

Resource Planning and Development Commission

Land Use Planning and Approvals Act 1993 and Resource Planning and Development Commission Act 1997

LAUNCESTON PLANNING SCHEME 1996

Draft Amendment LAU 152

Permit Application No DA0272/2008

Draft Amendment/Combined Permit

Draft Amendment LAU152 proposes to rezone 0.44 ha of land at 6 Innes Street, Launceston (CT 112082/1) from Urban Residential to Commercial.

Permit DA0272/2008 grants conditional planning approval for demolition of existing buildings, construction of a single storey building (2100 m² in two tenancies) for use as Vehicle Parts Sales/Fitting Centre (800m²) and Peripheral Sales (1300m²) and to vary parking requirements for the development at 6 Innes Street, Launceston.

Delegation

At its meeting on 19 January 2009 and pursuant to Section 8 of the *Resource Planning and Development Commission Act 1997*, the Commission delegated to John Vandenberg:

1. its powers and functions under sections 40, 41, 41A, 41B, 42(1), 42(2), 43G, 43H and 43I of the *Land Use Planning and Approvals Act 1993* in relation to draft amendment 152 to the Launceston Planning Scheme 1996 and Permit No: DA 0272/2008; and
2. in connection with the exercise of those powers in performance of those functions, its powers under Part 3 of the *Resource Planning and Development Commission Act 1997*.

Background

The site is a parcel of flat land, located at the north-eastern corner of the block bounded by Boland, Innes, Cimitiere and Lawrence Streets. Until recent years it was occupied by a timber residence, stables and other outbuildings associated with a local pacing identity, the late Mr Tom Storay. Latterly the property was vacant and suffered from repeated vandalism and arson with the result that several buildings were severely damaged and were then approved by Council to be demolished. The fire-damaged residence and an outbuilding still remain but are proposed to be demolished as part of the permit.

Commercial and retail uses operate from modern, warehouse-style buildings on large sites on the northern side of Boland Street opposite the subject land. Extensive parking for the Kmart shopping complex lies to the east of the site on the opposite side of Innes Street, while on the south and western boundaries of the site, the core of the block is occupied by Gunn's hardware and timber supply business. Current extensions to the Gunn's buildings do not appear on the aerial photograph below.



Figure 1. The subject land within the block bounded by Boland, Innes, Cimitiere and Lawrence Streets.

There are three residential enclaves that remain on the block; a group of conjoined cottages and a house (20-28 Boland Street), a group of houses at 24-48 Cimitiere Street/16-18 Innes Street and a group of houses at 7-17 Lawrence Street. Several among these houses are listed on Council's heritage schedule or the Tasmanian Heritage Council's register.

The residential properties, the subject land and the hotel at the corner of Lawrence and Cimitiere Streets, are zoned Urban Residential. The Gunn's site is zoned Particular Use 10 Retail Industry (Timber and Hardware). Retail premises on the northern side of Boland Street are zoned Commercial and in Innes street there are three titles zoned Local Business.

Innes Street functions as a connecting road between the east-west arterials of Cimitiere Street and the Esplanade/Boland/Henry Street route and there is a controlling roundabout at the Innes St/Boland St junction. Daily traffic volumes in the vicinity of the site have been estimated at around 8000 vehicles per day in Boland Street and 5000 vpd in Innes Street.¹ The Boland Street residences are accessed from a short service road.

The subject site no longer retains significant natural values, following the removal of a large European tree.

¹ Milan Prodanovic, Traffic Impact Assessment, March 2008

Documents supplied by Planning Authority

Council provided the following documentation: -

- (1) Certified amendment plan and planning permit dated 1 October 2008;
- (2) Applicant's documents including application form and submission prepared by Ireneinc Planning obo Firestar Developments, title copy, plans of proposed development, landowners' consent letters, traffic impact statement (per Milan Prodanovic) and heritage assessment (per Paul Davies);
- (3) Council's report supporting initiation of the draft amendment and granting of the permit;
- (4) Copies of representations received and advice received by email from the Heritage Council and the National Trust.
- (5) Council's assessment and statement of its views on the merits of the representations.

