

Review of Tasmania's Residential Development Standards

Issues Paper



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1. Purpose of the Issues Paper

The review of the residential development standards in the State Planning Provisions (SPPs) forms part of broader 5 yearly review of the SPPs as required by the *Land Use Planning and Approvals Act 1993* (the LUPA Act). The term ‘residential standards’ refers to the planning scheme rules that set out the requirements for houses and apartments relating to height, setbacks from boundaries, location of off street parking and other matters.

The purpose of this Issues Paper is to summarise issues identified from an initial consultation on the residential development standards undertaken in 2020. These issues along with additional feedback received from the consultation on the SPPs Review Scoping Paper will inform the review of the residential development standards in the SPPs.

2. Glossary

The following acronyms and abbreviations are used in this report.

AMCORD	–	Australian Model Code for Residential Development
COAG	–	Council of Australian Governments
DAF	–	Development Assessment Forum
LUPA Act	–	Land Use Planning and Approvals Act 1993
PD4.1	–	Planning Directive No. 4 – Standards for Single Dwellings
PD4.1	–	Planning Directive No. 4.1 – Residential Development Standards in the General Residential Zone
IPD4	–	Interim Planning Directive No. 4 – Exemptions, Application Requirements, Special Provisions and Zone Provision
PD8	–	Planning Directive No. 8 – Exemptions, Application Requirements, Special Provisions and Zone Provision
SPPs	–	State Planning Provisions
TASCAT	–	Tasmanian Civil and Administrative Tribunal
TASCORD	–	Tasmanian Code for Residential Development



3. Background

The residential development standards in the General Residential Zone and Inner Residential Zone of the SPPs are derived from *Planning Directive No. 4.1 – Residential Development Standards in the General Residential Zone* (PD4.1). These residential development standards have been in place for over 8 years in Tasmania following the introduction of PD4.1 into interim planning schemes in early 2014. Some elements of these standards also originate from earlier reforms dating back to the mid-1990s.

While amendments have been made to these development standards over these years, a comprehensive review is yet to be undertaken. The experience of using the development standards over a number of years now provides a suitable time for this review to occur.

The residential development standards are the most commonly used provisions in planning schemes, so it remains important they are kept under regular review.

3.1 Origins of the residential development standards

PD4.1 came into effect through interim planning schemes in early 2014 and expanded on the earlier reforms implemented in 2011 through *Planning Directive No. 4 – Standards for Single Dwellings* (PD4). PD4 established consistent standards for single dwellings in the interim planning schemes General Residential Zone and equivalent residential zones in older planning schemes. PD4.1 expanded the scope of provisions to include multiple dwellings, mainly villa unit and townhouse style developments.

The development of consistent residential standards aligned with the planning reforms promoted through the Council of Australian Governments (COAG) and the Development Assessment Forum (DAF) at the time.

Both PD4.1 and PD4 built on model provisions and standards from earlier reforms, including:

- Rescode (Schedule K in the former City of Hobart Planning Scheme 1982), implemented in the late 1990s;
- the Tasmanian Code for Residential Development (TASCORD), published in 1997 by the then Tasmanian Department of Environment and Land Management in partnership with the Commonwealth as a best practice manual for planning and design of residential development in Tasmania; and
- the Australian Model Code for Residential Development (AMCORD), published in 1995 by the Commonwealth Government, from which TASCORD was based.

3.2 Planning Directive No. 4.1 and the SPPs

Revisions were made to some of the development standards in PD4.1 as part of translating them into the SPPs. These revisions were made in response to issues raised following the implementation of PD4.1, and technical reference groups and consultation groups involved in the drafting of the SPPs.



The revisions and reasoning behind them are listed below.

- The three-dimensional building envelope was extended to the rear boundary in response to concerns from council planners. The 4m rear setback was considered to unnecessarily cause proposals for sheds (outbuildings) to be made Discretionary when located at the rear of the site.
- The allowable 'minor' protrusions from the building envelope were increased from 0.6m to 0.9m to provide a more reasonable allowance for awnings and the like.
- The structure of the development standards was modified to align with the structure of the Tasmanian Planning Scheme. Local variations under the Tasmanian Planning Scheme are managed through the Local Provisions Schedules (e.g. particular purpose zones, specific area plans or site-specific qualifications).
- The limitation on impervious surfaces was excluded due to concerns from some council planners about the ability to regulate and enforce such requirements and the lack of any demonstrated benefit from imposing them.
- The private open space standard does not prescribe how it is accessed from the dwellings. This revision was made due to concerns from some council planners with regulating the internal design of dwellings, how they are occupied, and the lack of demonstrated benefits.
- The development standards do not prescribe that a dwelling should have at least one living room window facing north. This revision was made due to concerns that it overlaps with the energy efficiency requirements in the building regulations and that there was limited demonstrated gain from the requirement. The corresponding requirement for separation from adjoining north-facing windows for multiple dwellings on the same site was similarly excluded.
- General redrafting of standards to align with the drafting style and format of the SPPs.

