

# TASMANIAN PLANNING COMMISSION



## DECISION

<b>Planning scheme</b>	Hobart Interim Planning Scheme 2015
<b>Amendment</b>	PSA-19-1 – Amenity standards in the Central Business and Commercial Zones
<b>Planning authority</b>	Hobart City Council
<b>Applicant</b>	Hobart City Council
<b>Date of decision</b>	21 August 2020

## Decision

The draft amendment is modified under section 41(ab) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 42.

Peter Fischer  
**Delegate (Chair)**

Robin Nolan  
**Delegate**

## Note:

References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

## REASONS FOR DECISION

### Background

#### Amendment

The draft amendment proposes to insert additional development standards to provide for residential amenity in the Central Business and Commercial Zones.

#### Issues raised in representations

One representation was received during the public notification period. The representation was generally supportive of the draft amendment, however, raised the following issues:

- Some of the setback, open space and waste storage and collection requirements may be too restrictive on smaller sites;
- The standard providing for solar access to individual apartments is too restrictive; and
- The representor also outlined formatting errors and sought clarification on the interpretation of some of the drafting.

#### Planning authority's response to the representations

The planning authority considered the representations and recommended:

1. Pursuant to Section 39(2) of the former provisions of the Land Use Planning and Approvals Act 1993, Council endorse the report marked as item 7.1.4 of the Open City Planning Committee agenda of 25 November 2019, as the formal statement of its opinion as to the merit of the representation received during the exhibition of the draft PSA-19-1 Amendment.
2. Pursuant to Section 39(2) of the former provisions of the Land Use Planning and Approvals Act 1993, Council recommend to the Tasmanian Planning Commission that the PSA-19-1 Amendment to the Hobart Interim Planning Scheme 2015 be finally approved, as modified in Attachment B to item 7.1.4 of the Open City Planning Committee agenda of 25 November 2019.

#### Date and place of hearing

The hearing was held on 1 May 2020 by Skype and conference call.

#### Appearances at the hearing

Planning authority: James McIlhenny, Manager Planning Policy and Heritage and Sarah Crawford, Development Planner, Planning Policy and Heritage

Representors: Jennifer Nichols, Tasmanian Executive Director, Australian Institute of Architects (AIA)

#### Consideration of the draft amendment

1. Under section 40 of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the amendment and the representations, statements and recommendations contained in the planning authority's section 39 report.
2. A hearing was convened to assist the Commission consider the issues in the representations.

3. The amendment has been initiated and certified by the Hobart City Council, in its capacity as planning authority, and further supported in the reports under sections 35 and 39.
4. Under section 32(1), in the opinion of the relevant decision-maker, a draft amendment:
  - (a)-(d) . . .
  - (e) must, as far as practicable, avoid potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;
  - (ea) must not conflict with the requirements of section 300;
  - (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
5. Under section 32(2), the provisions of section 20(2)-(9) inclusive apply to the amendment of a planning scheme in the same manner as they apply to a planning scheme.
6. Section 300 includes that:
  - (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker, practicable, consistent with the regional land use strategy for the regional area in which is situated the land to which the scheme applies.
  - (2) An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if –
    - (a) the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and
    - (b) the amendment does not revoke or amend an overriding local provision; and
    - (c) the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.
7. The amendment proposes to insert additional development standards into the Central Business and Commercial Zones. The provisions would not be inconsistent with any common provisions and will not result in conflicting local provisions.

### **Southern Tasmania Regional Land Use Strategy**

8. In their section 35 report, dated 26 August 2019, the planning authority outlines how the Southern Tasmania Regional Land Use Strategy 2010-2035 (regional strategy) encourages residential development and inner city living in areas where there is existing provision of services, infrastructure, employment and entertainment (p. 600).
9. The report describes how Hobart is identified in the regional strategy as the State and the region's primary activity centre, the functions of which include a range of late night activities. The planning authority considers that standards enabling residential development to provide for its own amenity within this context is important within the primary activity centre, because it is generally subservient to the other range of uses (p. 600).

### **Commission's consideration**

10. The regional strategy's activity centre network states the following in relation to the role of residential use in the primary activity centre:

Higher density residential development in centre utilising innovative housing solutions such as business/shop top arrangements should be complemented by infill and consolidation of surrounding residential areas and along integrated transit corridors at higher net densities (25+ dwellings per hectare.)(p. 75).
11. Activity centre policy AC1.6 states:

Encourage an appropriate mix of uses in activity centres to create multi-functional activity in those centres.
12. These policies are also reflected in the land use and transport integration policies which specifically encourage higher density development in proximity to transit corridors and residential development above ground floor level in the primary activity centre under regional policies LUTI 1.2 and 1.3.
13. The Commission agrees with the planning authority's assessment that the amendment is consistent with the regional strategy.

### **Suitability of the amendment in the Central Business and Commercial Zones**

14. In their section 35 report the planning authority notes that there has been an increase in applications for residential development of a substantial nature across the Central Business and Commercial Zones (p. 595) and note that:

...the non-residential zones with the most potential for higher density residential development are the Central Business Zone and the Commercial Zone.

The Central Business Zone includes Zone Purpose Statements that specifically refer to the provision of residential uses, and the amenity of residents (p. 594).
15. The report also states that residential use is actively encouraged in the Commercial Zone above ground level through additional height standards that allow for residential use (p. 594). Noting the status that the planning authority considers residential use to have within the Central Business and Commercial Zones, the report goes on to state that:

Residential amenity, therefore, is considered to be a value that should be self-protected within the residential development, meaning that commercial developments should not be required to be moderated to provide amenity to adjoining residents (p. 600).

### **Commission's consideration**

16. The Zone Purpose Statements of the Central Business and Commercial Zones reflect the integration between residential uses with business and commercial activity as provided for in the regional strategy's policies. The Zone purpose statements include the following:
17. Central Business Zone:
  - 22.1.1.4 To facilitate high density residential development and visitor accommodation within the activity centre above ground floor level and surrounding the core commercial activity centre.
18. Commercial Zone:

- 23.1.1.7 To provide for residential use primarily above ground floor level.
  - 23.1.1.3 To provide for a diversity of generally non-residential uses reflecting the transition between the Central Business Zone and inner residential areas.
19. The Commission accepts that the Central Business and Commercial Zones in the interim planning scheme provide opportunities for residential and visitor accommodation use and development.
  20. The Zone Purpose Statements, however, clearly give preference to commercial and business activity over residential. Therefore, consistent with the planning authority's assessment, the Commission considers that residential amenity should be achieved through standards in each of the Zones that are 'self-protecting' and do not impede the use or development that is the primary focus of the Zones.
  21. The Commission finds that, to this extent, the provision of residential amenity standards are appropriate within the Central Business and Commercial Zones.

### **Issues raised in the representation**

22. In their representation the Australian Institute of Architects (AIA) raised concern with a number of the acceptable solution standards, such as the rear and side setback, for which the Acceptable Solution requires 5m, and the internal courtyard dimension requirements for new buildings. The representation stated that such provisions may be too onerous on smaller lots.
23. In their section 39 report, dated 25 November 2019, the planning authority responded to the concerns regarding the impact on development potential of smaller sites by the proposed amenity standards. It was explained how adjacent development, particularly in the Central Business Zone, can be of significant scale without having regard for surrounding amenity, and therefore more significant setbacks were required for residential development. Ms Crawford explained at the hearing they didn't consider that a lesser setback could be supported. She stated that the approach in the draft amendment was consistent with similar standards around Australia, and reduced setbacks could not be supported unless they occurred only at the lower levels of a building.
24. In response to the planning authority's section 39 report, Ms Nichols explained at the hearing that the feedback from the AIA's practice committee was that a lesser setback was preferred because it would allow architects to work with their skill and the particular characteristics of a site.
25. Other modifications to the proposed provisions were recommended by the planning authority in their section 39 report in response to the AIA's representation. These included modifications to building setbacks comprising entirely dual aspect dwellings (p. 310) to allow greater design flexibility for terrace style apartments.
26. In relation to the Acceptable Solution provisions for designing buildings around courtyards and voids, the planning authority stated in their submission dated 19 May 2020 the following:
  - ...it is acknowledged that even with these proposed additions to the clause, a 5m by 5m space surrounded by walls on each side would likely not provide a sufficiently high level of amenity in many instances. Given this, removal of Acceptable Solution A2(c) in its entirety is supported, with developments designed around courtyards to be considered under the Performance Criteria instead. This would allow the size of courtyards to be relative to the height and size of a development. As internal courtyard designs are not common in Hobart at this time, it is considered that this would be a reasonable, and simpler, solution (pg 2).

