

31 January 2013

Mr G Alomes
Executive Commissioner
Tasmanian Planning Commission
GPO Box 1691
Hobart 7001

Dear Mr Alomes

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

Thank you for providing the Local Government Association of Tasmania (LGAT) with the opportunity to provide feedback on the Draft Planning Directive – Single Dwellings and Multiple Dwellings (the draft Directive).

The Local Government Association of Tasmania (LGAT), having consulted with our Members, is able to provide comments on the Draft Planning Directive, noting:

- that the comments should be read in conjunction with our submission on the proposed draft directive dated August 2012 and
- that a number of councils have provided detailed feedback directly to the Commission and that not all comments are replicated. This should not be viewed as a lack of support from the Association for the issues raised. Rather, LGAT has focussed on broad recurring issues rather than specific and more technical suggestions.

In providing feedback, comments are grouped wherever possible, under the Key Issue headings used by the TPC in the Consultation Report.

Councils acknowledge the significant work that has been undertaken in developing the draft Directive including considerable consultation with Local Government planners and planning authorities. While it is noted that a number of issues raised in the earlier consultation have been addressed, some remain outstanding.

Scope

There remains some concern that the draft Directive will not include dwellings with a shared entrance or entrance above ground floor level (ie flats). Please see the submission from Hobart City Council for more details.

The terminology is still problematic particularly the use of 'Villa units and townhouses'. 'Villa units and townhouses' is a term which is not consistent with the ordinary meaning of multiple dwellings and subclasses of 'units' and 'apartments' are better understood by industry and the broader community.

Standards

The subjectivity of the performance criteria remains a strong concern. Experience with PD4 has found that the average developer is not (or is not able) providing satisfactory details to support the proposal that the development is permitted. This means a delay before an application reaches Day 1.

The matter of describing the discretionary components of an application will also need to be considered. Current practice reveals quite a variation. An application for assessment against several performance criteria will never be able to be identified in a counter submission and if several are picked up later there could be a descriptor of considerable length on the site and newspaper notices.

Huon Valley Council has identified a number of Standards that are drafted in a legally unsound manner which does not provide any avenue for a Planning Authority to determine compliance. It is suggested that these are redrafted to express the outcomes that must be demonstrated only. It is also noted that there is a difference in definitions between PD1 and this draft Directive – these need to be aligned. A number of councils have suggested wording changes to standards to reduce subjectivity or ambiguity.

A strong overarching and ongoing concern, based on the experiences of applying PD4, is that a significantly higher number of discretionary applications will be triggered.

Suitability of permitted use status for multiple dwellings

While not expressed by all member councils, there remains some concern that allowing 'villa unit and townhouses' to be permitted is risky given the lack of planning controls to adequately address issues regularly raised by representors or allow regulation of impacts.

Density/Site Coverage

This was a key area of concern for many of our Member councils. While there is support for defining an absolute minimum density – there is still concern about the increased multiple dwelling density. It is considered that the character and settlements and expectations of communities are so diverse that a one size fits all approach is inappropriate. An acceptable solution for density of one villa unit/townhouse for every 400m² is suggested as generally being better aligned to community expectations and retention of established character - except in close proximity to a key activity centre where the 300m² would be acceptable.

It is not clear whether it is possible to expand the Draft Directive to include provisions such as those outlined in the Interim Launceston Planning Scheme 2012 (Clause 10.4.2.1.) by application of an overlay. Some councils commented that acceptable solutions of the kind used in the Launceston Scheme may be required to retain existing character while also making efficient use of existing infrastructure.

Further, concerns that the disparity between dwelling unit density standards and alternate minimum lot sizes through subdivision would result in an industry preference towards Multiple Dwellings has not been considered.

Another issue raised is the lack of a Head of Power to require cash contributions in lieu of open space with regard to multiple dwelling developments. This needs to be addressed given the loss of public open space opportunities. Increased densities inevitably increase

demand for public open space so a statutory mechanism to ensure that multiple dwellings pay their fair share is required. Aligned to this is the concern that if the front setback area is allowed to be used for private open space (requiring privacy fencing) it will lead to a poor urban design outcome. A number of councils suggested private open space should be made to be located behind the building setback.

LGAT members feel that the rationale for maintaining an internal lot building envelop (A2) is unclear and would result in differing standards for single dwellings compared to a 'villa unit or townhouse' development. Consequently there would be a disincentive to achieving infill through subdivision.

The 50% site coverage (Standard 1) is considered by a number of members to be excessive and likely to encourage the development of "McMansions" which would be inconsistent with the character of many municipalities in Tasmania. It appears that 30-35% is more usual. Further it is not clear whether the 50% is based upon roofed area or wall area and whether outbuildings are included.

Appearance standards

A key concern of councils related to rubbish enclosures (Ancillary Site Services) and while the provisions have been deleted there is now no attempt to address wheelie bin usage and storage, with potentially significant impacts on effective waste management. Consequently this is considered a higher priority than some other standards, e.g. width of garage or carport opening.

There is also concern that parking will be insufficient - particularly if rooms are nominated as offices, sewing rooms and the like. It is suggested that a definition of a room capable of being used as a bedroom may be one solution. Alternatively the floor area could be used to determine the amount of parking required in a consistent manner. It is also noted that the absence of any requirement of on-site parking for a single dwelling remains of concern particularly in older urban areas where on-street parking is highly competitive. A minimum requirement should be at least a single car garage attached to each 'villa or townhouse'.

As indicated earlier, Member councils feel that private open space should only be an option between the dwelling and front boundary under the performance criteria and in exceptional circumstances. In the interests of streetscape character and passive surveillance the front garden should be a semi open area and not one screened and enclosed for private open space.

Finally, given a number of the comments raised above, it is suggested that further trialling to explore the appropriateness of the draft Directive in both Greenfield and infill situations on various lot configurations be undertaken by draftpersons/architects prior to finalising the draft Directive and that further consideration be given as to how to minimise the triggering of discretionary applications.

Yours sincerely



Dr Katrena Stephenson
POLICY DIRECTOR