The residential development standards from the SPPs General Residential Zone and Inner Residential Zone are now in operation in the remaining interim planning schemes through *Planning Directive No. 8 – Exemptions, Application Requirements, Special Provisions and Zone Provisions* (PD8). PD8 was initially brought to interim effect through *Interim Planning Directive No. 4 – Exemptions, Application Requirements, Special Provisions and Zone Provisions* (IPD4) in early 2021.

3.3 Review of the residential development standards

The Tasmanian Planning Commission's December 2016 recommendation report on the SPPs noted that the residential development standards had been derived from PD4.1. The report suggested that a sufficient period of time had elapsed since their implementation in 2014 to undertake a review. The Commission specifically recommended that the General Residential Zone and Inner Residential Zone be reviewed as a priority to:

- evaluate the performance of the residential development standards and whether the intended outcomes have been realised, including delivering greater housing



choice, providing for infill development and making better use of existing infrastructure;

- consider the validity of the claims that the standards are resulting in an unreasonable impact on residential character and amenity; and
- introduce drafting that is more consistent with the conventions that apply to the SPPs generally.

The then Minister for Planning accepted these recommendations but considered it more appropriate to further review the residential development standards after the implementation of the Tasmanian Planning Scheme. This acknowledged that PD4.1 had only recently been implemented in the Southern Region interim planning schemes during 2015. A number of revisions were also made to the standards while translating them into the SPPs.

In 2020, the State Planning Office (formerly the Planning Policy Unit) funded a consultancy to scope issues relating to the residential development standards derived from PD4.1. The impacts of the COVID-19 pandemic altered the initial consultation approach.

The review of the residential development standards has now been combined with the full SPPs review. This enables a more complete consideration of the requirements alongside the medium density residential standards for apartment developments, and the broader requirements and policy outcomes in the SPPs.

4. Summary of initial consultation

In 2020, the State Planning Office engaged GHD to undertake initial consultation for the review of the residential development standards derived from PD4.1. This involved consulting with various stakeholders and planning practitioners to ascertain their key concerns with the development standards and to seek examples of real developments which demonstrate those.

Participants were invited to submit their responses to questions in a survey. A total of 16 responses were received. While this represents a small sample, it does provide some initial insight into the issues considered important.

This section provides a summary of the issues raised in the initial targeted stakeholder consultation undertaken by GHD in 2020. It also summarises issues raised in the submissions on the residential development standards received by the [Commission on draft PD8](#).

The issues raised have been generally included in the following categories and are summarised in detail below:

- The implementation of common standards for residential development.
- General drafting concerns that impact on the interpretation of the development standards.
- Detailed concerns raised with each of the development standards derived from PD4.1.



Comments received from respondents represented a variety of views on the development standards with some polarised views presented on the suitability of the standards. For example, some raised concerns with the setbacks being too generous while others considered them too restrictive. Some also considered the standards to be too restrictive and hindering of innovative designs, while others were concerned with a perceived 'unlimited' discretion.

Some respondents generally considered the development standards for residential development are the residential density, building envelope and setbacks standards to provide the most value for guiding applicants and developers. Some also considered the site coverage and privacy standards to provide similar value. Some respondents suggested that more should be done to better protect local amenity and neighbourhood character.

Interestingly, one respondent questioned whether the residential zones are appropriately framed with a suggestion for three main urban zones, one covering standard suburban areas, a second aimed at maintaining existing character in inner suburbs, and a third aimed at achieving infill development and densification.

4.1 Common standards for residential development

Common development standards provide important operational advantages in terms of providing consistency within the planning system and efficiencies for planning authorities, applicants and the community. This was the main reason for introducing PD4.1 (and its predecessor PD4) and ultimately the SPPs as part of the Tasmanian Planning Scheme.

Support for common standards for residential development was nearly evenly split. Some respondents generally supported common standards across the State. However, some respondents, especially those from the community sector, argued that every locality has its own unique characteristics and common standards do not often protect local character, heritage, privacy, amenity and places important to communities. One respondent provided conditional support for common standards provided they do not operate to reduce residential amenity or unfairly limit the say that communities have on how the places evolve.

