

# Planning Directive No. 8

## Exemptions, Application Requirements, Special Provisions and Zone Provisions

This Planning Directive has been issued by the Minister for Local Government and Planning under section 13(1)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act) and came into effect on 22 February 2022<sup>1</sup>.

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<sup>1</sup> References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the **former provisions** of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **former provisions** apply to a planning scheme that was in force prior to the **commencement day** of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **commencement day** was 17 December 2015.

Version	Issue date	Effective date	Description
1.0	9 February 2022	22 February 2022	Replaced Interim Planning Directive No. 4
2.0	9 February 2022	22 February 2022	Modifications to correct errors and anomalies and clarify provisions

## **1.0 Citation**

This planning directive may be cited as Planning Directive No. 8 – State Planning Provisions Exemptions, Application Requirements, Special Provisions and Zone Provisions.

## **2.0 Application**

This planning directive applies to the interim planning schemes that have been declared or made under the *Land Use Planning and Approvals Act 1993* (the Act).

## **3.0 Effect of this planning directive (mandatory provisions)**

3.1 An interim planning scheme to which this planning directive applies must contain:

- (a) in clause 4.1.3, the terms and definitions set out in Attachment 1 of this planning directive;
- (b) in clause 5.0, the provisions set out in Attachment 2 of this planning directive;
- (c) in clause 8.1, the provisions set out in Attachment 3 of this planning directive;
- (d) in clause 9.0, the provisions set out in Attachment 4 of this planning directive;
- (e) in clause 10.4 of the General Residential Zone, the provisions set out in Attachment 5 of this planning directive; and
- (f) in clause 11.4 of the Inner Residential Zone, the provisions set out in Attachment 6 of this planning directive.

3.2 Clause 3.1(f) of this planning directive applies to the following interim planning schemes:

- (a) Hobart Interim Planning Scheme 2015; and
- (b) Kingborough Interim Planning Scheme 2015.

## **4.0 Effect of this planning directive (local provisions)**

4.1 Unless provided for in clause 4.2 of this planning directive, an instrument to which this planning directive applies, must not include:

- (a) any other provisions that are directly or indirectly inconsistent with or modify, the provisions set out in Attachment 5 of this planning directive; and
- (b) other provisions that are to apply to single dwellings or multiple dwellings in the General Residential Zone in relation to the following matters:
  - (i) solar access or daylight penetration or orientation on the site or to the neighbouring site;
  - (ii) visual or acoustic privacy including screening or maximum internal or dwelling facade noise levels from external sources;
  - (iii) private open space or outdoor living space or landscaped areas;
  - (iv) security or surveillance such as location of front door or habitable rooms related to street frontage;

- (v) prescribing or proscribing certain building materials, colours or finishes of external surfaces or building character;
- (vi) relocated or off site constructed dwellings;
- (vii) number of car parking spaces or the siting or width of garages or carports;
- (viii) design of street frontage facades;
- (ix) roof design or pitch;
- (x) setback to frontages, side or rear boundaries;
- (xi) site coverage, plot ratio or building envelope;
- (xii) building height or number of storeys;
- (xiii) height and design of frontage fences;
- (xiv) minimum dwelling floor area;
- (xv) residential density for multiple dwellings; and
- (xvi) storage areas for waste or recycling bins.

4.2 An interim planning scheme to which this planning directive applies may include provisions in relation to the following matters that are directly or indirectly inconsistent with, or that add to, the provisions contained in Attachment 5 of this planning directive:

- (a) floor area of outbuildings;
- (b) stormwater management or water sensitive urban design;
- (c) protection of road and railway assets;
- (d) protection of historic heritage;
- (e) protection of wetlands and watercourse/water ways;
- (f) attenuation distances from hazardous/nuisance activities;
- (g) protection of vegetation;
- (h) contaminated land or potentially contaminated land;
- (i) areas subject to landslide risk;
- (j) areas subject to flood risk; and
- (k) areas subject to sea-level rise, storm surge, coastal inundation or coastal erosion.

