



19 August 2022

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Sent via email

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# State Planning Provisions review

## Introduction

Planning Matters Alliance Tasmania, in their platform seek to improve the liveability and wellbeing of all Tasmanians, has engaged Plan Place Pty Ltd to prepare a submission to the State Planning Provisions (SPPs) 5-year review concerning the following zones:

- General Residential Zone (GRZ);
- Inner Residential Zone (IRZ); and
- Low Density Residential Zone (LDRZ).

The terms of reference of the submission considers these zones and their statutory function in the context of:

- Adapting provisions to respond to climate change in urban and sub-urban settings;
- Improving residential amenity and the liveability for Tasmanians;
- Subdivision standards and improving the quality of new residential lots through the provision of street trees;
- Improving the quality of densification;
- Improving health outcomes, including mental health for Tasmanians;
- Facilitating an increased supply of housing choice and social justice;
- Achieving a higher standard of building design, to provide community with more certainty in the planning process;
- Supporting and encouraging the long-term security of natural biodiversity, regenerate native endemic habitat, protect old-growth trees, bush and forests, and value and encourage space for gardens, food security and nature, by offering incentives and planning gains, as appropriate;
- Improving terms and definitions within the SPPs;
- Benchmark the above against the world's best practice residential standards (e.g. The Living Community Challenge); and
- Exemptions at Clause 4.0 of the SPPs.

In context of the terms of reference, this submission calls on the review to modify the SPPs, highlighting the need for action. Recommendations are stated in each section and in the conclusion. The submission recommends changes to the SPPs for the four residential zones to improve integration of liveability principles and to respond appropriately to climate change.



## Liveability, Wellbeing and the State of the Environment Report

The State of the Environment Report 2021<sup>1</sup> (SOE), released by the Commonwealth in July 2022, made a key observation from its findings, noting the *'rapidly changing climate, with unsustainable development and use of resources, the general outlook for our environment is deteriorating.'*

The SOE report reiterates the urgency to implement policy changes and the importance of embodying 'sustainable development', the fundamental principle of the *Objectives of the Resource Management and Planning System of Tasmania* and as documented within Schedule 1 of the core legislation, the *Land Use Planning and Approvals Act 1993 (the Act)*.

In fact, 'sustainable development' is now the very least we can aim for under this existential, planetary, ecological crisis. Forward-looking leaders are saying that 'sustainable development' is akin to 'treading water'. Doing 'less harm' to balance the wholesale damage of the natural environment, upon which human existence depends, is no longer adequate to halt and reverse the increasingly evident mass extinction, including of Australia's unique, iconic, and diverse native species. Nor will it prevent the global average temperature exceeding our current pledge under the Paris Agreement<sup>2</sup>, of less than 1.5°C above pre-industrial levels.

This submission calls on the State Government to significantly improve the response to climate change through the SPPs, and also seeks provisions that will nurture and foster the 'liveability' and 'wellbeing' of Tasmanians. The terms 'liveability' and 'wellbeing' feature in section 12B of the Act and is also referenced in sub-clause (f) of *Part 2 – Objectives of the Planning Process Established by this Act*, Schedule 1 of the Act. These terms signal their importance and relevance to current policy-making, whether at a higher strategic level through the Tasmanian Planning Policies or regional land use strategies, or at a statutory level.

The current provisions that apply to the suite of SPPs residential zones (as referred to above) are changing the underlying fabric of residential areas across the State through incremental use and development change. This is an observation made from not only interactions with the public, but the statutory assessment undertaken against the SPPs as a planner through my planning consultancy.

The rate of development is a complex matter influenced by many economic, social, and environmental factors. By no means is the submission intended to be an analysis that considers these aspects comprehensively. The submission merely notes that a range of variables such as the COVID-19 pandemic, government incentives for housing development, and the surge in housing prices within the real estate market has collectively influenced the rate of development. In the last few years, the development rate has driven the take-up of greenfield sites, including isolated spot expansion of the urban growth boundary, and seen the intensification of residential uses in established areas.

The submission calls on the review to modify the SPPs in the context of the terms of reference in this submission.

## SPPs 5 Year Review

The State Planning Review Scoping Paper sets clear direction and parameters of the review on pages 9 of 14. The Review focuses on statutory controls and does not consider a 'particular purpose zone',

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<sup>1</sup> [Australia State of the Environment Report |](#)

<sup>2</sup> [COP 21 Paris France Sustainable Innovation Forum 2015 working with UNEP](#) formed on 12 December 2015.

‘specific area plan’ or ‘site-specific qualification’ introduced as part of a local provisions schedule. However, these should **not** be excluded as the review could learn from these provisions to assist in fine-tuning the SPPs.

It is acknowledged that at the outset of developing the SPPs, there was a mandate to create planning rules across the State that result in a more consistent and efficient assessment of use and development. The SPPs must strive to improve the liveability for Tasmanians, respond to climate change, and be underpinned by the principles of ‘sustainable development’, or better still ‘regenerative development’<sup>3</sup>. While a consistent approach is important, it should not come at the expense of compromising the attributes, values, and characteristics of residential areas that Tasmanians currently enjoy and wish to pass on to future generations

Additionally, it is acknowledged that statutory controls are not the only means of addressing climate change, liveability, and wellbeing. Other mechanisms also drive change in the land use planning context. Nevertheless, statutory controls are an essential and effective vehicle to implement the Objectives of Schedule 1 of *the Act* and are instrumental for improved balance between new development and established homes.

## Adapting for Climate Change, Liveability and Wellbeing

The urgency of climate change is widely reported globally, with the United Nations calling on all levels of government to act and implement the Sustainable Development goals<sup>4</sup>. The SOE<sup>5</sup>, recently released in 2022, reiterates the urgency, reporting, *"the State and trend of the environment of Australia are poor and deteriorating as a result of increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction. Changing environmental conditions mean that many species and ecosystems are increasingly threatened. Multiple pressures create cumulative impacts that amplify threats to our environment, and abrupt changes in ecological systems have been recorded in the past 5 years"*.

The report’s release is a timely reminder of the importance of planning policy and statutory regulation and the purpose the SPPs play in shaping our towns, settlements, broader landscapes, and, more importantly, protecting the natural environment. **Integrating strategic objectives in statutory controls to provide the desired outcomes is vital for mitigating climate change and other environmental outcomes.**

The principle of sustainable development is at the core of the *Objectives of the Resource Management and Planning System of Tasmania* as set out in Schedule 1 of the Act.

Schedule 1 of the Act is underpinned by the principles of sustainable development and is defined in the legislation to mean -

2. In clause 1 (a), sustainable development means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people

<sup>3</sup> The term "regenerative" describes processes that restore, renew or revitalize their own sources of energy and materials. Regenerative design uses whole systems thinking to create resilient and equitable systems that integrate the needs of society with the integrity of nature." Source:

[https://en.wikipedia.org/wiki/Regenerative\\_design](https://en.wikipedia.org/wiki/Regenerative_design). For more information, refer to the Living Building Challenge - <https://living-future.org.au/living-building-challenge>

<sup>4</sup> [Take Action for the Sustainable Development Goals - United Nations Sustainable Development](#)

<sup>5</sup> [Australia state of the environment 2021 \(dceew.gov.au\)](#)

and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment

The SPPs must be at the very least be underpinned by this principle and preferably move beyond to integrate principles of 'regenerative development'. In addition, the SPPs must encompass statutory controls that provide the liveability and wellbeing for all Tasmanians as called on by sub-clause (f) of Part 2, Schedule 1 Objectives

Fundamentally, the SPPs, as it applies to all existing and future residential zones, must aim to create and support 'Communities' and enable them to thrive well into the foreseeable future.

## What the SPPs consider?

The SPPs can consider a range of controls to facilitate an improved response to climate change. Buildings and development embody significant energy from manufacturing and processing building materials to on-the-ground development, conversion of open land, all impacting greenhouse gas emissions.

In terms of energy, the Clean Energy Finance Corporation<sup>6</sup> says:

*The Australian Sustainable Built Environment Council estimates that the property sector accounts for about 23 per cent of Australia's greenhouse gas emissions. About half of those emissions come from residential buildings – largely from heating, ventilation and air conditioning (40 per cent), appliances (25 per cent) and hot water systems (23 per cent). Measures to address these include adopting energy efficiency building design and construction, along with supporting the widespread inclusion of renewable energy and energy storage solutions.*

Buildings and development have a long life span, and the controls can reduce environmental impact at the design stage.

