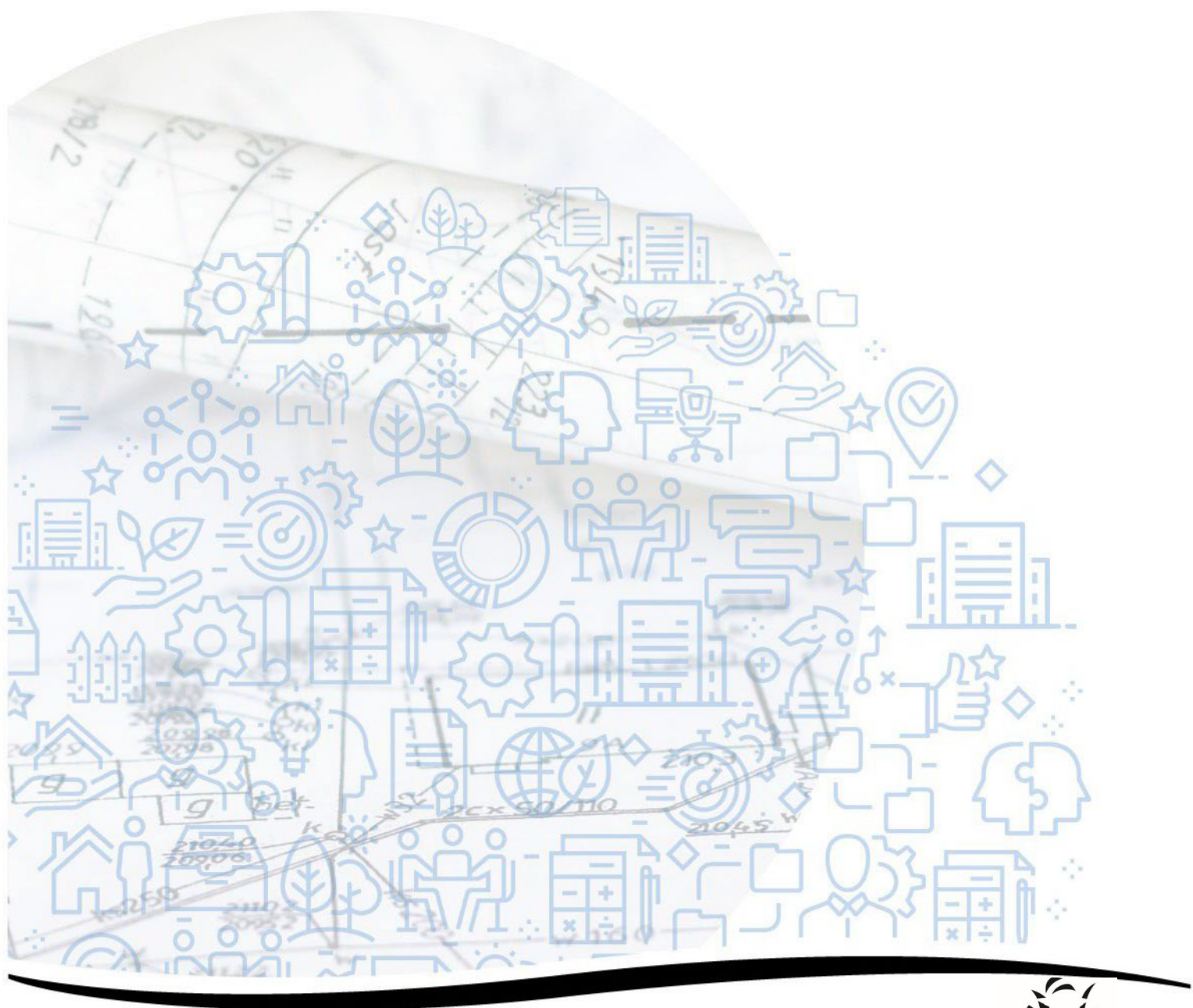


Summary of key issues raised in SPPs issues scoping consultation

May – August 2022



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Introduction

The purpose of this report is to provide a summary of the comments received in the State Planning Provisions (SPPs) review scoping consultation process from 25 May to 12 August 2022.

The scoping consultation is the start of the first five yearly review of the SPPs, and the first opportunity for public comment in the process.

This report has been prepared following the first examination of each submission received in the SPPs review scoping consultation, it indicates some key points raised in submissions, as well as listing the range of topics raised in Appendix 1 and listing the submissions in Appendix 2. All of the submissions are available for viewing on the [Planning in Tasmania website](#)¹.

This report only provides preliminary advice on the content of the submissions from the SPPs review scoping process and does not analyse the issues or propose any amendments to the SPPs.

Background to SPPs Review scoping consultation

The State Planning Provisions (SPPs) came into effect as part of the Tasmanian Planning Scheme on 2 March 2017 following a comprehensive assessment process undertaken by the independent Tasmanian Planning Commission (the Commission), which included extensive public exhibition and 25 days of public hearings.

The SPPs are the statewide set of consistent planning rules in the Tasmanian Planning Scheme (TPS). The SPPs play an important role in the management of the use, development, and conservation of land in Tasmania. The SPPs contain the planning rules for the 23 zones and 16 codes in the TPS, along with the administrative, general, and exemption provisions. The SPPs are used for the assessment of applications for planning permits.

The SPPs are currently in effect in around half of the municipalities in the State and will come into effect in the remaining areas following the approval of each council's Local Provisions Schedule (LPS). The SPPs have been in effect in some local government areas for 2 years, and some parts of the SPPs are also already in effect in the remaining interim planning schemes.

Under the *Land Use Planning and Approvals Act 1993* (LUPAA), the SPPs are required to be reviewed every five years. This review is now due.

LUPAA also requires that the SPPs be reviewed in the context of the Tasmanian Planning Policies (TPPs) once they are made. The TPPs are currently being prepared and a suite of draft TPPs are now available for public consultation, before the independent review by the Commission, starting in 2023.

