

I. What is your involvement in the development industry?

- Planning practitioner
- Industry body representative
- Community member

COMMUNITY MEMBER

2. What is your experience with residential standards?

- Development appraisal
- Applications for planning permit
- Other (please specify)

OTHER

PMAT is a growing network of [almost 70 community groups from across Tasmania](#) advocating for a strategic, sustainable and integrated planning system serving to protect the values that make Tasmania such a special place to live and visit.

PMAT is a non-government organisation run purely on donations and voluntary support with one part-time paid coordinator.

PMAT was officially launched in Hobart in July 2017 by multi-award winning actress Essie Davis with over 300 guests. At this time, PMAT also launched its [platform document](#), [Facebook page](#), [website](#), [brochure on why planning matters](#) and database.

The core of PMAT's advocacy for good planning is the PMAT [Platform document](#) of key principles that must underpin a robust planning system. PMAT's platform was developed with input from over twenty community groups and is a key guiding document.

PMAT's platform states that to achieve the best future for Tasmania and all Tasmanians, the planning system must be underpinned by six key principles relating to community and environment, strategic vision, transparency and independence, community involvement, integrated assessment and implementation to be shared between state and local government.

One of PMAT's founding concerns was the residential development standards in Tasmania's State Planning Provisions. See PMAT's founding Key Issues [here](#).

PMAT's main experience with regard to the residential standards has been in the advocacy for the review of the residential standards.

Examples of PMAT's advocacy work in this area have included:

- Advocating for a review of the SPPs (State Planning Provisions) is a key priority for PMAT with a special focus on the residential development standards, reserved land/Reserve Activity Assessment process and the Natural Assets Code.
- PMAT also supports the Tasmanian Planning Commission's recommendation (of 9 December 2016) to the State Government that the Residential Provisions should be reviewed as a priority.
- PMAT plays an important role as a contact point and referral agent for individuals and community groups regarding planning issues, including residential issues, within the Tasmanian community. PMAT is contacted at minimum around once per week regarding issues pertaining to residential issues.
- PMAT strongly supported the Local Government Association of Tasmania's push for review of the residential standards, which they say *'have led to confusion and anxiety in our communities with overshadowing, loss of privacy, solar access, height, private open space and site coverage to name a few. A review will highlight these concerns across the State and give the community some expectation of change that can ensure their concerns are heard.'*
- PMAT commissioned a video highlighting residential standard planning issues. Watch video [here](#).
- PMAT commissioned modelling and infographics to communicate the reality of Residential Standards based on the Tasmanian Planning Scheme - PMAT worked with an architectural firm and expert planners to model, in pictorial form, what the Tasmanian Planning Scheme residential standards will look like in real life. While this modelling is yet to be released, this initiative was undertaken with the aim of generating discussion around Tasmania's residential standards and to what extent they are compatible with the values Tasmanian communities hold dear. We can make copies available to GHD.
- PMAT Launched two TV ads focusing on planning issues during the 2018 State election, including one on the residential issues (watch [here at the end of the video the TV ad will play](#)) of the Tasmanian Planning Scheme.

- PMAT Surveyed Candidates in the October 2018 Local Government Elections. PMAT ran the largest candidate survey in the 2018 Local Government elections. The survey demonstrated a majority of the candidates surveyed take the planning responsibilities of local government very seriously and believe councils should have greater capacity to protect local character, amenity and places important to their local communities. There was strong candidate sentiment for local government planning controls that protect local character, sunlight and privacy for our homes and facilitate public involvement in planning decisions in national parks and reserves. More info [here](#). Read PMAT's Media Release [here](#) and [Council election candidates back local planning control](#), The Mercury, 2018.
- In February 2018, PMAT launched an infographic by Tasmanian illustrator, Josh Pringle, depicting all the ways the State Government's new planning laws would damage Tasmania's precious way of life and where we live. This map makes reference to the problematic residential standards. See [here](#).

3. **I here is a need for a common set of standards for residential development.**

Agree

Disagree

PMAT has never actively campaigned against the development of the Tasmanian Planning Scheme. However, the one size-fits all/blunt set of residential standards does put at risk local character (especially with increased density), amenity, heritage and the many values as to why people live where they do.

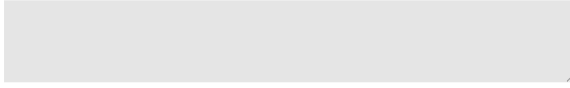
Michael Buxton is Professor Environment and Planning from RMIT University in Melbourne stated that with regard to the Draft SPP's:

"The Government argues the new system is vital to unlock economic potential and create jobs, but the state's greatest economic strengths are the amenity and heritage of its natural and built environments. Destroy these and the state has no future." Source: Talking Point: Planning reform the Trojan horse, The Mercury, Michael Buxton is Professor Environment and Planning, RMIT University, Melbourne, December 2016.

