

Tasmanian Housing Strategy
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[REDACTED]

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Thank you for the opportunity to comment, I prefer to submit the following rather than the online survey.

Firstly I wish to state that I have no financial interests in the property development industry. I am an architecture student at UTAS interested in housing options that foster a healthy community and promote sustainable land use. I come to this with a belief that whilst affordable and social housing should be a priority, it is the current review into the State Planning Provisions (SPP) that holds many answers to the issues that face housing construction throughout Tasmania. There is also the new Tasmanian Planning Policies which should hopefully afford good housing strategies.

In this submission I concentrate largely on the greenfield subdivisions that are becoming a feature of the growth areas of rural and semi rural zones across the state. I contend that unless changes are made the monoculture housing that is occurring will continue to waste both land and healthy housing opportunities.

I wish to recommend two significant documents (attached) that cover my area of concern - better housing and better land use. Whilst I make general comments below it is these documents that recommend urgent changes to the SPP in respect of residential zones.

THESE ARE: Planning Matters Alliance Tasmanian: Submission to the State Planning Provisions Review 2022

- *Attachment 3 Residential Standards Submission 2022.pdf* 1.
- *Attachment 1 Heart Foundation May 2016.pdf* 1.

Before continuing I do want to briefly comment on the infill housing that is occurring in Hobart and Launceston inner zones that I believe also requires changes to the SPP. I do this by including a quote from the Iain More Launceston Council Town Planner in the CoL submission to the 2022 SPP review. I think it speaks for itself and I hope it will be considered in the Housing Strategy process.

"The building envelope allows development to occur at the rear of the property, without permit, if located within the building envelope, and for certain development. Rear setbacks have essentially been removed. This is not conducive to good planning practice and encourages large, bulky style buildings with the potential to have a negative and unreasonable impact on adjoining properties. It also encourages multiple dwelling development to be largely placed against the rear of the property. This has the ability to change the character of an area by introducing new scale and development type within what are essentially suburban areas. Whilst it may be conducive to more inner city and semi inner city areas, the zones and its provisions need to be looked at more holistically. Some separation would at least encourage thought in design and appropriateness for an area. " 2.

GENERAL COMMENTS

"More homes, built faster" (THS Exposure Draft - Theme One)

In my local area, West Tamar valley, new greenfield subdivisions are occurring and many more are planned - it is a designated growth area. (See attached Montague Estate - Legana) They are single-house-double-garage monoculture blocks up against boundary fences. The developments rely on local open space, and whilst this is relevant it should not be an excuse to maximise the site coverage as we are seeing now. In addition they contribute to warming through the high percentage of land coverage.

I suggest that where these subdivisions occur this is the form of housing that is built because it is available through the SPP and is simply an economic model attractive to the building/property development industry; in short it is profitable. But is it the best use of land or the best form of housing on the large scale it is occurring? In greenfield areas rich in agriculture use and opportunities, not to use land better is a waste and will be a future shame on our planning process.

“reduce(ing) the risk and cost of development for investors” (THS Exposure Draft - Pg 17)

I do not propose the removal of red tape or removing planning authority from councils: with this there is no guarantee of higher quality dwellings or better land use, in fact the opposite is possible.

However I do believe that as things stand, wasteful and bad housing is too easily proposed to, and accepted by councils. It is our planning scheme that allows this and our developers that find it to be the easiest path to investment and profit. Without good reforms to our planning scheme this will simply continue to the detriment of good new communities. The answer is not to centralise one planning authority away from councils but to ensure the planning scheme supports the housing needed and the councils ability to manage good developments in their jurisdiction.

Research Paper No.3 “Place shaping and the future of local government” **3.**

Produced for the current local government review by UTAS Tas Policy Exchange in June 2022, this paper considers the importance of councils in community health and prosperity. Worth consideration for this strategy when, through the local government review, councils are potentially being thrown up in the air to be reformed in a way as yet unknown. *“There is a growing recognition that strong, connected and sustainable communities are the foundations for building long-term wellbeing and prosperity.”*

The missing middle Ref: <https://missingmiddlehousing.com/>

The Housing Strategy | Exposure Draft June 2023 on Pg 22 states *“there is a role for government and industry to support and encourage medium-to-higher density housing developments...”* A question is what role does the SPP play when there is no zoning or code to cover medium density specifically. New subdivisions and urban sprawl (“More homes, built faster” - Theme One) must be able to combine a range of housing options. Selling (releasing?) state owned land assets should not occur for the wasteful type of mono-housing that is currently happening. Nor is it likely to create affordable housing.

The THS Exposure Draft talks about the “missing middle” and greater housing diversity and refers to the current planning reforms being important to deliver new housing. We need to see these reforms and be confident of their effectiveness. I am certainly not proposing housing towers of any sort, any residential building above 3 storeys loses it’s connections to human activity.

Yours sincerely, Victoria Wilkinson

1. <https://www.planningmatterstas.org.au/pmats-submission-to-the-2022-spp-review>

- *Attachment 3 Residential Standards PMAT Submission 2022.pdf*
- *Attachment 1 Heart Foundation May 2016.pdf*

2. Quote from Iain Moore Launceston City Council

<https://planningreform.tas.gov.au/planning-reforms-and-reviews/review-of-the-state-planning-provisions>
Review #88 Pg 5

3. <https://www.futurelocal.tas.gov.au/publications/>

Research Paper 3 – Place shaping and the future role of local government in Tasmania: evidence and options

Other reference.

<https://www.abc.net.au/radionational/programs/bigideas/australia-housing-crisis-la-trobe/102468010>

<https://www.latrobe.edu.au/events/all/ideas-and-society-program-australias-housing-crisis>

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Lot 6	885m ²	\$159,000	Lot 28	814m ²	\$155,000
Lot 7	834m ²	\$145,000	Lot 29	813m ²	\$155,000
Lot 13	830m ²	\$149,000	Lot 30	813m ²	\$155,000
Lot 14	732m ²	\$149,000	Lot 31	807m ²	\$149,000
Lot 15	729m ²	\$149,000	Lot 32	817m ²	\$149,000
Lot 18	794m ²	\$149,000	Lot 33	812m ²	\$149,000
Lot 78	936m ²	\$149,000	Lot 34	841m ²	\$159,000
Lot 79	849m ²	\$149,000	Lot 35	937m ²	\$165,000
Lot 81	732m ²	\$159,000	Lot 36	901m ²	\$159,000
			Lot 37	884m ²	\$159,000
			Lot 38	895m ²	\$159,000
			Lot 39	909m ²	\$165,000
			Lot 40	904m ²	\$165,000
			Lot 41	815m ²	\$165,000
			Lot 42	802m ²	\$165,000
			Lot 43	796m ²	\$169,000
			Lot 44	798m ²	\$165,000
			Lot 45	911m ²	\$165,000
			Lot 46	910m ²	\$165,000
			Lot 47	908m ²	\$159,000
			Lot 48	913m ²	\$159,000
			Lot 49	919m ²	\$169,000

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19 August 2022

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State Planning Provisions review

Introduction

Planning Matters Alliance Tasmania, in their platform seek to improve the liveability and wellbeing of all Tasmanians, has engaged Plan Place Pty Ltd to prepare a submission to the State Planning Provisions (SPPs) 5-year review concerning the following zones:

- General Residential Zone (GRZ);
- Inner Residential Zone (IRZ); and
- Low Density Residential Zone (LDRZ).

The terms of reference of the submission considers these zones and their statutory function in the context of:

- Adapting provisions to respond to climate change in urban and sub-urban settings;
- 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 SPPs;
- 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 SPPs.

In context of the terms of reference, this submission calls on the review to modify the SPPs, highlighting the need for action. Recommendations are stated in each section and in the conclusion. The submission recommends changes to the SPPs for the four residential zones to improve integration of liveability principles and to respond appropriately to climate change.



Liveability, Wellbeing and the State of the Environment Report

The State of the Environment Report 2021¹ (SOE), released by the Commonwealth in July 2022, made a key observation from its findings, noting the *'rapidly changing climate, with unsustainable development and use of resources, the general outlook for our environment is deteriorating.'*

The SOE report reiterates the urgency to implement policy changes and the importance of embodying 'sustainable development', the fundamental principle of the *Objectives of the Resource Management and Planning System of Tasmania* and as documented within Schedule 1 of the core legislation, the *Land Use Planning and Approvals Act 1993 (the Act)*.

In fact, 'sustainable development' is now the very least we can aim for under this existential, planetary, ecological crisis. Forward-looking leaders are saying that 'sustainable development' is akin to 'treading water'. Doing 'less harm' to balance the wholesale damage of the natural environment, upon which human existence depends, is no longer adequate to halt and reverse the increasingly evident mass extinction, including of Australia's unique, iconic, and diverse native species. Nor will it prevent the global average temperature exceeding our current pledge under the Paris Agreement², of less than 1.5°C above pre-industrial levels.

This submission calls on the State Government to significantly improve the response to climate change through the SPPs, and also seeks provisions that will nurture and foster the 'liveability' and 'wellbeing' of Tasmanians. The terms 'liveability' and 'wellbeing' feature in section 12B of the Act and is also referenced in sub-clause (f) of *Part 2 – Objectives of the Planning Process Established by this Act*, Schedule 1 of the Act. These terms signal their importance and relevance to current policy-making, whether at a higher strategic level through the Tasmanian Planning Policies or regional land use strategies, or at a statutory level.

The current provisions that apply to the suite of SPPs residential zones (as referred to above) are changing the underlying fabric of residential areas across the State through incremental use and development change. This is an observation made from not only interactions with the public, but the statutory assessment undertaken against the SPPs as a planner through my planning consultancy.

The rate of development is a complex matter influenced by many economic, social, and environmental factors. By no means is the submission intended to be an analysis that considers these aspects comprehensively. The submission merely notes that a range of variables such as the COVID-19 pandemic, government incentives for housing development, and the surge in housing prices within the real estate market has collectively influenced the rate of development. In the last few years, the development rate has driven the take-up of greenfield sites, including isolated spot expansion of the urban growth boundary, and seen the intensification of residential uses in established areas.

The submission calls on the review to modify the SPPs in the context of the terms of reference in this submission.

SPPs 5 Year Review

The State Planning Review Scoping Paper sets clear direction and parameters of the review on pages 9 of 14. The Review focuses on statutory controls and does not consider a 'particular purpose zone',

¹ [Australia State of the Environment Report |](#)

² [COP 21 Paris France Sustainable Innovation Forum 2015 working with UNEP](#) formed on 12 December 2015.

‘specific area plan’ or ‘site-specific qualification’ introduced as part of a local provisions schedule. However, these should **not** be excluded as the review could learn from these provisions to assist in fine-tuning the SPPs.

It is acknowledged that at the outset of developing the SPPs, there was a mandate to create planning rules across the State that result in a more consistent and efficient assessment of use and development. The SPPs must strive to improve the liveability for Tasmanians, respond to climate change, and be underpinned by the principles of ‘sustainable development’, or better still ‘regenerative development’³. While a consistent approach is important, it should not come at the expense of compromising the attributes, values, and characteristics of residential areas that Tasmanians currently enjoy and wish to pass on to future generations

Additionally, it is acknowledged that statutory controls are not the only means of addressing climate change, liveability, and wellbeing. Other mechanisms also drive change in the land use planning context. Nevertheless, statutory controls are an essential and effective vehicle to implement the Objectives of Schedule 1 of *the Act* and are instrumental for improved balance between new development and established homes.

Adapting for Climate Change, Liveability and Wellbeing

The urgency of climate change is widely reported globally, with the United Nations calling on all levels of government to act and implement the Sustainable Development goals⁴. The SOE⁵, recently released in 2022, reiterates the urgency, reporting, *"the State and trend of the environment of Australia are poor and deteriorating as a result of increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction. Changing environmental conditions mean that many species and ecosystems are increasingly threatened. Multiple pressures create cumulative impacts that amplify threats to our environment, and abrupt changes in ecological systems have been recorded in the past 5 years"*.

The report’s release is a timely reminder of the importance of planning policy and statutory regulation and the purpose the SPPs play in shaping our towns, settlements, broader landscapes, and, more importantly, protecting the natural environment. **Integrating strategic objectives in statutory controls to provide the desired outcomes is vital for mitigating climate change and other environmental outcomes.**

The principle of sustainable development is at the core of the *Objectives of the Resource Management and Planning System of Tasmania* as set out in Schedule 1 of the Act.

Schedule 1 of the Act is underpinned by the principles of sustainable development and is defined in the legislation to mean -

2. In clause 1 (a), sustainable development means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people

³ The term "regenerative" describes processes that restore, renew or revitalize their own sources of energy and materials. Regenerative design uses whole systems thinking to create resilient and equitable systems that integrate the needs of society with the integrity of nature." Source:

https://en.wikipedia.org/wiki/Regenerative_design. For more information, refer to the Living Building Challenge - <https://living-future.org.au/living-building-challenge>

⁴ [Take Action for the Sustainable Development Goals - United Nations Sustainable Development](#)

⁵ [Australia state of the environment 2021 \(dceew.gov.au\)](#)

and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment

The SPPs must be at the very least be underpinned by this principle and preferably move beyond to integrate principles of ‘regenerative development’. In addition, the SPPs must encompass statutory controls that provide the liveability and wellbeing for all Tasmanians as called on by sub-clause (f) of Part 2, Schedule 1 Objectives

Fundamentally, the SPPs, as it applies to all existing and future residential zones, must aim to create and support ‘Communities’ and enable them to thrive well into the foreseeable future.

What the SPPs consider?

The SPPs can consider a range of controls to facilitate an improved response to climate change. Buildings and development embody significant energy from manufacturing and processing building materials to on-the-ground development, conversion of open land, all impacting greenhouse gas emissions.

In terms of energy, the Clean Energy Finance Corporation⁶ says:

The Australian Sustainable Built Environment Council estimates that the property sector accounts for about 23 per cent of Australia’s greenhouse gas emissions. About half of those emissions come from residential buildings – largely from heating, ventilation and air conditioning (40 per cent), appliances (25 per cent) and hot water systems (23 per cent). Measures to address these include adopting energy efficiency building design and construction, along with supporting the widespread inclusion of renewable energy and energy storage solutions.

Buildings and development have a long life span, and the controls can reduce environmental impact at the design stage.

New buildings, if poorly designed or orientated do not to maximise passive solar energy, potentially increase energy consumption and heating and cooling costs. Recent reports on the rental stock have highlighted that those tenants in older housing cannot achieve an ambient temperature of 18 degrees in their homes⁷ which has a substantial impact on living expenses and wellbeing.

As more infill development occurs, the predominant pattern of building spacing and separation between houses across our residential areas is threatened. Loss of separation and spacing indirectly drives up energy costs and reduces passive solar access for established homes.

While densification is an indirect response to climate change (to reduce infrastructure and transport costs), it also brings with it adverse consequences including an ‘urban heat island effect’ and reduced opportunities for passive solar design and residential amenity.

⁶ <https://www.cefc.com.au/where-we-invest/built-environment/housing/>

⁷ [Cold and costly: Renter Researchers' experiences of Winter 22 \(betterrenting.org.au\)](http://betterrenting.org.au)

Therefore a balance must be struck in the SPPs between a policy of urban consolidation and retention of values and attributes of these established residential areas. These aims are not mutually exclusive.

Some specific matters in the standards that are missing from the SPPs are:

- Roof design to include adequate size, gradient and aspect of roof plane for solar panels;
- Adequate private open space and protection of windows from shadows of proposed buildings;
- On-site stormwater detention and storage (separately) and public open space for rain infiltration to ground;
- Double-glazing and insulation for homes and buildings;
- Source of heating of homes, such as preventing wood heaters in new dwellings;
- Passive solar access requirement for homes and buildings;
- Adequate setbacks from all boundaries;
- Servicing multiple dwelling development for waste collection;
- Noise criteria and assessment methodology with direction on how to solve (with permanent measures) increased density along transport corridors;
- Reduced concrete use with more sustainable alternatives and re-use supported; and
- Principles of protecting, in perpetuity, our natural heritage⁸.

Trees & Urban Heat Island

Average temperatures are rising across Tasmania, and with this will come warmer summers, more extended periods of hot and dry weather, more intense storms and more frequent bushfires. The forecast rise in temperature will be particularly noticeable in urbanised areas, where the 'urban heat island' effect will be more pronounced⁹.

Studies¹⁰ show the effects of shade on cooling and protection from UV rays. Shade reduces urban heat island effect. Well-shaded neighbourhoods with street trees can be up to 6 - 10 degrees cooler than residential areas without, reducing the need for energy needs for cooling by individual occupants. The 'urban heat island effect' has a compounding effect on global warming and therefore, increases the severity of future climate change.

In recognition of benefits of the urban forest concept, development of strategies is underway for the main cities of Tasmania. The forerunner to the urban forest strategy currently being prepared for Hobart is the City of Hobart Street Tree Strategy 2017. The vision arising for the City of Hobart Street Tree Strategy is that- *"Hobart is a city where tree-lined streets are a valued component of our quality of life - achieved through excellence in planning, design, installation and care by the City's workers and our community"*.

⁸ It is acknowledged that many items listed above are in the National Construction Code, but the thermal efficiency requirements need to be increased radically upfront in the planning process in order to reduce carbon emissions.

⁹City of Hobart, Street Tree Strategy 2017, [Trees and green infrastructure - City of Hobart, Tasmania Australia \(hobartcity.com.au\)](https://www.hobartcity.com.au)

¹⁰ www.canopy.org

The City of Hobart Street Tree Strategy 2017 guides the planting and management of Hobart's public trees and sets an ambitious target to increase the canopy cover across Hobart's urban areas from 16.7% to 40% by 2046.

Landscaping provisions, including the retention of existing trees and vegetation on private land and requirement for street trees in subdivision controls and reduction of dark roofs and pavements need to be implemented to achieve the ambitious targets and to combat rising temperatures in urban areas.

Greening neighbourhoods, suburbs and settlements is a fundamental component of improving liveability. Reliance on the provision of public open space to respond to climate is not adequate and a 'greening cities' agenda must include consideration of private land. The SPPs must integrate controls, especially for subdivisions requiring street trees and greening in the streetscape. It must also extend beyond subdivision and introduce controls that maximises the retention of existing healthy trees and retain garden areas with solar access in mid-winter on private land where public open space is absent in a residential area. Wall to wall hard surfaces, as currently allowed under the SPPs, also does not assist with greening residential areas.

Liveability and Wellbeing

The Heart Foundation¹¹ has a comprehensive array of literature and studies and has previously provided a submission on the draft SPPs in 2016. The Heart Foundation has extensive evidence of the benefits for adapting the built environment for improved health and wellbeing outcomes and the review must have a high regard for this information.

The Living Community Challenge, International Living Future Institute, also calls on action from all governments, planners, developers and neighbourhood groups to assist with greening our neighbourhoods, not only in response to climate change but to strengthen overall wellbeing and health¹².

Since the COVID-19 pandemic, mental health issues for Tasmanians are rising. Planning for a built environment designed to address these issues is vital to wellbeing.

Land use planning policy plays a significant role in shaping cities, towns and settlements across the State. The four residential zones of the SPPs, GRZ, IRZ, LDRZ and RLZ in addition to the codes, can empower liveability for and wellbeing of all Tasmanians. Statutory controls have the capacity to implement a policy setting which achieves strategic objectives and densification:

- Ensures separation and buffers between buildings, protecting established residential character is protected;
- Target locations for growth, ensuring that densification is in locations supported by transport, services and other infrastructure;
- Influence the provision of affordable housing;
- Require the provision of public open space;
- Integrate trees, street furniture and social infrastructure in the streetscape, as important public spaces, where new roads are proposed; and

¹¹ www.heartfoundation.org.au

¹² <https://living-future.org/lcc>

- Integration of nature, bush, gardens and food-growing areas into the residential environment and then valued and protected as “Natural Heritage”.

The State of Place 2021 Liveability Census¹³ (the Liveability Census) provides evidence that integrating these principles into the SPPs is necessary and best practice.

Healthy urban neighbourhoods include:

- Access to public transport and public open spaces for play and recreation;
- Tree canopies in the streetscape and on private lots providing comfort and shelter;
- Accessible and networked footpaths;
- Affordable housing;
- Appropriate relationships of building form and scale with the streetscape, and neighbourhood character; and
- Useable private open space, privacy, and building orientation to maximise solar access.

The investment into public open spaces, walkability and tree canopy relates to a higher strategic planning policy and is often difficult to enforce through the process where there is an absence of statutory controls, improved SPPs are therefore required. Often the provision of social and physical infrastructure is left to the asset and infrastructure planning of a council, especially in established residential areas. **The SPPs must drive the provision of improved social and physical infrastructure by raising the design standard and requirements for the built form. The SPPs currently undermine achieving liveability and wellbeing goals through the low bar settings for use and development standards in the residential zones.**

The controls of the GRZ and IRZ of the SPPs seek to facilitate infill development to reduce urban sprawl. It is a policy mechanism in the SPPs to reduce the urban footprint and transportation energy. However, the policy of densification also plays a critical role and undermines the character of our established residential areas.

Most of the older established residential areas in Tasmania have single detached dwellings interspersed with a small proportion of multiple dwellings. Increased multiple dwelling development is changing the separation of buildings, building presentation to the streetscape and impacting the character of the established residential areas in the State.

The subdivision standards provide a Permitted pathway for the excision of small lots with areas less than 400m² from parent titles with areas more than 900m². The incremental subdivision pattern means that the buffers and separation between houses that provide for existing residential amenity, is being rapidly eroded. The efficient use of land and increasing dwelling density is not opposed in principle - the concern is that the existing SPPs do not provide statutory controls that enable a planning authority to accurately evaluate the impact of proposed use and development on the amenity to neighbours and the neighbourhood.

The incremental changes to development patterns through the application of the current SPPs fail to protect the character and function of residential areas. Statutory controls must be amended to require the integration of liveability principles in residential areas. Failing this, the valued attributes of residential areas, once changed, are near impossible to reinstate.

¹³ Place Score (2021) State of Place, 2021 Australian Liveability Census



The continuation of a one-size-fits-all approach to the wide-ranging geographical areas of residential zones is contrary to the principles of 'sustainable development' and results in homogenous and bland development.

This submission calls on the review to amend and revise all of the standards of the residential zones.

Learnings from Particular Purpose Zones and Specific Area Plans

Some councils have proposed new particular purpose zones and/or specific area plans in the local provisions schedules to overcome the shortcomings of the SPPs. The wide-ranging use and introduction of these in the local provisions schedule requires investigation and exploration if the SPPs require adjustment to provide a more consistent approach to statutory controls.

As the SPPs are the statutory planning controls that must positively shape Tasmanian settlements, towns, and cities, this submission calls on the review to consider the tailored controls introduced into the local provisions schedules to see if these have relevance to the SPPs and could be more widely applied.

Residential Zones

General Residential Zone (GRZ) and Inner Residential Zone (IRZ)

The provisions with the GRZ and IRZ of the SPPs are derived from Planning Directive 4.1 (PD4.1). PD4.1 were derived from the 'Australian Model Code for Residential Development' and the Tasmanian Code for Residential Development in the 1990s. These provisions were introduced across the interim planning schemes in 2014 and are integrated into the SPPs, shaping our cities, towns and settlements and impacting on Tasmania's liveability.

The standards within the SPPs of the General Residential Zone and Inner Residential Zone are now in operation through Planning Directive No. 8¹⁴ (PD8), and also apply to the interim planning schemes. PD8 was initially brought into effect through the Interim Planning Directive No. 4 in early 2021.

Over time the statutory controls have been diluted, removing opportunity for Public Notification, and using open terms to allow a broad interpretation – reducing certainty.

Low Density Residential Zone (LDRZ) and Rural Living Zone (RLZ)

The provisions within the SPPs for the LDRZ and RLZ are derived from the previous iterations on the various planning schemes, providing for residential use on large lots. The LDRZ is contained within settlements or towns, usually at the periphery of urban areas. Although this is not always the case as there are ample examples of the application of the LDRZ being applied in coastal areas and small towns and settlements.