4.3 An interim planning scheme specified in Attachment 2.1 of this planning directive must include in clause 5 the specified general exemption or limited exemption in accordance with the specified qualification. The general exemption or limited exemption specified in Attachment 2.1 of this planning directive may be modified to:

- (a) align with the numerical order of clause 5 of the relevant interim planning scheme;
- (b) make correct references to provisions in the relevant interim planning scheme;
- (c) align with the structure in Attachment 2 of this planning directive; or

- (d) achieve the effect intended by the provisions specified in Attachment 2.1 prior to this planning directive coming into effect.
- 4.4 The provisions in Attachment 2 of this planning directive may be modified to provide for the effective operation of a provision required to be included in an interim planning scheme under clause 4.3 of this planning directive.
- 4.5 Unless provided for in clauses 3.1(b) and 4.3 of this planning directive, an interim planning scheme to which this planning directive applies must not include any general exemption or limited exemption that was in effect immediately prior to this planning directive coming into effect.
- 4.6 An interim planning scheme specified in Attachment 4.1 of this planning directive must include in clause 9 the specified special provisions in accordance with the specified qualification. The special provisions specified in Attachment 4.1 of this planning directive may be modified to:
  - (a) align with the numerical order of clause 9 of the relevant interim planning scheme; or
  - (b) make correct references to provisions in the relevant interim planning scheme.
- 4.7 An interim planning scheme specified in Attachment 5.1 must include the specified road and the frontage setback for that road in Table 10.4.2 of Attachment 5.
- 4.8 Clause 11.4.2 A3 of Attachment 6 does not apply to land within the Battery Point Heritage Precinct (BP1) as identified in the Historic Heritage Code in the Hobart Interim Planning Scheme 2015.
- 4.9 This planning directive does not override:
  - (a) clause 10.4.2 A4 and P4 in the General Residential Zone of the Kingborough Interim Planning Scheme 2015; or
  - (b) clause 11.4.2 A4 and P4 in the Inner Residential Zone of the Kingborough Interim Planning Scheme 2015.

## **5.0 Suspension of provisions**

- 5.1 The following provisions in *Planning Directive No. 1 – The Format and Structure of Planning Schemes* are suspended for the period this planning directive is in effect:
  - (a) the general exemptions and limited exemptions contained in clauses 5.0 and 6.0;
  - (b) the application requirements in clause 8.1; and
  - (c) the special provisions in clauses 9.1 – 9.4.
- 5.2 The following provisions in *Planning Directive No. 4.1 – Standards for Residential Development in the General Residential Zone* are suspended for the period this planning directive is in effect:
  - (a) Attachment 1; and

(b) Attachment 2.

## **6.0 Commencement**

This Planning Directive takes effect on <insert date>.

## **Attachment 1 – Definitions**

building line	means a line drawn parallel to a frontage along the front facade of a building or through the point of a building closest to the frontage, excluding protrusions.
clearance and conversion	means as defined in the <i>Forest Practices Act 1985</i> .
coastal zone	means as described in section 5 of the <i>State Coastal Policy Validation Act 2003</i> .
hours of operation	means the hours that a use is open to the public or conducting activities related to the use, not including routine activities normally associated with opening and closing or office and administrative tasks.
junction	means an intersection between two or more roads at a common level, including the intersections of on and off ramps, and grade-separated roads.
level crossing	means as defined in section 35 of the <i>Rail Infrastructure Act 2007</i> .
local historic heritage significance	means the significance in relation to a heritage place or heritage precinct as identified in a code relating to heritage values, or in a report prepared by a suitably qualified person if not identified in the code.
private garden	means land adjacent to a dwelling that has been modified with landscaping or vegetation, including ornamental or edible plants, or the like.
protrusion	means a protrusion from a building such as awnings, steps, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services.
public land	means land owned or managed by the Crown, a State authority or a council.
solar energy installation	means a solar panel, evacuated tube solar collectors, or the like.
State authority	means as defined in the Act.
State-reserved land	means: (a) land owned by the Crown or a State authority and reserved for any purpose under the <i>Nature Conservation Act 2002</i> , or the <i>Crown Lands Act 1976</i> ; or (b) fee simple land reserved for any purpose under the <i>Nature Conservation Act 2002</i> where the Director of Parks and Wildlife is the managing authority.



suitably qualified person	means a person who can adequately demonstrate relevant tertiary qualifications (or equivalent) and experience in a recognised field of knowledge, expertise or practice with direct relevance to the matter under consideration.
vehicle crossing	means a driveway for vehicular traffic to enter or leave a road carriageway from land adjoining a road.