New buildings, if poorly designed or orientated do not to maximise passive solar energy, potentially increase energy consumption and heating and cooling costs. Recent reports on the rental stock have highlighted that those tenants in older housing cannot achieve an ambient temperature of 18 degrees in their homes<sup>7</sup> which has a substantial impact on living expenses and wellbeing.

As more infill development occurs, the predominant pattern of building spacing and separation between houses across our residential areas is threatened. Loss of separation and spacing indirectly drives up energy costs and reduces passive solar access for established homes.

While densification is an indirect response to climate change (to reduce infrastructure and transport costs), it also brings with it adverse consequences including an 'urban heat island effect' and reduced opportunities for passive solar design and residential amenity.

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<sup>6</sup> <https://www.cefc.com.au/where-we-invest/built-environment/housing/>

<sup>7</sup> [Cold and costly: Renter Researchers' experiences of Winter 22 \(betterrenting.org.au\)](http://betterrenting.org.au)

Therefore a balance must be struck in the SPPs between a policy of urban consolidation and retention of values and attributes of these established residential areas. These aims are not mutually exclusive.

Some specific matters in the standards that are missing from the SPPs are:

- Roof design to include adequate size, gradient and aspect of roof plane for solar panels;
- Adequate private open space and protection of windows from shadows of proposed buildings;
- On-site stormwater detention and storage (separately) and public open space for rain infiltration to ground;
- Double-glazing and insulation for homes and buildings;
- Source of heating of homes, such as preventing wood heaters in new dwellings;
- Passive solar access requirement for homes and buildings;
- Adequate setbacks from all boundaries;
- Servicing multiple dwelling development for waste collection;
- Noise criteria and assessment methodology with direction on how to solve (with permanent measures) increased density along transport corridors;
- Reduced concrete use with more sustainable alternatives and re-use supported; and
- Principles of protecting, in perpetuity, our natural heritage<sup>8</sup>.

## Trees & Urban Heat Island

Average temperatures are rising across Tasmania, and with this will come warmer summers, more extended periods of hot and dry weather, more intense storms and more frequent bushfires. The forecast rise in temperature will be particularly noticeable in urbanised areas, where the 'urban heat island' effect will be more pronounced<sup>9</sup>.

Studies<sup>10</sup> show the effects of shade on cooling and protection from UV rays. Shade reduces urban heat island effect. Well-shaded neighbourhoods with street trees can be up to 6 - 10 degrees cooler than residential areas without, reducing the need for energy needs for cooling by individual occupants. The 'urban heat island effect' has a compounding effect on global warming and therefore, increases the severity of future climate change.

In recognition of benefits of the urban forest concept, development of strategies is underway for the main cities of Tasmania. The forerunner to the urban forest strategy currently being prepared for Hobart is the City of Hobart Street Tree Strategy 2017. The vision arising for the City of Hobart Street Tree Strategy is that- *"Hobart is a city where tree-lined streets are a valued component of our quality of life - achieved through excellence in planning, design, installation and care by the City's workers and our community"*.

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<sup>8</sup> It is acknowledged that many items listed above are in the National Construction Code, but the thermal efficiency requirements need to be increased radically upfront in the planning process in order to reduce carbon emissions.

<sup>9</sup>City of Hobart, Street Tree Strategy 2017, [Trees and green infrastructure - City of Hobart, Tasmania Australia \(hobartcity.com.au\)](https://www.hobartcity.com.au)

<sup>10</sup> [www.canopy.org](http://www.canopy.org)

The City of Hobart Street Tree Strategy 2017 guides the planting and management of Hobart's public trees and sets an ambitious target to increase the canopy cover across Hobart's urban areas from 16.7% to 40% by 2046.

Landscaping provisions, including the retention of existing trees and vegetation on private land and requirement for street trees in subdivision controls and reduction of dark roofs and pavements need to be implemented to achieve the ambitious targets and to combat rising temperatures in urban areas.

**Greening neighbourhoods, suburbs and settlements is a fundamental component of improving liveability.** Reliance on the provision of public open space to respond to climate is not adequate and a 'greening cities' agenda must include consideration of private land. The SPPs must integrate controls, especially for subdivisions requiring street trees and greening in the streetscape. It must also extend beyond subdivision and introduce controls that maximises the retention of existing healthy trees and retain garden areas with solar access in mid-winter on private land where public open space is absent in a residential area. Wall to wall hard surfaces, as currently allowed under the SPPs, also does not assist with greening residential areas.

## Liveability and Wellbeing

The Heart Foundation<sup>11</sup> has a comprehensive array of literature and studies and has previously provided a submission on the draft SPPs in 2016. The Heart Foundation has extensive evidence of the benefits for adapting the built environment for improved health and wellbeing outcomes and the review must have a high regard for this information.

The Living Community Challenge, International Living Future Institute, also calls on action from all governments, planners, developers and neighbourhood groups to assist with greening our neighbourhoods, not only in response to climate change but to strengthen overall wellbeing and health<sup>12</sup>.

Since the COVID-19 pandemic, mental health issues for Tasmanians are rising. Planning for a built environment designed to address these issues is vital to wellbeing.

Land use planning policy plays a significant role in shaping cities, towns and settlements across the State. The four residential zones of the SPPs, GRZ, IRZ, LDRZ and RLZ in addition to the codes, can empower liveability for and wellbeing of all Tasmanians. Statutory controls have the capacity to implement a policy setting which achieves strategic objectives and densification:

- Ensures separation and buffers between buildings, protecting established residential character is protected;
- Target locations for growth, ensuring that densification is in locations supported by transport, services and other infrastructure;
- Influence the provision of affordable housing;
- Require the provision of public open space;
- Integrate trees, street furniture and social infrastructure in the streetscape, as important public spaces, where new roads are proposed; and

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<sup>11</sup> [www.heartfoundation.org.au](http://www.heartfoundation.org.au)

<sup>12</sup> <https://living-future.org/lcc>

- Integration of nature, bush, gardens and food-growing areas into the residential environment and then valued and protected as “Natural Heritage”.

The State of Place 2021 Liveability Census<sup>13</sup> (the Liveability Census) provides evidence that integrating these principles into the SPPs is necessary and best practice.

Healthy urban neighbourhoods include:

- Access to public transport and public open spaces for play and recreation;
- Tree canopies in the streetscape and on private lots providing comfort and shelter;
- Accessible and networked footpaths;
- Affordable housing;
- Appropriate relationships of building form and scale with the streetscape, and neighbourhood character; and
- Useable private open space, privacy, and building orientation to maximise solar access.

The investment into public open spaces, walkability and tree canopy relates to a higher strategic planning policy and is often difficult to enforce through the process where there is an absence of statutory controls, improved SPPs are therefore required. Often the provision of social and physical infrastructure is left to the asset and infrastructure planning of a council, especially in established residential areas. **The SPPs must drive the provision of improved social and physical infrastructure by raising the design standard and requirements for the built form. The SPPs currently undermine achieving liveability and wellbeing goals through the low bar settings for use and development standards in the residential zones.**

The controls of the GRZ and IRZ of the SPPs seek to facilitate infill development to reduce urban sprawl. It is a policy mechanism in the SPPs to reduce the urban footprint and transportation energy. However, the policy of densification also plays a critical role and undermines the character of our established residential areas.

Most of the older established residential areas in Tasmania have single detached dwellings interspersed with a small proportion of multiple dwellings. Increased multiple dwelling development is changing the separation of buildings, building presentation to the streetscape and impacting the character of the established residential areas in the State.

The subdivision standards provide a Permitted pathway for the excision of small lots with areas less than 400m<sup>2</sup> from parent titles with areas more than 900m<sup>2</sup>. The incremental subdivision pattern means that the buffers and separation between houses that provide for existing residential amenity, is being rapidly eroded. The efficient use of land and increasing dwelling density is not opposed in principle - the concern is that the existing SPPs do not provide statutory controls that enable a planning authority to accurately evaluate the impact of proposed use and development on the amenity to neighbours and the neighbourhood.

**The incremental changes to development patterns through the application of the current SPPs fail to protect the character and function of residential areas. Statutory controls must be amended to require the integration of liveability principles in residential areas. Failing this, the valued attributes of residential areas, once changed, are near impossible to reinstate.**

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<sup>13</sup> Place Score (2021) State of Place, 2021 Australian Liveability Census



The continuation of a one-size-fits-all approach to the wide-ranging geographical areas of residential zones is contrary to the principles of ‘sustainable development’ and results in homogenous and bland development.

This submission calls on the review to amend and revise all of the standards of the residential zones.

