

State Planning Provisions (SPPs) Review

Summary of issues previously raised on the SPPs

Disclaimer: The following provides a summary of issues previously raised on the SPPs through various forums, including reports by councils in accordance with section [35G of the Land Use Planning and Approvals Act 1993](#) (the LUPA Act). It has been prepared as supporting information for the SPPs Review Scoping Paper.

All attempts have been made to summarise issues previously raised however, some may have been unintentionally excluded. The SPPs Review scoping process provides the opportunity for additional issues to be raised through written submissions to the Minister for Planning. These submissions will inform the SPP review process.

Section	Clause/Provision	Issues Raised
General	Various – Operation of Performance Criteria in use and development standards	<p>Suggestions to review how Performance Criteria work in the SPPs following the Resource Management and Planning Appeal Tribunal (RMPAT) decision on Henry Design & Consulting v Clarence City Council & Ors [2017] TASRMPAT 11 and other associated decisions on interim planning schemes.</p> <p>The RMPAT decisions outlined that the Performance Criteria is a freestanding test having no relationship to the Acceptable Solution. This means that the corresponding Acceptable Solution cannot be used as a consideration or ‘starting point’ for undertaking an assessment against the Performance Criteria.</p>
	Various – Operation of Performance Criteria by requiring use or development to be ‘compatible’ with what is existing	<p>Concerns raised with the meaning of ‘compatible’ in assessments against Performance Criteria in interim planning schemes. While this issue relates to interim planning schemes, it has implications for the SPPs as some Performance Criteria require use or development to be ‘compatible’ with existing use or development in the surrounding area.</p> <p>In the RMPAT decision on Henry Design & Consulting v Clarence City Council & Ors [2017] TASRMPAT 11, ‘compatible’ is taken to mean “not necessarily the same... but at least similar to, or in harmony or broad correspondence with the surrounding area”.</p>
	Various – Alignment with building regulations	<p>Suggest reviewing the SPPs for improved consistency with the Building Act 2016 and the Director’s Determinations, such as the building regulations for retaining walls.</p>
	Various - Local area objectives	<p>Suggest amending all use and development standards to allow for the consideration of Local Area Objectives or provide a general ability to consider Local Area Objectives for any use and development standard.</p>

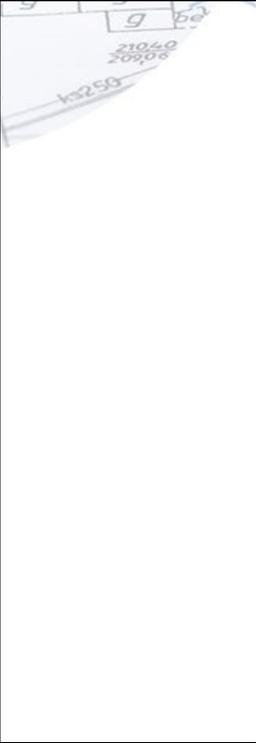
Section	Clause/Provision	Issues Raised
	Various – Subdivision and requirement for public open space	Suggest revising the subdivision requirements in the SPPs to manage the requirements for the public open space rather than relying on the requirements in the Local Government (Building and Miscellaneous Provisions) Act 1993 .
	Various – Landscaping requirements	<p>Landscaping is critical for a high quality built environment and liveable communities and needs to be a development standard in the SPPs for all multiple unit, commercial and industrial development and subdivision with new roads.</p> <p>Suggest including landscaping provisions similar to those existing in the commercial zones and Parking and Access Code in the Southern Region Interim Schemes in the Subdivision Standards for the following SPPs zones:</p> <ul style="list-style-type: none"> • General Residential; • Inner Residential; • Low Density Residential; • Village; • Urban Mixed Use; • Local Business General Business • Central Business; • Commercial; • Light Industrial; • General Industrial
	Various- subdivision lot design access and road provisions for all residential zones	Suggest including a requirement in the subdivision standards of all residential zones to ensure adequate vehicular access onto a lot, not just from the road to the lot.
	Various - Road connectivity provisions in subdivision standards	Suggest including threshold standards to determine if additional road connectivity is required in a subdivision proposal.
	Various - siting and scale of outbuildings in residential environments	Suggest including provisions similar to those in the Southern Region’s interim planning schemes for large or high outbuildings in residential areas.

