.7 m AHD along the southern boundary. Its topography alone does not influence the consideration of building height compatibility other than for the assessment of overshadowing and apparent height which is contained in the following sections.

Compatibility of the building height with the streetscape and character of the surrounding area having regard to the height of buildings on adjoining and adjacent lots - Clause 15.4.1 P1 (b)

Adjoining and adjacent buildings are lower in height than the proposed 8 storey building. The majority of adjoining lots are developed with two-storey warehouses, commercial buildings and corner pubs. The three-storey office building to the west at 29-33 George Street is an exception. Directly to the south is 34 Cameron St, whilst part of the subject land, this site is also considered an adjoining site due to the limited extent of works proposed over this property. No. 34 is a heritage place developed with the Holy Trinity Church & Parish Hall.

The height disparity between the proposal and adjacent lots does not constitute incompatibility. The compatibility of the proposal with the streetscape and character of the surrounding area takes into account the bulk and form of existing and proposed buildings as well as the apparent height of the proposed building. When taking into consideration the above factors as discussed in the following sections, the absolute height of the proposal is mitigated by the retention of the ground floor façade, alignment of the building to the street, setbacks provided to the side and rear boundaries, materiality of all facades and the recession of the last two storeys combined with other architectural features. The open timber roof (or *loggia*), open outdoor areas and landscaping contribute to the breaking of the mass of the last two levels.

Compatibility of the building height with the streetscape and character of the surrounding area having regard to the bulk and form of existing and proposed buildings - Clause 15.4.1 P1 (c)

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The proposed building has a robust form, notwithstanding this, a combination of setbacks have been provided at different levels which are considered an appropriate response to the site.

The first two storeys of the building are concealed behind the existing ground floor facades. The next four levels (2nd to 5th) are setback 6.3 m from the western boundary, 3 m from the rear boundary² and between 900 mm and 2.3 m from the front boundary. A consistent 3 m setback is proposed to the eastern boundary for all levels.

The last two levels are further setback to the north and west. The 6th storey is located approximately 9 m from the western boundary, 5.2 m from the front boundary and 6.2 m from the longest section of the rear boundary. The last level (7th storey) is further setback from the western boundary, approximately 11.9 m. These last two levels are accompanied by roofed outdoor areas (also referred as the building's *loggia*) running along the north and western boundaries. The roof structure is to be made of exposed timber. This architectural feature contributes to the appearance of this section of the building as one level, particularly when seen from the street and adjoining properties. A mix of shrubs and groundcover plans are proposed for these areas along with a minimum of six trees capable of growing to a height of 3-4 m. The loggia and landscaped areas are considered to contribute to the breaking of the building bulk.

Having regard to the bulk and form of existing and proposed buildings, the proposal is considered compatible with the streetscape and character of the surrounding area for the reasons below:

- The ground floor façade to Cimitiere Street is maintained except for minor alterations which are considered an improvement to the streetscape, particularly having regard to the purpose statements of the zone and the objectives of Clause 15.4.1. The proposal promotes and improves public interaction levels by creating a pedestrian link which connects Cimitiere St with the Holy Trinity Church grounds as well as Cameron Street.
- The retention of the two brick facades at the ground level will allow the former industrial façades to remain identifiable when viewed from the street. This is considered a sympathetic response to the streetscape.
- The visible timber framing and glass curtain to all facades is a contemporary response to the site. This materiality maintains and contributes to the visual interpretation of the surrounding area as of industrial character. The materiality chosen does not attempt to mimic or replicate existing materials, instead, it creates a positive contrast which complements and highlights the historic and aesthetic values of surrounding buildings.
- Whilst the glass facades is not a dominant feature in the area, it is consistent with recent approvals, particularly the UTAS Willis Street Building at 2 Willis

² Measured to the longest section of the rear boundary.

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St, Launceston (DA0320/2020) currently under construction. The facades of this building have a combination of glassed curtain walls and a perforated aramax screen which resembles transparent glass.