The RLZ is usually outside of townships and settlements but this also not true in every instance and at times the zone is used as a transition space between a township and agricultural area.

One of the major concerns is that the SPPs seek densification in the LDRZ. The LDRZ is applied in many coastal locations and outer lying areas across the State. The LDRZ density provisions enable multiple dwelling development, providing a permit pathway for a dwelling to be contained on 1200m².

¹⁴ Planning Directive No 8. – Exemptions, Application Requirements, Special Provisions and Zone Provisions

Additionally, the provisions can result in visitor accommodation development that exceed the density provisions in the LDRZ. The latter also is a concern of the RLZ provisions of the SPPs.

Terms in the Residential Zones

Recommendations	
1.	Insert a definition for 'character' in the SPPs in Table 3.1.
2.	Fine-tune the definition of 'amenity' and 'streetscape' in Table 3.1.

Three widely used terms applied in the zone purposes, objectives, acceptable solutions or performance criteria across the four residential zones that a planning authority must consider in assessing use and development:

- Amenity;
- Character; and
- Streetscape.

The terms 'amenity' and 'streetscape' are defined by the SPPs in Table 3.1. However, the interpretation of the term character is usually taken to be the common meaning of the word defined in the Macquarie Concise Dictionary. The defined terms in Table 3.1 -

amenity	<i>means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.</i>
Streetscape	<p><i>means the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setback of buildings and structures from the property boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.</i></p> <p><i>For the purposes of determining streetscape for a particular site, the above matters are relevant when viewed from either side of the same street within 100m of each side boundary of the site, unless for a local heritage precinct or local historic landscape precinct listed in the relevant Local Provisions Schedule, where the extent of the streetscape may be determined by the relevant precinct provisions.</i></p>

The term 'amenity' does **not** consider health and wellbeing of the users of the locality, place or building and this paramount in the assessment of use and development, especially for non-residential development in a residential area. The term 'amenity' is recommended to be modified to include 'health and wellbeing' in the definition which is a consistent with the Schedule 1 of the Act.

Additionally the consideration of 100m on either side of each side boundary in the term 'streetscape' must be reviewed to consider the implication of this statement.

The term 'character' should be defined in the SPPs to provide guidance to the meaning to shape use and development.

The Macquarie Concise Dictionary defines 'character' –

[1] the aggregate of qualities that distinguishes one person or a thing from others.

The definition does not provide guidance or understanding of the importance of the elements that the SPPs should consider in assessing the character of a residential area. The SPPs must consider the term ‘streetscape’ and ‘character’ to ensure that these terms can work harmoniously together in the assessment process.

The term ‘character’ should be defined to capture the attributes the term considers such as established pattern of development, the built form and scale, architectural form, detail and roof styles and the streetscape. The definition of ‘character’ should also distinguish itself from the terms and definitions associated with heritage values which are determined by set criteria with reference to the Burra Charter¹⁵.

The submission calls for the SPPs to define ‘character’. A definition provides clarity and improves certainty to the intent of any provision in the SPPs which refers to the term ‘character’. Therefore, the submission recommends the insertion of a definition for character into the SPPs.

Local Area Objectives and Discretionary Development.

Recommendations	
1.	<p>Amend clause 6.10.2 to require the planning authority to consider the local area objectives in relation to all discretionary development.</p> <p>The clause must be amended, inserting the words "and development", after the words 'Discretionary use'. The words in clause 6.10.2 'must have regard to' are recommended to be substituted with 'demonstrate compliance with'</p>

Clause 6.10.2 does not apply the local area objectives to the assessment of all Discretionary development. The planning authority must only consider the local area objectives where it is a Discretionary use.

The local area objectives may relate to both use or development. The limited application diminishes the use and purpose of the local area objectives by the planning authority in the assessment of development and this should be corrected through the review process.

Visitor Accommodation – GRZ, IRZ, LDRZ, RLZ

Recommendations	
1.	<p>Amend use standards for Visitor Accommodation in the GRZ, IRZ, LDRZ and RLZ or insert a development standard for visitor accommodation to provide a density control that does not exceed the allowed dwelling density in a zone.</p> <p>For example, the construction of one visitor accommodation unit on a vacant site must have a minimum area of 1200m² in the LDRZ.</p>
2.	<p>Insert definitions for the terms ‘character’ and ‘primary residential function’ in Table 3.1 to aid interpretation of the use standard as it applies to Visitor Accommodation in the residential zones.</p>
3.	<p>Review the exemption at clause 4.1.6 to limit the number of persons staying at a property instead of the number of bedrooms.</p>
4.	<p>Review the SPPs for all residential zones to limit the number of homes that can be converted to Visitor Accommodation to increase retention of housing stock for the residential market.</p>

¹⁵ [Burra Charter Archival Documents | Australia ICOMOS](#)

Conversion of single dwellings

The Visitor Accommodation use standards across the four residential zones were drafted to facilitate the visitor economy and to drive the increase in visitation rates to Tasmania as desired by the T21 Strategy¹⁶. While not all municipalities have the Tasmanian Planning Scheme in effect, the policy has been applied widely in interim planning schemes via Planning Directive No. 6 (PD6), which came into operation in August 2018. The PD6 is integrated into the use standards of the four residential zones of the SPPs, including the GRZ, IRZ, LDRZ and RL.

The SPPs do not require a permit for a change of use for Visitor Accommodation. Clause 4.1.6 exempts the requirement of a permit for the use of a dwelling, if:

- (a) the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation; or*
- (b) the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.*

The exemption is not disputed as it does not modify, in principle, the established housing supply. The concern arises from the use standards for Visitor Accommodation, allowing the conversion of an existing habitable building without Public Notification due to the Permitted status. The policy does not impose limitations, and all houses with a gross floor area of 200m² or less can be converted without notice to any adjoining property. This quantifiable approach is applied in all four zones and there are no limitations to the number of persons which can stay at a property.

The housing shortage continues to be a prevalent issue for the State. Many Tasmanians, dependent on the rental housing market, cannot secure properties at an affordable rental rate. This is widely reported by many not-for-profit organisations, local councils and substantiated by the Australian Bureau of Statistics data.

The conversion of single houses to visitor accommodation incentivises property owners to convert their surplus dwellings instead of retaining them in the rental market. Another side effect of applying this policy is that permanent residents dependent on the rental economy are displaced to new locations due to the diminishing supply within areas close to services in a city, town or settlement. The displacement of residents impacts housing security and affordability and may affect individuals' mental health and wellbeing. Displacement of a tenant away from the services can also impose additional living costs by heavier reliance on transportation for travel to employment and limited available services within short distances from their home.

The SPPs in the residential zones could limit the opportunity for conversion of dwellings from Residential use to Visitor Accommodation. The issue arises from accumulative impact of the use standards for Visitor Accommodation, not necessarily from the conversion of a single dwelling in the street but instead the compounding effect of the conversion of several houses in one location. The readjusting of the policy in the SPPs could lead to a more balanced and equitable approach to the housing supply.

¹⁶ T21 Action Plan 2020-2022 (<https://www.t21.net.au/>)

The SPP review must consider redrafting the acceptable solution for all residential zones concerning Visitor Accommodation.

At very least, the SPPs review must consider an amendment to the exemption at clause 4.1.6 which is problematic in that it does not prescribe or limit the number of persons that can stay at the property, instead limits it to the number of bedrooms. By limiting the number of persons under the exemption, this could potentially reduce the impact on traffic generation and car parking in a residential area.

Visitor Accommodation, Densification Undermined

The Performance Criteria P1 for the Use Standard, Clauses 8.3.2, 9.3.2, 10.3.2 and 11.3.2 apply the same test in each zone. The Performance Criteria P1 of all standards provides a permit pathway to consider new visitor accommodation development and does not limit it to be within existing buildings.



Figure 1: Example of development in a coastal location zoned Low Density Residential. The site (outlined in red) has an area of approximately 1800m² and has a site area per dwelling of approximately 450m². The established density on the site is comparable to a density allowed in the General Residential Zone. The performance criteria in residential zones for Visitor Accommodation do not provide enough rigour for a planning authority to potentially refuse an application without challenge of an appeal.

The Performance Criteria requires a planning authority in its assessment of the standard to have regard to the criteria set out at (a) to (f). PC 1 provides a permit pathway for a planning authority to consider a proposal for the use of Visitor Accommodation. While in addition to the use standards for Visitor Accommodation, a site coverage test is also applied in all four residential zones where new

buildings are proposed. The combination of the standards in the assessment process can undermine the intent of densification that is allowable for residential uses, especially in the LDRZ and RLZ. The sub-clauses applied across the zones use undefined terms by the SPPs and therefore leave many of the sub-clauses open to interpretation. The absence of any definitions of terms used creates challenges, as there are no defined parameters of the term 'character' or the meaning of 'primary residential function' to guide the assessment of a proposal. The open-ended nature of the criteria in determining 'unreasonable loss of residential amenity' or 'compatible with the character' is fraught, not providing clear parameters to the development of Visitor Accommodation and what is acceptable.

It can also lead to further issues down the track when the Visitor Accommodation use lapses and in effect we end up with “empty dwellings” given Multiple Dwellings are prohibited in the Rural Living Zone and Discretionary in the Low Density Residential Zone.

Without specific controls concerning Visitor Accommodation to guide appropriate development, the standards lead to intensification, which is not sustainable and diminishes the character of residential areas in sensitive environmental settings. For example, the use and development standards in the LDRZ of the SPPs can create densities comparable to the outcomes achieved for Multiple Dwellings in the GRZ of the SPPs (refer to Figure 1). The opportunity for this development is alarming and it undermines densification set across all four zones. Additionally, the other concern is that legally approved use and development for Visitor Accommodation enables a strata scheme under the *Strata Titles Act 1998* to be created.

Densification, Housing Choice, Private Open Space, Solar Access

Recommendation	
1.	Diversify the residential zone hierarchy by inserting an additional zone that specifically provides for medium density development. The zone can be applied strategically to areas connected with public transportation routes and positioned to be close to services (i.e. local neighbourhood centres or parks). An additional zone can provide certainty for community and expectation of medium density development.
2.	Insert a Neighbourhood Character Code in the SPPs that protect attributes of the established residential areas, maintain separation and buffers as well as promoting food security such as: <ul style="list-style-type: none"> • roof form and architectural style; • building presentation to the streetscape; • garden area requirements to address separation of buildings but also food security; and • retention of mature trees and vegetation.
3.	Insert use and development standards in all residential zones to address housing affordability.
4.	Review of all use and development standards of the GRZ, IRZ, LDRZ and RLZ to include requirements for: <ul style="list-style-type: none"> • Roof design to include adequate size, gradient and aspect of roof plane for solar panels; • Adequate private open space and protection of windows of existing and proposed buildings from shadows;

	<ul style="list-style-type: none"> • On-site stormwater detention and storage (separately) and public open space for rain infiltration to ground; • Double-glazing and insulation of all buildings; • Passive solar access of existing and new buildings; • Re-instatement of adequate setbacks from boundaries for all new buildings; • Maximising the retention of existing trees and vegetation and provide appropriate trade-off where clearance is proposed; and • Servicing of multiple dwelling development such as waste collection. <p>It is acknowledged that many items listed above are in the National Construction Code, but the thermal efficiency requirements need to be increased radically upfront in the planning process in order to reduce carbon emissions.</p>
5.	Redraft Clause 8.4.3 and 8.4.4 to apply a consistent approach to the test of sunlight to private open space of multiple dwellings, requiring that private open space receive at least 3 hours of sunlight to more than 50% of the area on 21 June.
6.	Redraft Clause 8.4.3 and 8.4.4 to apply a consistent approach to the test of the private open space being directly accessible from the living areas of the dwelling.
7.	Consistently apply the requirement that all habitable room windows, private open space of adjoining properties receive at least 3 hours of sunlight on 21 June.
8.	Review the building envelope, reducing its size by imposing stricter setback controls from side boundaries and re-introducing a 4m rear setback requirement for the building envelope as it applies to IRZ and GRZ. Increasing setback requirements is especially important on sites where the topography is not flat.
9.	Insert a requirement for limiting impervious surfaces on a site in the IRZ, GRZ and LDRZ.
10.	Insert a requirement for the north-facing roof area of any existing neighbouring residence not to be overshadowed by any new development.
11.	Prohibit multiple dwelling development in the LDRZ.
12.	Insert a Stormwater Management Code to promote water sensitive design and appropriately manage surface water run-off from development.

Densification, area for private open space and passive solar access in the GRZ and IRZ is determined by a range of use and development standards, concerning:

- Visitor Accommodation;
- Residential density for multiple dwellings;
- Setbacks and building envelopes for all dwellings;
- Site coverage and private open space;
- Sunlight to private open space for all dwellings; and
- Privacy for all dwellings.

While the GRZ and IRZ specially have controls to consider aspects of the built form, the LDRZ and RLZ do not impose the same level due to the minimum lot sizes being much larger than in the GRZ and IRZ. The LDRZ, however, does provide for Multiple Dwellings which is not considered appropriate in this zone.

Residential Density, Eroding Neighbourhood Character

The Acceptable Solution A1, Clauses 8.4.1 and 9.4.1 Residential density for multiple dwellings, provides the density controls for the GRZ and IRZ respectively. The site area per dwelling is 325m² and 200m² for each zone.

The LDRZ of the SPPs allows for multiple dwelling development with a site area per dwelling of 1500m² where access to reticulated infrastructure services are available. Where a proposal cannot connect to reticulated water, sewerage system or public stormwater system, the minimum lot size is set at 2500m². A proposed lot can be reduced under the Performance Criteria to 1200m² where a full complement of reticulated services are available.

The term 'site area per dwelling' is defined in Table 3.1 of the SPPs to mean -

Site area per dwelling	<i>means the area of a site, excluding any access strip, divided by the number of dwellings on that site.</i>
Access strip	<i>Access strip means the narrow part of an internal lot to provide access to a road.</i>

The GRZ is spatially applied to various locations in different environmental settings ranging from urban areas, and townships such as Currie, Wynyard and Swansea to outer lying areas settlements such as Carrick. As a general rule, the GRZ is applied to any area where all infrastructure services (such a sewer and water) are available. The application of the IRZ is typically applied in major service centres such as Hobart and Launceston. The IRZ does not commonly feature, if at all, outside of these major centres in the State.

There are many examples across the State where the pattern of development in established urban areas replicate the pattern shown in Figures 2(a) and (b). Many of these lots have generous backyards, creating buffers and separation between houses along their long axis of a site. Buffers and separation between lots provide amenity for the occupants of these houses, ensuring access to sunlight, occasionally to the rear of the buildings.

The SPPs provide a Permitted pathway for infill development which threaten this pattern of development by allowing infill development through the intensification of existing developed sites or demolition of buildings to enable a multiple dwelling development across several lots. While these areas hold no specific local heritage values and are not subject to Table C6.1 to C6.3 as called on by the C6.0 Local Heritage Code, the character established in these areas contain characteristics that can quickly be lost if disregarded.

The neighbourhood character of a spatial area can be defined by a pattern of development, the built form and scale, architectural form, details and roof styles, and streetscape. Neighbourhood character should not be confused with being of heritage significance which is determined by criteria with reference to the Burra Charter¹⁷. Nevertheless, neighbourhood character deserves consideration when new uses and development are considered in established residential areas.

¹⁷ [Burra Charter Archival Documents | Australia ICOMOS](#)

As a general rule, the same provisions are applied irrespective of location, enabling Multiple Dwellings to occur in any location, irrespective of character or environment. Many of the spatial locations of the residential zones contain development with identifiable building rhythms, separation and spacing,



Figure 2(a): Historical development pattern in areas zoned General Residential, predominant character is single detached dwellings with separation maintained on the long access through front and rear setback requirements



Figure 2(b): Historical development pattern in areas zoned General Residential, predominant character is single detached dwellings with separation maintained on the long axis through front and rear setback requirements

which are easily modified by infill development, either through multiple dwelling development or subdivision provisions.

For example, a site with an area of 1500m² under the Acceptable Solution A1 would allow four dwellings in the GRZ and seven dwellings in the IRZ, assuming that it is not an internal lot, and the calculated area does not include an access strip. There are several sites, developed with a single dwelling that can easily be converted to multiple dwellings where space to the rear of the dwelling is available for development under the SPPs.

The development density provided for in the SPPs is eroding in residential amenity and character in many areas (refer to Figure 3). The current approach appears to be ‘developer’ and ‘profit-led’ rather than community minded or environmentally sensitive.



Figure 3: Example of infill development of an established inner residential area of Launceston.

The concern commonly raised in representations received on an application for infill development are that it is eroding the attributes of the neighbourhood and streetscape, diminishing the use of private open space and access to sunlight of adjoining properties, and lacks landscaping or garden areas in multiple dwelling developments. For the community, this creates the feeling of ‘negative development’ where the profit motive outweighs the timeless principles of ‘community’ and ‘nature’. **Creating conditions for positive developments where the project gives back to the community and the environment, would be a higher aim to which the SPPs could aspire. In this way, Tasmania can**

lead the whole of Australia in its forward-looking approach. This review is an opportunity to modify the SPPs to introduce appropriate and targeted approaches to densification.

Accordingly, to mitigate the loss of neighbourhood character across the older established residential zones in the State, the recommendation is to introduce into the SPPs:

1. A 'Medium Density' zone, applied to targeted location where higher density development can be provided in areas that have a high level of servicing and public infrastructure; and
2. A 'Neighbourhood Character Code', to protect older established residential areas pattern of development by protecting the buffers and separation between buildings.

A 'Medium Density' zone could be applied to appropriate locations where multiple dwellings and apartment living is appropriate, introducing specific controls to support these forms of development in locations where public transportation, public open spaces and social infrastructure is already existing or able to exist, appropriate and supported. This also has the opportunity to provide specific requirements for social housing, housing affordability and diversification of housing choice.

The insertion of a 'Neighbourhood Character Code' would primarily be to protect the established residential areas that could be applied through an overlay across certain spatial areas to guide development in these locations. The 'Neighbourhood Character Code' would provide the opportunity to consider architectural building form, detail and roof style, building position in the streetscape, and spacing and separation between buildings. Any infill development could be specifically guided to maintain the character of the surrounding areas both architecturally and in its response to the landform, landscape and 'sense of place'.

For example, to assist with maintaining separation between the built form in residential areas, it is recommended that the code apply a garden area as a minimum standard. A garden area provision brings a positive approach to limiting impervious surfaces on a site and at the same time integrates liveability principles. The Victorian State Planning Provisions introduced a provision for garden area around 2018. The Victorian State Planning system provides for assessment of neighbourhood character. This submission recommends that a similar approach be adopted in the SPPs.

Setbacks and building envelope for all dwellings

PD4.1 was reviewed as the standard in relation to setbacks and building envelopes. The three-dimensional building envelope as in PD4.1 was amended to remove the requirement of the 4m rear setback. The rationale for its removal was that it often made applications for outbuildings within the four metre rear boundary setback, Discretionary¹⁸.

Typically, in the residential areas comprising single detached dwellings, it is common for an outbuilding to be located at the rear portion of a site. However, the removal of any required rear setback does not consider the bulk and scale of outbuildings proposed in residential areas and eliminates the opportunity for separation of multiple dwellings from buildings and private open space on adjoining land.

¹⁸ State Planning Office (May 2022) Review of Tasmania's Residential Development Standards.

The location of large outbuildings within the four metre rear setback is not supported for the following reasons:

- outbuildings with footprints equivalent to established houses are becoming more frequent;
- they can impact access to sunlight of adjoining properties; and
- they erode the pattern of development which erodes neighbourhood character.

The exemptions of the SPPs in clause 4.3.7 could be adjusted to enable an outbuilding within the four metre rear setback to be assessed where it is an outbuilding within the parameters of the clause. However, the building envelope requiring a four metre setback from the rear boundary must be reinstated as it forms an important function to maintaining separation and spatial and privacy (visual and aural) buffers between buildings as well as rear gardens.

Permeable surfaces & Private Open Space

Development Standards for Dwellings regulate site coverage for all zones and private open space for the GRZ and IRZ.

The Acceptable Solutions A1 of Clause 8.4.3 and Clause 9.4.3, before the operation of PD8, included a requirement limiting the percentage of impervious surfaces on a site. The Review of Tasmania’s Residential Development Standards¹⁹ (RTRDS) resulted in the relaxation of this control, eliminating the requirement that a site must have a minimum of 25% of its area free from impervious surfaces. Equivalent restrictions should also be integrated into the LDRZ.

Impervious surfaces is not defined in the SPPs, and therefore the common meaning of the two words apply. The Macquarie Concise Dictionary, Seventh Edition, defines

impervious to mean –

[1] not pervious; impermeable: impervious to water.

surfaces

[1] the outer face, or outside, of a thing

[2] any face of a body or thing

The impervious surfaces on a site excluding roofed buildings (site coverage) and refers to the area used for sealed internal driveways or paved areas.

The terms ‘site coverage’ is defined in Table 3.1 of the SPPs to mean -

Access strip	<i>Means the narrow part of an internal lot to provide access to a road.</i>
Site coverage	<i>the proportion of a site, excluding any access strip, covered by roofed buildings</i>

The function and purpose of inserting an impervious surface requirement could:

1. mitigate impact on stormwater infrastructure; and

¹⁹ , Issues Paper published in May 2022,

2. minimising the potential negative ecological impacts arising from increased stormwater flows from a site²⁰ whilst minimising replenishment of the ground water system and removing the natural irrigation of the soil and garden plants.

The control was removed as it was asserted by council planners that the impervious surface requirement was too difficult to enforce and that there was a lack of any demonstrated benefit from imposing this provision. Whilst it was not inserted for the purpose of stormwater management, it could be an effective to minimise hard surfaces on a site and have the potential to manage stormwater run-off and surges during rain events, reducing impact on existing infrastructure but by passing it on 'downstream'.

From an environmental perspective, C7.0 Natural Assets Code assesses the impact of a new stormwater discharge point to a waterway and coastal protection area. However, this control does not necessarily apply in residential areas and therefore alternative mechanisms must be introduced into the SPPs. Several residential areas, particularly in an urban setting close to the coastline, will increase surface run-off to waterways where impervious surfaces are created. This increases flood risks downstream wherever and whenever stormwater is discharged into local waterways.

A planning authority has an inability to potentially prevent a developer from constructing impervious surfaces on the area outside of the site coverage requirement for a single dwelling.

For Multiple Dwellings, there is a requirement for retaining 60 square meters of private open space for each dwelling on the site. However, the control is not adequate as the Performance Criteria P1 provides opportunity to reduce this area if it can demonstrate it satisfies sub-clauses (a), (b) and (c).

The SPPs make an underlying assumption that a site will retain land areas for landscaping and gardens if it is a single dwelling. A control is necessary to impose restrictions for the creation of impervious surfaces. Permeable surfaces retained assist with slowing of water flows and reduces pressure on ageing infrastructure and waterways.

The recommendation is to reinstate the requirement for impervious surfaces as it applies to all dwellings in the GRZ and IRZ.

Useable Private Open Space

The SPPs require the provision of private open space for all dwellings.

Multiple Dwelling and Single Dwelling development must provide each dwelling with private open space in one location, unless not at ground level, with:

- a minimum area of 24m²;
- a horizontal dimension of not less than 4m; and
- a gradient not steeper than 1 in 10.

The test in the SPPs does not provide any requirement for private open space under the Performance Criteria in the GRZ and IRZ does not trigger a requirement to achieving three hours of sunlight on 21st of June where a proposal fails the test of the Acceptable Solution.

²⁰ Aquatic Natural Values and Residential Development



Figure 4: Multiple dwelling development example where useable private open space is next to the internal driveway. The private open space is shown by the orange hatched areas.

