

Revision of Clauses 22.4.1 A1, A2, A3 and A4 and 22.4.3 A3, Draft HIPS 2013

Background

A project to determine the potential development 'value' of the permitted and discretionary building envelopes of the draft Hobart Interim Planning Scheme (HIPS 2014) has been completed by a consultant valuer. The permitted and discretionary 'value' of development under the HIPS 2014 has been compared to the current City of Hobart Planning Scheme (CHPS 1982) and the proposed City of Hobart Planning Scheme 2009 (draft CHPS 2009). A number of assessments of the permitted floor area potential under each of the three schemes were carried out with the intent of being used as supporting information for the brief to the valuer.

The assessments of floor area potential focussed on 6 different lots, or collection of lots in common ownership, all within the city block bounded by Elizabeth, Melville, Argyle and Bathurst Streets ('block 19').

The lots within this block that are mostly or entirely covered by a building proposed to be listed in the HIPS 2014 are assumed to have no additional development potential, given the buildings would be retained. As such, no assessments were done for those lots i.e. 141-143 Elizabeth Street, 135-137 Elizabeth Street, 133 Elizabeth Street, 119 Elizabeth Street, 115-115B Elizabeth Street, and 73 Bathurst Street.

The remaining lots were assessed against the height and setback acceptable solutions of the Central Business Zone (CBZ) in the HIPS 2014 to determine the 'permitted' building floor area, and the Amenity Building Envelope was considered to give an indication of the 'discretionary' building floor area (although there is further discretion to approve development outside of this envelope in certain circumstances). Similar assessments were conducted using the permitted and discretionary provisions of the existing CHPS 1982 and the draft CHPS 2009.

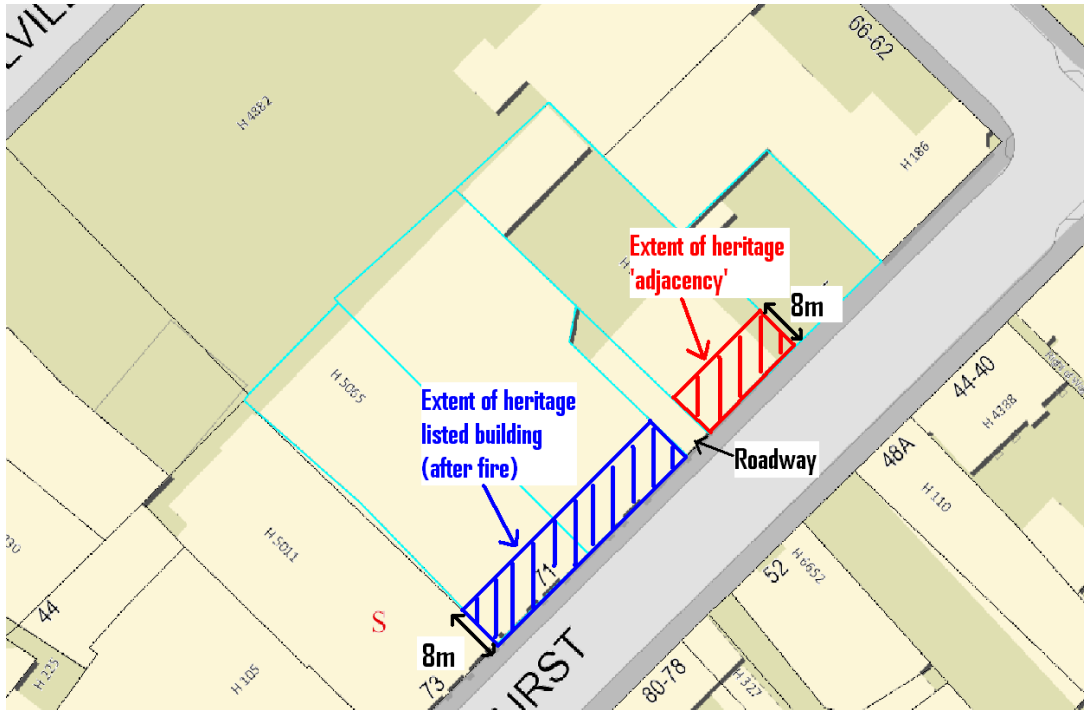
45-71 Bathurst Street provided an opportunity to consider the effectiveness of the CBZ provisions as a whole set because all of the proposed height standards applicable to the 'core area' of the zone (A1/P1, A3/P3 and A4/P4) applied when assessing the development potential of the property.

This property comprises 4 separate titles (plus one 'roadway' title) all in common ownership. This collection of lots represents perhaps the most complex scenario due to the fact that the site is both adjacent to a heritage listed building and contains a heritage listed building within the site itself (An approx. 8m deep frontage of the 'Bridges Brothers' building, the rear of which was destroyed in January 3013 by fire).

