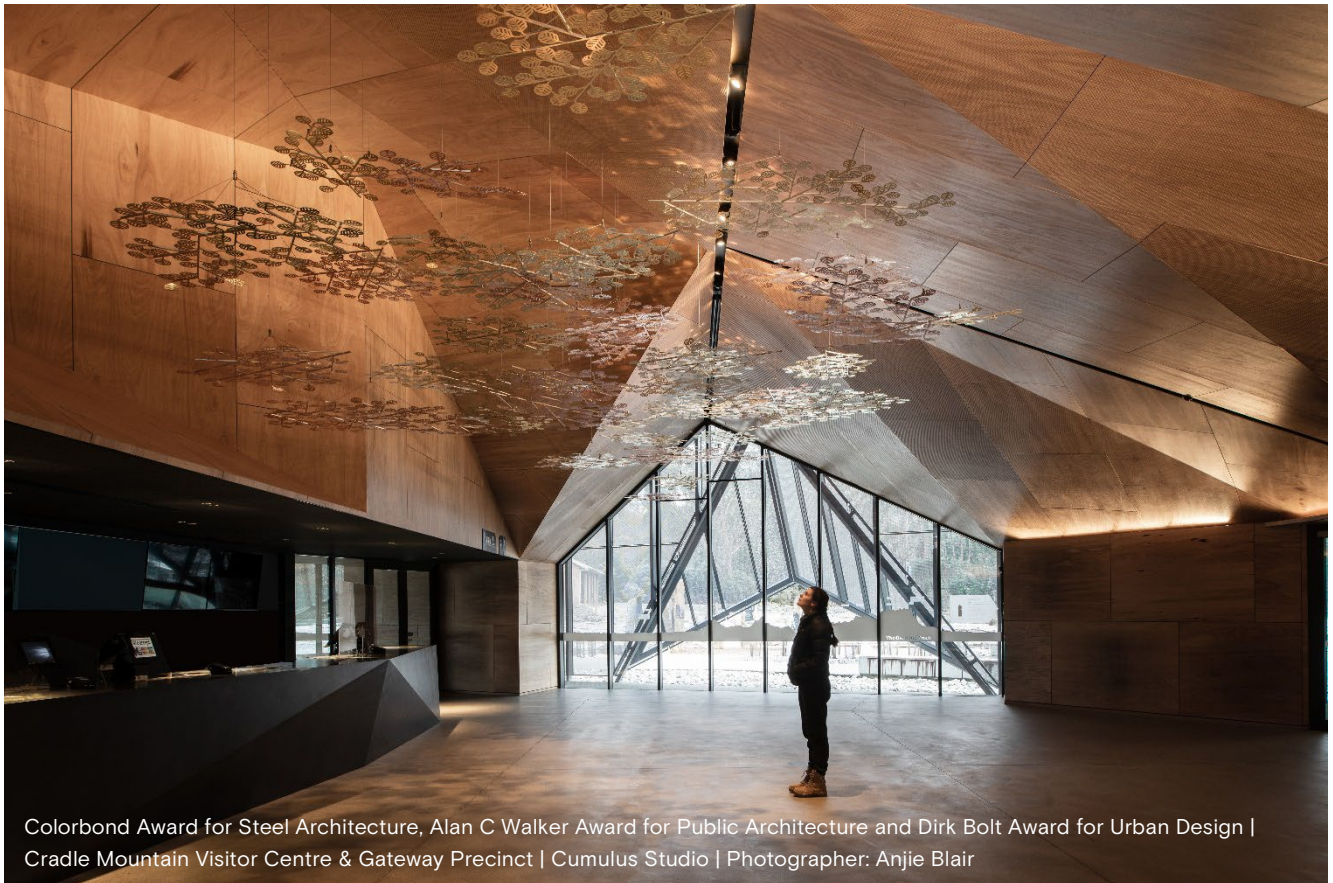


# STATE PLANNING PROVISIONS REVIEW



## TASMANIAN CHAPTER

Submission date: Thursday 11 August 2022

## OVERVIEW

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On behalf of the Tasmanian Chapter of the Australian Institute of Architects (the Institute), we thank you for the opportunity to participate in the review of the State Planning Provisions (SPPs). We also appreciate Sean McPhail and other members of the State Planning Office meeting with us to discuss the review. The Institute sees the review as a critical tool to ensure that future development takes place in a way that offers the best outcomes for everyone.