The useable open space for multiple dwelling developments is diminished. Typically, dwelling development repeats a pattern which provides for detached buildings around the outer perimeter of a site. Dwellings proposed on a site are often pushed to the outer edges of a site to make way for an internal drive, parking and circulation spaces as required by the C2.0 Carparking and Sustainable Transport Code. Consequently, this approach can diminish the useable private open space, and often forces it to be sited in locations that do not primarily serve the occupants of a home (refer to Figure 4).

While the use and developments standards of both the GRZ and IRZ consider the space relationship of multiple dwellings on the same site, the test under the performance criteria does not stipulate a habitable room window or private open space receive at least 3 hours of sunlit on 21st of June. The

submission recommends that all residential zones require this test as a minimum under each of the applicable performance criteria.

Subdivision and Streetscape - GRZ, IRZ, LDRZ and RLZ

Lot Design

Recommendation	
1.	<p>Insert a Liveable Streets Code to acknowledge the importance of the streetscape and public space. The purpose of the code is to impose requirements which results in streets supporting the wellbeing and liveability of Tasmanians and increase the urban forest canopy.</p> <p>The code will provide for appropriate standards for development of a streetscape at the subdivision stage or where a government body is constructing a new residential street.</p>
2.	<p>Amend the exemption at clause 4.2.4 to require a government body to apply the Liveable Streets Code. The exemption could remain in place if the requirements of the Liveable Street Code are achieved; otherwise requiring a permit.</p>
3	<p>Insert a Public Open Space Code, requiring consideration of the physical provision of public open space before cash-in-lieu is accepted. The SPPs must prompt assessment of physical provision of open space before cash-in-lieu is considered.</p>

The SPPs provide permit pathways for subdivision in all the four residential zones, with the minimum lot sizes correlated to zone and dependent on infrastructure services.

The GRZ and IRZ are typically in fully serviced infrastructure areas where access and residential support services is available. The LDRZ is applied in areas where some services may be available, and it is desirable that large lot sizes are preferred. The RLZ provides for residential development on lots ranging from 1 ha to 10 ha.

The act to subdivide, as defined in Table 3.1 means:

to divide the surface of a lot by creating estates or interests giving separate rights of occupation otherwise than by:

- (a) a lease of a building or of the land belonging to and contiguous to a building between the occupiers of that building;*
- (b) a lease of airspace around or above a building;*
- (c) a lease of a term not exceeding 10 years or for a term not capable of exceeding 10 years;*
- (d) the creation of a lot on a strata scheme or a staged development scheme under the Strata Titles Act 1998; or*
- (e) an order adhering existing parcels of land.*

The SPPs are structured so that a proposal for subdivision does not require it to be categorised into one of the Use Classes as set out in clause 6.2.6. The Development Standards for Subdivision in the residential zones apply a test concerning lot design and roads. In the case of the IRZ, LDRZ and RLZ, services including provision of a water supply, wastewater disposal and stormwater are also considered. Where this approach is applied, the General Provisions at Clause 7.10, a planning authority may consider subdivision at their discretion.

The acceptable solutions of clauses 8.6.1 and 9.6.1 provide for minimum lot sizes of 450m² and 200m², respectively. The concern is that the GRZ and IRZ across the State are spatially applied to a mix of locations with varied environmental attributes and landscape values. The pattern of development varies across these areas. Nevertheless, the SPPs through the residential zones apply a generic approach to all areas irrespective of their attributes with some exceptions applied if a scenic management area or priority vegetation area provided for in the codes applies. Even if codes apply, the development pattern in the neighbourhood character context is not considered.

Typically, development in the outer older residential areas is characterised by single detached dwellings interspersed with multiple dwelling development.

The SPPs provide opportunity to excise lots with areas of 400m² in GRZ and 200m² in the IRZ from the parent title without any requirement of Public Notification. The subdivision controls do not provide any regard to neighbourhood character as mostly these are considered as arbitrary lines on a plan. Where there is no road proposed, it is difficult to refuse an application based on clause 7.10 even if the outcome is inappropriate. The recommendation in this submission is to tighten the controls by inserting a 'Neighbourhood Character Code' that also applies to subdivision standards to mitigate adverse impact on neighbourhood character .

Provision of Roads and Liveability

The development standard concerned with the provision of new roads in a plan of subdivision does not integrate the principles of liveability. The streetscape forms part of public open space and serves as a critical function for pedestrians and cyclists to move through residential areas. The standard concerning the provision of road is focussed on connectivity, safety, and convenience without defining basic requirements for pedestrians.

The requirements of footpath width have traditionally applied the Tasmanian Standards for road design. The SPPs should place requirements on providing particular attributes in the streetscape and provide for a street design that considers:

- All accessible footpaths;
- Bicycle path infrastructure;
- Water sensitive urban stormwater design to slow surface water run-off;
- Street tree planting;
- Reconsider the road carriageway width;
- Safe pedestrian crossing facilities;
- Traffic calming measures in residential street;
- Solar lighting; and
- Sufficient space for underground service.

The current test for new roads in the four residential zones does not raise the standard sufficiently. The submission recommends that specific criteria be inserted in the way of a 'Liveable Streets Code' into the SPPs to achieve best practice design, integrate liveability, and stipulate minimum requirements for the provisions of improved greening and infrastructure in streets.

It is intended that the 'Liveable Streets Code' also apply to government bodies undertaking the construction or repair of roads. Currently the exemptions at clause 4.2.4 exempts a government body from requiring a permit or adhere to any standard within the SPPs. The exemption could remain, but

it should be linked with the ‘Liveable Streets Code’ to ensure government is required to meet the same standard.

Public Open Space

Public open space provision is paramount for Tasmanians' future liveability and wellbeing. There is an absence of public open space provision in the SPPs. Currently, the requirement of public open space provision is set out by the *Local Government and Building Miscellaneous Act 1993* as provided by sections 116 and 117.

The absence of policy in the SPPs does not provide any parameters for the physical provision of open space versus cash-in-lieu. The absence of any provisions in the SPPs creates a disconnect between the integration of liveability principles and statutory controls.

The SPPs should include public open space provisions rather than a planning authority relying on separate legislation. The submission recommends that the SPPs, as they apply to the four residential zones, insert provisions to assess public open space requirements as part of a proposal concerning subdivision where it intends to construct a new road.

Coordinated and Integrated Planning Process

Recommendation	
1.	<p>The recommendations seek for the SPPs review to consider improving the coordinated and integrated approach to the statutory assessment process across different sets of legislation.</p> <p>The recommendations outlined below are a few examples where the planning process is not coordinated or integrated and fails the test of Part 2 of Schedule 1 of the Act.</p> <p><u>Public Open Space Code</u> Insert a Public Open Space Code, requiring consideration of the physical provision of public open space before cash-in-lieu is accepted. The SPPs must prompt assessment of physical provision of open space before cash-in-lieu is considered.</p> <p><u>Bushfire-prone Areas Code</u> Amend the Bushfire-Prone Areas Code in the SPPs to require bushfire hazard management assessment as part of the planning process for all development.</p> <p><u>Other Hazards Code</u> Amend the hazard codes in the SPPs to require assessment of an issue as part of the planning process for use and development.</p>

Part 2 of Schedule 1, *Objectives of the Planning Process Established under the Land Use Planning and Approvals Act 1993 (the Act)* seeks an integrated and coordinated approach to the planning process in Tasmania.

The planning process does not provide for a coordinated or integrated approach under the SPPs as various requirements for use and development is spread across several pieces of legislation. Examples that demonstrate the lack of coordination or integration are as follows:

- The provision of open space is regulated under the *Local Government (Building and Miscellaneous Provisions) Act 1993*. The SPPs do not provide for any requirements concerning public open space in the assessment of subdivision and it continues to rely on the Local Government (Building and Miscellaneous Provisions) Act 1993.

- The conflict between vegetation retention and bushfire hazard management. For example, an application is approved on the basis that native vegetation is retained on a site and conditioned accordingly. The approved application is potentially modified due to the requirements of a bushfire hazard management plan approved after the planning permit. Addressing the issue of bushfire after the planning stage does not allow these matters to be addressed upfront and adds cost to the developer.

The recommendations calls on the SPPs review to consider improving the coordinated and integrated approach to the statutory assessment process across different sets of legislation. This is important to provide clear signals and expectations to the community. The SPPs currently fails the test of Part 2 of Schedule 1 of the Act.

Conclusion

The suite of residential zones:

- General Residential Zone (GRZ);
- Inner Residential Zone (IRZ);
- Low Density Residential Zone (LDRZ); and
- Rural Living Zone (RLZ),

provides a generic approach to use and development, resulting in bland and homogenous outcomes. The residential zone controls in the SPPs, especially for the GRZ, IRZ and LDRZ fail to strike a balance between urban consolidation and achieving outcomes that support well-being and liveability.

It is evident that approved use and development where the SPPs are applied, is resulting in a changing urban fabric of the established residential areas across the State, irrespective of location.

The controls disregard neighbourhood character and natural values. For example, the SPPs do not include controls that provide for:

- healthy separation and protecting buffers between buildings, and protecting established residential character; and
- consideration of built form, architectural roof styles and the streetscape.

The statutory controls in SPPs in relation to the residential zones have become oversimplified moving away from AMCORD. This has led to poor design outcomes.

The GRZ, IRZ and LDRZ seek densification through infill development or subdivision but do not provide the rigour in controls to balance the trade-offs for occupants of established use and development, such as:

- loss of sunlight garden areas, private open space or habitable rooms of adjoining properties;
- loss of garden areas and opportunity for food production;
- impact on stormwater infrastructure; and
- loss of established mature vegetation and trees to develop a site.

These controls also lack rigour to enable 'regenerative development' outcomes to respond to climate change. This submission seeks the introduction of a 'Medium Density Development' zone and a 'Neighbourhood Character Code' to respond to key concerns raised by this submission.

The subdivision controls as it applies to residential areas have minimal requirements, not requiring any specific attributes that must be provided in the streetscape when development is approved. While this is a failing of the SPPs, this submission recommends the introduction of a Liveable Streets Code to address this very issue.



The SPPs must not only provide a response to climate change but must take an equitable approach to housing affordability and inclusionary zoning. The SPPs review must carefully consider the principles outlined in this submission and develop statutory controls to improve outcomes aligned with community aspirations sought by Planning Matters Alliance Tasmania.

Yours sincerely

Heidi Goess

Director, Plan Place.

Summary of Key Issues and Recommendations of the General Residential Zone, Inner Residential Zone, Low Density Residential Zone and Rural Living Zone.

Key issues	Priority recommendations
<p>Clause 6.10.2 does not apply the local area objectives to the assessment of all Discretionary development. The planning authority must only consider the local area objectives where it is a Discretionary use. The local area objectives may relate to both use or development. The limited application diminishes the use and purpose of the local area objectives by the planning authority in the assessment of development and this should be corrected.</p>	<p><u>Consideration of the Local Area Objectives to Discretionary development.</u> Amend clause 6.10.2 to require the planning authority to consider the local area objectives in relation to all discretionary development. The clause must be amended, inserting the words "and development", after the words 'Discretionary use'. The words in clause 6.10.2 'must have regard to' are recommended to be substituted with 'demonstrate compliance with'.</p>
<p>Many terms are poorly and narrowly defined, or not defined at all, making certain terms in the residential zones open to interpretation and there is a heavy reliance on the common meaning of a word.</p>	<p>The recommendations concern the definitions within Table 3.1 of the SPPs as they relate to terms used in the GRZ, IRZ, LDRZ and RLZ.</p> <p><u>Terms and Definitions</u></p> <ul style="list-style-type: none"> • Amend the definitions for the following terms, which are defined too narrowly: <ul style="list-style-type: none"> ○ Amenity, to articulate improved outcomes concerning health and wellbeing for Tasmanians. ○ Streetscape, to fine-tune the definition, to lift its narrow interpretation. • Insert definitions for the following terms: <ul style="list-style-type: none"> ○ Character; and ○ Primary residential function.
<p>The suite of residential zones:</p> <ul style="list-style-type: none"> • General Residential Zone (GRZ); • Inner Residential Zone (IRZ); • Low Density Residential Zone (LDRZ); and • Rural Living Zone (RLZ), <p>provides a generic approach to use and development, resulting in bland and homogenous outcomes. The residential zone controls in the SPPs, especially for the GRZ, IRZ and LDRZ fail to strike a balance between urban consolidation and achieving outcomes that support well-being and liveability.</p> <p><u>Densification, Loss of Character, Climate Change</u></p> <p>It is evident that approved use and development where the SPPs are applied, is resulting in a changing urban fabric of the</p>	<p>The SPPs for the GRZ, IRZ, LDRZ and RLZ must actively enable and enforce the principles of 'sustainable development' at a minimum or better still embrace the principles of 'regenerative development'.</p> <p>The latter seeks to provide for development that gives more than it takes, supports the community above all else, including the profit motive of the individual developer's economic desires, and creates zero carbon projects. With this in mind the recommendations of this submission are as follows:</p> <p><u>Review of all standards</u></p> <p>Review of all use and development standards of the GRZ, IRZ, LDRZ and RLZ to include requirements for:</p>

Key issues	Priority recommendations
<p>established residential areas across the State, irrespective of location.</p> <p>The controls disregard neighbourhood character and natural values. For example, the SPPs do not include controls that provide for:</p> <ul style="list-style-type: none"> • healthy separation and protecting buffers between buildings, and protecting established residential character; and • consideration of built form, architectural roof styles and the streetscape. <p>The statutory controls in the SPPs in relation to the residential zones have become oversimplified moving away from 'Australian Model for Residential Development'. This has led to poor design outcomes.</p> <p>The GRZ, IRZ and LDRZ seek densification through infill development or subdivision but do not provide the rigour in controls to balance the trade-offs for occupants of established use and development, such as:</p> <ul style="list-style-type: none"> • loss of sunlight to private open space or habitable rooms of adjoining properties; • loss of garden areas and opportunity for food production; • impact on stormwater infrastructure; and • loss of established mature vegetation and trees. <p>These controls also lack rigour to enable 'regenerative development' outcomes to respond to climate change.</p> <p><u>Housing Affordability and Choice</u></p> <p>The SPPs do not require any controls that drive housing affordability or inclusionary zoning.</p> <p><u>Visitor Accommodation</u></p> <p>Addressed separately below.</p> <p><u>Subdivision</u></p> <p>Addressed separately below.</p>	<ul style="list-style-type: none"> • Roof design to include adequate size, gradient and aspect of roof plane for solar panels; • Adequate private open space and protection of windows of existing and proposed buildings from shadows; • On-site stormwater detention and storage (separately) and public open space for rain infiltration to ground; • Double-glazing and insulation of all buildings; • Passive solar access of existing and new buildings; • Re-instatement of adequate setbacks from boundaries for all new buildings; • Maximising the retention of existing trees and vegetation and provide appropriate trade-off where clearance is proposed; and • Servicing of multiple dwelling development such as waste collection. <p>It is acknowledged that many items listed above are in the National Construction Code, but the thermal efficiency requirements need to be increased radically upfront in the planning process in order to reduce carbon emissions.</p> <p><u>Affordable Housing</u></p> <p>Insert use and development standards in all residential zones to address housing affordability.</p> <p><u>Neighbourhood Character Code</u></p> <p>Insert a Neighbourhood Character Code in the SPPs that protect attributes of the established residential areas, maintain separation and buffers as well as promoting food security such as:</p> <ul style="list-style-type: none"> • roof form and architectural style; • building presentation to the streetscape; • garden area requirements to address separation of buildings but also food security; and • retention of mature trees and vegetation.

Key issues	Priority recommendations
	<p><u>Medium Density Zone</u> Diversify the residential zone hierarchy by inserting an additional zone that specifically provides for medium density development. The zone can be applied strategically to areas connected with public transportation routes and positioned to be close to services (i.e. local neighbourhood centres or parks). An additional zone can provide certainty for community and expectation of medium density development.</p> <p><u>Stormwater Management Code</u> Insert a Stormwater Code to assess impact of intensification of surface water run-off on existing infrastructure and promote water-sensitive design.</p>
<p>Densification between visitor accommodation, multiple dwelling development and subdivision are not aligned.</p>	<p><u>Visitor Accommodation</u></p> <ul style="list-style-type: none"> • Amend use standards for Visitor Accommodation in the GRZ, IRZ, LDRZ and RLZ or insert a development standard for visitor accommodation to provide a density control that does not exceed the allowed dwelling density in a zone. <p>For example, the construction of one visitor accommodation unit on a vacant site must have a minimum area of 1200m² in the LDRZ.</p> <ul style="list-style-type: none"> • Insert definitions for the terms ‘character’ and ‘primary residential function’ in Table 3.1 to aid interpretation of the use standard as it applies to Visitor Accommodation in the residential zones. • Review the exemption at clause 4.1.6 to limit the number of persons staying at a property instead of the number of bedrooms. • Review the SPPs for all residential zones to limit the number of homes that can be converted to Visitor Accommodation to increase retention of housing stock for the residential market.
<p>The requirement of permeable surfaces has been eliminated for residential dwelling</p>	<p><u>Permeable Surfaces, Garden Area & Food Security</u></p>

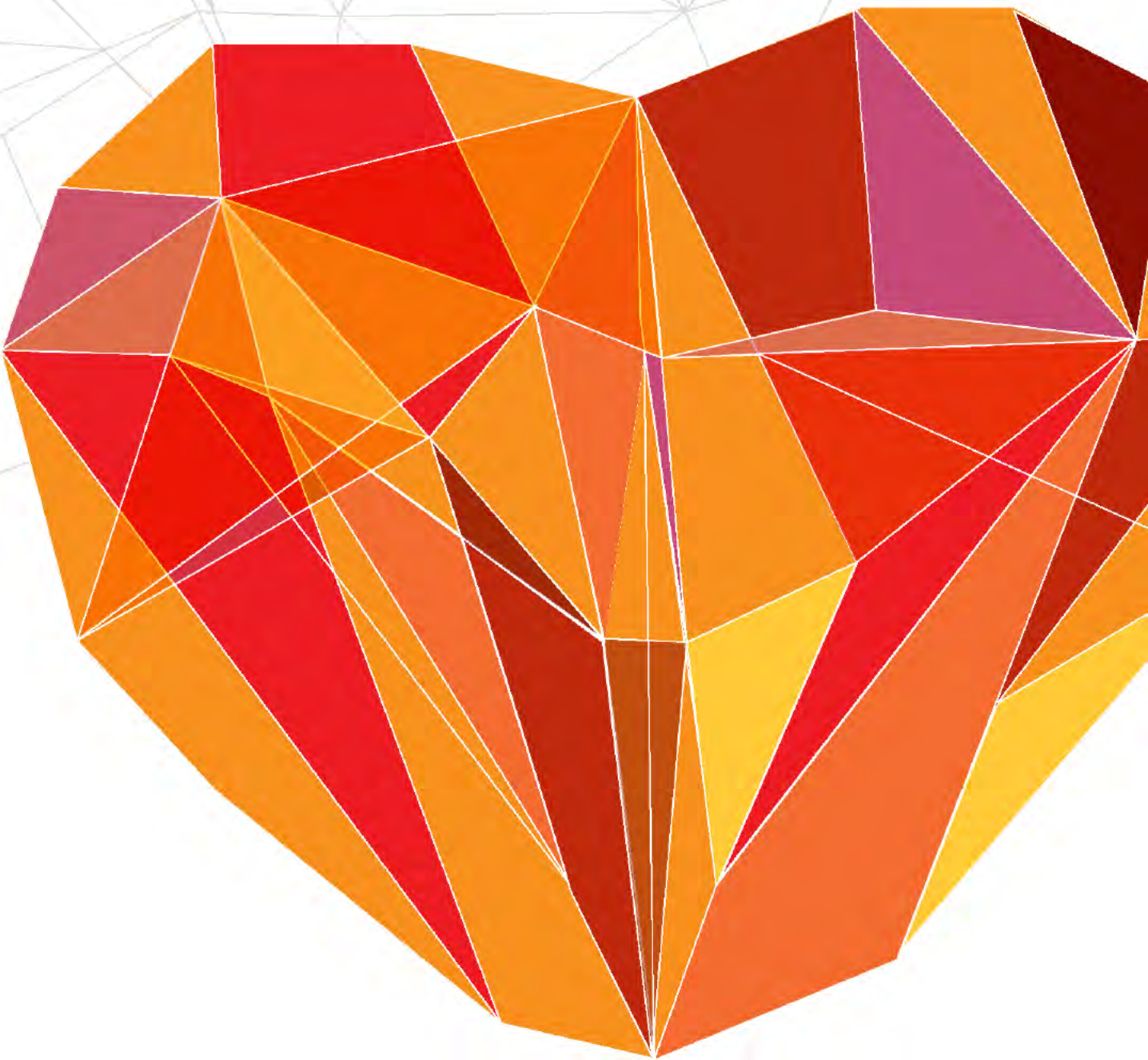
Key issues	Priority recommendations
<p>development on a site which could include single detached dwellings or multiple dwelling development.</p> <p>The requirement of a site to retain a percentage free from impervious surfaces in the GRZ and IRZ remains for non-residential development.</p> <p>Impervious surfaces controls are important to mitigating stormwater impacts on the natural environment by slowing run-off.</p>	<ul style="list-style-type: none"> • Insert a Stormwater Code (see above). • Insert a requirement for retention of permeable surfaces in the GRZ, IRZ and LDRZ in relation to site coverage for dwelling development to assist with managing stormwater run-off. • Introduce a garden area requirement as applied in the Victorian State Planning Provisions.
<p>The subdivision standards in any of the residential zones are focussed on traffic movement and management rather than all users of streets and the important public open space they provide. The requirements of street trees should not be reliant on a council adopted policy. The controls should impose requirements on both local government and developers.</p>	<p>The recommendations concern Subdivision as provided by the exemptions and standards in GRZ, IRZ, LDRZ and RLZ.</p> <p><u>Liveable Streets Code</u></p> <ul style="list-style-type: none"> • Insert a Liveable Streets Code to acknowledge the importance of the streetscape and public space. The purpose of the code is to impose requirements which results in streets supporting the wellbeing and liveability of Tasmanians and increase the urban forest canopy. <p>The code will provide for appropriate standards for development of a streetscape at the subdivision stage or where a government body is constructing a new residential street.</p> <ul style="list-style-type: none"> • Amend the exemption at clause 4.2.4 to require a government body to apply the Liveable Streets Code. The exemption could remain in place if the requirements of the Liveable Street Code are achieved; otherwise requiring a permit.
<p>Part 2 of Schedule 1, <i>Objectives of the Planning Process Established under the Land Use Planning and Approvals Act 1993 (the Act)</i> seeks an integrated and coordinated approach to the planning process in Tasmania.</p> <p>The planning process does not provide for a coordinated or integrated approach as various requirements for use and development is spread across several pieces of legislation.</p> <p><u>Examples:</u></p> <p>The provision of open space is regulated under the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>. The SPPs</p>	<p>The recommendations seek for the SPPs Review to consider improving the coordinated and integrated approach to the statutory assessment process across different sets of legislation. The recommendations outlined below are a few examples where the planning process is not coordinated or integrated and fails the test of Part 2 of Schedule 1 of the Act.</p> <p><u>Public Open Space Code</u></p> <p>Insert a Public Open Space Code, requiring consideration of the physical provision of public open space before cash-in-lieu is accepted. The</p>

Key issues	Priority recommendations
<p>do not provide for any requirements concerning public open space in the assessment of subdivision.</p> <p>The conflict between vegetation retention and bushfire hazard management. For example, an application is approved on the basis that native vegetation is retained on a site and conditioned accordingly.</p> <p>The approved application is potentially modified due to the requirements of a bushfire hazard management plan approved after the planning permit.</p> <p>Addressing the issue of bushfire after the planning stage does not allow these matters to be addressed upfront and adds cost to the developer.</p>	<p>SPPs must prompt assessment of physical provision of open space before cash-in-lieu is considered.</p> <p><u>Bushfire-prone Areas Code</u></p> <p>Amend the Bushfire-Prone Areas Code in the SPPs to require bushfire hazard management assessment as part of the planning process for all development.</p> <p><u>Other Hazards Code</u></p> <p>Amend the hazard codes in the SPPs to require assessment of an issue as part of the planning process for use and development.</p>