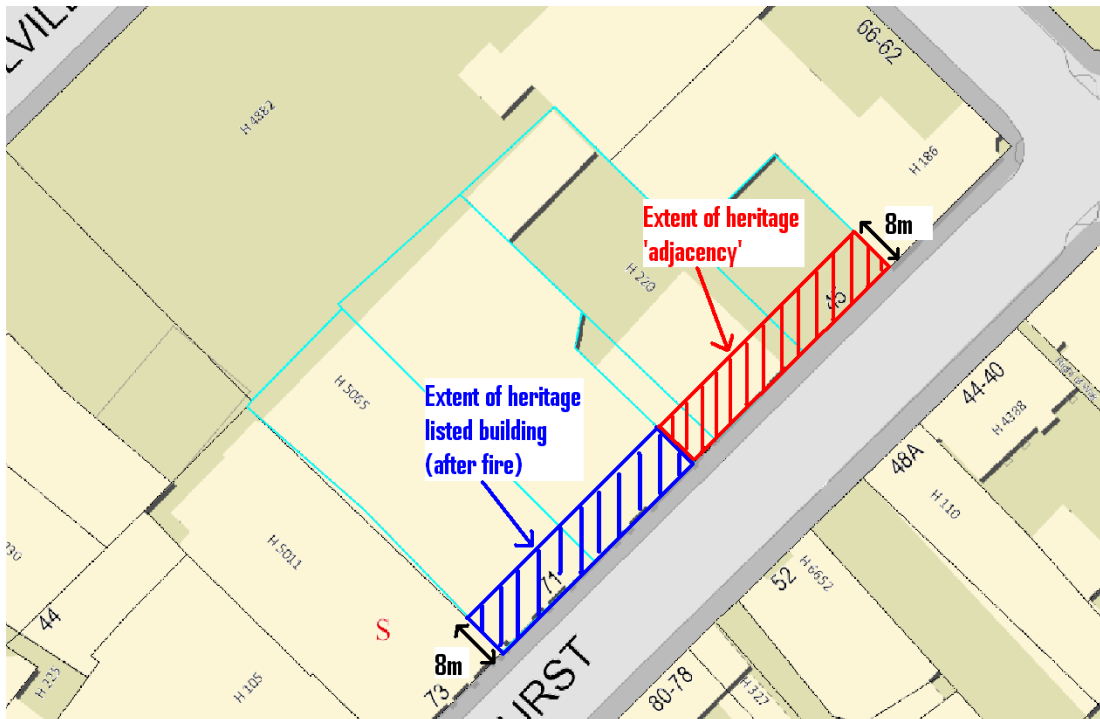
A number of different 'scenarios' were considered to determine how potential changes to some of the height clauses (A3/P3 and A4/P4 in the original version of the draft) would affect interpretation. The scenarios considered were:

In relation to heritage 'adjacency' provision A4/P4 (now proposed to be A5/P5 due to renumbering of height provisions in the Central Business Zone).

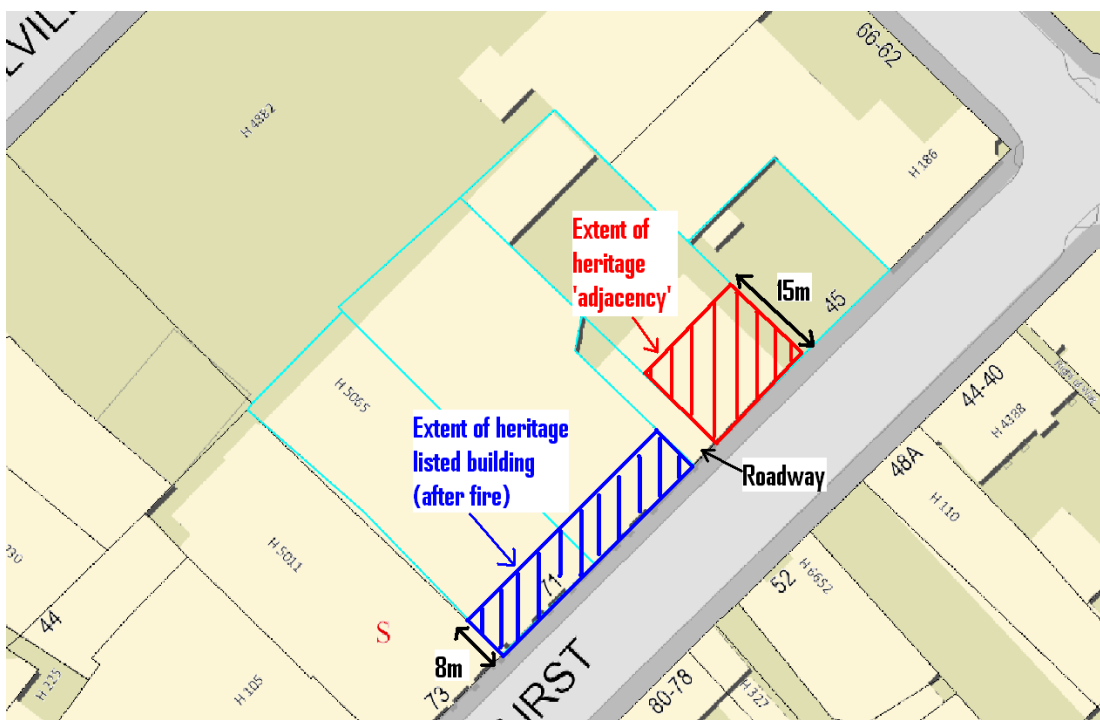
- Heritage adjacency provision covering the whole area forward of the rear building line of the adjacent heritage building (as shown below). This scenario reflects how the provision would be interpreted as originally drafted for the consultation version of the HIPS 2013.