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**Tasmanians need to be able to live, work and play in a sustainable manner, while supporting a growing economy and population, and allowing for sustainable tourism demands.**

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Tasmania is growing at a comparatively fast rate, and the planning scheme needs to seek to encourage better quality, more sustainable development. Tasmanians need to be able to live, work and play in a sustainable manner, while supporting a growing economy and population, and allowing for sustainable tourism demands. As a state, we must be more strategic about where we want development to occur and encourage densification – both in residential development in new areas, as well as densification of infill development. This requires strategic settlement planning, not only for our cities, but for our regional areas, so that there is clear direction for future development.

Strategic planning is crucial for high-quality outcomes that are well-thought out and provide long-term solutions for Tasmania and Tasmanians. Good planning policy is critical to delivering a built environment that can sustain our communities into the future. We need a plan to give communities viable options, with development opportunities, affordable and social housing, service and transport efficiencies, co-ordinated land zone application and an urban settlement plan, informed by townscape principles.

When planning for the future, we must recognise the real challenges presented by climate change and biodiversity loss, the issues presented by the pandemic, and future environmental impacts. Human health and wellbeing have never been more central to the role of planning in the state. Development must be sustainable, and built to last, and we also must plan for a state that aspires to being well-designed so as to be able to adapt quickly to changing environmental demands.

Generally, the structure of the State Planning Provisions has limited framework to appreciate the context of living in Tasmania, acknowledging the unique settlement hierarchy, unparalleled landscape diversity, and distinctive localities that collectively inform appreciation of place. The Institute understands that aspects of this may in time be contained in Local Provision Schedules, however, is concerned that these abiding characteristics are not identified in the state provisions. In flagging our concern that the emphasis is too tightly focussed and that cultural settings are overlooked, the Institute questions for example the lack of a definition for ‘townscape’ within the scheme.

In recognising that good design responds to and contributes to its context, and that in Tasmania the local and regional are intertwined, the Institute suggests that an appreciation of context is not just applicable to local provisions but should be integral to the state provisions and the state planning scheme. Accordingly desired future character statements should also be considered.

The Institute notes that the NSW State Environment Planning Policy (SEPP 65) for apartments identify design quality principles as below, which could feed into the Tasmanian context more broadly rather than just in relation to apartments (notes from SEPP 65 are shown in italics, and comments regarding how this relates to the Tasmanian context are shown below this in each instance):

### 1. Context and neighbourhood character

*Good design responds and contributes to its context.*

*Context is the key natural and built features of an area, their relationship and the character they create when combined.*

In Tasmania the regional and the local are intertwined. 'Context' therefore is not just applicable to local provisions but should be inherent to the state planning scheme / provisions.

### 2. Built form and scale

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*

Desired future character statements are necessary to apply state provisions. The character of settings together with neighbourhoods and streets need consideration.

### 3. Density

*Good design achieves a high level of amenity for residents, resulting in a density appropriate to the site and its context.*

State settlement policy will assist in confirming the diverse settlement hierarchy while differentiating density through regional character.

### 4. Sustainability

*Good design combines positive environmental, social and economic outcomes.*

Sustainability needs to be appreciated across scales in Tasmania, from the individual dwelling with cross ventilation and sunlight for the amenity and liveability of residents, to the neighbourhood scale where spaces 'in the sun and out of the wind' are also relevant at the scale of the city region.

### 5. Landscape

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system.*

Environmental performance is also a regional consideration in Tasmania where cities and settlements are experienced as sheltering places within larger landscapes.

### 6. Amenity

*Achieving good amenity contributes to positive living environments and residents' wellbeing.*

Access to sunlight and outlook are characteristic to neighbourhoods and precincts in Tasmania, (especially on south facing slopes) as they are to individual dwellings.

The Institute understands that the SPPs are only a part of the overall Tasmanian planning framework, and that they work in conjunction with the Tasmanian Planning Policies, Regional Land Use Strategies and Local Provision Schedules. Again, the Institute advocates for resourcing for strategic planning to occur.

Thank you for providing the opportunity provide feedback on this important matter for the future of our state. We look forward to seeing the amendments to the SPPs that result from this review. Please feel free to contact us if you need further clarification or explanation on any of issues the Institute has raised.



**Jennifer Nichols**

Executive Director, Tasmanian Chapter  
Australian Institute of Architects





## SUBMISSION BY

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## PURPOSE

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This submission is made by the Tasmanian Chapter of the Australian Institute of Architects (the Institute) to respond to the review of the State Planning Provisions by the State Planning Office, Department of Premier and Cabinet.