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	Various – retaining walls and land filling	There are no requirements for retaining walls or land filling beyond the exemption.
	Various – Stormwater management	Suggest including the Stormwater Management Code from the Southern Region’s interim planning scheme into the SPPs.
	Various – Water quality management	Suggest reviewing the SPPs to improve water quality management outcomes from development and the subsequent impacts on nearby aquatic environments.
	Various – Light pollution	Suggest including provisions for management of light pollution impact on sensitive/significant or iconic landscapes.
	Aboriginal heritage	Suggest including a separate Aboriginal Heritage Code in consultation with the aboriginal community.
	Land filling and excavation	Suggest introducing a Filling and Excavation Code addressing: <ul style="list-style-type: none"> • impacts on character and amenity; • stability and appearance; • environmental impact; • flooding and drainage; • management of stockpiles; and • impacts on infrastructure, public utilities and easements.
	Application requirements	In some interim planning schemes, an application requirements section was included in all Codes and Specific Area Plans to provide clarity on what was required for all, or some, applications that are assessed under that Code. Suggest including an application requirements section for each Code in the SPPs and in the template for Specific Area Plans.
3.1 Planning Terms and Definitions	Tolerable risk	Definition needs further clarification.
	Private garden	Definition requires clarification as it is unclear how far a private garden extends. Implications for vegetation clearing exemption.
	Employment training centre	Suggestion to broaden the definition to also allow for “training in specialised or technical skills”.

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	Secondary residence	Suggest limiting secondary residences to single storey buildings and deleting the reference to laundry facilities.
	Additional term and definition – brewery	Suggest an additional definition for brewery.
	Additional term and definition – passive surveillance	Suggest an additional definition for the term ‘passive surveillance’. The term is used in front fence performance criteria and would provide more clarity to developers.
	Additional/clarification of terms and definitions – access, access ways, driveway, vehicle crossing	Suggest additional definitions for ‘access’, ‘access ways’, ‘driveway’, amending the definition for ‘vehicle crossing’ and clarifying the use of term ‘access’ throughout the SPPs.
	Additional definitions - café and restaurant	Suggest additional definitions for café and restaurant.
4.0 Exemptions	Various exemptions	<p>The following exemptions in the SPPs should include full range of limitations as expressed in Planning Directive No. 1 (e.g. heritage, scenic, threatened vegetation, wetlands and watercourses, potentially contaminated land, salinity and landslip):</p> <ul style="list-style-type: none"> • 4.2.3 irrigation pipes • 4.2.4 road works • 4.2.7 minor infrastructure • 4.2.8 navigation aids • 4.3.5 temporary buildings and works • 4.3.6 unroofed decks • 4.3.7 outbuildings • 4.3.8 outbuildings in the Rural Living Zone, Rural Zone or Agriculture Zone • 4.3.9 agricultural buildings and works in the Rural Zone or Agriculture Zone • 4.3.11 garden structures • 4.4.2 landscaping and vegetation management
	4.0.3 actively mobile landforms	Unclear what actively mobile landforms are, particularly in limiting the exemptions.

