

**REPORT TITLE: HOBART INTERIM PLANNING SCHEME 2015 -
CENTRAL BUSINESS ZONE - HEIGHT STANDARDS
REVIEW - PROPOSED AMENDMENT PSA-3-2017**

REPORT PROVIDED BY: Manager Planning Policy and Heritage

1. Report Purpose and Community Benefit

- 1.1. This report presents the outcomes of Central Business Zone Height Standards – Performance Criteria Review report (Leigh Woolley 2016) (**Attachment A**) and proposes amendments to the Hobart Interim Planning Scheme 2015 (HIPS 2015) clauses 22.1.3 Desired Future Character Statements and 22.4.1 Building Height in the Central Business Zone as recommended in the review report.
- 1.2. The proposal benefits the community by helping to ensure that development in the Central Business Zone makes a positive contribution to the streetscape and townscape values and meets community expectations.

2. Report Summary

- 2.1. The current development standards for buildings in the Central Business Zone in the HIPS2015 were formulated after a detailed review and analysis of land use and development patterns in the central city area. The development standards address building height, setbacks, design, passive surveillance, outdoor storage and pedestrian links.
- 2.2. The building height standards in the Central Business Zone include an 'Amenity Building Envelope' which has been developed with regard to heritage, streetscape and sense of scale, wind effects and solar penetration.
- 2.3. Since the introduction of the HIPS2015 in May 2015, one significant development application has been submitted for a building outside the Amenity Building Envelope (28-32 Elizabeth St. - Palace Hotel). The assessment of that proposal identified limitations in the use of performance criteria P1(b)(ii) and concerns were expressed that this criteria may not provide sufficient guidance to ensure that impacts on streetscape, townscape and heritage values are acceptable.
- 2.4. At its meeting on 25 July 2016, Council endorsed a project brief (**Attachment B**) for the engagement of a consultant to undertake a review of the performance criteria and related objectives used in the height standards in the Central Business Zone in the HIPS2015. Mr Leigh Woolley – architect and urban design consultant was subsequently commissioned to undertake the review.
- 2.5. The Woolley (2016) report has identified key townscape and streetscape values that require consideration when development does

not meet the height acceptable solutions. These are based on well considered and illustrated townscape principles.

- 2.6. The report recommends that the key values that should be considered when assessing buildings outside the Amenity Building Envelope include: townscape elements - location, containment, enclosure, connectivity, permeability, intensity, views and streetscape elements - rhythm, permeability, protection and enclosure.
- 2.7. These townscape and streetscape elements are articulated in a proposed Statement of Desired Future Character and new performance criteria in clause 22.4.1 (**Attachment C**) that would be considered in relation to development proposed outside of the Amenity Building Envelope.
- 2.8. It is proposed that the outcomes of Central Business Zone Height Standards – Performance Criteria Review report (Woolley 2016) be endorsed and the amendments to the HIPS 2015 clauses 22.1.3 Desired Future Character Statements and 22.4.1 Building Height in the Central Business Zone as outlined in Attachment C be initiated.

3. Recommendation

That:

1. ***The outcomes of Central Business Zone Height Standards – Performance Criteria Review report (Woolley 2016) be endorsed.***
2. ***Pursuant to Section 34(1) (b) of the former provisions of the Land Use Planning and Approvals Act 1993, the Council resolve to initiate the amendments provided in Attachment C to the Hobart Interim Planning Scheme 2015.***
3. ***Pursuant to Section 35 of the former provisions of the Land Use Planning and Approvals Act 1993, the Council certify that the PSA-3-2017 Amendment to the Hobart Interim Planning Scheme 2015 meets the requirements of Section 32 of the former provisions of the Land Use Planning and Approvals Act 1993 and authorise the General Manager and the Deputy General Manager to sign the Instrument of Certification (Attachment D).***
4. ***Pursuant to Section 38 of the former provisions of the Land Use Planning and Approvals Act 1993, the Council place the PSA-3-2017 Amendment to the Hobart Interim Planning Scheme 2015 on public exhibition for a 28 day period following certification.***
5. ***A public forum to explain the proposed amendments and the results of the Woolley (2016) report be held during the exhibition of the PSA-3-2017 Amendment to the Hobart Interim Planning Scheme 2015.***

- 6. A further report to Council be prepared addressing the additional analysis required in relation to a number of issues including the preparation of design guidelines, modelling of buildings in certain locations, development of spatial principles to inform appreciation of the 'urban amphitheatre', designation of additional view protection planes, height control planes and specification of maximum height limits.**

