



**Proposed Draft Planning Directive –
Single Dwellings and Multiple Dwellings
(Villa Units and Townhouses)
in the General Residential Zone**

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The Role of the LGAT

The Local Government Association of Tasmania (LGAT) is the representative body of Local Government in Tasmania. Established in 1911, the LGAT is incorporated under the *Local Government Act 1993* with membership comprising all 29 Tasmanian councils.

The objectives of the Association are: -

- To promote the efficient administration and operation of Local Government in the State of Tasmania;
- To watch over and protect the interests, rights and privileges of municipal councils in the State of Tasmania;
- To foster and promote relationships between Local Government in the State of Tasmania with both the Government of Tasmania and the Government of the Commonwealth of Australia;
- To represent the interests of the members of the Association generally, and in such particular matters as may be referred to the Association by its members; and
- To provide such support services to the members of the Association as the Association may by resolution in meeting determine.

Introduction

The Local Government Association of Tasmania (LGAT) is pleased that the Land Use Planning Communication and Consultation Guidelines were met with opportunity being provided to Local Government to comment on this important document ahead of a broader public process.

In preparing this submission, LGAT has tried to focus primarily on common issues or higher order issues and encouraged member councils to respond directly to the Commission with detailed technical feedback.

We are aware that a number of councils have made direct submissions. Any omission of comments they have made should not be viewed as lack of support by the Association for that specific issue.

Some more detailed and/or technical comments provided by councils not intending to make a separate submission have also been provided at Appendix 1.

Comments and Suggestions

Permitted Use Status for Villa Units and Town Houses

There is not agreement on this key aspect of the draft Planning Directive with experiences with PD4, as well as municipality type, influencing the views of councils.

A number of responding councils were supportive of permitted use status for villa units and town houses as dwelling options. Some councils commented that these development types were currently permitted under their planning schemes.

However others noted that more often than not such developments were discretionary *"Multiple dwellings are discretionary in many schemes, ... there is no justification outlining why permitted across the board is any more appropriate than discretionary which is currently more prevalent. ... As drafted the proposed controls do not provide sufficient control and promote the submission of "permitted" multiple dwelling proposals in lieu of an alternative subdivision proposal and subsequent single dwelling development which would be subject to a "discretionary" application"*

Multiple dwellings are not normally viewed as a low-impact development, particularly by persons in established residential areas characterised by single dwellings. I think the public would generally consider multiple dwellings to be a high impact form of residential development in their local areas. This is why most Council's have deliberately chosen to make them discretionary and it is unlikely such status was 'automatically assign' as stated. It is not a straightforward issue and more discussion and justification of use status should assist during the formal process

It was noted by a few councils, that the more rigorous provisions outlined makes it more likely that many multiple dwelling developments will have to be assessed as discretionary. Some councils felt this impact would outweigh any perceived benefits.

The introduction of performance based controls through PD4 has significantly increased (30%) the number of discretionary applications received for Single Dwellings. This has increased assessment times, resulted in developer inconvenience and additional expense. The introduction of this Planning Directive is likely to expand the impact on development approval timelines.

As one council pointed out, should there be a further impact of this nature, widespread across most councils, the increased workload will be unmanageable for existing officers and unlikely to be able to be filled through recruitment because of the shortage of planners in Tasmania.

Also highlighted was the resourcing impact both for the applicant (as pre lodgement information will have to be quite detailed) and at the council as the assessment will have to be of a high level.