### **Commission's consideration**

27. The Commission accepts that the purpose of the draft amendment is to provide standards for residential and visitor accommodation amenity within zones where those particular uses are complimentary to the mix of activity, but not prioritised within the zones' purposes. The Commission agrees with the planning authority's assessment that the provisions need to provide specific design and amenity standards for residential and visitor accommodation, because they are not matters that can otherwise be addressed by the current zones' standards.
28. Amendments to clause 22.4.9 (A2) were recommended as part of the section 39 report and as part of the Planning Authority's response to the Commission's directions of 19 May 2020. The Commission agrees with the planning authority that residential amenity may be impeded if a setback of less than 5m from side and rear boundaries is provided as an Acceptable Solution. The Performance Criteria, which are not intended to consist of measurable standards, provide a more appropriate set of criteria to demonstrate that a high standard of amenity can be achieved through design responses to individual sites. The Commission also accepts the planning authority's submission recommending the removal of the Acceptable Solution provisions for designing buildings around courtyards and voids and concurs that such design would be better considered under the Performance Criteria.
29. The Commission accepts the remaining modifications the planning authority has recommended to the standards under clause 22.4.9 Residential and Visitor Accommodation Amenity of the Central Business Zone and clause 23.4.9 of the Commercial Zone.

### **Drafting issues and clarification of standards**

30. During the hearing the Ms Crawford was asked to explain what was meant by the terms 'single aspect dwelling' and 'dual aspect dwelling'. Ms Crawford explained that the 'aspect' referred to a face of the building with external windows.
31. Ms Nichols responded stating that in architectural terms 'elevation' would provide more clarity, because 'aspect' usually referred to orientation.
32. In their submission dated 19 May 2020 the planning authority explained that they recommended the use of the term 'elevation' rather than 'aspect' wherever possible, however, had also provided a proposed definition for the term 'single aspect' to assist with the drafting.
33. It was put to the planning authority at the hearing that diagrams to be included in the planning scheme would assist with the interpretation of the proposed development standards. Both parties agreed that visual aids would assist in clarifying some of the standards.

### **Commission's consideration**

34. The Commission notes that the planning authority is using the term 'single aspect' to refer to an elevation with an external window from a dwelling or apartment. The Commission accepts that, provided along with a definition, the term 'single aspect' simplifies the drafting where its use is necessary.

### **State Policies and Resource Management and Planning System Objectives**

35. The Commission finds that no State Policies are relevant to the draft amendment and that it seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.

### **Modifications required to draft amendment**

36. Modifications are required based on the issues described above and to comply with the Commission's drafting guidance and practice.

### **Decision on draft amendment**

37. The draft amendment is modified under section 41(ab) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 42.

### **Attachment**

Annexure A – Modified amendment

## Annexure A

### Modified amendment PSA-19-1

1. Amend 4.1 Planning Terms and Definitions by inserting a new definition after 'sign' as follows:

single aspect	means a dwelling or serviced apartment that has external windows on no more than one building elevation (not including skylights and windows to a light well or ventilation shaft).
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2. Amend 22.4 Development Standards for Buildings and Works of the Central Business Zone by inserting a new 22.4.9 as follows:

#### 22.4.9 Residential and Visitor Accommodation Amenity

<b>Objective:</b>	
To ensure that buildings for residential or visitor accommodation uses provide reasonable levels of amenity and safety in terms of noise, access to daylight and natural ventilation, open space and storage.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>Residential or visitor accommodation development must demonstrate that design elements are able to achieve internal noise levels in accordance with relevant Australian Standards for acoustics control (AS3671:1989 – <i>Road Traffic Noise Intrusion (Building Siting and Construction)</i> and AS2107:2016 – <i>Acoustics (Recommended Design Sound Levels and Reverberation Times for Building Interiors)</i>).</p>	<p><b>P1</b></p> <p>Residential or visitor accommodation development must demonstrate that design elements are able to achieve internal noise levels in accordance with relevant Australian Standards for acoustics control (including AS3671:1989 – <i>Road Traffic Noise Intrusion (Building Siting and Construction)</i> and AS2107:2016 – <i>Acoustics (Recommended Design Sound Levels and Reverberation Times for Building Interiors)</i>), unless:</p> <p>(a) alterations required to meet these standards would negatively impact on historic cultural heritage values of an existing building listed as a place, or within a precinct, in the Historic Heritage Code; or</p> <p>(b) external alterations of an existing building that are required to meet these standards would negatively impact on the streetscape.</p>
<p><b>A2</b></p> <p>Residential or serviced apartment components of a new building (including external elements such as a balcony, roof garden, terrace or deck) must:</p> <p>(a) if the building includes any single aspect dwellings or single aspect serviced apartments, be set back at least 5m from</p>	<p><b>P2</b></p> <p>Residential or serviced apartment components of a new building must be designed to allow for reasonable access to daylight into habitable rooms and private open space, and reasonable opportunity for air circulation and natural ventilation, having regard to:</p> <p>(a) proximity to side and rear boundaries;</p>



<p>all side or rear boundaries and other buildings on the same site (refer Figure 22.4 iii); or</p> <p>(b) if the building includes no single aspect dwellings and no single aspect serviced apartments, have at least two elevations of the building, and all habitable room windows, that are either:</p> <p>(i) set back at least 5m from a side or rear boundary or other building on the same site; or</p> <p>(ii) facing a frontage (refer Figure 22.4 iv).</p>	<p>(b) proximity to other buildings on the same site;</p> <p>(c) the height and bulk of other buildings on the same site;</p> <p>(d) the size of any internal courtyard or void;</p> <p>(e) the use of light wells or air shafts;</p> <p>(f) development potential on adjacent sites, considering the zones and codes that apply to those sites; and</p> <p>(g) any assessment by a suitably qualified person.</p>
<p><b>A3</b></p> <p>Every habitable room in a dwelling:</p> <p>(a) must have at least one external window;</p> <p>(b) must have at least one external window visible from all points of the room if a living room;</p> <p>(c) where the only external window in the room is located within a recess, that recess must be:</p> <p>(i) a minimum width of 1.2m; and</p> <p>(ii) a maximum depth of 1.5 times the width, measured from the external surface of the external window; and</p> <p>(d) must have a room depth from an external window of:</p> <p>(i) not more than 2.5 times the ceiling height; or</p> <p>(ii) if an open plan layout (where the living, dining and kitchen are combined), not more than 8m.</p>	<p><b>P3</b></p> <p>Every habitable room in a dwelling must have reasonable access to natural daylight and ventilation from an external window, having regard to:</p> <p>(a) the orientation of the room;</p> <p>(b) the size and location of windows;</p> <p>(c) the size of the room;</p> <p>(d) the ceiling height;</p> <p>(e) the opportunity for cross-ventilation;</p> <p>(f) the proposed use of the room;</p> <p>(g) overshadowing of the site from existing development;</p> <p>(h) existing site constraints; and</p> <p>(i) any assessment by a suitably qualified person.</p>
<p><b>A4</b></p> <p>Private open space must be provided for each dwelling or serviced apartment on a site.</p>	<p><b>P4</b></p> <p>Fewer than all of the dwellings or serviced apartments on a site may be provided with private open space if:</p> <p>(a) communal open space is provided on site that exceeds size requirements under 22.4.9 A6 by 10m<sup>2</sup> for each dwelling unit or serviced apartment without private open space, and is of high quality in terms of location, access to sunlight,</p>