The SPPs are being reviewed for the first time with the process occurring in two stages over approximately 2 years. Regular review of the SPPs is not only a statutory requirement but

¹ <https://planningreform.tas.gov.au/planning-reforms-and-reviews/review-of-the-state-planning-provisions>



also represents best practice to ensure they remain contemporary and fit-for-purpose, keeping pace with emerging planning issues and pressures, and implementing constant improvement.

Scope and limitations of the review

The review will consider the SPPs component of the Tasmanian Planning Scheme. The aim is to identify the provisions of the SPPs that may require review, as well as if there is a need for any new provisions in the SPPs. All of the SPPs are open to review.

It is important to note that this review does not include the:

- Local Provisions Schedules;
- Regional Land Use Strategies;
- State Policies; or
- the broader planning framework within LUPAA and associated legislation.

Additional background information on SPPs review

More information about the State Planning Provisions Review can be found on the [Planning in Tasmania website](#)². The key document explaining the scoping consultation is [the SPPs Review – Scoping Paper – May 2022](#)³ (the scoping paper). Supporting information for the scoping consultation includes a [Summary of issues previously raised on the SPPs](#)⁴, all of the issues previously raised will become part of future analysis.

SPPs review scoping consultation May – August 2022

The SPPs review scoping consultation period was open from 25 May to 12 August 2022. In response to requests for additional time, the original 2 month consultation period was extended for a further 2 weeks. After that period, numerous late submissions were accepted upon individual request, until early September 2022.

There were 162 submissions received, providing both general comments and specific requests for changes to be made on a wide range of topics. A list of those who made submissions is included at Attachment I.

For comparison, 303 representations were received in 2016 when the SPPs were first formally exhibited for assessment by the Commission.

² <https://planningreform.tas.gov.au/planning-reforms-and-reviews/review-of-the-state-planning-provisions>

³ https://planningreform.tas.gov.au/__data/assets/pdf_file/0011/660908/SPPs-Review-Scoping-Paper-May-2022.pdf

⁴ https://planningreform.tas.gov.au/__data/assets/pdf_file/0003/660927/State-Planning-Provisions-Review-Summary-of-Issues-Previously-Raised-on-SPPs.pdf



Next steps in SPP review

The SPPs review will be progressed over two stages as outlined in the [SPPs Review timeline](#)⁵.

The State Planning Office (SPO) will carefully consider all comments received on the SPPs. A detailed analysis of the submissions will inform potential amendments to the SPPs and identify future projects to consider relevant matters in more detail. This process will be explained in a future more detailed scoping consultation report anticipated for release in early 2023.

Issues to be progressed will be broadly categorised into:

- matters that can be addressed by an SPPs amendment immediately;
- matters that require further review and analysis to inform any SPPs amendments;
or
- matters that require further consideration for consistency with the finalised TPPs before progressing to an SPPs amendment.

Stage 1 of the SPPs review will consider any immediate SPPs amendments, and projects to consider issues in more detail. Stage 2 of the SPPs review will follow the making of the TPPs and progress any SPPs amendments to deliver consistency with the TPPs.

Preparation of draft SPPs amendments will involve independent assessment by the Commission, including public exhibition, public hearings and recommendations to the Minister for Planning. The public assessment process followed by the Commission is set out in the LUPAA. Further information about the [SPPs amendment process](#)³ is available on the Commission's website.

How to keep up to date on the SPPs review

The SPPs review scoping consultation is the start of the five yearly SPPs review process and the first of many opportunities to get involved.

To receive updates about Tasmania's planning system you can check the [State Planning Provisions review](#)⁶ page on the Planning in Tasmania website, [register for SPO's newsletter](#) via email or contact the state.planning@dpac.tas.gov.au

⁵ <https://planningreform.tas.gov.au/planning-reforms-and-reviews/review-of-the-state-planning-provisions>

⁶ <https://planningreform.tas.gov.au/planning-reforms-and-reviews/review-of-the-state-planning-provisions>



Some key points raised in submissions

The following provides a summary of key points raised in the submissions. A more detailed summary of the submissions is contained in Appendix I.

SPPs operating well

The scoping consultation revealed there are large parts of the SPPs that are operating well and don't need detailed review, with very few, if any, issues raised about the suite of business, commercial, mixed use, village, future urban and major tourism zones, the suite of industrial, port, and utilities zones, the suite of community, recreation, open space zones, the rural living zone, or the electricity and telecommunications infrastructure codes.

Support for issues previously raised

Many of the known issues previously raised, as outlined in the scoping paper, were commented upon in detail in the submissions, suggesting most are current issues for further investigation.

Residential zones review

Submissions particularly focused on the suite of urban residential zones in response to the scoping paper and supporting information on residential development standards and medium density residential development. There are mixed views on many of the specific changes to residential zone provisions raised, issues include differentiating between residential zones, use standards to promote a variety of housing stock, and new subdivision standards. New codes for apartments, amenity standards, and neighbourhoods are also suggested.

Strategic and best practice planning

The foreshadowed residential zone review attracted many related comments on implementing best practice planning and urban design principles such as liveable communities, active transport, social and affordable housing, increased dwelling density, residential amenity, and local character. The majority of these are general suggestions, stating goals that could apply across all parts of the planning system. The goals overlap with the policy settings and drafting principles that will be included in the Tasmanian Planning Policies (TPPs) currently being developed, then embedded in the drafting of SPPs amendments that follow. Some of the suggested changes for urban residential development also relate to codes in the SPPs. For example, a review of the Parking and Sustainable Transport Code is requested to support infrastructure for active transport, particularly bicycles, and a variety of housing types.

Climate change is emphasised as an overarching issue to be integrated into the planning system. Review of some particular standards is requested in the suite of natural hazard codes.



Natural Assets Code

A common issue, in many submissions, is application and operation of the Natural Assets Code, particularly requesting broader application of the priority vegetation area overlay, and related matters in the suite of zones facilitating agriculture, rural industries, and protection of environmental values.

Interpretation and assessment

Some of the matters raised do not relate directly to the provisions of the SPPs. Some submissions from the community and industry groups request general guidance and communication on the SPPs and the planning system that can be understood by people who are not professional planning specialists.