## INFORMATION

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The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with around 13,000 members across Australia and overseas.

The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our communities, economy and culture.

The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design.

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## STATE PLANNING PROVISIONS (SPPS) REVIEW – SUMMARY OF ISSUES PREVIOUSLY RAISED ON THE SPPS

<b>General</b> → <b>Various – Subdivision and requirements for public open space</b>	The Institute agrees that the subdivision requirements should outline requirements for public open space and has further comments about subdivision within <i>General SPPs Comments: 8.6 General Residential Zone &amp; 10.6 Low Density Residential Zone: Development Standards for Subdivision</i> .
<b>General</b> → <b>Various – Landscaping requirements</b>	The Institute agrees that landscaping is critical for a high-quality built environment and liveable communities. Provisions for landscaping should be included within subdivision standards, and within SPPs zones where appropriate.
<b>General</b> → <b>Aboriginal heritage</b>	The Institute agrees that an Aboriginal Heritage Code should be included within the SPPs. See additional comments under <i>Suggested additions to the State Planning Provisions</i> .
<b>General</b> → <b>Application requirements</b>	The Institute has received feedback from a number of members regarding conflicting requirements for development applications from different councils. In some instances, consultants are charging additional fees based on the municipal location of the development to account for the differing requirements. Clarity and consistency across councils regarding application requirement is critical.
<b>3.1 Planning Terms and Definitions:</b> → <b>Secondary residence</b>	The Institute does not support limiting secondary residences to single-storey buildings.
<b>11.0 Rural Living Zone:</b> → <b>New standard – building design</b>	It is important to note that not all existing ‘character’ is necessarily desirable, and existing poor design outcomes should not be maintained as a standard.
<b>11.0 Rural Living Zone:</b> → <b>New standard – natural and landscape values</b>	The Institute would support the introduction of provisions for protection of existing natural and landscape values in the Rural Living Zone, along with the protection of Indigenous flora.
<b>Industrial Zones</b> → <b>(Light Industrial Zone and General Industrial Zone):</b> <b>New development standard – fencing</b>	The Institute would support the introduction of a fencing standard.

<b>Industrial Zones → (Light Industrial Zone and General Industrial Zone):</b>  <b>New development standard – building design</b>	<p>The Institute supports a requirement for quality design of industrial buildings.</p>
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# REVIEW OF TASMANIA'S RESIDENTIAL DEVELOPMENTS STANDARDS – ISSUES PAPER

## 4. Summary of initial consultation

It is important for the SPPs to encourage infill development and densification in appropriate areas.

### 4.2 General drafting issues

As noted in the comments under ‘...Summary of Issues previously raised on the SPPs’, *General: Application Requirements*, different councils have different application requirements, and assess development applications with different interpretations of the planning scheme. It is important to have consistency and clarity across municipal boundaries. The Institute also notes that there are instances where there are mismatches between the standards and decisions of the former Resource Management and Planning Appeal Tribunal, now TASCAT.

#### 4.3.1 General drafting issues

- As previously mentioned, it is important for the SPPs to not only focus on single and multiple dwellings, but to provide for a variety of residential development forms, and to encourage infill development and densification in appropriate areas. There appears to be no allowance for conjoined dwellings, and there should be some focus on encouraging medium density development of two- to three-stories, where appropriate. These types of developments are often referred to as the ‘missing middle’ and might take the form of two dwellings, terraces, dual occupancy, multi-dwelling terraces, multi-dwelling houses, or manor houses. Other states, including NSW (see [here](#) and [here](#)) and Queensland (see [here](#)), have sought to encourage these types of developments through design competitions. The Institute would also like to suggest that courtyards can be a useful design strategy across scales, however, these building typologies are often precluded by the building envelope that assumes setback and angles offer good amenity. There can be an efficiency in a courtyard design which results in building hard to the boundary in some low-rise scenarios, which are currently not easily pursued under the planning scheme. An example of a courtyard development is the recently completed Parliament Square, which contains a courtyard framed by old and new buildings. It is noted that this development was assessed under that Sullivans Cove Planning Scheme.
- The Institute agrees that it is critical to encourage efficient use of land while also allowing for outdoor amenity and encouraging community inclusion.
- The Institute agrees that there is the risk of the standards leading to poor outcomes for the community, and resulting in large buildings on small blocks, with minimal green space and reduced neighbourhood amenity.