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	4.1.4 home occupation	<p>Concerned with removing the limitation of 'occasional visitors' as it could cause significant amenity impacts (e.g. yoga classes or lessons or therapy with traffic and noise impacts).</p> <p>Limited to a 'dwelling' therefore cannot be in a shed, outbuilding or garden.</p>
	4.1.5 markets	<p>Exempting markets is problematic if insufficient parking is provided.</p>
	4.2.4 road works	<p>Lack of clarity in terminology – 'including' does not provide exhaustive list, 'carriageway' not defined, refers to 'maintenance repair and upgrading' and also 'making, placing and replacement'</p> <p>Unclear where the 3m distance is measured from (e.g. title boundary or road reserve or existing road shoulder). There is potential for significant impacts on native vegetation, sensitive environments and waterways.</p> <p>It could allow for the replacement of heritage bridges.</p> <p>The term 'upgrade' is broad; the scope of upgrade should be defined as the exemption for maintenance, repair and upgrades of roads may extend up to 3m outside the road reserve including the replacement of bridges in the same or adjacent position.</p>
	4.3.2 internal building and works	<p>Suggest inserting a column headed 'Significant Interior' to LPS Table C6.I Local Heritage Places. Amend the wording of 4.3.2 in the SPPs to read:</p> <p style="padding-left: 40px;">"All internal building and works unless identified as a Significant Interior in Table C6.I Local Heritage Places I" (retaining the footnote relating to places entered on the Tasmanian Heritage Register as is). (pp.8-9)</p>
	4.3.6 unroofed decks	<p>The exemption should apply to all unroofed decks, including those attached to, or abutting, a habitable building.</p> <p>Decks should be permeable and not require the removal of trees.</p>
	4.3.7 outbuildings	<p>The exemption for outbuildings requires clarification, particularly in relation to existing outbuildings and for larger outbuildings.</p> <p>SPO Note: The exemption is being clarified as a minor amendment of the SPPs.</p>
	4.3.9 agricultural buildings and works in the Rural Zone or Agriculture Zone	<p>The exemption for "agricultural works" should exclude works subject to the Natural Assets Code.</p>
	4.3.10 demolition 7.9 Demolition	<p>Suggest revising 4.3.10 to:</p>

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		<p>Demolition of buildings - unless the Local Historic Heritage Code applies and requires a permit for the use or development; and</p> <p>The general provision relating to demolition can then be deleted.</p>
	4.4.1 vegetation removal for safety or in accordance with other Acts	<p>Under clause 4.4.1(f), vegetation removal within 2m of lawfully constructed buildings and infrastructure for maintenance and repair could allow private landowners to remove significant trees or heritage gardens.</p> <p>The provisions do not allow protection of vegetation protected under other parts of the SPPs, including the Scenic Protection Code, Local Historic Heritage Code and the Natural Assets Code.</p>
	4.4.2 landscaping and vegetation management	<p>Unclear whether the landscaping and vegetation management exemption allows for the clearing of vegetation on a site.</p> <p>Concerned with landscaping and vegetation management occurring in private gardens with very few exceptions as it could remove significant vegetation that is normally managed through codes.</p>
	4.5.1 ground mounted solar energy installations	<p>Concerned there is no height limit for ground mounted solar energy installations, with potential amenity and solar access issues for neighbours, and no heritage considerations.</p>
	4.6.2 use or development in a road reserve or on public land	<p>No consideration of impacts of outdoor seating and impacts on car parking requirements. Unclear why reference to council by-laws have been removed.</p>
	4.6.3 fences within 4.5m of a frontage	<p>Exemption fences should be limited to 1.2m in height. Concerned that a fence up to 1.8m with 30% transparency will result in poor outcomes.</p> <p>Suggest incorporating an exception to the exemption for and any applicable standard in a Particular Purpose Zone or Specific Area Plan. This could enable an LPS to address front fencing as appropriate to an area.</p>
	4.6.5 fences for security purposes	<p>Whilst there may be reasons for a security fence to be solid, solid fences have a significant impact on the streetscape and should not be exempt. A solid fence also directly conflicts with the objective for landscaping in clauses 19.4.3 and 18.4.5 of the SPPs.</p>
	4.6.6 fences in the Rural Zone or Agriculture Zone	<p>The exemption should be amended to avoid solid fences. Solid fencing in these zones has a significant impact on the rural character, particularly if above 1.2m and across large frontages.</p> <p>The exemption should not allow native vegetation to be removed.</p>