- Heritage adjacency provision covering the whole area forward of the rear building line of the adjacent heritage building, and all lots amalgamated (as shown below). This scenario reflects how the provision would be interpreted as originally drafted for the consultation version of the HIPS 2013, IF the lots were all to be amalgamated.

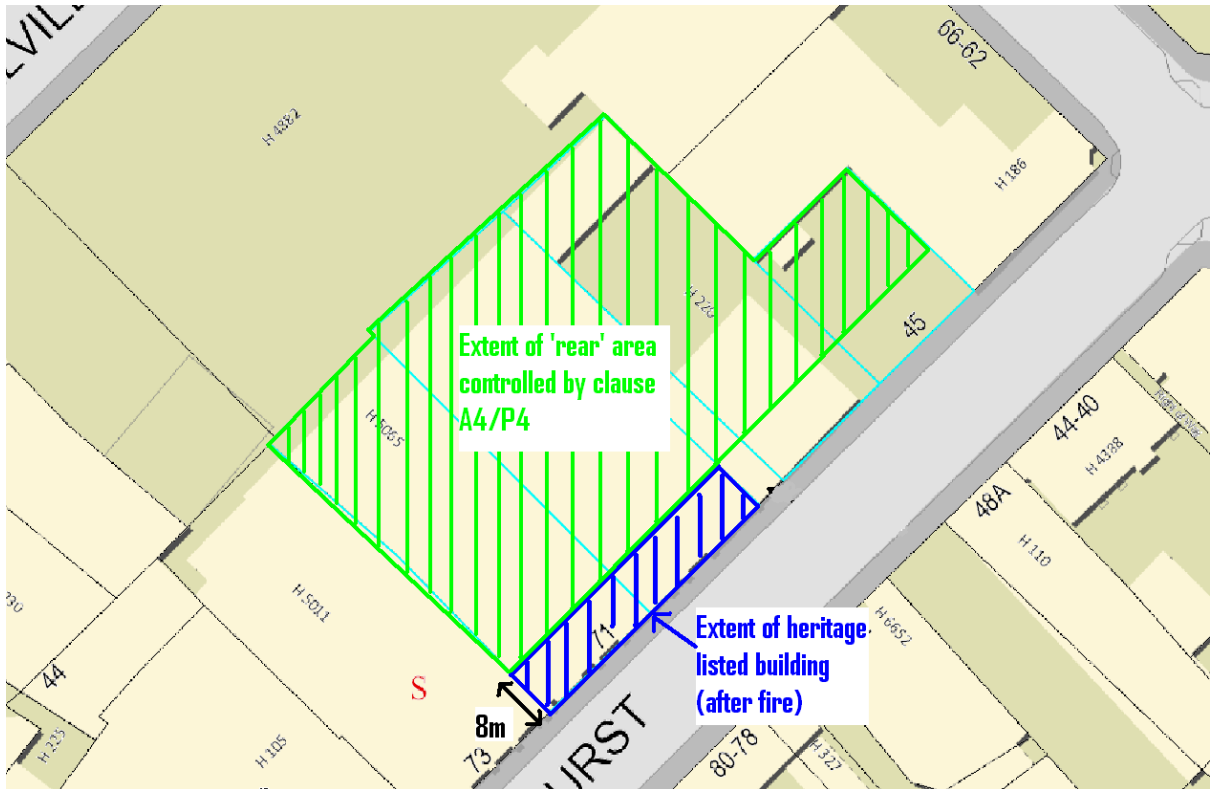


- Heritage adjacency provision covering the first 15m from the frontage (as shown below). This scenario reflects a preferred interpretation that addresses the first 15m of a site adjacent to a heritage building (refer to discussion below under 'Provisions for height adjacent to a heritage building').