## Learnings from Particular Purpose Zones and Specific Area Plans

Some councils have proposed new particular purpose zones and/or specific area plans in the local provisions schedules to overcome the shortcomings of the SPPs. The wide-ranging use and introduction of these in the local provisions schedule requires investigation and exploration if the SPPs require adjustment to provide a more consistent approach to statutory controls.

As the SPPs are the statutory planning controls that must positively shape Tasmanian settlements, towns, and cities, this submission calls on the review to consider the tailored controls introduced into the local provisions schedules to see if these have relevance to the SPPs and could be more widely applied.

## Residential Zones

### General Residential Zone (GRZ) and Inner Residential Zone (IRZ)

The provisions with the GRZ and IRZ of the SPPs are derived from Planning Directive 4.1 (PD4.1). PD4.1 were derived from the ‘Australian Model Code for Residential Development’ and the Tasmanian Code for Residential Development in the 1990s. These provisions were introduced across the interim planning schemes in 2014 and are integrated into the SPPs, shaping our cities, towns and settlements and impacting on Tasmania’s liveability.

The standards within the SPPs of the General Residential Zone and Inner Residential Zone are now in operation through Planning Directive No. 8<sup>14</sup> (PD8), and also apply to the interim planning schemes. PD8 was initially brought into effect through the Interim Planning Directive No. 4 in early 2021.

Over time the statutory controls have been diluted, removing opportunity for Public Notification, and using open terms to allow a broad interpretation – reducing certainty.

### Low Density Residential Zone (LDRZ) and Rural Living Zone (RLZ)

The provisions within the SPPs for the LDRZ and RLZ are derived from the previous iterations on the various planning schemes, providing for residential use on large lots. The LDRZ is contained within settlements or towns, usually at the periphery of urban areas. Although this is not always the case as there are ample examples of the application of the LDRZ being applied in coastal areas and small towns and settlements.

The RLZ is usually outside of townships and settlements but this also not true in every instance and at times the zone is used as a transition space between a township and agricultural area.

One of the major concerns is that the SPPs seek densification in the LDRZ. The LDRZ is applied in many coastal locations and outer lying areas across the State. The LDRZ density provisions enable multiple dwelling development, providing a permit pathway for a dwelling to be contained on 1200m<sup>2</sup>.

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<sup>14</sup> Planning Directive No 8. – Exemptions, Application Requirements, Special Provisions and Zone Provisions



Additionally, the provisions can result in visitor accommodation development that exceed the density provisions in the LDRZ. The latter also is a concern of the RLZ provisions of the SPPs.

### Terms in the Residential Zones

Recommendations	
1.	Insert a definition for 'character' in the SPPs in Table 3.1.
2.	Fine-tune the definition of 'amenity' and 'streetscape' in Table 3.1.

Three widely used terms applied in the zone purposes, objectives, acceptable solutions or performance criteria across the four residential zones that a planning authority must consider in assessing use and development:

- Amenity;
- Character; and
- Streetscape.

The terms 'amenity' and 'streetscape' are defined by the SPPs in Table 3.1. However, the interpretation of the term character is usually taken to be the common meaning of the word defined in the Macquarie Concise Dictionary. The defined terms in Table 3.1 -

<b>amenity</b>	<i>means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.</i>
<b>Streetscape</b>	<p><i>means the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setback of buildings and structures from the property boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.</i></p> <p><i>For the purposes of determining streetscape for a particular site, the above matters are relevant when viewed from either side of the same street within 100m of each side boundary of the site, unless for a local heritage precinct or local historic landscape precinct listed in the relevant Local Provisions Schedule, where the extent of the streetscape may be determined by the relevant precinct provisions.</i></p>

The term 'amenity' does **not** consider health and wellbeing of the users of the locality, place or building and this paramount in the assessment of use and development, especially for non-residential development in a residential area. The term 'amenity' is recommended to be modified to include 'health and wellbeing' in the definition which is a consistent with the Schedule 1 of the Act.

Additionally the consideration of 100m on either side of each side boundary in the term 'streetscape' must be reviewed to consider the implication of this statement.

The term 'character' should be defined in the SPPs to provide guidance to the meaning to shape use and development.

The Macquarie Concise Dictionary defines 'character' –

[1] the aggregate of qualities that distinguishes one person or a thing from others.

The definition does not provide guidance or understanding of the importance of the elements that the SPPs should consider in assessing the character of a residential area. The SPPs must consider the term ‘streetscape’ and ‘character’ to ensure that these terms can work harmoniously together in the assessment process.

The term ‘character’ should be defined to capture the attributes the term considers such as established pattern of development, the built form and scale, architectural form, detail and roof styles and the streetscape. The definition of ‘character’ should also distinguish itself from the terms and definitions associated with heritage values which are determined by set criteria with reference to the Burra Charter<sup>15</sup>.

The submission calls for the SPPs to define ‘character’. A definition provides clarity and improves certainty to the intent of any provision in the SPPs which refers to the term ‘character’. Therefore, the submission recommends the insertion of a definition for character into the SPPs.

### Local Area Objectives and Discretionary Development.

Recommendations	
1.	Amend clause 6.10.2 to require the planning authority to consider the local area objectives in relation to all discretionary development.  The clause must be amended, inserting the words "and development", after the words 'Discretionary use'. The words in clause 6.10.2 'must have regard to' are recommended to be substituted with 'demonstrate compliance with'

Clause 6.10.2 does not apply the local area objectives to the assessment of all Discretionary development. The planning authority must only consider the local area objectives where it is a Discretionary use.

The local area objectives may relate to both use or development. The limited application diminishes the use and purpose of the local area objectives by the planning authority in the assessment of development and this should be corrected through the review process.

### Visitor Accommodation – GRZ, IRZ, LDRZ, RLZ

Recommendations	
1.	Amend use standards for Visitor Accommodation in the GRZ, IRZ, LDRZ and RLZ or insert a development standard for visitor accommodation to provide a density control that does not exceed the allowed dwelling density in a zone.  For example, the construction of one visitor accommodation unit on a vacant site must have a minimum area of 1200m <sup>2</sup> in the LDRZ.
2.	Insert definitions for the terms ‘character’ and ‘primary residential function’ in Table 3.1 to aid interpretation of the use standard as it applies to Visitor Accommodation in the residential zones.
3.	Review the exemption at clause 4.1.6 to limit the number of persons staying at a property instead of the number of bedrooms.
4.	Review the SPPs for all residential zones to limit the number of homes that can be converted to Visitor Accommodation to increase retention of housing stock for the residential market.

<sup>15</sup> [Burra Charter Archival Documents | Australia ICOMOS](#)

## Conversion of single dwellings

The Visitor Accommodation use standards across the four residential zones were drafted to facilitate the visitor economy and to drive the increase in visitation rates to Tasmania as desired by the T21 Strategy<sup>16</sup>. While not all municipalities have the Tasmanian Planning Scheme in effect, the policy has been applied widely in interim planning schemes via Planning Directive No. 6 (PD6), which came into operation in August 2018. The PD6 is integrated into the use standards of the four residential zones of the SPPs, including the GRZ, IRZ, LDRZ and RL.

The SPPs do not require a permit for a change of use for Visitor Accommodation. Clause 4.1.6 exempts the requirement of a permit for the use of a dwelling, if:

- (a) the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation; or*
- (b) the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.*

The exemption is not disputed as it does not modify, in principle, the established housing supply. The concern arises from the use standards for Visitor Accommodation, allowing the conversion of an existing habitable building without Public Notification due to the Permitted status. The policy does not impose limitations, and all houses with a gross floor area of 200m<sup>2</sup> or less can be converted without notice to any adjoining property. This quantifiable approach is applied in all four zones and there are no limitations to the number of persons which can stay at a property.

The housing shortage continues to be a prevalent issue for the State. Many Tasmanians, dependent on the rental housing market, cannot secure properties at an affordable rental rate. This is widely reported by many not-for-profit organisations, local councils and substantiated by the Australian Bureau of Statistics data.

The conversion of single houses to visitor accommodation incentivises property owners to convert their surplus dwellings instead of retaining them in the rental market. Another side effect of applying this policy is that permanent residents dependent on the rental economy are displaced to new locations due to the diminishing supply within areas close to services in a city, town or settlement. The displacement of residents impacts housing security and affordability and may affect individuals' mental health and wellbeing. Displacement of a tenant away from the services can also impose additional living costs by heavier reliance on transportation for travel to employment and limited available services within short distances from their home.

The SPPs in the residential zones could limit the opportunity for conversion of dwellings from Residential use to Visitor Accommodation. The issue arises from accumulative impact of the use standards for Visitor Accommodation, not necessarily from the conversion of a single dwelling in the street but instead the compounding effect of the conversion of several houses in one location. The readjusting of the policy in the SPPs could lead to a more balanced and equitable approach to the housing supply.

