

23 March 2020

Peter Fischer
Acting Executive Manager
The Planning Commission
GPO Box 1691
HOBART TAS 7001

Our Ref: 17.227

Email: tpc@planning.tas.gov.au (sent by email)

Dear Mr Fischer,

RE: Kingborough Council's representation RE: Draft Directive No. 7 – Permits for Temporary Housing

Thank you for the opportunity to provide a response to the Draft Planning Directive No. 7 – Permits for Temporary Housing. We have reviewed the draft (provided by your office on 26 February 2020) and would like to provide the following comments:

1. Our understanding is that the 'Permitted' route (under 4.1 (a) and 4.1 (b)) for the temporary housing can only occur within land under the *Hobart Interim Planning* and therefore does not apply to any other Council than Hobart City Council.
2. Section 4.2 only applies to *Sullivan Cove Planning Scheme* and therefore does not apply to any other Council than Hobart City Council.

Therefore, any application for temporary housing in any other Council would be 'Discretionary/Prohibited' and there does not seem to be any provisions for assessment within the Directive.

3. The Directive contains no detail about assessing offsite amenity impacts, ie overlooking and overshadowing neighbouring sites.
4. There is no detail as to whether neighbours (or others) have any appeal rights against permits issued for temporary housing. This needs to be clear for Planning Authorities to be able to communicate it to the public.
5. The Directive is silent on whether there are requirements for parking. It is essential that this information is provided.
6. It is unclear if demolition is exempt (demolition of an outbuilding may be required to make way for new building – potential issues with heritage).
7. For the three definitions in section 3.1, will the applicant be required to provide evidence that the definition is met and if so, in what form? This should be consistent across all Councils.
8. The term 'temporary building' should include that it is moveable within 24 hours and should be included in the definitions in 3.1

9. 4.1 (a) should include the word habitable, in between 'existing building', offices will still qualify but it avoids the use of back yard sheds.
10. 4.1 (a) (ii) – how is this demonstrated/proven? If it is not a standard letter issues by director of housing whose responsibility is it to verify the information?
11. 4.1 (a) (iv) why does it say 'a code relating to heritage' rather than 'Heritage Code Overlays do not apply, unless...'
 - o How is point a. of this section proven? Does the applicant need to provide a copy of a letter from a building surveyor?
12. Why isn't landslide included in 4.1 (a) when there can be significant risk to people if disregarded?
13. 4.1 (b) – Why is vegetation removal excluded?
14. 4.1 (c) says that the application would then be Discretionary...but what would a Planner use to do an assessment against?
15. 4.1 (d) (ii) It would be appropriate that this may only occur if there is reticulated sewerage available. Construction of an entire waste water system is not appropriate for a temporary use.
16. 4.1 (d) (iii) what does this mean? Do the codes apply or not, or to what extent. This is not at all workable.
17. 4.1 (d) (iv)– to what extent do we consider these things? Are the rights of appeal process the same? Far too ambiguous.
18. 4.3 – when enforcement occurs is it against the owner that allowed it to occur, or the residents or provider who caused it to occur?
19. 5.3 does this mean no consideration for overlooking, overshadowing, parking, connection to the same services, heritage, significant trees, attenuation code?
20. 5.4 unclear on what it is saying.

I would like to urge the Commission to consider putting version numbers in the footer of these draft documents as it can be very confusing when there are many versions that have been out for comment.

If you wish any further comments about the comments that we have provided, please feel free to contact me on (03) 6211 8267.

Regards



TASHA TYLER-MOORE
MANAGER DEVELOPMENT SERVICES