## **Attachment 2 – Exemptions**

## 5 Exemptions

- 5.0.1 Use or development described in Table 5.1 – 5.6 is exempt from requiring a permit under this planning scheme provided it meets the corresponding requirements.
- 5.0.2 Use or development which, under the provisions of the Act, including ss12(1) – (4) a planning scheme is not to prevent, does not require a permit.
- 5.0.3 Excluding the exemption for emergency works at 5.3.1, in the coastal zone, not development listed in Table 5.1 – 5.6 is exempt from this planning scheme if it is to be undertaken on actively mobile landforms as referred to in clause 1.4 of the *Tasmanian State Coastal Policy 1996*. Development must not be located on actively mobile landforms in the coastal zone, unless for engineering or remediation works to protect land, property and human life in accordance with clause 1.4.1 and 1.4.2 in the *State Coastal Policy 1996*.

**Table 5.1 Exempt use**

	Use	Requirements
5.1.1	bee keeping	The use of land for bee keeping.
5.1.2	occasional use	If for infrequent or irregular sporting, social or cultural events.
5.1.3	home occupation	<p>If:</p> <ul style="list-style-type: none"> <li>(a) not more than 40m<sup>2</sup> of gross floor area of the dwelling is used for non-residential purposes;</li> <li>(b) the person conducting the home occupation normally uses the dwelling as their principal place of residence;</li> <li>(c) it does not involve employment of persons other than a resident;</li> <li>(d) any load on a utility is no more than for a domestic use;</li> <li>(e) there is no activity that causes electrical interference to other land;</li> <li>(f) it does not involve display of goods for sale that are visible from any road or public open space adjoining the site;</li> <li>(g) it involves no more than 1 advertising sign (that must be non-illuminated) and not more than 0.2m<sup>2</sup> in area;</li> <li>(h) it does not involve refuelling, servicing, detailing or repair of vehicles not owned by the resident on the site;</li> <li>(i) no more than 1 commercial vehicle is on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and</li> </ul> <p>any vehicle used solely for non-residential purposes must be parked on the site.</p>
5.1.4	markets	If on public land.

**Table 5.2 Exempt infrastructure use or development**

	Use	Requirements
5.2.1	dam construction works	Works that are directly associated with construction of a dam approved under the <i>Water Management Act 1999</i> , including the construction of vehicular access, vegetation removal and bulk soil excavations, are exempt if contained on the same site as the dam.
5.2.2	stormwater infrastructure	Provision, removal, maintenance and repair of pipes, open drains and pump stations for the reticulation or removal of stormwater by, or on behalf of, the Crown, a council or a State authority unless a code relating to landslip hazards applies and requires a permit for the use or development.
5.2.3	irrigation pipes	<p>The laying or installation in the Rural Resource Zone or the Significant Agricultural Zone, of irrigation pipes, that are directly associated with, and a subservient part of, an agricultural use, provided no pipes are located within a wetland, unless there is:</p> <ul style="list-style-type: none"> <li>(a) a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken;</li> <li>(b) a code in this planning scheme which expressly regulates impacts on scenic or landscape values and requires a permit for the use or development that is to be undertaken;</li> <li>(c) a code in this planning scheme which expressly regulates impacts on biodiversity values and requires a permit for the use or development that is to be undertaken;</li> <li>(d) disturbance of more than 1m<sup>2</sup> of land that has been affected by a potentially contaminating activity;</li> <li>(e) excavation or fill of more than 0.5m depth in a salinity hazard area or landslip hazard area shown in the planning scheme; or</li> <li>(f) the removal of any threatened vegetation.</li> </ul>
5.2.4	road works	<p>Maintenance and repair of roads and upgrading by or on behalf of the road authority which may extend up to 3m outside the road reserve including:</p> <ul style="list-style-type: none"> <li>(a) widening or narrowing of existing carriageways;</li> <li>(b) making, placing or upgrading kerbs, gutters, footpaths, shoulders, roadsides, traffic control devices, line markings, street lighting, safety barriers, signs, fencing and landscaping, unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development; or</li> <li>(c) repair of bridges, or replacement of bridges of similar size in the same or adjacent location.</li> </ul>
5.2.5	vehicle crossings, junctions and level crossings	<p>If:</p> <ul style="list-style-type: none"> <li>(a) development of a vehicle crossing, junction or level crossing: <ul style="list-style-type: none"> <li>(i) by the road or rail authority; or</li> <li>(ii) in accordance with the written consent of the relevant road or rail authority; or</li> </ul> </li> <li>(b) use of a vehicle crossing, junction or level crossing by a road or railway authority.</li> </ul>