The SPPs need to encourage landscaping and the inclusion of green space within developments, including in strata-titled unit development, for the benefit of the occupants. Poor quality outcomes have been observed in multiple strata-titled development, such as the example in the image above. Examples such as this are common in current unit developments and are characterised by large areas of impervious surfaces and minimal landscaping.

### 4.3.2 Residential Density for multiple dwellings

The Institute strongly agrees that density should be encouraged, as it “...makes efficient use of the land for housing and optimises the use of infrastructure and community services”. The Institute also agrees that in “...addition to economic costs, under-utilisation of urban land and existing transport and utilities infrastructure is a major contributor to global greenhouse gas emissions and can lead to social isolation and negative health outcomes.” There may be benefits to encouraging the reduction of parking requirements in order to achieve greater yield, where appropriate (for example, in areas close to the CBD, and close to services including public transport, bicycle infrastructure, shopping centres etc.).

- The point regarding the “...lack of clarity for determining when it is appropriate to exceed density requirements based on social/community benefit” is pertinent. Greater density should be encouraged where there is social/community benefit.
- The Institute agrees that “the minimum site area per dwelling [doesn’t allow] for creative solutions for development”. This does not encourage densification.
- There should also be a focus on quality design.

### 4.3.3 Setback and building envelope for all dwelling

- On sites with significant slope, the building envelope may have the potential to result in overshadowing, loss of privacy and solar access. Loss of sunlight to neighbouring habitable rooms should not result in less than three hours of sunlight at June 21.
- The frontage setback being based on historic practice doesn’t encourage densification and dependant on location, future character statements and local area objectives, this should be reconsidered.
- The Institute agrees that to enhance the sociability of neighbourhoods “...garage and carport setbacks should require the development to maintain or improve the streetscape...”.
- The Institute disagrees that the building envelope requirement should be the only development standard needed for dwellings.
- The Institute agrees that clarification should be provided for ‘unreasonable’ overshadowing of a vacant lot.

### 4.3.4 Site coverage and private open space for all dwellings

- The Institute agrees that private open space should “...have good solar access and be directly accessible from a habitable room...”.
- The Institute agrees that a limitation on impervious surfaces should be re-included in the standards. Along with the effect on stormwater, common open space (for multiple

dwellings) and green space/landscaping to provide amenity and reduce the heat island effect of impervious surfaces should be considered.

#### 4.3.5 Sunlight to private open space of multiple dwellings

- The Institute agrees that the development standard is difficult to interpret and should quantify the hours of sunlight on the shortest day of the year.

#### 4.4 Other issues

- The Institute agrees that landscaping requirements should be included, and minimum requirements should be outlined.
- The Institute strongly agrees that more focus is needed to resource strategic planning to enable the best outcomes for our state.

# MEDIUM DENSITY RESIDENTIAL DEVELOPMENT STANDARDS AND APARTMENT CODE

The Institute supports the continued development of the Medium Density Residential Development Standards and Apartment Code. If well considered, these guidelines have an enormous ability to assist in enabling good design outcomes, and ultimately, better outcomes for the community. The Institute also supports the testing of the draft Apartment Code, as is occurring as part of the Hobart Central Precincts Plan project, and we encourage the use of those with architectural skills in the testing of this.

The Institute looks forward to ongoing consultation and viewing the finalised Medium Density Residential Development Standards and Apartment Code.

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**If well considered, these guidelines have an enormous ability to assist in enabling good design outcomes, and ultimately, better outcomes for the community.**

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Examples of low-density multi-residential typologies.

**Above:** Mermaid Multihouse | Partners Hill with Hogg & Lamb | Queensland | Photographer: Alex Chromicz

**Right:** Davison Collective | Archier with Hip V Hype | Photographer: Tess Kelly



## GENERAL STATE PLANNING PROVISIONS COMMENTS

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In addition to the Institute's comments in the overview regarding the question, and importance, of context in relation to the planning scheme, the Institute would like to question how the current Sullivans Cove Planning Scheme 1997 is to be integrated within the Tasmanian Planning Scheme. The Institute notes that this scheme is largely urban design and heritage focused and appears to have generated quality urban design and heritage outcomes, that has included a large amount of award-winning architecture over the last two decades. An observation has been made that planning schemes based around land use planning and zoning have a tendency to produce 'generic' outcomes, while place specific provisions (such as those included in the Sullivans Cove Planning Scheme) support specific places.

