PIA response to Sullivans Cove Urban Design Framework

INTRODUCTION

This submission has been compiled from a range of opinions and discussions held by members of the Tasmanian Division of the Planning Institute (PIA). PIA has adopted a policy of responding only to issues of significant public interest, or state wide application or those that relate to an adopted PIA national or Tasmanian Division policy position.

The Urban Design Framework for Sullivans Cove is seen as fulfilling all three of these criteria particularly the Draft National Position on Consultation, which has been drafted by the Tasmanian Division on behalf of the national organisation.

Having said this PIA is cognisant that Sullivans Cove is arguably the most studied piece of real estate in urban Australia. We have concerns that significant government resources are being channelled into this process when there are apparently robust planning procedures in place through local council and State statutory processes that could be used. We are mindful of major planning issues arising from housing affordability, coastal development pressures, and failure to integrated transport and land use planning that need attention at a State level.

Opening Comments

The public debate so far has clearly indicated disquiet with a number of central issues. These are the nature of the consultation process, the focus on development sites, the apprehension that the framework is a response to specific as yet undisclosed development proposals, the lack of critical appraisal of recent developments and the inability to review the guiding principles of the planning scheme and its more specific controls.

The most vociferous of these relates to the nature of the consultation process.

PIA is concerned with both the process issues as well as some of the content of the Urban Design Framework.

Process Issues

There are 3 aspects of process that need attention:

1. Timing and duration of consultation

PIA is concerned that such an important exercise has been limited to a short period of public consultation at a time of the year which is traditionally a holiday period. Although the UDF suggested that the festival season was an appropriate time to ask people their views about the waterfront it ignores the fact that many users of the Cove may be away or not frequenting the area because of the range of cultural events. The reason for people to visit the Cove during this time also has the potential to skew the results of feedback. In other words the timing of the consultation is likely to produce a biased result.

The duration of the consultation is similarly lacking. This is especially true in the light of the range of issues, ideas and proposals put up. PIA is also concerned that the focus groups in which it participated, were only held once and for a couple of hours. It was quite apparent from all who attended that there was simply inadequate time to even air the issues let alone come to some resolution of them.

The period of time that has been given to finalise the UDF is not sufficient, given the complexity of the issues and the desire for substantial site by site guidelines.
If the process is aimed at seeking input into the drafting of the equivalent of ‘site development plans’ for the public sites, then the degree of public and professional consultation for over a dozen sites is a lengthy process and one that would require a considerable program of iteration. PIA has a number of members who have drafted, managed, or assessed Site Development Plans as required by the Sullivans Cove Planning Scheme (SCPS) and we are perhaps more aware than most of the amount of research and consideration these require.

Our view is that the type of public debate that is now taking place in the print and electronic media and through public meetings is in essence the first step in a lengthy review of the direction of planning in the Cove. Following this ‘setting of the agenda’ a considered response could be sought to the contentious issues or principles that are now emerging.

The drafting of site by site guidelines would then take probably another year for all the sites identified by the UDF.

2. Closed nature of consultation

There is no question that consultation is a complex and difficult process. However, the consultation is predicated on a predetermined study area boundary, an acceptance of a range of principles and assumptions that cannot be tested, and a range of predetermined uses and forms for specific sites.

Although it can be argued that there is a need to ‘put up’ some ideas to gain a response, the specific proposals are not themselves tested in the Hobart Waterfront Questionnaire. That questionnaire asks for feedback on only 6 general issues that apparently emerged through a previous comment period.

In summary there appears to be a serious mismatch between the details of site development set out in the UDF and the questions asked in the questionnaire. In fact the answers given to the questions asked, although of limited range, may result in quite different suggestions for those sites.

The summary documentation is also inadequate in answering the questionnaire. For example the first question relates to the way the UDF deals with height yet the only reference on the summary sheet is that height “must respect the layered amphitheatre setting of the Cove”. One needs the more detailed site by site proposals to really answer that question and those only deal with new developments and do not review recent buildings.

As mentioned earlier, it may be a more useful exercise to simply review the current performance of the Planning Scheme and to therefore test the principles upon which the SCPS is based and seeks to further.

3. Confusion over the statutory implications and decision making process

PIA is also concerned about confusing messages in regard to the way the UDF fits with the statutory processes.

Statements have variously been made that the UDF will respect and comply with the SCPS, and that the SCPS will be amended if required. Moreover, the UDF is effectively akin to the identification of ‘key sites’ and the preparation of Site Development Plans for those. In fact Site Development Plan work by others is cited as being used in the UDF. If this is the case then the scheme provides an adequate and transparent process for adopting Site Development Plans (as long as they are consistent with the scheme) through a scheme amendment process. The relationship of the UDF to the Scheme is generally poorly addressed, and a schedule of possible changes to the Scheme as suggested in the brief, would be helpful.