- The building form and bulk is broken up and articulated in four main forms. First, by the contrast between the ground floor facades and the following four storeys which present as a mix of materials, aesthetics and design ages. Secondly, by the materiality of the middle of the building (2nd to 5th storey) constructed with a timber frame which is exposed by curtain glass walls. Third, by the design features which help break up the bulk of the last two storeys: the exposed timber roof (or *loggia*), recession of last two storeys and the provision of landscaping within the outdoor areas. These contribute to minimise the perception of height.
- The proposal is part of the urban renewal process being experienced in the precinct. The former industrial and commercial buildings which are currently underutilised are being re-developed to allow for business, retail, and accommodation uses. The proposal is yet another example of urban renewal processes historically experienced by the precinct. Recent approvals demonstrate the precinct's capacity to accommodate greater building heights. For example, the Fragrance Hotel has a maximum height of 40.3 m (44.3 m AHD) with twelve different towers at different heights and generous setbacks to street frontages varying from 2-5 m, 8- 11m, and 21-25 m. A six-storey (24 m high) art gallery, retail and hospitality venue approved on the gasworks site. A seven-storey carpark has also been approved within the gasworks site. Other examples of taller buildings in the surrounding area include the Telstra building at 40 m, the police building along Cimitiere Street at 23 m and Gasworks at 29 m. These buildings are part of the stock of taller buildings contributing to the existing character of the area.
- The proposed building will alter the existing streetscape whilst following the built form of recent developments, particularly The Verge Hotel (23 m) and the Cimitiere House (approximately 18 m). These two buildings are particularly similar to the proposed development. They feature a simple form which reflects the large industrial and commercial forms found in the surrounding area. They present as robust buildings, built to the street edge, extending for the majority of the length of the lot and oriented north-to-south. The proposal has two additional storeys when compared to the Verge hotel and three when compared to the Cimitiere House. Nevertheless, the first and last two storeys of the proposal are designed to appear as one level which is considered to reduce the number of storeys perceived from the street level. As mentioned previously, the first two levels are concealed behind the existing brick façade and the last two inset and enclosed by the loggia. The above allows the co-existence of the proposed building with those existing in the surrounding area.

Compatibility of the building height with the streetscape and character of the surrounding area having regard to the apparent height when viewed from roads and public places - Clause 15.4.1 P1 (d)

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Having regard to the apparent height when viewed from roads and public spaces, it is considered that the proposal achieves compatibility with the streetscape and character of the surrounding area.

Cimitiere St

The proposed building can be seen from both directions of Cimitiere St between Charles St and Lawrence St. The retention of all ground floor facades minimises the impact to the streetscape particularly when a viewer is passing the site on either footpath or when standing directly in front of the subject site. The side setbacks assist in minimising the apparent height and allowing the building to appear as centrally located on the site.



Fig. 2 Cimitiere Street

Whilst the minimum front setback proposed is 900 mm, the building appears to be recessed further from the street due to its orientation. Cimitiere Street runs at an angle of approximately 84 degrees whilst the proposal is aligned at a 90 degrees angle. The subtle change in alignment in relation to the street assists in minimising the impact of the building, particularly when seen within 50 m or so as seen in the figure below.

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Fig. 3 Cimitiere Street (East to West)

The height of the proposed building is most apparent from the northern footpath. Coming from the east, the majority of views of the proposal are obstructed by the Verge Hotel, passing Tamar St the proposal is more visible but continues to sit comfortably within the existing line of buildings in the streetscape.