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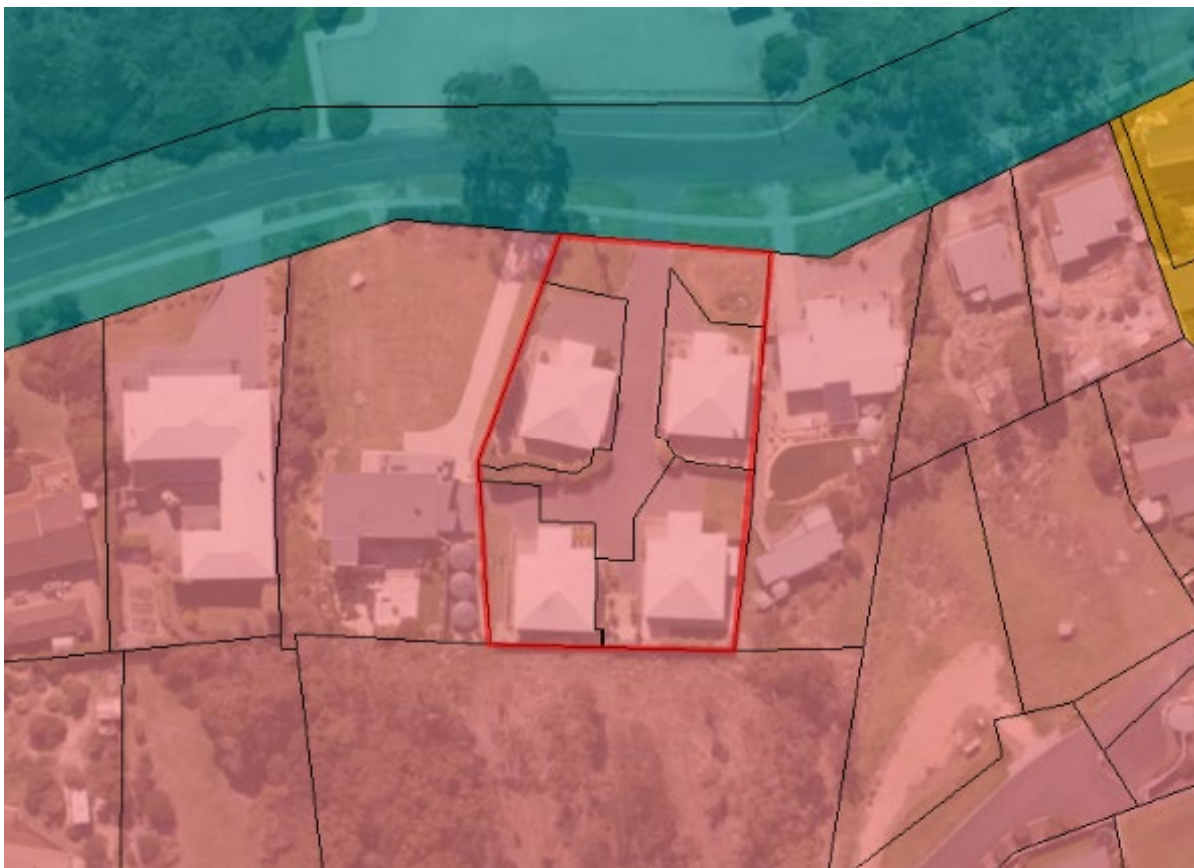
<sup>16</sup> T21 Action Plan 2020-2022 (<https://www.t21.net.au/>)

The SPP review must consider redrafting the acceptable solution for all residential zones concerning Visitor Accommodation.

At very least, the SPPs review must consider an amendment to the exemption at clause 4.1.6 which is problematic in that it does not prescribe or limit the number of persons that can stay at the property, instead limits it to the number of bedrooms. By limiting the number of persons under the exemption, this could potentially reduce the impact on traffic generation and car parking in a residential area.

#### Visitor Accommodation, Densification Undermined

The Performance Criteria P1 for the Use Standard, Clauses 8.3.2, 9.3.2, 10.3.2 and 11.3.2 apply the same test in each zone. The Performance Criteria P1 of all standards provides a permit pathway to consider new visitor accommodation development and does not limit it to be within existing buildings.



*Figure 1: Example of development in a coastal location zoned Low Density Residential. The site (outlined in red) has an area of approximately 1800m<sup>2</sup> and has a site area per dwelling of approximately 450m<sup>2</sup>. The established density on the site is comparable to a density allowed in the General Residential Zone. The performance criteria in residential zones for Visitor Accommodation do not provide enough rigour for a planning authority to potentially refuse an application without challenge of an appeal.*

The Performance Criteria requires a planning authority in its assessment of the standard to have regard to the criteria set out at (a) to (f). PC 1 provides a permit pathway for a planning authority to consider a proposal for the use of Visitor Accommodation. While in addition to the use standards for Visitor Accommodation, a site coverage test is also applied in all four residential zones where new

buildings are proposed. The combination of the standards in the assessment process can undermine the intent of densification that is allowable for residential uses, especially in the LDRZ and RLZ. The sub-clauses applied across the zones use undefined terms by the SPPs and therefore leave many of the sub-clauses open to interpretation. The absence of any definitions of terms used creates challenges, as there are no defined parameters of the term 'character' or the meaning of 'primary residential function' to guide the assessment of a proposal. The open-ended nature of the criteria in determining 'unreasonable loss of residential amenity' or 'compatible with the character' is fraught, not providing clear parameters to the development of Visitor Accommodation and what is acceptable.

It can also lead to further issues down the track when the Visitor Accommodation use lapses and in effect we end up with “empty dwellings” given Multiple Dwellings are prohibited in the Rural Living Zone and Discretionary in the Low Density Residential Zone.

Without specific controls concerning Visitor Accommodation to guide appropriate development, the standards lead to intensification, which is not sustainable and diminishes the character of residential areas in sensitive environmental settings. For example, the use and development standards in the LDRZ of the SPPs can create densities comparable to the outcomes achieved for Multiple Dwellings in the GRZ of the SPPs (refer to Figure 1). The opportunity for this development is alarming and it undermines densification set across all four zones. Additionally, the other concern is that legally approved use and development for Visitor Accommodation enables a strata scheme under the *Strata Titles Act 1998* to be created.

## Densification, Housing Choice, Private Open Space, Solar Access

Recommendation	
1.	Diversify the residential zone hierarchy by inserting an additional zone that specifically provides for medium density development. The zone can be applied strategically to areas connected with public transportation routes and positioned to be close to services (i.e. local neighbourhood centres or parks). An additional zone can provide certainty for community and expectation of medium density development.
2.	Insert a Neighbourhood Character Code in the SPPs that protect attributes of the established residential areas, maintain separation and buffers as well as promoting food security such as: <ul style="list-style-type: none"> <li>• roof form and architectural style;</li> <li>• building presentation to the streetscape;</li> <li>• garden area requirements to address separation of buildings but also food security; and</li> <li>• retention of mature trees and vegetation.</li> </ul>
3.	Insert use and development standards in all residential zones to address housing affordability.
4.	Review of all use and development standards of the GRZ, IRZ, LDRZ and RLZ to include requirements for: <ul style="list-style-type: none"> <li>• Roof design to include adequate size, gradient and aspect of roof plane for solar panels;</li> <li>• Adequate private open space and protection of windows of existing and proposed buildings from shadows;</li> </ul>

	<ul style="list-style-type: none"> <li>• On-site stormwater detention and storage (separately) and public open space for rain infiltration to ground;</li> <li>• Double-glazing and insulation of all buildings;</li> <li>• Passive solar access of existing and new buildings;</li> <li>• Re-instatement of adequate setbacks from boundaries for all new buildings;</li> <li>• Maximising the retention of existing trees and vegetation and provide appropriate trade-off where clearance is proposed; and</li> <li>• Servicing of multiple dwelling development such as waste collection.</li> </ul> <p>It is acknowledged that many items listed above are in the National Construction Code, but the thermal efficiency requirements need to be increased radically upfront in the planning process in order to reduce carbon emissions.</p>
5.	Redraft Clause 8.4.3 and 8.4.4 to apply a consistent approach to the test of sunlight to private open space of multiple dwellings, requiring that private open space receive at least 3 hours of sunlight to more than 50% of the area on 21 June.
6.	Redraft Clause 8.4.3 and 8.4.4 to apply a consistent approach to the test of the private open space being directly accessible from the living areas of the dwelling.
7.	Consistently apply the requirement that all habitable room windows, private open space of adjoining properties receive at least 3 hours of sunlight on 21 June.
8.	Review the building envelope, reducing its size by imposing stricter setback controls from side boundaries and re-introducing a 4m rear setback requirement for the building envelope as it applies to IRZ and GRZ. Increasing setback requirements is especially important on sites where the topography is not flat.
9.	Insert a requirement for limiting impervious surfaces on a site in the IRZ, GRZ and LDRZ.
10.	Insert a requirement for the north-facing roof area of any existing neighbouring residence not to be overshadowed by any new development.
11.	Prohibit multiple dwelling development in the LDRZ.
12.	Insert a Stormwater Management Code to promote water sensitive design and appropriately manage surface water run-off from development.

