

Response to Representations – Draft Amendment 66 Launceston Interim Planning Scheme 2015

Summary:

- A total of 59 representations received, and of these:
 - 33 are against the proposed amendment; and
 - 25 also oppose the proposed amendment but are effectively a petition as it is the same objection prepared by Jim Collier for Launceston Heritage Not High Rise which has been cut and pasted onto each representation with a different address; and
 - 1 representation in favour was received from the Launceston Chamber of Commerce.

Issue	Response	Amendments Warranted?
<p>Concerned with height and the building being 2 to 3 times taller than surrounds. Refers to recommendations from Paul Davies report that limits height to 9 metres. The height of the building cannot be compared to the height of the Silos.</p>	<p>The Paul Davies report initially recommended a maximum height for Precinct A within which the site sits of 30 metres. Following public consultation this was amended to 24 metres. The recommendations that the Council adopted ended up with a Performance Criteria for development up to 24m in height and a second PC for development over 24m in height. These changes are yet to be reflected in the Planning Scheme. A further recommendation from the Paul Davies report was that proposals that exceed the maximum height limit be addressed via the planning scheme amendment process. Therefore, the proposed Gorge Hotel Amendment which proposes a SAP introducing a site specific building envelope is exactly the mechanism for dealing with taller buildings as recommended by Paul Davies.</p>	<p>Nil</p>

<p>States that existing accommodation and conference venues aren't full now.</p>	<p>Horizon2021: City of Launceston Economic Development Strategy (Horizon 21) has identified the need for more 5-star and boutique hotels as well as that one of the limitations on the local tourism offering is the relative lack of conference facilities.</p> <p>The Gorge Hotel Economic Impact Assessment prepared to ascertain demand for 5-star hotels in Launceston found that by 2030 Launceston's demand for accommodation in terms of guest nights and room nights occupied will be 37 percent higher than mid-2019 levels. This equates to an additional 525 rooms. The model predicts demand for an additional 147 rooms by mid -2026.</p> <p>There is clearly forecast demand for additional hotel rooms in Launceston even taking account of those developments approved but not yet constructed.</p>	<p>Nil</p>
<p>Concern with loss of heritage buildings in the City. Provides photo evidence of heritage buildings that have been demolished.</p>	<p>The subject site does not contain any buildings listed on the Tasmanian Heritage Register or the Launceston City Council heritage list.</p>	<p>Nil</p>
<p>Dislike of building design</p>	<p>The proposed amendment does not include an application for a building although it is noted the building envelope sought under the Specific Area Plan is based on a specific building design. This building design was arrived at through a commissioned design competition among six architects with the final design assessed by experts as having the best overall design.</p>	<p>Nil</p>
<p>Concerned with flood risk with increased climate change</p>	<p>As the site is contained within an identified flood prone area, any future development application would need to be assessed against the flood prone areas code. The proposed SAP which includes a defined building envelope does not increase the risk to future development from flooding. The site is already zoned to allow for development, the SAP simply allows for development with a greater building height.</p>	<p>Nil</p>