Clearly implementation of the SPPs is still relatively new, with matters raised about general interpretation and consistent approaches to assessment in many submissions. The submissions from professional planning consultants and councils raise technical planning matters concerned with clarifying the detailed operation and assessments under the SPPs provisions, including deciding discretionary applications, requirements for expert reports, exemptions, definitions, subdivision standards, contributions for infrastructure, open space, and social housing, related legislation, and administrative processes for approvals.

There are also specific requests to review some of the application and operative provisions in codes for protecting heritage and scenic values, and for dealing with hazards or amenity issues such as bushfire, coastal erosion and inundation, flood, airports, road and rail, attenuation distances and signs.

Suggested new provisions

Submissions perceived gaps in the SPPs where a new zone, code, or other specific provisions are suggested to manage development. There are suggestions for a number of soil and water management provisions such as stormwater, land filling and excavation, dispersive soils, acid sulphate soils, geodiversity, and karst landscapes. Other suggestions were to manage windfarm siting and Aboriginal cultural heritage.

A few comments were targeted at provisions for supporting particular industries such as: agricultural production, seasonal workers, accommodating workers in remote areas, marine farming (aquaculture), forestry, whisky production, and artist's studios.

Staging SPPs review

There were mixed views on staging the next steps to the SPPs review and amendment process, some saying that important policy questions should be addressed and amended first before definitions, exemptions and other operational matters, others requesting that definitions and exemptions are clarified by amendments in the short term before the detailed investigation on policy issues. Some submissions expressed a view that no review or changes to the SPPs should be done before the Tasmanian Planning Policies (TPPs) are in place.



Local Provisions Schedule (LPS) matters

There are a few submissions that requested review or changes to zoning at specific sites in a Local Provisions Schedule (LPS) that cannot be addressed by the SPPs review. Matters relating to application of zones or codes in an LPS should be discussed with the local council responsible for administering the LPS. If a draft LPS has begun exhibition for public comment, information about the LPS assessment process is available on the [Tasmanian Planning Commission website](#).



Appendix I

Summary of issues raised in the submissions

The following list is a guide to the scope of issues raised in submissions; it is intended as a brief summary of matters raised rather than including every detail. The detail may be read in full copies of the submissions, available on the [Planning in Tasmania website, SPPs Review page](#)⁷.

In the list below, submissions are grouped under general themes and the contents of the SPPs. Inclusion in the list of submissions below does not indicate any response to the matter raised. As explained above, in the next steps of the SPPs review the submissions will be further considered and recommendations will be made in a more detailed scoping consultation report anticipated for release in early 2023.

Staged SPPs review

- Although not in effect in all municipalities, and only implemented for a short time in some, support the timing of the current review as the lessons gained so far can lead to early improvements in the clarity and practicality of the SPPs
- Put a hold on the SPPs review, the TPPs need to be developed first to inform the community of the policy framework that is contained within the SPPs and then changes proposed
- All elements of the SPPs should be reviewed and none omitted
- If consultation is staged, suggested order is: the codes and SPP purposes, the zones, administrative and exemptions provisions, and formatting the SPPs document should not be included
- Staged approach supported, suggested order:
 - Operational issues to improve effectiveness and more consistent interpretation - would provide short term benefits to address operational issues rather than delay these outcomes to deal with more complex matters
 - Policy issues – that require a more rigorous process of engagement with local government to resolve. Depending of the timing of the development of the Tasmanian Planning Policies (TPPs), amendments to reflect the TPPs could also be included in this stage.

⁷ <https://planningreform.tas.gov.au/planning-reforms-and-reviews/review-of-the-state-planning-provisions>



- Streamlined approach firstly focusing more narrowly on priority issues:
 - those directly relevant to effective operation of current provisions or addressing a clear gap to be met whatever arises from subsequent TPPs and regional strategies (including issues relevant to achieving RMPS objectives).
 - In phase 2 a more comprehensive review of regulatory provisions informed by a robust state policy and strategy platform.
- Streamline the scope of the SPP review to address the critical concerns with the current SPP, while addressing phase 2 planning reform opportunities that have a high likelihood of arising from the development of the Tasmanian Planning Policies and Regional Land Use Strategies.
- Explain what is meant by a “minor amendment”, how it is defined and made in next stage of the SPPs review program - the Stage 1 (or step 3 in the Scoping paper diagram) as minor amendments not requiring public consultation
- Request to take part in reference/consultative groups to assist State Planning Office (SPO) with detailed projects and amendments associated with the SPPs.

State planning reform work program – TPPs and regional strategies

- The SPPs should be underpinned by the Tasmanian Planning Policies – including addressing issues such as climate change, land clearance
- Implement the TPPs prior to the SPP review
- Comprehensive regional land use strategies informed by high level Tasmanian Planning Policies are needed for planning sustainable growth of Tasmanian cities
- Urban growth boundaries should be implemented to limit the spread of houses
- Incorporate Brand Tasmania objectives
- Amendments are required so the SPPs can provide strategic planning, not block by block development lacking bigger picture vision.



Tasmania's Resource Management and Planning System (RMPS) objectives

- The SPPs should be underpinned by the objectives of the RMPS and LUPAA
- Document principles for how the planning scheme will further RMPS objectives to explain why SPPs approaches are adopted, for example, documenting the relationship to TPPs development
- Articulate the linkage between the RMPS objectives and their delivery through policy, and by SPPs regulations – focus on:
 - health
 - liveability
 - climate change resilience
 - agricultural protection
 - infrastructure
 - sustainable transport
 - housing choice
 - urban renewal
 - state settlement

State of the environment report

- Consider the Australian State of the Environment Report

Interim planning schemes

- Issues raised by community members over interim planning schemes should also be relevant to the SPPs review

Other legislative review and change requested

- Consider legislative change where required to adequately support outcomes delivery
- Process for making minor and urgent amendments to the SPPs
- Include timeframes under LUPAA for minor amendment to a permit
- Improve public consultation and access to rights of appeal
- Should not reduce appeal rights