Densification, area for private open space and passive solar access in the GRZ and IRZ is determined by a range of use and development standards, concerning:

- Visitor Accommodation;
- Residential density for multiple dwellings;
- Setbacks and building envelopes for all dwellings;
- Site coverage and private open space;
- Sunlight to private open space for all dwellings; and
- Privacy for all dwellings.

While the GRZ and IRZ specially have controls to consider aspects of the built form, the LDRZ and RLZ do not impose the same level due to the minimum lot sizes being much larger than in the GRZ and IRZ. The LDRZ, however, does provide for Multiple Dwellings which is not considered appropriate in this zone.

### Residential Density, Eroding Neighbourhood Character

The Acceptable Solution A1, Clauses 8.4.1 and 9.4.1 Residential density for multiple dwellings, provides the density controls for the GRZ and IRZ respectively. The site area per dwelling is 325m<sup>2</sup> and 200m<sup>2</sup> for each zone.

The LDRZ of the SPPs allows for multiple dwelling development with a site area per dwelling of 1500m<sup>2</sup> where access to reticulated infrastructure services are available. Where a proposal cannot connect to reticulated water, sewerage system or public stormwater system, the minimum lot size is set at 2500m<sup>2</sup>. A proposed lot can be reduced under the Performance Criteria to 1200m<sup>2</sup> where a full complement of reticulated services are available.

The term 'site area per dwelling' is defined in Table 3.1 of the SPPs to mean -

<b>Site area per dwelling</b>	<i>means the area of a site, excluding any access strip, divided by the number of dwellings on that site.</i>
<b>Access strip</b>	<i>Access strip means the narrow part of an internal lot to provide access to a road.</i>

The GRZ is spatially applied to various locations in different environmental settings ranging from urban areas, and townships such as Currie, Wynyard and Swansea to outer lying areas settlements such as Carrick. As a general rule, the GRZ is applied to any area where all infrastructure services (such a sewer and water) are available. The application of the IRZ is typically applied in major service centres such as Hobart and Launceston. The IRZ does not commonly feature, if at all, outside of these major centres in the State.

There are many examples across the State where the pattern of development in established urban areas replicate the pattern shown in Figures 2(a) and (b). Many of these lots have generous backyards, creating buffers and separation between houses along their long axis of a site. Buffers and separation between lots provide amenity for the occupants of these houses, ensuring access to sunlight, occasionally to the rear of the buildings.

The SPPs provide a Permitted pathway for infill development which threaten this pattern of development by allowing infill development through the intensification of existing developed sites or demolition of buildings to enable a multiple dwelling development across several lots. While these areas hold no specific local heritage values and are not subject to Table C6.1 to C6.3 as called on by the C6.0 Local Heritage Code, the character established in these areas contain characteristics that can quickly be lost if disregarded.

The neighbourhood character of a spatial area can be defined by a pattern of development, the built form and scale, architectural form, details and roof styles, and streetscape. Neighbourhood character should not be confused with being of heritage significance which is determined by criteria with reference to the Burra Charter<sup>17</sup>. Nevertheless, neighbourhood character deserves consideration when new uses and development are considered in established residential areas.

<sup>17</sup> [Burra Charter Archival Documents | Australia ICOMOS](#)

As a general rule, the same provisions are applied irrespective of location, enabling Multiple Dwellings to occur in any location, irrespective of character or environment. Many of the spatial locations of the residential zones contain development with identifiable building rhythms, separation and spacing,



Figure 2(a): Historical development pattern in areas zoned General Residential, predominant character is single detached dwellings with separation maintained on the long access through front and rear setback requirements



Figure 2(b): Historical development pattern in areas zoned General Residential, predominant character is single detached dwellings with separation maintained on the long axis through front and rear setback requirements



which are easily modified by infill development, either through multiple dwelling development or subdivision provisions.

For example, a site with an area of 1500m<sup>2</sup> under the Acceptable Solution A1 would allow four dwellings in the GRZ and seven dwellings in the IRZ, assuming that it is not an internal lot, and the calculated area does not include an access strip. There are several sites, developed with a single dwelling that can easily be converted to multiple dwellings where space to the rear of the dwelling is available for development under the SPPs.

The development density provided for in the SPPs is eroding in residential amenity and character in many areas (refer to Figure 3). The current approach appears to be ‘developer’ and ‘profit-led’ rather than community minded or environmentally sensitive.



Figure 3: Example of infill development of an established inner residential area of Launceston.

The concern commonly raised in representations received on an application for infill development are that it is eroding the attributes of the neighbourhood and streetscape, diminishing the use of private open space and access to sunlight of adjoining properties, and lacks landscaping or garden areas in multiple dwelling developments. For the community, this creates the feeling of ‘negative development’ where the profit motive outweighs the timeless principles of ‘community’ and ‘nature’. **Creating conditions for positive developments where the project gives back to the community and the environment, would be a higher aim to which the SPPs could aspire. In this way, Tasmania can**

**lead the whole of Australia in its forward-looking approach.** This review is an opportunity to modify the SPPs to introduce appropriate and targeted approaches to densification.

Accordingly, to mitigate the loss of neighbourhood character across the older established residential zones in the State, the recommendation is to introduce into the SPPs:

1. A 'Medium Density' zone, applied to targeted location where higher density development can be provided in areas that have a high level of servicing and public infrastructure; and
2. A 'Neighbourhood Character Code', to protect older established residential areas pattern of development by protecting the buffers and separation between buildings.

A 'Medium Density' zone could be applied to appropriate locations where multiple dwellings and apartment living is appropriate, introducing specific controls to support these forms of development in locations where public transportation, public open spaces and social infrastructure is already existing or able to exist, appropriate and supported. This also has the opportunity to provide specific requirements for social housing, housing affordability and diversification of housing choice.

The insertion of a 'Neighbourhood Character Code' would primarily be to protect the established residential areas that could be applied through an overlay across certain spatial areas to guide development in these locations. The 'Neighbourhood Character Code' would provide the opportunity to consider architectural building form, detail and roof style, building position in the streetscape, and spacing and separation between buildings. Any infill development could be specifically guided to maintain the character of the surrounding areas both architecturally and in its response to the landform, landscape and 'sense of place'.

For example, to assist with maintaining separation between the built form in residential areas, it is recommended that the code apply a garden area as a minimum standard. A garden area provision brings a positive approach to limiting impervious surfaces on a site and at the same time integrates liveability principles. The Victorian State Planning Provisions introduced a provision for garden area around 2018. The Victorian State Planning system provides for assessment of neighbourhood character. This submission recommends that a similar approach be adopted in the SPPs.

#### Setbacks and building envelope for all dwellings

PD4.1 was reviewed as the standard in relation to setbacks and building envelopes. The three-dimensional building envelope as in PD4.1 was amended to remove the requirement of the 4m rear setback. The rationale for its removal was that it often made applications for outbuildings within the four metre rear boundary setback, Discretionary<sup>18</sup>.

Typically, in the residential areas comprising single detached dwellings, it is common for an outbuilding to be located at the rear portion of a site. However, the removal of any required rear setback does not consider the bulk and scale of outbuildings proposed in residential areas and eliminates the opportunity for separation of multiple dwellings from buildings and private open space on adjoining land.

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<sup>18</sup> State Planning Office (May 2022) Review of Tasmania's Residential Development Standards.



The location of large outbuildings within the four metre rear setback is not supported for the following reasons:

- outbuildings with footprints equivalent to established houses are becoming more frequent;
- they can impact access to sunlight of adjoining properties; and
- they erode the pattern of development which erodes neighbourhood character.

The exemptions of the SPPs in clause 4.3.7 could be adjusted to enable an outbuilding within the four metre rear setback to be assessed where it is an outbuilding within the parameters of the clause. However, the building envelope requiring a four metre setback from the rear boundary must be reinstated as it forms an important function to maintaining separation and spatial and privacy (visual and aural) buffers between buildings as well as rear gardens.