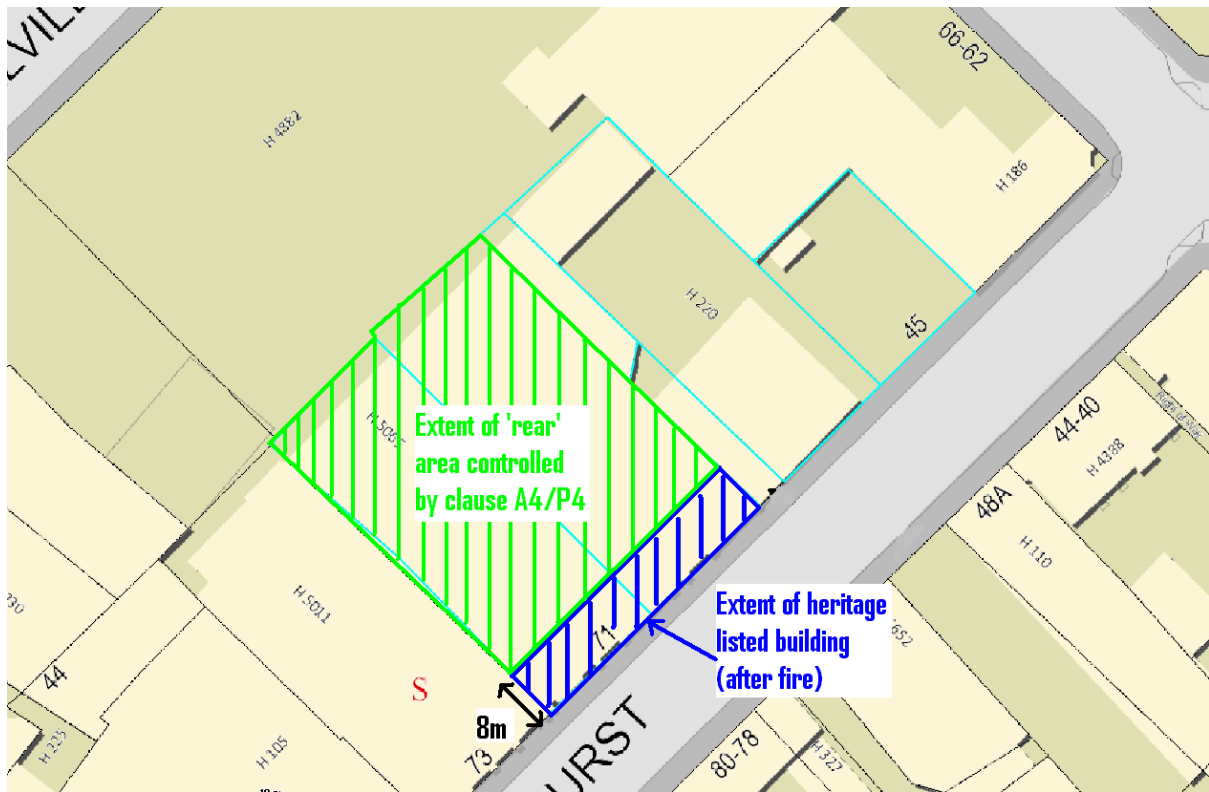
In relation to heritage rear area provision A3/P3 (now proposed to be A4/P4 due to renumbering of height provisions in the Central Business Zone):

- Development to the rear of a heritage building provision relating to **all** of the area behind the heritage building, with all titles amalgamated (as shown below). This scenario reflects how the provision would be interpreted as originally drafted for the consultation version of the HIPS 2013, IF the lots were all to be amalgamated.



Note: If the lots were not amalgamated in this instance, the extent of the area to which A4/P4 apply would be limited to the two lots containing the heritage building.

- Rear of a heritage building provision relating to only the area **directly** behind the heritage building, with all titles amalgamated (as shown below). This scenario reflects a preferred interpretation that addresses only the area directly behind a heritage building (refer to discussion below under ‘provisions for height and setback behind a heritage building’), IF all lots were amalgamated.



Note: there would be no difference in outcome if the titles were not amalgamated in this scenario.

As each of the proposed height clauses under 22.4.1 (excluding the provision relating to height in the Central Business Fringe Area) apply to the assessments of 45-71 Bathurst Street to varying degrees, it is considered that analysing the above scenarios is a good way to determine how easy to interpret and effective the height provisions may be. This discussion paper considers the potential problems with each of the clauses as originally drafted in the draft HIPS available for public consultation in June 2013, and potential options to overcome these issues.

Potential changes to the local provisions 22.4.1 A2 and 22.4.3 A3 (which were not considered in the assessments for 45-71 Bathurst Street) are also identified and considered.

Each of the standards are considered separately below:

Provisions for height in the Central Business Core Area:

Proposed clauses 22.4.1 A1 and P1 set out the height standards for development in the Central Business Core area.

The acceptable solution A1 is considered to be clear, and there were no interpretation issues found when applying the provisions to any of the development sites within the block.

As part of the informal consultation process on the draft scheme, however, Council's Development Appraisal Planners commented that the performance criterion (P1) "should be more robust to enable consistency with the acceptable solution (factors that decide an acceptable solution should also apply to a performance standard)", meaning each element of a PC has to relate directly to what the AS is trying to achieve.

Given the height and setback acceptable solution (AS) is intended to control the height and siting of development for sunlight, wind, streetscape and townscape reasons, and the performance criteria (PC) references these issues, it is considered that the PC does directly relate to the AS.

The Development Appraisal Planners also commented that the performance criteria should allow more flexible consideration of small extensions to buildings existing at the time the Scheme commences that are already outside the envelope. This could be accommodated by including an additional subclause in acceptable solution A1 dealing with specific extensions to existing buildings that exceed the Amenity Building Envelope.