4.2 General drafting issues

Respondents commonly raised issues concerning the drafting of the residential development standards, including:

- the drafting being too complex and difficult to interpret;
- mismatches between objectives, acceptable solutions, and performance criteria in the standards;
- some standards being too prescriptive causing more applications to be pushed into the Discretionary pathway;
- some standards not achieving their intended outcome; and
- potential mismatches between the standards and decisions of the Resource Management and Planning Appeal Tribunal (now the Tasmanian Civil and Administrative Tribunal (TASCAT)).



4.3 Detailed comments on residential development standards

This section provides a summary of general issues and concerns relating to the detail of the residential development standards.

4.3.1 General issues

Several general suggestions or comments were made on the operation and outcomes of the residential development standards, including suggestions for additional requirements.

General comments and suggestions included:

- The objectives, acceptable solutions and performance criteria should be redrafted to better protect local character, amenity, sunlight and privacy.
- The standards are focused on either single or multiple dwellings rather than providing a variety of residential development forms.
- Concerns with a one-size fits all approach not considering streetscape, character and urban form or accommodating current technologies, economic circumstances, and emerging fashion.
- The standards suppressing rather than promoting innovation in design of structures and use of land.
- The standards encouraging inefficient use of land and encourage community isolation rather than inclusion.
- The standards potentially leading to poor outcomes, such as large buildings on small blocks.
- Unclear performance criteria such as references to "compatible with adjoining dwellings", "unreasonable loss of amenity", "visual impact of apparent bulk, scale and proportion", "potential to dominate frontage", "minimize detrimental impact", "mutual passive surveillance".
- Performance criteria encouraging people to make submissions that express concerns not relevant to the proposal – e.g. allegations of unreasonable impact on amenity, incompatibility with existing character, expectations for uninterrupted access to sunlight and protection of views and outlooks.

4.3.2 Residential Density for multiple dwellings

Overview

The residential density standards at clauses 8.4.1 and 9.4.1 in the SPPs apply to multiple dwellings only and provide an initial test for the suitability of the site for such development. This development standard needs to be considered in combination with the other development standards in the relevant zone to determine the number of dwellings that can be appropriately accommodated on a site.

The standard intends to achieve a density that makes efficient use of the land for housing and optimises the use of infrastructure and community services. In addition to economic costs, underutilisation of urban land and existing transport and utilities infrastructure is a major



contributor to global greenhouse gas emissions and can lead to social isolation and negative health outcomes.

Summary of Issues

Issues raised by respondents about the residential density standard included:

- The complexity of determining the compatibility of the density of a development with the surrounding area as required by the performance criteria.
- A lack of clarity for determining when it is appropriate to exceed density requirements based on a social/community benefit.
- Concerns with the Permitted minimum site area per dwelling of 325m² being inconsistent with local character and amenity expectations in the General Residential Zone.
- The minimum site area per dwelling not allowing for creative solutions for development.
- A mismatch between the density standard and subdivision standards in the General Residential Zone.

4.3.3 Setbacks and building envelope for all dwellings

Overview

The setbacks and building envelope standards at clauses 8.4.2 and 9.4.2 in the SPPs are intended to control the siting (positioning) and scale (size) of dwellings. It is split into three sets of corresponding acceptable solutions and performance criteria dealing with setbacks and the three-dimensional building envelope.

The frontage (front boundary) setback (distance from boundary to building) is aimed at establishing a consistent frontage setback, or, in the case of an existing area, maintaining a consistent frontage setback for dwellings. The setbacks for garages and carports provide for a setback similar to the dwelling or a lesser setback to enable car parking on steep sloping sites.

The building envelope requirement details a three-dimensional envelope that all dwellings are to be contained within and requirements for side and rear boundary setbacks. Diagrams are provided to assist with interpretation.

The standard aims to deliver sufficient flexibility to meet contemporary dwelling design requirements, while also providing a reasonable level of residential amenity for adjoining properties.

Summary of Issues

Issues raised by respondents about the setbacks and building envelope standard included:

- Concerns that it contributes to residential developments that deliver poor design outcomes and which diminish the neighbourhood character.