Heart Foundation representation to the final
draft State Planning Provisions 7 March 2016

18 May 2016



Contents

Glossary	4
A. Introduction.....	5
Principal interest of the Heart Foundation.....	6
Why focus on health and wellbeing?.....	6
Relevant documents	6
Key documents and evidence informing this representation.....	7
Definitions.....	8
Principles underpinning the representation.....	8
State Policy	8
About the Heart Foundation.....	9
B. Elements for health and wellbeing for the State Planning Provisions (Rationale and Recommendations)	10
1. Active living: integrating activity into daily routines	12
1.1 Policy	12
1.2 Evidence	12
1.3 State Planning Provisions relating to active living	12
1.4 Purpose	12
1.5 Interpretation.....	12
1.6 Zones	13
1.7 Recommendations for amendments to the State Planning Provisions to facilitate active living.	16
2. Active travel: travel modes that involve physical activity such as walking and cycling and includes the use of public transport that is accessed via walking or cycling	17
2.1 Policy	17
2.2 Evidence	17
2.3 State Planning Provisions relating to active travel	18
2.4 Purpose	18
2.5 Interpretation.....	18
2.6 Exemptions.....	18
2.7 Zones.....	20
2.8 Liveable Streets Code.....	22
2.9 Recommendations for amendments to the State Planning Provisions to promote active travel	23
3. Provision of public open space and reserves for aesthetic, environmental, health and economic benefits.....	26
3.1 Policy	26
3.2 Evidence	26

3.3	State Planning Provisions relating to public open space and reserves.....	26
3.4	Purpose	26
3.5	Interpretations.....	26
3.6	Use classes	27
3.7	Zones.....	27
3.8	Recommendations for amendments to the SPPs to provide public open spaces and reserves ..	28
4.	Mixed density housing to satisfy resident life cycle requirements & for walkable neighbourhoods	30
4.1	Policy.....	30
4.2	Evidence.....	30
4.3	State Planning Provisions relating to mixed density housing.....	30
4.4	Purpose	31
4.5	Assessment of an Application for Use or Development	31
4.6	Zones.....	31
4.7	Recommendations/requests for amendments to the State Planning Provisions to promote mixed density housing	34
5.	Compatible mix of land uses to promote active travel	37
5.1	Policy.....	37
5.2	Evidence.....	37
5.3	State Planning Provisions relating to mixed land use.....	37
5.4	Purpose	37
5.5	Zones.....	37
5.6	Other matters – frontage windows business premises and Signs code	38
5.7	Recommendations for amendments to the SPPs to facilitate mixed land use	38
6.	Food security and access to health food	40
6.1	Policy.....	40
6.2	Evidence.....	40
6.3	SPPs relating to the production, distribution and access to (healthy) food	41
6.4	Purpose	41
6.4	Interpretation.....	41
6.6	Exemptions.....	42
6.7	Use classes	42
6.8	Zones.....	43
6.9	Zoning of non-urban land, the agricultural estate.....	46
6.10	Recommendations for amendments to the SPPs to facilitate food security.....	48
7.	Buildings and site design actively promotes physical activity	50
7.1	Policy.....	50
7.2	Evidence.....	50

7.3 SPPs relating to building and site design	51
7.4 Purpose	51
7.5 Zones	51
7.6 Codes.....	53
7.7 Recommendations for amendments to the State Planning Provisions to enhance work place health	55
C. Annexures.....	57
Annexure 1 - Draft for a liveable streets code	57
Annexure 2 - Summary of Recommendations by Clause Number.....	61

Glossary

AS	acceptable solution
JSCPH	Joint Select Committee Inquiry into Preventative Health
LPS	Local Provisions Schedules
LUPAA	<i>Land Use Planning and Approvals Act 1993</i>
PAL State Policy	State Policy on the Protection of Agricultural Land 2009
PAN	Planning Advisory Note
PC	performance criteria
RMPS	Resource Management and Planning System
SPPs	State Planning Provisions

A. Introduction

The Heart Foundation welcomes the opportunity to submit our representation to the Final Draft State Planning Provisions 7 March 2016 (SPPs).

The object of the representation is to make *health and wellbeing* a key outcome from the operation of the future Tasmanian Planning Scheme.

The rationale and supporting evidence for the recommended amendments is contained in the substantive part of the representation.

Annexure 2 contains the Heart Foundation's recommended amendments to the SPPs in chronological clause number order.

Principal interest of the Heart Foundation

The principal interest of the Heart Foundation is to have the SPPs for the Tasmanian Planning Scheme enhance (and not hinder) physical activity and access to healthy food for community health and wellbeing.

Therefore the Heart Foundation seeks to have *health and wellbeing* a priority outcome from land use planning as regulated through the proposed Tasmanian Planning Scheme.

Why focus on health and wellbeing?

Healthy communities are central to why we plan. Yet there is considerable evidence that our cities and towns are not assisting in improving population health and wellbeing.

Planning schemes primarily concern use and development on land that forms the built environment.

The built environment means the structures and places in which we live, work, shop, learn, travel and play, including land uses, transportation systems and design features; all relevant matters for the proposed Tasmanian Planning Scheme to address.

The link between the built environment and health and wellbeing is well established. The built environment can be an influential determinant on the rate of death and suffering from chronic disease including heart, stroke and blood vessel disease, along with a range of other chronic diseases prevalent in the Tasmanian community.

Planning that delivers thoughtfully designed and built environments can contribute to reduced or deferred incidence of chronic disease and reduce inequities. For instance, provisions in planning schemes relating to density and transport can contribute to realising the health benefits from walking and cycling.

The Tasmanian Planning Scheme needs to be explicit in articulating how the Schedule 1 objectives of LUPAA are furthered with health and wellbeing a clearly identified subject of its provisions.¹

State Planning Provision's documents

Documents relevant to this representation:

- Draft State Planning Provisions 7 March 2016 (SPPs)
- Terms of Reference issued by The Minister for Planning and Local Government, the Hon. Peter Gutwein 18 December 2015
- *Land Use Planning and Approvals Act 1993* (LUPAA)
- Explanatory Document for the draft of the State Planning Provisions of the Tasmanian Planning Scheme 7 March 2016 (Explanatory Document)

¹ Adapted from Heart Foundation submissions on the Land Use Planning and Approvals Amendment Tasmanian Planning Scheme) Bill 2015

Key documents and evidence informing this representation

Schedule 1 of the Resource Management and Planning System (RMPS) with specific reference to LUPAA Schedule 1 Part 2 states the objective:

*'(f) to promote the **health and wellbeing** of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and'*

Primary evidence in support of furthering the LUPAA objective for health and wellbeing and in support of this representation is drawn from the following:

1. The report of the [Joint Select Committee Inquiry into Preventative Health](#) (JSCPH)² that amongst its findings and recommendations are the following:

Executive summary (page 2)

'The Committee recognises the link between health and the built environment. Liveability principles must be embedded in all Government policy decisions relating to the built environment including but not limited to transport, infrastructure and land use planning.'

Recommendation 3 (k) in relation to a preventative health strategy (page 4):

(k) the importance of active lifestyles, healthy eating and physical activity to improve the health and wellbeing of Tasmanians.

Recommendation 4 (page 4)

4. The Government's health and wellbeing policies are reflected in the Tasmanian Planning System and transport infrastructure policy.
 - a. Government adopts a state-wide planning policy that ensures liveability principles are embodied in all planning decisions;
 - b. Government ensures transport infrastructure planning and policy decisions embody liveability principles; and
 - c. Provisions in the new state-wide planning scheme give consideration to active transport links (e.g. walking and cycling), especially within and between urban communities.

Findings (page 8):

22. The built environment is a significant contributor to improving longer term health and wellbeing outcomes.
23. There is a need to recognise the link between health and the built environment, and this needs to be embodied into State policy and the Tasmanian Planning System.

2. Heart Foundation "Healthy by Design" [Healthy by Design: A guide to planning and designing environments for active living in Tasmania](#)
3. Heart Foundation "The Blueprint" [Blueprint for an active Australia: Key government and community actions required to increase population levels of physical activity in Australia-2014-2017](#)
4. Heart Foundation "Draft for a State Policy for Healthy Spaces and Places" and supporting documentation [Heart Foundation \(Tasmania\) draft State Policy for Healthy Spaces and Places and the Supporting Advocacy Document](#)
5. Heart Foundation "Healthy Active by Design" [Healthy Active by Design](#)

² Parliament of Tasmania 2016

Definitions

The following terms as used in this representation are defined below:

active living means a way of life that integrates physical activity into daily routines.

active travel (transport) means travel modes that involve physical activity such as walking and cycling and includes the use of public transport that is accessed via walking or cycling and may allow for integration of multi-modal transport in the course of a day.

health means a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

built environment means the structures and places in which we live, work, shop, learn, travel and play, including land uses, transportation systems and design features.

food security means the ability of individuals, households and communities to physically and economically access food that is healthy, sustainable, affordable and culturally appropriate. The domains of food security include supply, demand, utilisation and access (financial and physical).

Principles underpinning the representation

The representation is based on the following health, wellbeing and the built environment principles which form the tests for the examination of the draft SPPs and ultimately whether the SPPs further the objectives of LUPAA and satisfy the criteria under ss. 11, 14 and 15 of LUPAA.

1. Active living: integrating activity into daily routines.
2. Active travel: travel modes that involve physical activity such as walking and cycling and includes the use of public transport that is accessed via walking or cycling.
3. Provision of public open space and reserves for aesthetic, environmental, health and economic benefits.
4. Mixed density housing to satisfy life cycle requirements and for walkable neighbourhoods.
5. Compatible mix of land uses to promote active travel
6. Food security and access to healthy food.
7. Buildings and site design actively promotes physical activity.

State Policy

The Heart Foundation's consideration of the draft SPPs is in the vacuum of little policy direction from the State Government in terms of outcomes being sought. The Tasmanian Planning Scheme is responsive to State Policy made under the *State Policies and Projects Act 1993* and not Government policy. The existing State Policies assist in this regard, but are limited in scope and say little about the aspirations for the Tasmanian towns and cities where the bulk of the population live, work, shop, learn, travel and play. A State Policy in the form of the draft *State Policy for Healthy Spaces and Places* as advocated by the Heart Foundation³ would give the necessary policy context that has the imprimatur of Parliament for application to the SPPs. Therefore this representation needs to be presumptive in advocating the policy, the evidence and deduce the changes required to the SPPs to further the Objectives of the RMPS, particularly in the context of promoting the LUPAA Part 2 Objective, *'the health and wellbeing of all Tasmanians...'*

³ See [Heart Foundation \(Tasmania\) draft State Policy for Healthy Spaces and Places](#) and the [Supporting Advocacy Document](#)

About the Heart Foundation

The National Heart Foundation of Australia (Tasmania Division) is a company limited by guarantee. The business is managed by the Chief Executive Officer (CEO) who reports to the Tasmanian Board of Directors. The Board has the responsibility for determining strategy and the corporate governance of the Tasmanian business.

The organisation known as the National Heart Foundation of Australia is a federation of related entities operating together under the provisions of a Federation Agreement. Those entities are the National Heart Foundation of Australia ACN 008 419 761 (National); and the separate National Heart Foundation entities operating in each of the States and Territories of Australia. In 2009 the National Heart Foundation celebrated its fiftieth anniversary. The National Heart Foundation operates under a group services model.

Our purpose is reduce premature death and suffering from heart, stroke and blood disease.

We are currently implementing our five year strategy For all Hearts: Making a difference to Australia's heart health (For all Hearts). For all Hearts focuses our work on four key goals:

- Healthy Hearts
- Heart Care
- Health Equity
- Heart Foundation Research

We will deliver on our strategy through financial strength, our people, advocacy, data and evaluation, reputation and relevance, innovation, integration, business systems and governance.

The Tasmanian Strategic Plan has been developed to align with For all Hearts to provide a strategic focus for the work of the Heart Foundation in Tasmania. Our goal is to deliver the best possible outcomes under the For all Hearts goals within the specific size and cohorts of the Tasmanian population; the local Tasmanian context; and the operational constraints and resources available within the relatively small Tasmanian Division.

The Heart Foundation thanks the Minister for the opportunity to provide this submission and would welcome the opportunity to discuss our submission further.

Contact

Graeme Lynch
CEO Heart Foundation



B. Elements for health and wellbeing for the State Planning Provisions (Rationale and Recommendations)

Clause 2.0

1. Purpose requires a clear set of objectives for use and development of land based on how the LUPAA objectives are furthered and how consistency is found with State Policies.
2. Purpose should include the following objectives:
 - Use and development of land encourages and supports active living for improved health outcomes.
 - Use and development of land encourages and supports active travel for improved health outcomes.
 - Public open spaces and reserves provide a well distributed network of walkable and attractive spaces strategic to local communities for their aesthetic, environmental, health and economic benefits.
 - Mixed density housing and housing that satisfies life-cycle requirements is encouraged to enhance the scope for active living and active travel.
 - Compatible land uses are co-located to promote active travel to, and between different activities.
 - The use or development of land supports a resilient, localised, healthy and sustainable food system.
 - Work places support physical activity through convenient and safe accesses providing for natural surveillance of outside spaces and the street.

Planning Scheme Purpose

The purpose of what is, presumably, to become the Tasmanian Planning Scheme is stated at Clause 2.1 Planning Scheme Purpose. The purpose is stated in terms of:

- Furthering the RMPS objectives
- Consistency with State Policies
- Implementation of regional land use strategies

LUPAA requires a planning scheme to further the objectives, to be consistent with State Policy and for SPPs to be consistent with regional land use strategies. Clause 2.1 as it stands simply repeats the legislative requirements and does not give any indication to how or why subsequent SPPs are included or how they achieve the requirements specified in LUPAA. The Explanatory Document does not assist our understanding, nor why an equivalent clause to 3.0.1 Planning Scheme Objectives in Planning Directive No. 1 is not included. The draft SPPs varies from the structural diagram for the Tasmanian Planning Scheme that had 'purpose and objectives' as part of the State Provisions⁴.

The Heart Foundation submits that the zone and code purposes and objectives for each standard do not substitute for a clear set of purpose statements for use and development of land at the front end of the

⁴ See *The Tasmanian Planning Scheme Legislative Framework* Tasmanian Government March 2015

Tasmanian Planning Scheme based on how the LUPAA objectives are furthered and how consistency is found with State Policies.

Specifically the Heart Foundation seeks to have the Tasmanian Planning Scheme prescribe objectives for the use and development of land (the 'why do we do it' statements) that embody a structure that is based on health and wellbeing outcomes. Such objectives should set the 'head powers' for subsequent provisions affecting applications for permits, guide subsequent amendments to the SPPs and the settings for the Local Provisions Schedules (LPS).

Objectives oriented to promoting and protecting health and wellbeing should be established with reference to the following principles:

- use and development standards that facilitate mixed land use and mixed density housing in cities and towns to support walkable neighbourhoods.
- use and development standards that facilitate equitable access through active travel that involves travel modes involving physical activity such as walking, cycling, and public transport. There is an emphasis on pedestrian and cyclist connectivity and permeability.
- use and development standards that improve the use, attractiveness and efficiency of the public domain including public streets, public spaces and places through facilitating active living and active travel.
- use and development standards that facilitate food security and access to healthy food.
- use and development standards that require the provision of public open space strategic to local communities for aesthetic, environmental, health and economic benefits.
- use and development standards that facilitate equitable access for buildings and design of sites where there is public access. There is suitable provision for pedestrian and cyclist access and not just requirements for vehicle access and parking.

This representation makes recommendations for the inclusion 'up-front' objectives as part of the examination of subsequent provisions.

Recommendation 1

That there be included in the State Planning Provisions a clear set of objectives for use and development of land at Clause 2.0 based on how the LUPAA objectives are furthered and how consistency is found with State Policies.

1. Active living: integrating activity into daily routines

1.1 Policy

Use and development affecting the structure of cities and towns encourages and supports active living as a normal and preferred activity for improved health outcomes.

1.2 Evidence

The Blueprint for an Active Australia⁵ assembles the evidence on the importance of being active in the workplace. The Blueprint asserts:

Reshaping the built environments in which most Australians live, work, learn and recreate can significantly increase daily physical activity levels. Community and neighbourhood design impacts on local walking, cycling and public transport use, as well as on recreational walking and physical activity⁶

The findings of the JSCPH included⁷:

22. The built environment is a significant contributor to improving longer term health and wellbeing outcomes

23. There is a need to recognise the link between health and the built environment, and this needs to be embodied into State policy and the Tasmanian Planning System.

1.3 State Planning Provisions relating to active living

SPPs for active living concern setting an objective at 2.0 Planning Scheme Purpose, and a review of zone purpose statements and zone standards.

Active living also strongly relates to the assignment of the zones to land parcels for the LPS and the guidance provided in the Explanatory Document, both outside the scope of representations on the SPPs but, nevertheless, commented upon.

1.4 Purpose

SPPs section 2.1 Planning Scheme Purpose insert the following objective:

Use and development of land encourages and supports active living for improved health outcomes.

1.5 Interpretation

Amenity is defined as:

means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.

⁵ See *Blueprint for an active Australia Action area 1 for references on active living and the built environment*

⁶ *Blueprint for an active Australia page 15*

⁷ *Parliament of Tasmania 2016 page 8.*

This definition lacks the reason for a concern for amenity, which is for the health and wellbeing of the users of the locality or place. The definition should be amended as follows:

means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable and adds to the health and wellbeing of the users of the locality, place or building.

Insert additional interpretations as follows:

active living means a way of life that integrates physical activity into daily routines.

active travel means travel modes that involve physical activity such as walking and cycling and includes the use of public transport that is accessed via walking or cycling and may allow for integration of multi-modal transport in the course of a day.

1.6 Zones

8.1 General Residential zone - purpose

The draft zone purpose contains terms that are not helpful, omits statements on quality, but supports compatible mixed use. The amendments and reasons are shown below:

The purpose of the General Residential zone is:

8.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

The reference to 'suburban densities' is not helpful and should be deleted. It is contended that the standards for lot sizes and dwelling densities for the General Residential zone are higher than the community would perceive as being a suburban density. The reference to a range of dwelling types is valid and consistent with deleting 'suburban densities'. An additional amendment is to add 'reticulated' to the purpose statement. The addition of 'reticulated' is to separate the type of infrastructure referred to in 8.1.1 from 8.1.2 and accords with the commentary in the Explanatory Document (page 35).

Clause 8.1.1 should be amended as follows:

8.1.1 To provide for residential use or development that accommodates a range of dwelling types ~~at suburban densities~~, where full reticulated infrastructure services are available or can be provided.

8.1.2 To provide for the efficient utilisation of available and planned social, transport and other service infrastructure.

This purpose is valid in that it recognises there is a range of infrastructure required for housing areas.

8.1.3 To provide for compatible non-residential use that:

(a) primarily serves the local community; and

(b) does not cause an unreasonable loss of amenity, through noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

This purpose is valid being consistent with providing for community needs ideally within walking or cycling distances of residences.

8.1.4 To ensure that non-residential use does not unreasonably displace or limit Residential use.

This purpose should be deleted because of the unquantifiable 'unreasonably'. The use table and use and development standards should be sufficient to prevent 'unreasonably displace'.

Clause 8.1.4 should be deleted:

~~8.1.4 To ensure that non-residential use does not unreasonably displace or limit Residential use~~

In addition it would be helpful if the purpose for the General Residential zone suggested something of a qualitative focus for improved townscape. Insert (new) clause at 8.1.4 as follows:

8.1.4 To ensure the use and development of land promotes the health, safety and amenity of residential areas.

8.3.1 General Residential zone - Use Standards for discretionary uses.

The objective of this standard is stated as:

To ensure that all discretionary uses, do not cause an unreasonable loss of amenity.

The focus of the clause should be changed from 'unreasonable' to 'compatible' so that discretionary uses are required to be relevant to the residential use. This contrasts with the purpose as drafted which could allow, within the available discretionary use classes, a use unrelated to residential use but simply does not cause a loss of amenity. The restated objective is consistent with the use of terms 'compatible' and 'amenity' for the zone purpose at 8.1.3 and that residential is the primary use for the zone. The objective at clause 8.3.1 should be restated in the positive as follows:

8.3.1 To ensure that all discretionary uses are compatible with residential use

9.1 Inner Residential zone - Purpose

Clause 9.1.3(c) states 'does not unreasonably displace or limit residential use.' For reasons given for the deletion of clause 8.1.4, this clause should similarly be deleted.

Clause 9.1.3(c) should be deleted:

~~9.1.3(c) does not unreasonably displace or limit residential use.~~

Turning to the commentary on the allocation of the Inner Residential zone in the Explanatory Document under 'zone purpose', there are conflicting statements (page 39) that should be deleted:

The Zone has limited application within serviced residential areas,

...this Zone should be well utilised where appropriate.

Within the Inner Residential Zone there should be a reduced expectation on suburban residential amenity,...

The Explanatory Document also refers to 'reducing the footprint of urban sprawl and providing high quality residential living in close proximity to services and the city'. With a focus on these outcomes the Inner Residential zone should not 'have limited application' or necessarily a reduction in residential amenity. The references to limited application and reduced amenity should be deleted from the Explanatory Document before this document becomes the basic guidance for the allocation of zones for the LP.

9.3.1 Inner Residential zone - Use Standards for discretionary uses

The objective of this standard is stated as:

To ensure that all uses listed as discretionary within the Use Table do not unreasonably impact on amenity.

For the reasons given for the recommended change to clause 8.3.1 this objective should be restated in the positive:

9.3.1 To ensure that all discretionary uses are compatible with residential use.

13.1 Urban Mixed Use zone - Zone Purpose

The Explanatory Document draws on the similarities of the Village and Mixed Use zones. The similarities should be extended as follows with an additional clause drawn from 12.1.2 for the Village zone, as follows:

The purpose of the Urban Mixed Use Zone is stated as:

13.1.1 To provide for a mix of residential, retail, community services and commercial activities in urban locations.

13.1.2 To provide for a diverse range of uses or developments that are of a type and scale that support and do not compromise the role of surrounding activity centres.

Add new clause 13.1.3 drawn from clause 12.1.2:

13.1.3 To provide amenity for residents appropriate to the mixed use characteristics of the Zone.

13.2 Urban Mixed Use zone - Use Table

Residential use in the Urban Mixed Use zone is limited to above ground floor level or to the rear of a premises. Residential use class as a stand-alone use is not available. Residential use should be added as discretionary with the qualification ‘if not listed as permitted’ as follows.

13.2 Use Table (Urban Mixed zone)

(Use class) Discretionary	Qualification
Residential	If not listed as permitted

13.3 Urban Mixed Use zone - Use Standards for all uses

The Urban Mixed Use zone objective should say something about amenity between different uses within the zone, not just for adjoining zones. Drawing on the objective for the Village zone at clause 12.3.1 the objectives for the standard at 13.3.1 should be omitted and the following substituted:

13.3.1 To ensure that non-Residential use:

- (a) is compatible with the adjoining uses;*
- (b) does not cause unreasonable loss of residential amenity; and*
- (c) does not cause unreasonable loss of amenity to adjoining residential zones.
(existing clause)*

1.7 Recommendations for amendments to the State Planning Provisions to facilitate active living

1. SPPs section 2.1 Planning Scheme Purpose, insert the following:

Use and development of land encourages and supports active living for improved health outcomes.

2. Clause 3.1.3 Interpretation insert and amend as follows:

amenity means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable and adds to the health and wellbeing of the users of the locality, place or building.

active living means a way of life that integrates physical activity into daily routines.

active travel means travel modes that involve physical activity such as walking and cycling and includes the use of public transport that is accessed via walking or cycling and may allow for integration of multi-modal transport in the course of a day.

