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PMAT Submission: Improving Residential Standards in Tasmania, Draft Report July 2024 and associated Medium Density Design Guidelines

The [Planning Matters Alliance Tasmania](http://www.planningmattersras.org.au) (PMAT) welcomes the opportunity to comment on the [Improving residential standards in Tasmania Draft Report \(July 2024\)](#) (Draft Report) and the associated [Medium Density Design Guidelines](#).

State Planning Provisions poor residential standards

PMAT's founding platform seeks to improve the liveability and wellbeing of all Tasmanians.

One of PMAT's founding concerns was the poor residential standards of the State Planning Provisions. This concern was shared by the Local Government Association of Tasmania who resolved in 2018 to write to the then Minister for Planning Peter Gutwein to request a review of the State Planning Provisions for residential standards as they:

'...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'.

Professor of Environment and Planning Michael Buxton, RMIT University, Melbourne also shared our concerns when commenting on the Draft State Planning Provisions *'The Government argues the new [planning] 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'*.

Many of Tasmania's residential areas are unique but more recent suburbs are becoming the same as the bland, boxed, non-descript, and squashed suburbs of mainland Australia.

Five-yearly review of the State Planning Provisions and re-submitting previous PMAT submissions

Improving residential standards is a core component of the current five-yearly review of the State Planning Provisions.



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PMAT has been advocating for improving Tasmania's residential standards for eight years - since 2016.

PMAT made a submission as part of GHD's survey on residential standards in July 2020.

PMAT made a comprehensive submission in 2022 to the review of the State Planning Provisions including separate consultancy reports prepared to support key aspects of PMAT's position. This submission – and especially the *Plan Place Pty Ltd* report - cover many of the issues canvassed in the current residential standards review. The 2022 submission reflects PMAT's position on key State Planning Provisions issues.

The Plan Place Pty Ltd 2022 submission covered the following zones: General Residential Zone (GRZ); Inner Residential Zone (IRZ); and Low Density Residential Zone (LDRZ). The terms of reference of the submission considered these zones and their statutory function in the context of the below dot points and they equally apply to this current project which aims to not only *improve housing supply, affordability and diversity* but aims to ensure the residential standards are fit for purpose and can '*improve liveability, equity, healthy spaces and sustainability*':

- Adapting provisions to respond to climate change in urban and sub-urban settings (e.g. to reduce flood risk and heat island effects);
- 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 *State Planning Provisions*;
- 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 *State Planning Provisions*.

In February 2024 PMAT submitted a response to the *Discussion Paper to inform the Improving Residential Standards in Tasmania Project*.



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As PMAT's concerns raised in the above submissions remain current, we wish to resubmit these documents as part of our response to the *Draft Report*. Specifically, the documents are:

- *State Planning Provisions (SPPs) – Scoping Review submission (August 2022)*. The submission and associated consultant's reports can be found [here](#) and [here](#).
- *Discussion Paper to inform the Improving Residential Standards in Tasmania Project response (Feb 2024) – see Attachment 1 - Attach 1 PMAT Improving Residential Standards in Tas Feb 2024 FINAL*.

PMAT's Density Principles

PMAT's position is that increased density must be underpinned by three key principles:

1. Improved design;
2. Increased liveability; and
3. Ensuring the community has a right of say over what is built next door to them and in their suburbs (including merits-based planning appeals with opportunity for mediation to ensure good planning outcomes for all). Having the opportunity to engage with the planning system not only builds confidence in the system but is consistent with PART 1 - Objectives of the Resource Management and Planning System of Tasmania to '(c) to encourage public involvement in resource management and planning'.

The *Improving residential standards in Tasmania Draft Report* has a strong emphasis on increasing density as a means of meeting housing supply targets. PMAT recognises the severe problems being caused by the current housing crisis. Although the causes of the housing crisis are complex – and largely unrelated to the planning system – good planning has an important part to play in the solutions. Increasing residential density must only be encouraged where it is part of overall good neighbourhood and building design that promotes liveability and sustainability.