### Permeable surfaces & Private Open Space

Development Standards for Dwellings regulate site coverage for all zones and private open space for the GRZ and IRZ.

The Acceptable Solutions A1 of Clause 8.4.3 and Clause 9.4.3, before the operation of PD8, included a requirement limiting the percentage of impervious surfaces on a site. The Review of Tasmania’s Residential Development Standards<sup>19</sup> (RTRDS) resulted in the relaxation of this control, eliminating the requirement that a site must have a minimum of 25% of its area free from impervious surfaces. Equivalent restrictions should also be integrated into the LDRZ.

Impervious surfaces is not defined in the SPPs, and therefore the common meaning of the two words apply. The Macquarie Concise Dictionary, Seventh Edition, defines

impervious to mean –

*[1] not pervious; impermeable: impervious to water.*

*surfaces*

*[1] the outer face, or outside, of a thing*

*[2] any face of a body or thing*

The impervious surfaces on a site excluding roofed buildings (site coverage) and refers to the area used for sealed internal driveways or paved areas.

The terms ‘site coverage’ is defined in Table 3.1 of the SPPs to mean -

<b>Access strip</b>	<i>Means the narrow part of an internal lot to provide access to a road.</i>
<b>Site coverage</b>	<i>the proportion of a site, excluding any access strip, covered by roofed buildings</i>

The function and purpose of inserting an impervious surface requirement could:

1. mitigate impact on stormwater infrastructure; and

<sup>19</sup>, Issues Paper published in May 2022,

2. minimising the potential negative ecological impacts arising from increased stormwater flows from a site<sup>20</sup> whilst minimising replenishment of the ground water system and removing the natural irrigation of the soil and garden plants.

The control was removed as it was asserted by council planners that the impervious surface requirement was too difficult to enforce and that there was a lack of any demonstrated benefit from imposing this provision. Whilst it was not inserted for the purpose of stormwater management, it could be an effective to minimise hard surfaces on a site and have the potential to manage stormwater run-off and surges during rain events, reducing impact on existing infrastructure but by passing it on 'downstream'.

From an environmental perspective, C7.0 Natural Assets Code assesses the impact of a new stormwater discharge point to a waterway and coastal protection area. However, this control does not necessarily apply in residential areas and therefore alternative mechanisms must be introduced into the SPPs. Several residential areas, particularly in an urban setting close to the coastline, will increase surface run-off to waterways where impervious surfaces are created. This increases flood risks downstream wherever and whenever stormwater is discharged into local waterways.

A planning authority has an inability to potentially prevent a developer from constructing impervious surfaces on the area outside of the site coverage requirement for a single dwelling.

For Multiple Dwellings, there is a requirement for retaining 60 square meters of private open space for each dwelling on the site. However, the control is not adequate as the Performance Criteria P1 provides opportunity to reduce this area if it can demonstrate it satisfies sub-clauses (a), (b) and (c).

The SPPs make an underlying assumption that a site will retain land areas for landscaping and gardens if it is a single dwelling. A control is necessary to impose restrictions for the creation of impervious surfaces. Permeable surfaces retained assist with slowing of water flows and reduces pressure on ageing infrastructure and waterways.

The recommendation is to reinstate the requirement for impervious surfaces as it applies to all dwellings in the GRZ and IRZ.

### Useable Private Open Space

The SPPs require the provision of private open space for all dwellings.

Multiple Dwelling and Single Dwelling development must provide each dwelling with private open space in one location, unless not at ground level, with:

- a minimum area of 24m<sup>2</sup>;
- a horizontal dimension of not less than 4m; and
- a gradient not steeper than 1 in 10.

The test in the SPPs does not provide any requirement for private open space under the Performance Criteria in the GRZ and IRZ does not trigger a requirement to achieving three hours of sunlight on 21<sup>st</sup> of June where a proposal fails the test of the Acceptable Solution.

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<sup>20</sup> Aquatic Natural Values and Residential Development



Figure 4: Multiple dwelling development example where useable private open space is next to the internal driveway. The private open space is shown by the orange hatched areas.

The useable open space for multiple dwelling developments is diminished. Typically, dwelling development repeats a pattern which provides for detached buildings around the outer perimeter of a site. Dwellings proposed on a site are often pushed to the outer edges of a site to make way for an internal drive, parking and circulation spaces as required by the C2.0 Carparking and Sustainable Transport Code. Consequently, this approach can diminish the useable private open space, and often forces it to be sited in locations that do not primarily serve the occupants of a home (refer to Figure 4).

While the use and developments standards of both the GRZ and IRZ consider the space relationship of multiple dwellings on the same site, the test under the performance criteria does not stipulate a habitable room window or private open space receive at least 3 hours of sunlit on 21<sup>st</sup> of June. The

submission recommends that all residential zones require this test as a minimum under each of the applicable performance criteria.

## Subdivision and Streetscape - GRZ, IRZ, LDRZ and RLZ

### Lot Design

Recommendation	
1.	<p>Insert a Liveable Streets Code to acknowledge the importance of the streetscape and public space. The purpose of the code is to impose requirements which results in streets supporting the wellbeing and liveability of Tasmanians and increase the urban forest canopy.</p> <p>The code will provide for appropriate standards for development of a streetscape at the subdivision stage or where a government body is constructing a new residential street.</p>
2.	<p>Amend the exemption at clause 4.2.4 to require a government body to apply the Liveable Streets Code. The exemption could remain in place if the requirements of the Liveable Street Code are achieved; otherwise requiring a permit.</p>
3	<p>Insert a Public Open Space Code, requiring consideration of the physical provision of public open space before cash-in-lieu is accepted. The SPPs must prompt assessment of physical provision of open space before cash-in-lieu is considered.</p>

The SPPs provide permit pathways for subdivision in all the four residential zones, with the minimum lot sizes correlated to zone and dependent on infrastructure services.

The GRZ and IRZ are typically in fully serviced infrastructure areas where access and residential support services is available. The LDRZ is applied in areas where some services may be available, and it is desirable that large lot sizes are preferred. The RLZ provides for residential development on lots ranging from 1 ha to 10 ha.

The act to subdivide, as defined in Table 3.1 means:

*to divide the surface of a lot by creating estates or interests giving separate rights of occupation otherwise than by:*

- (a) a lease of a building or of the land belonging to and contiguous to a building between the occupiers of that building;*
- (b) a lease of airspace around or above a building;*
- (c) a lease of a term not exceeding 10 years or for a term not capable of exceeding 10 years;*
- (d) the creation of a lot on a strata scheme or a staged development scheme under the Strata Titles Act 1998; or*
- (e) an order adhering existing parcels of land.*

The SPPs are structured so that a proposal for subdivision does not require it to be categorised into one of the Use Classes as set out in clause 6.2.6. The Development Standards for Subdivision in the residential zones apply a test concerning lot design and roads. In the case of the IRZ, LDRZ and RLZ, services including provision of a water supply, wastewater disposal and stormwater are also considered. Where this approach is applied, the General Provisions at Clause 7.10, a planning authority may consider subdivision at their discretion.

The acceptable solutions of clauses 8.6.1 and 9.6.1 provide for minimum lot sizes of 450m<sup>2</sup> and 200m<sup>2</sup>, respectively. The concern is that the GRZ and IRZ across the State are spatially applied to a mix of locations with varied environmental attributes and landscape values. The pattern of development varies across these areas. Nevertheless, the SPPs through the residential zones apply a generic approach to all areas irrespective of their attributes with some exceptions applied if a scenic management area or priority vegetation area provided for in the codes applies. Even if codes apply, the development pattern in the neighbourhood character context is not considered.

Typically, development in the outer older residential areas is characterised by single detached dwellings interspersed with multiple dwelling development.

The SPPs provide opportunity to excise lots with areas of 400m<sup>2</sup> in GRZ and 200m<sup>2</sup> in the IRZ from the parent title without any requirement of Public Notification. The subdivision controls do not provide any regard to neighbourhood character as mostly these are considered as arbitrary lines on a plan. Where there is no road proposed, it is difficult to refuse an application based on clause 7.10 even if the outcome is inappropriate. The recommendation in this submission is to tighten the controls by inserting a 'Neighbourhood Character Code' that also applies to subdivision standards to mitigate adverse impact on neighbourhood character .

#### Provision of Roads and Liveability

The development standard concerned with the provision of new roads in a plan of subdivision does not integrate the principles of liveability. The streetscape forms part of public open space and serves as a critical function for pedestrians and cyclists to move through residential areas. The standard concerning the provision of road is focussed on connectivity, safety, and convenience without defining basic requirements for pedestrians.