	Use	Requirements
5.2.6	minor communications infrastructure	<p>If:</p> <ul style="list-style-type: none"> <li>(a) development of low impact facilities as defined in Parts 2 and 3 of the <i>Telecommunications (Low-Impact Facilities) Determination 2018</i>;</li> <li>(b) works involved in the inspection of land to identify suitability for telecommunications infrastructure;</li> <li>(c) development of a facility that has been granted a facility installation permit by the Australian Communications and Media Authority;</li> <li>(d) works involved in the maintenance of telecommunication infrastructure;</li> <li>(e) works meeting the transitional arrangements as defined in Part 2 of Schedule 3 of the <i>Telecommunications Act 1997</i>;</li> <li>(f) feeder and distribution optical fibre cables not exceeding 18mm in diameter and with attached messenger wires on existing poles;</li> <li>(g) the connection of a line forming part of a telecommunications network to a building, caravan or mobile home including drop cabling of optic fibre networks; or</li> <li>(h) works involved in the installation, for purposes in connection with the installation of the National Broadband Network, of a: <ul style="list-style-type: none"> <li>(i) galvanised steel service pole, no more than 6.6m in height above existing ground level, and 0.2m in diameter; or</li> <li>(ii) timber service pole, no more than 10.2m in height above existing ground level, and 0.42m in diameter,</li> </ul> </li> </ul> <p>unless a code relating to the protection of airports applies and requires a permit for the use or development.</p>
5.2.7	provision of linear and minor utilities and infrastructure	<p>If by or on behalf of the State Government, a Council, a Statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a Statutory authority, of electricity, gas, sewerage, and water reticulation to individual streets, lots or buildings, unless there is:</p> <ul style="list-style-type: none"> <li>(a) a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken;</li> <li>(b) disturbance of more than 1m<sup>2</sup> of land that has been affected by a potentially contaminating activity;</li> <li>(c) excavation or fill of more than 0.5m depth in a salinity hazard area or landslip hazard area shown in the planning scheme;</li> <li>(d) the removal of any threatened vegetation; or</li> <li>(e) land located within 30m of a wetland or watercourse.</li> </ul>
5.2.8	upgrades of linear and minor utilities and infrastructure	<p>If minor upgrades by or on behalf of the State government, a Council, or a statutory authority or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure (excluding stormwater infrastructure under subclause 5.2.2 and road works under subclause 5.2.4) such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines including:</p> <ul style="list-style-type: none"> <li>(a) minor widening or narrowing of existing carriageways; or</li> </ul>

	Use	Requirements
		<p>(b) making, placing or upgrading kerbs, gutters, footpaths, roadsides, traffic control devices and markings, street lighting and landscaping, unless the following apply:</p> <p>(c) a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken; or</p> <p>(d) the removal of any threatened vegetation.</p>
5.2.9	maintenance and repair of linear and minor utilities and infrastructure	<p>If by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, maintenance and repair of :</p> <p>(a) electricity, gas, sewerage, and water reticulation to individual streets, lots or buildings; and</p> <p>(b) infrastructure (excluding stormwater infrastructure under subclause 5.2.2 and road works under subclause 5.2.4) such as roads, rail lines, drains, sewers, power lines and pipelines.</p>
5.2.10	minor infrastructure	Provision, maintenance and modification of footpaths, cycle paths, playground equipment, seating, shelters, bus stops and bus shelters, street lighting, telephone booths, public toilets, post boxes, cycle racks, fire hydrants, drinking fountains, rubbish bins, public art, and the like by, or on behalf of, the Crown, a council or a State authority.
5.2.11	navigation aids	Provision, maintenance and modification of any sort of marker which aids in navigation of nautical or aviation craft such as lighthouses, buoys, fog signals, landing lights, beacons, and the like, unless a code relating to the protection of airports applies and requires a permit for the use or development.
5.2.12	electric car charger	Provision and maintenance if in a car park.