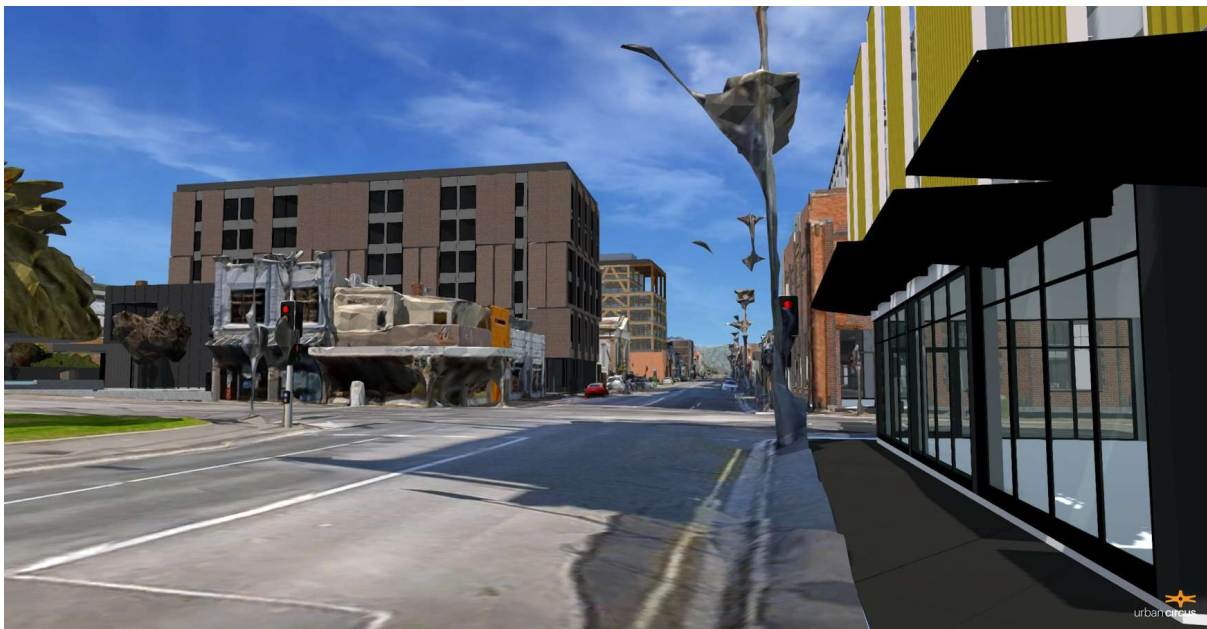


Fig. 3 Cimitiere Street - East of Tamar St

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Fig. 4 Cimitiere Street - East to West

Coming from the west, the proposal clearly follows existing robust building forms in broad correspondence with the character of the surrounding area. Passing George St the depth of the proposed building is more evident. However, the apparent height is minimised by a number of architecture features previously mentioned particularly the landscaping along the upper levels and western side of the building and the recession of the last two storeys.



Fig. 5 Cimitiere Street - West to East

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Fig. 6 Cimitiere Street west of George St

Drawing DA-40.02 of the plans advertised provides a more realistic visualisation from a similar perspective which includes landscaping within the outdoor areas.



Fig. 7 Drawing DA-40.02

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The majority of the views of the proposal from the southern footpath of Cimitiere are obstructed as seen in the figures below:



Fig. 8 Cimitiere St west of George St (Southern footpath)



Fig. 9 Cimitiere St west of George St (Southern footpath)



Fig. 10 Cimitiere St east (Southern footpath)

Immediate surroundings - Tamar St, George St and Cameron St

Views of the proposed building are available from sections of Tamar St, George St and Cameron St.

George St

Along George St the proposal is most visible between Cimitiere St and Cameron St. Coming to the north, the rear of the building is located between the Holy Trinity Church grounds and the office building at 29-33 George St. The proposal does not dominate the streetscape and is considered to achieve a harmonious co-existence with the existing buildings and the Church grounds. Minor roof protrusions are visible from George St between Boland St and Cimitiere St which have a negligible impact to the streetscape.



Fig. 11 George Street between Cameron St and Cimitiere St

Cameron St

Coming from the east, the upper level of the proposal is partially visible from Cameron St, particularly at its intersection with Tamar St. Approaching the Church, the views of the proposal are more notable. In terms of apparent height, the height of the proposed building will appear to match the ridge levels of the Church's roof. At the ground level, views of the middle of the building will be evident, however, at this point the building will be setback over 50 m from Cameron St, minimising any perceived visual impacts to the streetscape. The existing trees within the Church ground also provide significant screening which is best seen in *Drawing DA-40.04* submitted by the applicant.



Fig. 12 Cameron St west of Tamar St

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Fig. 13 Cameron St

A very similar view point is included as a photomontage view in the drawings submitted which provides a more realistic view of the proposal when seen from Cameron St.