Issues from PD4 that are carried into the Planning Directive

Councils noted, and were appreciative of, the effort to review and improve on the provisions of PD4 as relates to single dwellings. There remain some outstanding

concerns, many of which have been raised through direct submissions to the TPC. Some examples are provided below:

- 50% site coverage is very high and is more than almost any Council planning scheme previously allowed. The difference in appearance of streetscapes etc will be significant and not necessarily welcome. There is also increased storm water runoff and associated infrastructure costs for Council when sites reach 75% hardstand.
- It was hoped there would be fresh consideration of issues previously raised such as the rear 4m and front fencing requirements and the discretionary nature of outbuildings. As outlined earlier, a major issue with PD4 is it has significantly increased the number of discretionary applications at many councils due to 'shed in back corner' applications now triggering discretionary applications. This is because of PD4's 4 metre rear setback which cannot be intruded upon under any 'acceptable solution' pathway. This is creating unnecessary red tape and should be corrected by the new planning directive. These applications are generally made by individual property owners rather than building companies/professional so the feedback to government, through industry lobby groups, may not be strong.

Common Pathway for Single and Multiple Dwellings

There was a high level of support for a common permit pathway and assessment standards for single and multiple dwellings. It was felt that this was important in ensuring consistency. It was also noted by once council that it will result in the removal of many requirements in current planning schemes that are unproductive and unnecessary for delivering reasonable planning outcomes.

However, it is felt that currently that draft Planning Directive combines development standards for single and multiple dwellings in a confusing way.

Other issues identified included:

- having to explain the departure from the recently enacted PD4.
- The structure will also require regional or local content to provides standards for non-residential development and other forms of the Residential use class (i.e., a front setback for an apartment, an ancillary apartment, a boarding house etc).). It may be appropriate to vary some of the standards, such as front setback, so that they apply to all development within the General Residential zone which may make future planning schemes more user friendly.
- Only a partial approach to consistency by excluding some types of residential dwelling and unreasonably differentiates for permit requirements between single and multiple dwelling developments. Should be modified to avoid distinction.

Suggestions:

- 1) One suggestion was that *at the very least the standards applying to all dwellings and those applying only to multiple dwellings should be grouped. This would improve transparency for developers/public and ease of use for planners.*
- 2) Another proposal was to separate single and multiple dwellings as *quasi-codes so that developers could easily take away the package of standards for the relevant form of development, without having to wade through superfluous detail. It ought to be possible to locate together those*

standards relating to single dwellings, so that an applicant does not have to wade through all 14 standards to find them.

- 3) It was suggested that the scope of the draft directive be widened to cover dwellings with a shared entrance or entrance above ground floor in order to avoid the need to develop separate standards for these.
- 4) The same standards should apply to existing dwellings that become multiple dwellings when the land around them is developed.

Standards and Performance Criteria

The draft Planning Directive does not seem to deliver the transparent and user friendly format that is desired by the building industry, many of the standards were viewed as convoluted and confusing.

A number of councils highlighted instances where greater clarity in wording was needed and indeed important to ensure consistent interpretation and implementation as well as to improve transparency and understanding for applicants and planners. In general it is agreed that the Directive should avoid subjective, ambiguous and irrelevant language and that Standards must be measurable with reference to a benchmark outcome. Further, some councils noted drafting errors and one council indicated that the Strategic Reason lacked sufficient depth and that the alignment between the Draft Directive and regulatory outcomes were not clearly articulated.

Failing to prescribe suitable and defensible performance criteria results in neighbouring/representor disappointment, unnecessary time delays through RMPAT, additional application costs and administrative burden.

It was felt that the use of the terms 'villa units and town houses' was clumsy and that the differentiation between them is not known or understood.

There are currently 6 single dwelling standards for Tasmania whereas the average number of elements addressed in other States and ACT single dwelling codes is 14.5. It was suggested that the single dwelling standards are not sufficiently comprehensive and need to be augmented (e.g. parking, public amenity).

Suggestions:

- Review the draft directive with a view to improving clarity of wording, removing drafting errors and clearly articulating regulatory outcomes.
- Use "Unit" as more appropriate terminology than villa unit or town house.
- Review the draft Directive to determine whether there is a clear nexus between intention and assessment criteria.
- Make sure legislatively correct language as per PAN 13– e.g. 'must' to denote a mandatory requirement, 'if' rather than 'where', consistent use of lot vs. site, ensure consistency with PD1.
- Review all the Performance Criteria to ensure the key criteria are identified with separation of the qualifying factors to assist applicants and planning authorities in administration of the Standards (minimising subjective weightings as much as possible in relation to conflicting criteria).
- Ensure the Performance Criteria are specific enough to be useable (refer back to comments on wording).