**Table 5.3 Exempt building and works**

	Use	Requirements
5.3.1	emergency works	Urgent works, that are undertaken for public safety or to protect property or the environment as a result of an emergency situation, that are required or authorised by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority.
5.3.2	maintenance and repair of buildings	Maintenance and repair of buildings including repainting, re-cladding and re-roofing whether using similar or different materials provided this does not contravene a condition of an existing permit which applies to a site.
5.3.3	temporary buildings or works	The erection of temporary buildings or works to facilitate development for which a permit has been granted or for which no permit is required

	Use	Requirements
		provided they are not occupied for residential use and are removed within 14 days of completion of development.
5.3.4	unroofed decks	<p>If:</p> <ul style="list-style-type: none"> <li>(a) not attached to or abutting a habitable building; and</li> <li>(b) the floor level is less than 1m above existing ground level,</li> </ul> <p>unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.</p>
5.3.5	outbuildings	<p>Outbuildings if:</p> <ul style="list-style-type: none"> <li>(a) there are not more than 2 on a lot with: <ul style="list-style-type: none"> <li>(i) a gross floor area not more than 10m<sup>2</sup>;</li> <li>(ii) no side is more than 3.2m; and</li> <li>(iii) building height is not more than 2.4m;</li> </ul> </li> <li>(b) there are not more than 1 on a lot with: <ul style="list-style-type: none"> <li>(i) a gross floor area not more than 18m<sup>2</sup>;</li> <li>(ii) a roof span not more than 3m;</li> <li>(iii) building height is not more than 2.4m;</li> <li>(iv) a distance of not less than 0.9m from a building;</li> <li>(v) a setback of not less than 0.9m;</li> <li>(vi) no change in existing ground level as a result of cut or fill of more than 0.5m; and</li> </ul> </li> <li>(c) not between a frontage and the building line or on a lot with no buildings, not less than the relevant setback from a frontage,</li> </ul> <p>unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.</p>
5.3.6	buildings and works in the Rural resource Zone or Significant Agricultural Zone	<p>If for:</p> <ul style="list-style-type: none"> <li>(a) the construction of buildings or works, other than a dwelling, that are directly associated with, and a subservient part of, an agricultural use if: <ul style="list-style-type: none"> <li>(i) individual buildings do not exceed 100m<sup>2</sup> in gross floor area;</li> <li>(ii) the setback from all property boundaries is not less than 30m;</li> <li>(iii) no part of the building or works are located within 30m of a wetland or watercourse;</li> <li>(iv) no part of the building or works encroach within any service easement or within 1m of any underground service; and</li> <li>(v) the building or works are not located on prime agricultural land,</li> </ul> <p>unless there is:</p> </li> <li>(b) a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken;</li> </ul>

	Use	Requirements
		<p>(c) a code in this planning scheme which expressly regulates impacts on scenic or landscape values and requires a permit for the use or development that is to be undertaken;</p> <p>(d) a code in this planning scheme which expressly regulates impacts on biodiversity values and requires a permit for the use or development that is to be undertaken;</p> <p>(e) disturbance of more than 1m<sup>2</sup> of land that has been affected by a potentially contaminating activity;</p> <p>(f) excavation or fill of more than 0.5m depth in a salinity hazard area or landslip hazard area shown in the planning scheme; or</p> <p>(g) the removal of any threatened vegetation.</p>
5.3.7	demolition of exempt buildings	The demolition in whole or in part of a building, the erection of which would be exempt under this planning scheme.
5.3.8	garden structures	<p>Garden structures, such as a pergola, garden arch, trellis or frame, if:</p> <p>(a) the total area is no greater than 20m<sup>2</sup>;</p> <p>(b) the height is no more than 3m above ground level; and</p> <p>(c) it is uncovered or covered by an open-weave permeable material that allows water through,</p> <p>unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.</p>

