

17 August 2015

Ms. Mary Massina  
Executive Chair  
Planning Reform Taskforce  
GPO Box 536, Hobart, TAS, 7001, Australia  
Massina, Mary (State Growth) <mary.massina@stategrowth.tas.gov.au>

Dear Ms. Massina,

Thank you for providing the Property Council of Australia with the opportunity to detail ongoing comment on Tranche 2 of the Tasmanian Planning Scheme.

The Tasmanian Division focussed its advocacy efforts in the run-up to the 2014 State Election on micro-economic reforms with planning identified as a key initiative.

The Property Council remains appreciative of the opportunity to provide significant feedback via our response to the Land Use Planning and Approvals Act 1993 exposure draft, extensive briefings and through continuing as a member of the Industry Consultative Committee.

The Division looks forward to furthering our outstanding relationships with the Tasmanian Government and the Planning Reform Taskforce in order to deliver these much needed reforms.

### **Response**

The Tasmanian Division of the Property Council is pleased to provide the following commentary while also posing a number of questions.

There is no definition of 'existing ground level' as distinct from 'natural ground level' or 'finished ground level'.

Plot ratio is only mentioned with regard to commercial sites and not mentioned in residential zones.

Gross Floor Area refers to outside face of external walls. However this is not a common use (inconsistent with property market measurements), but probably appropriate where measuring the 'footprint' or coverage of a building.

### **General Questions**

- Are planning scheme objectives only covered by Local Provisions (Part B)? - Alters 2.1.1.
- Why isn't there a 'hotel' definition as we currently understand it to be i.e. not a pub ('public house') where there are few rooms but lots of drinking, but a tourist/visitor building with mostly accommodation with support/ancillary facilities? Only other reference is Use Class, 'Hotel Industry' or 'Visitor Accommodation'.

- While 'Remand Centre' is defined, why not other types of detention facilities? The only other reference is Use Class, 'Custodial Facility'.
- Is the measurement of 'site cover' i.e. area of buildings measured to roof edges? Or to the edge of the buildings themselves? This is not clear in 'Residential' when it states, '...excluding eaves up to 0.6m'?
- With regard to Streetscape – how is this used i.e. the predominant form, or the most significant form?
- Is it correct to conclude that only one wind turbine will be permitted per location? Due to distances (i.e. minimum of 60m to sensitive use (i.e. residential) that implies wind turbines (even micro-turbines) will never be used in residential areas?
- What is the status of 'must have regard to...?' Has this term been sufficiently tested for its applicability?

### Residential Zones

To address amenity and impact, it could be argued that higher density zones should be subject to better, more stringent design quality requirements.

The definition of 'road' should be consistent with the Roads and Jetties Act, and that use/development given a limited exemption.

PD4.1 type controls should only be applicable in newer, developing residential areas, not established residential areas subject in infill or densification through alterations and extensions.

Reticulated services should also include communications i.e. broadband.

9.4.2 A1 (b) needs to account for corner lots with equally dual frontages. P1 does not account for greenfield developments with no existing dwellings. A3 (a) the permitted development building envelope is both unreasonably high for existing single storey suburbs and steep sites and should be approximately 6m. It is also unreasonable that a 3m high party wall can be built 9m long as permitted development – it should be setback 1.5m to be permitted. P3 (a) should specifically include loss of views as this is a critical component of amenity and not limited to a lot with an adjoining frontage.

9.4.6 If the AS envelope is single storey then the complication of A1 is not needed. A2 (a) a setback of 3m from a side boundary does not achieve privacy to the outdoor areas of adjoining lot owners for windows/decks above a side fence as a permitted solution.

9.4.7 A1 (b) this should be 50% to be consistent with other parts of the scheme and achieve passive surveillance. Perhaps high security fencing should be excluded. P1 (b) (ii) reference to acoustic fencing would be more appropriate than traffic volumes.

### **Residential Questions**

- How do you measure impact if envelope standards etc. are exceeded? (i.e. the development becomes discretionary). If, for example, a development casts a shadow over an adjacent building's private open space, or is overbearing, what is the measure of 'unreasonable'? This becomes quite arbitrary.
- Will Village Zone to be limited to true mixed use areas rather than 'shack' areas?
- What is the status of the application of the Subdivision Code?
- How does minimum 200sqm/dwelling control density?
- 5.5.2 Why do the Local Provisions prevail over State Provisions?
- 6.1.3 Does the industry require more stringent controls over what and why the Council can ask for information?
- 6.10.1 and 6.10.2 Does this just limit consideration only to discretionary issues (not all issues)?

### **Inner Residential Zone**

- 10.4.2 P3 should specifically reference loss of views and not be limited to a lot with an adjoining frontage.
- Why is a permit not required for multiple dwellings?

In conclusion, the Property Council of Australia is the peak representative body for Australia's property industry. Our members include major investors, property owners and developers as well as the industry's professional services and trade providers.

We look forward to further opportunities to review the State-wide Planning Scheme as it is developed, and support the work of the Planning Reform Taskforce.

The Tasmanian Division remains in full support of - *a suite of planning reforms to provide a fairer, faster, cheaper and simpler planning system for Tasmania.*

Yours faithfully,

**Mr Sam Hogg**



**Division President TAS**

**Mr Brian Wightman**



**Executive Director TAS**

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