	<p>outlook, facilities, landscaping and accessibility;</p> <p>(b) environmental conditions such as high winds or high levels of noise would significantly diminish the amenity of the private open space and this is unable to be mitigated by screening that does not unreasonably reduce access to daylight, as demonstrated by a suitably qualified person; or</p> <p>(c) the dwelling or serviced apartment is in an existing building that cannot reasonably accommodate private open space due to site constraints, or impacts on historic cultural heritage values of a place or precinct listed in the Historic Heritage Code.</p>
<p><b>A5</b></p> <p>Each dwelling or serviced apartment on a site must have private open space that:</p> <p>(a) has an area not less than:</p> <p>(i) 8m<sup>2</sup> for 1 bedroom dwellings or serviced apartments;</p> <p>(ii) 10m<sup>2</sup> for 2 bedroom dwellings or serviced apartments;</p> <p>(iii) 12m<sup>2</sup> for 3 or more bedroom dwellings or serviced apartments;</p> <p>(b) does not include plant and equipment such as outdoor components of an air conditioning unit;</p> <p>(c) unless drying facilities are provided elsewhere on the site, include a clothes drying area of at least 2m<sup>2</sup> in addition to the minimum area in (a) above, that may be in a separate location, and is screened from public view;</p> <p>(d) has a minimum horizontal dimension of 2m, or 1.5m for a 1 bedroom dwelling or serviced apartment;</p> <p>(e) where above ground floor level, not be located within 5m of private open space of any other dwelling or serviced apartment in another building (excluding between conjoined terrace-style dwellings or serviced apartments); and</p>	<p><b>P5</b></p> <p>A dwelling or serviced apartment must provide reasonable amenity and be capable of meeting the projected outdoor recreation requirements of occupants, having regard to:</p> <p>(a) the size and minimum dimensions of the space, excluding space occupied by plant and equipment such as outdoor components of an air conditioning unit;</p> <p>(b) the amount of space available for furniture or plantings;</p> <p>(c) the potential for significant noise intrusion;</p> <p>(d) proximity and overlooking to the private open space of existing adjacent residential and serviced apartment developments;</p> <p>(e) screening where necessary for privacy that does not unreasonably restrict access to daylight;</p> <p>(f) screening where necessary for noise and wind protection that does not unreasonably restrict access to daylight;</p> <p>(g) screening from public view for clothes drying areas; and</p> <p>(h) any advice from a suitably qualified person.</p>

<p>(f) is screened visually and acoustically from mechanical plant and equipment, service structures and lift motor rooms.</p>	
<p><b>A6</b></p> <p>Sites with 10 or more dwellings or serviced apartments must provide communal open space on the site that:</p> <ul style="list-style-type: none"> <li>(a) is at least 70m<sup>2</sup>, with an additional 2m<sup>2</sup> for every dwelling or serviced apartment over 10;</li> <li>(b) if provided in multiple locations, at least one single area must be a minimum of 40m<sup>2</sup>;</li> <li>(c) has a minimum horizontal dimension of 3m;</li> <li>(d) includes at least 20% of the total area for plantings (including food growing), being deep soil planting if at ground level;</li> <li>(e) is directly accessible from common entries and pathways;</li> <li>(f) screens any communal clothes drying facilities from public view;</li> <li>(g) may be above ground floor level, including rooftops;</li> <li>(h) is screened visually and acoustically from mechanical plant and equipment, service structures and lift motor rooms;</li> <li>(i) does not include vehicle driveways, manoeuvring or hardstand areas; and</li> <li>(j) includes no more than 20% of the total area located between 30 degrees East of South and 30 degrees West of South of: <ul style="list-style-type: none"> <li>(i) a building on the site with a height more than 3m; or</li> <li>(ii) a side or rear boundary within 5m.</li> </ul> </li> </ul>	<p><b>P6</b></p> <p>Sites with 10 or more dwellings or serviced apartments must provide communal open space on the site that provides reasonable amenity and outdoor recreation opportunities for occupants, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the area and dimensions of the space;</li> <li>(b) the total number of dwellings or serviced apartments on the site;</li> <li>(c) the accessibility of the space;</li> <li>(d) the flexibility of the space and opportunities for various forms of recreation;</li> <li>(e) the availability and location of common facilities within the space;</li> <li>(f) landscaping;</li> <li>(g) the provision of gardens, trees and plantings (including food gardens) appropriate in area to the size of the communal open space;</li> <li>(h) accessibility to daylight, taking into account the development potential of adjacent sites;</li> <li>(i) the outlook from the space;</li> <li>(j) the level of noise intrusion from external noise sources; and</li> <li>(k) any advice from a suitably qualified person;</li> </ul> <p>unless:</p> <ul style="list-style-type: none"> <li>(i) the dwellings or serviced apartments are located in an existing building where communal open space cannot be reasonably achieved due to site constraints, or impacts on historic cultural heritage values of a place or precinct listed in the Historic Heritage Code; or</li> <li>(ii) open space, accessible by the public, that is of high quality in terms of location access to</li> </ul>

	<p>sunlight, outlook, facilities, landscaping and accessibility and that can adequately accommodate the needs of occupants is provided on the site; or</p> <p>(iii) private open space is provided for all dwellings or serviced apartments on the site, provides a reasonable level of amenity in terms of access to sunlight and outlook, and sufficiently caters for flexible outdoor recreation needs including relaxation, entertainment, planting, outdoor dining and children’s play.</p>
<p><b>A7</b></p> <p>Each multiple dwelling must be provided with a dedicated and secure storage space of no less than 6m<sup>3</sup>, located externally to the dwelling.</p>	<p><b>P7</b></p> <p>Each multiple dwelling must be provided with adequate storage space.</p>

3. Amend 22.4 Development Standards for Buildings and Works of the Central Business Zone by inserting a new 22.4.10 as follows:

**22.4.10 Waste Storage and Collection**

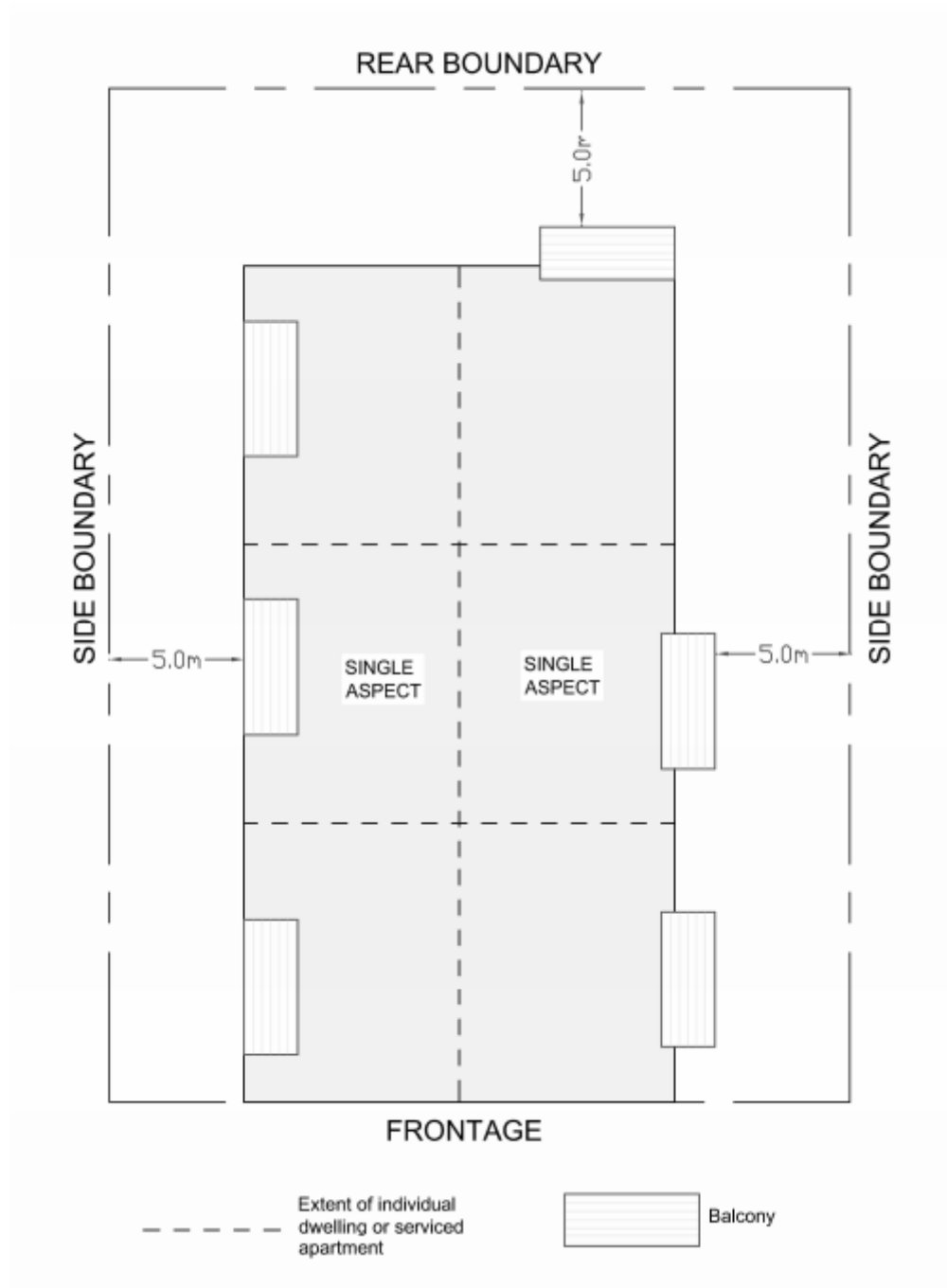
<p><b>Objective:</b></p>	
<p>To ensure the storage and collection of waste provides for a reasonable level of amenity and safety for surrounding occupants and for traffic, cyclists, pedestrians and other road and footpath users.</p>	
<p><b>A1</b></p> <p>Bulk waste bins that are commercially serviced must be provided for sites:</p> <p>(a) with more than one commercial tenancy;</p> <p>(b) with one commercial tenancy that is greater than 100m<sup>2</sup>;</p> <p>(c) with more than 4 dwellings or visitor accommodation units (or 3 if a mixed use site); and</p> <p>(d) with more than 2 dwellings or visitor accommodation units (or 1 if a mixed use site) if fronting a pedestrian priority street (Figure E6.7.12);</p> <p>unless:</p> <p>(i) there are no more than 4 individual bins for kerbside collection at any one time per commercial site or</p>	<p><b>P1</b></p> <p>Bulk waste bins that are commercially serviced must be provided unless kerbside collection would not unreasonably compromise the amenity of the surrounding area or the flow and safety of vehicles, cyclists and pedestrians, and:</p> <p>(a) the frontage of the site has a width equivalent to 5m for each dwelling, accommodation unit or tenancy with individual bins; or</p> <p>(b) bulk waste bin storage and collection cannot reasonably be provided on site due to:</p> <p>(i) impacts on historic cultural heritage values of a place or precinct listed in the Historic Heritage Code; or</p> <p>(ii) site constraints, if for an existing</p>

<p>any site fronting a pedestrian priority street (Figure E6.7.12);</p> <p>(ii) There are no more than 8 individual bins for kerbside collection at any one time per residential or mixed use site not fronting a pedestrian priority street (Figure E6.7.12); or</p> <p>(iii) Individual bins are commercially serviced without being placed on the kerbside for collection.</p>	<p>building.</p>
<p><b>A2</b></p> <p>An on-site storage area, with an impervious surface (unless for compostables), must be provided for bins that:</p> <p>(a) if for separate bins per dwelling, visitor accommodation or commercial tenancy:</p> <p>(i) provides an area for the exclusive use of each dwelling, accommodation unit or tenancy, and is not located between the building and a frontage;</p> <p>(ii) is set back not less than 4.5m from a frontage unless within a fully enclosed building;</p> <p>(iii) is not less than 5.5m horizontally from any dwelling or accommodation unit unless for bins associated with that dwelling, or within a fully enclosed building; and</p> <p>(iv) is screened from the frontage and any dwelling or accommodation unit by a wall to a height not less than 1.2m above the finished surface level of the storage area.</p> <p>(b) If for bulk waste bins:</p> <p>(i) is located on common property;</p> <p>(ii) includes dedicated areas for storage and management of recycling and compostables;</p> <p>(iii) is not less than 5.5m from any dwelling or accommodation unit unless within a fully enclosed building;</p>	<p><b>P2</b></p> <p>A storage area for waste and recycling bins must be provided that is:</p> <p>(a) capable of storing the number of bins required for the site;</p> <p>(b) of sufficient size to enable convenient and safe access and manoeuvrability for occupants, and waste collection vehicles where relevant;</p> <p>(c) in a location on-site that is conveniently and safely accessible to occupants, without compromising the amenity and flow of public spaces;</p> <p>(d) screened from view from public spaces and dwellings or accommodation units; and</p> <p>if the storage area is for common use, separated from dwellings or units on the site to minimise impacts caused by odours and noise.</p>

<ul style="list-style-type: none"> <li>(iv) is set back not less than 4.5m from a frontage if fronting a pedestrian priority street (Figure E6.7.12);</li> <li>(v) is screened from any public road, dwelling or accommodation unit by a wall to a height not less than 1.8m above the finished surface level of the storage area;</li> <li>(vi) is accessible to each dwelling, accommodation unit or tenancy without the requirement to travel off-site; and</li> </ul> <p>where the development is mixed use, have separate storage spaces for commercial and residential bins with separate access to each.</p>	
<p><b>A3</b></p> <p>Bulk waste bins must be collected on site by private commercial vehicles, and access to storage areas must:</p> <ul style="list-style-type: none"> <li>(a) in terms of the location, sight distance, geometry and gradient of an access, as well as off-street parking, manoeuvring and service area, be designed and constructed to comply with <i>AS2890.2:2018: Parking Facilities - Off-Street Commercial Vehicle Facilities</i>;</li> <li>(b) ensure the vehicle is located entirely within the site when collecting bins; and</li> <li>(c) include a dedicated pedestrian walkway, alongside or independent of vehicle access ways.</li> </ul>	<p><b>P3</b></p> <p>A waste collection plan demonstrates the arrangements for collecting waste do not compromise the safety, amenity and convenience of surrounding occupants, vehicular traffic, cyclists, pedestrians and other road and footpath users, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the number of bins;</li> <li>(b) the method of collection;</li> <li>(c) the time of day of collection;</li> <li>(d) the frequency of collection;</li> <li>(e) access for vehicles to bin storage areas, including consideration of gradient, site lines, manoeuvring, direction of vehicle movement and pedestrian access;</li> <li>(f) distance from vehicle stopping point to bins if not collected on site;</li> <li>(g) the traffic volume, geometry and gradient of the street; and</li> </ul> <p>the volume of pedestrians using the street and whether it is a pedestrian priority street (Figure E6.7.12).</p>