As there is no definition of 'minor protrusions' in the scheme, another logical change is to include a qualification in Figure 22.3 (which illustrates the building envelope) that minor protrusions are exempted. As such, Figure 22.3 should include the words: 'The Amenity Building Envelope excludes minor protrusions such as eaves, steps, porches, awnings, chimneys, flues, pipes, aerials, antennae, vents, fuel or water tanks, heating or cooling equipment, that extend no more than 0.5m from the envelope'.

The Acceptable Solution A1 could be improved by the term 'development' being replaced with the term 'building height', as there is a definition for 'building height' in the template that excludes certain minor protrusions. Some minor wording changes can also be made to simplify the clause, and an additional subclause should be added to exempt specific small extensions to existing buildings from having to meet the height requirements.

In addition, a number of improvements can be made to the structure and content of the performance criterion P1 to aid interpretation.

The new Clause A1/P1 should read as follows (changes in red):

A1

~~Development~~ **Building height** within the Central Business Core Area in Figure 22.2 must be no more than:

- a) 15m ~~in height if on~~, or within 15m of, ~~the front boundary of the site on a~~ south-west or south-east facing frontages;

- b) 20m ~~in height~~ on, or within 15m of, ~~the front boundary of the site on~~ a north-west or north-east facing frontages;
- c) 30m ~~in height~~ if set back more than 15m from ~~a the frontage boundary of the site;~~

Unless an extension to an existing building that:

- i) is necessary solely to provide access, toilets, or other facilities for people with disabilities;
- ii) is necessary to provide facilities required by other legislation or regulation

P1

Development:

- (a) contained within the Amenity Building Envelope illustrated in Figure 22.3 must demonstrate through siting, bulk and design that it does not significantly adversely impact on the streetscape and townscape values of the surrounding area;
- (b) outside the Amenity Building Envelope illustrated in Figure 22.3 must only be approved if:
 - i) it provides overriding benefits in terms of economic activity and civic amenities, unless an extension to an existing building that already exceeds the Amenity Building Envelope; and
 - ii) the siting, bulk and design does not significantly negatively impact on the streetscape and townscape of the surrounding area; and
 - iii) the design demonstrates that it will minimise unacceptable wind conditions in adjacent streets; and
 - iv) for city blocks with frontage to a Solar Penetration Priority Street in Figure 22.2; the overshadowing of the public footpath on the opposite side of the Solar Penetration Priority Street is not increased between the hours of 11am and 3pm at the spring or autumn equinox compared with the existing situation.

~~P1~~

~~Development must be contained within the Amenity Building Envelope illustrated in Figure 22.3 (excluding minor protrusions), unless:~~

- ~~a) for blocks with frontage to a Solar Penetration Priority Street in Figure 22.2 it can be demonstrated that:~~
 - ~~i) the overshadowing of the public footpath on the opposite side of the Solar Penetration Priority Street is not increased between the hours of 11am and 3pm at the spring or autumn equinox compared to the existing situation;~~
 - ~~ii) the development provides overriding benefits in terms of economic activity, streetscape, townscape and civic amenities;~~

- b) ~~for blocks that do not have frontage to a Solar Penetration Priority Street in Figure 22.2 the siting, bulk and design of the development provides overriding benefits in terms of economic activity, streetscape, townscape and civic amenities;~~

~~and~~

- c) ~~the design demonstrates that it will minimise unacceptable wind conditions in adjacent streets.~~

Provisions for height in the Central Business Fringe Area:

The AS and PC relating to height in the Central Business Fringe area were originally notated as 22.4.1 A2 and P2 in the draft HIPS advertised for public comment in June 2013. However, in the most recent version of the HIPS 2014, the clauses will need to be renumbered to 22.4.1 A3/P3, as there is a regional mandatory clause relating to building height within 10m of a residential zone that is designated 'A2/P2'. As such, these clauses will be known in this document as A3 and P3.

While the provisions of the original A3 and P3 (as drafted in the draft HIPS available for public consultation in June 2013) were not 'tested' in the assessments (as block 19 is not within the Central Business Fringe Area), the performance criteria require amending in line with the changes made to A1/P1. As such, the provisions are altered to read:

~~A2~~ A3

~~Development~~ Building height within the Central Business Fringe Area in Figure 22.2 must be no more than:

- a) 11.5m ~~high~~ and a maximum of 3 storeys; or
- b) 15m ~~high~~ and a maximum of 4 storeys, if the development provides at least 50% of the floor space above ground ~~floor~~ level for residential use.

~~unless an extension to an existing building that:~~

- i) ~~is necessary solely to provide access, toilets, or other facilities for people with disabilities;~~
- ii) ~~is necessary to provide facilities required by other legislation or regulation~~

~~P2~~ P3

- (a) ~~The siting, bulk and design of development must respect the transition between the core area of the Central Business Zone and adjacent zones and must not have a materially adverse impact on the streetscape and townscape of the surrounding area;~~
- (b) ~~Development outside the Amenity Building Envelope illustrated in Figure 22.3 must only be approved if:~~

- i) it provides overriding benefits in terms of economic activity and civic amenities, unless an extension to an existing building that already exceeds the Amenity Building Envelope; and
- ii) the design demonstrates that it will minimise unacceptable wind conditions in adjacent streets; and
- iii) overshadowing of the public footpath on the opposite side of the street is not unreasonable.