<p>The proposed building takes up a large area of land in the City. Concerned that little of the income from building the building will benefit the broader community ie housing, support services.</p>	<p>Again, it is noted that the proposal does not seek a permit for a building per se, rather that a permitted building envelope for the site be included in the Planning Scheme.</p> <p>The future development of the Gorge Hotel (if approved) would generate 300 jobs during a 2yr construction period and 280 ongoing jobs. Any employment generator in a community is going to provide direct benefits to that community</p>	<p>Nil</p>
<p>The amendment relies on the belief that the Tribunal decision of 2019 regarding the DA for the building was wrong. This amendment will enable a building to dominate and overwhelm the area as well as block vistas of Launceston from the West Tamar and Northern Gateway approach. The amendment results in the privatisation of precious city vistas.</p>	<p>The amendment does not rely on the belief that the Tribunal decision for the Gorge Hotel application in 2019 is wrong.</p> <p>Rather, the amendment seeks to remove uncertainty as to the interpretation of the test under Clause 15.4.1 (P1) Building Height, Setback and Siting given there have been differing interpretations as to how it can and should be applied.</p> <p>Whilst the site is not contained within a Scenic Protection Area and therefore does not contain a vista to be protected nor within the Cataract Gorge Management Area, a thorough Landscape and Visual Impact Assessment formed part of the application material which demonstrates that a building that occupies the proposed building envelope will not impact prime viewpoints or significant views from around the City.</p>	
<p>Queries if building height is needed to launch gondola. Concerned that the previously mooted gondola is still the ultimate intention of the developers</p>	<p>Whilst the gondola is not currently an option being pursued by the proponents, speculation as to what future development applications could be put forward is not a relevant consideration in determining the merits of the amendment.</p>	<p>Nil</p>
<p>Why doesn't the application include the permit application as allowed under LUPAA.</p>	<p>Use of the S43A combined amendment and permit process was considered however the legislation only allows its use if the proposed development is expressly prohibited rather than discretionary as the Gorge Hotel proposal is.</p>	<p>Nil</p>
<p>Concerned that the exhibition process has not been extensive</p>	<p>The application was on public exhibition for 21 days as required under Section 38 of LUPAA</p>	<p>Nil</p>
<p>Concerned that the proposed amendment will obliterate views from the new bridge</p>	<p>Views from the West Tamar Highway and Paterson Street bridges are not protected under the Interim Planning Scheme.</p>	<p>Nil</p>

<p>Concerned that the title of the application being ‘Specific Area Plan F100 – Gorge Hotel Specific Area Plan’ is misleading as the public may think the application is for a proposed building and not an amendment to the Planning Scheme.</p> <p>The use of Gorge Hotel in the title suggest that the proposed amendment is to be introduced to facilitate another Gorge Hotel proposal</p>	<p>The title of the advertised amendment reflects what is proposed. Were members of the community unclear on the proposal they could have spoken to Council officers to clarify.</p> <p>The purpose of the amendment is to allow the proponent’s of the Gorge Hotel to reapply for the building with certainty over height. The amendment provisions have been carefully drafted to ensure that other types of development and use cannot occur within this permitted envelope</p>	<p>Nil</p>
<p>The amendment appears to allow a building with a height of 43m across the whole site</p>	<p>This is not correct. The height of 41.6 AHD only applies to the tower area (Zone D) where indicated on Figure F 11.5 of the SAP</p>	<p>Nil</p>
<p>The subject site is inappropriate for development of the scale the SAP allows for. The site is located adjacent to the City’s premier natural attraction being the Cataract Gorge</p>	<p>The Landscape and Visual Impact Assessment undertaken from multiple viewpoints including the prime viewpoints identified in the Cataract Gorge Management Area Code indicates no significant impact of views and no impact on the abovementioned protected views.</p>	<p>Nil</p>
<p>A tall overbearing building would be detrimental to nearby residents as it will result in increased wind in the area and cause overshadowing.</p>	<p>The shadow diagrams included at Appendix J of the application material demonstrate that all the surrounding properties will still receive 3hrs sunlight on the 21st June which whilst not the standard in the Urban Mixed Use Zone (UMUZ) zone, is the test under the General Residential Zone which seeks to retain a higher level of residential amenity than the UMUZ zone provisions and therefore is a sound basis for a test of impacts due to overshadowing.</p> <p>The planning scheme does not test additional wind impacts from a development and no information has been provided by the representor to support this claim</p>	<p>Nil</p>
<p>Representor has taken views of the Cataract Gorge from St John’s Church and said they will be lost with Gorge Hotel development</p>	<p>Views of the Gorge from St John’s Church won’t be altered as a result of the permitted building height that the amendment allows for</p>	
<p>Councillor’s have been biased in the process as they were involved in vetting designs for the site in the design competition</p>	<p>This was not the case. The Councillor’s were shown the various designs submitted for the design competition but not asked to provide feedback on them.</p>	