- The drafting should not create more ‘as of a right’ land uses, which are not be able to be modified and improved, by people's ability to appeal
- Concern more applications are discretionary
- SPPs should apply to coastal waters/ state waters
- State governments agencies have a vested interest, therefore should remain at arm’s length from writing the provisions
- Streamline assessment processes to avoid duplication, gaps or conflicting requirements and improve inefficiencies, provide transparency and certainty in decision making and approvals between different authorities such as:
 - local councils and EPA for minerals, manufacturing and energy industries approvals
 - Forest Practices System / Forest Practices Plans (FFP) interaction with planning under LUPAA
 - Legislative link between planning and Aboriginal heritage
 - Transparency of Reserve Activity Assessment (RAA) processes
 - Historic heritage matters and accessibility requirements under National Building Code
 - planning and building approvals for development in bushfire, coastal hazards, flood and landslide prone areas

Best practice planning principles

- Adopt Heart Foundation’s Healthy Active By Design planning principals for creating healthy communities and Liveable Streets Code
- Encourage better urban design outcomes, amenity, streetscape and neighbourhood character including:
 - Skilled, evidence based, independent, transparent planning
 - Public participation in development design decisions/outcomes
 - Transport system, parking, Urban design, Suburban density
 - Crime prevention through environmental design (CPTED)
 - Bushfire risk and small lot development
 - Visitor accommodation and housing supply



- Multipurpose riparian reserves
- Encourage increased active and public transport use including:
 - Exemptions for bus stop signage and infrastructure
 - Carparking requirements – maximums in some zones
 - Subdivision design – footpaths on both sides of street, pedestrian cycling links, road networks supporting bus access
 - Definition of access and access requirements on major transport corridors
 - Support residential infill opportunities in the Commercial Zone, for example, above ground floor
 - New consideration of bicycle network plans into SPPs
 - New bicycle parking requirements for a range of commercial, community and major residential developments
 - Bicycle end of trip facilities within major developments

Response to climate change

- Should implement a policy on climate change and threatened species
- All elements of the reform agenda should support an urgent response to ‘Climate Conscious Planning Systems’ (PIA recommendations)
- Ensure resilience to climate change permeates all codes and standards via tools and decision criteria to consider extreme events, adaption pathways and reducing embedded carbon
- Prohibit uninsurable dwelling development
- Ensure approved developments can be retrofitted to better respond to changing climatic conditions
- Protect existing coastal development from increasing risk from flood and coastal hazards
- Develop expert informed planning strategies for climate change mitigation activities and for adaptation that protect and strengthen the resilience of bird populations.
- Ability for assessments to consider broader risk, rather than impacts within an individual development



Planning guidance

- Confusion between Tasmanian Planning Scheme and State Planning Provisions
- TPS difficult to find, only available as bookmarked pdf format
- Requests for more information and explanation about Tasmania's planning system including:
 - Better communication that is easily accessible and in plain English to promote general public understanding of zoning decisions
 - The main differences between zones
 - Planning terms and definitions.
- The Tasmanian Planning Scheme is far too complex. It is difficult to understand and too complicated for the general public
- Recognition that during the transition of all municipalities to the TPS there are particular complexities for those navigating the planning system
- Provide a user manual or reference guide for the SPPs to explain how to interpret various clauses and what the intention was when a clause was drafted to assist with standardising interpretations and requirements by councils
- Develop illustrated guidelines to assist people in understanding the Tasmanian Planning Scheme
- Provide a digital spatial modelling tool (Digital Twin) for Tasmanian planning data

General operational and drafting matters

- Update incorporated documents and references in scheme
- Improve definitions and subjective language used in TPS
- Include more illustrations in standards to aid interpretation
- More applications are discretionary
- Level of discretion in performance criteria and drafting – having regard to criteria compared with ensuring tests are satisfied
- Use of the phrase 'having regard to' followed by a list of considerations
- Consultants receiving increasing requests to assist with enforcement issues that have arisen due to a general lack of understanding or confusion regarding the statutory requirements associated with the land use planning system



- The role and scope of the planning scheme compared with building regulations such as:
 - Reliance on the Building Regulations and the National Construction Code (NCC) to address a range of hazards
 - Duplication of effort
 - Removal of some exemptions from hazard codes

Interpretation – planning terms and definitions

- Comments supporting clarification of issues previously raised
- Private garden and relation to exemption
- Existing definitions should not be changed such as:
 - Secondary residence should not be limited to a single storey
 - Markets
- Review and revise various terms relating to road and vehicular access
- Revise definitions to cater for artist’s studios as allowable land use within residential and rural zones considering:
 - Size of work space may be 40m²
 - Opening hours on weekends and public holidays
 - Signage
 - Economic impact

Exemptions

- Generally review operation to sort matters that do or do not need assessment
- New exemption for change of use between Residential and Visitor Accommodation
- Home occupation
- Home-based child care - requires updating to operate as intended with relevant Acts
- New exemption for road maintenance and repair
- New exemption for minor road upgrades
- Vehicle crossings, junctions and level crossings
- Minor infrastructure – revise to manage streetscape impacts



- Emergency works exemptions – Broaden to include private landowners on their own property
- Vegetation removal and management
- Ground mounted solar energy installations require height limit
- Fences generally
- Fences for security purposes
- Qualifications on exemptions where hazard codes or natural values protection occur
- Suggested criteria for placing limitations/qualifications on exemptions

Planning Scheme Operation

- Review ability of a particular purpose zone (PPZ) to override provisions of a code
- Local character considerations in PPZ or specific area plan (SAP) should not be exempt from consideration

Assessment of an Application for Use or Development

- Ancillary use, especially to residential use, requires definition or standardised interpretation
- Remove ambiguities caused by some uses being defined and not others
- New use class for ‘artisan food and drink industry’
- New use class for ‘shacks’
- Information requirements – specialist reports
- Increase in expense, complexity and delays because of further information requirements and specialist reports to satisfy a long list of criteria
- Specialist reports may be required only to have the proposal refused on grounds of different information
- Application of overlays is insufficiently ground truthed and requires specialist reports to prove exemption – added cost and delay
- Insufficient specialists operating in each field causing unavailability and long delays, then if the reporting/evidence is considered insufficient, further delays to complete the request for information

General Provisions



- Clarify assessment of sheds on vacant sites
- Boundary adjustment provisions require clarification and broadening
- Development not required to be categorised into a use class introduces too much general discretion and ambiguity