It is arguable though that some of the ideas or proposals are not consistent with the planning scheme. The infill of Dunn Place is a case in point.
A further concern in terms of statutory process is how the single body charged by legislation with providing advice on the planning of Sullivans Cove, the Sullivans Cove Advisory Committee, of which PIA is a member, has not been fully involved in the process.

It is also considered that the process once the consultation ends, and the credentials and qualifications of the decisions makers and those analysing the results and making recommendations should be made public.

**Content Issues**

**Boundaries of the study**
PIA has concerns about the apparent arbitrary nature of the boundaries of the UDF. The boundaries do not coincide with the boundaries of the SCPS nor any other previous study. Consequently they do not include areas which are integral to a cohesive approach to the Cove, nor surrounding areas which are actually critical to the functioning and future form of the Cove. The CSIRO and Grand Chancellor are two such sites.

The boundary appears to simply encompass those sites that are dealt with in more detail. This negates the possibility of setting the constraints on those sites by reference to the larger spatial context, and particularly the need to address the Davey/Macquarie Street barrier and extend pedestrian and transport links into the CBD.

**Lack of underpinning or strategic review**
Sullivans Cove has been subject to substantial analysis and study over many decades. Although the UDF apparently starts from the principles set out in the 1993 Planning Review it makes suggestions about traffic, movement and parking without reference to the Sullivans Cove Traffic and Parking Management Study 1994 and the Sullivans Cove Traffic and Parking Implementation Study 1995.

The UDF fails to acknowledge the comprehensive work already carried out in relation to movement through the Cove and to and from it, and also apparently fails to assess the full impacts of both the proposed ‘fringe’ parking stations and the impacts of traffic and pedestrian access changes on existing and current developments. There appears to be no real consideration of the implications of the numerous development proposals on traffic and parking. Nor does the framework identify bus services, stops, routes and passenger numbers or pedestrian flows through the Cove. It makes no mention of improving access by public transport or for cyclists. A route is not identified for continuation of the Intercity Cycleway through the Cove or the previously agreed route for the tram. No mention is made of the role the tram might play in moving people around the Cove or perhaps more desirably, between the Cove and the CBD.

In fact there is a lack of a clear vision of the future role of the Cove in the city in terms of land use and transport planning despite the recently endorsed National Charter for integrated transport and land use planning. As a focal point of the city, the movement systems and use of the spaces in the Cove need to be determined first, particularly with respect to accommodating a possible tram, new bus routes, passenger terminals or transport interchanges.

Analysis of working port city waterfronts elsewhere or an international design competition could have produced some alternative ideas for comparison. Division of the Cove into a number of separate functional precincts may also have assisted.

**Space not sites.**
Although it is consistent with the Key Sites approach found in the SCPS to develop site guidelines for individual sites and to determine the right uses, the critical issue for the Cove is actually the way the spaces are used and designed. This then informs the site guidelines – and sets the context that determines how the buildings must respond to the public realm. It is this lack of guidelines that has made drafting site development plans for privately owned sites
difficult. There has been very little context described for these to address – the results are often insular buildings that do not relate well to their setting.

The public interest in the Cove is ostensibly the spaces and how they are designed and used. Determining guidelines for public sites should be a consequence of determining the use and form of the spaces. This is particular relevant on the ‘floor of the Cove’ which is essentially a spatial setting with some buildings, rather than a series of development sites. It is also where movement and interaction occurs and yet there is no review of how the spaces have been or are used (pedestrian counts, public activities, pavement widths, outdoor eating, obstructions etc) and how they might be made more attractive or reconfigured on a temporary or permanent basis.

Further encroachment of up market residential and visitor accommodation and yacht berths is likely to privatise more of the Cove to the detriment of other current and potential uses and users. Eventual removal or reduction of unsightly office blocks may be a better outcome than conversion, extension and capitalisation as holiday/apartment accommodation. The market for these uses and associated car parking requirements needs firm control and direction if the fishing/noisy/smelly/lighted/unfettered working port/working class character of the waterfront is to be retained.

Public sites as ‘key sites’ and benchmarks

Furthermore the determination of building guidelines on public sites also sets benchmarks for the neighbouring private sites. Public sites should not be prone to the whims of the market or the need to reap profit. They should be developed in the manner and for the uses that make the whole Cove work in a cohesive manner. They should set the lead.

Public sites should be treated as the ‘key’ to the ‘Key Sites’ identified in the Planning Scheme. Key Sites are defined in the Planning Scheme as “A site which is regarded as under utilised and having potential through development or redevelopment within 5-10 years of the final approval of the Scheme, to be used for activity which will reinforce the strategic framework of the Scheme and Objectives of the Activity Area.”

