

SPPs Initial Review, August 2022 - Devonport City Council

Section	Standard	Identified Issue(s)
General	Provide a permit pathway for Storage for local community groups in numerous zones.	There is an identified need for community groups to have a permit pathway for Storage within the following zones – Community Purpose, Open Space, Environmental Management and Recreation. A qualifier could be introduced within the Use Tables of the zones mentioned above which facilitates a permit pathway for these groups.
General	Implementation of a Stormwater Code	There is a need within the SPPs for further guidance and standards regarding stormwater. DCC notes the recent discussions by LGAT regarding introducing a Stormwater Code within the SPPs. DCC supports further discussion around the implementation of this Code
General	Workers Accommodation	<p>Ambiguity in which use class 'workers accommodation' falls under in the SPPs - Residential, Visitor Accommodation or its own use class?</p> <p>It is recommended this use be recognised in the SPPs and further guidance on which development standards are applicable.</p>
3.0 Interpretation	<p>Home-based child care;</p> <p><i>means use of a dwelling to mind or care for children for a day or part of a day, by one or more persons residing in the dwelling</i></p>	<p>There is confusion between the TPS definition of home-based child care and what the industry recognises as 'family day care'.</p> <p>A 'family day care' which DCC understands to have the definition of <i>home-based child care</i> under the <i>Child Care Act 2001</i>.</p>

		<p>The <i>Child Care Act 2001</i> defines home-based child care as:</p> <p>(a) in the child's primary or other residence; or (b) in the child carer's primary residence; or <u>(c) in the approved premises of the child carer;</u></p> <p>The TPS does not recognise the third option of an 'approved premise' to operate a home-based child care service, however the industry does, and a place cannot be licenced for this class of care if the building is not registered as a dwelling (class 1a).</p> <p>As the TPS provides exemption for a home-based child care within a dwelling the person resides in, the only other option is for a permit as an Education and Occasional Care use class which translates to a commercial building classification. The building classifications seem to be an issue for some of the providers as they are seeking to operate 'family based care' within an existing dwelling but do not wish to have workers reside at the property, and do not wish to proceed with a planning permit for a child care centre due to the changes required under the building regulations.</p>
4.0 Exemptions	4.6.8 retaining walls 4.6.9 land filling	If the exemptions cannot be satisfied, retaining walls and land filling are required to be assessed

		<p>against 7.10 – <i>Development Not Required to be Categorised into a Use Class.</i></p> <p>DCC has assessed numerous discretionary applications under this standard. An issue identified is that there are no specific standards to assess the retaining walls or land filling other than the general tests prescribed within 7.10. Should retaining walls/land filling be addressed under the SPPs?</p>
7.0 General Provisions	7.12 Sheds on Vacant Sites	<p>Recommendation this clause apply to other residential zones i.e. General Residential Zone.</p> <p>Should a discretionary permit pathway exist? Noting that some sites are constrained and cannot meet the tests prescribed within 7.12.1 (a) – (f) and therefore a shed currently does not have a permit pathway.</p>
8.0 General Residential Zone	8.4.2 Setbacks and building envelope for all dwellings	<p>Acceptable Solution A3(b) of this standard states the following:</p> <p><i>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</i></p> <p><i>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</i></p> <p><i>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</i></p>

		The ordinance in (b) mentions a side or rear boundary. However, there is no allowance to build to a rear boundary under (b) (ii), noting that a dwelling (or part thereof) can be built against a rear boundary against (b) (i) if there is building on the adjoining boundary. Should the SPPs provide some flexibility to construct a dwelling (or part thereof) to the rear boundary - as per the side boundary considerations prescribed within (ii).
11.0 Rural Living Zone	11.3 Use Standards	This standard does not include any outright amenity standard as seen in General Residential Zone standard 8.3.1 A4/P4. The provision of this standard or similar is thought appropriate to ensure Discretionary uses are assessed against general amenity impacts. For example, if a boarding kennel is situated adjacent to an existing sensitive use there is no standard to assess general amenity impacts.
11.0 Rural Living Zone	11.4.1 Site coverage	DCC has assessed numerous development applications for dwellings within the Rural Living Zone that have a site coverage > 400m ² . In some instances, this has been the only discretion and invoked the need for a planning permit. Due to the acceptable lot size being 1ha or greater in the zone, consideration should be provided for an increase in site coverage under the acceptable solutions. A solution could be to include site coverage as a % measurement.
11.0 Rural Living Zone	Table 11.1 Rural Living Zone minimum lot sizes	Currently, the acceptable minimum lot size for Rural Living Zone A is 1ha. The Low Density Residential Zone is the nearest comparable