Tasmania's suburbs are by in large single dwellings on relatively large sites. Providing increased density and housing choice in Tasmania's suburbs inevitably means change and impacts on the character of those suburbs. It would be very welcome if the existing and future housing needs of Tasmanians could be met while maintaining character and liveability whilst also ensuring the community has a right of say on developments in their communities.

The *Medium Density Design Guidelines* released for comment in association with the residential standards *Draft Report* includes many positive elements. However, to be effective they must be incorporated in the residential standards in a way that will require new housing developments to comply with them. At the same time the Guidelines must be consistent with the draft Tasmanian Planning Policies (TPPs) and at this stage there appear to be some discrepancies.

PMAT provisionally endorses the issues and recommendations raised in the submission by the Tasmanian Planning Information Network (TasPIN). The Submission can be viewed here as



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Attachment 2 - TasPIN Improving Residential Standards Sep 2024. However, PMAT is concerned by the suggested three implementation options in the *Draft Report*. Further to TasPIN's submission we recommend the consideration of a fourth implementation option which is outlined below.

Implementation options for increasing housing density

The *Draft Report* identifies three options for increasing housing density in Tasmania:

Option 1 – through existing zones

Option 2 – through new zones, and revised spatial application

Option 3 – through codes

PMAT is concerned with all three options as they are not underpinned by our three key principles of improved design, increased liveability and ensuring the community has a right of say including merits-based appeals and opportunities for mediation to improve planning outcomes. Some of our concerns are highlighted below.

Option 2 – create new zones

We note Option 2 would include the creation of a new **Urban Residential Zone made up of the existing Inner Residential Zone and General Residential Zone and that there will be 'No Permit Required' for all dwelling types in this new zone.** A new Neighbourhood residential zone (all GRZ not converted to URZ) would be created where single dwellings were also **'No Permit Required' for all single dwellings.**

It is our understanding that 'No Permit Required' developments provide a pathway to demonstrate to a building surveyor that the proposed building work does not require consent from the council as planning authority, as the work is exempt or 'no permit required'. This would most likely mean there would be a level of self-certification which lacks accountability.

This is a worse scenario than what we have now as it removes public involvement in resource planning and is undemocratic. No Permit Required would mean that the public could not comment/appeal/mediate on developments. How could we ensure that liveability standards are required and prioritised? Will it be up to the developers to ensure liveability standards are met? How would standards be prioritised?

It is our view that introducing a 'No Permit Required' pathway is unjustified. In terms of timeframes, our planning system is ranked well nationally. The *Project Overview July 2024 Engagement Factsheet for the consultation on the Draft Report* states itself that *'The Business Council of Australia's national review of planning systems shows that Tasmania's system ranks well among the other states and territories. Specifically, its speedy approval timeframes, and consistent statewide standards.'*

It is also noted that the majority of merits-based planning appeals are mediated showing that our current systems works to ensure better planning outcomes for all. The planning appeals process also



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helps build confidence in our planning system as people have a fair right of say and opportunity for hearings via the independent Tasmanian Civil and Administrative Tribunal. This option is also inconsistent with PART 1 - Objectives of the Resource Management and Planning System of Tasmania to '(c) to encourage public involvement in resource management and planning'.

Option 3 – create new codes

The Tasmanian Planning Scheme has 16 Codes. The Codes set out standards for use or development for matters which are not necessarily confined to one Zone area and can apply over and above Zone provisions, eg natural assets (biodiversity), bushfire-prone, scenic protection, telecommunications, parking etc. Where there is a conflict, Codes provisions override Zone provisions. While Codes address issues which may transcend Zone boundaries, Codes must not be used to distort the underlying zoning of land. Therefore, a Code should not alter the Zone's purpose but it may limit or alter the manner in which a use or development can occur. Under the Tasmanian Planning Scheme, Councils are required to consider the purpose of any applicable Codes in determining an application for a discretionary use.

PMAT is concerned that introducing new codes into the planning system will increase not only the complexity of the planning system but will introduce a new way that codes are applied.