In this, the Year of the Built Environment it is important to stress that the Built Environment is not merely about buildings. The ideal Built Environment for the Cove should be an expression of good design composed of buildings, landscaping and publicly usable open spaces that combine to form an attractive, environmentally responsible and culturally sensitive setting for human activities. Key public sites are not necessarily ‘left over spaces’ waiting for a building developer. They may form part of an existing or potential open space network that will enhance public activity and provide context for the buildings that already exist.

Given that any such site requires a Site Development Plan to be prepared which is consistent with the planning scheme and there is the opportunity to incorporate those into the planning scheme through the amendment process, there seems adequate mechanisms to deal with the sites identified in the UDF. The ‘highest and best’ use of a publicly owned site might be judged, through an open, transparent, consultative process, to be a park or a plaza rather than a building.

Site Development Plans are complicated documents and take considerable time to prepare. They may be required to include a ‘Sullivans Cove Impact Statement’ which should address:-

- traffic, access and parking provision and impact
- impact on pedestrian movement and amenity
- impact on the working port and transportation links
- visual impact on the streetscape and townscape of the Cove through the provision of any or all of the following:-
  - building envelope plans
- photo montages
- a coloured model that will fit into the model of Sullivans Cove
- overshadowing of public urban spaces
- infrastructure impact and augmentation
- allocation of open space
- measures for environment protection and enhancement

Plainly these requirements, already set out in the planning scheme should be effectively the standard approach to ‘key’ public sites. The UDF does not provide any such analysis for the sites identified as ‘Key Sites’ in the current scheme, nor does it provide any review of current site development plans in the light of recent developments.

Additionally, the ‘Key Site’ Schedule in the planning scheme is overdue for review. Many privately owned sites have now been developed in accordance with the Schedule and arguably should be removed from the list. The suggestion of new sites in the UDF can be added to the schedule but again through the due process of scheme amendment.

The UDF appears to be by-passing the statutory framework of the SCPS and particularly the purposefully drafted schedule on ‘Key Sites’. The consequences of this are that a parallel process of setting the guidelines for significant sites is being set up, but one that will not deliver statutory certainty for any developer unless such guidelines are incorporated into the planning scheme.

**Testing the Principles or manipulating them**

The Planning Review and Scheme are based on a number of central principles which define the urban form – the buildings and the spaces, and the types of uses throughout the Cove. The UD Framework sets out some of these principles however it does not allow review of them. PIA is of the view that significant public angst is apparent over the appropriateness of these principles or at least their application and interpretation through recent developments.

PIA recognises that it is not the place of an UDF to review those principles but plainly there is a case to carry out such a review before the UDF adopts them without question.

Notwithstanding this, PIA accepts the essential principle as set out in the Planning Review of the distinction between the Cove Floor and the built ‘wall’ surrounding it. We also acknowledge that the appropriate building forms on the Cove Floor should have an ‘all round’ orientation. This is in contrast to the closely built fabric of the city and the ‘wall’.

These essential principles appear to be poorly or inconsistently applied in the UDF. It has clearly adopted the correct orientation of possible new buildings on the Cove Floor but the consequences of the sheer number of potential development sites we feel actually results in a final form that starts to resemble the tightly built-up city blocks because the space between them is so diminished.

In short the essential character of the Cove Floor as open space with a few buildings is under threat by the volume of potential development.

Moreover, having stressed the importance of these principles the UDF then appears where convenient to manipulate them to suit a particular site or proposal. This is most obvious in the area of Dunn Place, where the ‘wall’ of the Cove - clearly shown as the City Hall façade in all previous studies – is now artificially moved to the Davey Street edge. This particular suggestion is interesting in that it is based on a Site Development Plan previously prepared which arguably is not consistent with the Planning Review or the planning scheme but has not been tested by incorporation through the scheme amendment process. Here is a contentious suggestion put up as consistent with the principles and then used to drive a particular site proposal. PIA as an organisation does not necessarily suggest that ultimately this is an inappropriate form of
development, although many individual members have expressed very strong opinions that it is. PIA does point out that this example simply illustrates the inadequacy of the process and its uneasy fit with the statutory processes that are set out in the planning scheme and in the provisions of the *Land Use Planning and Approvals Act 1993*.

The same approach is evident in the identification of the car park at the end of the Centre for the Arts as an infill development site which completes the wall. This site has never been identified as a gap, or as ‘lost space’ or an area with a ‘weak inferred edge’. It appears that both sites has been included and dealt with in a manner that delivers a development envelope when it is not clear how this is derived from a careful application of the principles. Again we point out that perhaps the principles need review. On the other hand identification of some of the sites might be seen a cynical exercise or ambit claim to make development on other sites appear as a reasonable compromise. Members feel that Sullivans Cove, as the public front which the city presents to the world is too important to be compromised in this way.