### Application Requirements

As mentioned previously, the application requirements require standardisation as currently each council has different requirements. This creates confusion for those preparing application, and results in multiple requests for additional information, occurring over many months in some instances, which results in substantial delays with projects.

### Application Requirements for Codes & Interpretation of Codes

There is a lack of clarity around application requirement for certain codes within the planning scheme which is leading to prolonged delays in the assessment of approvals. Institute members are finding that this is most evident with new codes, such as the Flood-Prone Hazard Areas Code, due to lack of experience with the code, and the inability of council staff to both determine or advise applicants of the requirements to satisfy the code.

### Changes to Provisions

Institute members have reported that there has been poor or incorrect information provided by council staff when interim planning schemes have changed over to the Tasmanian Planning Scheme. For example, in one instance, a member had made a pre-application enquiry, and attended in-person meetings with council, whereby a proposal was deemed to be discretionary on one point that the council considered approvable. Following the submission of a planning application, the proponent was advised that the proposal was in fact prohibited.

### Landscaping

Landscaping provisions in all zones should be implemented, including light and general industrial zones and subdivision standards. This is essential to mitigate effects of climate change, provide WSUD, reduce heat from large, paved areas, provide shade, habitat & visual amenity etc. This should also encourage Indigenous planting.



## View Ownership

The Institute suggests that the SPPs consider adopting “view-sharing” requirements, preventing any development from substantially blocking views from an existing dwelling. The Institute is aware of a number of residential developments that have removed the view from an existing property.

## 3.0 Interpretation (Planning Terms and Definitions)

### Table 3.1 Planning Terms and Definitions

We note the while there is a definition of ‘gross floor area’ included in the Planning Terms and Definitions table, a distinction between floor area and gross floor area in the SPPs would be beneficial. The definition of floor area seems to have been removed from the SPPs and is typically taken from the internal walls. This is particularly important when dealing with the area of an ancillary dwelling of 60m<sup>2</sup> if the walls are included and the material used is particularly thick (i.e., masonry construction), then this will have an impact on the useable floor area.

## 6.0 Assessment of an Application for Use or Development

### 6.1.3 (b) (ii) topography including contours showing AHD levels and major site features

The Institute believes this requirement is inadequate and results in inaccuracies affecting proposed building envelopes, driveway gradients, quantity of cut and fill and over-shadowing. It appears some applications are using data from the List which does not match actual survey data (this has been noted in Hobart & Kingborough). The Institute suggests that a survey by a registered surveyor must be required as a basis for all site information provided by the proponent.

## 8.6 General Residential Zone & 10.6 Low Density Residential Zone: Development Standards for Subdivision

The Institute notes that as architects, our members don’t often deal with the subdivision part of the planning scheme, however, architects do deal with the outcomes and consequences of subdivisions. As such, we would like to offer the following regarding subdivision of land.

Institute members have observed, that due to demand for housing close to the city, very steep and often unsuitable land is being subdivided. Significant cut, fill and modification of land permanently alters the environment, landscape character and amenity of places, and notably is contrary to ‘Brand Tasmania’. Few people are able to be housed on such sites as they are generally sites for single dwellings. The Institute believes that the damage caused to the natural landscape by these developments is disproportionate to the benefit and that landscape character and desired future character controls must be implemented to prevent subdivision of inappropriate sites.

Direct examples of this that have been observed by members in the course of their work have occurred within the City of Hobart municipality in the vicinity of Montrivale Rise, Dynnyrne (Gen. Res), Stevens Farm Drive, West Hobart (Low Density Res), Hillcrest Road, Tolmans Hill (Low Density Res.), and also in Clarence City Council at Tunah Street, Howrah (Low Density Res). The Institute has also observed a similar example at Oberon Court, Dynnyrne.



### 8.6.1 & 10.6.1 Lot Design

<b>Acceptable Solution A1</b> →	<p>The Institute notes that at clause (a) (i), a gradient not steeper than 1 in 5 is specified. Institute members are regularly observing lot gradients of 1 in 3 or steeper, which is a significant departure that negatively impacts both development on the site, along with negatively impacting the amenity of neighbours.</p>
<b>Performance Criteria P2</b> →	<p>In relation to clauses (c), (d) and (e), the Institute notes that embankment easements (resulting from large quantities of fill, often at grades of 1 in 2, created in compliant road formation – located on the downhill/fill side of the road), is not suitable for vehicular access to the site (max. 1 in 4), resulting in elevated concrete platforms and substantial retaining walls. Apart from the exorbitant costs to construct such access, the embankment easement also forces houses to be located further away from the street, such that pedestrian and vehicular access becomes extremely difficult. The entry level of the house (which is usually the main living space) can be many levels above ground.</p>
<b>Performance Criteria P4</b> →	<ul style="list-style-type: none"> <li>• The Institute notes that steep gradients, combined with poor solar orientation often leads to proposals substantially overshadowing adjacent lots and houses, even when houses that are subsequently planned comply with height and setback controls.</li> <li>• The Institute questions why this clause is not included within the Low Density Residential Zone. On steep, non-north facing land, it is difficult to achieve adequate winter sunlight access to dwellings.</li> </ul>