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	<p>Exemptions – restrictions for protecting electricity infrastructure corridors</p>	<p>TasNetworks has identified the following SPP exemptions as requiring revision to exclude development within the electricity transmission corridor due to the potential impacts on electricity infrastructure:</p> <ul style="list-style-type: none"> • 4.3.6 unroofed decks • 4.3.7 outbuildings • 4.3.8 outbuildings in Rural Living Zone, Rural Zone or Agriculture Zone • 4.3.9 agricultural buildings and works in the Rural Zone or Agriculture Zone • 4.3.11 garden structures • 4.5.1 ground mounted solar energy installations • 4.5.2 roof mounted solar energy installations • 4.6.8 retaining walls • 4.6.9 land filling • 4.6.13 rain-water tanks • 4.6.14 rain-water tanks in Rural Living Zone, Rural Zone, Agriculture Zone or Landscape Conservation Zone • 4.6.15 fuel tanks in the Light Industrial Zone, General Industrial Zone, Rural Zone, Agriculture Zone or Port and Marine Zone • 4.6.16 fuel tanks in other zones
	<p>New exemption – maintenance and improvements to existing fire trails and other fire protection infrastructure</p>	<p>Suggest an exemption for routine maintenance and improvements to existing fire trails and other fire protection infrastructure. Fire trails are not covered by the current exemption in clause 4.2.4 of the SPPs for road works as a fire trail does not meet the definition of a 'road'.</p> <p>The exemption could require works to be in accordance with a plan for fire management endorsed by the Tasmania Fire Service or the other entities involved in fire management (e.g. Sustainable Timbers Tasmania, Parks and Wildlife Service and councils).</p>
<p>6.0 Assessment of an Application for Use or Development</p>	<p>6.1.2 Application requirements</p>	<p>All Councils have direct access to all title information and therefore no title information should be required. The provision of title information makes that information public and there is no public benefit or need for that.</p>

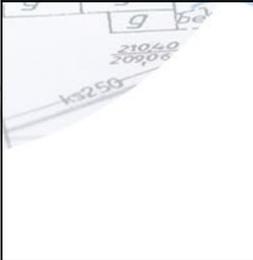
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	6.1.3 Application requirements	Local historic heritage is absent from clause 6.1.3 that lists the categories that planning authorities can require additional information in relation to.
7.0 General Provisions	7.1 Changes to an Existing Non-conforming Use	Unclear if you can change to another non-conforming use.
	7.3 Adjustment of a boundary	Suggest quantifying the change in lot size that is allowable for a minor boundary adjustment to avoid confusion.
	7.4 Change of Use of a Place listed on the Tasmanian Heritage Register or a Local Heritage Place	Should require the preparation of a heritage impact statement and conservation management plan.
	7.6 Access, and Provision of Infrastructure Across Land in Another Zone	Suggestion for bushfire protection works to also be included to allow for a bushfire hazard management area or perimeter fire trail within an adjoining zone that prohibits a particular use class to which the works relate (e.g. residential)
	7.12 Sheds on vacant sites	Need to clarify how sheds on vacant sites are intended to be assessed if they do not meet the requirements in clause 7.12. Also unclear how this provision works with regard to the use of the shed. This provisions should also apply to the General Residential Zone.
	New general provision – subdivision	Some interim planning schemes made it clear at clause 9.10 (special provisions) which subdivision were discretionary, particularly referencing the requirements of the Local Government (Building and Miscellaneous Provisions) Act 1993 .
	New general provision – subdivision along zone boundaries	Suggest a new general provision to allow subdivision to occur along lot boundaries, particularly for instances where it creates lots that are below the minimum required for that zone.
Zones	General – fence requirements	Front fencing requirements should be provided in all residential and commercial zones.
	General – vegetation requirements	Suggest including vegetation clearing requirements in the Rural Living Zone and Rural Zone.
10.0 Low Density Residential Zone	10.2 Use Table	Suggest including maximum floor area standards for the General Retail and Hire Use Class in the Low Density Residential Zone .
	10.4 Development Standards for Dwellings -10.4.3 A2 setback	The 5m side and rear setback requirement is excessive. Suggest staggered side and rear boundary setbacks for the Low Density Residential Zone, such as: <ul style="list-style-type: none"> • 1.5m if less than 1200m²;