Issues for Consideration

- (a) Future vision for the locality of the site;
- (b) Strategic justification for applying the Commercial zone to the subject land;
- (c) Heritage values of the site;
- (d) Management of traffic and parking.

Representors

Ann (Nancy) Serisier, property owner, 11 & 13 Lawrence St.

Helen Tait, 67 Bourke St.

Issues raised in Representations

In summary, the issues raised can be grouped as follows:

1. Prominence of the site, particularly in the context of tourist and recreational use of footpaths through nearby heritage precincts, along the river edge and to the Inveresk cultural precinct.
2. Historical significance of the locality and the site, and its associations with the Storay family and the harness racing industry.
3. Inconsistency of the proposal with recommendations of the Cimitiere Street Precinct Study, 1981, and elements of various Council policy documents.
4. Impact of commercial zoning, use and development on residential amenity and heritage buildings in the vicinity of the site.
5. Inadequate protection given to buildings of historical significance and to natural values on the site.
6. Preference for retention of inner city residential, recreational and tourist opportunities rather than conversion of the site to commercial activity.
7. Exacerbation of traffic and parking problems in the locality.

Council's Response to the Representations

Council noted that the site is adjacent to and surrounded by large, highly visible, retail developments. Commercial zoning of the site would enable uses that are similar to existing commercial uses in the vicinity. The remaining buildings on the site did not possess heritage values sufficient to warrant preservation. Traffic generation from the redeveloped site could be accommodated by the existing streets. Council considered that there were no reasons not to proceed with the amendment and recommended that the draft amendment be approved without modification.

Date and Place of Hearing

10th March 2009 at the Launceston City Council offices, St John St., Launceston.

Attendance at the Hearing

Council: Maria Chledowska, Policy Project Planner
Harry Galea, Development Services Manager (for latter part of hearing)
Nigel Coates

Applicant: Irene Duckett, planning consultant obo Firestar Developments Pty Ltd
Dave Burgess, Firestar
Rod Patterson, Autobarn Launceston
Paul Davies (by phone)
Milan Prodanovic (by phone)

Representors: Helen Tait and
Nancy Serisier
and were supported by Stuart Smith

Decision and Reasons for the Decision

The Draft Amendment

A. Future vision for the locality

Despite the current Urban Residential zoning Council regards the site as part of a commercial precinct within the CBD fringe area that caters for 'larger format retailing'. The planning scheme establishes a five-level retail hierarchy in which the fourth level is 'CBD fringe commercial activities which include the retail sale of vehicles, machinery, vehicle parts and related services'. Council did not consider that the proposal would affect the retail and business centre hierarchy. At the hearing, Council indicated an intention to unify the precinct (containing the subject land, the Gunn's complex, the retail outlets on the northern side of Boland Street and the Kmart complex) within a single commercial zone under the new planning scheme in preparation. The draft amendment represents, for Council, an interim step in that process of unification.

In contrast, the representors opposed to the proposed rezoning sought to retain a residential future for the site to strengthen opportunities for inner city living supported by the heritage character of nearby buildings, proximity to riverside open space and pedestrian linkages to City Park, the CBD and Inveresk.

For the applicant, Ms Duckett submitted that the potential residential amenity of this prominent site was adversely impacted by adjacent commercial uses and by traffic in Boland and Innes Streets. "The very qualities which make it ideally suited for commercial use also make it unsuitable for its currently zoned purpose..." In her opinion residential development would have to be fenced, walled or screened and orientated inwards to create an acceptable level of amenity. Retention of Urban Residential zoning could not exclude the establishment of certain commercial uses, including car park, medical centre or motel.

B. Strategic justification

Council submitted that the amendment was supported by the Planning Policy Papers that underpin the planning scheme and the Launceston Retail Strategy 2004. The Retail Strategy anticipates that between 7100m² and 29900m² of additional retail floor space will be required over the next 20 years, with the main growth being in the bulky goods sales sector. Commercial development of the underutilised site at 6 Innes Street was seen as supporting the CBD and strengthening the commercial precinct in the Boland Street/Racecourse Crescent area.

