

# INTERIM PLANNING DIRECTIVE NO. 3 – PERMITS FOR TEMPORARY HOUSING

## Overview

As a consequence of numerous and complex factors, Tasmania is currently experiencing considerable pressures on housing affordability and housing availability. Data suggests that levels of homelessness in Tasmania are also steadily rising.

While the Government is addressing the long-term provision of suitable permanent accommodation for all people experiencing homelessness, there is an urgent need to provide temporary housing options as an interim measure.

This requires ensuring local councils are able to issue planning permits for temporary housing in suitable locations. This may include the conversion of existing underutilised buildings, or the use of temporary buildings (such as converted shipping containers).

*Interim Planning Directive No. 3 – Permits for Temporary Housing (IPD3)* came into effect on 4 September 2019 and provides for councils to issue planning permits for

temporary housing for periods of up to 12 months, under specified circumstances.

## What is an interim planning directive?

An interim planning directive gives immediate and interim effect to provisions in a draft planning directive while it is being formally assessed by the Tasmanian Planning Commission (the Commission). Planning directives include provisions relating to the use and development of land in Tasmania.

Interim planning directives may be issued by the Minister for Planning under the former provisions<sup>1</sup> of the *Land Use Planning and Approvals Act 1993* (the Act) after considering the recommendations of the Commission on a draft planning directive. They can only be applied to land currently subject to an interim planning scheme or another planning scheme made under the former provisions of the Act.

An interim planning directive can only remain in effect for up to 12 months. An interim planning directive ceases to have effect once the planning directive is issued,

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<sup>1</sup> The former provisions of Part 2A of the Act which relate to planning directives remain in effect through the savings provisions under Schedule 6, Clause 3 of the Act. The savings provisions provide for the making of a planning directive, and an interim planning directive, as though the former provisions of the Act were still in operation.

following the formal assessment by the Commission.

## What does IPD3 do?

IPD3 provides local councils with the ability to issue a planning permit for temporary housing for up to 12 months but only under specific circumstances. The temporary housing must be funded or operated by, or on behalf of, the Director of Housing, or another recognised housing support provider, and must be made available to eligible persons<sup>2</sup> as defined under the *Homes Act 1935*. The 12 month period for the permit commences after an occupancy permit, or temporary occupancy permit, is issued in accordance with the *Building Act 2016*.

Specifically, IPD3 provides a:

1. Permitted pathway<sup>3</sup> for the use of an existing building, and any necessary minor development, for temporary housing in certain zones (refer to [Appendix I](#)).

2. Permitted pathway for installing buildings (such as converted shipping containers) for temporary housing on the same site, or a site adjoining, an existing social housing facility<sup>4</sup> in certain zones (refer to [Appendix I](#)).
3. Discretionary pathway<sup>5</sup> for the use and development of an existing building, or the installation of buildings, for temporary housing that is beyond the Permitted pathway options or in other zones.

IPD3 also requires specific conditions to be included in a planning permit requiring the restoration of the site within 6 months of the expiry of the permit.

More details on the planning requirements in IPD3 are contained in [Appendix I](#).

## How does IPD3 work with existing planning schemes?

IPD3 applies to all interim planning schemes and the *Sullivans Cove Planning Scheme 1997*. It overrides the provisions in the relevant planning scheme.

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<sup>2</sup> As of 19 April 2018, the Director of Housing determined that eligible persons in need of housing assistance are those that:

- are homeless or at risk of becoming homeless; or
- live in housing that is unsafe or unsuitable; or
- are a safety risk to themselves or others or there is a third party threat to them; or
- are living in housing that does not meet or makes worse their health or mobility; or
- do not have the financial capacity to meet their housing needs.

<sup>3</sup> A Permitted pathway means that the application for a planning permit will be subject to the requirements under section 58 of the *Land Use Planning and Approvals Act 1993*.

<sup>4</sup> This is limited to an existing residential facility funded or operated by, or on behalf of, the Director of Housing or a housing support provider.

<sup>5</sup> A Discretionary pathway means that the application for a planning permit will be subject to the requirements under section 57 of the *Land Use Planning and Approvals Act 1993*.

The Permitted pathway requirements under IPD3 substitute for the relevant planning scheme. This means that no other provisions of the relevant planning scheme apply to temporary housing that meets the Permitted pathway requirements under IPD3.

The Discretionary pathway requirements under IPD3 operate differently. These requirements override the applicable provisions in the relevant planning scheme to the extent of any inconsistency. This means that if a provision of the relevant planning scheme is directly or indirectly inconsistent with the IPD3 requirements, the IPD3 requirements prevail to the extent of that inconsistency.

The Permitted pathway requirements under IPD3 do not apply if the proposal already has the status of No Permit Required under the relevant planning scheme. Similarly, the Discretionary pathway requirements under IPD3 do not apply if the proposal already has the status of No Permit Required or Permitted under the relevant planning scheme.