3. Amend the purpose of the General Residential zone as follows:

8.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full reticulated infrastructure services are available or can be provided.

~~*8.1.4 To ensure that non-residential use does not unreasonably displace or limit Residential use.*~~

8.1.4 To ensure the use and development of land promotes the health, safety and amenity of residential areas.

4. Omit the objective at clause 8.3.1 and substitute:

8.3.1 To ensure that all discretionary uses are compatible with residential use.

5. Amend the purpose of the Inner Residential zone to delete clause 9.1.3(c) as follows:

9.1.3(c) does not unreasonably displace or limit residential use.

6. Omit the objective at clause 9.3.1 and substitute:

9.3.1 To ensure that all discretionary uses are compatible with residential use.

7. Insert additional clause 13.1.3 for the purpose of the Urban Mixed Use zone as follows:

13.1.3 To provide amenity for residents appropriate to the mixed use characteristics of the zone.

8. Insert at clause 13.2 Use Table for the Urban Mixed zone the following:

(Use class) Discretionary	Qualification
Residential	If not listed as permitted

9. Omit the objective for the Urban Mixed Use zone at clause 13.3.1 and substitute the following:

13.3.1 To ensure that non-Residential use:

- (a) is compatible with the adjoining uses;*
- (b) does not cause unreasonable loss of residential amenity; and*
- (c) does not cause unreasonable loss of amenity to adjoining residential zones.*

2. Active travel: travel modes that involve physical activity such as walking and cycling and includes the use of public transport that is accessed via walking or cycling.

2.1 Policy

Use and development affecting the structure of cities and towns encourages and supports active travel for improved health outcomes.

2.2 Evidence

The Blueprint for an Active Australia⁸ assembles the evidence on the importance of creating built environments that support active living. The Blueprint asserts:

*Reshaping the built environments in which most Australians live, work, learn and recreate can significantly increase daily physical activity levels. Community and neighbourhood design impacts on local walking, cycling and public transport use, as well as on recreational walking and physical activity.*⁹

The recommendations and findings of the JSCPH referred to active transport, including¹⁰:

4.c. Provisions in the new state-wide planning scheme give consideration to active transport links (e.g. walking and cycling), especially within and between urban communities.

The State Government has adopted the *Positive Provision Policy for cycling infrastructure*.¹¹ The Policy primarily shifts the onus on the State Road Authority to show why cycling infrastructure should not be provided.

Planning Advisory Note (PAN) 11 Integration of Land Use Planning and Transport in Planning Schemes¹² contends:

Integration of land use planning and transport is a major means for furthering sustainable development, securing a pleasant, efficient and safe environment, and protecting public infrastructure in accordance with Schedule 1 Part 1 Objectives and Part 2 Objectives (f) and (h) of the Land Use Planning and Approvals Act 1993.

Planning schemes can play an important part in promoting more sustainable use of land and transport resources.

The resource '*Streets for People, Compendium for Australian Practice*' developed by the Government of South Australia, Heart Foundation and others, provides a comprehensive resource on the design of street that focus on user requirements.¹³

Currently, despite numerous documents defining the planning context for streets such provisions have been absent in planning instruments. The absence of provisions relating to streets have meant various guidelines have filled the void¹⁴. These guidelines have generally been focussed on engineering standards which have been motor vehicle centric and have done little to promote the broader community function of streets as places for people, including suitable provision for walking, cycling and

⁸ See *Blueprint for an active Australia, Action area 1 for references on active living and the built environment*

⁹ *Blueprint for an active Australia page 15*

¹⁰ *Parliament of Tasmania 2016 page 8*

¹¹ *DIER Positive Provision Policy for cycling infrastructure October 2013, adopted policy as stated in the draft Climate Change Action Plan 2016-2021*

¹² *Planning Advisory Note 11 Tasmanian Planning Commission September 2009. PAN 11 is a document to have regard to as specified in the Minister's Terms of Reference for the draft State Planning Provisions, December 2015.*

¹³ *Streets for People Compendium for South Australian Practice: Government of South Australia, Heart Foundation and others 2012.*

¹⁴ See for instance *LGAT Tasmanian Subdivision Guidelines October 2013 and Tasmanian Standard Drawings.*

public transport. It is contended that functioning streets are a major determinant of health and wellbeing as well as the economic value of adjoining properties.

2.3 State Planning Provisions relating to active travel

SPPs for active travel concern setting an objective at 2.0 Planning Scheme Purpose, a review of zone purpose statements and zone standards and an advocacy for a Liveable Streets code.

The challenge is to have the SPPs and LPS translate health and wellbeing into statutory provisions and standards where they affect the design of streets and particularly where the use and development for roads and streets have hitherto mostly not been the concern of planning schemes.

2.4 Purpose

SPPs section 2.1 Planning Scheme Purpose insert the following:

Use and development of land encourages and supports active travel for improved health outcomes.

2.5 Interpretation

Road: The interpretation for 'road' needs to include 'street' to be consistent with the application of 'street' in the various standards for the SPPs. Alternatively there is a need for separate interpretations 'road' and 'street'. In this regard the *Local Government (Building and Miscellaneous Provisions) Act 1993* is instructive. That Act separates 'road' from 'street' but with 'street' being a sub-set of road.

The interpretation for 'road' should be amended to include 'street' as follows:

***road:** means land over which the general public has permanent right of passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes and as the context requires road includes street.*

As concepts such as 'streetscape' (a defined term in the SPPs), 'complete streets', 'walkable streets', etc. do not similarly apply to roads, and to refocus on the function of urban streets, separate road and street definitions are required. Possible definition splits could be urban/rural or by state/local government road authority or by road hierarchy.

The State Road Hierarchy¹⁵ provides a potential split between roads and streets with the State Hierarchy of Categories 1 – 4 being classed as road and all other roads classed as streets. A State roads, local streets separation is consistent with the structure of the Road and Rail Assets Code in the SPPs.

Amended interpretations to be inserted at Clause 3.1.3 are as follows:

road: means land over which the general public has permanent right of passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes and includes all State roads.

street: means a road that is not a State road.

Separate interpretations for 'road' and 'street' is preferred as it enables particular requirements of streets to be separately addressed.

2.6 Exemptions

The interpretation 'minor utilities' interfaces with the use class 'utilities'. Where minor utilities appears in a zone use table as a qualified 'no permit required' use this contrasts with the exemptions (see below) for 'minor infrastructure'. The implication is that for a no permit required use or development, there are

¹⁵ *Roads for our Future - State Road Hierarchy Department of State Growth Tasmania, undated.*

additional tests through provisions of the planning scheme whereas for exemptions nothing in the planning scheme applies.

There is therefore a need to clarify the application of the SPPs to roads and streets through a review of interpretation, exemptions and use class definitions and, in addition, to amend the exemptions such that the provision and upgrading of roads and streets is not *exempt* or '*no permit required*' use or development.

The exemption for '*minor infrastructure*' covers '*provision ... of footpaths, cycle paths...*'. In comparison, the exemption for '*road works*' includes footpaths. Whilst the listed items in the two exemptions are presumably inclusive rather than exclusive lists, nevertheless the interpretations need to be reviewed such that the design and planning of roads, footpaths, cycle paths etc are not exempt from the provisions of the planning scheme and permits arising. The capacity for a planning scheme assessment is required for new road and street infrastructure, including upgrading, discrete from the exemption for maintenance and repair.

The fundamental position is that design and planning as in upgrading and initial provision should not be exempt as new road and street infrastructure is critical to planning, including realising the strong nexus between transport and land use.

Turning to the exemption for minor infrastructure this covers the provision, maintenance and modification of footpaths, cycle paths, playground equipment, seating, shelters, bus stops and bus shelters, street lighting, telephone booths, public toilets, post boxes, cycle racks, fire hydrants, drinking fountains, rubbish bins, public art, associated signs and the like on public land. The exemption should be modified to delete the provision of foot paths and cycle paths.

With the above changes, works involving provision and upgrading of road, street and path infrastructure will be a matter for the SPPs as determined by the zoning and codes.

Also to be noted is that clause 7.2.1 *Development for Existing Discretionary Uses* may change the status of development for a road where there is no change of use or intensification of an existing use.

Amendments to the exemptions to separate '*provision*' from '*maintenance and repair*' as well as a definitional separation between '*road*' and '*street*' are as follows:

Use or Development	Qualifications
road works	Maintenance and repair of roads and streets upgrading by or on behalf of the road authority which may extend up to 3m outside the road reserve including: <ul style="list-style-type: none"> (a) widening or narrowing of existing carriageways; (b) making, placing or upgrading kerbs, gutters, footpaths, shoulders, roadsides, traffic control devices, line markings, street lighting, safety barriers, signs, fencing and landscaping unless subject to the Local Historic Heritage Code; or (c) repair of bridges, or replacement of bridges of similar size in the same or adjacent location.

Use or Development	Qualifications
minor infrastructure	(a) Provision , Maintenance and modification of footpaths, cycle paths. (b) Provision, maintenance and modification of playground equipment, seating, shelters, bus stops and bus shelters, street lighting, telephone booths, public toilets, post boxes, cycle racks, fire hydrants, drinking fountains, rubbish bins, public art, associated signs and the like on public land.

2.7 Zones

The draft SPPs provide standards for roads as development associated with subdivision in the General Residential, Inner Residential, Low Density Residential zones and a truncated standard in the Village zone. The remaining zones particularly the Urban Mixed Use, and Business and Commercial zones make no provisions for roads.

The Heart Foundation contends that to realise the intrinsic value of roads and streets as they contribute to equitable access, economic, environmental and amenity values and health benefits to be gained the simple association with subdivision must be removed. This can be starting with the General Residential Zone, as follows:

Delete clause 8.6.2 Roads except for standard A2/P2.

Relocate standard 8.6.2 A2/P2 to clause 8.6.1 where it is a better fit as the subject is '*lot orientation*' not '*roads*'.

Insert (new) standard as clause 8.7 being a modification from existing clause 8.6.2 as follows:

8.7 Development Standards for Streets

Objective	To ensure that the arrangement of new <u>development for roads streets within a subdivision</u> provides for: <ul style="list-style-type: none"> (a) a legible road hierarchy that sets the function of streets based on through traffic, the requirements for public transport, the adjoining land use and the connectivity and permeability for pedestrian networks and cycle ways; (b) safe, convenient and efficient connections to assist accessibility and mobility of the community; (c) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and (d) the efficient subdivision development of the entirety of the land and of surrounding land; and (e) the efficient ultimate development of the entirety of the land and of surrounding land; and the integration of land use and transport.
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Acceptable Solutions	Performance Criteria
<p>A1 There are no acceptable solutions. The subdivision includes no new roads.</p>	<p>P1 The arrangement and construction of roads <u>Development for streets within a subdivision</u> must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) the route and standard of roads <u>streets</u> accords with any relevant road network plan adopted by the Planning Authority; (b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised; (c) the future subdivision of any adjoining or adjacent land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries; (d) an acceptable level of access, safety, convenience and legibility is provided <u>for all street users</u> through a consistent road function hierarchy; (e) connectivity with the neighbourhood road <u>street network through streets and paths</u> is maximised <u>maximized</u>. <u>Cul-de-sac and other non-through streets are minimized</u>; (f) the travel distance <u>for walking and cycling</u> between key destinations such as shops and services is minimized; (g) walking, cycling and the efficient movement of public transport <u>and provision of public transport infrastructure</u> is facilitated; (h) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A as amended; <u>and</u> (i) any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.

Based on the amendments sought for clause 8.6.2 and to insert new clause 8.7, the same provisions for streets should be duplicated for the following zones:

Zone	Existing clause	New clauses	Notes
Inner Residential	9.6.2	9.7	Zone currently contains standards as per the General Residential zone.
Low Density Residential	10.6.2	10.7	Zone currently contains standards as per the General Residential zone.
Rural Living	11.5.2	11.6	The performance criteria are expanded from the draft SPPs to reflect the residential intent for the zone.

Zone	Existing clause	New clauses	Notes
Village	12.5.22	12.6	The performance criteria are expanded from the draft SPPs to reflect the residential intent for the zone.
Urban Mixed Use	No provision	13.6	Provisions extended to the Urban Mixed Use zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
Local Business	No provision	14.6	Provisions extended to the Local Business zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
General Business	No provision	15.6	Provisions extended to the General Business zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
Central Business	No provision	16.6	Provisions extended to the Central Business zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
Commercial	No provision	17.6	Provisions extended to the Commercial zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
Light Industrial	No provision	18.6	Provisions extended to the Local Business zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.

2.8 Liveable Streets Code

In addition to, or as alternative, the preferred position is for provisions for streets to be included in a Liveable Streets code. Such a code would add measurable standards to the assessment of permit applications. An outline for a Liveable Streets code is included at Annexure 1 as at this stage such a code requires further development and testing. For this representation the concept of a Liveable Streets code is advocated as a foreshadowed addition to the SPPs.

2.9 Recommendations for amendments to the State Planning Provisions to promote active travel

1. SPPs section 2.1 Planning Scheme Purpose insert the following:

Use and development of land encourages and supports active travel for improved health outcomes.

2. Amend the interpretation for 'road' and to insert an interpretation for 'street' as follows:

road: means land over which the general public has permanent right of passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes and includes all State roads.

street: means a road that is not a State road.

3. Amend the exemption for 'road works' and 'minor infrastructure' as follows:

Use or Development	Qualifications
road works	Maintenance and repair of roads and streets upgrading by or on behalf of the road authority which may extend up to 3m outside the road reserve including: <ol style="list-style-type: none"> widening or narrowing of existing carriageways; making, placing or upgrading kerbs, gutters, footpaths, shoulders, roadsides, traffic control devices, line markings, street lighting, safety barriers, signs, fencing and landscaping unless subject to the Local Historic Heritage Code; or repair of bridges, or replacement of bridges of similar size in the same or adjacent location.
minor infrastructure	<ol style="list-style-type: none"> Provision, <u>Maintenance and modification of footpaths, cycle paths.</u> <u>Provision</u>, maintenance and modification of playground equipment, seating, shelters, bus stops and bus shelters, street lighting, telephone booths, public toilets, post boxes, cycle racks, fire hydrants, drinking fountains, rubbish bins, public art, associated signs and the like on public land.

4. Amend the General Residential Zone to provide for streets, as follows:

- Delete clause 8.6.2 Roads except for standard A2/P2.
- Relocate standard 8.6.2 A2/P2 to clause 8.6.1.
- Insert (new) standard for streets as clause 8.7 being a modification from existing clause 8.6.2 as follows:

8.7 Development Standards for Streets

Objective:	To ensure that the arrangement of new <u>development for roads streets within a subdivision</u> provides for:
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	<ul style="list-style-type: none"> (a) <u>a legible road hierarchy that sets the function of streets based on through traffic, the requirements for public transport, the adjoining land use and the connectivity and permeability for pedestrian networks and cycle ways;</u> (b) safe, convenient and efficient connections to assist accessibility and mobility of the community; (c) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and (d) the efficient subdivision development of the entirety of the land and of surrounding land; <u>and</u> (e) the efficient ultimate development of the entirety of the land and of surrounding land; and the integration of land use and transport.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p><u>There are no acceptable solutions.</u> The subdivision includes no new roads.</p>	<p>P1</p> <p>The arrangement and construction of roads Development for streets within a subdivision must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) the route and standard of roads <u>streets</u> accords with any relevant road network plan adopted by the Planning Authority; (b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised; (c) the future subdivision of any adjoining or adjacent land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries; (d) an acceptable level of access, safety, convenience and legibility is provided <u>for all street users</u> through a consistent road function hierarchy; (e) connectivity with the neighbourhood road <u>street network through streets and paths</u> is maximised <u>maximized</u>. <u>Cul-de-sac and other non-through streets are minimized;</u> (f) the travel distance <u>for walking and cycling</u> between key destinations such as shops and services is minimised; (g) walking, cycling and the efficient movement of public transport <u>and provision of public transport infrastructure</u> is facilitated; (h) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A as amended; <u>and</u> (i) any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.

5. Amend the following zones to be consistent with the provisions proposed for clause 8.6.2 and new clause 8.7 as follows:

Zone	Existing Clauses	New Clauses	Notes
Inner Residential	9.6.2	9.7	Zone currently contains standards as per the General Residential zone.
Low Density Residential	10.6.2	10.7	Zone currently contains standards as per the General Residential zone.
Rural Living	11.5.2	11.6	The performance criteria are expanded from the draft SPPs to reflect the residential intent for the zone.
Village	12.5.22	12.6	The performance criteria are expanded from the draft SPPs to reflect the residential intent for the zone.
Urban Mixed Use	No provision	13.6	Provisions extended to the Urban Mixed Use zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
Local Business	No provision	14.6	Provisions extended to the Local Business zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
General Business	No provision	15.6	Provisions extended to the General Business zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
Central Business	No provision	16.6	Provisions extended to the Central Business zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
Commercial	No provision	17.6	Provisions extended to the Commercial zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
Light Industrial	No provision	18.6	Provisions extended to the Local Business zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.

6. Foreshadow the inclusion of a future Liveable Streets Code.

3. Provision of public open space and reserves for aesthetic, environmental, health and economic benefits.

3.1 Policy

Parks, reserves and other public spaces impact positively on health. Green public spaces can encourage a range of physical as well as challenging activities and provide opportunities for social interaction, food growing and improved environmental quality.

All public spaces and places are part of the public realm. Streets form some 80% of the public realm in cities and towns. Streets provide opportunities as a component of the public open space to deliver environmental improvement (eg street trees for improved air quality, to enhance amenity and add to the value of adjoining properties). Streets are the main component for informal physical activity e.g. walking, shopping socialising.

3.2 Evidence

A considerable body of literature exists on the role and provision of parks and green open spaces and its impact upon and correlation with increased physical activity.

The evidence on the health benefits of public open space suggests there are a range of factors that contribute to their effectiveness and impact for encouraging physical activity and healthy eating behaviours. Factors include access to parks and public open space (proximity and size), park quality, aesthetics and attractiveness, children's play areas in parks and community gardens.¹⁶

3.3 State Planning Provisions relating to public open space and reserves

SPPs for public open space concern use classes and their allocation to zones including the Open Space zone. Absent from the Draft SPPs is the planning framework for public open space and reserves that relate to and support the provisions for taking public open space in the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

3.4 Purpose

SPPs section 2.1 Planning Scheme Purpose insert the following objective:

Public open spaces and reserves provide a well distributed network of walkable and attractive spaces strategic to local communities for their aesthetic, environmental, health and economic benefits.

3.5 Interpretations

Interpretations relevant to public open space are:

Public open space. This is a rather limited interpretation of public open space based on the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Streetscape. The quality of the street is important in seeing streets as part of the recreation-physical activity environment.

¹⁶ See Heart Foundation 'Healthy Active by Design' a web based resource at <http://www.healthyactivebydesign.com.au/evidence-2>

3.6 Use classes

Use classes relevant to public open space are:

Passive recreation

Sports and recreation: whilst providing facilities for physical activity, structures that limit access and focus on spectators limit the health value to be gained from public open space.

3.7 Zones

The use class passive recreation where appearing in zones as no permit required is supported.

The use class sports and recreation where appearing in zones as discretionary is supported.

The Development Standards for Subdivision in zones omits reference to the provision of public open space. Whilst the provisions for public open space at the time of subdivision are enabled by the *Local Government (Building and Miscellaneous Provisions) Act 1993* these provisions do not cover the planning for public open space.

Standards in the SPPs are required for the provision of public open space and riparian and littoral reserves as contemplated by s.83(1A) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

The creation of riparian and littoral reserves is consistent with a principle of the *State Coastal Policy 1996* to recognise ‘the importance of public access to and along the coast consistent with protection of natural coastal values, systems and processes’ and as necessary to give priority to coastal dependent use and development¹⁷.

Provisions and standards are required for public open space and riparian and littoral reserves as part of the subdivision process with an additional standard at clauses 8.6 and equivalent provisions in all other zones except the Port and Marine zone and the Utilities zone as follows:

x.6.2, x.5.2 public open space and reserves (clause numbering as applicable for each zone)

Objective:	To ensure subdivision delivers a well distributed network of walkable and attractive public open spaces and reserves strategic to local communities.
Acceptable Solutions	Performance Criteria
A1 Subdivision provides a minimum land area of 5% for public open space.	P1 Payment instead of public open space is taken where: (a) a strategic plan for public open space and reserves provides for the acquisition of public open space at alternative sites in the vicinity of the subdivision; or (b) a strategic plan for public open space and reserves specifies requirements for the improvement on existing public open space land in the vicinity of the subdivision.

¹⁷ *State Coastal Policy 1996 clause 2.1.6.*

<p>A2</p> <p>(a) Subdivision provides a minimum width of riparian reserve of 30m from the bank of a water course (non-tidal) for the length of the common boundary with the water course.</p>	<p>P2</p> <p>(a) A riparian reserve of less the 30m is provided or dispensed with where there is a common boundary with a minor water course; and</p> <p>(b) A riparian reserve is not required to link to adjoining reserves, or</p> <p>(c) A riparian reserve is not required as part of a strategic plan for public open space and reserves.</p>
<p>A3</p> <p>(a) Subdivision provides a minimum width of littoral reserve of 30m from the bank of a river or coast for the length of the common boundary with the river or coast.</p>	<p>P3</p> <p>(a) The requirement to provide a littoral reserve of 30m may only be reduced or dispensed with where existing buildings or features do not allow for the full or partial reserve width to be provided; or the area is required for coastal dependent activities.</p>

3.8 Recommendations for amendments to the State Planning Provisions to provide public open spaces and reserves

1. Amend SPP section 2.1 Planning Scheme Purpose to insert the following:

Public open spaces and reserves provide a well distributed network of walkable and attractive spaces strategic to local communities for their aesthetic, environmental, health and economic benefits.

2. Insert provisions and standards for public open space and riparian and littoral reserves as part of the subdivision process clauses 8.6 and equivalent provisions in all other zones except the Port and Marine zone and the Utilities zone as follows:

x.6.2, x.5.2 public open space (clause numbering as applicable for each zone)

Objective:	To ensure subdivision delivers a well distributed network of walkable and attractive public open spaces and reserves strategic to local communities.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>Subdivision provides a minimum land area of 5% for public open space.</p>	<p>P1</p> <p>Payment instead of public open space is taken where:</p> <p>(a) a strategic plan for public open space and reserves provides for the acquisition of public open space at alternative sites in the vicinity of the subdivision; or</p> <p>(b) a strategic plan for public open space and reserves specifies requirements for the improvement on existing public open space land in the vicinity of the subdivision.</p>	

<p>A2</p> <p>(a) Subdivision provides a minimum width of riparian reserve of 30m from the bank of a water course (non-tidal) for the length of the common boundary with the water course.</p>	<p>P2</p> <p>(a) A riparian reserve of less the 30m is provided or dispensed with where there is a common boundary with a minor water course; and</p> <p>(b) A riparian reserve is not required to link to adjoining reserves, or</p> <p>(c) A riparian reserve is not required as part of a strategic plan for public open space and reserves.</p>
<p>A3</p> <p>(a) Subdivision provides a minimum width of littoral reserve of 30m from the bank of a river or coast for the length of the common boundary with the river or coast.</p>	<p>P3</p> <p>(a) The requirement to provide a littoral reserve of 30m may only be reduced or dispensed with where existing buildings or features do not allow for the full or partial reserve width to be provided; or the area is required for coastal dependent activities.</p>

4. Mixed density housing to satisfy resident life cycle requirements and for walkable neighbourhoods

4.1 Policy

Mixed density housing is facilitated to provide a wider choice of housing, enhance the development of compact cities, accommodates life cycle requirements and promotes walkable neighbourhoods.

The benefits of a range of housing types at higher densities in local communities contrasts with low density settlement patterns that do not support active travel and can raise patterns of car dependency that are not health promoting. In addition mixed density housing engenders walkable neighbourhoods and supports the provision of local shops and facilities to serve daily needs.