4. Background

- 4.1. The current development standards for buildings in the Central Business Zone in the HIPS2015 were formulated after a detailed review and analysis of land use and development patterns in the central city area. The development standards address building height, setbacks, design, passive surveillance, outdoor storage and pedestrian links.
- 4.2. The building height standards in the Central Business Zone include an 'Amenity Building Envelope' which has been developed with regard to heritage, streetscape and sense of scale, wind effects and solar penetration.
- 4.3. The performance criteria in clause 22.4.1 P1(b) provides that development outside the Amenity Building Envelope must only be approved if:
- 4.3.1. (i) *it provides significant benefits in terms of civic amenities such as public space, pedestrian links, public art or public toilets, unless an extension to an existing building that already exceeds the Amenity Building Envelope; and*
 - 4.3.2. (ii) *the siting, bulk and design does not significantly negatively impact on the streetscape and townscape of the surrounding area; and*
 - 4.3.3. (iii) *the design demonstrates that it will minimise unacceptable wind conditions in adjacent streets; and*
 - 4.3.4. (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 does not unreasonably impact on pedestrian amenity.*
- 4.4. Additional standards in clause 22.4.1 A4/P4 and A5/P5 and in the Historic Heritage Code (E13.0) apply to development on or adjacent to heritage listed places.
- 4.5. Since the introduction of the HIPS2015 in May 2015, one significant development application has been submitted for a building outside the

Amenity Building Envelope (28-32 Elizabeth St. - Palace Hotel). The assessment of that proposal identified limitations in the use of performance criteria P1(b)(ii) and concerns were expressed that this criteria may not provide sufficient guidance to ensure that impacts on streetscape, townscape and heritage values are acceptable.

- 4.6. At its meeting on 25 July 2016, the Council endorsed a project brief (**Attachment B**) for the engagement of a consultant to undertake a review of the performance criteria and related objectives used in the height standards in the Central Business Zone in the HIPS2015. Mr Leigh Woolley – architect and urban design consultant was subsequently commissioned to undertake the review.
- 4.7. The objectives of the project brief were:
 - 4.7.1. To assess whether or not the performance criteria P1(b)(ii) in clause 22.4.1 provides sufficient guidance for assessing applications for development outside of the Amenity Building Envelope to ensure that impacts on streetscape and townscape values in the Central Business Zone are acceptable.
 - 4.7.2. To draft appropriate amendments to the objective and performance criteria in clause 22.4.1 P1(b) and draft 'desired future character' statements if it is concluded that the current criteria do not provide sufficient guidance to ensure that impacts on streetscape and townscape values are acceptable.
 - 4.7.3. To identify issues related to townscape considerations relevant to the translation of the HIPS2015 and the Sullivans Cove Planning Scheme 1997 into the Hobart Local Provisions Schedule of the Tasmanian Planning Scheme.
 - 4.7.4. Review the building height standards in the Commercial Zone (clause 23.4.1) and evaluate whether or not they will ensure that building height contributes positively to the streetscape and will not adversely impact on the townscape in the central business area.

5. Proposal and Implementation

- 5.1. It is proposed that the outcomes of Central Business Zone Height Standards – Performance Criteria Review report (Woolley 2016) be endorsed and the amendments to the HIPS 2015 clauses 22.1.3 Desired Future Character Statements and 22.4.1 Building Height in the Central Business Zone as outlined in Attachment C be initiated.

Central Business Zone Height Standards – Performance Criteria Review (Woolley 2016)

- 5.2. The Woolley (2016) report has identified key townscape and streetscape values that require consideration when development does

not meet the height acceptable solutions. These are based on well considered and illustrated townscape principles.