The requirements of footpath width have traditionally applied the Tasmanian Standards for road design. The SPPs should place requirements on providing particular attributes in the streetscape and provide for a street design that considers:

- All accessible footpaths;
- Bicycle path infrastructure;
- Water sensitive urban stormwater design to slow surface water run-off;
- Street tree planting;
- Reconsider the road carriageway width;
- Safe pedestrian crossing facilities;
- Traffic calming measures in residential street;
- Solar lighting; and
- Sufficient space for underground service.

The current test for new roads in the four residential zones does not raise the standard sufficiently. The submission recommends that specific criteria be inserted in the way of a 'Liveable Streets Code' into the SPPs to achieve best practice design, integrate liveability, and stipulate minimum requirements for the provisions of improved greening and infrastructure in streets.

It is intended that the 'Liveable Streets Code' also apply to government bodies undertaking the construction or repair of roads. Currently the exemptions at clause 4.2.4 exempts a government body from requiring a permit or adhere to any standard within the SPPs. The exemption could remain, but

it should be linked with the ‘Liveable Streets Code’ to ensure government is required to meet the same standard.

### Public Open Space

Public open space provision is paramount for Tasmanians' future liveability and wellbeing. There is an absence of public open space provision in the SPPs. Currently, the requirement of public open space provision is set out by the *Local Government and Building Miscellaneous Act 1993* as provided by sections 116 and 117.

The absence of policy in the SPPs does not provide any parameters for the physical provision of open space versus cash-in-lieu. The absence of any provisions in the SPPs creates a disconnect between the integration of liveability principles and statutory controls.

The SPPs should include public open space provisions rather than a planning authority relying on separate legislation. The submission recommends that the SPPs, as they apply to the four residential zones, insert provisions to assess public open space requirements as part of a proposal concerning subdivision where it intends to construct a new road.

### Coordinated and Integrated Planning Process

Recommendation	
1.	<p>The recommendations seek for the SPPs review to consider improving the coordinated and integrated approach to the statutory assessment process across different sets of legislation.</p> <p>The recommendations outlined below are a few examples where the planning process is not coordinated or integrated and fails the test of Part 2 of Schedule 1 of the Act.</p> <p><u>Public Open Space Code</u> Insert a Public Open Space Code, requiring consideration of the physical provision of public open space before cash-in-lieu is accepted. The SPPs must prompt assessment of physical provision of open space before cash-in-lieu is considered.</p> <p><u>Bushfire-prone Areas Code</u> Amend the Bushfire-Prone Areas Code in the SPPs to require bushfire hazard management assessment as part of the planning process for all development.</p> <p><u>Other Hazards Code</u> Amend the hazard codes in the SPPs to require assessment of an issue as part of the planning process for use and development.</p>

Part 2 of Schedule 1, *Objectives of the Planning Process Established under the Land Use Planning and Approvals Act 1993 (the Act)* seeks an integrated and coordinated approach to the planning process in Tasmania.

The planning process does not provide for a coordinated or integrated approach under the SPPs as various requirements for use and development is spread across several pieces of legislation. Examples that demonstrate the lack of coordination or integration are as follows:

- The provision of open space is regulated under the *Local Government (Building and Miscellaneous Provisions) Act 1993*. The SPPs do not provide for any requirements concerning public open space in the assessment of subdivision and it continues to rely on the Local Government (Building and Miscellaneous Provisions) Act 1993.



- The conflict between vegetation retention and bushfire hazard management. For example, an application is approved on the basis that native vegetation is retained on a site and conditioned accordingly. The approved application is potentially modified due to the requirements of a bushfire hazard management plan approved after the planning permit. Addressing the issue of bushfire after the planning stage does not allow these matters to be addressed upfront and adds cost to the developer.

The recommendations calls on the SPPs review to consider improving the coordinated and integrated approach to the statutory assessment process across different sets of legislation. This is important to provide clear signals and expectations to the community. The SPPs currently fails the test of Part 2 of Schedule 1 of the Act.

## Conclusion

The suite of residential zones:

- General Residential Zone (GRZ);
- Inner Residential Zone (IRZ);
- Low Density Residential Zone (LDRZ); and
- Rural Living Zone (RLZ),

provides a generic approach to use and development, resulting in bland and homogenous outcomes. The residential zone controls in the SPPs, especially for the GRZ, IRZ and LDRZ fail to strike a balance between urban consolidation and achieving outcomes that support well-being and liveability.

It is evident that approved use and development where the SPPs are applied, is resulting in a changing urban fabric of the established residential areas across the State, irrespective of location.

The controls disregard neighbourhood character and natural values. For example, the SPPs do not include controls that provide for:

- healthy separation and protecting buffers between buildings, and protecting established residential character; and
- consideration of built form, architectural roof styles and the streetscape.

The statutory controls in SPPs in relation to the residential zones have become oversimplified moving away from AMCORD. This has led to poor design outcomes.

The GRZ, IRZ and LDRZ seek densification through infill development or subdivision but do not provide the rigour in controls to balance the trade-offs for occupants of established use and development, such as:

- loss of sunlight garden areas, private open space or habitable rooms of adjoining properties;
- loss of garden areas and opportunity for food production;
- impact on stormwater infrastructure; and
- loss of established mature vegetation and trees to develop a site.

These controls also lack rigour to enable 'regenerative development' outcomes to respond to climate change. This submission seeks the introduction of a 'Medium Density Development' zone and a 'Neighbourhood Character Code' to respond to key concerns raised by this submission.

The subdivision controls as it applies to residential areas have minimal requirements, not requiring any specific attributes that must be provided in the streetscape when development is approved. While this is a failing of the SPPs, this submission recommends the introduction of a Liveable Streets Code to address this very issue.



The SPPs must not only provide a response to climate change but must take an equitable approach to housing affordability and inclusionary zoning. The SPPs review must carefully consider the principles outlined in this submission and develop statutory controls to improve outcomes aligned with community aspirations sought by Planning Matters Alliance Tasmania.

Yours sincerely

Heidi Goess

Director, Plan Place.

**Summary of Key Issues and Recommendations of the General Residential Zone, Inner Residential Zone, Low Density Residential Zone and Rural Living Zone.**

Key issues	Priority recommendations
<p>Clause 6.10.2 does not apply the local area objectives to the assessment of all Discretionary development. The planning authority must only consider the local area objectives where it is a Discretionary use. The local area objectives may relate to both use or development. The limited application diminishes the use and purpose of the local area objectives by the planning authority in the assessment of development and this should be corrected.</p>	<p><b><u>Consideration of the Local Area Objectives to Discretionary development.</u></b>            Amend clause 6.10.2 to require the planning authority to consider the local area objectives in relation to all discretionary development. The clause must be amended, inserting the words "and development", after the words 'Discretionary use'. The words in clause 6.10.2 'must have regard to' are recommended to be substituted with 'demonstrate compliance with'.</p>
<p>Many terms are poorly and narrowly defined, or not defined at all, making certain terms in the residential zones open to interpretation and there is a heavy reliance on the common meaning of a word.</p>	<p>The recommendations concern the definitions within Table 3.1 of the SPPs as they relate to terms used in the GRZ, IRZ, LDRZ and RLZ.</p> <p><b><u>Terms and Definitions</u></b></p> <ul style="list-style-type: none"> <li>• Amend the definitions for the following terms, which are defined too narrowly:               <ul style="list-style-type: none"> <li>○ Amenity, to articulate improved outcomes concerning health and wellbeing for Tasmanians.</li> <li>○ Streetscape, to fine-tune the definition, to lift its narrow interpretation.</li> </ul> </li> <li>• Insert definitions for the following terms:               <ul style="list-style-type: none"> <li>○ Character; and</li> <li>○ Primary residential function.</li> </ul> </li> </ul>
<p>The suite of residential zones:</p> <ul style="list-style-type: none"> <li>• General Residential Zone (GRZ);</li> <li>• Inner Residential Zone (IRZ);</li> <li>• Low Density Residential Zone (LDRZ); and</li> <li>• Rural Living Zone (RLZ),</li> </ul> <p>provides a generic approach to use and development, resulting in bland and homogenous outcomes. The residential zone controls in the SPPs, especially for the GRZ, IRZ and LDRZ fail to strike a balance between urban consolidation and achieving outcomes that support well-being and liveability.</p> <p><b><u>Densification, Loss of Character, Climate Change</u></b></p> <p>It is evident that approved use and development where the SPPs are applied, is resulting in a changing urban fabric of the</p>	<p>The SPPs for the GRZ, IRZ, LDRZ and RLZ must actively enable and enforce the principles of 'sustainable development' at a minimum or better still embrace the principles of 'regenerative development'.</p> <p>The latter seeks to provide for development that gives more than it takes, supports the community above all else, including the profit motive of the individual developer's economic desires, and creates zero carbon projects. With this in mind the recommendations of this submission are as follows:</p> <p><b><u>Review of all standards</u></b></p> <p>Review of all use and development standards of the GRZ, IRZ, LDRZ and RLZ to include requirements for:</p>