Fig. 14 Drawing DA-40.05

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Fig. 15 Drawing DA-40.04

The proposal will not be visible from Cameron St between George St and St John St. Nor will it be visible from the Civic Square.



Fig. 16 Cameron St west of George St



Fig. 17 Cameron St west of George St

Tamar St

Very limited views of the roof of the proposed building are available in the wider streetscape of the precinct when seen from the intersection of Boland St and Tamar St. Following Tamar St to the south, the proposal is completely concealed except for some partial views at Tamar St & Elphin Road. The views from this intersection also constitute the views available from City Park as a public place. As seen in the images below, the apparent height of the proposal will have a negligible impact on the streetscape and character of the surrounding area when seen from Tamar St and City Park.

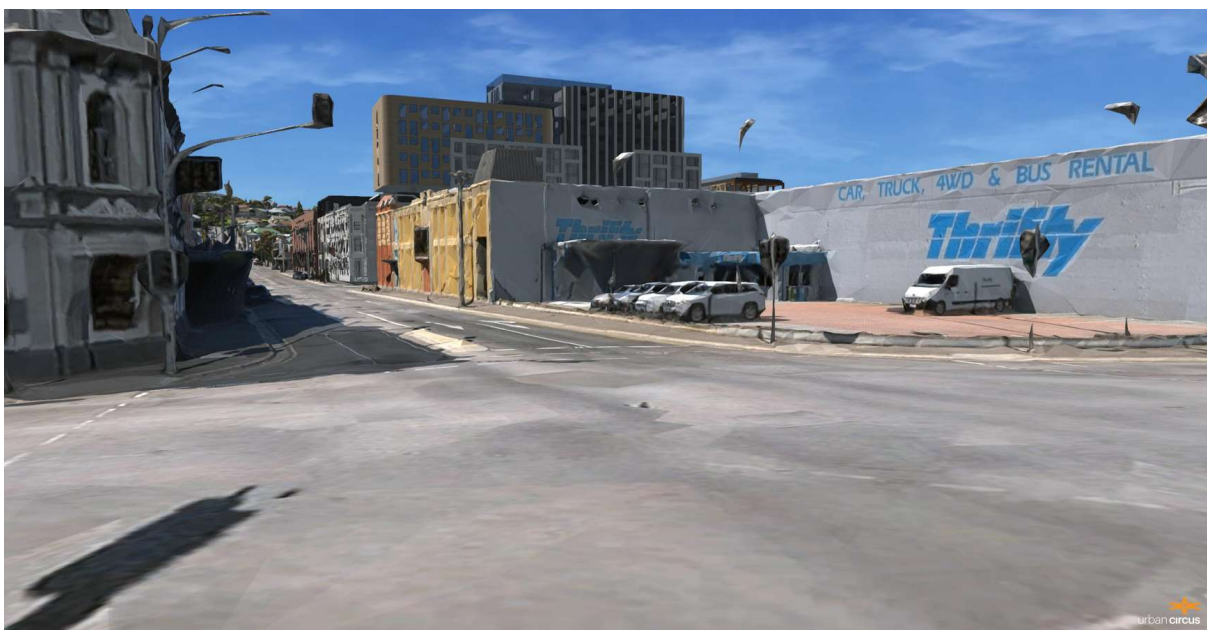


Fig. 18 Tamar St & Boland St



Fig. 19 Tamar St & Elphin Rd (City Park)

One would expect the proposal to be visible from most nearby streets, however, views of the proposal are obstructed and in most parts not available from the Esplanade, Boland St, Williams St, Charles St, Willis St and Lawrence St with the exception of views from specific vacant or underdeveloped lots.

Public places

In terms of public spaces, obstructed views of the proposal are available from some sections along City Park, particularly along Elphin Road and Cimitiere St as previously discussed but not so much along Tamar St. The proposal will not be visible nor partially visible from any section of Civic Square.

Wider streetscape of the city

In the wider streetscape of the city the proposal will be evident from a number of vantage points. More relevant however, are the view points within the former industrial precinct.