The codes are for example for safety issues, environmental protection, heritage, infrastructure and amenity. Codes identify areas or issues that cross boundaries of properties or zones. They apply in addition to zone requirements.

Fourth Option

A fourth implementation option for increasing housing density could be via SAPs – Specific Area Plans. The major benefit of this is there would be some control of local character and amenity rather than an anything goes approach. This idea is expanded in more detail below.

PMAT's Key Issues/Recommendations

1. PMAT's position is that increased density must be underpinned by three key principles:

ONE: Improved design;

TWO: Increased liveability; and

THREE: Ensuring the community has a right of say over what is built next door to them and in their suburbs (including merits-based planning appeals with opportunity for mediation to ensure good planning outcomes for all). Having the opportunity to engage with the planning system not only builds confidence in the system but is consistent with PART 1 - Objectives of the Resource Management and Planning System of Tasmania to '(c) to encourage public involvement in resource management and planning'.



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2. Option 4 - Increased housing density and liveability could be achieved via the use of SAPs

At present there are three options for varying the State Planning Provisions to protect or enhance local character via Special area Plans (SAPs), Particular Purpose Zones (PPZs) and Site Specific Qualifications (SSQs).

Increased housing density and ensuring liveability could be achieved via the use of SAPs.

A SAP enable provisions for a particular area of land to be included in a Local Provisions Schedule that provide for use or development with significant social, economic or environmental benefit to the State, a region or a municipal area [section 32(4)(a) of the Act].

Applying a SAP would have the benefit of being more flexible in its application and could be applied over specific Zones and in specific areas where increasing density might be appropriate.

- 3. The *Draft Report* places too much emphasis on promoting medium density housing.** While this may be important, it should not detract from the other work required to make the State Planning Provisions overall a more effective planning instrument.
- 4. Residential standards that promote liveability must be given equal weighting.** The *Draft Report* is trying to introduce new standards to improve liveability like green spaces and tree cover, deep soil and solar access to reduce the impact of great height and plot ratio standards. However, the big question is how to ensure that it will have the desired outcomes. Experience indicates it is difficult to give the residential standards equal weight. Numeric standards like minimum lot size, plot ratio, setback and height are prioritised over the elements that support liveability and make the difference to making high density acceptable and less of a negative to the existing character of an area and to the existing inhabitants. Thus, it is essential that the suggested standards for aspects like common open space, landscaping, solar access, and privacy are given the same weight and importance of traditional numeric standards like setback and height.
- 5. The Performance Criteria need to be tightened by removing such words as ‘unreasonable impact’.**
- 6. Maximum permitted height limits on a block that is on the north side of an existing dwelling should not be automatically permitted** unless a generous setback is possible that maintains their existing solar access to their habitable rooms and solar panels.
- 7. Local Area Objectives/character statements for all areas/zones must be reinstated to guide planning decisions.** Local Area Objectives (LAOs) are created by the SPPs (clause LP1.3) and set out the planning objectives for particular localities. They may be included in a zone or SAP. It is not mandatory for planning authorities to include LAOs in their Local Provisions Schedule and it is our understanding that most Councils have not implemented Local Area Objectives. LAOs may be considered by a planning authority when determining an application for a discretionary use. This is especially important given the aims of this current project which is to not only improve housing supply, affordability and diversity but aims to ensure the residential standards are fit for purpose and can ‘*improve liveability, equity, healthy spaces and sustainability*’.
- 8. Quality design should be a central part of Residential Standards and broader planning system.** This is essential for liveability of new dwellings, neighbourhood amenity and environmental



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outcomes. Access to green space, private and communal open areas and design for water management and climate change mitigation are important in this context.