**Table 5.4 Vegetation exemptions**

	Use	Requirements
5.4.1	vegetation removal for safety or in accordance with other Acts	<p>If for:</p> <p>(a) clearance and conversion of a threatened native vegetation community, or the disturbance of a vegetation community, in accordance with a forest practices plan certified under the <i>Forest Practices Act 1985</i>, unless for the construction of a building or the carrying out of any associated development;</p> <p>(b) harvesting of timber or the clearing of trees, or the clearance and conversion of a threatened native vegetation community, on any land to enable the construction and maintenance of electricity infrastructure in accordance with the <i>Forest Practices Regulations 2017</i>;</p> <p>(c) fire hazard management in accordance with a bushfire hazard management plan approved as part of a use or development;</p> <p>(d) fire hazard reduction required in accordance with the <i>Fire Service Act 1979</i> or an abatement notice issued under the <i>Local Government Act 1993</i>;</p> <p>(e) fire hazard management works necessary to protect existing assets and ensure public safety in accordance with a plan for fire hazard</p>



	Use	Requirements
		<p>management endorsed by the Tasmania Fire Service, Sustainable Timbers Tasmania, the Parks and Wildlife Service, or council;</p> <p>(f) clearance within 2m of lawfully constructed buildings or infrastructure including roads, tracks, footpaths, cycle paths, drains, sewers, power lines, pipelines and telecommunications facilities, for maintenance, repair and protection;</p> <p>(g) safety reasons where the work is required for the removal of dead wood, or treatment of disease, or required to remove an unacceptable risk to public or private safety, or where the vegetation is causing or threatening to cause damage to a substantial structure or building; or</p> <p>(h) within 1.5m of a lot boundary for the purpose of erecting or maintaining a boundary fence.</p>
5.4.2	planting, clearing or modification of vegetation on pasture or cropping land	<p>If for the landscaping and the management of vegetation on pasture or cropping land, other than for plantation forestry on prime agricultural land, provided the vegetation is not protected by permit condition, an agreement made under Part 5 of the Act, covenant or other legislation, unless there is:</p> <p>(a) a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development to be undertaken;</p> <p>(b) a code in this planning scheme which expressly regulates impacts on scenic or landscape values and requires a permit for the use or development that is to be undertaken;</p> <p>(c) a code in this planning scheme which expressly regulates impacts on biodiversity values and requires a permit for the use or development that is to be undertaken;</p> <p>(d) disturbance of more than 1m<sup>2</sup> of land that has been affected by a potentially contaminating activity;</p> <p>(e) excavation or fill of more than 0.5m depth in a salinity hazard area or landslip hazard area shown in the planning scheme;</p> <p>(f) the removal of any threatened vegetation; or</p> <p>(g) land located within 30m of a wetland or watercourse.</p>
5.4.3	landscaping and vegetation management	<p>Landscaping and vegetation management within a private garden, public garden or park, or within State-reserved land or a council reserve, if:</p> <p>(a) the vegetation is not protected by legislation, a permit condition, an agreement made under section 71 of the Act, or a covenant; or</p> <p>(b) the vegetation is not specifically listed and described as part of a historic heritage place or a significant trees in the relevant interim planning scheme,</p> <p>unless the management is incidental to the general maintenance.</p>
5.4.4	vegetation rehabilitation works	<p>The planting, clearing or modification of vegetation for:</p> <p>(a) soil conservation or rehabilitation works including Landcare activities and the like, provided that ground cover is maintained and erosion is managed;</p>

	Use	Requirements
		<p>(b) the removal or destruction of declared weeds or environmental weeds listed under a strategy or management plan approved by a council;</p> <p>(c) water quality protection or stream bank stabilisation works approved by the relevant State authority or a council;</p> <p>(d) the implementation of a vegetation management agreement or a natural resource, catchment, coastal, reserve or property management plan or the like, provided the agreement or plan has been endorsed or approved by the relevant State authority or a council; or</p> <p>(e) the implementation of a mining and rehabilitation plan approved under the terms of a permit, an Environment Protection Notice, or rehabilitation works approved under the <i>Mineral Resources Development Act 1995</i>.</p>

**Table 5.5 Renewable energy exemptions**

	Use	Requirements
5.5.1	ground mounted solar energy installations	If covering an area of not more than 18m <sup>2</sup> , unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.
5.5.2	roof mounted solar energy installations	Unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.