Representors countered that the desirable strategy was to promote residential use and also focus on improvements to the public realm through landscaping, lighting, street furniture and pedestrian facilities, as advocated in the Launceston Central Area Strategy 2002. Ms Tait suggested that the land could be developed as a 'green' residential building project, an 'active retirement' development, an affordable housing project or a community garden.

Ms Duckett submitted that the site was a strategically sound location for 'peripheral sales' and vehicle-related retailing as part of a commercial cluster, in preference to 'out of town' bulky goods outlets that could represent a threat to the primacy of the Launceston CBD as the business centre for the Tamar region.

C. Heritage Values

Council noted that the property is not listed in Schedule 2 of the planning scheme (Items of Historic Cultural Heritage) nor on the Tasmanian Heritage Council's register. The Launceston Heritage Study 2007 by Paul Davies had nominated 6 Innes Street as being of possible State significance and recommended further investigations. However subsequent damage to the buildings on the site had diminished its heritage values.

The Heritage Council had received a nomination but had not yet made a final decision. Preliminary assessment concluded that the place was of some local historical significance for its association with Tom Storay and for the presence of a (relocated) Quarantine Station Shed. The Quarantine Shed was too badly damaged to be relocated or repaired. Artefacts connected with Mr Storay's career had been removed to the Queen Victoria Museum and Art Gallery. The National Trust had undertaken to document the site.

Mr Davies explained that on initial survey in the 2007 heritage study, the site had been described with the following statement of significance - *"A very rare surviving complex in the inner city area comprising small cottage of mid-Victorian origin with a farm setting including outbuildings, fences and paddocks. The farm buildings of indeterminate age are very rare in their setting and require study to determine their level of significance. The site requires further investigation."* Subsequent investigation by Mr Davies for the applicant had revealed that the cottage existed on the site in 1922 but the outbuildings did not. The site is not a rare surviving farm complex as was first suspected. At the time of Mr Davies inspection (7 April 2008) many of the buildings were in poor condition and the cottage itself had been altered. He considered it would not be reasonable to retain and conserve the complex.

D. Traffic and Parking

The details of proposed parking arrangements will be discussed as part of consideration of the permit. In terms of the amendment the question is whether the intensification of traffic activity flowing from a change to Commercial zoning can be accepted by the street network.

Mr Prodanovic's traffic impact assessment, based on 2006 data and more recent turning movement surveys, suggests that average weekday traffic flow past the subject site is around 8000 vpd in Boland Street and 5000 vpd in Innes Street. At the peak hour (4.30-5.30 pm) two-way traffic volumes were recorded as 674 vehicles in Boland St and 508 vehicles in Innes St. A typical bulky goods retail development could generate a peak flow of around 6.5 vehicles per hour per 100m² of gross leasable floor area. For a 2100m² development this implies a peak hour generation of $6.5 * 21 = 136.5$ vehicles.

Analysis of the situation is complicated by the proposal to share the existing access from Innes Street to Gunns complex. Mr Prodanovic concluded that *"255 additional vehicle movements during the afternoon peak hour to and from the driveways servicing Gunns Limited and the proposed bulky goods development will not adversely impact on the performance of the traffic flows at the roundabout controlled junction of Innes Street and Boland Street, or at the two driveways that will provide access to the car park."*

A road safety audit did not reveal any issues of significance related to the traffic management in the immediate area.

Schedule 1 Objectives

The amendment is considered to further the Schedule 1 Objectives of the *Land Use Planning and Approvals Act 1993*. Considering the land in its present state – cleared apart from two buildings of little heritage significance – there is nothing so special about the site, in terms of natural values or heritage significance, that warrants rejection of the certified amendment.

Strategically, commercial use of the site is consistent with surrounding uses and supported by Council policy, whereas residential use is considered to be more problematic because of the potential impact of those surrounding uses and traffic in adjacent streets. The expert evidence was that the traffic network is capable of absorbing additional traffic generated by the commercial development proposed for the site.