In some instances, steep sites result in houses having to be many levels above the parking area. In these instances, natural ground is practically unusable as private open space due to the naturally steep gradients being exacerbated by excessive cut and fill.

Members have also experience issues with subdivisions and BAL rating. Subdivisions may have a stipulated BAL rating as a covenant on the Title, with no mechanism to reduce the setbacks without significant legal cost and process. For example, in one instance, the BAL setback reduced the building area to a narrow sliver of land, combined with a 1 in 3 natural gradient and 1 in 2 access from the street, rendering the large property virtually unbuildable. One of our Institute members has had two clients abandon plans to build on their sites and have since sold these blocks of land.

The Institute strongly advocates for the approach to subdivision design to be reconsidered. Strategic planning and testing must occur to identify suitable areas for growth and settlement.

## C6.0 Local Historic Heritage Code

The Institute observes that the way the heritage code is written makes it difficult for new works to be championed. Architects are adept in dealing with historic structures and respecting the existing, while designing new work in an appropriate manner that is clearly identifiable as new, without detracting from existing heritage, as is consistent with the Australia ICOMOS Burra Charter (the Burra Charter).

Of all the clauses and codes within the planning scheme, the Local Historic Heritage Code is the section where the Institute receives the greatest amount of feedback from our members regarding the difficulty of its use. The Institute would support this code being reconsidered, and would be happy to assist with this, as several of our members have extensive experience with heritage architecture and conservation, both within Tasmania, Australia and internationally. The Institute advocates for the code to be consistent with its definitions and terminology, and for there to be a clear set of assessment criteria and framework (see comments below in relation to C6.3 *Definition of Terms*) for both places and precincts, so that there is clarity for applicants, assessing officers and the community more broadly.

The Institute notes that words such as subservient, complementary, detriment and detract are value laden, and that there are so many assumptions in the language in the heritage code. As a culture, we no longer expect subservience from anyone toward anyone. There is a bias in the Heritage Code that assumes that new architecture is a threat as opposed to potentially being the heritage of the 21st century. This bias might be overcome by using alternative words, for example, words like balance and respect seem more fitting for the 21st century.

Some questions for consideration when assessing proposals against the Local Historic Heritage Code are as follows:

- Was the building documented by an architectural photographer prior to the commencement of works? Were measured drawings prepared of early and original structures?
- Does the extent of demolition respect and clarify the original plan form?
- Does the proposed development respect and clarify the original plan form?
- Are the historical alignments of entries aligned/integrated with new openings?
- Are early and original features such as loadbearing walls, chimneys, doors and windows being retained?
- Is unpainted masonry or timber work being painted or finished in a new way?
- Is the conservation of early and original fabric being undertaken?
- Are traditional construction techniques proposed to be used where early and original fabric is being modified?
- Will multiple layers of history remain apparent?
- Is the new work legible as such?
- Do details celebrate critical junctions?
- Are new service penetrations kept to a minimum?
- Is the work reversible/demountable?

- Is new technology being installed to reduce actual and physical impacts and is it fully reversible?
- Does the proposed development find a respectful balance between old and new?

In regard to the existing provisions within the Local Historic Heritage Code, the Institute has the following comments.

#### C6.2.2:

We question this provision.

#### C6.3 Definition of Terms

We often receive feedback from members that sections of the Local Historic Heritage Code do not align with the Burra Charter, which is a nationally accepted standard for heritage conservation practice in Australia. As such, we suggest that a range of Burra Charter definitions could be added to this clause and used throughout the Code.