Concerned that the councillors are compromised as they had questioned the Tribunal's previous decision	This statement is not relevant to an assessment of the merits of the amendment.	
Concerned that a tall building on the site could collapse as occurred recently in Miami given the site is a former wetland and subject to previous seismic action. Objector cites a number of studies	The subject site is not located on land mapped as a landslide hazard risk.	
The amendment seeks to break the planning rules to suit one developer	The utilisation of the planning scheme amendment process is a legitimate avenue for land owners to pursue and indeed formed part of the recommendations from Paul Davies in his report on building heights in Launceston for buildings above 24m.	Nil
The site which is subject of the SAP is at the visual and physical entry to the Cataract Gorge as well as significant in terms of the approach from the north and the confluence of three main waterways. The Cataract Gorge should be protected.	The Landscape and Visual Impact Assessment undertaken from multiple viewpoints including the prime viewpoints identified in the Cataract Gorge Management Area Code indicates no significant impact of views and no impact on the abovementioned protected views.	Nil
The SAP allows for a building form that has been found to be not suitable at the location by RMPAT and is the same as that which was previously refused.	The Tribunal found that the building did not meet all the relevant tests under P1 of 15.4.1 largely due to it being determined that the building was not sufficiently compatible with the surrounding area essentially because it is substantially taller than the immediate surrounding area within 100m. The SAP has been constructed to remove the onus on the proposed development to be complementary and permit a larger acceptable solution envelope than the current Urban Mixed Use Zone in the Scheme. There is no legislation that prevents a planning scheme amendment for a SAP for a specific site following refusal of a development at RMPAT.	Nil
The relationship of the proposed building envelope to Margaret and Paterson Streets would have a significant impact as the allowable building form does not address the transition from larger commercial to smaller residential scale of buildings in the streetscape. The building envelope is not respectfully designed relative to its context	With the exception of the single dwelling at 264 Brisbane Street owned by the developer, there are no single storey dwellings on the immediately adjoining lots. Whilst there are single storey dwellings on the southern side of Brisbane Street, they are well separated from the area of the building envelope which allows the additional height components. The site sits directly opposite Launceston College to the east which has an overall height of 16.3 metres and a solid mass of	

	<p>building to the streetscape. It is accepted that to the south of the site the development is residential in scale but certainly not within the city block that the site sits nor the land opposite to the east.</p> <p>It is also noted that one of the limitations of the Urban Mixed Use Zone provisions and hence why the amendment is being sort is that that P1 for 15.4.1 (height) requires buildings to be compatible with the surrounding area. This requirement, whilst subject to differing interpretations, makes it difficult to increase density of development in transitioning areas such as where the site is located given the need to fit in with the surrounds which in this case includes large swathes of car parking areas fronting the streetscape.</p>	
<p>The proposed additional Acceptable Solution is not consistent with the SAP Purpose which contradicts Practice Note 8 (TPC website) which requires that all standards must be consistent with the PPZ or SAP purpose. The term landmark is not defined in the SAP</p>	<p>It is considered that the SAP purpose is consistent with the proposed Acceptable Solution (AS) as it states that the SAP is to facilitate a building envelope to allow development of a hotel. The AS standard reflects this, particularly given it applies to visitor accommodation and ancillary uses only.</p> <p>Nonetheless, if Council considers this drafting an issue, we are happy to revisit the wording of the SAP intent.</p>	<p>Discuss with Council</p>
<p>F11.2.1 is not explicit on how the amendment will operate. It should be made obvious in F11.2.1 that the SAP only overrides 15.4.1 A1 and all other provisions of the UMUZ apply to the land designated under the SAP. A corresponding performance criteria is required.</p>	<p>F11.5.1 Clearly states that the Clause is in addition to Clause 15.4.1 A1.</p> <p>The corresponding PC is the existing PC for Clause 15.4.1 A1</p> <p>Further it is noted that in accordance with Practice Note 8, it is possible to have an acceptable solution and no performance criteria or vice versa</p>	<p>DISCUSS WITH COUNCIL</p>
<p>Proposed A2 is not compliant with the construction of an acceptable solution and conflates use with development</p>	<p>Practice Note 8 does not provide any direction that does not allow use and development standards to be considered together.</p>	<p>DISCUSS WITH COUNCIL</p>
<p>The building envelope under the SAP is not compatible with the character of the surrounding area and would tower over existing buildings by 30m or more</p>	<p>The Gorge Hotel is compatible with eth broader surrounding area of the CBD and Tamar Basin (e.g Myer, Telstra, approved Fragrance Hotel, Silos Hotel)</p>	