A further concern in the application of the principles is the way that a number of proposals for sites impact on views across the Cove. The UDF states that one principle is to ‘ensure buildings are sited and modelled to enhance sightlines’. It is difficult to reconcile that principle with proposed developments of Murray Street Pier, Dunn Street Pier, between Victoria and Constitution Docks, on Dunn Place and to a lesser extent the site just discussed.

The Dunn St Pier particularly would impact significantly on views across the Cove between Hunter Street and Salamanca Place or Castray Esplanade. Conversely, the Marine Board Building presents an opportunity to improve views across and within the Cove albeit through substantial change to the building as it is.

Another example of a poorly applied principle is that which suggests movement should be made more ‘direct’ and advocates a link across the face of Waterman’s Dock. This small but highly significant suggestion highlights the UDF casual method in dealing with the heritage forms of the Cove, the functionality of dock areas and the more esoteric but equally important human interface with the area. The UDF should we believe encourage and celebrate the peculiarities of the place including the convoluted waters edge, the nature of finger wharves as protrusions into the water and not inevitably connected from the end to another point.

It is these aspects of the Cove that imbue its sense of place and rich heritage. The application of rigid geometry and broad concepts is problematic where they cut across the more organic and complex aspects of the place. Moreover, there is again a neglect of or reluctance to acknowledge previous work which has dealt more thoroughly with the issue of walking through the Cove (the proposed Walk in the Sullivans Cove Urban Detail and Bicentennial Walking Trial Study 1987).

**What the UDF doesn’t address**

PIA is of the view that there are in fact a range of issues that the UDF has failed to address which are critical to ensure a greater consensus on issues in the Cove. There are two such issues which require significant attention.

The height and mass of buildings. Recent developments have again highlighted the flexibility within the planning scheme of administering height controls. The scheme is structured along traditional lines by setting ‘permitted’ heights but allowing discretion beyond those. The level of discretion is dependent on interpreting a set of performance criteria. The sensitivity amongst the general public indicates that perhaps the height of buildings needs to be more tightly controlled. The Sullivans Cove Planning Review sets out maximum heights to the eaves but does not deal well with roof elements above. The recent development at 15 Hunter Street (Zero Davey St) is close at the podium level to the planning scheme limits of 12m facing Hunter St and 15m facing Evans St. but it is the large ‘roof’ element that appears to create the public concern about comparative scale and the canyon effect in Davey St
Perhaps the UDF needs to be more prescriptive on the public sites where pushing the envelope is neither required nor appropriate. It ought to be possible to use the Sullivans Cove model to examine different height envelope options in order to determine the optimum. In the case of any doubts the lower envelope should be mandated. These issue should be carefully determined prior to the release or development of any such sites to ensure any future development does not seek to incrementally exceed the envelope.

The second issue that needs attention is the role of trees and landscaping within the Cove. There is clearly a disjunction between the general public and some professionals’ desire for greenery throughout the Cove and the more ‘purist’ line of restricting trees to areas defined as ‘urban gardens’ and certainly not along the edge of the working port waterfront.

The issue is not simple to resolve but there seems some opportunity to preserve the ‘hard edged’ character of the port in areas that are still predominantly functional docks and derive some principles about planting in other areas to improve pedestrian amenity.

One such approach may mean treating different parts of the Cove in different ways depending on the current roles or on the proximity to historic buildings or mapping the original shoreline. Another approach may be to utilise clumps of trees as de facto built elements which obey the rules or principles set out in the Scheme and Planning Review.

**Concluding comments**
PIA is concerned that given the importance of the Cove and the high level of public interest the UDF is simply inadequate in content and process to set out future directions.

We suggest a few steps backwards are required and a much longer time frame to deal with reviewing the planning scheme if that is what is needed.

Critical to any further work is the need to:-
- More fully consider the links to the Cove and the interrelationship with the CBD
- Build on or clearly debunk the wealth of knowledge represented in previous studies covering traffic, movement, heritage and urban form, etc
- Focus on the design and use of spaces as the first layer of the public realm
- Assess the uses and design guidelines for key public sites as benchmarks and catalysts exemplars? for the private sites
- Ensure those guidelines are exemplary expressions of the principles and best public uses
- Utilise fully the planning scheme framework for key sites and the amendment processes available through the *Land Use Planning and Approvals Act 1993* to ensure due public input, transparency and certainty for developers
- Finally, determine a program of development and /or release of public sites based on the sustainable development of the Cove especially the need to ensure high quality development and appropriate uses occur in a manner that respects the nature of the place and at a pace consistent with the evolutionary changes that have occurred through history.

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27/2/04