<b>local historic heritage significance</b> →	<p>It is noted that the criteria for local historic heritage significance by councils does not align with that of Heritage Tasmania, which creates confusion and presents a heritage management framework which is inconsistent from state to local values and thresholds. We suggest a significance framework consistent with the nationally applied HERCON framework and Assessing Historic Heritage Significance for Application with the Historic Cultural Heritage Act 1995, October 2021, Department of Natural Resources and Environment Tasmania. This would support a clear framework for consideration of inclusion and exclusion thresholds for the assessment of individual places. The Institute suggests that local historic heritage significance values be defined by councils and not by 'a suitably qualified person', unless on behalf of the council. The onus should be on the council and not the owner to determine the significance of any place.</p>
<b>local heritage precinct</b> →	<p>Local heritage precincts are problematic in the current application of the SPPs (and the interim planning schemes). There is no assessment criteria per heritage places but a statement of significance which is at risk of being subjective and too wide. This has created instances where determining if an unlisted place is contributory is done against a generic precinct statement and not the nationally applied HERCON framework.</p>
<b>setting</b> →	<p>We suggest that the definition of 'setting' be defined by the Australia ICOMOS Burra Charter, as follows:</p> <p><i>Setting means the immediate and extended environment of a place that is part of or contributes to its cultural significance and distinctive character. Setting may include: structures, spaces, land, water and sky; the visual setting including views to and from</i></p>

	<i>the place, and along a cultural route; and other sensory aspects of the setting such as smells and sounds. Setting may also include historical and contemporary relationships, such as use and activities, social and spiritual practices, and relationships with other places, both tangible and intangible.</i>
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**Table C6.4.1 Exempt Development**

The Institute suggests that there are elements of this clause that should be reconsidered.

<b>Development within a local heritage place →</b>	The Institute questions clause (b) as the consideration by a suitably qualified person is not defined in the C6.3. If the works are exempt there may be no engagement with the consent authority, and therefore this requires definition for clarity.
<b>Development within a local heritage place, local heritage precincts or local historic landscape precinct →</b>	<ul style="list-style-type: none"> <li>• We note in relation to clause (d), utility companies are often not known for their care in the reticulation and mounting of services, and this could result in damage to historic heritage.</li> <li>• In relation to clause (e), if definitions of maintenance and repairs were consistent with the terminology of the Burra Charter, redrafting could support the omission of some Development Standards, such as C6.6.6 A1.</li> </ul>
<b>signs →</b>	This has the potential to result in considerable visual impact to a local heritage place or local heritage precinct. Some councils have signage policies and technical guides, which is worth considering. We do not consider that all signage should be Exempt Development. Replacement of existing signs in the same dimensions and specifications, to previous approval, could be Exempt Development.

### C6.6.1 Demolition

This clause is problematic. There is considerable focus on the retention of ‘fabric’ rather than the retention, protection and enhancement of values and/or significance. The notion of ‘nil change’ is not sound conservation practice. Buildings should have the ability to be adapted to suit modern uses in order to preserve and appreciate the built fabric of our state.

Throughout the code, the Institute notes that the word ‘compatible’ is problematic. This could be replaced by ‘respects’, ‘does not distort or obscure’, or ‘does not detract from interpretation and appreciation’.

Also throughout the code, the Institute suggests the removal of ‘or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the

historic heritage values as identified in a report prepared by a suitably qualified person.’ Refer to note regarding the local historic heritage significance values being defined by councils under 6.3 *Definition of Terms*.

### C6.6.3 Height and bulk of buildings

The Institute notes that the *Burra Charter Article 22. New work* states:

*22.1 New work such as additions or other changes to the place may be acceptable where it respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.*

*New work should be consistent with Articles 3, 5, 8, 15, 21 and 22.1.*

### C6.6.4 Siting of buildings and structures

The Institute suggests that there should be consideration of solar orientation.

### C6.6.6 Roof form and materials

The Institute questions whether this clause could be better captured by an improvement to *C6.4.1 Development within a local heritage place, local heritage precinct or local historic landscape precinct (e)*? With some changes to definitions, this clause could provide more certainty.

### C6.6.7 Building alterations, excluding roof form and materials

The Institute questions how building alterations can be assessed with the exclusion of the consideration of roof form and materials and suggests this clause and the previous clause C6.6.6 be combined.

### C6.6.8 Outbuildings and structures

<b>Acceptable Solution A1</b> →	The Institute doesn’t believe these Acceptable Solutions are appropriate within the Local Historic Heritage Code, and standards for outbuildings and structures should be addressed elsewhere within the SPPs.
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### C6.6.9 Driveways and parking for non-residential purposes

The Institute questions how realistic the inclusion of driveways is in this clause and suggest that ‘driveways’ should be removed.