- Concerns with potential overshadowing, loss of privacy and solar access.
- Mismatches between objectives, acceptable solutions, and performance criteria.
- The frontage setback is based on historic practice which pushes development to the rear of site resulting in under-used land and unusable private open space.
- Concern that the consideration of streetscape qualities and the requirement for integration of new development with the streetscape has been removed from the performance criteria for frontage setbacks in the Inner Residential Zone.
- A suggestion to restore the 4m rear setback due to potential impacts on neighbouring windows (solar access) and loss of rear garden area (vegetation loss, loss of privacy, less recreation space, character and amenity issues).
- The garage and carport setbacks should require the development to maintain or improve the streetscape, not be compatible with existing which may have existing undesirable garages and carports.
- Parking areas should be avoided within the front setback – the front area should be available for gardens to enhance the appearance of the property and streetscape.
- The location of garage or parking structures behind line of the front elevation of a dwelling does not allow for best use of aspect and outlook, imposes limits on design options, and increases construction costs by needing to provide length of driveway.
- While primary frontage is defined, the reference to minor deviations and corner truncations is difficult to interpret.
- Suggestion that the building envelope requirement is the only development standard needed for dwellings.
- The building envelope requirement is difficult for non-experts to interpret – a simpler approach is needed.
- Tall buildings overshadow neighbours, reduce privacy and sunlight.
- Setback provisions do not take into account solar orientation – i.e. variations to the northern boundary setbacks may have less overshadowing impact than a compliant dwelling/shed on southern side of lot.
- Need to clarify whether the 9m or one-third of boundary limitation applies to both side and rear boundary setbacks – the side and rear setbacks are considered to be the most restrictive requirements.
- Clarification should be provided for ‘unreasonable’ overshadowing of a vacant lot and the compatibility test is not specific and is open to various interpretations and therefore uncertainty.
- Suggestions for more guidance for determining overshadowing and visual impacts and the adequacy of solar access.
- Requiring a dwelling to be consistent with the established streetscape and neighbourhood character is difficult to meet.



- The standard may lead to a poor outcome such as large buildings on small blocks.
- The setbacks for outbuildings, sheds and garages are difficult to comply with, particularly the side and rear boundary setback requirements.
- Concerns with the setbacks being too generous.

4.3.4 Site coverage and private open space for all dwellings

Overview

The site coverage and private open space standards at clauses 8.4.3 and 9.4.3 in the SPPs are intended to limit the site area covered by roofed buildings, and also to provide sufficient outdoor space to meet both the operational needs (e.g. storage and clothes drying) and relaxation or recreational pursuits of residents.

The development standard is split into two sets of corresponding acceptable solutions and performance criteria dealing with site coverage (the area of the land covered by roofed buildings) and private open space requirements for multiple dwelling sites and individual dwellings.

Summary of Issues

Issues raised by respondents about the site coverage and private open space standards include:

- Concerns with the performance criteria being too easy to meet compared to acceptable solutions
- Requiring a ‘reasonable space for gardens and landscaping’ is too subjective for the performance criteria.
- It is unrealistic to consider the ‘projected requirements’ of the occupants as required by the performance criteria.
- The site coverage requirements should be separated from the private open space requirements.
- There is uncertainty on how privacy is to be interpreted for private open space.
- Access to private open space does not need to be provided from a habitable room, as access from a non-habitable room (e.g. a laundry, mudroom or utility room) would rarely be inconvenient.
- Suggestion to include a limitation on impervious surfaces as in a previous version of the standards. With no controls on impervious surfaces there is potential to increase the flow of stormwater and may result in the need to upgrade infrastructure, particularly with no stormwater code in the SPPs.
- Suggestion to include a requirement for private open space to have good solar access and be directly accessible from a habitable room or living room, as in a previous version of the standards.



4.3.5 Sunlight to private open space of multiple dwellings

Overview

The standards at clauses 8.4.4 and 9.4.4 of the SPPs apply to multiple dwellings only. The standards are intended to ensure that separation between multiple dwellings on the same site provide opportunities for daylight and sunlight to the private open space.

The standard no longer requires a dwelling to have at least one living room window facing north. This was removed due to concerns that it overlaps with the energy efficiency requirements in the building regulations and that there is limited demonstrated gain from the requirement. The corresponding requirement for separation from adjoining north-facing windows for multiple dwellings on the same site was similarly excluded.

Summary of Issues

Issues raised by respondents about the sunlight and overshadowing standards include:

- Concern that the standard does not achieve anything.
- The sunlight requirement does not contemplate alternative design options.
- The former requirements on north facing window may direct a poor design outcome.
- The development standard is difficult to interpret - should quantify the hours of sunlight per day or some other test to ensure consistency and certainty in decisions.
- There are no technical criteria to account for impacts of dividing fences, slope, vegetation. It is not a two-dimensional assessment.
- Suggestions for additional requirements to ensure a north facing window to a habitable room is of a reasonable size and not overshadowed by an adjoining pergola or patio.
- Standards around overshadowing have prevented poor development from occurring.
- Suggestions to reinstate requirement for habitable room windows to have a northerly aspect and requirement for multiple dwellings to be separated from north facing windows of other multiple dwellings on the same site.