- Delete or modify objectives that are uncertain, unattainable or irrelevant to the primary purpose.
- Consider carefully content which may lead to different interpretations (e.g. bedroom numbers as basis for parking).
- Optimise the use of diagrams and test them well.
- Similarly test the standards using building design practitioners.
- Reconsider the packaging of the residential development standards within the planning directive relative to other residential development standards (e.g. apartments) or other development standards generally as there is potential for increased duplication of similar provisions.
- Consider introduction of a parking standards. Most planning schemes currently include a Parking Directive. It is preferable for consistency that provisions with respect to parking be included in a common location within a planning scheme.
- Landscaping is an important issue for all multiple dwelling developments and can readily be addressed by giving Council's the head of power to condition landscaping for the visual enhancement of the development as part of an approval. Potentially this head of power could be provided by modifying PD1 to provide for the inclusion of general application and decision requirements.

Making Units "Permitted" in the General Residential Zone is a significant step (as many planning authorities, including this Council, currently treat multiple dwelling units as discretionary). It will therefore be critical to ensure that the suite of development standards is robust so that sub-standard development that results in adverse amenity or character outcomes is filtered out.

Density

Most responding councils raised concerns with the proposed dwelling density standards. It was felt there was no 'clear or compelling' reason for applying density standards and that certainly 325m² is too small and inconsistent with current community and developer expectations. The minimum densities need to consider minimum subdivision lot size. It is believed this is likely to see an increase in multiple dwelling developments over traditional subdivisions. As a consequence there would likely be an increased demand on infrastructure and public open space and insufficient opportunity for authorities to obtain contributions.

As example, below are three significant implications highlighted by Clarence Council:

1. The loss of important connections and public open space opportunities. *A permitted multiple dwelling development rarely provides any external public benefit and is incapable of being conditioned to deliver the same outcomes possible through an alternative subdivision application.*
2. Increased density through multiple dwellings result in increased demand for Public Open Space however unlike subdivisions, there is not head of power to require cash contributions in lieu of open space.
3. Increased densities always result in an increased demand on public open space and related improvements but there is not statutory mechanism to ensure that those benefiting from increased multiple dwelling densities pay their fare share. It is noted this concern could potentially be addressed if the code/directive provided the head of power to charge a head works of

equivalent public open space contribution in a similar way to that applicable to a subdivision under the LGBMP.

Waratah Wynard raised the question: "what are the exceptional circumstances of the overlay maps?". They note that their existing planning scheme does not provide a standard dwelling density requirement but has lower densities to retain the character of such areas as Boat Harbour and Sister's Beach. Many councils will have character considerations such as these. Will Specific Area Plans vary the requirements of the Draft Directive?

The proposed density would seem to provide a particularly high density development for more rural settlements (eg Cygnet) which will be zoned General Residential. Further, 50% site coverage is also high compared to most jurisdictions and characteristic of a more urbanised environments. It is suggested that where lower density is to be applied, reduced site coverage provisions should also be applicable.

Suggestions made in relation to the concerns raised include:

- Apply dwelling density standards for single dwelling development.
- Establish a maximum site area per dwelling to prevent non-delivery of residential use at suburban density and inefficient utilisation of land and available or planned infrastructure services as implied in the PD1 zone purpose statement for the General Residential Zone, and by the policies contained in regional land use strategy.
- Delete objectives and assessment criteria that are irrelevant for dwelling density
- Allow the density figure to be modified rather than apply a whole of settlement overlay.
- Consideration should be given to included an absolute minimum site area per dwelling in the performance criteria.
- This is not a common type of standard (re multiple dwelling development triangle) needs diagram to support interpretation.
- Minimum site area set but would need to be changed to suit density established in the zone in regional templates or all regional templates need to be made consistent.
- Density area should be combined with minimum site dwelling standard.