- 5.3. The report considers the landform of the city centre and its influence on urban form, before identifying townscape and streetscape values in response to the central Hobart setting. Analysis of the location of the Central Business Zone within the landscape of the city and its influence on townscape values underpins these considerations.
- 5.4. The identification of townscape principles involved assessment of:
 - 5.4.1. The exterior view – the city centre within the municipal and regional setting including urban vistas from key locations in the region;
 - 5.4.2. The interior view – the city centre from within the urban blocks in the context of established urban design principles; rhythm, enclosure, protection, permeability and intensity; and
 - 5.4.3. Connectivity – view lines and view protection planes from the Cenotaph, Civic Square and Hunter Island.
- 5.5. The report recommends that the key values that should be considered when assessing buildings outside the Amenity Building Envelope include: townscape elements - location, containment, enclosure, connectivity, permeability, intensity, views and streetscape elements - rhythm, permeability, protection and enclosure.
- 5.6. These townscape and streetscape elements are articulated in a proposed Statement of Desired Future Character and new performance criteria in clause 22.4.1 (**Attachment C**) that would be considered in relation to development proposed outside of the Amenity Building Envelope.
- 5.7. The report also recommends that the performance criteria in clause 22.4.1 make more positive statements rather than using phrases such as: 'does not significantly negatively impact' as this assumes some degree of negative impact.
- 5.8. The report does identify an 'area of built intensity' where higher buildings may be appropriate subject to meeting the relevant streetscape, townscape and amenity considerations. This is a pear shaped area extending from Macquarie Street to Melville Street as illustrated below. Reference is made to this area in the proposed Statement of Desired Future Character, it has however been refined to refer to the area bounded by Murray, Macquarie, Argyle and Melville Streets to assist in implementation as the 'pear' shape cuts through lots and city blocks.

Diagrammatic focus/ location of potential area of built intensity : 'in the basin', 'behind the ridge'.



- 5.9. The report notes that while the scale, form and height within the potential zone of increased built density will be an outcome of the principles, to ameliorate individual prominence a maximum height datum of 75m is suggested. Further modelling of proposed development intensity in this location is however recommended before a definitive position is reached on the appropriate maximum height.
- 5.10. In relation to the townscape considerations relevant to the translation of the HIPS2015 and the Sullivans Cove Planning Scheme 1997 (SCPS) into the Hobart Local Provisions Schedule of the Tasmanian Planning Scheme, the report considers that it is desirable to continue the landscape and setting basis of the SCPS and to extend that approach into the city centre.
- 5.11. In relation to the building height standards in the Commercial Zone (CZ) (clause 23.4.1) the report recommends that the CZ should also be considered in the context of the central area landform and provide a transition in scale in support of the principal activity centre of the state and the height controls should not be relaxed.

- 5.12. The consultant has suggested that additional analysis is required in relation to a number of issues including the preparation of design guidelines, modelling of buildings in certain locations, development of spatial principles to inform appreciation of the 'urban amphitheatre', designation of additional view protection planes and height control planes. This work will be the subject of a further report to Council.

Urban Design Advisory Panel Consideration

- 5.13. The Urban Design Advisory Panel received a briefing on the report from Leigh Woolley at its meeting on 7 June 2017 and formed the following views:
- 5.13.1. The methodology and recommendations in the Woolley report are supported and endorsed.
- 5.13.2. The proposed amendments to clauses 22.1.3 and 22.4.1 outlined in Attachment A to the UDAP Agenda 7/06/17 are supported in principle and panel members indicated that they would forward any suggestions as to amendments.
- 5.13.3. The additional criteria in P1(b) should also be applied in P1(a).
- 5.13.4. That Council should seriously consider applying an absolute maximum upper height limit in the Central Business Zone and in adjacent zones to ensure that there is a transition in height from the CBD.
- 5.14. The suggestion that the additional criteria in P1(b) should also be considered in P1(a) is supported and has been included in the proposed amendments.
- 5.15. The suggestion that Council should seriously consider applying an absolute maximum upper height limit in the Central Business Zone and in adjacent zones is considered to have merit as it will provide greater certainty and direction. The consultant however is of the view that further modelling of proposed development height is required before a definitive position is reached on the appropriate maximum height.

Planning Scheme Amendments

- 5.16. The proposed planning scheme amendments based on the recommendations of the Woolley (2016) report are provided in context in Attachment C. The key amendments are outlined below:
- 5.17. **Clause 22.1.3** - a desired future character statement for the Central Business Zone based on the statement in Appendix 1 of the report is inserted. The statement is drafted in response to city centre development scales (regional, precinct and individual development) and is intended to accommodate development that does not meet the height acceptable solutions.