<p>Concerned about the design of the Gorge Hotel being a huge mirrored tower at the entrance to the Cataract Gorge</p>	<p>Whilst the SAP does not seek to approve a particular design it is recognised that the proposed building envelope is based on the CBG design for the Gorge Hotel. The use of tessalated glass in that design seeks to reflect the surrounding landscape to ensure it does not appear as a single glass mass</p>	
<p>Concerned that the proposed building envelope is bigger than previously refused Gorge Hotel</p>	<p>The proposed building envelope is not bigger than the previously approved Gorge Hotel in terms of allowable height. It is slightly larger which is to create an envelope that is readily determinable rather than one which follows the exact outline of the Gorge Hotel.</p>	
<p>Concern that representor's property in Babington Street will be overshadowed and privacy negatively altered and be detrimental to property values</p>	<p>The shadow diagrams prepared for the proposed building envelope demonstrate that all surrounding properties will receive a minimum 3hrs sunlight per day mid-Winter that applies in the General Residential Zone, which is effectively a higher standard than that applicable in the Urban Mixed Use Zone. Consideration of property values is not a matter to be considered under planning provisions.</p>	
<p>Why didn't the developer appeal the RMPAT decision to the Supreme Court</p>	<p>This is not a relevant matter to consider in the context of assessment of a planning scheme amendment.</p>	<p>Nil</p>
<p>The amendment has failed to justify how it meets broader planning objectives. The proponent has failed to demonstrate the there is any unique characteristics of the proposed development area that is promoted or protected by the proposed amendment</p>	<p>The site does offer unique characteristics that make it ideal to facilitate a international standard of hotel:</p> <ul style="list-style-type: none"> - Topography – the site is at one of the lowest elevation points in the Tamar Basin which means it has the capacity to better absorb the additional height component than more elevated sites - The site is largely vacant and encompasses a relatively large area of land titles within a single ownership without constraint by heritage built form which presents a unique opportunity for redevelopment. - The site is located on the edge of one of the City's premier attractions being the Cataract Gorge 	

	Both the application material and Council's Section 34 report demonstrate that the application meets the broader planning objectives.	
Disputes that the claims in the application that the Tribunal did not find any amenity impacts with the design.	The decision was clear that there were no amenity impacts in terms of overshadowing, noise or loss of views.	Nil
Acceptable Solutions should be applied to define generally common characteristics or features to avoid time associated with developments against Performance Criteria's. The proposed Acceptable Solutions is for a tall building envelope that does not meet the relevant performance criteria.	Whilst this statement is generally agreed with, it is submitted that Acceptable Solutions drafted for Specific Area Plan are by the nature of application of SAP's not going to facilitate generally common characteristics.	Nil
States that there is not inconsistency between GP Hotel and Gorge Hotel RMPAT decisions in terms of definition of surrounding area. The Tribunal found in both cases that the surrounding area was defined by an area that shares similar distinctive qualities and character with the subject site.	Differing interpretations of RMPAT decisions do not alter the justification and merit of the proposed SAP amendment	Nil
The proposed SAP seeks to amend the Acceptable Solution whereas the standard the proponent has issue with is the PC. Why hasn't the amendment sought to amend the PC?	The proponent seeks to amend the Acceptable Solution to provide certainty around height moving forward to a Development Application. The amendment itself will be thoroughly assessed on its strategic merit by both Council and the TPC ensuring rigour in process.	Nil
The amendment is not consistent with the NTRLUS. Whilst the submission focusses on economic benefits, its overlooks Strategic Direction G2.3 Promote local character values	Council's Section 34 report does address Strategic Direction G2.3. The proposed SAP will introduce a new development that will promote local character and seek to enliven and transition the site and surrounding area.	
With reference to objective (c) in Schedule 1 of LUPAA, the proponent has demonstrated the economic benefits of the proposal but failed to demonstrate how a similarly economically beneficial development could not be built under the existing provisions of the planning scheme	The drafting of P1 under Clause 15.4.1 and the interpretation of the standards means that given the site is in an area with no discernible streetscape values and low urban quality that it is difficult to mount an argument that a new building over 12m in height is compatible with the surrounding area. The proponent seeks to construct a hotel of an international standard and to attract such operators, the hotel must have a minimum number of rooms. It would not be feasible to provide these room number on a building that extends to all boundaries of the site with a height of 12m. Hotels need to be designed to provide rooms along either side of a	Nil