Heritage (and related)

The draft Directive prescribes no other provisions can be introduced that are either in conflict or are inconsistent with the matters prescribed at a) to m). This is inconsistent with PD4 (as modified 2 May 2012) which provides the ability for several identified matters to remain applicable to Single Dwellings, one of which is Heritage.

All of the elements highlighted above are important (or at least can be important) considerations on Heritage listed sites/precincts. It is paramount that any new Planning Directive does not preclude the introduction of design related controls that may be necessary to preserve the integrity of heritage buildings and historic settings. Similarly it is equally appropriate to maintain the capacity to regulate the siting of buildings to address environmental constraints and natural hazards as is currently the case.

Suggestion:

- Specify requirements in planning schemes that apply to single and multiple dwellings e.g. heritage as per Attachment 4 in PD4.

Appendix 1: Detailed Comments (That may not have been raised directly by councils).	
Definitions	<p>Access – not clear – is it intended to mean the land between the property boundary and the road carriageway, or the land on which only the cross over is located, or is it the point on the property frontage where the driveway enters the road reserve.</p> <p>Fence – no definition. Should also include use of other materials.</p>
Solar Access (Section 4)	<p>P1 is not a particularly clear objective – i.e. adequate sunlight – but for what purpose? The purpose is probably more about thermal efficiency but this can be achieved in a variety of ways. Requires specialist involvement. A2 standards are complex and open to misinterpretation. Need diagrams. A2(B)ii) should say 'separated'.</p> <p>Approach proposed in draft directive e is somewhat technical and potentially difficult for planners to assess and does not consider the extent to which site characteristics such as topography may have on overshadowing.</p> <p>The performance criteria for solar access will probably not be able to be satisfied on many south-facing slopes. This would remove some opportunities for densification that may be otherwise good outcomes.</p>
Frontage Setback (Section 5)	<p>A1(b)I) requires a frontage setback as determined by Standard 1 A1. This refers to frontage setback as determined by a 10x15m triangle where an existing house is involved. It is difficult to see how Standard 1 A1 effects or requires a setback of a garage from the frontage. Also 10x15 is not a triangular measurement unless it refers to base and height. A1(b)(ii) allows for a 0.15 setback from the frontage where the gradient is 1:5. Such a small distance would mean that a car entering the garage would need to park over the footpath and possibly into the traffic land while the driver opens the garage door. May also cause a conflict with the widely used crossing design standard (particularly on the uphill slope). Prior to the use of 0.5m setback in the standards further research should be undertaken to determine whether it will allow satisfactory vehicle passage.</p>
Visual Privacy (section 8)	<p>A1(B) refers to a 45 degree angle. It is not entirely clear whether this is intended to be in plan or elevation or both. Clarify. A2(b) refers to the setback of windows on the same horizontal plane. May need flexibility in interpretation eg when one window is higher than another. A diagram showing extent of level difference permitted would be useful.</p>
Appearance (Section 10)	<p>A(1)(a)(i) and A(1)(b)(i) require the front door face the street or driveway. There are many examples where a door is placed at a right angle to the street or driveway and is still acceptable in a visual sense. Suggest the standard be amended to include doorways that are visible from the street or driveway.</p>
Car Parking (Section 11)	<p>It should be noted that there was not unanimous support for the provisions outlined. The comments below are from one council only. Other councils have commented on this to the TPC directly.</p> <p>Parking space in the head of a cul-de-sac is limited and the requirement for 1 visitor space for every 3 dwellings is unlikely to be sufficient. Suggest the standards be 1 visitor space for every 2 dwellings. The start of the head of a cul-de-sac (for the purpose of calculating the car parking requirements) may not be clear. Also is the standard intended to include on the whole lot in the cul-de-sac head or any part of it?</p>