4. Insert Figure 22.4 iii as follows:

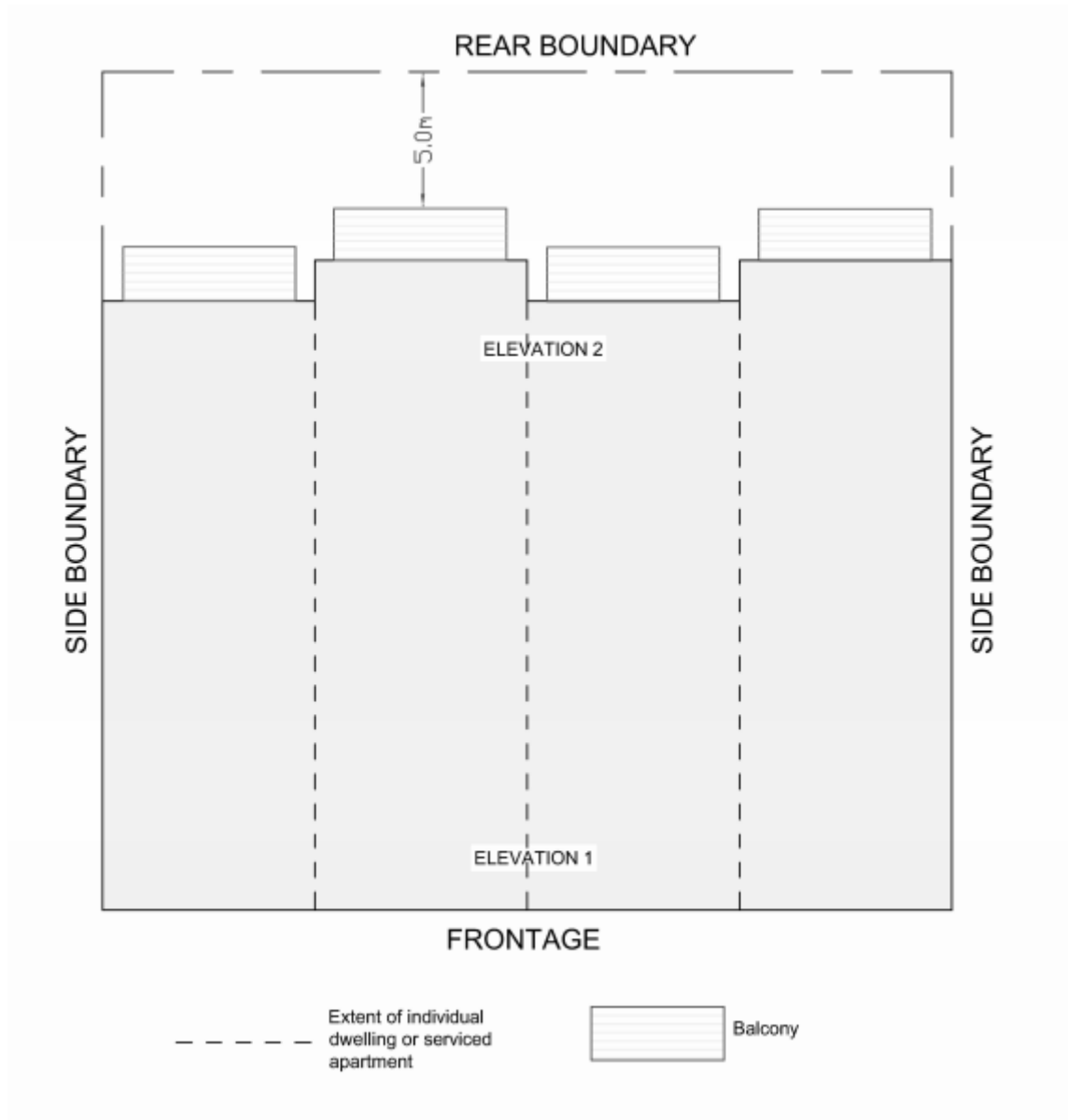
Figure 22.4 iii Setbacks for developments including single aspect dwellings or single aspect service apartments under 22.4.9 A2 (a).



5. Insert Figure 22.4 iv as follows:

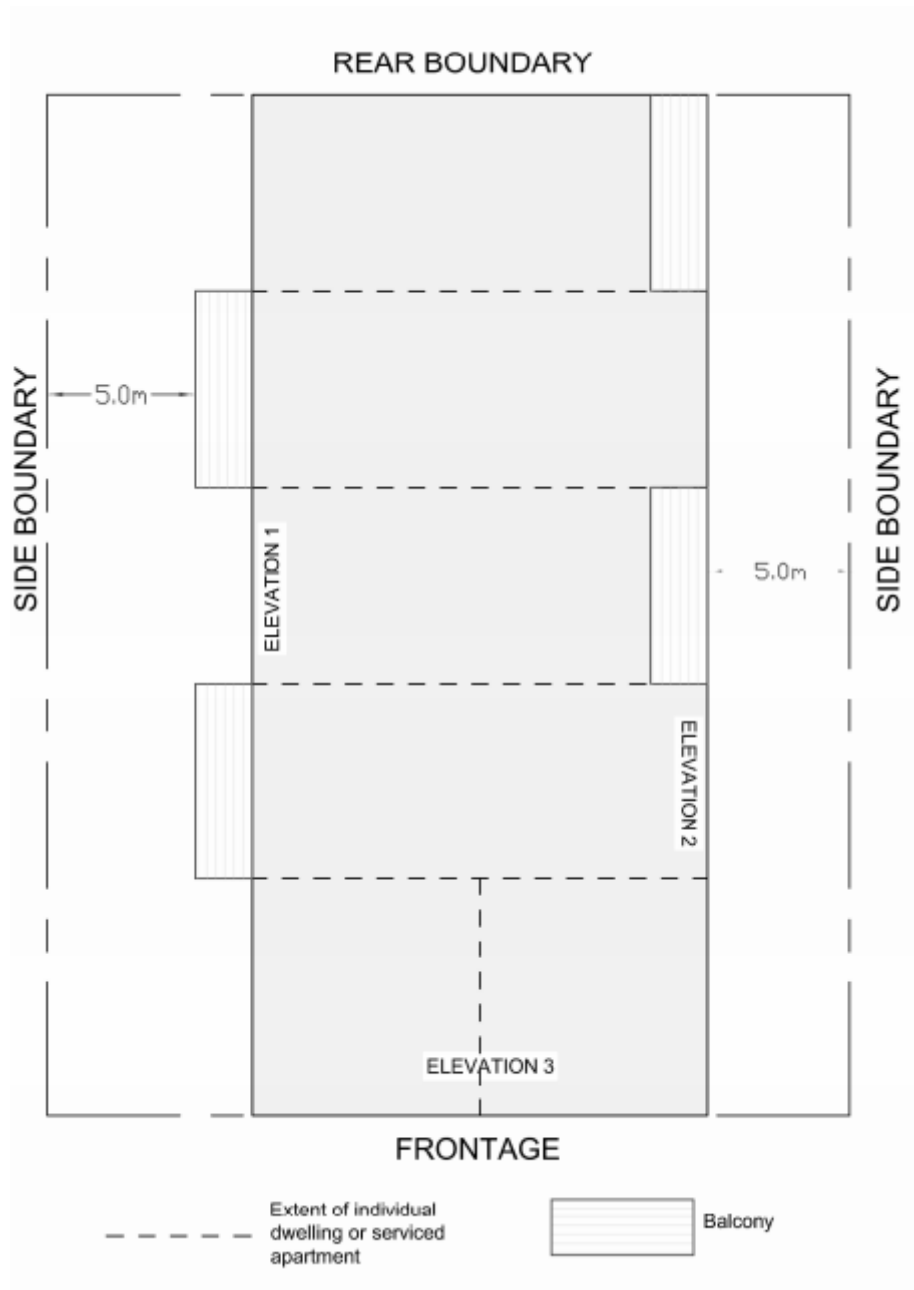
Figure 22.4 iv Setbacks for developments not including single aspect dwellings or single aspect service apartments under 22.4.9 A2 (b).