## Does IPD3 affect building approvals under the *Building Act 2016*?

IPD 3 only relates to the issuing of a planning permit. The normal building permits or authorisations for temporary housing under the *Building Act 2016* remain applicable.

## What happens if the planning directive is not approved?

While IPD3 is operating the Commission is required to assess the draft planning directive that is in the same form as the IPD. If the assessment recommends either modifications or that the planning directive is not appropriate to make permanently, and the Minister agrees with such recommendations, then the provisions of the IPD will cease to operate.

However, any permits issued under IPD3 will still be valid.

## Where can I find a copy of IPD3?

A copy of *Interim Planning Directive No. 3 – Permits for Temporary Housing* can be viewed on the Tasmanian Planning Reform website: <https://www.planningreform.tas.gov.au/home>

## Enquiries

Any enquiries can be directed to the Planning Policy Unit within the Department of Justice at [Planning.Unit@justice.tas.gov.au](mailto:Planning.Unit@justice.tas.gov.au) or by telephoning (03) 6166 1429.

September 2019

## Appendix I – Summary of Interim Planning Directive No. 3 requirements

### INTERIM PLANNING SCHEMES

Requirements	Permitted pathway for temporary housing within existing building	Permitted pathway for temporary housing within temporary buildings	Discretionary pathway for temporary housing within existing building or temporary buildings
Applicable zones	General Residential Zone Inner Residential Zone Urban Mixed Use Zone Central Business Zone General Business Zone Local Business Zone Community Purpose Zone Recreation Zone Open Space Zone Commercial Zone (Hobart Interim Planning Scheme only)	General Residential Zone Inner Residential Zone Urban Mixed Use Zone Central Business Zone General Business Zone Local Business Zone Community Purpose Zone Recreation Zone Open Space Zone Commercial Zone (Hobart Interim Planning Scheme only)	All zones
Other locational requirements	Nil	Same site, or site adjoining, an existing residential facility funded or operated by, or on behalf of, the Director of Housing or a housing support provider.	Nil
Building height	Nil, only minor building works and structures allowed which are necessary for use of the existing building.	8m	In accordance with the relevant planning scheme
Building setbacks	Nil, only minor building works and structures allowed which are necessary for use of the existing building.	Half the wall height of the building if adjoining the General, Low Density, or Inner Residential Zone, excluding: <ul style="list-style-type: none"> <li>an adjoining property containing the existing residential facility to which it relates; and</li> <li>the portion of the wall that has a height of 3m or less.</li> </ul>	In accordance with the relevant planning scheme
Heritage requirements	Must not involve: <ul style="list-style-type: none"> <li>alterations or modifications to a heritage building unless required by fire regulations and not visible off the site; or</li> <li>excavations to a depth of more than 0.3m and an area of 20m<sup>2</sup> on site of archaeological significance.</li> </ul>	Must not involve: <ul style="list-style-type: none"> <li>alterations or modifications to a heritage building unless required by fire regulations and not visible off the site; or</li> <li>excavations to a depth of more than 0.3m and an area of 20m<sup>2</sup> on site of archaeological significance.</li> </ul>	In accordance with the relevant planning scheme
Natural hazard code requirements	Bushfire-Prone Areas Code, or a code relating to flooding, inundation, or landslip hazards, must not apply.	Bushfire-Prone Areas Code, or a code relating to flooding, inundation, or landslip hazards, must not apply.	In accordance with the relevant planning scheme

## SULLIVANS COVE INTERIM PLANNING SCHEME 1997

Requirements	Permitted pathway for temporary housing within existing building	Permitted pathway for temporary housing within temporary buildings	Discretionary pathway for temporary housing within existing building or temporary buildings
Applicable activity areas	Activity Area 1.0 Inner City Residential (Wapping) Activity Area 2.0 Sullivans Cove Mixed Use	Activity Area 1.0 Inner City Residential (Wapping) Activity Area 2.0 Sullivans Cove Mixed Use	All activity areas
Other locational requirements	Nil	Same site, or site adjoining, an existing residential facility funded or operated by, or on behalf of, the Director of Housing or a housing support provider.	Nil
Building height	Nil, only minor building works and structures allowed which are necessary for use of the existing building.	8m	In accordance with the relevant planning scheme
Building setbacks	Nil, only minor building works and structures allowed which are necessary for use of the existing building.	Nil	In accordance with the relevant planning scheme
Heritage requirements	Must not involve: <ul style="list-style-type: none"> <li>alterations or modifications to a heritage building unless required by fire regulations and not visible off the site; or</li> <li>excavations to a depth of more than 0.3m and an area of 20m<sup>2</sup> on place of archaeological sensitivity.</li> </ul>	Must not involve: <ul style="list-style-type: none"> <li>alterations or modifications to a heritage building unless required by fire regulations and not visible off the site; or</li> <li>excavations to a depth of more than 0.3m and an area of 20m<sup>2</sup> on site of archaeological significance.</li> </ul>	In accordance with the relevant planning scheme
Requirements of other schedules	Nil	Nil	In accordance with the relevant planning scheme