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		<ul style="list-style-type: none"> • 3m if between 1200 and 2500m²; and • 5m otherwise.
	10.4 Development Standards for Dwellings -10.4.4 PI(b) Site Coverage	Suggest expanding the performance criteria for site coverage to include reference to the capacity of the site to manage wastewater in addition to runoff.
General Residential Zone and Inner Residential Zone	Issues raised on the General Residential Zone and Inner Residential Zone are included in the <i>Review of Tasmania's Residential Development Standards – Issues Paper</i>.	
11.0 Rural Living Zone	11.4.2 A4(b) – setbacks for sensitive uses	Suggest this should be limited to “an existing building for a sensitive use on the site is within 200m”
	11.5.1 Lot design	Suggestion to include a 5000m ² minimum lot size for subdivision. Question whether the 10ha minimum lot size is necessary.
	New standard – building design	Suggest including design standards to maintain character and minimise visual impact of development.
	New standard – natural and landscape values	Suggest introducing provisions for protection of existing natural and landscape values in the Rural Living Zone as there are no design standards in this zone for regulating these values.
Industrial Zones (Light Industrial Zone and General Industrial Zone)	New development standard - fencing	A fencing standard should also be inserted into the Light Industrial Zone and General Industrial Zone similar to those in the interim schemes for those zones.
	New development standard – building design	There should be building design requirements to deliver quality design for industrial buildings.
Rural Zone and Agriculture Zone		Concerned that the Rural Zone and Agriculture Zone provide for an unlimited number of sheds.
	20.4.3 & 21.4.3 Access for new dwellings	The standard should allow for legal access to a dwelling via a Crown Reserved Road.

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21.0 Agriculture Zone	21.3.1 Discretionary uses	Further guidance should be provided for when a dwelling is appropriate in the Agriculture Zone.
	21.5.1 Lot design	Suggest excluding the ability for the excision of Visitor Accommodation and dwellings in the Agriculture Zone.
22.0 Landscape Conservation Zone	22.4.4 Landscape protection	Clauses 22.4.4 A1 and 22.4.4 A2 both reiterate “ <i>Building and works must be located within a building envelope, if shown on a sealed plan</i> ”. Unclear why this is repeated in both requirements?
	New standards- Residential amenity	There is no consideration of residential amenity and the potential impacts of Discretionary use to established residential amenity in the zone standards.
23.0 Environmental Management Zone	23.2 Use Table	The Permitted qualifications in the use table avoids public involvement in decisions on public land which is inconsistent with the objectives of the LUPA Act.
CI.0 Signs Code	Table CI.3 Real estate sign	There are no dimensions limiting the size of exempt real estate signs. With real estate agents being extremely competitive, real estate signs are getting bigger and more plentiful and creating excessive visual clutter with a number of complaints received. Suggest limiting them to an area of 3m ² .
	CI.4 Development exemption from this Code	Limitation should be included in the Signs Code exemptions to restrict signs being changed to a third party sign.
	CI.6.1 A3 Design and siting of signs	Unclear how many signs are permitted for each business. How can you have one for each window when under A3(a) only one “Window Type sign’ is permitted?
	CI.6.2 - Illuminated signs	Suggest changes to performance criteria in subclause CI.6.2 PI (j): whether the sign is visible from the road and if so the impact on drivers of motor vehicles and other road users as assessed by a suitably qualified person.
	CI.6.3 & Table C I.6	Issues regarding number of ground-based signs per frontage: Table CI.6 allows 1 ground-based sign per 20m of frontage. Clause CI.6.1 A3 (d) allows six signs per business if the frontage is more than 20m in length; not reasonable for Rural Zone or Agriculture Zone.
	CI.6.4 - Signs on local heritage places and in local heritage precincts and local historic landscape precincts	Suggest inserting a new clause in clause CI.2 of the Signs Code to clarify that clause CI.6.4 does not apply to a registered Place entered on the Tasmanian Heritage Register’. Suggest replacing the term ‘unacceptable impact’ in clause CI.6.4 with ‘adverse impact’.