<b>Performance Criteria P1</b> →	<ul style="list-style-type: none"> <li>• Under clause (b), we suggest the addition of ‘significant’ between ‘any’ and ‘building’.</li> <li>• Under clause (c), we suggest the addition of ‘historically significant’ between ‘of’ and ‘gardens’.</li> <li>• We suggest deleting clause (d) and (f).</li> </ul>
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### C6.7.1 Demolition within a local heritage precinct

We question how realistic the inclusion of driveways is in this clause. We suggest that ‘driveways’ should be removed – refer to notes at C6.6.9.

### C6.7.2 Demolition within a local historic landscape precinct

We note that this clause appears to be a duplication of C6.7.1 and question whether these clauses could be combined.

### C6.7.3 Buildings and works, excluding demolition

Refer to previous notes on C6.6.7.

<b>Acceptable Solution A1</b> →	The Institute suggests this clause should be removed, and we question whether the content of clause (c) is accounted for at C6.7.1.
<b>Performance Criteria P1.1</b> →	<p>The Institute notes that the following is very confusing and unnecessarily complex, ‘...except if a local heritage place of an architectural style different from that characterising the precinct...’. As 6.2.2 stands, it makes this statement redundant.</p> <ul style="list-style-type: none"> <li>• Clauses (b), (c) and (d) could potentially be deleted if there is a reasonable identification of streetscape and townscape values. Except for garden suburbs, our urban context was never intended to be ‘matchy-matchy’.</li> </ul>
<b>Performance Criteria P1.2</b> →	<ul style="list-style-type: none"> <li>• As above with the potential deletion of clauses (b), (c) and (d).</li> </ul>
<b>Performance Criteria P2</b> →	<ul style="list-style-type: none"> <li>• As above with the potential deletion of clauses (b), (c) and (d).</li> </ul>

## 10.0 Coastal Erosion Hazard Code

The allocation of high, medium & low hazard bands appears to have been conducted by desktop study and not site-specific study. It is noted that an existing house in a High Hazard Band is unable to be extended more than 20m<sup>2</sup> and cannot be demolished and replaced, and only particular uses are permitted. In principle, given climate change and rising sea levels, this seems reasonable. However, Institute members have experienced instances where the classification of the hazard bands seems to be illogical. For example, in one instance, a residential project had a hazard band extending 30m into the site, to an elevation of 14m above sea level, on a site where the founding bedrock is dolerite. Despite geotechnical written advice negating risk on this site, there is no mechanism for approval to build on this site within the hazard area.

Due to these apparent discrepancies, the Institute suggests there needs to be mechanism for assessment by a suitably qualified person, such as is permitted in low and medium hazard areas. This might be similar to the performance criteria at clause C10.5.1 *Use within a high coastal erosion band, P1.2*.



## SUGGESTED ADDITIONS TO THE STATE PLANNING PROVISIONS

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The Institute suggests that a provision is made to address culturally responsive design and development within the SPPs. The Institute notes that the Aboriginal Heritage Act 1975 is currently under review, however, we question whether there is also scope for this to be addressed within the SPPs, as noted in the summary of issues previously raised on the SPPs. This should be developed in consultation with the aboriginal community. It should address care and design for country, consultation with traditional owners, the incorporation of indigenous values of intimate understanding of place, and protection and respect of the natural environment. Design and development in our state should respect and consider our First Nations People and Country.

The Institute is committed to advancing understanding with First Nations peoples in recognition of this enduring and ongoing connection to these lands and waters. We recognise a professional commitment to engage and act meaningfully through reciprocal partnership and relationships with Aboriginal and Torres Strait Islander peoples. This is with acknowledgement and respect for Aboriginal and Torres Strait Islander Countries, cultures and communities, and their ways of being, knowing and doing.

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The Institute suggests that affordable housing zoning is incorporated into the planning scheme, as currently exists other Australian states. Tasmania is experiencing a housing crisis, and there is a critical shortage of both social and affordable housing within the state. The benefits of providing housing for all in our community are clear, with the Give Me Shelter report finding that “failure to act on shelter needs will cost the community \$25 billion per year by 2051”<sup>1</sup>. The Institute has an Affordable Housing Policy, that can be found [here](#).

1. Housing All Australians and SGS Economics, *Give Me Shelter: The long-term cost of underproviding public, social and affordable housing* <https://housingallaustralians.org.au/wp-content/uploads/2022/06/Give-Me-Shelter-HAA-Synopsis.pdf>