- 5.18. **Clause 22.4.1 Building Height Objective** – The objective of the building height standard is amended to specifically refer to townscape and view lines as a consideration.
- 5.19. **Clause 22.4.1 P1(a)** – This amendment requires development in the core area, within the amenity building envelope, to make a positive contribution to the streetscape and townscape values of the surrounding area having regard to the criteria in P1(b).
- 5.20. **Clause 22.4.1 P1(b)** – This amendment requires development in the core area, outside of the amenity building envelope to make a positive contribution to the streetscape and townscape values and identifies the townscape elements requiring consideration including the identified view lines and the desired future character statement in clause 22.3.1. A new subclause P1(b)(vii) is also inserted to allow consideration of the impacts of overshadowing of public open space.
- 5.21. **Clause 22.4.1 P3(a)** – This amendment requires development in the central business fringe area, within the amenity building envelope to make a positive contribution to the streetscape and townscape values of the surrounding area.
- 5.22. **Clause 22.4.1 P3(b)** – This amendment requires development in the central business fringe area, outside of the amenity building envelope to make a positive contribution to the streetscape and townscape values and identifies the townscape elements requiring consideration including the identified view lines and the desired future character statement in clause 22.3.1. The introductory paragraph is also amended to be consistent with 22.4.1(b) with the ‘overriding benefits in terms of economic activity’ criteria being replaced with ‘significant benefits in terms of civic amenities’.

6. Strategic Planning and Policy Considerations

- 6.1. The proposed planning scheme amendments will assist in the achievement of the strategic objectives of the Capital City Strategic Plan 2015-2025 particularly in relation to Goal 2 Urban Management - 2.3 "City and regional planning ensures quality design, meets community needs...."

7. Financial Implications

- 7.1. Funding Source and Impact on Current Year Operating Result
 - 7.1.1. Amendment fees provided in current budget.
- 7.2. Impact on Future Years' Financial Result
 - 7.2.1. None.
- 7.3. Asset Related Implications

7.3.1. None.

8. Legal, Risk and Legislative Considerations

- 8.1. The Land Use Planning and Approvals Act 1993 (LUPAA) requires that planning scheme amendments must seek to further the objectives of Schedule 1 of the Act and be prepared in accordance with State Policies.
- 8.2. The objectives of the Act require use and development to occur in a fair, orderly and sustainable manner and for the planning process to facilitate economic development in accordance with the other Schedule 1 objectives.
- 8.3. It is considered that the proposed amendment meets the objectives of LUPAA, in particular it:
 - 8.3.1. Assists sound strategic planning by assisting in the achievement of the relevant Zone Objectives and the Southern Tasmania Regional Land Use Strategy (STRLUS) policies;
 - 8.3.2. Is consistent with the objective to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;
 - 8.3.3. Assists in the provision of a pleasant living and working environment by protecting key townscape and streetscape values; and
 - 8.3.4. Assists in the conservation of places of special cultural value by helping to protect key townscape and streetscape values.
- 8.4. The amendment does not conflict with the State Policies - Coastal, Agricultural Land and Water Quality.
- 8.5. S32(e) of the former provisions of LUPAA requires that planning scheme amendments must avoid the potential for land use conflicts in adjacent planning scheme areas. The proposed amendment will not result in any land use conflict.
- 8.6. S32(f) of the former provisions of LUPAA requires that planning scheme amendments must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms. The amendment does not have any regional implications.
- 8.7. Section 30O of LUPAA requires that an amendment to an interim planning scheme is as far as practicable, consistent with the regional land use strategy. The proposed amendment is consistent with the following activity centre policies in the STRLUS:

- 8.7.1. *AC 1 Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas;*
- 8.7.2. *AC 1.5 Ensure high quality urban design and pedestrian amenity through the respective development standards;*
- 8.7.3. *AC 1.8 Ensure that new development and redevelopment in established urban areas reinforce the strengths and individual character of the urban area in which the development occurs;*
- 8.7.4. *AC 2.2 Achieve high quality design for all new prominent buildings and public spaces in the Primary and Principal Activity Centres.*

9. Community and Stakeholder Engagement

- 9.1. Council has requested that reports which recommend the initiation of planning scheme amendments address the need to conduct a public meeting or forum to explain the proposed amendments and also outline the explanatory information to be made available. These are addressed below:
 - 9.1.1. It is considered that a public forum is desirable to explain the proposed amendments and the results of the Woolley (2016) report to the public given the current community interest in the issue of building height in the CBD.
 - 9.1.2. The following information will be made available on the website: a copy of this report and a copy of the formal amendment document.
 - 9.1.3. Council will have the opportunity to recommend to the Tasmanian Planning Commission modifications or refusal of the amendment after the 28 day public advertising period.

10. Delegation

- 10.1. Delegation to initiate planning scheme amendments rests with the Council.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



James McIlhenny
**MANAGER PLANNING POLICY AND
HERITAGE**

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Attachment A: CBD Height Standards Review Report
Attachment B: CBD Height Standards Project Brief
Attachment C: CBD Height Standards Proposed Amendments
Attachment D: Instrument of Certification