Example 1





Example 2



6. Amend 23.4 Development Standards for Buildings and Works of the Commercial Zone by inserting a new 23.4.8 as follows:

**23.4.8 Residential and Visitor Accommodation Amenity**

<b>Objective:</b>	
To ensure that buildings for residential or visitor accommodation uses provide reasonable levels of amenity and safety in terms of noise, access to daylight and natural ventilation, open space, storage.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>Residential or visitor accommodation development must demonstrate that design elements are able to achieve internal noise levels in accordance with relevant Australian Standards for acoustics control (AS3671:1989 – <i>Road Traffic Noise Intrusion (Building Siting and Construction)</i> and AS2107:2016 – <i>Acoustics (Recommended Design Sound Levels and Reverberation Times for Building Interiors)</i>).</p>	<p><b>P1</b></p> <p>Residential or visitor accommodation development must demonstrate that design elements are able to achieve internal noise levels in accordance with relevant Australian Standards for acoustics control (including AS3671:1989 – <i>Road Traffic Noise Intrusion (Building Siting and Construction)</i> and AS2107:2016 – <i>Acoustics (Recommended Design Sound Levels and Reverberation Times for Building Interiors)</i>), unless:</p> <p>(a) alterations required to meet these standards would negatively impact on historic cultural heritage values of an existing building listed as a place, or within a precinct, in the Historic Heritage Code; or</p> <p>(b) external alterations of an existing building that are required to meet these standards would negatively impact on the streetscape.</p>
<p><b>A2</b></p> <p>Residential or serviced apartment components of a new building (including external elements such as a balcony, roof garden, terrace or deck) must:</p> <p>(a) if the building includes any single aspect dwellings or single aspect serviced apartments, be set back at least 5m from all side or rear boundaries and other buildings on the same site (refer Figure 23.4 i); or</p> <p>(b) if the building includes no single aspect dwellings and no single aspect serviced apartments, have at least two elevations of the building, and all habitable room windows, that are either:</p>	<p><b>P2</b></p> <p>Residential or serviced apartment components of a new building must be designed to allow for reasonable access to daylight into habitable rooms and private open space, and reasonable opportunity for air circulation and natural ventilation, having regard to:</p> <p>(a) proximity to side and rear boundaries;</p> <p>(b) proximity to other buildings on the same site;</p> <p>(c) the height and bulk of other buildings on the same site;</p> <p>(d) the size of any internal courtyard or void;</p> <p>(e) the use of light wells or air shafts;</p> <p>(f) development potential on adjacent sites,</p>

<ul style="list-style-type: none"> <li>(i) set back at least 5m from a side or rear boundary or other building on the same site; or</li> <li>(ii) facing a frontage (refer Figure 23.4 ii).</li> </ul>	<p>considering the zones and codes that apply to those sites; and</p> <ul style="list-style-type: none"> <li>(g) any assessment by a suitably qualified person.</li> </ul>
<p><b>A3</b></p> <p>Every habitable room in a dwelling:</p> <ul style="list-style-type: none"> <li>(a) must have at least one external window;</li> <li>(b) must have at least one external window visible from all points of the room if a living room; and</li> <li>(c) where the only external window in the room is located within a recess, that recess must be: <ul style="list-style-type: none"> <li>(i) a minimum width of 1.2m, and</li> <li>(ii) a maximum depth of 1.5 times the width, measured from the external surface of the external window; and</li> </ul> </li> <li>(d) must have a room depth from an external window of: <ul style="list-style-type: none"> <li>(i) not more than 2.5 times the ceiling height; or</li> <li>(ii) If an open plan layout (where the living, dining and kitchen are combined), not more than 8m.</li> </ul> </li> </ul>	<p><b>P3</b></p> <p>Every habitable room in a dwelling must have reasonable access to natural daylight and ventilation from an external window, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the orientation of the room;</li> <li>(b) the size and location of windows;</li> <li>(c) the size of the room;</li> <li>(d) the ceiling height;</li> <li>(e) the opportunity for cross-ventilation;</li> <li>(f) the proposed use of the room;</li> <li>(g) overshadowing of the site from existing development;</li> <li>(h) existing site constraints; and</li> <li>(i) any assessment by a suitably qualified person.</li> </ul>
<p><b>A4</b></p> <p>Private open space must be provided for each dwelling or serviced apartment on a site.</p>	<p><b>P4</b></p> <p>Fewer than all of the dwellings or serviced apartments on a site may be provided with private open space if:</p> <ul style="list-style-type: none"> <li>(a) communal open space is provided on site that: exceeds size requirements under 23.4.8 A6 by 10m<sup>2</sup> for each dwelling unit or serviced apartment without private open space, and is of high quality in terms of location, access to sunlight, outlook, facilities, landscaping and accessibility;</li> <li>(b) environmental conditions such as high winds or high levels of noise would significantly diminish the amenity of the private open space and this is unable to be mitigated by screening that does not unreasonably reduce access to daylight, as demonstrated by a suitably qualified</li> </ul>

	<p>person; or</p> <p>(c) the dwelling or serviced apartment is in an existing building that cannot reasonably accommodate private open space due to site constraints, or impacts on historic cultural heritage values of a place or precinct listed in the Historic Heritage Code.</p>
<p><b>A5</b></p> <p>Each dwelling or serviced apartment on a site must have private open space that:</p> <p>(a) has an area not less than:</p> <p>(i) 8m<sup>2</sup> for 1 bedroom dwellings or serviced apartments;</p> <p>(ii) 10m<sup>2</sup> for 2 bedroom dwellings or serviced apartments;</p> <p>(iii) 12m<sup>2</sup> for 3 or more bedroom dwellings or serviced apartments;</p> <p>(b) does not include plant and equipment such as outdoor components of an air conditioning unit;</p> <p>(c) unless drying facilities are provided elsewhere on the site, include a clothes drying area of at least 2m<sup>2</sup> in addition to the minimum area in (a) above, that may be in a separate location, and is screened from public view;</p> <p>(d) has a minimum horizontal dimension of 2m, or 1.5m for a 1 bedroom dwelling or serviced apartment;</p> <p>(e) where above ground floor level, not be located within 5m of private open space of any other dwelling or serviced apartment in another building (excluding between conjoined terrace-style dwellings or serviced apartments); and</p> <p>(f) is screened visually and acoustically from mechanical plant and equipment, service structures and lift motor rooms.</p>	<p><b>P5</b></p> <p>Private open space for dwellings or serviced apartments must provide reasonable amenity and be capable of meeting the projected outdoor recreation requirements of occupants, having regard to:</p> <p>(a) the size and minimum dimensions of the space, excluding space occupied by plant and equipment such as outdoor components of an air conditioning unit;</p> <p>(b) the amount of space available for furniture or plantings;</p> <p>(c) the potential for significant noise intrusion;</p> <p>(d) proximity and overlooking to the private open space of existing adjacent residential and serviced apartment developments;</p> <p>(e) screening where necessary for privacy that does not unreasonably restrict access to daylight;</p> <p>(f) screening where necessary for noise and wind protection that does not unreasonably restrict access to daylight;</p> <p>(g) screening from public view for clothes drying areas; and</p> <p>(h) any advice from a suitably qualified person.</p>
<p><b>A6</b></p> <p>Sites with 10 or more dwellings or serviced apartments must provide communal open space on the site that:</p>	<p><b>P6</b></p> <p>Sites with 10 or more dwellings or serviced apartments must provide communal open space on the site that provides reasonable amenity and outdoor recreation opportunities for occupants, having regard to:</p>

