

Executive Summary

1. The Minister for Planning, the Hon Bryan Green MP, (Minister) directed the Commission to undertake an assessment of draft Planning Directive No. 4 — Standards for Single Dwellings and Ancillary Development (draft Planning Directive) incorporating:
 - Attachment 1 - draft Standards for Single Dwellings and Ancillary Development in Suburban Residential Zones (draft Standards) ;and
 - Attachment 2 - Planning Scheme Zones for Application of Planning Directive No. 4 (draft List of Applicable Zones).
2. The effect of the draft Planning Directive proposes to apply a common set of primary standards to single dwelling development in the residential zones of planning schemes identified in the draft List of Applicable Zones. The draft Standards comprise basically six standards: setback from frontage; site coverage and rear area; building envelope; frontage setback and width of garages and carports; visual and acoustic privacy; and front fences.
3. The draft Planning Directive was prepared at the request of the then Minister for Planning (the Hon David Llewellyn MP) consistent with commitments made under the Council of Australian Governments (COAG) planning reform agenda and have been developed in conjunction with housing industry representatives and planning authorities.
4. The Commission delegated the assessment of the draft Planning Directive to a Panel. The draft Planning Directive was publicly exhibited and 32 representations were received. The Panel held hearings to assist its consideration of the representations on the draft Planning Directive.
5. The representations contended a range of positions from strong support to total opposition for the application of common standards to single dwelling development. Representations opposing the imposition of the draft Standards claimed:
 - No justification for applying common standards and that their implementation will undermine local area planning.
 - The draft Standards were too complex, too restrictive or deficient in a range of matters that may result in greater costs to developers and a lengthy assessment processes.
 - Uncertainty as to how the draft Planning Directive would be implemented in current planning schemes and inconsistencies in application would cause public confusion.
 - The standards are premature in light of impending interim planning schemes.
 - Uncertainty on the status of complying development.
 - Inconsistencies and failure for want of certainty specific to the draft Standards including the definitions and the objectives, acceptable solutions and performance criteria for each of the standards.
6. Consequent to the assessment of representations and the assessment of the draft Standards against the range of existing standards applicable to single dwelling development, the Panel concludes that there is merit for the provision of a set of statewide primary standards as modified and detailed in Section 2 of this report.

7. The draft Standards should apply to existing planning schemes in the designated residential zones, including any qualifications, as modified and detailed in Attachment 2 to the Planning directive. Where there is an inconsistency between the draft Standards and existing planning scheme provisions, the draft Standards prevail. Where the draft Standards are silent on certain residential development standards, such as parking and access, and the planning scheme requires such standards to be met then they will continue to apply where there is no inconsistency with the draft Planning Directive.
8. In addition to current standards applying where not inconsistent (as referred to in point 7 above) any schedules, codes, development plans or overlays in a planning scheme will continue to apply. The extent of their application will vary as detailed within the structure of each planning scheme.
9. The status of residential use and single dwelling development that complies with the acceptable solutions within the draft Standards is determined by the use table for the identified zones set out in the draft List of Applicable Zones. Where single dwelling development fails to meet one or more of the draft Standards' acceptable solutions the application is assessed against the relevant performance criteria as a discretionary application pursuant to section 57 of the Act. In the case of additional standards applying to a single dwelling as required by the planning scheme, those additional standards may also alter the status of a permit application. The recommended modifications to the draft Planning Directive at Appendix 1 are to clarify the application of the draft Standards to existing planning schemes.
10. The Executive Commissioner for the Tasmanian Planning Commission requested that the Panel assess the draft Standards to determine their suitability for application to interim planning schemes. The Panel wrote to all representors and interested parties advising them of the request and seeking submissions on the matter. The majority of the submissions supported the idea that the assessment of the draft Standards should include their application to interim planning schemes.
11. The Panel's conclusion is that the draft Standards ,as modified, are assessed as being suitable to apply to current planning schemes and interim planning schemes as common provisions (mandatory or optional) in the General Residential zone of the revised Planning Directive No.1 The Format and Structure of Planning Schemes incorporating the Planning Scheme Template for Tasmania (PD1 Planning Scheme Template).
12. The recommended modifications to the draft Planning Directive are to simply refer to single dwellings and to delete the reference to ancillary development in the title and clauses and to clarify the application of performance criteria. In addition, consistent with the recommendation for the standards to apply to interim planning schemes, the draft directive is presented in two forms. The consolidated planning directives and attachments modified in accordance with the recommendations in this report are found at Appendix 1 and Appendix 2.
13. The recommended modifications to Attachment 1 - *Draft Standards for Single Dwelling and Ancillary Development in Suburban Residential Zones* (draft Standards) are:
 - To amend the title to 'Standards for single dwellings in residential zones'

- To revise the definitions principally to align with the definitions in the revised PD1 Planning Scheme Template.
 - To retain the set of 6 primary standards for single dwellings of draft Attachment 1 but to extensively review the objectives, acceptable solutions and performance criteria for each standard. The review, principally directed by matters raised by the representors, has led to recommendations for expanded objectives and performance criteria. The recommended modifications for the acceptable solutions principally relate to consistent use of defined words and to simplify standards relating to garages and carports and privacy.
14. The key modifications to Attachment 2 - *Planning Scheme Zones for Application of Planning Directive No. 4* are to expand the qualifications to identify those current provisions that merit being exempted from the standards because of particular circumstances.
15. Subsequent to the issue of the draft Planning Directive the Commission should:
- monitor the implementation of the standards ; and
 - seek to resolve difficulties experienced with the implementation of the standards and with the status of complying single dwelling development in planning schemes.

In addition the Commission should only augment the standards if found necessary for better residential environments.

16. In summary, the modified draft Planning Directive, including modified Attachments 1 and 2, is in order to be issued. It is recommended that the Minister issue Planning Directive No.4, as modified, and included at Appendix 1 and Appendix 2 of this report.

Findings and Recommendations

The Panel makes the following findings and recommendations having considered the draft Planning Directive, the attachments and the representations:

1. That the Minister issue modified Planning Directive No. 4 Standards for Single Dwellings in (current) Planning Schemes incorporating modified Attachment 1 – Standards for Single Dwellings in Residential Zones and the modified Attachment 2 - Planning Scheme Zones for Application of Planning Directive No. 4 in the form contained in Appendix 1.
2. That the Minister issue modified Planning Directive No. 4 Standards for Single Dwellings in Interim Planning Schemes incorporating modified Attachment 1 – Standards for Single Dwellings in Residential Zones in the form contained in Appendix 2.
3. Subsequent to the issue of the draft Planning Directive the Commission should:
 - monitor the implementation of the standards ; and
 - seek to resolve difficulties experienced with the implementation of the standards and with the status of complying single dwelling development in planning schemes.

In addition the Commission should only augment the standards if found necessary for better residential environments.