**Table 5.6 Miscellaneous exemptions**

	Use	Requirements
5.6.1	use or development in a road reserve or on public land	<p>If:</p> <p>(a) for outdoor dining facilities, signboards, roadside vendors and stalls on a road that is managed by a relevant council; or</p> <p>(b) a community garden on public land used for growing vegetables, fruit or ornamentals.</p>
5.6.2	fences (excluding fences within 4.5m of a frontage in the General Residential Zone or Inner Residential Zone)	<p>The construction or demolition of:</p> <p>(a) side and rear boundary fences not adjoining a road or public reserve or not within 4.5m of the site's primary frontage and not more than a total height of 2.1m above natural ground level;</p> <p>(b) boundary fences adjoining a road or public reserve or within 4.5m of the site's primary frontage (excluding a fence under subclause 5.6.3) and not more than a total height of 1.2m above natural ground level;</p> <p>(c) fencing of agricultural land or for protection of wetlands and watercourses;</p>

	Use	Requirements
		<p>(d) fencing for security purposes, no higher than 2.8m, that is within the Port and Marine Zone;</p> <p>(e) fencing for security purposes, no higher than 2.8m, at an airport, unless there is:</p> <p>(f) a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken;</p> <p>(g) the removal of any threatened vegetation; or</p> <p>(h) land located within 30m of a wetland or watercourse.</p>
5.6.3	fences within 4.5m of a frontage in the General Residential Zone or Inner Residential Zone	<p>Fences (including free-standing walls) within 4.5m of a frontage, if located in the General Residential Zone or Inner Residential Zone if not more than a height of:</p> <p>(a) 1.2m above existing ground level if the fence is solid; or</p> <p>(b) 1.8m above existing ground level, if the fence has openings above the height of 1.2m which provide a uniform transparency of at least 30% (excluding any posts or uprights),</p> <p>unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.</p>
5.6.4	temporary fencing	If for public safety, construction works or occasional sporting, social or cultural events.
5.6.5	retaining walls	<p>Retaining walls, excluding any land filling, if:</p> <p>(a) it has a setback of not less than 1.5m from any boundary; and</p> <p>(b) it retains a difference in ground level of less than 1m,</p> <p>unless a code relating to historic heritage values, significant trees, or landslip hazards, applies and requires a permit for the use or development.</p>
5.6.6	hot water cylinders	If attached, or located, to the side or rear of a building, unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.
5.6.7	minor structures	<p>If:</p> <p>(a) they are at least 1m from any boundary, minor attachments to the side or rear of a building that are incidental to any use or development such as heat pumps, rain water tanks with a capacity of less than 45 kilolitres and on a stand no higher than 1.2m, and air-conditioners; or</p> <p>(b) they are incidental to any use or development including:</p> <p>(i) a maximum of 2 masts for telecommunications or flagpoles provided each are no more than 6m in length;</p> <p>(ii) one satellite dish no more than 2m in diameter,</p> <p>unless there is a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken.</p>

	Use	Requirements
5.6.8	strata division	Division by strata titles of lawfully constructed or approved buildings for a use granted a permit under this planning scheme or previously lawfully approved.

**Attachment 2.1**

<b>Interim Planning Scheme</b>	<b>General Exemption or Limited Exemption</b>	<b>Qualification</b>
Break O'Day Interim Planning Scheme 2013	5.5.1(b)	
Central Highlands Interim Planning Scheme 2015	5.5.2	
	5.10	
	5.11	
	6.6	
	6.8.1, 6.8.2, 6.8.3	
Derwent Valley Interim Planning Scheme 2015	5.5.2	
	5.10	
	5.11	
	6.6	
	6.8.1, 6.8.2, 6.8.3	
Dorset Interim Planning Scheme 2013	5.5.1(b)	
George Town Interim Planning Scheme	5.5.1(b)	
Glamorgan Spring Bay Interim Planning Scheme 2015	5.5.2	
	5.10	
	5.11	
	6.6	
	6.8.1, 6.8.2, 6.8.3	
Hobart Interim Planning Scheme 2015	5.5.2	
	5.10	
	5.11	
	6.6	
	6.8.1, 6.8.2, 6.8.3	
Huon Valley Interim Planning Scheme 2015	5.5.2	
	5.10	
	5.11	
	6.6	
	6.8.1, 6.8.2, 6.8.3	
Kentish Interim Planning Scheme 2013	5.4.2	Maintenance and repair of navigation aids
	6.2.5	Only for jetties, wharfs, boat ramps and airstrips