4.3.6 Width of openings of garages and carports for all dwellings

Overview

The standards at clauses 8.4.5 and 9.4.5 in the SPPs are intended to reduce the potential for garage or carport openings to dominate the primary frontage. They specifically control the width of garage and carport openings within 12m of a primary frontage.



Summary of Issues

Issues raised by respondents about the width of openings of garages and carports standards include:

- There is uncertainty on how the standard should be interpreted.
- Clarification is needed on what design techniques are appropriate if the garage or carport openings do not meet the acceptable solution.
- The standard assumes (with no evidence) that garage doors and car port openings are aesthetically offensive.
- Suggestions for the performance criteria to be revised to enable innovative design techniques for a better outcome.
- Suggestions for the performance criteria to provide further guidance for assessment.

4.3.7 Privacy for all dwellings

Overview

The privacy standards at clauses 8.4.6 and 9.4.6 in the SPPs are intended to provide a reasonable opportunity for privacy for dwellings. The standards apply to multiple and single dwellings.

The development standard is split into three sets of corresponding acceptable solutions and performance criteria dealing with:

- overlooking from elevated balconies, decks, roof terraces, parking spaces and carports;
- privacy between habitable room windows; and
- the impacts of shared driveways and parking spaces on multiple dwelling sites.

Summary of Issues

Issues raised by respondents about the privacy for all dwelling standards include:

- This is one of the most important issues to address for residential development along with density, setbacks, site coverage and building envelope.
- The privacy requirements do not always meet community expectations.
- There are difficulties with interpreting this standard.

4.3.8 Frontage fences for all dwellings

Overview

The frontage fence standards at clauses 8.4.7 and 9.4.7 of the SPPs control the height and transparency of fences within 4.5m of a frontage to a road. The standards are intended to balance privacy of the occupants with visibility of the street to assist with broader public



safety, and to enable consistency with fences on adjoining properties. There are no acceptable solution requirements for this standard as these are contained in the exemption for frontage fences in Table 4.6 of the SPPs.

Summary of Issues

Issues raised by respondents about the frontage fences standards include:

- There is no evidence that controlling fence height and transparency is required to allow mutual passive surveillance of the street.
- The purpose of a fence is to provide separation and exclusion between spaces; therefore, a property owner should be entitled to privacy and security of the space between a building and the road - particularly if forced to set back buildings from the frontage.
- Concerns that all fences above 1.2m in height on the secondary frontage are Discretionary – this appears to be corrected in the SPPs.
- There is uncertainty about how the standard is to be interpreted.
- Suggestion that the objective and performance criteria should relate to the fence's impact on the streetscape. The performance criteria should not relate to privacy.

4.3.9 Waste storage for multiple dwellings

Overview

The waste storage standards at clauses 8.4.8 and 9.4.8 of the SPPs are intended to provide for the storage of waste and recycling bins for multiple dwellings that is adequately separated from dwellings.

Summary of Issues

Respondents did not raise any specific issues about these standards.

4.4 Other issues

Several other issues were raised by the respondents. Some were beyond the scope of the residential development standards derived from PD4.1 but are important considerations for the broader review of the SPPs.

Other issues raised by respondents included:

- Suggestion to add landscaping requirements, similar to those in the Parking and Access Code of Southern Interim Planning Schemes or amending clause 6.11.2 of the SPPs to allow conditions to be imposed for landscaping.
- Large minimum lot sizes for subdivision prevent good planning outcomes.
- The setting of minimum lot sizes for the General Residential Zone can lead to vastly different areas/suburbs/villages.



- The Australian Standards for car parking do not consider tandem or jockey parking spaces, meaning that single dwellings in the General Residential Zone will be Discretionary with this parking configuration.
- More focus is needed on strategic planning and regular monitoring and evaluation.
- The rules preventing old/heritage structures from being subdivided off rural holdings mean that numerous dilapidated old/heritage buildings that could be restored are missing that opportunity.

Next steps

The review of the residential development standards is now part of the broader 5-yearly review of the SPPs. Any further feedback on the residential development can be provided through the SPPs Review scoping process.

More information on the SPPs Review is available on the [Planning in Tasmania website](#).





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