Strategic statewide policies have been a missing component of the Resource Management and Planning System for a very long time, and PMAT's strong preference is for the development of State Policies as they provide for an overarching whole of Government approach, (as opposed to Tasmanian Planning Policies which have limited scope). However, we welcome any effort to develop policies.

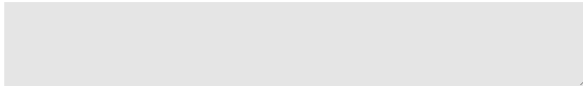
The Residential Standards have been developed in a policy vacuum.

4. Which of the current standards do you think have the most value in guiding applicants and developers?



We would like to discuss this with you further. PMAT would be happy to meet with GHD.

5. Which standards do you think are problematic? Problems can include difficult to interpret, drafting problems, too subjective, doesn't achieve the objective of the standard or doesn't achieve a good planning outcome.



The standards that are resulting in for example in an unreasonable impact on residential character and amenity and remove a right of say over what happens next door to home owners. People's homes are often their biggest asset but the values of their properties can be unduly impacted due to loss of amenity. This also impacts on people's well-being.

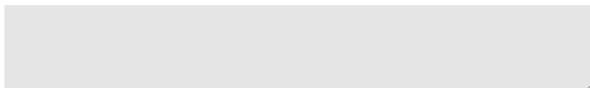
The permitted envelope, for both single and multiunit developments, for example has led to confusion and anxiety in the community (as seen by examples in the video PMAT commissioned in Clarence Municipality) with regards to overshadowing, loss of privacy, solar access (including the loss of solar access on solar panels), height, private open space and site coverage/density. There have also been many examples where neighborly relations have also been negatively impacted due to divisive residential standards.

6. Are you aware of any developments that are either good or problematic examples of the application of the current residential standards? Please also include the standard that applies in your example.



PMAT can provide problematic examples of the current residential standards if required. PMAT would be happy to meet with GHD to discuss.

7. Are you aware of any RMPAT decisions that ought to be considered in the review of these standards?



The Resource Management and Planning Appeal Tribunal has considered the Acceptable Solutions introduced by PD4.1, and their interaction with corresponding Performance Criteria, in a number of cases. In the first of them, *Henry Design and Consulting v Clarence City Council & Ors* [2017] TASRMPAT 11, the Tribunal said at paragraphs [31] and [32]:

*[31] Clause 10.4.1 A1 establishes the magic number of 325 m²/dwelling; it contains no other considerations. **It is akin to a bomb which, when detonated by a compliant development, obliterates any and all non-numerical planning considerations peripheral to density - such as existing and proposed development density, compatibility with streetscape, character, urban form and so on.** The only matter of any importance is the number. (emphasis added)*

[32] An A1-compliant development may be wildly divergent from prevailing density, but the Scheme proclaims it acceptable anywhere in the General Residential Zone, and immune from any considerations of compatibility or other “impedimenta”.

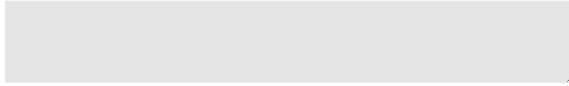
The footnotes to that quote further articulate the Tribunal’s concern about the one-size fits all nature of the Acceptable Solution: *“The effect of A1 may be brutal, but it is one way to answer the common and vexed question arising where the density of an existing area (and, therefore, its character) is proposed to be significantly altered by a planning control – that is: “where and in what circumstances are drastically divergent developments acceptable?” Here, the loud and clear answer is: “anywhere and any circumstances.”*

These comments recognise that, without a review of PD4.1 and the SPP provisions that replicate those provisions, the Acceptable Solutions tie the hands of Councils and are likely to lead to conflict. That is, as long as a development meets the Acceptable Solutions, Councils are bound to approve them even where the development is not consistent with the prevailing character and density of the area.

The “bomb” comments from Henry Design have been apparently quoted in a number of subsequent cases, including:

- [Boland v Clarence City Council and Anor \[2018\] TASRMPAT 4](#) (it was also quoted in the Supreme Court appeal on this matter: [Boland v Clarence City Council \[2018\] TASSC 43](#))
- [The House Family Office Pty Ltd v Hobart City Council \[2018\] TASRMPAT 6](#)
- [Kasem v Hobart City Council & Ors \[2018\] TASRMPAT 8](#)

8. **In your experience, which standards cause the most discretion for proposals (ie. advertising creating third-party rights of appeal and representation)?** Please include evidence such as the percentage of applications or proposals if you can.



PMAT would be happy to meet with GHD to discuss.

9. **Which standards are most commonly the cause for representation from third parties?** Please include evidence such as the percentage of applications or proposals if you can.



It is recommended that this review request RMPAT for an analysis of the most common causes for representation for third party appeals.