- 9. While it is recognised that review of State Planning Provisions is still in progress, the current provisions provide limited scope for delivering good design in new residential developments, liveability, and neighbourhood amenity.** It can be argued that the ‘lowest common denominator’ approach of using acceptable solutions works against good neighbourhood design and optimum community outcomes. We do need significant reform of the State Planning Provisions.
- 10. The Medium Density Design Guidelines should not have been released for public comment at the same time as the *Improving residential standards in Tasmania Draft Report (July 2024)* as it is difficult for the community to comment on both simultaneously.** The State Planning Office has been mindful in the past about not overloading the community with consultation. But this approach appears to have changed. We are currently being inundated with public consultation and sadly with little effect as the community is being routinely ignored. We sincerely this will not be the case with this submission.
- 11. The draft *Medium Density Design Guidelines* are inconsistent with the Tasmanian Planning Policies.** The draft *Medium Density Design Guidelines* are a big step forward and include a lot of useful design guidance. However, they are not fully consistent with the Draft Tasmanian Planning Policies, which are expected to be implemented in the near future. The *Medium Density Design Guidelines* do not refer to some of the newer planning concepts being introduced by the Tasmanian Planning Policies. Specifically, there is no mention of sense of place, placemaking, green roofs, distributed energy resources or Aboriginal cultural heritage.

The Tasmanian Planning Policies will have a significant impact on the State Planning Provisions, Local Provisions Schedules (particularly Planning Scheme/Local Provisions Schedule amendments) and medium density residential development. If not made consistent with the Tasmanian Planning Policies, the *Medium Density Design Guidelines* will be out of date by the time they are finalised. This will be confusing for developers, designers, planners and the public.

In our view, for the *Medium Density Design Guidelines* to be considered best practice and fully integrated with contemporary Tasmanian planning concepts they should (at least) be made consistent with the following parts of the draft Tasmanian Planning Policies:

- 1.2 Liveability
- 1.5. Housing
- 1.6 Design
- 4.0 Sustainable Economic Development
- 4.4 Renewable Energy
- 6.1 Aboriginal Cultural Heritage
- 6.2 Non-Indigenous Cultural Heritage
- Glossary



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- 12. Development using a place-based perspective is likely to lead to better long-term outcomes for communities and cities.** Rather than focusing on infill development, the emphasis should be on a regenerative place-based approach as per for example that taken by [Village Well](#). The Village Well difference is that it is:
- Human experience-led, not design-led
 - Their ground plane experience visions create buy-in, attract investment and generate return
 - Collaboration, not consultation
 - Their regenerative urban strategies and engagement solutions position projects for enduring success.
- 13. State Planning Provisions must ensure the public has a meaningful right of say and access to appeal rights across the residential zones, in particular by amending what is “permitted” and “discretionary” use and development.** The requirements for notifying an adjoining neighbour that a Development Application has been lodged should be reinstated. Our planning system must include meaningful public consultation that is timely, effective, open and transparent if the planning system is to be trusted by the community it is meant to serve.
- 14. The State Planning Provisions review should take a comprehensive approach to looking at residential standards.** In this context it is also unclear how the review sees the future standards taking into account the varying requirements across the different residential zones (e.g. Low Density Residential compared with Urban Mixed Use).
- 15. Social connection constitutes the largest single factor in overall well-being and resilience.** [Research](#) shows that social connection constitutes the largest single factor in the overall well-being and resilience. It is critical we create residential standards that encourage connection with each other and our environment.
- 16. Better regulation of short-stay accommodation.** One key area where the State Planning Provisions can contribute to better housing outcomes for people on low incomes is to allow for better regulation of short stay accommodation by local government in ‘hot spots’ where short term rental is having a significant impact on long term rental availability and cost. Amending the State Planning Provisions to make short stay rentals discretionary and so allow each Council flexibility in approving and regulating short stay accommodation in the at least Inner Residential Zone, General Residential Zone and Low Density Residential Zone. This is likely to be the most flexible and effective way to limit the impact of short-term rental on housing availability/cost at the local level.
- 17. A community representative be placed on the Technical Reference Group.** It is noted with disappointment that that the ‘Improving residential standards in Tasmania project’ is supported by a Technical Reference Group that includes no community representatives. We would like to re-submit our request that a community representative be placed on the Technical Reference Group.



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We are happy for our submission to be made public.

Yours sincerely,

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