Development in accordance with the combined application will not prevent continued pedestrian accessibility through the locality or appreciation of heritage buildings in the Cimitiere St precinct. Although there will be changes to the views obtained from Boland Street, the northern part of Innes Street and the river edge levees if the land is developed, the visual impact of commercial development with an average height under 8m (as proposed) could be similar to that resulting from modern residential development or other developments allowable under the current Urban Residential zone.

The conclusion is that the amendment should be approved without modification.

Application of State Policies

Interim State Policy on the Protection of Agricultural land 2008

The site is located in an urban area excluded from land capability assessment. The Policy is not applicable.

State Coastal Policy 1996

The site is within an established settlement and the Policy is not applicable.

State Policy on Water Quality Management 1997

The site is fully serviced with urban infrastructure. Development can be conditioned to ensure compliance with the Policy.

National Environment Protection Measures

The NEPM relating to used packaging material may be relevant to commercial use of the site but it is considered that Council's waste management system is capable of dealing with this issue. Other NEPMs are not considered relevant.

The Permit

The permit allows the demolition of remaining buildings on the site at 6 Innes Street, construction of a building, uses for vehicle parts sales and peripheral sales and relaxation of parking requirements. The permit is subject to 25 conditions.

Issues raised at the hearing related to

- adequacy of parking provision,
- access to and from the site,
- landscaping,
- recording and interpretation of heritage significance, and
- setbacks and signage.

Parking

43 car parking spaces, including 2 spaces for disabled persons, are shown on the amended plans approved by Council. 36 spaces are at the Innes Street frontage and there are 7 spaces at the rear of the building, parallel to an exit lane to Boland Street.

Council had reported that applying the formulae from Clause 48.4 of the planning scheme gave rise to a parking requirement of 84 spaces. However Mr Galea noted that the scheme's parking requirements were generally criticised as too onerous and would be reviewed in the new planning scheme. The guidelines of the NSW Road Traffic Authority, by comparison, were consistently lower than those of the planning scheme.

The planning scheme requirement is:

Peripheral Sales – 4 spaces per 100m² floor area

Vehicle Parts and Sales and Fitting Centre – 3 spaces per work bay (if applicable) plus 1 space per 25m² of retail floor area.

Shop – 1 space per 25m² of floor area.

It can be seen that, apart from the workbay requirement, the planning scheme arrives at the same ratio of parking to floor area for peripheral sales and vehicle parts sales as it does for a shop. The permit allows for only one workbay.

Mr Prodanovic reported that specific research into bulky goods retailing by Pekol Consulting had found that 80% of peak demands were within the range of 1 – 2 spaces per 100m² gross leasable floor area. He had confirmed that figure from his own survey of a similar outlet in Glenorchy. On that basis, he concluded 2 spaces /100m² would be a reasonable requirement and 42 spaces would be sufficient for the proposed development.

Mr Burgess confirmed that from his experience of building similar developments in Australia, 1 space per 50m² of floor space has been satisfactory for bulky goods outlets.

Furthermore Council reported that it had assessed the proposed variation of parking provisions against a number of criteria including the character of the area, the nature and size of development, the availability and capacity of on street and other off-street parking. It had concluded that the provision of 43 spaces was adequate.

Access

Council required some changes to the proposed parking access arrangements and these have been incorporated into amended plans sighted by the Delegate. The changes require all customer parking to be accessed from the Innes Street driveway shared with Gunns Pty Ltd, only one exit to Boland Street (left turn only) and parking and access at the rear of the building restricted to staff and delivery vehicles. As a consequence condition 5 of the permit can be deleted.

Landscaping

At the hearing it was agreed that in condition 8 (b) it was not appropriate to require boundary landscaping of pencil pine conifers as an option. A low hedge will be required.

Heritage interpretation

Condition 2 of the permit says, "Prior to demolition of the buildings an exact recording of the buildings and objects on site must be completed. A copy of the recording must be forwarded to the Tasmanian Heritage Council."