P2

Development must:

- ~~(a) respect the transition between the core area of the Central Business Zone and adjacent zones in terms of siting, bulk and design; and~~
- ~~(b) not exceed the Amenity Building Envelope illustrated in Figure 22.3 (excluding minor protrusions), unless the siting, bulk and design of the development provides overriding benefits in terms of economic activity, streetscape, townscape and civic amenities; and~~
- ~~(c) demonstrate that the building design will minimise unacceptable wind conditions in adjacent streets.~~

Provisions for height and setback behind a heritage building:

The AS and PC relating to height and setback behind a heritage building were originally notated as 22.4.1 A3 and P3 in the draft HIPS advertised for public comment in June 2013. However, in the most recent version of the HIPS 2014, the clauses will need to be renumbered to 22.4.1 A4/P4, due to the renumbering of previous clauses. As such, these clauses will be known in this document as A4 and P4.

The provisions set out requirements for development height on the same site as and directly behind a building or buildings affording a lot(s) within a heritage listed place.

When assessing the development scenarios for Street Block 19, Clause A4 (as drafted in the version of the HIPS for public consultation in June 2013) proved to be simple to interpret for development to the rear of a heritage listed building that takes up the entire length of a frontage.

Where the listed building does not occupy the entire width of the frontage, however, the interpretation of the clause becomes more difficult. In particular, it is not specified whether only development directly behind the listed building is relevant, or whether any development on the site that is technically behind the rear building line of the listed building has to be considered under the provisions of A4.

This issue is particularly notable, for example, in the hypothetical scenario where all titles within 45-73 Bathurst Street are amalgamated. This produces a significant area that is technically 'behind' the rear building line of the heritage listed building, but is not *directly* behind the building.

This issue means that the more lot amalgamation that occurs, the farther the area of discretion extends. This is not a desirable outcome.

Requiring development that is significantly spatially removed from the building (to one side as well as to the rear) is not the intent of the clause. The clause is primarily intended to address the impact of new development on a heritage place as viewed from the street, specifically the height and separation of development directly to the rear of a heritage listed building. Development diagonally behind a heritage building is not of such immediate concern, and could be acceptably controlled by the general height provisions of A1/P1.

As such, it is possible to restrict the area of consideration of the acceptable solution to only the area immediately behind the heritage building. This would prevent any unintended negative effect of lot amalgamation in respect of development potential. However, a potential issue arises where a heritage building takes up most (but not all) of a frontage. If the clause applies only to the area directly behind a building, there will be small strips either side that follow an entirely different envelope (controlled by clause A1). A way to overcome this issue would be to define a distance to either side of the building that is captured by the provision. It is very difficult to determine an arbitrary figure for this, however, and it would also be very difficult to describe succinctly in an acceptable solution.

The best solution, it seems, is to refer to a setback for new development from the heritage *place* rather than just the principal heritage building. The 'place' is defined by the whole area to which the heritage discretion applies. In most cases, this area is the entire lot. However, 13 instances in the Central Business Zone have been identified where a specific heritage 'place' is defined that is not the entire lot, represented by a diagram and referred to in the 'specific extent' column of Table E13.1 – Heritage Places. These diagrams represent lots that contain a heritage place, but also contain an area that is not of heritage interest, and could be developed without need for general assessment against the Heritage Code. [This has been done as a discrete exercise, with a view to providing greater certainty in respect to heritage considerations in the assessment of development proposals in a Zone with higher density development and development standards than anywhere else in the City of Hobart].

In almost all of these cases, the 'place' occupies the entire width of the frontage and the extent of the 'place' ends at the rear building line of the significant feature. In the 3 (three) instances where this is not the case it is because the heritage place is a structure, such as a wall or pillar.

Considering these issues, referring to development directly behind a listed 'place' would result in a more logical outcome than trying to refer to the principal heritage 'building', particularly if there is more than one on the site or the building does not occupy the entire width of the frontage.

An additional consideration is that allowing for permitted development behind a heritage building, but still within the boundaries of a heritage 'place', may result in the unintentional consequence of allowing removal of significant elements of a site that are not necessarily part of the main building.

As such, it is more appropriate to allow for permitted development on the same site as a heritage building only in the few instances where the site has been assessed and it has been determined that there is a developable area that has no heritage significance.

There are no cases (except where the item of heritage significance is a wall or pillar) where the boundaries of a heritage place do not encompass the area to the front of a heritage building, and as such inappropriate development to the front of a heritage building is controlled.