Obstructed views of the proposal are available from Lindsay St on the other side of the North Esk River. From the intersection of Lindsay St and Tamar St, the proposal will be slightly more evident but nonetheless compatible when seen within the wider streetscape of the precinct. Lower Charles St presents views of the building within the context of the former industrial precinct as well as existing and approved buildings.

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Fig. 20 Lindsay St



Fig. 21 Lindsay St & Tamar St



Fig. 22 Lower Charles St

Disclaimer: The figures used in this section present a model of the proposal submitted by the applicant. Council officers have introduced the model into Launceston's 3D city model without any alterations. The perspectives provided in this section include approved developments including the Fragrance Hotel approved in 2020. These perspectives provide an accurate depiction of the height and location of the building, however, the materials and colours may differ as they have not been modified to reflect glazing specification values. The photomontage views submitted by the applicant and included in the plans advertised provide more realistic views of the materials proposed as well as the transparency and reflectivity of the glassed wall.

Compatibility of the building height with the streetscape and character of the surrounding area having regard to overshadowing of adjoining lots or public spaces - Clause 15.4.1 P1 (e)

The subject site has a north-south orientation, therefore, the proposed building will generate shadows moving across adjoining properties to the west and south as the day progresses. On the 21st of June the proposed building will increase the existing shadows over George St by approximately 20 m or 1/6 of the length of the block by one hour only at 9 am. Later in the afternoon around 2 and 3 pm, the proposal will increase shadows to Cameron St by approximately 20 m or 1/11 of the length of the block. Accordingly, the impact of the shadows to public spaces is assessed as reasonable.

The performance criteria under the Urban Mixed Use Zone does not set out a test for the acceptable level of sunlight that should be provided to adjoining lots. Residential zones include standards to ensure habitable spaces and private open spaces of dwelling receive sufficient sunlight. There are no sensitive uses adjoining the site nor residential zones which can accommodate these uses as of right. The subject site adjoins offices and commercial buildings to the west which will receive shadows in

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the morning in midwinter, the shadows move towards the Church grounds and some sections of the northern elevation of the Church in the afternoon.

A representation was received by the owner/occupant of No. 95 Cimitiere St, directly west of the subject site. The representor raised concerns with the impact of the overshadowing on his existing rooftop solar energy facilities. In midwinter, the shadows will cover the majority of the solar panels at 10 am, the shadows will move to the southwest reducing the overshadowing significantly at 11 am. No additional shadows will be cast over No. 95 on the 21st of June. On September 21st the solar panels will be shadowed for a longer period, between 9 am and 11 am, however, the panels will receive direct sunlight during afternoon hours.

The above levels of overshadowing are not considered unreasonable. When assessing the impact to solar panels it is necessary to identify whether a building within the building envelope set out in the acceptable solution would have a lesser impact to the solar panels. In this case, a building as per the acceptable solution would have a building height of 12 m with no setbacks to front, side and rear boundaries. Under this scenario the solar panels of No. 95 would be overshadowed potentially to a greater extent given that the proposed building is setback over 6 m from the common boundary with No. 95 and a building within the building envelope could be built to the site boundaries.

The overshadowing impact to adjoining lots and public is assessed as reasonable.

Conclusion

The compatibility of the proposal with the streetscape and character of the surrounding area takes into account the bulk and form of existing and proposed buildings as well as the apparent height of the proposed building when seen from surrounding streets and public spaces. The height disparity between the proposal and adjacent lots does not constitute incompatibility. When taking into consideration the above factors, the proposal is considered to be compatible with the streetscape and character of the surrounding area. The absolute height of the proposal is mitigated by the retention of the ground floor façade, alignment of the building to the street, setbacks provided to the side and rear boundaries, materiality of all facades and the recession of the last two storeys combined with other architectural features. The proposal is part of the urban renewal process being experienced in the precinct which has demonstrated the capacity to accommodate greater building heights. The intensification of uses and development in this area supports the maintenance of Launceston's CBD as the Principal Activity Centre whilst protecting the amenity of adjoining lots and promoting higher levels of public interaction in accordance with the objectives of Clause 10.4.1.