Zones generally

- New provisions to consider impacts of large projects in remote areas
- New provisions for non-resident worker accommodation
- Allow for more mixed use zoning
- Review zoning to support forestry
- Use Table – Use status and qualifications settings require review or suggested to change status of particular uses in certain zones
- Clarify Use Class and provisions relating to heliports and helipads to simplify approval pathways
- Clarify landscaping requirements in the General Industrial Zone, including high quality materials to be used
- Insert landscaping requirements in various zones, including areas for deep soil planting
- Cultural heritage and/or landscape character conservation be added to all ‘zone purposes’

Subdivision generally

- Review operation of the subdivision provisions within 1 kilometre of the coast, particularly in the Rural, Agriculture, and Landscape Conservation Zones, to ensure the State Coastal Policy can be satisfied
- New provisions for reorganisation of lots in the Rural Zone
- Better guidance to increasing uptake of active travel options in new subdivisions and developments
- Support subdivision standards for road connectivity
- Review vehicular access requirements in all zones
- Investigate infrastructure contributions options (refers to LGAT Infrastructure Contributions Discussions Paper - April 2022)
- Infrastructure contributions to support more substantial renewal of existing assets



- and directing development to the right locations
- Code for infrastructure contributions to build a consistent implementation framework for regional land use strategy (RLUS) plan delivery
- Ability to consider protection of existing public infrastructure
- New provisions for protection for linear bicycle and walking infrastructure on public land
- Ensure protection for existing public open space, including mature trees and waterways, is required in new developments and subdivision
- Open space contributions for subdivision including:
 - *Local Government Building and Miscellaneous Provisions Act 1993* review
 - Policy framework and supporting regulation requiring provision of open space according to CPTED principles
 - Consistent/standardised, reasonable and fair methodology
 - Inequities between subdivision and strata development
 - Equivalent land or funds put toward social or affordable housing
- Clarify subdivision capability for split zoned land, particularly General Residential Zone and Landscape Conservation Zone

Residential standards review

- Support consideration of matters previously raised
- Standards which ensure new houses are structurally well built on sound foundations, and are safe and healthy to live in should not be dismissed as red and green tape, warns lowering standards can cause disastrous outcomes
- Change Visitor Accommodation use status in residential zones from permitted to discretionary
- Treatment of streetscape and local character requires a higher degree of sophistication not necessarily broader discretions
- Currently provisions do not encourage good outcomes - support innovative design outcomes
- Adapt to the impacts of climate change in urban and sub-urban settings
- Increase residential amenity/liveability including consideration of landscape, existing views, private open space and public open space through zone and related code provisions



- Improve health outcomes including mental health
- Provide greater housing choice/social justice
- Design standards for solar access to living areas and private open space
- Ensure that people can live in smaller dwellings and off-the-grid dwellings with minimal disruption to the environment
- Provide policy and clear guidelines or pathways for temporary accommodation or relocatable homes
- Protection from subdivision, multi-unit development in residential standards for coastlines and small coastal settlements
- Ensure that coastal habitat and shorebird populations are protected from inappropriate development
- Improve subdivision standards including strata title
- Services to new houses need to be both affordable and sustainable by harvesting renewable energy and low water use technology
- Include subdivision standards for street layout and lot design to provide adequate neighbourhood design principles including: grid based street network, mid-block pedestrian movement network, quality streetscape with reference to interstate examples
- Facilitate strategic planning for infill and the availability of diverse and affordable housing in urban centres
- Benchmark against world's best practice community residential standards such as 'The Living Community Challenge'
- Support inclusion of assisted housing in the Residential Use Class to support the work of the Director of Housing
- Support lower minimum site area per dwelling where a social benefit is provided in the General Residential Zone to support the work of the Director of Housing
- Prioritisation of social and affordable housing in residential zones by considering increased densities and heights for these developments
- Reducing the car parking requirements for social and affordable housing developments
- Overall planning objectives to promote diversity in housing supply and incentives or mandatory provisions for affordable housing allocation in new developments (threshold for percentage of affordable housing)
- Social housing including:



- Requirement for developer contributions to social housing
- Location of social housing should be distributed among conventional housing to avoid ghettos
- Clarify the relationship between considerations under acceptable solution and performance criteria for dwelling density
- provide for amenity and sustainable development at higher densities
- New Apartment Code to ensure residential amenity
- Incentivising targeted densification areas identified for infill and densification in regional strategies such as:
 - Where high quality design outcomes and desired character is proposed, higher density can be considered compared to the basic developments where only minimum standards are achieved or designed for
 - Site area per multiple dwelling
 - Private open space trade off proportional to communal open space
 - Development guidelines for development that goes above the minimum requirements of the SPPs
- Medium Density Zone/ Apartment Code area - Single Dwellings (possibly Prohibited) and Multiple dwellings or apartments (Permitted) – which could then link to different building envelopes and specify building styles, for example, co-joined townhouses
- multiple dwellings – consider open space requirements and using tailored diagrams for attached development in different urban settings

Inner Residential Zone

- Change Use status of multiple dwellings to permitted and single dwelling to discretionary
- Smaller site coverage linked to guidelines for improved development outcomes
- Differentiate the Inner Residential Zone from General Residential Zone

General Residential Zone

- Provide for targeted development to promote a variety of housing stock – including use status for single dwellings as no permit required and multiple dwellings as discretionary
- Provide requirement for landscaping
- Avoiding excessive impermeable surfaces



Low Density Residential Zone

- Zone purpose to include natural values and scenic landscape values
- Provide for targeted development to promote a variety of housing stock - including use status for single dwellings as no permit required but multiple dwellings prohibited

Rural Living Zone

- Visitor Accommodation use should not allow for development of multiple dwellings
- New provisions for removal of native vegetation
- New provisions for cut and fill design criteria
- Considerations to allow for aging in place

Urban Mixed Use Zone

- Revise provisions to ensure mixed use is encouraged and development for a single purpose such as Residential is discretionary