	<p>central corridor in order to provide each room with a window and access to natural light and in this instance views across the city or down the Tamar. That requirement means that hotels by nature need to be taller buildings.</p>	
<p>The amendment is incompatible with the City of Launceston Strategic Plan. One of the 5 principled outcomes of the plan is: <i>'To facilitate consistent approach to the implementation of planning and development policy and initiatives within the greater Launceston area.</i></p> <p>The amendment proposed a different approach for the subject site to the remainder of the Urban Mixed Use Zone without explaining what the unique features of the site are that justify the divergence from existing provisions</p>	<p>The site does offer unique characteristics that make it ideal to facilitate a international standard of hotel:</p> <ul style="list-style-type: none"> - Topography – the site is at one of the lowest elevation points in the Tamar Basin which means it has the capacity to better absorb the additional height component than more elevated sites - The site is largely vacant and encompasses a relatively large area of land titles within a single ownership without constraint by heritage built form which presents a unique opportunity for redevelopment. - The site is located on the edge of one of the City’s premier attractions being the Cataract Gorge <p>Both the application material and Council’s Section 34 report demonstrate that the application meets the broader planning objectives.</p>	
<p>There is no certainty that the SAP will facilitate 5 star and boutique accommodation complex with conference centre</p>	<p>The SAP does provide certainty that the prescribed building envelope can only facilitate development for Visitor Accommodation. There is obviously no guarantee that the end result would be a 5 star standard but given the cost of construction required to utilise the building envelope, it is more likely than not that the developer would seek to provide the highest standard of accommodation possible. It is also noted that as the building envelope is based on a specific, unique design, it is unlikely significantly altered designs would fit within the envelope.</p>	
<p>Questions the strategic merit of allowing another hotel in Launceston given the current uncertainty surrounding tourism and large number of recently approved and/or developed hotels</p>	<p>The Gorge Hotel Economic Impact Assessment prepared to ascertain demand for 5-star hotels in Launceston found that by 2030 Launceston’s demand for accommodation in terms of guest nights and room nights occupied will be 37 percent higher than mid-2019 levels.</p>	

	<p>This equates to an additional 525 rooms. The model predicts demand for an additional 147 rooms by mid -2026. These modelled figures have taken into account the impact of Covid 19 pandemic.</p> <p>There is clearly forecast demand for additional hotel rooms in Launceston even taking account of those developments approved but not yet constructed.</p>	
<p>Matters that should be researched by an independent body prior to consideration of the amendment include:</p> <ul style="list-style-type: none"> - What are the qualities that attract tourists to Launceston - Are the design and materials proposed sustainable - Is bigger better? - Keeping integrity and character of unique Launceston character in tact 	<p>These matters would need to be addressed as part of a broader strategic review.</p>	<p>Nil</p>