<ul style="list-style-type: none"> <li>(a) is at least 70m<sup>2</sup>, with an additional 2m<sup>2</sup> for every dwelling or serviced apartment over 10;</li> <li>(b) if provided in multiple locations, at least one single area must be a minimum of 40m<sup>2</sup>;</li> <li>(c) has a minimum horizontal dimension of 3m;</li> <li>(d) includes at least 20% of the total area for plantings (including food growing), being deep soil planting if at ground level;</li> <li>(e) is directly accessible from common entries and pathways;</li> <li>(f) screens any communal clothes drying facilities from public view;</li> <li>(g) may be above ground floor level, including rooftops;</li> <li>(h) is screened visually and acoustically from mechanical plant and equipment, service structures and lift motor rooms; <ul style="list-style-type: none"> <li>(i) does not include vehicle driveways, manoeuvring or hardstand areas; and</li> </ul> </li> <li>(j) includes no more than 20% of the total area located between 30 degrees East of South and 30 degrees West of South of: <ul style="list-style-type: none"> <li>(i) a building on the site with a height more than 3m; or</li> <li>(ii) a side or rear boundary within 5m.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) the area and dimensions of the space;</li> <li>(b) the total number of dwellings or serviced apartments on the site;</li> <li>(c) the accessibility of the space;</li> <li>(d) the flexibility of the space and opportunities for various forms of recreation;</li> <li>(e) the availability and location of common facilities within the space;</li> <li>(f) landscaping;</li> <li>(g) the provision of gardens, trees and plantings (including food gardens) appropriate in area to the size of the communal open space;</li> <li>(h) accessibility to daylight, taking into account the development potential of adjacent sites;</li> <li>(i) the outlook from the space;</li> <li>(j) the level of noise intrusion from external noise sources; and</li> <li>(k) any advice from a suitably qualified person;</li> </ul> <p>unless:</p> <ul style="list-style-type: none"> <li>(i) the dwellings or serviced apartments are located in an existing building where communal open space cannot be reasonably achieved due to site constraints, or impacts on historic cultural heritage values of a place or precinct listed in the Historic Heritage Code;</li> <li>(ii) open space, accessible by the public, that is of high quality in terms of location access to sunlight, outlook, facilities, landscaping and accessibility and that can adequately accommodate the needs of occupants is provided on the site; or</li> <li>(iii) private open space is provided for all dwellings or serviced apartments on the site, provides a reasonable level of amenity in terms of access to sunlight and</li> </ul>
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	outlook, and sufficiently caters for flexible outdoor recreation needs including relaxation, entertainment, planting, outdoor dining and children's play.
<b>A7</b> Each multiple dwelling must be provided with a dedicated and secure storage space of no less than 6m <sup>3</sup> , located externally to the dwelling.	<b>P7</b> Each multiple dwelling must be provided with adequate storage space.

7. Amend 23.4 Development Standards for Buildings and Works of the Commercial Zone by inserting a new 23.4.9 as follows:

### 23.4.9 Waste Storage and Collection

<b>Objective:</b>	
To ensure the storage and collection of waste provides for a reasonable level of amenity and safety for surrounding occupants and for traffic, cyclists, pedestrians and other road and footpath users.	
<b>A1</b> Bulk waste bins that are commercially serviced must be provided for sites: (a) with more than one commercial tenancy; (b) with one commercial tenancy that is greater than 100m <sup>2</sup> ; and (c) with more than 4 dwellings or visitor accommodation units (or 3 if a mixed use site); unless: (i) there are no more than 4 individual bins for kerbside collection at any one time per commercial site; (ii) there are no more than 8 individual bins for kerbside collection at any one time per residential or mixed use site; or (iii) individual bins are commercially serviced without being placed on the kerbside for collection.	<b>P1</b> Bulk waste bins that are commercially serviced must be provided unless kerbside collection would not unreasonably compromise the amenity of the surrounding area or the flow and safety of vehicles, cyclists and pedestrians, and: (a) the frontage of the site has a width equivalent to 5m for each dwelling, accommodation unit or tenancy with individual bins; or (b) bulk waste bin storage and collection cannot reasonably be provided on site due to: (i) impacts on historic cultural heritage values of a place or precinct listed in the Historic Heritage Code; or (ii) site constraints, if for an existing building.
<b>A2</b> An on-site storage area, with an impervious surface (unless for compostables), must be provided for bins that:	<b>P2</b> A storage area for waste and recycling bins must be provided that is: (a) capable of storing the number of bins required for the site;

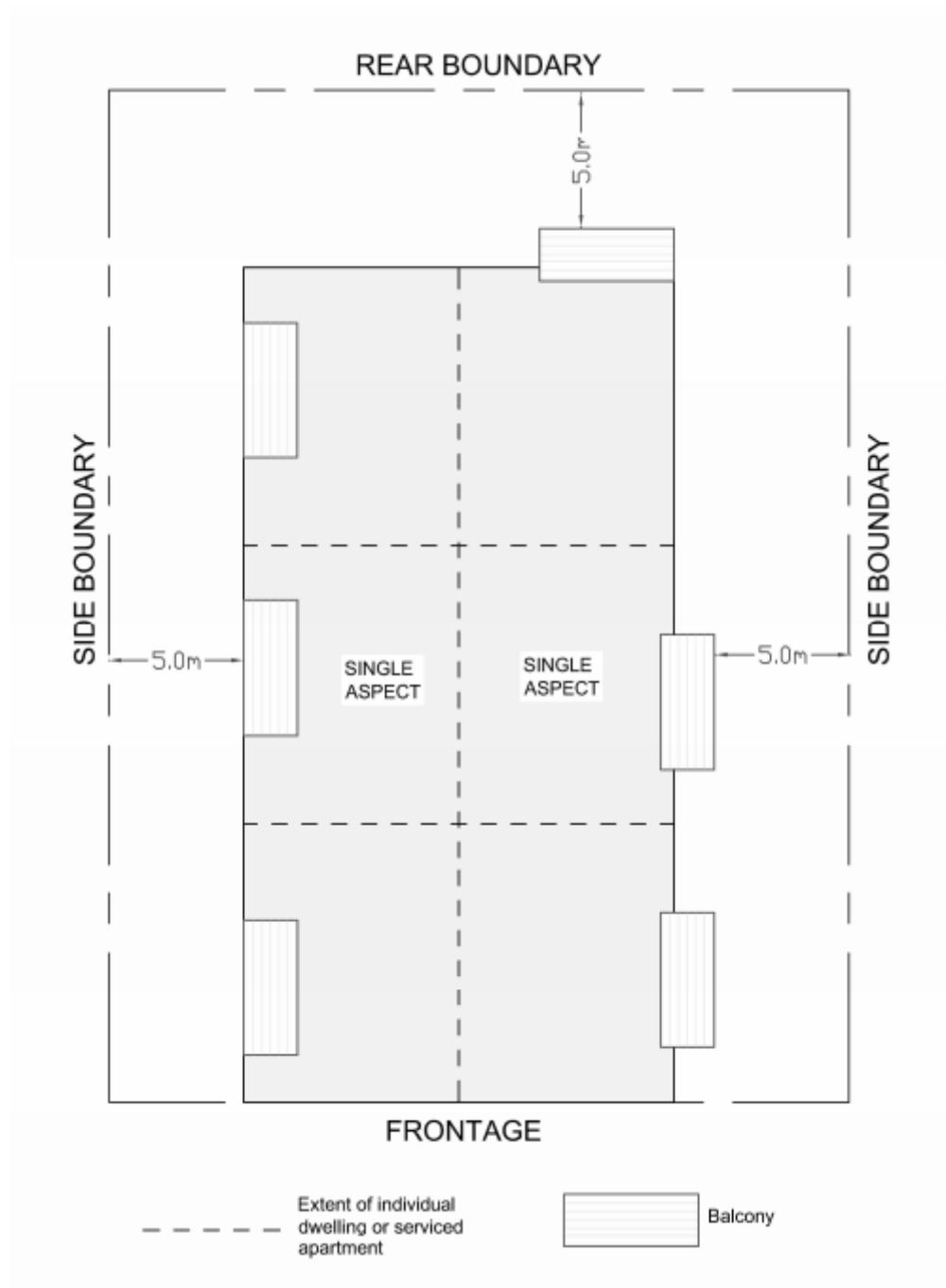
<p>(a) if for separate bins per dwelling, visitor accommodation or commercial tenancy:</p> <ul style="list-style-type: none"> <li>(i) provides an area for the exclusive use of each dwelling, accommodation unit or tenancy, and is not located between the building and a frontage;</li> <li>(ii) is set back not less than 4.5m from a frontage unless within a fully enclosed building;</li> <li>(iii) is not less than 5.5m horizontally from any dwelling or accommodation unit unless for bins associated with that dwelling, or within a fully enclosed building; and</li> <li>(iv) is screened from the frontage and any dwelling or accommodation unit by a wall to a height not less than 1.2m above the finished surface level of the storage area.</li> </ul>	<ul style="list-style-type: none"> <li>(b) of sufficient size to enable convenient and safe access and manoeuvrability for occupants, and waste collection vehicles where relevant;</li> <li>(c) in a location on-site that is conveniently and safely accessible to occupants, without compromising the amenity and flow of public spaces;</li> <li>(d) screened from view from public spaces and dwellings or accommodation units; and</li> <li>(e) if the storage area is for common use, separated from dwellings or units on the site to minimise impacts caused by odours and noise.</li> </ul>
<p>(b) If for bulk waste bins:</p> <ul style="list-style-type: none"> <li>(i) is located on common property;</li> <li>(ii) includes dedicated areas for storage and management of recycling and compostables;</li> <li>(iii) is not less than 5.5m from any dwelling or accommodation unit unless within a fully enclosed building;</li> <li>(iv) is screened from any public road, dwelling or accommodation unit by a wall to a height not less than 1.8m above the finished surface level of the storage area;</li> <li>(v) is accessible to each dwelling, accommodation unit or tenancy without the requirement to travel off-site; and</li> <li>(vi) where the development is mixed use, have separate storage spaces for commercial and residential bins with separate access to each.</li> </ul>	