General Business Zone

- Clarify an ambiguity between acceptable solution and performance criteria

Light Industrial Zone

- Review use status – vocational training

Rural Zone and Agriculture Zone – issues across both zones

- Agritourism such as farm stay and cellar door
- Seasonal worker accommodation
- Review the permitted commercial and extractive uses in Rural and Agricultural Zones with consideration to the impacts on waterways and habitat refuges for birds
- Requirements for dwelling approval
- Increased setbacks
- Agricultural activity scale
- New standards to consider vegetation removal for buildings and works



Rural Zone

- Reasonable proposals for non-primary industry uses are being impeded

Agriculture Zone

- The Agriculture Zone should not be exempt from application of the priority vegetation area overlay
- The overall zoning pattern in LPSs is influenced, and the Agriculture Zone is poorly applied because the priority vegetation overlay does not apply
- The zoning pattern may not allow for connectivity (biodiversity corridors) between priority vegetation areas, and between environmental management zones to better maintain the viability of threatened species populations and ecosystems

Landscape Conservation Zone

- Zone should be more widely applied in LPSs, especially to covenanted land, including:
 - Environmental Living Zone in interim planning schemes linked private covenanted conservation reserves and obligations under the RFA to the planning system, the Landscape Conservation Zone is no substitute
- Concern about broadscale application of Landscape Conservation Zone, such as in the draft LPS of a particular municipal area
- Zone purpose:
 - Discrepancy with Guideline No. 1
 - Include protection of significant natural values
- Definition for 'landscape values'
- Protect natural values as well as scenic values (objective 1(a) of the RMPS)
- Residential dwelling should have permitted pathway
- Increase setbacks
- Additional provisions for discretionary uses to realise the protection, conservation, and management of landscape values
- Include provisions to protect native vegetation, waterways and other natural values specifically for the long term survival of local bird populations on private land
- Additional considerations for subdivision lot design to minimise clearance of native vegetation



Environmental Management Zone

- Amend the zone purpose to include conservation management plans and heritage management plans
- Include a definition of landscape and cultural landscape value to inform landscape conservation
- Finalise the Reserve Activity Assessment (RAA) process review - to ensure public participation and appeal rights, including exemptions and standards in the zone
- Proposed amendments to the National Parks and Reserves Management Act 2002 (NPRM Act) – consequential amendments to SPPs
- Should better support the National Reserve System
- The Parks and Wildlife Service should honour their obligations under the Regional Forest Agreement to create Statutory Management Plans for public conservation reserves
- Protect national parks and reserves from commercial developments – provide for community consultation
- All permitted uses should be made discretionary to guarantee public participation and appeal rights
- Change Extractive Industry, Resource Development and Resource Processing from discretionary to prohibited
- Increase setbacks
- Every development within conservation areas must be subject to detailed assessment by experts to ensure there will be no adverse impacts on habitats and threatened species, particularly birds

Utilities Zone

- Include extractive industries as a discretionary use to recognise potential synergies between waste disposal and extraction of clay and other materials close by

Future Urban Zone

- Apply this or another zone to reserve land for future development outside the Urban Growth Boundary where identified by strategy to be reserved for future development



New zone

- New Environmental Living Zone, removing the Landscape Conservation Zone and including provisions in the Environmental Management Zone which are applicable to private land

Codes generally

- Some issues previously addressed up front in interim planning scheme codes should be addressed at the initial planning assessment stage to minimise design adjustments and to ensure thorough consideration of all relevant planning issues at an early stage

Signs Code

- Simplify assessment
- Retain pictures of sign types
- Include new sign types
- Operation of exemptions
- Controlled circumstances that allow for unobtrusive signs, limited in number, to be exempt
- Appropriate range of sign types for permitted uses in zones
- Review consistency of allowable sign types across zones, such as awning fascia sign and above awning sign
- Promote consolidation of the number and type of signs on a site
- Stricter controls on window signs
- Third party signs, such as poster panels, should be prohibited

Parking and Sustainable Transport Code

- Include 'liveable streets' and 'parking as a tool to manage travel demand' in the code
- Simplify drafting and operation
- Review the operation of the acceptable solution and ensure the performance criteria provides a relevant/suitably drafted option
- Review car parking numbers and calculations
 - Establish reference data as a base for applying car parking standards and numbers
 - Recognise different requirements between residential and industrial areas



- Parking rates are more than required
- Provide maximum parking rate for uses
- Higher density residential / social housing
- Cash-in-lieu for car parking reduction
- Include reference to design standards
- Bicycle parking and infrastructure to provide for the needs of commuters, apartment residents, staff, public access, and e-technology
 - Bicycle network plan
 - Cycling Aspects of Austroads Guide
 - Bicycle parking requirements – increase in urban areas, employment centres identified for increased density in regional strategies, multiple dwelling developments
- Landscaping for parking areas
- Include EV charging
- On-site turning

Road and Railway Assets Code

- Clarify application of the road attenuation area via written description and mapped overlay, with the mapped area to apply if there is a conflict
- Ensure rail land, assets and operation are protected from inappropriate development
- Update references and align with legal and regulatory framework governing operations on the State Rail network
 - ONRSR's rail accreditation expectations and obligations
 - Austroads facilities guides

Local Historic Heritage Code

- Lengthy, not consistent, logically structured and poorly drafted
- Ensure drafting is consistent with current and good heritage practice, and include references to the Burra Charter definitions, principles and practices, and able to operate in the Hobart context



- All municipalities should be required by the SPPs to populate the local heritage list in their LPS and apply the code, especially if an expert study of historic cultural heritage values has been done by council
- Include an obligation in either LUPAA or the SPPs for planning authorities to undertake identification of local historic heritage to be listed in the LPS in a timely manner, also regular review
- Consider preservation of cultural landscapes, the Register of the National Estate and World Heritage properties in a precautionary way
- Assessment of improved access facilities to meet the equal access requirements of the National Building Code under the Local Historic Heritage Code or the *Historic Cultural Heritage Act 1995*
- Exemptions for THR places should be removed - separation of 'local' from 'state' values affects wholistic assessment of impacts on other local, streetscape and landscape values
- Operation of exemption qualification relating to minor upgrades of roads
- Remove the pathways for exempt development in the code
- The code should apply to use, and Use Standards should be included in the code
- Separate significant trees code as there are other reasons for listing