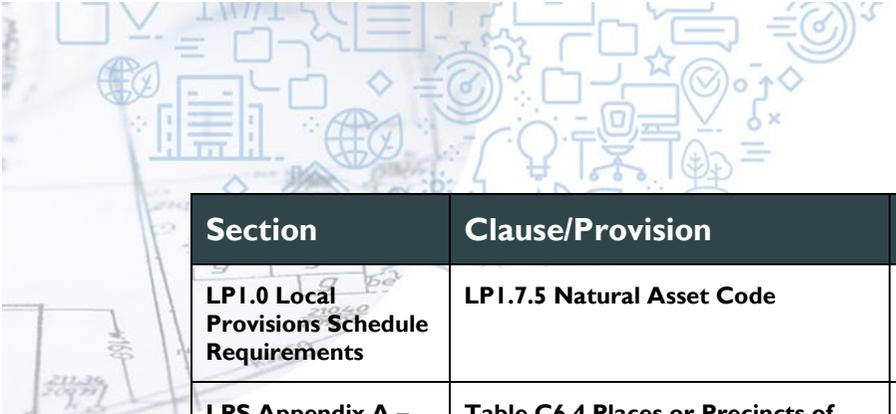
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	Table C1.6 Blade sign	A blade sign should not be prohibited in the Rural zone and Agriculture zones. A blade sign is often the most sophisticated of signage designs.
C2.0 Parking and Sustainable Transport Code	General – car parking space requirements	Concern that the car parking space requirements are excessive and do not encourage other forms of sustainable transport (e.g. public transport and active transport) and impacts on liveability.
	C2.6.2 Design and layout of parking areas	Clause C 2.6.2 A1.1 should be reviewed as there are many parts of it that are ambiguous and confusing. For example, there are parts of A1.1(a) that do not pick up important features of the Australian Standard. However, the way it is worded (i.e. (a) or (b)) means that necessary parts of the AS aren't included in (a).
	C2.5.1 - Use Standards	Suggest new clauses under clause C2.5.1 requiring provision of accessible parking to link with the development standards in clauses C2.6.2 A1.2 and C 2.6.5 A1.2.
	C2.6.2 and Table 2.3	Technical issues - the design for parking in clause C2.6.2, which refers to Table C2.3 for width and length of car parking spaces and aisles, is different to AS2890.1 figures 2.2 and 2.5.
	Table C2.1- Parking Space Requirements	Suggest car parking ratios for café and restaurant be consistent of 1 space per 15m ² as currently the number of car parking required for café is unreasonable compared to that for restaurant.
	Table C2.2 - Internal Access Way Widths for Vehicles	The widths specified for access ways are inconsistent with the bushfire requirements and with the Australian standards. For uses that require 1 to 5 spaces, the passing bay width is not wide enough for two vehicles to pass.
C3.0 Road and Railway Assets Code	C3.2 – application of the code	Suggest applying the noise attenuation provisions in the Code based on mapped overlays or more accurate on-ground information for situations where road infrastructure has been upgraded.
C6.0 Local Historic Heritage Code	Application of Code - significant trees	Suggest creating a standalone Code for Significant Trees.
	Application of Code – places listed on the Tasmanian Heritage Register (THR)	Suggest modification to ensure that places listed both locally and on the THR are only required to be assessed by the Tasmanian Heritage Council.
	C6.6.1 - Demolition	Suggested changes: <ul style="list-style-type: none"> In C6.6.1 Objective and the PI preamble, replace the words 'unacceptable impact' with 'adverse impact'.