The opportunity to have housing satisfy life-cycle requirements will allow residents to remain in their neighbourhood as age and circumstances change their housing requirements.

4.2 Evidence

The Blueprint for an Active Australia¹⁸ assembles the evidence on the importance of creating built environments that support active living. The Blueprint asserts:

Providing diverse housing in walkable environments can help older adults to 'age in place'. Safe neighbourhoods with connected street networks and local shops, services and recreational facilities are associated with more walking in older adults, and may protect against a decline in physical activity over time.

Emerging evidence suggests that urban sprawl is also associated with coronary heart disease in women; living in more walkable neighbourhoods is associated with lower cardiovascular disease risk factors such as obesity and type 2 diabetes mellitus (men only).

There appears to be growing consumer demand for more walkable neighbourhoods.

Heart Foundation research projects 'Does Density Matter The role of density in creating walkable neighbourhoods'¹⁹, 'Low density development: Impacts on physical activity and associated health outcomes'²⁰ and 'Increasing density in Australia: maximising the health benefits and minimising the harm'²¹ canvas the evidence that higher density housing, increases the ability to walk to destinations together with the associated health benefits.

4.3 State Planning Provisions relating to mixed density housing

SPPs for mixed density housing concern setting an objective at 2.0 Planning Scheme Purpose, a review of zone purpose statements and zone standards and an advocacy for a Liveable Streets code (see Annexure 1 Draft for a Liveable Streets code).

¹⁸ See *Blueprint for an active Australia Action area 1 for references on active living and the built environment*

¹⁹ See Udell T, Daly M, Johnson B, Tolley Dr R *Does Density Matter 'Does Density Matter The role of density in creating walkable neighbourhoods'* National Heart Foundation 2014

²⁰ See Giles-Corti B, Hooper P, Foster S, Koohsari MJ, Francis J 'Low density development: impacts on physical activity and associates health outcomes' National Heart Foundation 2014. The report found, on the available evidence, a minimum net density threshold of 20 dwellings per hectare (18 dwellings per gross hectare) was required to encourage some transport-related walking. For viable public transport, densities of 35-43 net and 32-40 gross dwellings per hectare were required where based on dwelling occupancy rates of 2.6 persons per dwelling.

²¹ See Giles-Corti B, Ryhan K, and Foster S 'Increasing density in Australia: maximising the health benefits and minimising the harm' National Heart Foundation 2012

4.4 Purpose

SPPs section 2.1 Planning Scheme Purpose insert the following objective:

Mixed density housing and housing that satisfies life-cycle requirements is encouraged to enhance the scope for active living and active travel.

4.5 Assessment of an Application for Use or Development

SPPs Clause 6.2.6 Categorising Use or Development provides that:

... development which is for subdivision,... does not need to be categorised into one of the Use Classes.

The separation of land use from development for subdivisions means that lots are created without assessment of future use. Whilst the zoning determines the potential array of uses, draft clause 6.2.6 avoids the finer grained assessment arising from the certainty over intended use as nominated in the permit application. This is particularly relevant when dealing with medium density low-rise housing as in terrace housing with each house on a separate lot and where elements such as walls to boundaries, infrastructure services and vehicle access are critical to realising good design. In addition the interest only in the development for subdivision is inconsistent with assessment requirements in zones (eg 8.6.1 objective for lot design for the General Residential zone) that requires a lot to have the:

... area and dimensions appropriate for use ... in the Zone;

Then in the PC for 8.6.1 and equivalent PC in comparable standards for other zones we find a requirement to assess an application against the proposed use as follows:

Each lot, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use having regard to:...

In most zones the available uses are many and varied setting an impossible assessment task to ensure objectives are satisfied.

To enhance the prospect of combined subdivision and housing development and to reduce the impossible task of assessing a permit, that requires a PC assessment against all the available uses in the zone then Clause 6.2 *Categorising Use or Development*, must be amended to delete 'subdivision' from sub-clause 6.2.6.

4.6 Zones

8.4.1 General Residential zone – Development Standards for Dwellings

Clause 8.4.1 Development standards, Residential density for multiple dwellings, P1(a) requires a:

residential density consistent with the density of existing development on established properties in the area

The Performance Criterion presupposes that existing density is appropriate for the intended purpose for the zone at clause 8.1.2 which requires '*...efficient utilisation of available and planned social, transport and other service infrastructure*'. The provision P1(a) is not only a difficult Performance Criteria (PC) to assess it also serves to prevent intensification of housing contrary to the zone purpose.

Clause 8.4.1 should be amended to delete P1(a) as follows:

P1

Multiple dwellings must only have a site area per dwelling that is less than 325m², if the development will not exceed the capacity of infrastructure services and:

- (a) ~~is consistent with the density of existing development on established properties in the area; or~~*
- (b) provides for a significant social or community benefit and is:*
 - (i) wholly or partly within 400m walking distance of a public transport stop; or*
 - (ii) wholly or partly within 400m walking distance of an Inner Residential Zone,*

Objectives such as: ‘*consistent with the amenity and character of the area*’ can serve to prevent intensification and renewal and lock assessments of applications into that which exists. The additional difficulty with such objectives is that it presupposes and reinforces that there is an existing amenity and character of a quality that should be respected. In the same vein statements such as ‘*...consistent with the form and scale of residential development existing on established properties...*’ requires the existing scale to be replicated, perhaps not always an appropriate requirement or result. The alternative is for objectives and clauses that promote improvement in residential environments that can be found with the intensification of dwellings.

Clauses in the General Residential zone that should be deleted for reasons of preventing intensification and that create uncertainty are as follows:

Clause	Provision showing parts for deletion
<i>Setbacks and building envelope for all dwellings clause 8.4.2 A2(c)</i>	if for a vacant site and there are existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.
<i>Site coverage and private open space for all dwellings clause 8.4.3 objective</i>	‘To ensure that dwellings are consistent with the amenity and character of the area and provide:’
<i>Site coverage and private open space for all dwellings clause 8.4.3 P1(a)</i>	site coverage consistent with that existing on established properties in the area;
<i>Non dwelling development clause 8.5.1 A1 (c)</i>	if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of those dwellings.
<i>Non dwelling development clause 8.5.1 P3</i>	A building that is not a dwelling, must be consistent with the form and scale of residential development existing on established properties in the area and have reasonable space for the planting of gardens and landscaping.

8.5.1 General Residential zone – Development Standards for non-dwellings

Clause 8.5.1 Non-dwelling development A1 requires street setbacks of 4.5m and 3.0m for a building that is not a dwelling. The purpose of the objective refers to ‘...all non-dwelling development is sympathetic to the form and scale of residential development and does not cause a loss of amenity.’ It is contended that a setback of itself does not deliver amenity. The real issue is the use of land within the setback. Land simply allocated to hardstand vehicle parking would do little to improving amenity. The Acceptable Solution (AS) should require the setback to be developed for gardens and landscaping. The corresponding PC can provide for alternatives such as car parking so long as the PC requirement for ‘compatible streetscape’ is satisfied.

Clause 8.5.1 Non-dwelling development A1 should be amended to omit existing sub-clause (c) (as proposed above) and to substitute: (c) developed for gardens and landscaping as follows:

8.5.1

Objective:	To ensure that all non-dwelling development is sympathetic to the form and scale of residential development and does not cause a loss of amenity.	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>A building that is not a dwelling, excluding for Food Services, local shop and excluding protrusions that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) not less than 4.5m, if the frontage is a primary frontage;</p> <p>(b) not less than 3.0m, if the frontage is not a primary frontage; <u>and</u></p> <p>(c) <u>developed for gardens and landscaping.</u></p>	<p>P1</p> <p>A building that is not a dwelling must have a setback from a frontage that is compatible with the streetscape.</p>	

8.6.1 General Residential zone – Development Standards for subdivision

Clause 8.6.1 Lot design sets a minimum AS lot size (single dwelling density) for the General Residential zone at 450m². In contrast the AS dwelling density for multiple dwellings is 325m² (clause 8.4.1 A1). This places a disincentive AS on other forms of housing such as house/land packages on smaller lots such as terrace and other forms of low rise medium density housing that still fall in the use definition - ‘single dwelling’.

To not disadvantage higher density for single dwellings, provision could be made for integrated house/land development²² or alternatively have a single housing density standard as the AS such as 400m² then the issue is about housing and not minimum lot sizes divorced from what might go on the subdivided lot. In addition it would mean that lots in the 650m²+ (325m² by 2) range will not be under pressure for backyard strata housing.

A single house density approach is preferred and should still lead to achieving the minimum of 15 dwellings per hectare as suggested in the Explanatory Document (page 33)²³. A single housing AS density could best be achieved by making the AS dwelling density for the General Residential zone at 400m² and

²² See standards proposed in TASCORD Department of Environment and Land Management 1997.

²³ Development allowing nominal 5% public open space and 25% roads etc and a lot density at 450m² provides a net density = 15 du/ha. At 400m² = 17.5 du/ha).

the PC amended accordingly. It is also to be noted that the provisions for the Inner Residential and Village zones do not distinguish between AS densities for multiple dwellings and minimum lot areas for subdivision.

Clauses 8.4.1 A1 and P1 and 8.6.1 A1 should be amended to omit 325m² and 450m² respectively and substitute 400m² for all forms of housing.

Clauses 8.4.1 A1 and P1 and 8.6.1 A1 should be amended to omit 325m² and 450m² respectively and substitute 400m² for all forms of housing.

9.4.2 Inner Residential zone – Setback and building envelopes for all dwellings (and related provisions)

Clauses that serve to prevent intensification and renewal and lock assessments of applications into objectives concerning existing amenity and character as is advocated for the General Residential zone should be deleted as follows:

Clause	Provisions showing parts for deletion
<i>Setbacks and building envelope for all dwellings</i> clause 9.4.2 A1(c)	if for a vacant site and there are existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.
<i>Site coverage and private open space for all dwellings</i> clause 9.4.3 objective	'To ensure that dwellings are consistent with the amenity and character of the area and provides provide.'
<i>Site coverage and private open space for all dwellings</i> clause 9.4.3 P1(a)	site coverage consistent with that existing on established properties in the area;
Non dwelling development clause 9.5.1 A1 (c)	if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.
Non dwelling development clause 9.5.1 P3	Buildings must be consistent with the form and scale of residential development existing on established properties in the area and have a reasonable space for the planting of gardens and landscaping.

4.7 Recommendations for amendments to the State Planning Provisions to promote mixed density housing

1. SPPs section 2.1 Planning Scheme Purpose insert the following:

Mixed density housing and housing that satisfies life-cycle requirements is encouraged to enhance the scope for active living and active travel.

2. Delete 'subdivision' from clause 6.2.6 Categorising Use or Development.

3. Delete clause 8.4.1 P1(a) Development standards for multiple dwellings as follows:

P1

Multiple dwellings must only have a site area per dwelling that is less than 325m², if the development will not exceed the capacity of infrastructure services and:

- (a) ~~is consistent with the density of existing development on established properties in the area;~~
~~or~~
- (b) *provides for a significant social or community benefit and is:*
- (i) *wholly or partly within 400m walking distance of a public transport stop; or*
- (ii) *wholly or partly within 400m walking distance of an Inner Residential Zone,*

4. Delete clauses in the General Residential zone that prevent intensification and that create uncertainty as follows:

Clause	Provision showing parts for deletion
Setbacks and building envelope for all dwellings clause 8.4.2 A2(c)	if for a vacant site and there are existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.
Site coverage and private open space for all dwellings clause 8.4.3 objective	'To ensure that dwellings are consistent with the amenity and character of the area and provide:'
Site coverage and private open space for all dwellings clause 8.4.3 P1(a)	site coverage consistent with that existing on established properties in the area;
Non dwelling development clause 8.5.1 A1 (c) omit and substitute	(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of those dwellings. (c) developed for gardens and landscaping
Non dwelling development clause 8.5.1 P3	A building that is not a dwelling, must be consistent with the form and scale of residential development existing on established properties in the area and have reasonable space for the planting of gardens and landscaping.

5. Amend Clauses 8.4.1 A1 and P1 and 8.6.1 A1 to omit 325m² and 450m² respectively and substitute 400m² for all forms of housing

6. Delete clauses in the Inner Residential zone that prevent intensification and that create uncertainty are as follows:

Clause	Provisions showing parts for deletion
<i>Setbacks and building envelope for all dwellings</i> clause 9.4.2 A2(c)	if for a vacant site and there are existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.
<i>Site coverage and private open space for all dwellings</i> clause 9.4.3 objective	'To ensure that dwellings are consistent with the amenity and character of the area and provides provide.'
<i>Site coverage and private open space for all dwellings</i> clause 9.4.3 P1(a)	site coverage consistent with that existing on established properties in the area;
Non dwelling development clause 9.5.1 A1 (c)	if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.
Non dwelling development clause 9.5.1 P3	Buildings must be consistent with the form and scale of residential development existing on established properties in the area and have a reasonable space for the planting of gardens and landscaping.

5. Compatible mix of land uses to promote active travel

5.1 Policy

A greater integration of compatible land uses can reduce the separation between where we live, work, shop, learn, travel and play and enhance the opportunities for active living and active travel.

A mix of compatible land uses; residences, shops, schools, offices and public open space sensitive to the local environment allows for convenient and proximate access to destinations and adds to the walkability of neighbourhoods. A mix of land uses can offer better access to healthy foods within walking distance of residents. Mixed land uses invite spaces and places to become destinations and, irrespective of size, centres of activity.

5.2 Evidence

Research evidence indicates that mixed land use (i.e., the presence of multiple destinations) is a key factor influencing neighbourhood walkability. There is a consistent and large body of cross-sectional evidence indicating that greater land use mixes (or numbers of destinations) and shorter distances to destinations (i.e., within close proximity from home) is associated with greater amounts of walking. Measures of land use mix are positively associated with walking for transport in adults, though evidence is more inconsistent for children and older adults. The research evidence suggests there are a range of factors that contribute to the effectiveness of mixed-use and its impact on encouraging walking and physical activity behaviours including access to destinations or land uses, access to schools, access to sport and recreation centres, density and connectivity.²⁴

5.3 State Planning Provisions relating to mixed land use

SPPs for mixed land use concern setting an objective at 2.0 Planning Scheme Purpose, and a review of zone purpose statements and zone standards covering amenity considerations for mixed use.

5.4 Purpose

SPP section 2.1 Planning Scheme Purpose insert the following objective:

Compatible land uses are co-located to promote active travel to, and between different activities.

5.5 Zones

The available use classes in the use table for each zone provide for a range of uses that should be compatible with the primary use for the zone. No issues are raised on the use classification in each zone.

14.3.1 Local Business zone - Use Standards – all uses

The objective for the standard confines the amenity issue to adjoining residential zones despite residential use being permitted and discretionary in the zone. In addition the zone purpose at 14.1.5 refers to 'encouraging residential ...use if it supports the viability of the activity centre...'. The objective for the standard should be amended as follows:

Clause 14.3.1

Objective:	To ensure that <u>non-residential</u> uses do not cause unreasonable loss of amenity to adjoining <u>residential uses and</u> residential Zones.
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²⁴ See Heart Foundation 'Healthy Active by Design' a web based resource at <http://www.healthyactivebydesign.com.au/evidence-2>

14.4.1 Local Business zone – Building height

At clause 14.4.1 building height, the objective should also cover residential amenity within the Local Business zone as follows:

Clause 14.4.1

Objective:	To ensure building height: <ul style="list-style-type: none"> (a) contributes positively to the streetscape; and (b) does not cause an unreasonable loss of amenity to adjoining <u>residential uses and residential Zones</u>.
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14.4.2 Local Business zone – Setbacks

At clause 14.4.2 Setbacks, the objective should also cover residential amenity within the Local Business zone as follows:

Clause 14.4.2

Objective:	To ensure that building setback: <ul style="list-style-type: none"> (a) contributes positively to the streetscape; and (b) does not cause an unreasonable loss of amenity to adjoining <u>residential uses and residential Zones</u>.
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Whilst similar provisions for residential use and development standards are applied in the General Business zone maintenance of residential amenity within the zone is probably unreasonable despite the intent of the zone.

5.6 Other matters – frontage windows business premises and Signs code

Clause 13.4.3 Design for the Urban Mixed Use zone and equivalent design standards in business and commercial zones for the acceptable solutions there are provisions for windows in ground floor facades. These provisions are supported as providing interest and variety that enhance walkability. However the merit of the provision for windowed facades is lost where the window is covered with advertising. The signs code helps in specifying a maximum window sign of not more than 25% of each window assembly. This representation supports provisions relating to windows in facades and provisions relating to limiting window signs.

5.7 Recommendations for amendments to the State Planning Provisions to facilitate mixed land use.

1. At Clause 2.1 insert the following purpose:
Compatible land uses are co-located to promote active travel to, and between different activities.
2. Amend clause 14.3.1 Local Business zone, Use Standards – all uses, follows:

Clause 14.3.1

Objective:	(a) To ensure that <u>non-residential</u> uses do not cause unreasonable loss of amenity to adjoining <u>residential uses and</u> residential Zones.
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3. Amend Clause 14.4.1 Local Business zone building height, as follows:

Clause 14.4.1

Objective:	To ensure building height: (b) contributes positively to the streetscape; and (c) does not cause an unreasonable loss of amenity to adjoining <u>residential uses and</u> residential Zones.
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4. Amend Clause 14.4.2 Local Business zone – Setbacks as follows:

Clause 14.4.2

Objective:	To ensure that building setback: (d) contributes positively to the streetscape; and (e) does not cause an unreasonable loss of amenity to adjoining <u>residential uses and</u> residential Zones.
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6. Food security and access to health food

6.1 Policy

Tasmanians at all times have food security through ready and equitable access to healthy food. The Heart Foundation contends that the Tasmanian Planning Scheme should support the three domains of food security; utilisation; supply; and access.

6.2 Evidence

Food security has both social and spatial dimensions. About 5 to 10% of Tasmanians do not have food security²⁵.

The Tasmanian Population Health Survey relating to access to food, found:²⁶

Reason why food of adequate quality or variety is not available	Persons ages 18 years and over
Foods are too expensive	22.4%
Cannot obtain food of the right quality	22.0%
Cannot obtain adequate variety of food	9.3%
Inadequate and unreliable transport makes it difficult to get to the shops	5.6%

The 2014 Tasmanian Healthy Food Access Basket Survey found inter alia²⁷:

Of the 353 shops that sell healthy food across Tasmania (this includes supermarkets, general stores and fruit and vegetables shops) only 19 are located in the areas that Tasmanians with the lowest household income (lowest 1/3) live. So 5% of shops are located where 30% of Tasmanians live.

Affordability varies across locations in Tasmania. Low income Tasmanians are most at risk of not being able to purchase healthy food. Depending on your household income and the shops available where you live it may take up to 40% of your income to eat according to the Commonwealth Governments Guide to Healthy Eating. Households relying on the Newstart payment are particularly vulnerable.

Additional evidence on food and in social and spatial contexts see:

- *Food Sensitive Planning and Urban Design*²⁸
- *Food for all Tasmanians a food security strategy*²⁹
- *Spatial Planning as a Tool for Improving Access to Healthy Food for the Residents of Clarence*³⁰

²⁵ Tasmanian Food Security Council Food Security in Tasmania fact Sheet July 2011. (OECD 10% of Australians do not have food security).

²⁶ Tasmanian Population Health Survey 2013; DHHS Public Health Services Epidemiology Unit.

²⁷ Murray S., Ahuja KDK., Auckland S., Ball MJ 2014 The 2014 Tasmanian Healthy Food Access Basket Survey. School of Health Sciences. University of Tasmania.

²⁸ Food Sensitive Planning and Urban Design. <https://www.vichealth.vic.gov.au/media-and-resources/publications/food-sensitive-planning-urban-design> David Lock Associates, University of Melbourne and Heart Foundation of Australia 2011.

²⁹ Tasmanian Food Security Council *Food for all Tasmanians A food security strategy* 2012

³⁰ Clarence City Council and Heart Foundation *Spatial Planning as a Tool for Improving Access to Healthy Food for the Residents of Clarence* December 2015

As peri-urban areas are critical for food production and to be consistent with the *State Policy for the Protection of Agricultural Land 2009* (PAL State Policy), the primary zoning must protect agricultural land for agricultural use. In reference to the PAL State Policy it is contended that the State Policy concerns the intrinsic value of agricultural land and its protection for agricultural use. The retention of agricultural land for agricultural use is part of food security as it provides the means for producing food, but does not directly concern the delivery of healthy, sustainable, and affordable food to Tasmanian communities. The PAL State Policy does not enter into the realm of urban agriculture such as community gardens that are specifically excluded by the definition of agriculture land, hence the request for an interpretation and use class qualification for *local food production or processing*. However whilst the PAL State Policy primarily concerns the intrinsic value of agricultural land and its protection for agricultural use an adaptive response to the criterion in the definition of agricultural land is required. An adaptive response is required because of the definition for agricultural land states, '*has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses*'.

The SPPs need to go beyond the limitations of the PAL State Policy to enable activities related to food production and access to be qualified use or development in most zones.

The following seeks to discover how the draft SPPs affect the production, distribution and access to (healthy) food for all zones. Food production can include mostly small scale production nominally no greater in scale than incidental to a non-agriculture use. Urban and peri-urban agriculture plays a significant role in local food production and the supply of fresh food.

6.3 SPPs relating to the production, distribution and access to (healthy) food

SPPs relating to food concern setting an objective at 2.0 Planning Scheme Purpose, and a review of zone purpose statements and zone standards particularly to facilitate food production and access from urban agriculture. The merit of separate Agriculture and Rural zones is questioned, primarily on the basis of the difficulty of defining the Tasmanian agriculture estate and to be consistent with the PAL State Policy.

6.4 Purpose

SPP section 2.1 Planning Scheme Purpose insert the following objective:

The use or development of land supports a resilient, localised, healthy and sustainable food system.

6.4 Interpretation

The qualified uses (sub-sets of use classes) as provided in the interpretation section of the SPPs that are relevant to food production and access to food are:

- agricultural land
- agricultural use
- animal saleyard
- aquaculture
- controlled environment agriculture (agricultural use within a built structure)
- crop production
- home based business (if amended to confirm that gross floor area of the dwelling does not limit whole site from being used for food production or processing, see below).
- local shop

marine farming shore facility
 market
 out building
 primary production sales
 prime agricultural land
 take away food premises
 winery

Additional interpretations or clarifications are required to represent local urban and peri-urban food production. Insert an interpretation for *'healthy food'* and *'local food production or processing'* and review to clarify the application of home-based business, as follows:

healthy food: means food which is required for a healthy and nutritious diet and is adequate, safe and culturally appropriate and sufficient to live an active healthy life.

local food production or processing: means food grown or reared on a site primarily for local consumption and where there has been minimum processing of the products.

A review of the interpretation for *'home-based business'* is required to confirm or amend accordingly the interpretation such that a home-based business for local food production or processing is not confined to just part of a dwelling and does include the whole site so long as the qualifications to the definition are met. Clearly local food production or processing cannot be confined to the dwelling and needs to extend to the whole site.

6.6 Exemptions

The following exemptions are supported with clarifications and amendments:

Home occupation exemption as it applies to all zones as proposed in the SPPs. As for the interpretation for home-based business (above) confirm or amend accordingly that home occupation includes food production or processing over the whole site and is not solely limited to *'no more than 40m² gross floor area of the dwelling'*. Clearly local food production or processing cannot be confined to the dwelling and needs to extend to the whole site.

Community gardens on a public land in all zones, but amended to reflect a broader application covering urban agriculture, as follows:

use or development in a road reserve or on public land	outdoor dining facilities, signboards, roadside vendors and stalls on a road that have been granted a licence under a relevant Council By-Law; or <u>urban agriculture including a community garden and a market on a public land.</u>
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Outbuildings and garden structures, as qualified, in all zones.

Outbuildings, as qualified, in rural zones.

Agricultural buildings and works, as qualified, in rural and agriculture zones.