Key issues	Priority recommendations
<p>established residential areas across the State, irrespective of location.</p> <p>The controls disregard neighbourhood character and natural values. For example, the SPPs do not include controls that provide for:</p> <ul style="list-style-type: none"> <li>• healthy separation and protecting buffers between buildings, and protecting established residential character; and</li> <li>• consideration of built form, architectural roof styles and the streetscape.</li> </ul> <p>The statutory controls in the SPPs in relation to the residential zones have become oversimplified moving away from 'Australian Model for Residential Development'. This has led to poor design outcomes.</p> <p>The GRZ, IRZ and LDRZ seek densification through infill development or subdivision but do not provide the rigour in controls to balance the trade-offs for occupants of established use and development, such as:</p> <ul style="list-style-type: none"> <li>• loss of sunlight to private open space or habitable rooms of adjoining properties;</li> <li>• loss of garden areas and opportunity for food production;</li> <li>• impact on stormwater infrastructure; and</li> <li>• loss of established mature vegetation and trees.</li> </ul> <p>These controls also lack rigour to enable 'regenerative development' outcomes to respond to climate change.</p> <p><u>Housing Affordability and Choice</u></p> <p>The SPPs do not require any controls that drive housing affordability or inclusionary zoning.</p> <p><u>Visitor Accommodation</u></p> <p>Addressed separately below.</p> <p><u>Subdivision</u></p> <p>Addressed separately below.</p>	<ul style="list-style-type: none"> <li>• Roof design to include adequate size, gradient and aspect of roof plane for solar panels;</li> <li>• Adequate private open space and protection of windows of existing and proposed buildings from shadows;</li> <li>• On-site stormwater detention and storage (separately) and public open space for rain infiltration to ground;</li> <li>• Double-glazing and insulation of all buildings;</li> <li>• Passive solar access of existing and new buildings;</li> <li>• Re-instatement of adequate setbacks from boundaries for all new buildings;</li> <li>• Maximising the retention of existing trees and vegetation and provide appropriate trade-off where clearance is proposed; and</li> <li>• Servicing of multiple dwelling development such as waste collection.</li> </ul> <p>It is acknowledged that many items listed above are in the National Construction Code, but the thermal efficiency requirements need to be increased radically upfront in the planning process in order to reduce carbon emissions.</p> <p><b><u>Affordable Housing</u></b></p> <p>Insert use and development standards in all residential zones to address housing affordability.</p> <p><b><u>Neighbourhood Character Code</u></b></p> <p>Insert a Neighbourhood Character Code in the SPPs that protect attributes of the established residential areas, maintain separation and buffers as well as promoting food security such as:</p> <ul style="list-style-type: none"> <li>• roof form and architectural style;</li> <li>• building presentation to the streetscape;</li> <li>• garden area requirements to address separation of buildings but also food security; and</li> <li>• retention of mature trees and vegetation.</li> </ul>

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	<p><b><u>Medium Density Zone</u></b>  Diversify the residential zone hierarchy by inserting an additional zone that specifically provides for medium density development. The zone can be applied strategically to areas connected with public transportation routes and positioned to be close to services (i.e. local neighbourhood centres or parks). An additional zone can provide certainty for community and expectation of medium density development.</p> <p><b><u>Stormwater Management Code</u></b>  Insert a Stormwater Code to assess impact of intensification of surface water run-off on existing infrastructure and promote water-sensitive design.</p>
<p>Densification between visitor accommodation, multiple dwelling development and subdivision are not aligned.</p>	<p><b><u>Visitor Accommodation</u></b></p> <ul style="list-style-type: none"> <li>• Amend use standards for Visitor Accommodation in the GRZ, IRZ, LDRZ and RLZ or insert a development standard for visitor accommodation to provide a density control that does not exceed the allowed dwelling density in a zone.</li> </ul> <p>For example, the construction of one visitor accommodation unit on a vacant site must have a minimum area of 1200m<sup>2</sup> in the LDRZ.</p> <ul style="list-style-type: none"> <li>• Insert definitions for the terms ‘character’ and ‘primary residential function’ in Table 3.1 to aid interpretation of the use standard as it applies to Visitor Accommodation in the residential zones.</li> <li>• Review the exemption at clause 4.1.6 to limit the number of persons staying at a property instead of the number of bedrooms.</li> <li>• Review the SPPs for all residential zones to limit the number of homes that can be converted to Visitor Accommodation to increase retention of housing stock for the residential market.</li> </ul>
<p>The requirement of permeable surfaces has been eliminated for residential dwelling</p>	<p><b><u>Permeable Surfaces, Garden Area &amp; Food Security</u></b></p>

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<p>development on a site which could include single detached dwellings or multiple dwelling development.</p> <p>The requirement of a site to retain a percentage free from impervious surfaces in the GRZ and IRZ remains for non-residential development.</p> <p>Impervious surfaces controls are important to mitigating stormwater impacts on the natural environment by slowing run-off.</p>	<ul style="list-style-type: none"> <li>• Insert a Stormwater Code (see above).</li> <li>• Insert a requirement for retention of permeable surfaces in the GRZ, IRZ and LDRZ in relation to site coverage for dwelling development to assist with managing stormwater run-off.</li> <li>• Introduce a garden area requirement as applied in the Victorian State Planning Provisions.</li> </ul>
<p>The subdivision standards in any of the residential zones are focussed on traffic movement and management rather than all users of streets and the important public open space they provide. The requirements of street trees should not be reliant on a council adopted policy. The controls should impose requirements on both local government and developers.</p>	<p>The recommendations concern Subdivision as provided by the exemptions and standards in GRZ, IRZ, LDRZ and RLZ.</p> <p><b><u>Liveable Streets Code</u></b></p> <ul style="list-style-type: none"> <li>• Insert a Liveable Streets Code to acknowledge the importance of the streetscape and public space. The purpose of the code is to impose requirements which results in streets supporting the wellbeing and liveability of Tasmanians and increase the urban forest canopy.</li> </ul> <p>The code will provide for appropriate standards for development of a streetscape at the subdivision stage or where a government body is constructing a new residential street.</p> <ul style="list-style-type: none"> <li>• Amend the exemption at clause 4.2.4 to require a government body to apply the Liveable Streets Code. The exemption could remain in place if the requirements of the Liveable Street Code are achieved; otherwise requiring a permit.</li> </ul>
<p>Part 2 of Schedule 1, <i>Objectives of the Planning Process Established</i> under the <i>Land Use Planning and Approvals Act 1993 (the Act)</i> seeks an integrated and coordinated approach to the planning process in Tasmania.</p> <p>The planning process does not provide for a coordinated or integrated approach as various requirements for use and development is spread across several pieces of legislation.</p> <p><b><u>Examples:</u></b></p> <p>The provision of open space is regulated under the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>. The SPPs</p>	<p>The recommendations seek for the SPPs Review to consider improving the coordinated and integrated approach to the statutory assessment process across different sets of legislation. The recommendations outlined below are a few examples where the planning process is not coordinated or integrated and fails the test of Part 2 of Schedule 1 of the Act.</p> <p><b><u>Public Open Space Code</u></b></p> <p>Insert a Public Open Space Code, requiring consideration of the physical provision of public open space before cash-in-lieu is accepted. The</p>

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<p>do not provide for any requirements concerning public open space in the assessment of subdivision.</p> <p>The conflict between vegetation retention and bushfire hazard management. For example, an application is approved on the basis that native vegetation is retained on a site and conditioned accordingly.</p> <p>The approved application is potentially modified due to the requirements of a bushfire hazard management plan approved after the planning permit.</p> <p>Addressing the issue of bushfire after the planning stage does not allow these matters to be addressed upfront and adds cost to the developer.</p>	<p>SPPs must prompt assessment of physical provision of open space before cash-in-lieu is considered.</p> <p><b><u>Bushfire-prone Areas Code</u></b></p> <p>Amend the Bushfire-Prone Areas Code in the SPPs to require bushfire hazard management assessment as part of the planning process for all development.</p> <p><b><u>Other Hazards Code</u></b></p> <p>Amend the hazard codes in the SPPs to require assessment of an issue as part of the planning process for use and development.</p>