The acceptable solution and performance criterion should be amended as follows:

A3 A4

~~Building height of development on the same site as a place listed in the Historic Heritage Code and directly behind that place, and behind the rear building line of a heritage building, and within ...m of any side of a building within a place and on the same site as, a building listed in the Historic Heritage Code~~ must:

- a) not exceed 2 storeys or 7.5m higher (whichever is the lesser) than the ~~the~~ building height of ~~the~~ any heritage building within the place, and be set back between 5m and 10m from ~~the the rear building line of that building place~~ (refer figures 22.4 i and 22.4 ii); and
 - b) not exceed 4 storeys or 15m higher (whichever is the lesser) than the ~~the~~ building height of ~~the~~ any heritage building within the place, and be set back more than 10m from the ~~rear building line of that building place~~ (refer figures 22.4 i and 22.4 ii);
- or
- c) comply with the building height in Clauses 22.4.1 A1 and A2;
- whichever is the lesser

P3 P4

~~Development behind the rear building line of, and on the same site as, a building on the same site as a place listed in the Historic Heritage Code and directly behind that place listed in the Historic Heritage Code~~ must:

- (a) be designed, sited, arranged, finished, constructed or carried out so as to not unreasonably detract from those characteristics of the ~~building place~~ which contribute to its historic cultural heritage significance; and
- (b) for ~~city blocks with frontage to a site fronting~~ a Solar Priority Street in Figure 22.2, not exceed the Amenity Building Envelope illustrated in Figure 22.3, ~~(excluding minor protrusions)~~, unless it can be demonstrated that the overshadowing of the public footpath on the opposite side of the street is not increased between the hours of 11am and 3pm at the spring or autumn equinox compared to the existing situation.

It is important to note that this clause will only apply to a limited number of properties, where the defined heritage 'place' does not occupy the entire site. If sites are amalgamated in the future, however, this clause may apply to the newly created lot if it includes a heritage place adhered to a non-heritage listed parcel of land.

While it may be superfluous to state that development must meet both clause A4 and also clause A1, it is considered that mentioning the more general height clause A1 clarifies the issue and also reminds prospective applicants that A1 still applies even where A4 also applies.

Provisions for height adjacent to a heritage building:

The AS and PC relating to height adjacent to a heritage building were originally notated as 22.4.1 A4 and P4 in the draft HIPS advertised for public comment in June 2013. However, in the most recent version of the HIPS 2014, the clauses will need to be renumbered to 22.4.1 A5/P5, due to the renumbering of previous clauses. As such, these clauses will be known in this document as A5 and P5.

The diagrams relating to this clause will also need to be amended to reflect the change in numbering.

It is evident from the assessments of 45-71 Bathurst Street that referencing the rear building line of the heritage building is potentially problematic. In some cases the heritage building is very deep (e.g. Bathurst street), and the entire area of the adjoining lot is therefore 'adjacent'. In other cases (e.g. Elizabeth street), the rear of a property is technically 'adjacent' to the heritage building, but the front of the lot is not (due to a 'dog leg' lot shape).

The clause is intended to ensure that new buildings next to heritage listed buildings do not overwhelm the facade of the heritage building at the street level. Capturing the rear area of a lot is not the primary intent of the clause, and as such, it seems a more logical approach to address only the area within a specified distance from the frontage of a development site.

A distance of 15m from a frontage seems to be a logical figure to use. Other height clauses (e.g. 22.4.1 A1 and the discretionary Amenity Building Envelope) reference the lowest 'step' of development being within 15m of the frontage. This is partly to do with creating an angle that allows solar access, but also partly to do with the common pattern of heritage buildings being approximately 15m in depth from the frontage. As such, it is considered an appropriate distance within which to control heritage 'adjacency'.

Specifying a distance from the frontage would make the AS and PC simpler, easier to interpret, and less prone to legal challenge. For example, there may be difficulty in clearly determining the rear building line of a heritage building prior to submission of a development application if it is not immediately clear where the heritage significance of a building ends (excluding later additions).

Another issue that has arisen is that, as worded at the time of public consultation in June 2013, A5 allows for very small lots (including lots designated as roadways or rights of way) to separate a development site from a heritage place, and remove the requirement for heritage adjacency

consideration. An example of this was noted in the assessment of 45-71 Bathurst Street, where a lot with a separate title is designated specifically as a 'roadway' and used for access only. The lot is approximately 4.4m in width.

An assessment of a number of randomly selected properties in the Central Business Zone indicates that the frontages of properties range from approximately 4m to approximately 50m. Very small lots should not alone be sufficient to 'separate' a development from a heritage listed building, particularly where they are designated for the purpose of vehicular access. It is considered that lots less than 5m should be excluded from being able to 'separate' a development site from a heritage listed place.

The reference to heritage 'buildings' is replaced with reference to heritage 'places' in some instances, as this is more consistent with the Historic Heritage Code. Development that is within the boundaries of a heritage 'place' will still have to comply with the Code, regardless of whether it meets the 'acceptable' separation requirements from the heritage building itself.

The acceptable solution refers to the 'facade of heritage buildings', so if a heritage place does not contain any buildings with a facade (for example the rivulet, or a site that is listed only because it contains heritage pillars), then the adjacent new development would not be discretionary under this clause. The AS is worded to ensure that only facades 'on the same street frontage' are considered in order to remove confusion in instances where a heritage place contains multiple buildings of significance.