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		<ul style="list-style-type: none"> Delete C6.6.1, P1 (g) whether demolition is a reasonable option to secure the long-term future of a building or structure. Delete C6.6.1, P1 (h) any economic considerations.
C7.0 Natural Assets Code	General	<p>Suggest reviewing Natural Assets Code to:</p> <ul style="list-style-type: none"> recognise the Regional Ecosystem Model as the basis for the Priority Vegetation overlay. review the composition of the Regional Ecosystem Model to ensure it provides a suitable data base to deliver the functions and protections of the Natural Assets Code, RMPS and the Act; and have State take on ownership and maintenance of the REM as part of the Natural Assets Code. <p>Suggest revision of the LPS mapping to include all species and vegetation communities listed under the <i>Threatened Species Protection Act 1995</i>, <i>Nature Conservation Act 2002</i> and <i>Environment Protection and Biodiversity Conservation Act 1999</i>, and revision of the Priority Vegetation layer.</p>
	C7.2 Application of this Code	<p>Suggest allowing the priority vegetation overlay to apply to the Agriculture Zone and provide suitable exemptions for agricultural use in accordance with a Forest Practices Plan.</p> <p>Suggest not applying the Future Coastal Refugia area provision to the Open Space zone as it will constrain future use and development of existing key community facilities.</p>
	C7.3 Definition of terms – clearance of native vegetation	Suggest inserting a definition of 'clearance of native vegetation' to clarify the scope of assessment under the Natural Assets Code and avoid confusion with definition of 'clearance and conversion'.
	C7.3 Definition of terms – priority vegetation	Suggest deletion of the definition of 'priority vegetation'. There is no need to define the term due to the priority vegetation area overlay being an expression of the aggregated data – the provisions should express the action without a further question being raised on the meaning of 'priority vegetation' within the operation of the standards.
	C7.4 Use or development exempt from this Code	The SPPs should close the substantive loophole for certified forest practices plans in the Code exemption. The purpose of the exemption is to avoid assessment duplication, but fails to take account of the different appreciation of scale of forestry practices compared to development practices and the differing assessment models. This should be discussed further with relevant agencies and resolved.
	C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area	Suggest removing the prohibition on development that is not reliant on a coastal location. It does not allow an applicant to demonstrate that the development is in accordance with the other requirements in clause C7.6.2 P2.1.

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	C7.6.2 Clearance within a priority vegetation area	<p>Clause C7.6.2 does not deliver the stated objectives and gives no guidance on the underlying policy or intended outcome.</p> <p>Clause C7.6.2 PI.1 and PI.2 should not limit the purpose of the vegetation clearance, instead it should answer the simple question of whether the native vegetation should be cleared and the maintenance of habitat to provide for the ongoing survival of priority species.</p> <p>Suggest the code establish an approach of 'avoid, minimise, and offset' based on the scarcity of the vegetation community similar to the Southern Region's interim planning schemes.</p>
	C7.6.2 Clearance within a priority vegetation area (offsets)	<p>There is a question of law over whether planning schemes can regulate off-site biodiversity offsets – offsets should also be a last resort. Offset principles are operated within other systems such as dam and forestry assessment and the matter may be worthy of consideration for development assessment.</p> <p>SPO Note: Clause C7.6.2 PI.2 only refers having regard to 'on-site' biodiversity offsets.</p>
	C7.7.2 Subdivision within a priority vegetation area	<p>Clause C7.7.2 does not deliver the stated objectives and give no guidance on the underlying policy or intended outcome.</p>
	Table 7.3 – Definition of Waterway and Coastal Protection Areas	<p>The definition means that the protection area needs to be physically measured each time, rather than relying on the buffers included in the mapping.</p> <p>Suggest amending the definition as below.</p> <p>means land:</p> <p>(a) shown on an overlay map in the relevant Local Provisions Schedule as within a waterway and coastal protection area; or</p> <p>(b) within the relevant distance from a watercourse, wetland, lake or the coast that is not mapped in the Local Provisions Schedule shown in the Table C7.3 below, but does not include a piped watercourse or piped drainage line.</p> <p>The depiction of a watercourse, or a section of a watercourse on an overlay map in the relevant Local Provisions Schedule, is definitive regardless of the actual area of the catchment.</p>
C8.0 Scenic Protection Code	C8.6.1 Development within a scenic protection area	<p>Suggest modifying provisions to allow for the protection to scenic coastal and rural areas, not just ridgelines and skylines.</p>
	General	<p>Suggest fully revising C8.0 Scenic Protection Code addressing the particular issues:</p>