	Clarification required. A2 refers to the AS/NZ 2890 1:2004. Any change in the AS standard will required Planning Directive and Planning scheme amendments, which would be burdensome. Suggest a general reference to AS be used eg current version of...
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<p>Design and location of access (Section 12)</p>	<p>A1 refers to a minimum road width of 15m. It is assumed that this refers to the road reservation width, not the carriageway width? Clarify. Also not all road reserves are 15 m wide. No PC so no consideration of circumstances where lesser road width. Need PC stating required outcomes eg safe passage of vehicles and pedestrians and to suit the public convenience.</p> <p>A1 requires a road serving multiple dwellings to be 15m wide. It is reasonable to consider the suitability of the road network but perhaps a minimum pavement width may be more relevant. There are some areas of (future) General Residential zoning in which roads are user roads (ie have no road reservation) and other areas where the reservation is less than 15m (for historical reasons) but the road pavement is an adequate width. Conversely there is at least one instance where the road reservation is 15m but the road is a gravel surface.</p> <p>Given the objective for that standard is it reasonable for the Directive to also specify that the road must have a footpath for pedestrian access.</p> <p>A2 – the combination of a) and b) could create an excessive number of accesses to a street depending on the shape of the lot and the layout. May need to limit the number of accesses/crossovers to a maximum of 2 per lot or the number per distance of kerb.</p> <p>A3 requires that the location, width and gradient of access comply with the AS2890 1: 2004. Councils use SD 1012 and SD 1003 for these matters and consider it more appropriate in certain circumstances especially because it does not involve certification by a traffic engineer.</p> <p>A6 requires 1 m wide landscaping area at the sides of communal driveway where not adjacent to front entrance. The latter part of the standard is not clear. Suggest diagram.</p> <p>Makes the assumption that the road width is in fact the 'road reservation width' which is not accurate.</p>
<p>Ancillary Site Services (Section 13)</p>	<p>A1 does not make it clear if it requires a communal or individual enclosure/s. Communal facility not a strong requirement now there are mobile garbage bins. May be better to provide space in the private open space of each dwelling with adequate and appropriate access over which to wheel them to the footpath.</p> <p>One of the most commonly raised concerns by representors opposed to units is not the wheelie bin storage areas but the actual impact the wheelie bins have when left out on the street on rubbish collection day. This issue is not acknowledged as one of the stated objectives and not addressed in either the AS or PC.</p> <p>The issues are:</p> <ul style="list-style-type: none"> • That are wheelie bins take up the frontage of the unit sites and sometimes adjoining frontages – this is compounded on sites at cul-de-sac heads and internal or battle axe lots. • Wheelie Bins left on the street before and after collection look unsightly, obstruct footpaths and

	<p>compromise the function of off street parking. Although this issue is common to single dwellings and multiple dwellings alike, the reality is that the average frontage per SD is (in most circumstances) significantly greater the average frontage per MD.</p> <ul style="list-style-type: none"> • Some Council rubbish contractors will not collect rubbish if entry to private property is required – this can be due to insurance/indemnity issues and/or the fact that heavy vehicles are simply not capable entering a residential property designed to cater for domestic loads and turn radii. <p>Prescribing an onsite rubbish storage area does not in any way address the issues outlined above. This issue is one of the reasons that MD's are discretionary in the current planning scheme.</p> <p>An enclosure must be provided which is in a location which is not visible form a road or is located behind a solid screening fence with a minimum building height of 1.2m. Comparatively the existing provisions in the planning scheme do not specify the location of where bins should be stored. An improved outcome is likely to result.</p>
Private Open Space	<p>The standards are satisfactory in terms of the characteristics of the space to be provided however the draft Directive requires a standard provision of 60 square metres per multiple dwelling. This requirement does not take into account dwelling size. This will result in a reduced outcome from the current Planning Scheme arrangements at our Council which require a provision of 50m² to 90m² depending on dwelling size. The approach is considered to be more appropriate to larger urban centres rather than regional towns and may along with site coverage and density provisions, adversely impact the regional town character. May need to be addressed through Specific Area Plans.</p>