6.7 Use classes

Use classes applicable to food security are:

food services (cafes, take-away etc)

general retail and hire (market, primary produce sales, shop, local shop etc)

resource processing (processing, packing etc of produce).

resource development (agricultural use etc)

transport depot and distribution (transport and distribution of food.)

6.8 Zones

8.0 to 29.0 Zones (all) and use classifications

Under the SPPs food production would, presumably be classified as ‘agricultural use’³¹ in the use class ‘resource development’. There is no reference to scale of operation unless qualified. Resource development is prohibited in most urban zones. Provisions that accommodate (small scale) agriculture are required to provide the opportunity for food production in urban areas. Presumably home-based business and home occupation will cover some small-scale food production. However where food production is classified as ‘agricultural use’ then, for instance, urban agriculture including community gardens (on land other than public land) and food production on vacant land would be prohibited in most urban zones.

Applicable use classes relating to food in zones (use classes as identified above) as proposed in the draft SPPs are displayed in the table below. Proposed changes shown in green in the table would enable local food production or processing to be permitted in a range of urban zones. In some respects the addition of local food production or processing mirrors the discretion for the use class ‘*resource processing*’ in certain urban zones where it involves the processing of select foods, being ‘*a distillery, brewery or cidery*’, but no other food processing is allowed.

To extend the availability of local food, the use for a market should be classified as permitted in the Community Purpose and Recreation zones, also shown in the following table.

Table: use classes relating to food in zones

Key to table: NP no permit, P permitted, D discretionary, (...) identifies qualifications related to the use, Uses not listed are prohibited.

Zones	Use classes and classification				
	Food services	General retail & hire	Resource development	Resource processing	Transport depot and distribution
General residential Low density residential	D (if not for take away food premises with a drive through facility)	D (if for a local shop)	P (If for local food production or processing)		

³¹ Agricultural use as defined in the State Policy for the Protection of Agriculture Land 2009:-‘Agricultural use’ means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding domestic animals and pets. It includes the handling, packing or storing of produce for dispatch to processors. It includes controlled environment agriculture and plantation forestry.

Zones	Use classes and classification				
Inner residential	D (if not for take away food premises with a drive through facility)	D			
Rural living zone	D (if for a gross floor area of no more than 200m ²)	D (if for: primary produce sales; sales related to resource development use or for a local shop)	P (If for local food production or processing) D (If not for an abattoir, animal saleyards or sawmilling)		
Village	P	P	P (If for local food production or processing)	D (If not for an abattoir, animal saleyards or sawmilling)	D
Urban mixed use	P	P	P (If for local food production or processing)	D (If for a distillery, brewery or cidery).	D if for public transport facility
Local business	NP	NP	P (If for local food production or processing)	D (If for a distillery, brewery or cidery)	D if for public transport facility or distribution of goods within the zone
General business	NP	NP	P (If for local food production or processing)	D (If for a distillery, brewery or cidery)	D if for public transport facility or distribution of goods within the zone
Central business	NP	NP	P (If for local food production or processing)	D (If for a distillery, brewery or cidery)	D if for public transport facility
Commercial	D	D	P (If for local food production or processing)	D (If for a distillery, brewery or cidery)	D

Zones	Use classes and classification				
Environmental living	D (max 200m ² gross floor area)		P (If for local food production or processing) D (not for intensive animal husbandry or plantation forestry)		
Light industrial	D	D (if for alterations or extensions to an existing use),	P (If for local food production or processing)	D	P
General industrial	D			P	P
Rural	D	D	NP	P	D
Agriculture	D	D	NP (restrictions on prime agric land). All other D	D	D for the transport and distribution of agricultural produce and equipment
Landscape conservation	D (If for a gross floor area of not more than 200m ²)	D (If associated with a Tourist Operation).	P (If for local food production or processing) D (If not for intensive animal husbandry or plantation forestry)		
Environmental management	P (if accord with reserve management plan), Otherwise D	P (if accord with reserve management plan), otherwise D	P (If for local food production or processing) Otherwise D	D	
Major Tourism	P (if not a take-away food premises), otherwise D	D	P (If for local food production or processing)	D (If for a distillery, brewery or cidery).	D
Port & marine	D	P (If for chandlers and other shipping and transport related goods.)		D (if for aquaculture)	P

Zones	Use classes and classification				
Utilities					P
Community Purpose		D P (if for a market)	P (If for local food production or processing)		
Recreation	D	P (if for a market) D (If: for clothing, equipment or souvenirs for a Sports and Recreation use; or (b) for a market.)	P (If for local food production or processing)		
Open space	D	D	P (If for local food production or processing)		D associated with wharf, water taxis, commuter or passenger ferry terminals

6.9 Zoning of non-urban land, the agricultural estate

20.1 Rural zone

The purpose of the Rural Zone is stated as:

To provide for a range of use or development that requires a rural location for operational, security or impact management reasons.

To provide for use or development of land where agricultural use is constrained or limited due to topographical, environmental or other site characteristics.

To ensure that use or development is of a scale and intensity that is appropriate for a rural area and does not compromise the function of surrounding settlements.

21.0 Agriculture zone

The purpose of the Agriculture zone is stated as:

To provide for the sustainable development of land for agricultural use.

To protect land for the sustainable development of agricultural use by minimising:

- (a) conflict with or interference from other uses; and*
- (b) non-agricultural use or development that precludes the return of the land to agricultural use.*

To provide for other use or development that supports the use of the land for agricultural use.

The Heart Foundation supports the purposes of the rural and agriculture zones except the need for the two zones appears an artificial construct.

The Explanatory Document contends: (pages 71 & 72)

Requirements for protecting agricultural land for agricultural uses are not applicable to the Rural Zone, as the PAL Policy will be implemented entirely through the Agriculture Zone.

In addition, a thorough review of the PAL Policy has also been undertaken to identify the Principles relevant to the new Agriculture Zone.

It is acknowledged that mapping of Tasmania's agricultural estate will be critical to support the recalibration of the two rural Zones as it will provide the necessary guidance for planning authorities to apply the Agriculture Zone.

The Rural Zone is intended for the rural areas of the State where the opportunities for agricultural use are generally constrained or limited as a consequence of the site characteristics. These are the areas that will support agricultural use but not at a scale and intensity that could be expected in the core agricultural areas. The core agricultural land will be contained within the Agriculture Zone.

In comparison, as quoted in the Explanatory Document (page 71) the Cradle Coast Region submitted:

The Significant Agricultural zone [sic] is not a viable substitute for the [Rural Resource Zone] because it has a very particular purpose for agricultural use on higher productivity land, and therefore excludes the broad scale variation and multiplicity of primary industries in the nature of aquaculture, extensive agriculture, forestry, and mining as occurs on rural land. It is also problematic in that it assumes a sufficient and cohesive spatial manifestation of land which a common and consistent high production value can be conveniently and practically mapped as a distinct productive unit, whereas the reality of the Tasmanian agricultural estate is that it is comprised of a mosaic of relatively small-scale and variable productive classifications. The zone also fails to accommodate the larger portion of the State's agricultural land which is comprised of lower productivity classes, but upon which the greater part of agricultural activity occurs to produce the majority of agricultural outputs.

The above quoted section from the Cradle Coast Region identifies the difficulty of differential zoning for our rural non-urban lands. The sentiments expressed have validity in the state-wide context.

It is contended the quoted section preceding the Cradle Coast submission and other like statements in the Explanatory Document are not consistent with the PAL State Policy. The Explanatory Document appears to be presuming or will encourage the presumption that agricultural land, as defined, is predominately 'prime land'. At least the Explanatory Document acknowledges the difficulty of establishing the Tasmania's agricultural estate. Where the agriculture estate is to be the proposed basis for determining which lands are zoned rural or agriculture.

To avoid either a patchwork of zoning as determined by the identified Tasmanian agricultural estate or significant areas being excluded from agriculture zoning to maintain the integrity of the two zones, the preferred position is for one rural or resource management zone. The concept of an agricultural estate could still be pursued as an overlay to the underlying zoning. Under a single zone scenario there is still a number of other zones available for lands with particular characteristics in non-urban areas, being the Landscape Conservation, Environmental Management and Recreation zones.

The next matter concerns residential use in the (draft) Agriculture zone. SPPs, clause 21.3 1 Use Standards P3 for a residential use is classified as discretionary and qualified at sub-section (a) which states:

(a) *be required as part of an agricultural use, having regard to:*

This standard appears to conflict with clause 6.2.2 that deals with categorizing uses ‘*where directly associated with and a subservient part...*’. Whilst sub-clause P3 applies an appropriate set of tests for residential use on agricultural land there does appear to be two entry points for approval of a residential use. The potential for residential use to be classified as subservient to, say resource development, where classified as ‘*no permit required*’ and residential use as a ‘*discretionary qualified use*’ should be clarified.

6.10 Recommendations for amendments to the State Planning Provisions to facilitate food security

1. SPP clause 2.0 Planning Scheme Purpose

Amend SPP section 2.1 Planning Scheme Purpose to insert the following:

‘The use or development of land supports a resilient, localised, healthy and sustainable food system.’

2. Clause 3.1.3 clarify and insert the following interpretations:

home-based business (confirm or amend accordingly the interpretation such that a home-based business for local food production or processing is not confined to just part of a dwelling and does include the whole site).

healthy food: means food which is required for a healthy and nutritious diet and is adequate, safe and culturally appropriate and sufficient to live an active healthy life.

local food production or processing: means food grown or reared on a site primarily for local consumption and where there has been minimum processing of the products.

3. Table 4.1 clarify and amend the following exemptions:

home occupation confirm or amend accordingly that home occupation includes food production or processing over the whole site and is not solely limited to ‘no more than 40m² gross floor area of the dwelling.

Amend the qualification to the exemption for use or development in a road reserve or on public land to broaden the reference to community garden as follows:

use or development in a road reserve or on public land	outdoor dining facilities, signboards, roadside vendors and stalls on a road that have been granted a licence under a relevant Council By-Law; or <u>urban agriculture including a community garden and a market</u> on a public land.
--	--

4. Insert and clarify the use class ‘resource development’ with the qualification ‘If for local food production or processing’, as permitted use and development in the following zones:

Zone	Qualification
General Residential, Low Density Residential, Rural Living, Village, Urban Mixed Use, Local Business, General Business, Central Business, Commercial, Light Industrial, Environmental Living, Landscape Conservation, Environmental Management, Major Tourism, Community Purpose, Recreation, Open Space	P (If for local food production or processing)

5. Amend the qualifications for the use class ‘general retail and hire’ in the Community Purpose zone and Recreation zone to make a ‘market’ permitted as follows:

Zone	Qualification
Community Purpose	P (if for a market)
Recreation	P (if for a market) D (If for clothing, equipment or souvenirs for a Sports and Recreation use; or (b) for a market.)

6. Clause 21.3.1/P3(a) Agriculture zone – Use Standards (discretionary uses Residential use) clarify where it refers to a residential use ‘must be part of an agricultural use...’ compared with housing classified under clause 6.2.2 that deals with categorizing uses ‘where directly associated with and a subservient part...’.
7. Amend the Rural and Agriculture zones by combining into a single Rural Resource zone and draft a code incorporating an overlay to spatially define the Tasmanian agricultural estate.

7. Buildings and site design actively promotes physical activity

7.1 Policy

Work places support increased levels of physical activity through the design of a building's circulation system, encouragement of stair use, the provision of end-of-trip facilities, (such a secure bicycle storage and change facilities) and there is convenient and safe access to public transport. Safe access to work places by active travel is enhanced where buildings provide for natural surveillance of outside spaces and the street.

It is submitted that the interface between buildings and health and wellbeing relative to the remit of the Tasmanian Planning Scheme should be found in the use classifications and use and development standards, particularly for urban based zones, and the assignment of business and commercial zones in areas of good transport access.

7.2 Evidence

Workplace and activity

The Blueprint for an Active Australia ³² assembles the evidence on the importance of being active in the workplace. The Blueprint asserts:

The workplace is increasingly being recognised (nationally and internationally) as a priority high-reach setting for health behaviour interventions, extending from a labour-based approach to a public health 'healthy workers' approach.

In general, a physically active workforce can improve physical and mental health, reduce absenteeism and increase productivity, thereby providing important benefits to individuals and workplaces. Workplaces should see the implementation of physical activity programs as a strategic business enhancement opportunity.

Car parking and activity

A planning requirement for car parking is emerging as an issue with concerns about the amount of urban space dedicated to storing cars during work times and then the space is vacant and essentially unproductive at other times. In essence car parking can dictate many decisions on use and development. The proposition is that car parking is a commercial interest of business owners rather than a community planning issue. Car parking can have major adverse impacts on amenity, the streetscape and walking, particularly through the number of crossings of footpaths found in the urban environment. Central business areas generally do not require parking as part of a permit application with often the onus being on the applicant to show reason for the provision of parking. Is it timely to take the same principle to other business and commercial areas?

A Victoria Walks review of car parking and walking found³³:

In 2009 the Department of Transport commissioned an international review of the literature regarding techniques to promote walking and cycling. This review found that the availability of free car parking was one of the key factors that promoted driving over other forms of transport (Krizek, Forsyth and Baum 2009).

A more recent review of international literature reached a similar conclusion. "Hindsight shows that minimum parking requirements have had hugely negative consequences... Travel behaviour

³² See Blueprint for an active Australia Action area 2 for references on health and the work place

³³ Victoria Walks: Car parking and walking perceptions of car parking <http://www.victoriawalks.org.au/parking/>

studies show a strong link between the availability and cost of parking and people's tendency to drive." (Donovan and Munro 2013, p.50)

The significance of car parking for walking in particular relates to the fact that, in addition to promoting vehicle use, when provided in the form of large scale ground level parking lots, it actively discourages walking. *"Not only does ample and free parking provide an easy excuse for auto travel, vast parking areas are also the bane of pedestrian travel."* (Krizek, Forsyth and Baum 2009, p.15).

Despite limited changes to Victorian parking requirements made in mid-2012, the Victoria Planning Provisions (VPPs) still require car parking beyond the levels that business would naturally supply, promoting vehicle use at the expense of other transport modes. A fundamental review of Victorian car parking requirements is needed.

Heart Foundation "Healthy Active by Design"³⁴ has assembled evidence relating to physical activity and car parking for big-box centres finding:

Big-box, car-park dominated retail shopping centres with large car park areas and all shops facing inside, increase car reliance whilst simultaneously constraining pedestrian activity through a failure to provide a pleasant or easy walking or cycling environment. This increases motivation to drive to the centre, even if people live within a close and comfortable walking distance. In contrast, more traditional, main-street centres, - where pedestrian-scaled, street-fronting mixed-use buildings with small setbacks and 'active' ground floor uses that extend onto the street (i.e., café seating areas, external shop displays) encourages walking and cycling access.

7.3 SPPs relating to building and site design

Provisions in the draft SPPs relevant to work place health primarily apply to business and commercial zones and the Parking and Sustainable Transport code.

7.4 Purpose

SPP section 2.1 Planning Scheme Purpose insert the following objective:

Work places support physical activity through convenient and safe accesses providing for natural surveillance of outside spaces and the street.

7.5 Zones

12.3.1 Village zone and other zones - External lighting standards

External lighting standards (eg clause 12.3.1 A2/P2 for the Village zone) need to address the adequacy of lighting for the 'public' areas for gaining access to a commercial premises and not to solely concern light spillage on to adjoining properties and zones. This requirement for appropriate external lighting for health and safety reasons is, however, covered with enhanced requirements in the 'Design' standards applying to the business/commercial zones.

13.4.3 Urban Mixed Use zone and other zones - Design

Design standards at clause 13.4.3 (Urban Mixed Use zone) and equivalent clauses in the other business and commercial zones cover access to and surveillance of pedestrian areas. These standards are supported particularly for the objective to the standard being:

³⁴ Heart Foundation "Healthy Active by Design" <http://www.healthyactivebydesign.com.au/evidence-1>

To ensure that building facades promote and maintain high levels of pedestrian interaction, amenity and safety.

Nevertheless the following amendments to clause 13.4.3 and equivalent clauses in the other business/commercial zones are necessary to enhance the objective for the standard and for work place health. Amend sub clause (a) as follows:

13.4.3 Design

Acceptable Solutions	Performance Criteria
<p>A1 Buildings must be designed to satisfy all of the following: (a) <i>provide the <u>main</u> pedestrian entrance to the building that is visible <u>and accessible</u> from the road or publicly accessible areas of the site;</i></p>	

(ii) At A1(g) the option to provide an awning based on what is existing or on adjacent sites should be revised to make sun and rain protection mandatory along with an equivalent PC to require appropriate weather protection for the pedestrian areas. Proper provisions for weather protection of the public realm adds to walkability and consequently health benefits.

Amend sub clause (g) as follows:

Clause 13.4.3 Design

Acceptable Solutions	Performance Criteria
<p>A1 (g) provide awnings over a public footpath if <u>existing on the site or adjoining properties, and to the pedestrian entrance to the building</u> excluding for a Residential use; and</p>	<p>P1 (g) provide awnings over a public footpath, excluding for a Residential use, unless: the site does not have existing awnings; there is no benefit for the streetscape or pedestrian amenity; or it is not possible to provide an awning due to physical constraints of the site or building; and</p>

The draft SPPs standards for the Village zone do not cover design standards as is the case for the Urban Mixed Use zone (clause 13.4.3) and other commercial/business zoning. The Explanatory Document justification for this exclusion states:

There are no design standards within the Village Zone which reflects the use of the Zone in smaller rural settlements.

This justification is not acceptable. The fact that the zone is applied to smaller rural settlements misrepresents the need for good design and potential public interface with buildings and uses in villages together with the prospect of smaller rural settlements not always being small and rural. The design standards at clause 13.4.3 should be inserted for the Village zone at (new) clause 12.4.3 and existing clauses renumbered accordingly.

The amendments to the standards for design at 13.4.3 need to be repeated for equivalent clauses in the following zones: Local Business, General Business, Central Business and Commercial as well as for the Village zone.

17.4.2 Commercial zone and other zones - setbacks and design

The building setback for the Commercial zone at clause 17.4.2 has the AS (A1) at 5.5m setback. The corresponding performance criteria (P1) appears to imply the setback in the Commercial zone is to provide, primarily, for vehicle access and parking. The objective for the setback standard refers to:

- (a) *contributes positively to the streetscape; and*
- (b) *does not cause an unreasonable loss of amenity to adjoining residential Zones*

And then at clause 17.4.3, Design, there is a similar objective for streetscape. It is contended that assigning the frontage of a commercial site to vehicle access and parking is contrary to making a positive contribution to the streetscape.

The attraction of vehicle parking within the frontage setbacks of buildings is understood and will possibly continue to be the preferred position for building owners and occupiers. However a nil setback does not preclude a larger setback, but in doing so, particularly if the performance criteria are triggered as an alternative to A1 (b) and (c), then streetscape and pedestrian safety and amenity can be given proper consideration.

The preferred position is as for the General Business zone at clause 15.4.2/A1 with the setback for the Commercial zone to based on a nil setback. The performance criteria clause 17.4.2 /P1 can remain but with an addition to sub clause (c) of '*and amenity of pedestrian and other*'. The design standards will then add to the streetscape and pedestrian environment considerations as follows.

17.4.2 Setbacks

Acceptable Solutions	Performance Criteria
<p>A1 Buildings must have a setback from a frontage of <u>that is</u> (a) not less than 5.5m built to the frontage; or (b) not less than existing buildings on the site or not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.</p>	<p>P1 Buildings must have a setback from a frontage that provides adequate space for vehicle access, parking and landscaping, having regard to: (a) the topography of the site; (b) the setback of buildings on adjacent properties; and (c) the safety of <u>pedestrian and other</u> road users.</p>

7.6 Codes

C2.0 Parking and Sustainable Transport code

The Parking and Sustainable Transport code (C2.0) has direct relevance to enhancing work place health and wellbeing.

Clause C2.1 Code Purpose, requires amending to better reflect the quest for sustainable transport and to reflect comments in the Explanatory Document that states at page 18:

Parking, access and sustainable transport are fundamental to the liveability of the Tasmanian community...

And

The provision of car parking for uses and developments can impact on the viability of public transport services in activity centres and reduce the area of land available for other uses potentially affecting the efficiency and characteristics of cities and towns. The ability for central business areas to be exempt from car parking requirements is an important policy consideration and has historically been included in many Planning Schemes. In these areas, an intensity of development is required which would be compromised if car parking was provided on every site. Accordingly a more strategic approach to parking in central business areas should be applied.

Sustainable transport is also an important factor in relation to facilitating public transport, cycling and walking.

The amendments the Heart Foundation seeks to the code purpose follow:

C2.1 Code Purpose

The purpose of the Parking and Sustainable Transport Code is:

- C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.
- C2.1.2 To ensure that the provision of infrastructure facilitates cycling, walking and public transport ~~are encouraged~~ transport in urban areas.
- C2.1.3 To ensure that access for pedestrians, cyclists and other low-powered vehicles ~~and cyclists~~ is safe and adequate.
- C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to a locality.
- C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.
- C2.1.6 To provide for the implementation of parking precinct plans.

The above amendments to the code purpose are to focus the code on the provision of infrastructure for active travel; not to just 'encourage'.

Turning to policy, the need and merit for a parking code is questioned. The above quotes from the Explanatory Document raises the question for central business areas. Indeed the merit of a parking numbers standard should be reviewed for all areas. Apart from the difficulty of settling on suitable numbers for parking spaces for particular uses, parking spaces are expensive, intrude considerably on the urban fabric and can constitute avoidable regulation. The theory is that where parking is provided by the applicant of their own volition there will be greater rationality of parking provision and a better representation of costs over benefits. A potential benefit from a rational policy on car parking numbers is for greater physical activity from reducing the ability for door-to door car travel³⁵.

To follow this line, clauses C2.5.1, C2.5.2, C2.5.3, C2.5.5 and Table C2.1 covering car, bicycle and motor cycle parking would be deleted. Some consequential amendments would also be necessary where a standard refers to a requirement for a certain number of spaces as in clause C2.6.5 A1.1. In those instances to 'require' (as in number of spaces) should be omitted and 'provide' substituted as follows:

Uses that ~~require~~ provide 10 or more car parking spaces must

³⁵ Heart Foundation 'Healthy Active by Design' <http://www.healthactivebydesign.com.au/evidence-2>

And in clause C2.6.7/A1:

'Within the General Business Zone and Central Business Zone, bicycle parking for uses that ~~require~~ provide 5 or more bicycle spaces in Table C2.1 must:'

Turning to the Explanatory Document 16.0 Zone Application Framework (p100), the guidelines for the business and commercial zones are supported from a work place health perspective.

7.7 Recommendations for amendments to the State Planning Provisions to enhance work place health

1. SPP section 2.1 Planning Scheme Purpose insert the following:

Work places support physical activity through convenient and safe accesses providing for natural surveillance of outside spaces and the street.

2. Amend clause 13.4.3 Design as follows:

Acceptable Solutions	Performance Criteria
<p>A1 Buildings must be designed to satisfy all of the following:</p> <p>(a) provide the main pedestrian entrance to the building that is visible and accessible from the road or publicly accessible areas of the site;</p>	
<p>A1 (a) provide awnings over a public footpath if existing on the site or adjoining properties, and to the pedestrian entrance to the building excluding for a Residential use; and</p>	<p>P1 (a) provide awnings over a public footpath, excluding for a Residential use, unless: (b) the site does not have existing awnings; (c) there is no benefit for the streetscape or pedestrian amenity; or (d) it is not possible to provide an awning due to physical constraints of the site or building; and</p>

3. Apply and insert the amended design standards at clause 13.4.3 Urban Mixed Use zone to the Village zone at (new) clause 12.4.3 and existing clauses renumbered accordingly.
4. Apply the amended design standards of clause 13.4.3 to the Local Business, General Business, Central Business and Commercial zones.
5. Amend clause 17.4.2 A1/P1 as follows:

Acceptable Solutions	Performance Criteria
<p>A1 Buildings must have a setback from a frontage of that is (a) not less than 5.5m built to the frontage; or</p>	<p>P1 Buildings must have a setback from a frontage that provides adequate space for vehicle</p>

<p>(b) not less than existing buildings on the site or not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.</p>	<p>access, parking and landscaping, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the setback of buildings on adjacent properties; and</p> <p>(c) the safety <u>of pedestrian and other road</u> users.</p>
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6. Amend clause C2.1 for the Parking and Sustainable Transport Code as follows:

C2.1.2 To ensure that the provision of infrastructure facilitates cycling, walking and public transport ~~are encouraged~~ transport in urban areas.