		<p>residential zone which has a minimum acceptable lot size of 1500m². There is quite a significant disparity between the minimum lot sizes. It is noted the performance criteria for the Rural Living Zone allows a 20% maximum reduction.</p> <p>DCC encourages the review of the minimum lot size for the Rural Living Zone or include more flexibility under the performance criteria to approve a lot less than 8000m².</p>
16.0 Central Business Zone	16.1.2 Zone Purpose	<p>Zone purpose statement 16.1.2 appears to be missing the word 'that' – see below.</p> <p>To provide for a type and scale of use and development that supports and does not compromise or distort the activity centre hierarchy.</p>
18.0 Light Industrial Zone	18.4.5 Landscaping	<p>Standard 18.4.5 A1 (a) requires landscaping to be provided for a depth of 5.5m from the frontage. Providing landscaping to this depth is excessive and results in space being consumed which could be better utilised i.e car parking. DCC supports landscaping controls in this zone, however a lesser landscaping depth can provide a similar screening outcome as per the standard's objective.</p>
19.0 General Industrial Zone	19.4.3 Landscaping	<p>Refer to commentary above, similar scenario for standard 19.4.3 A1 (a).</p>
C1.0 Signs Code	C1.4 Development exempt from this code – election signage	<p>Local government elections do not have a specific polling date but rather a polling period. It is recommended the election sign exemptions</p>

		should be further expanded to address this matter.
C2.0 Parking and Sustainable Transport Code	C2.6.1 Construction of parking areas A1 (c)	DCC supports the inclusion of the Rural Living Zone within the zones prescribed as not requiring a spray seal, asphalt, concrete, pavers or equivalent material.
C2.0 Parking and Sustainable Transport Code	C2.6.3 Number of accesses for vehicles	<p>Is there a need for this standard within the SPPs?</p> <p>Should it only be relevant when use and development is proposed on a site?</p> <p>DCC requires any works within the road reserve i.e. additional access be approved with a Road Reserve Permit - Road Reserve Permits Devonport City Council.</p>
C2.0 Parking and Sustainable Transport Code	Table C2.1 Parking Space Requirements	<p>Review parking space requirements for Vehicle Fuel Sales and Service. How many car parking spaces are required for a fuel service station with no mechanic servicing bays?</p> <p>Review parking requirements for Sports and Recreation use class. Specific carparking requirements for tennis courts, golf centre and swimming pool are prescribed. Should further recreation uses be included in the car parking table? For example, a children's play centre.</p>
C7.0 Natural Assets Code	General concerns with Priority Vegetation Area (PVA) standards.	C.7.2.1 (c) the PVA only applies to the General Residential Zone or Low-Density Residential Zone, only if for an application for subdivision . There is some ambiguity how the planning

		<p>authority can apply the PVA controls to land to one of these above-mentioned zones especially if land is cleared before a subdivision application is forthcoming. DCC feel there is some merit for the PVA overlay to be further examined and potentially not be applicable to the zones above-mentioned.</p> <p>Standard C7.6.2 – <i>Clearance within a priority vegetation area</i> does not deliver the stated objectives and gives no guidance on the underlying policy or intended outcome.</p> <p>Same comments as above for Standard C7.7.2 – <i>Subdivision within a priority vegetation area</i>.</p>
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