<p><b>A3</b></p> <p>Bulk waste bins must be collected on site by private commercial vehicles, and access to storage areas must:</p> <ul style="list-style-type: none"><li>(a) in terms of the location, sight distance, geometry and gradient of an access, as well as off-street parking, manoeuvring and service area, be designed and constructed to comply with <i>AS2890.2:2018: Parking Facilities - Off-Street Commercial Vehicle Facilities</i>;</li><li>(b) ensure the vehicle is located entirely within the site when collecting bins; and</li><li>(c) include a dedicated pedestrian walkway, alongside or independent of vehicle access ways.</li></ul>	<p><b>P3</b></p> <p>A waste collection plan demonstrates the arrangements for collecting waste do not compromise the safety, amenity and convenience of surrounding occupants, vehicular traffic, cyclists, pedestrians and other road and footpath users, having regard to:</p> <ul style="list-style-type: none"><li>(a) the number of bins;</li><li>(b) the method of collection;</li><li>(c) the time of day of collection;</li><li>(d) the frequency of collection;</li><li>(e) access for vehicles to bin storage areas, including consideration of gradient, site lines, manoeuvring, direction of vehicle movement and pedestrian access;</li><li>(f) distance from vehicle stopping point to bins if not collected on site;</li><li>(g) the traffic volume, geometry and gradient of the street; and</li><li>(h) the volume of pedestrians using the street.</li></ul>
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8. Insert Figure 23.4 i as follows:

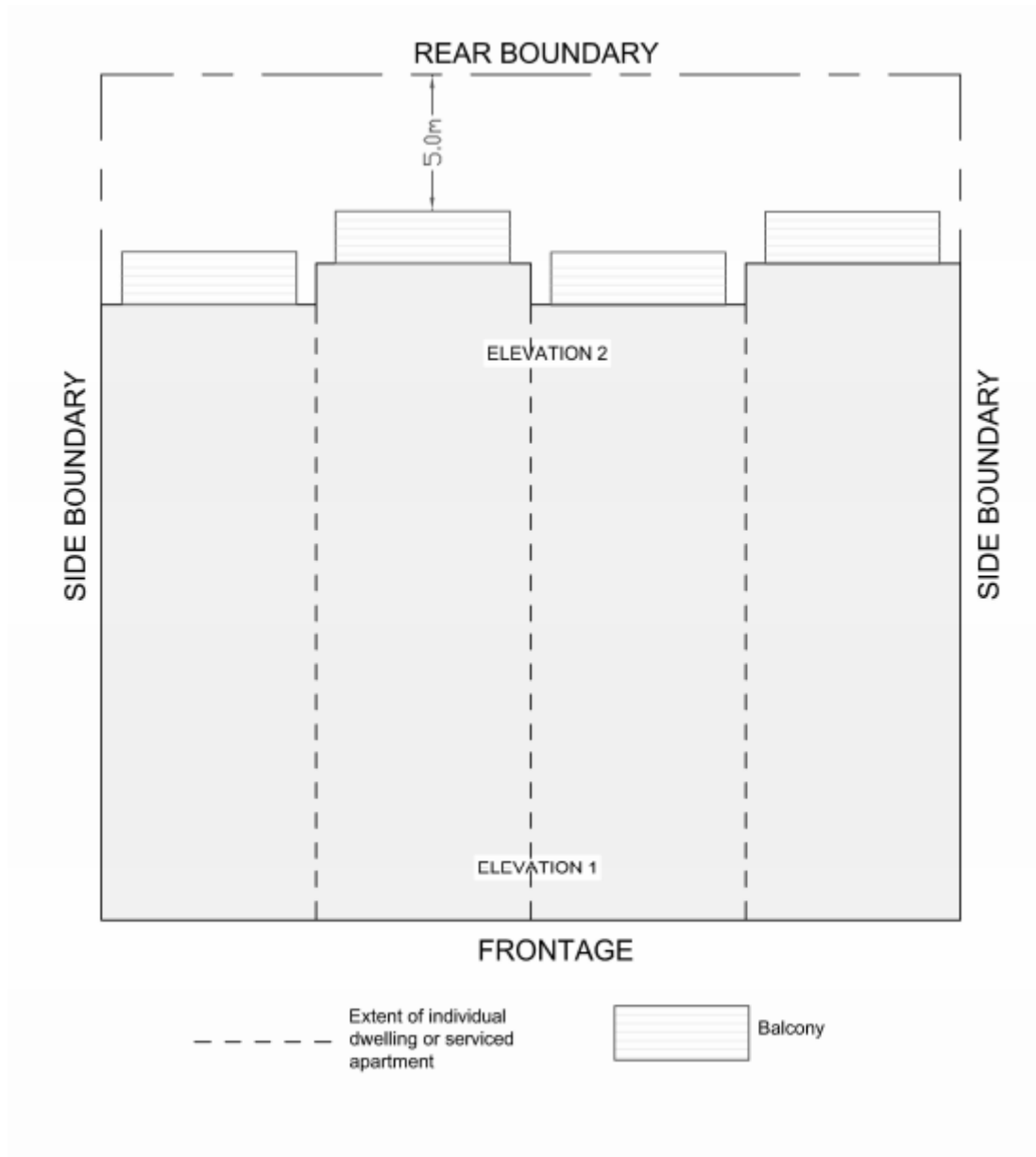
Figure 23.4 i Setbacks for developments including single aspect dwellings or single aspect service apartments under 23.4.8 A2 (a).



9. Insert Figure 23.4 ii as follows:

Figure 23.4 ii Setbacks for developments not including single aspect dwellings or single aspect service apartments under 23.4.8 A2 (b).

Example 1



Example 2