Natural Assets Code

- Review and revise the operation of the Natural Assets Code
- The code inadequate to protect species and ecological functioning
- Natural Assets Code fails the objectives of LUPA Act to maintain ecological processes and genetic diversity
- Deliver the sustainable development objectives of the RMPS
- Biodiversity hotspots, such as northern midlands, are not properly protected
- Include measures to improve habitat and connectivity, respond to climate change and pressures of invasive species
- Consider impact of removing vegetation on ecosystem services – controlling erosion and salinity, water flows, crop pollination, climate change
- New provisions to assess cumulative impacts of development on natural assets such as process in Western Australia
- Include protection of drinking water catchments



- Updated mapping to inform the application of the priority vegetation overlay across zones
- Apply the priority vegetation area overlay to the Agriculture Zone / residential zones / urban zones / all zones to:
 - avoid perverse zoning outcomes
 - consider alternate locations for development ancillary to agricultural use
 - ensure protection and improve recovery of threatened bird species and their habitat, such as at King Island
 - recognise important refuges of vegetation that might remain in urban area
- Application to reserved land – interaction/duplication with the RAA process, third party environmental impact assessment processes, and Major Projects assessments under LUPAA
- Code purposes:
 - Acknowledge minimisation and include hierarchy of mitigation strategies – avoid, mitigate, offset
 - Broader biodiversity values than priority vegetation – ecosystems, diversity, unlisted native species
- Achieve consistency between the relevant code purposes, the objective of the standards and the performance criteria
- Exemptions should be reduced or clarified
- Review definitions for clarity and consistency with other regulations
- New definitions needed – wide variety
- Clarify operation and interpretation of the provisions – clearance compared with clearance and conversion, pasture, significant habitat, local importance
- Clarify the kind, scope and scale of assessments to be undertaken to satisfy acceptable solutions and performance criteria
- New performance criteria which enable specialist quantitative advice or opinion to be provided to a planning authority on any adverse impacts on native vegetation
- Clarify the use/consideration of on site and off-site biodiversity offsets
- Revise the Natural Assets Code clauses C7.6.2 and C7.7.2 (refers to recommendations in Meander Valley section 35G report, and notice of Commission’s opinion to Minister)



- New subdivision standards to provide for off-site offsets for impact on priority biodiversity values
- Measurement of spatial extent of waterway and coastal protection areas
- Additional standards for Class 4 watercourses
- Waterways should have a multi purpose riparian reserve
- Increase buffer areas for watercourses in urban zones
- Include performance criteria to allow the piping of waterways, minimising adverse impacts on natural assets, where there is social benefit provided
- New subdivision standards performance criteria needed for location of a building area to avoid impact on waterway values and minimise impacts on fauna in priority vegetation areas

Attenuation Code

- Adjustments to attenuation distances for:
 - Bakery
 - Frost fans
 - Extractive industries
 - Music and performance venues
- Review buffers in relation to the requirements of permits and EPNs
- Prohibit development or sensitive use within a mapped or defined attenuation area for an existing extractive industry
- Sensitive use in Agriculture Zone or Rural Zone
- Expand definition of sensitive use (include tourist accommodation) in the context of attenuation

Scenic Protection Code

- All municipalities should be required by the SPPs to populate the scenic protection list in their LPS and apply the code, especially if an expert study of scenic landscape values has been done by council
- Application to a wider range of zones or all zones where important scenic landscapes are identified
- Operation of exemptions



- Definition for terms used in performance criteria

Hazards codes generally

- Better address adaptation to climate change, by ensuring Tasmania's risk mapping is based on the best available science and up to date data on likely bushfire, flood and coastal inundation risks.
- Natural hazards codes require significant review

Bushfire-Prone Areas Code

- Application and scope
- Coordination between planning approvals and building approvals
- Ensure a planning permit cannot be granted for development that cannot comply with bushfire building requirements
- Apply to habitable buildings

Coastal Erosion Hazard Code

- Application and site classification via mapping, and operation
- Definitions
- Coordination between planning approvals and building approvals

Coastal Inundation Hazard Code

- Application and site classification via mapping
- Operation/application with the Flood-Prone Areas Hazard Code
- Coordination between planning approvals and building approvals
- Definitions
- Insert use standards for all hazard bands in both urban and non-urban areas

Flood-Prone Areas Code

- Operation/application with the Coastal Inundation Hazard Code
- All subdivision should be discretionary
- Review the policy setting in the context of changing climate, especially relevance of the flood 1% AEP parameter



- Accurate flood risk mapping included as an overlay for ease of accessibility

Landslip Hazard Code review

- Review the hazard band classifications to determine whether there is a more appropriate or effective classification system
- Coordination between planning approvals and building approvals
- Use terms consistent with AGS guidelines
- Replace 'landslip' with 'landslide' throughout
- Review the exemption for Utilities uses, consider excluding some uses related to sewer, water and stormwater utilities
- Definitions including:
 - Minor works regarding water services
 - Significant works regarding vegetation removal and water storage thresholds within a landslide hazard area
 - Geotechnical practitioner

Safeguarding of Airports Code

- Coordinate application of an airport obstacle limitation area when it covers multiple municipalities/LPSs.
- Review obstacle limitation area overlay mapping requirements
- include recognition and implementation of the National Airports Safeguarding Framework ([NASF principles and guidelines](#))
- Revise airport noise exposure area provisions to recognise the different requirements for N contours and ANEF contours.
- Insert additional standards for airport obstacle limitation area to capture the requirements of NASF Guideline F

New code suggested

- New Amenity Standards Code
- New Neighbourhood Code including:
 - Public spaces including transport, recreation, leisure and connection,