C2.1.3 To ensure that access for pedestrians, cyclists and other low-powered vehicles ~~and~~ evelists is safe and adequate.

7. Delete the numerical standards for parking provision at clauses C2.5.1, C2.5.2, C2.5.3, C2.5.5 and Table C2.1 of the Parking and Sustainable Transport Code.

8. In clause C2.6.5/A1.1 omit 'require' (as in number of spaces) and substitute 'provide' as follows:

'Uses that ~~require~~ provide 10 or more car parking spaces must'

9. In clause C2.6.7/A1 omit 'require' (as in number of spaces) and substitute 'provide' as follows:

'Within the General Business Zone and Central Business Zone, bicycle parking for uses that ~~require~~ provide 5 or more bicycle spaces in Table C2.1 must:'

C. Annexures

Annexure 1 - Draft for a Liveable Streets Code

Cx.0 Liveable Streets Code

Cx.1 Code Purpose

The Purpose of the Liveable Streets Code is:

To establish a legible street hierarchy that sets the function of streets based on through traffic, the requirements for public transport, the adjoining land use and provision of pedestrian networks and cycle ways.

To ensure that cycling, walking and public transport are supported as a means of transport in urban areas.

To establish the design criteria for streets that set the speed environment and amenity for new and retrofitted streets including recognising the public open space opportunities within the street environment.

To establish the design criteria for local streets that embody passive speed measures including, change of surface materials, limited visual length of street segments, and reduced carriage widths.

To establish the design criteria for streets to provide for connectivity and permeability for pedestrian and bicycle access.

To establish the design criteria for streets to provide for equitable access with features that are barrier free for people with disabilities.

To establish the design criteria for a minimum width and maximum cross-fall and the provision of a consistent, connecting walkable surface.

Cx.2 Application of this Code

This Code applies to development for new streets or a change of use or development (other than maintenance and repair) of existing streets for the General Residential, Low Density Residential, Rural Living, Village, Urban Mixed Use, Local Business, General Business, Central Business, Commercial, and Light Industrial zones.

Cx.3 Definition of Terms

Definitions inserted as required

Cx.4 Development Exempt from this Code

Cx.4.1 There are no exemptions from this Code.

Cx.5 Use Standards

Cx.5.1 Use standards inserted as required

Cx.6 Development Standards for Liveable Streets

Cx.6.1 Street hierarchy



Objective:	To establish a street hierarchy that sets the function of streets based on through traffic, the requirements for public transport, the adjoining land use and provision of pedestrian networks and cycle ways.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Access to a higher speed street is within 500m from anywhere on the low speed street network. Street interruptions are place at regular intervals of approximately 100m for 30km/h and 150m for 40km/h streets.</p> <p>The street hierarchy facilitate bus public transport where bus routes determine street widths and grades.</p>	<p>P1</p> <p>To be drafted</p>

Cx.6.2... Street Design Parameters

Objective:	To establish street design parameters that set the speed environment and amenity for new and retrofitted streets including recognising the public open space opportunities within the street environment.
	Paths are designed to standards that avoid exclusion for people with disabilities
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Local streets with a speed limit not exceeding 40km/h have a maximum carriage width of 5.6m. Paths satisfy AS1428 parts 1&2 to provide a continuous path of travel.</p> <p>Footpaths have a minimum cross falls of <2.5% (1:40) with no vertical drops or steps.</p> <p>Footpaths are provided on both sides of all streets.</p> <p>Street landscaping maintains clear sightlines on walking and cycling routes with low vegetation (<0 700mm) and/or trees with clear stems (up to 2.4m).</p>	<p>P1</p> <p>Street/road reserves are of a width and alignment that can:</p> <ul style="list-style-type: none"> provide for safe and convenient movement and parking of projected volumes of vehicles and other users. provide for footpaths, cycle lanes and shared-use paths for the safety and convenience of residents and visitors. allow vehicles to enter or reverse from an allotment or site in a single movement allowing for a car parked on the opposite side of the street. accommodate street tree planting, landscaping and street furniture. accommodate the location, construction and maintenance of stormwater drainage and public Utilities. accommodate service and emergency vehicles. traffic speeds and volumes are restricted where appropriate by limiting street length and/or the distance between bends and slow points.

	<p>sight distances are adequate for motorists at intersections, junctions, and at pedestrian and cyclist crossings to ensure the safety of all road users and pedestrians.</p> <p>existing dedicated cycling and walking routes are not compromised.</p> <p>sufficient on-street visitor car parking is provided for the number and size of allotments, taking account of:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and community transport</p>
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Cx.6.3 Street connectivity and permeability

Objective:	Streets provide for connectivity and permeability for pedestrian and bicycle access through: small street block sizes; and paths that connect streets
Acceptable Solutions	
Performance Criteria	
A1 Walking and cycling paths are provided to link heads of culs de sac and dead-end streets to other streets.	P1 Streets facilitate the most direct route to local facilities for pedestrians and cyclists and enable footpaths, cycle lanes and shared-use paths to be provided of a safe and suitable width and reasonable longitudinal gradient.

Cx.6.4 Streets enhance walkability

Objective:	To enhance walkability through inviting, safe and secure streets and paths
Acceptable Solutions	
Performance Criteria	
A1 Footpaths are of minimum widths: generally > than 2m. (2m+ allows 2 wheelchairs to pass and for pram and dog walking) >3.5m for shopping strips. >3m along bus stops and near schools A >0.5m buffer eg a nature strip is provided between moving vehicles and pedestrians.	P1 Pedestrians are given priority of movement. There are limited interruptions to progress along footpaths and path width comfortably accommodates the number of pedestrians.

Cx.6.5 Streets enhance cycle-ability

Objective:	To enhance cycling for daily requirements, including journey to work or school through available safe and convenient routes.	
A1	<p>Motorised vehicles and cyclists occupy shared street space for streets with <3000vpd & < 30kmph design speed environment.</p> <p>Separated bicycle facilities are provided where motorised vehicles exceed 3000vpd.</p> <p>Bicycle lanes are provided on higher order faster streets >40km/h & >5000vpd.</p> <p>Bicycle lanes are provided where it is strategic to provide bicycle routes and where there is high volumes of bicycles.</p>	P1 To be drafted

Cx.6.6 Streets enhance public transport

Objective:	To ensure that maintenance and repair of buildings and structures are undertaken to be sympathetic to and not detract from the local historic heritage significance of local heritage places.	
Acceptable Solutions	Performance Criteria	
A1	<p>The preferred distance of housing to a bus stop is <400m</p> <p>The maximum distance from housing to a public transport route is 500m.</p>	P1 Street width, construction and, grades facilitate bus public transport.

Annexure 2 - Summary of Recommendations by Clause Number

The consolidated recommended amendments to the draft SPPs are presented below in chronological clause number order, where possible.

Clause 2.0

1. Purpose insert a clear set of objectives for use and development of land based on how the LUPAA objectives are furthered and how consistency is found with State Policies.
2. Purpose includes the following objectives:
 - Use and development of land encourages and supports active living for improved health outcomes.
 - Use and development of land encourages and supports active travel for improved health outcomes.
 - Public open spaces and reserves provide a well distributed network of walkable and attractive spaces strategic to local communities for their aesthetic, environmental, health and economic benefits.
 - Mixed density housing and housing that satisfies life-cycle requirements is encouraged to enhance the scope for active living and active travel.
 - Compatible land uses are co-located to promote active travel to, and between different activities.
 - The use or development of land supports a resilient, localised, healthy and sustainable food system.
 - Work places support physical activity through convenient and safe accesses providing for natural surveillance of outside spaces and the street.

Clause 3.1.3

3. Interpretation - amend, clarify and add to the interpretations as follows:

Term	Definition
active living	means a way of life that integrates physical activity into daily routines.
active travel	means travel modes that involve physical activity such as walking and cycling and includes the use of public transport that is accessed via walking or cycling and may allow for integration of multi-modal transport in the course of a day.
amenity	means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable <u>and adds to the health and wellbeing of the users of the locality, place or building.</u>
home based business	Confirm or amend accordingly the interpretation such that a home-based business for local food production or processing is not confined to just part of a dwelling and does include the whole site.

healthy food	means food which is required for a healthy and nutritious diet and is adequate, safe and culturally appropriate and sufficient to live an active healthy life.
local food production or processing	means food grown or reared on a site primarily for local consumption and where there has been minimum processing of the products.
road	means land over which the general public has permanent right of passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes <u>and includes all State roads.</u>
street	means a road that is not a State road.

Clause 4.0.1

4. Table 4.1 Exemptions - amend, clarify and add to the exemptions as follows:

Use or Development	Qualifications
home occupation	Confirm or amend accordingly that home occupation includes food production or processing over the whole site and is not solely limited to 'no more than 40m ² gross floor area of the dwelling'
road works	Maintenance and repair of roads and streets upgrading by or on behalf of the road authority which may extend up to 3m outside the road reserve including: <ul style="list-style-type: none"> (a) widening or narrowing of existing carriageways; (b) making, placing or upgrading kerbs, gutters, footpaths, shoulders, roadsides, traffic control devices, line markings, street lighting, safety barriers, signs, fencing and landscaping unless subject to the Local Historic Heritage Code; or (c) repair of bridges, or replacement of bridges of similar size in the same or adjacent location.
minor infrastructure	(a) Provision , Maintenance and modification of footpaths, cycle paths. (b) <u>Provision</u> , maintenance and modification of playground equipment, seating, shelters, bus stops and bus shelters, street lighting, telephone booths, public toilets, post boxes, cycle racks, fire hydrants, drinking fountains, rubbish bins, public art, associated signs and the like on public land.
use or development in a road reserve or on public land	outdoor dining facilities, signboards, roadside vendors and stalls on a road that have been granted a licence under a relevant Council By-Law; or <u>urban agriculture including a community garden and a market</u> on a public land.

Clause 6.2

5. Categorising use or development delete ‘subdivision’ from clause 6.2.6.

Clause 8.1

6. Amend, omit and substitute the purpose of the General Residential zone as follows:

8.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full reticulated infrastructure services are available or can be provided.

~~*8.1.4 To ensure that non residential use does not unreasonably displace or limit Residential use.*~~

8.1.4 To ensure the use and development of land promotes the health, safety and amenity of residential areas.

Clause 8.2

7. Use Table - General Residential zone and for other zones insert for the use class ‘resource development’ the qualification ‘If for local food production or processing’, as permitted use and development in the following zones:

Zone	Qualification
General Residential, Low Density Residential, Rural Living, Village, Urban Mixed Use, Local Business, General Business, Central Business, Commercial, Light Industrial, Environmental Living, Landscape Conservation, Environmental Management, Major Tourism, Community Purposes, Recreation, Open Space	P (If for local food production or processing)

Clause 8.3.1

8. General Residential zone – use standards discretionary uses, omit the objective and substitute:

8.3.1 To ensure that all discretionary uses are compatible with residential use.

Clause 8.4.1

9. General Residential zone - Development standards for multiple dwellings delete the performance criterion P1(a) as follows:

P1

Multiple dwellings must only have a site area per dwelling that is less than 325m², if the development will not exceed the capacity of infrastructure services and:

- (a) ~~is consistent with the density of existing development on established properties in the area; or~~
 (b) *provides for a significant social or community benefit and is:*
- (i) *wholly or partly within 400m walking distance of a public transport stop; or*
 - (ii) *wholly or partly within 400m walking distance of an Inner Residential Zone,*

Clauses 8.4.1 A1 and P1 and 8.6.1 A1

10. General Residential zone omit 325m² and 450m² respectively and substitute 400m² for all forms of housing.

Clauses 8.4.2 A2(c) and others

11. General Residential zone delete or amend as follows:

Clause	Provision showing parts for deletion
Setbacks and building envelope for all dwellings Clause 8.4.2 A2(c)	if for a vacant site and there are existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.
Site coverage and private open space for all dwellings Clause 8.4.3 objective	'To ensure that dwellings are consistent with the amenity and character of the area and provides:'
Site coverage and private open space for all dwellings Clause 8.4.3 P1(a)	site coverage consistent with that existing on established properties in the area;
Non dwelling development Clause 8.5.1 A1 (c)	(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of those dwellings. (c) developed for gardens and landscaping.
Non dwelling development Clause 8.5.1 P3	A building that is not a dwelling, must be consistent with the form and scale of residential development existing on established properties in the area and have reasonable space for the planting of gardens and landscaping.

Clause 8.6

12. Development Standards for subdivision and for other zones insert provisions and standards for public open space and riparian and littoral reserves at clause 8.6 and equivalent provisions in all other zones except the Port and Marine zone and the Utilities zone as follows:

x.6.2, x.5.2 public open space (clause numbering as applicable for each zone)

Objective:	To ensure subdivision delivers a well distributed network of walkable and attractive public open spaces and reserves strategic to local communities.	
Acceptable Solutions	Performance Criteria	
A1 Subdivision provides a minimum land area of 5% for public open space.	P1 Payment instead of public open space is taken where: (a) a strategic plan for public open space and reserves provides for the acquisition of public open space at alternative sites in the vicinity of the subdivision; or (b) a strategic plan for public open space and reserves specifies requirements for the improvement on existing public open space land in the vicinity of	
A2 (a) Subdivision provides a minimum width of riparian reserve of 30m from the bank of a water course (non-tidal) for the length of the common boundary with the water course.	P2 (a) A riparian reserve of less the 30m is provided or dispensed with where there is a common boundary with a minor water course; and (b) A riparian reserve is not required to link to adjoining reserves, or (c) A riparian reserve is not required as part of a strategic plan for public open space and reserves.	
A3 (a) Subdivision provides a minimum width of littoral reserve of 30m from the bank of a river or coast for the length of the common boundary with the river or coast.	P3 (a) The requirement to provide a littoral reserve of 30m may only be reduced or dispensed with where existing buildings or features do not allow for the full or partial reserve width to be provided; or the area is required for coastal dependent	

Clause 8.6 and others

13. General Residential Zone, amend to provide for streets, as follows:

- (a) Delete Clause 8.6.2 Roads except for standard A2/P2.
- (b) Relocate standard 8.6.2 A2/P2 to clause 8.6.1.
- (c) Insert (new) standard for streets as clause 8.7, being a modification from existing clause 8.6.2, as follows:

Development Standards for Streets

<p>Objective</p>	<p>To ensure that the arrangement of new <u>development for roads streets within a subdivision</u> provides for:</p> <ul style="list-style-type: none"> a) a legible road hierarchy that sets the function of streets based on through traffic, the requirements for public transport, the adjoining land use and the connectivity and permeability for pedestrian networks and cycle ways; b) safe, convenient and efficient connections to assist accessibility and mobility of the community; c) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and d) the efficient subdivision development of the entirety of the land and of surrounding land; and e) the efficient ultimate development of the entirety of the land and of surrounding land; and the integration of land use and transport.
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1 There are no acceptable solutions. The subdivision includes no new roads.</p>	<p>P1 The arrangement and construction of roads <u>Development for streets within a subdivision</u> must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) the route and standard of roads streets accords with any relevant road network plan adopted by the Planning Authority; (b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised; (c) the future subdivision of any adjoining or adjacent land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries; (d) an acceptable level of access, safety, convenience and legibility is provided <u>for all street users</u> through a consistent road function hierarchy; (e) connectivity with the neighbourhood road street network <u>through streets and paths</u> is maximised <u>maximized</u>. <u>Cul-de-sac and other non-through streets are minimized</u>; (f) the travel distance <u>for walking and cycling</u> between key destinations such as shops and services is minimized; (g) walking, cycling and the efficient movement of public transport <u>and provision of public transport infrastructure</u> is facilitated; (h) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A as amended; <u>and</u> (i) any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.

Clauses to insert provisions for streets

14. Amend to provide for streets as per Clause 8.7 of the General Residential zone as follows:

Zone	Existing clauses	New clauses	Notes
Inner Residential	9.6.2	9.7	Zone currently contains standards as per the General Residential zone.
Low Density Residential	10.6.2	10.7	Zone currently contains standards as per the General Residential zone.
Rural Living	11.5.2	11.6	The performance criteria are expanded from the draft SPPs to reflect the residential intent for the zone.
Village	12.5.22	12.6	The performance criteria are expanded from the draft SPPs to reflect the residential intent for the zone.
Urban Mixed Use	No provision	13.6	Provisions extended to the Urban Mixed Use zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
Local Business	No provision	14.6	Provisions extended to the Local Business zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
General Business	No provision	15.6	Provisions extended to the General Business zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
Central Business	No provision	16.6	Provisions extended to the Central Business zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
Commercial	No provision	17.6	Provisions extended to the Commercial zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.
Light Industrial	No provision	18.6	Provisions extended to the Local Business zone as there are no similar provisions in the draft SPPs. The standards have application to new streets as well as retrofitting existing streets.

Clause 9.1.3(c)

15. Inner Residential zone, delete as follows:

~~9.1.3(c) does not unreasonably displace or limit residential use.'~~

Clause 9.3.1

16. Inner Residential zone omit the objective and substitute:

9.3.1 To ensure that all discretionary uses are compatible with residential use.

Clauses 9.4.2 A2(c) and others

17. Inner Residential zone delete or amend clauses as follows:

Clause	Provisions showing parts for deletion
Setbacks and building envelope for all dwellings clause 9.4.2 A1(c)	if for a vacant site and there are existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.
<i>Site coverage and private open space for all dwellings</i> clause 9.4.3 objective	'To ensure that dwellings are consistent with the amenity and character of the area and provides provide.'
<i>Site coverage and private open space for all dwellings</i> clause 9.4.3 P1(a)	site coverage consistent with that existing on established properties in the area;
Non dwelling development clause 9.5.1 A1 (c)	if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.
Non dwelling development clause 9.5.1 P3	Buildings must be consistent with the form and scale of residential development existing on established properties in the area and have a reasonable space for the planting of gardens and landscaping.

Clause 13.1.3

18. Urban Mixed Use zone insert additional zone purpose as follows:

13.1.3 To provide amenity for residents appropriate to the mixed use characteristics of the Zone.

Clause 13.2

19. Urban Mixed Use zone, use Table insert the following:

(Use Class) Discretionary	Qualification
Residential	If not listed as permitted

Clause 13.3.1

20. Urban Mixed Use zone - Use Standards omit objective and substitute the following:

13.3.1 To ensure that non-Residential use:

- (a) is compatible with the adjoining uses;
- (b) does not cause unreasonable loss of residential amenity; and
- (c) to ensure that uses do not cause unreasonable loss of amenity to adjoining residential Zones.

Clause 13.4.3

21. Urban Mixed Use zone - Design amend provisions as follows:

Acceptable Solutions	Performance Criteria
<p>A1 Buildings must be designed to satisfy all of the following: <i>(a) provide the main pedestrian entrance to the building that is visible and accessible from the road or publicly accessible areas of the site;</i></p>	
<p>A1 (g) provide awnings over a public footpath if existing on the site or adjoining properties, and to the pedestrian entrance to the building excluding for a Residential use; and</p>	<p>P1 (g) provide awnings over a public footpath, excluding for a Residential use, unless: the site does not have existing awnings; there is no benefit for the streetscape or pedestrian amenity; or it is not possible to provide an awning due to physical constraints of the site or building; and</p>

Clauses 13.4.3 and 12.4.3

22. Urban Mixed Use zone and Village zone, apply and insert the amended design standards at clause 13.4.3 to (new) clause 12.4.3 and existing clauses renumbered accordingly.

Clause 13.4.3 and others

23. Apply the amended design standards to the Local Business, General Business, Central Business and Commercial zones.

Clause 14.3.1

24. Local Business zone, Use Standards – all uses amend the objective as follows:

14.3.1

Objective:	To ensure that non-residential uses do not cause unreasonable loss of amenity to adjoining residential uses and residential Zones.
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Clause 14.4.1

25. Local Business zone, Development Standards – Building height amend the objective as follows:

14.4.1

Objective:	To ensure building height: <ul style="list-style-type: none"> (a) contributes positively to the streetscape; and (b) does not cause an unreasonable loss of amenity to adjoining <u>residential uses</u> and residential Zones.
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Clause 14.4.2

26. Local Business zone, Development Standards – Setbacks amend the objective as follows:

14.4.2

Objective:	To ensure that building setback: <ul style="list-style-type: none"> (a) contributes positively to the streetscape; and (b) does not cause an unreasonable loss of amenity to adjoining <u>residential uses</u> and residential Zones.
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Clause 17.4.2

27. Commercial zone, Development Standards – Setbacks amend A1/P1 as follows:

Acceptable Solutions	Performance Criteria
<p>A1 Buildings must have a setback from a frontage of that is:</p> <ul style="list-style-type: none"> (a) not less than 5.5m built to the frontage; or (b) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties. 	<p>P1 Buildings must have a setback from a frontage that provides adequate space for vehicle access, parking and landscaping, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the setback of buildings on adjacent properties; and (c) the safety of <u>pedestrian and other</u> road users.

Clause 21.3.1/P3(a)

28. Agriculture zone – Use Standards (discretionary uses Residential use) clarify where it refers to a residential use ‘must be part of an agricultural use...’ compared with housing classified under clause 6.2.2 that deals with categorizing uses ‘where directly associated with and a subservient part...’.

Clause 20.0 and 21.0

29. Amend the Rural and Agriculture zones by combining into a single Rural Resource zone and make provision for a code incorporating an overlay to spatially define the Tasmanian agricultural estate.

Clause 27.2

30. Community Purpose zone - Use Table and Clause 28.2 Recreation zone amend the qualifications for the use class ‘general retail and hire’ to make a ‘market’ permitted as follows:

Zone	Qualification
Community Purposes	⊕ P (if for a market)
Recreation	P (if for a market) D (If for clothing, equipment or souvenirs for a Sports and Recreation use; or (b) for a market.)

Clause C2.1

31. Parking and Sustainable Transport Code amend the code purpose as follows:

C2.1.2 To ensure that the provision of infrastructure facilitates cycling, walking and public transport ~~are encouraged transport~~ in urban areas.

C2.1.3 To ensure that access for pedestrians, cyclists and other low-powered vehicles ~~and cyclists~~ is safe and adequate.

Clauses C2.5.1, C2.5.2, C2.5.3, C2.5.5 and Table C2.1 1

32. Parking and Sustainable Transport Code delete the numerical standards for parking provision.

Clause C2.6.5/A1.1

33. Parking and Sustainable Transport Code – Pedestrian Access omit ‘require’ (as in number of spaces) and substitute ‘provide’ as follows:

‘Uses that ~~require~~ provide 10 or more car parking spaces must’

Clause C2.6.7/A1

34. Parking and Sustainable Transport Code – Bicycle Parking and Storage Facilities

omit ‘require’ (as in number of spaces) and substitute ‘provide’ as follows:

‘Within the General Business Zone and Central Business Zone, bicycle parking for uses that ~~require~~ provide 5 or more bicycle spaces in Table C2.1 must:’

Liveable Streets Code

35. Make provision in the SPPs codes for a future Liveable Streets Code.

Explanatory Document

It is requested that the following conflicting statements (page 39) be deleted from the Explanatory Document for the Inner Residential zone under ‘zone purpose’, as follows:

‘The Zone has limited application within serviced residential areas’, and

‘...this Zone should be well utilised where appropriate.’

‘Within the Inner Residential Zone there should be a reduced expectation on suburban residential amenity, ...’