Condition 3 says, "Following completion of Condition 2 an interpretation of the site must be displayed within the front entry area of the proposed development to recognise the heritage significance of the site."

The question arose as to whether condition 2 was capable of being complied with, due to the demolition of five buildings on the site, post -application. Ms Duckett submitted that on a strict legal interpretation Condition 2 does not apply until the permit is confirmed by the Commission, i.e. the date of this decision.

While that may be the legal position it is considered that the intention of the permit, when initially drafted by Council, was to record as fully as possible the heritage values of the site. In response to questions, Mr Davies acknowledged that it would not be possible to record complete archival drawings of all the buildings but he believed it would be possible fill in much of the detail from photographic and other material that had been compiled prior to demolition.

Condition 2 should be modified to read: -

“Prior to the commencement of any works on the site an exact recording of the buildings and objects remaining on the site must be completed. To the extent that it is reasonably feasible, copies of photographs, sketch plans, building plans or other documents relating to the site and predating the demolition of buildings and the removal of trees must be obtained by the applicant to supplement the recording and provide a more complete appreciation of the heritage values of the site. A copy of the recording and the supplementary material must be forwarded to the Tasmanian Heritage Council.”

Condition 3 should be modified to read: -

“Following completion of Condition 2 to the satisfaction of a heritage consultant approved by Council, an interpretation of the site must be permanently displayed within the front entry area of the proposed development to recognise the heritage significance of the site. An interpretative plaque noting the association of Mr Tom Storay with the site must be erected close to and visible from a street frontage in the vicinity of the Boland Street/Innes Street junction.”

Setbacks and Signage

Representors expressed concern at the nil setback of the proposed building from Boland Street and the size of the signage panels on the building façade. However, in the Commercial zone no setbacks from any boundary are required. The building is set back approximately 20 metres from Innes Street, to accommodate the carpark. The signs shown on the plans are building fascia signs which are permitted (P) in the Commercial zone. There are two signage panels on each of the two facades facing the streets.

The signage panels are not disproportionate to the area of the facades, they comply with the scheme, they must not be illuminated (Condition 23) and it is not considered reasonable to require them to be reduced in size.

Schedule 1 Objectives

The permit, as modified by this decision, is considered to further the Schedule 1 Objectives.

Decision

1. The Commission is satisfied that the draft amendment is in order and gives its approval pursuant to Section 42 of the *Land Use Planning and Approvals Act 1993*.
2. Pursuant to Section 43H (1)(b)(ii) of the *Land Use Planning and Approvals Act 1993* the Commission modifies the permit as set out in Annexure A



John Vandenberg
DELEGATE

31 March 2009

Annexure A

Permit DA 0272/2008 shall be modified as follows: -

Condition 1 is to be replaced with –

“1. The development is to be carried out in accordance with the endorsed plans described as follows:

Site Plan- Project No. B329 – Drawing No. WD1 – dated April 2008

Ground Floor Plan – Project No. B329 – Drawing No. WD2 - dated March 2008

Elevations Plan – Project No. B329 – Drawing No. WD3 – dated March 2008

Condition 2 is to be replaced with –

“Prior to the commencement of any works on the site an exact recording of the buildings and objects remaining on the site must be completed. To the extent that it is reasonably feasible, copies of photographs, sketch plans, building plans or other documents relating to the site and predating the demolition of buildings and the removal of trees must be obtained by the applicant to supplement the recording and provide a more complete appreciation of the heritage values of the site. A copy of the recording and the supplementary material must be forwarded to the Tasmanian Heritage Council.”

Condition 3 is to be replaced with –

“Following completion of Condition 2 to the satisfaction of a heritage consultant approved by Council, an interpretation of the site must be permanently displayed within the front entry area of the proposed development to recognise the heritage significance of the site. An interpretative plaque noting the association of Mr Tom Storay with the site must be erected close to and visible from a street frontage in the vicinity of the Boland Street/Innes Street junction.”

Condition 5 is to be deleted and subsequent conditions renumbered accordingly.

In Condition 8 b) delete the words ‘or narrow upright pencil pine conifers’.

Note G is to be deleted.