- Reflect the needs and desires of local towns and centres (support Heart Foundation 2016 submission and Victorian system of 20 minute neighbourhoods)
- New Filling and Excavation Code
- New Dispersive Soils Code
- New Acid Sulphate Soils Code or SAP
- New Stormwater Management Code or zone provisions:
 - Southern Region interim planning schemes code
 - Stormwater provisions that support the LGAT Tasmanian Stormwater Policy Guidance and Standards for Development
 - Standardised approach to stormwater assessment in applications to avoid costly full upfront design in application, for example, outlining a feasible storm water mitigation and management model for application
 - Prioritise new stormwater code providing clear terminology and concepts while allowing locally different approaches
- New Geoheritage Code
- New Karst Landscape Management Code or SAP
- New Aboriginal Heritage Code:
 - Consult with Tasmanian Aboriginal communities to develop appropriate provisions
 - Provide better protection of Aboriginal cultural heritage
 - Provide formal opportunity for Traditional Owners to comment on development that might adversely impact Aboriginal cultural heritage
 - Provide provisions so that First Nations cultural values tied to Country/the environment are protected and included in land use and development decision making
- New Windfarm Siting Code or provide specific provisions for wind farms assessment including:
 - Requirement to demonstrate a social licence from neighbours and community stakeholders
 - Ensure wind farms do not present a significant risk to threatened bird populations



Appendix 2

List of submissions

1. Bronwyn Clarke
2. West Coast Council
3. Tasmanian Planning Commission
4. Thomas Mistry
5. TasWater
6. (name withheld from publication)
7. Anna Povey
8. Heart Foundation
9. Lisa and Scott Willet
10. Craig Vertigan
11. Circe Alditheral
12. Peter and Doreen Wileman
13. Stephen Anstee
14. Robyn Lewis
15. Bicycle Network Tasmania
16. Kristine Ancher
17. Simon Castles
18. Cycling South
19. Di Elliffe
20. EPA Board
21. Finders Council
22. Glenorchy City Council
23. Pamille Berg
24. TasFire
25. Tasmanian Whiskey and Spirits Association
26. Property Council of Australia
27. Dorothy McCartney
28. Huon Valley Council
29. Tanya Harley
30. Launceston Airport
31. Anne Boxhall
32. Miles and Ann Harrison
33. Ciaran Toman
34. Forest Practices Authority
35. ERA Planning
36. Tasmanian Land Conservancy (TLC)
37. Elizabeth Shannon
38. Hobart City Council (HCC)
39. West Tamar Council



40. Anne-Marie Loader
41. Keisha Zygmant
42. West Tamar Landcare Group
43. Catherine Nicholson
44. Fiona Brine
45. Estelle Ross
46. Michelle Foale
47. Northern Midlands Council
48. Tasmanian National Parks Association
49. Brenton Hosking
50. Ann Layton-Bennett
51. Heritage Council
52. a & b Housing Industry Association Ltd (HIA)
53. Central Highlands Council
54. Anna Blake
55. Cathy Williams
56. Australian Plants Society Tasmania
57. Angela Hanly
58. Burnie Airport
59. Tasman Council
60. Conservation Landholders Tasmania
61. Catharine Errey
62. Supporting Our Loongana Valley Environment (SOLVE)
63. Department of Natural Resources and Environment Tasmania (NRE)
64. Gwenda Sheridan
65. Daniel Steiner
66. Break O'Day Council
67. Mount Stuart Residents Inc
68. a & b Southern Midlands Council
69. Tasmanian Active Living Coalition
70. Australian Institute of Architects
71. Kelly Sims
72. Freycinet Action Network
73. Aboriginal Land Council of Tasmania
74. TasNetworks
75. Wilfred Hodgman
76. Burnie City Council
77. a & b RMCG
78. George Town Council
79. Australian ICOSMOS
80. Central Coast Council
81. Lynette Taylor
82. Sorell Council
83. Greg Pullen
84. Barry Williams



85. Purcell
86. Tricia Ramsay
87. Australian Mobile Telecommunications Association
88. City of Launceston Council
89. Tasmanian Conservation Trust (TCT)
90. Future Common
91. TMEC (Tasmanian Minerals, Manufacturing and Energy Council)
92. Department of Health
93. Launceston Heritage Not Highrise (LHNH)
94. Gray Planning
95. King Island Council
96. Jim Collier
97. Malcolm Crosse
98. Linda Collier
99. Dr Carolina Bouten-Pinto
100. Leigh Murrell
101. Ingrid Coleman
102. Tasmanian Ratepayers' Association
103. Seymour Community Action Group Inc
104. Rosny Hills Friends Network Inc
105. Wayne Burgess
106. Victoria Wilkinson
107. Regional Development Australia
108. Cradle Coast Authority
109. Ship Inn Stanley
110. Anthony Salt
111. a & b & c Jullian Koshin
112. TasPIN
113. Wynne Russell
114. Stephen Cameron
115. SES (Tasmania State Emergency Service)
116. Allison Green
117. Circular Head Coastal Awareness Network
118. Stephen Pilkington
119. NRM North
120. Metal Science Technologies Pty Ltd
121. Sam Humphries
122. John Toohey
123. Robin Thomas
124. Helen Tait
125. Heritage Protection Society
126. Austr Maddox, Rosemary Scott and Margaret Taylor
127. Environmental Defenders Office
128. Meander Valley Council
129. Huon Valley Zoning Association



130. Mel O'Keefe
131. Brighton Council
132. Waratah-Wynyard Council & Circular Head Council
133. Victoria Onslow & William Phillips Onslow
134. Mary McNeill
135. Christina Bishop
136. Dom Fowler
137. Department of Communities
138. TasRail
139. Cultural Heritage Practitioners Tasmania (CHRT)
140. Shelter Tas
141. Josh Graeme-Evans
142. Irenelnc
143. Bob Simmons
144. Glebe Residents' Association
145. South Hobart Sustainable Community
146. Jenny Cambers-Smith
147. David Ridley
148. NE Bioregional Network
149. Howrah Hills Landcare Group Inc
150. Planning Matters Alliance (PMAT)
151. Kingborough Council
152. Anne Harrison
153. Birdlife Australia
154. Terra Firma Planning
155. (a & b) PDA
156. Andrew Ricketts
157. Gayle Newbold
158. Clarence City Council
159. (a & b) Department of State Growth
160. Planning Institute of Australia (PIA)
161. Local Government Association of Tasmania (LGAT)
162. Devonport City Council





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