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		<ul style="list-style-type: none"> • A focus on skylines and not all scenic landscapes, in that the Code does not adequately provide for landscapes in coastal areas, river estuaries, or highly scenic rural areas. There is also no definition for skyline. • Improve the ability of the code to comply with strategies identified in the Regional Land Use Strategies for management of scenic resources and the Objectives of the Resource Management and Planning System and the LUPA Act for sustainable development, management of resources and consideration of intergenerational impacts. • There are difficulties in interpreting and applying the Scenic Road Corridor provisions, and limited ability to provide scenic protection in any instance. • There is limited scenic protection within Rural and Agricultural Zones. • The intent to protect hedgerows and exotic trees close to scenic road corridors under the Code is effectively removed by the vegetation removal exemption at Clause 4.4.1 or Clause 4.4.2. • Consider the impacts of the exemptions on the function and purpose of the Code. • Provide recognition for the significance of scenic values (such as national, state and local) and the impacts of development on them. • provide recognition for the significance of scenic values (such as national, state and local) and the impacts of development on them.
C9.0 Attenuation Code	C9.2 Application of the Code	<p>Suggest insertion of the following:</p> <p>C9.2.5 The code does not apply to sensitive uses, or subdivision if it creates a lot where a sensitive use could be established, within an attenuation area, where there are existing sensitive uses located between the use or development and the activities listed in Tables C9.1 and C9.2.</p>
	C9.4.1 Use or Development Exempt from this Code	<p>Suggest adding a part (c) under clause C9.4.1:</p> <p>(c) Development for uses which are no permit required or permitted in the subject zone where development is proposed.</p>
C11.0 Coastal Inundation Hazard Code	C11.4 Use or development exempt from the code	<p>Suggest amending clause C11.4.1 to insert:</p> <p>use of land within a low or medium coastal inundation hazard band and in an urban zone, excluding for a critical use, hazardous use or vulnerable use.</p>
	C11.5 Use Standards	<p>Redraft clauses C11.5 and C11.6 to:</p> <ul style="list-style-type: none"> • remove requirements for uses to rely on a coastal location to fulfil its purpose in non-urban zones;

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	C11.6 Development Standards for Buildings and Works	<ul style="list-style-type: none"> align the drafting with the approach to managing landslip hazards.
C12.0 Flood Prone Areas Hazard Code	General	Suggest introducing Acceptable Solutions to the Flood Prone Areas Hazard Code standards to enable a Permitted pathway for use and development within a flood prone hazard areas overlay map.
	C12.2.5 Application of the Code	Clause C12.2.5 should be deleted. It is critical that the Flood-Prone Hazard Code and Coastal Inundation Hazard Code are considered together if they overlap. A combined flooding and inundation event could increase the risk significantly and it would be negligent not to consider one of these factors when assessing future use and development.
C13.0 Bushfire Prone Areas Code	General	Suggest the Code should not require a Bushfire Hazard Management Plan to consider the suitability for a house where the subdivision is not to facilitate residential use.
C14.0 Potentially Contaminated Land Code	C14.0 Potentially Contaminated Land Code	Suggest that a mapped overlay is not a reasonable approach to apply the Potentially Contaminated Land Code; a non-statutory mapped overlay published to LIST map is preferable.
C15.0 Landslip Hazard Code	General	<p>Suggest there will be unnecessary risk and no tangible benefits allowing private Building Surveyors in decision making for areas of known risk.</p> <p>Suggest reviewing the requirement for mapping that is developed and maintained by the State Government to be part of the Local Provisions Schedule and consider if some mapping should be part of the State Planning Provisions.</p>
	C15.4 Use or Development Exempt from this Code	<p>Suggest amending clause C15.4.1 item (c)(iv) to:</p> <p>(c) Utilities, excluding a hazardous use.</p> <p>Suggest amending clause C15.4.1 item (d) to:</p> <p>(d) development on land within a low hazard band that requires authorisation under the Building Act 2016.</p>
	C15.6.1 Building and works within a landslip hazard	<p>Suggest inserting under C15.6.1 A1:</p> <p>A Geotechnical Practitioner has issued a Form D Geotechnical Declaration Minor Impact prepared under the Australian Geomechanics Society – Practice Note Guidelines for Landslide Risk Management 2007 for the building and/or works.</p>



Section	Clause/Provision	Issues Raised
LPI.0 Local Provisions Schedule Requirements	LPI.7.5 Natural Asset Code	The prescribed data requirements for the priority vegetation overlay map in clause LPI.7.5(c) are too broad and unworkable.
LPS Appendix A – Local Provisions Schedule Structure	Table C6.4 Places or Precincts of Archaeological Potential	Suggest inserting a column in Table C6.4 to identify THR Number of places or precincts of archaeological potential.