As such, the clause is altered as follows:

A4 A5

~~Building height of development Development constructed forward of the rear building line of a building or structure listed in the Historic Heritage Code within 15m of a frontage and not separated from that heritage building a place listed in the Historic Heritage Code by another any other building, full lot (excluding right of ways and lots less than 5m width) or road (refer figure 22.5 i) street, must:~~

- ~~a) Not be located directly between the heritage building or structure and the a street; and must:~~
- a) Not exceed 1 storey or 4m (whichever is the lesser) higher than the facade building height of a heritage building on the same street frontage ~~or structure~~ (refer figure 22.5 ii); and
 - b) Not exceed the ~~height of the facade building height of the~~ higher heritage building on the same street frontage ~~or structure~~ if the development is between two heritage ~~buildings~~ places (refer figure 22.5 ii);
- Or
- c) Comply with the building height in Clauses 22.4.1 A1 and A2; Whichever is the lesser ~~(refer Figures 22.4 i and 22.4 ii).~~

P4 P5

~~The height of development constructed forward of the rear building line of a building or structure listed in the Historic Heritage Code Building height within 15m of a frontage and not separated from a place listed in the Historic Heritage Code that heritage building by any other another building, full lot (excluding right of ways and lots less than 5m width) or road street, must:~~

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- a) ~~not unreasonably dominate existing buildings of cultural heritage significance the existing building or structure;~~ and
- b) ~~not unreasonably detract have a materially adverse impact on~~ the historic cultural heritage significance of the ~~Heritage Place existing building or structure;~~ and
- c) for a site fronting city blocks with frontage to a Solar Priority Street in Figure 22.2, not exceed the Amenity Building Envelope illustrated in Figure 22.3 (excluding minor protrusions), unless it can be demonstrated that the overshadowing of the public footpath on the opposite side of the street is not increased between the hours of 11am and 3pm at the spring or autumn equinox compared with the existing situation.

Clause 22.4.3 A3/P3

The proposed clauses A3 and P3 under the 'Design' standards set out provisions for facade design requirements for development adjacent to a heritage listed place.

This clause has been introduced to allow for some consideration of the design of building facades that are located directly adjacent to heritage listed building frontages. It is very difficult to define design features in an acceptable solution, particularly given that in the case of heritage buildings, the appropriateness of new development relies on how it relates to the existing heritage building. This is obviously a case-by-case situation.

The originally drafted A3, in the draft HIPS available for public comment in June 2013, states that development adjacent to a heritage facade must:

- (a) *have the outward expression of floor levels in horizontal alignment with the floor levels of the adjacent heritage building*

Council's Cultural Heritage Officers have suggested the following acceptable solution to replace the current A3 (a):

- (a) *Have articulated outward expression of horizontal and vertical fenestration patterns to align with the adjacent heritage buildings.*

However, it is considered that this option is too subjective for an acceptable solution.

It is the opinion of the Cultural Heritage Officers that the horizontal alignment of floor areas (as per the originally drafted A3) is in fact not an important design element for heritage adjacent buildings, but rather it is important that new buildings have articulation through setbacks and protruding

elements or design features that avoid a flat facade appearance, and that vertical and horizontal lines are present in the facade. A new acceptable solution (see below) has been drafted to attempt to address these issues in a way that is objective as possible. It may be argued that the AS is still too subjective, however it is drafted so that it can be easily determined whether the elements are present or absent.

The subclause relating to awnings is altered so that sloping streets are taken into consideration, by requiring awnings be the same height from street level as the adjacent heritage building, rather than being in alignment with them.

The existing proposed acceptable solution could be amended as follows:

A3

The facade of buildings constructed ~~forward of the rear building line of a building listed in the Historic Heritage Code~~ within 15m of a frontage and not separated from a place listed in the Historic Heritage Code ~~that heritage building~~ by ~~any other~~ another building, full lot (excluding right of ways and lots less than 5m width) or ~~street~~ road (refer figure 22.5 i), must:

- a) Include building articulation to avoid a flat facade appearance through evident horizontal and vertical lines achieved by setbacks, fenestration alignment, design elements, or the outward expression of floor levels; and

~~have the outward expression of floor levels in horizontal alignment with the floor levels of the adjacent heritage building; and~~
- b) have any proposed awnings ~~in alignment with the same height from street level as~~ any awnings of the adjacent heritage building.

P3

The facade of buildings constructed ~~within 15m of a frontage forward of the rear building line of a building listed in the Historic Heritage Code~~ and not separated from a place listed in the Historic Heritage Code ~~that heritage building~~ by ~~any other~~ another building, full lot (excluding right of ways and lots less than 5m width) or ~~street~~ road (refer figure 22.5 i), must:

- a) be of a design sympathetic to the elevational treatment and materials of the existing ~~heritage building or structure~~; and
- b) not unreasonably detract from the historic cultural heritage significance of the existing ~~heritage building place~~.

Conclusions

Completing a number of example assessments of existing lots in the Central Business Zone, using the draft Central Business Zone height provisions as included in the public consultation version of the draft Hobart Interim Planning Scheme 2013, has enabled closer scrutiny regarding the effectiveness of the provisions.

It has been determined that a number of changes are necessary to the provisions in order to ensure they are easy to interpret, as simple as possible, and effective in achieving the desired outcomes.