

State Planning Provisions

Draft Amendment 01/2017

Terms of Reference

I, Peter Carl Gutwein, Minister for Planning and Local Government, pursuant to section 30C(1) of the *Land Use Planning and Approvals Act 1993* (“the Act”), hereby issue these Terms of Reference for the preparation of draft amendment 01/2017 to the State Planning Provisions (SPPs).

Background

The Tasmanian Government recognises the importance of keeping the SPPs under regular review to ensure the intended planning outcomes are being delivered.

The State Planning Provisions were made on 22 February 2017 and came into effect on 2 March 2017. Planning authorities are currently in process of preparing their Local Provisions Schedules (LPSs). This provides an opportunity to address any issues that are identified in the SPPs prior to them becoming operative in each municipality.

Recent amendments have also been passed to transitional provisions in Schedule 6 of the Act.

Scope of the draft amendment

SPP draft amendment 01-2017 is to make any necessary amendments to the SPPs to align with the recently amended transitional provisions under Schedule 6 of the Act.

Specifically, the draft amendment provides for the following:

- (a) with regard to C6.0 Local Historic Heritage Code:
 - (i) transfer of existing heritage places in Local Provisions Schedules (LPSs) local heritage places list under Schedule 6, Clause 8D of the Act; and
 - (ii) assessment of existing heritage places transferred to the LPS local heritage places list under the Local Historic Heritage Code where no statement of local historic heritage significance, as defined, is currently available.
- (b) with regard to C13.0 Bushfire-Prone Areas Code – alignment of the Code provisions with *Planning Directive No.5.1 – Bushfire-Prone Areas Code (PD5.1)*, which takes effect on 1 September 2017 and causes a modified version of the Code to apply in interim planning schemes. PD5.1 responds to changes made within the Building Regulatory Framework, which now allows matters previously dealt with by planning, to be addressed at the building stage.
- (c) any other necessary minor amendments to the SPPs, particularly to correct any errors, remove any anomalies, improve clarity of interpretation, improve the structure for the LPSs, and any other matters that are able to meet the tests for not requiring public exhibition under section 30H(3) of the Act.

The draft amendment should be limited to those matters that are able to meet the tests for not requiring public exhibition under section 30H(3) of the Act.

Statutory requirements for the draft amendment

The draft amendment is to be prepared in accordance with the requirements in Part 3, Division 2 of the Act.