Interim Planning Scheme	General Exemption or Limited Exemption	Qualification
Kingborough Interim Planning Scheme 2015	5.5.2	
	5.10	
	5.11	
	6.6	
	6.8.1, 6.8.2, 6.8.3	
King Island Interim Planning Scheme 2013	5.4.2	Maintenance and repair of navigation aids
	6.2.5	Only for jetties, wharfs, boat ramps and airstrips
Latrobe Interim Planning Scheme 2013	5.4.2	Maintenance and repair of navigation aids
	6.2.5	Only for jetties, wharfs, boat ramps and airstrips
Launceston Interim Planning Scheme 2015	5.5.2	
	6.1.4.1	Only for limiting minor outbuildings or structures, or unroofed decks, on land within Management Units MU1 – MU16 of the Cataract Gorge Management Area Code as shown on the planning scheme overlay maps
	6.4.1.1 and 6.4.2.2	For limiting the construction or demolition of: (a) a fence or retaining wall on land within Management Units MU1 – MU16 of the Cataract Gorge Management Area Code as shown on the planning scheme overlay maps; and (b) construction or demolition of a boundary fence adjoining a public reserve.
Northern Midlands Interim Planning Scheme 2013	5.5.1(b)	
Sorell Interim Planning Scheme 2015	5.5.2	
	5.10	
	5.11	
	6.6	
	6.8.1, 6.8.2, 6.8.3	
Southern Midlands Interim Planning Scheme 2015	5.5.2	
	5.10	

Interim Planning Scheme	General Exemption or Limited Exemption	Qualification
	5.11	
	6.6	
	6.8.1, 6.8.2, 6.8.3	
Waratah Wynyard Interim Planning Scheme 2013	5.4.2	Maintenance and repair of navigation aids
	6.2.5	Only for jetties, wharfs, boat ramps and airstrips

## **Attachment 3 – Application Requirements**



## **8.1 Application Requirements**

8.1.1 An application must be made for any use or development for which a permit is required under this planning scheme.

8.1.2 An application must include:

- (a) a signed application form;
- (b) any written permission and declaration of notification required under s.52 of the Act and, if any document is signed by the delegate, a copy of the delegation;
- (c) details of the location of the proposed use or development;
- (d) a copy of the current certificate of title for all land to which the permit sought is to relate, including the title plan; and
- (e) a full description of the proposed use or development.

8.1.3 In addition to the information that is required by clause 8.1.2, a planning authority may, in order to enable it to consider an application, require such further or additional information as the planning authority considers necessary to satisfy it that the proposed use or development will comply with any relevant standards and purpose statements in the zone, codes or a specific area plan, applicable to the use or development including:

- (a) any schedule of easements if listed in the folio of the title and appear on the plan, where applicable;
- (b) a site analysis and site plan at a scale acceptable to the planning authority showing, where applicable:
  - (i) the existing and proposed use(s) on the site;
  - (ii) the boundaries and dimensions of the site;
  - (iii) topography including contours showing AHD levels and major site features;
  - (iv) natural drainage lines, watercourses and wetlands on or adjacent to the site;
  - (v) soil type;
  - (vi) vegetation types and distribution including any known threatened species, and trees and vegetation to be removed;
  - (vii) the location and capacity and connection point of any existing services and proposed services;
  - (viii) the location of easements on the site or connected to the site;
  - (ix) existing pedestrian and vehicle access to the site;

- (x) the location of existing and proposed buildings on the site;
  - (xi) the location of existing adjoining properties, adjacent buildings and their uses;
  - (xii) any natural hazards that may affect use or development on the site;
  - (xiii) proposed roads, driveways, parking areas and footpaths within the site;
  - (xiv) any proposed open space, common space, or facilities on the site; and
  - (xv) proposed subdivision lot boundaries;
- (c) where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 as required by the planning authority showing, where applicable:
- (i) the internal layout of each building on the site;
  - (ii) the private open space for each dwelling;
  - (iii) external storage spaces;
  - (iv) parking space location and layout;
  - (v) major elevations of every building to be erected;
  - (vi) the relationship of the elevations to existing ground level, showing any proposed cut or fill;
  - (vii) shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites; and
  - (viii) materials and colours to be used on roofs and external walls.

## **Attachment 4 – Special Provisions**

## **9.1 Changes to an Existing Non-conforming Use**

9.1.1 Notwithstanding any other provision of this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application:

- (a) to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme; or
- (b) to extend or transfer a non-conforming use and any associated development, from one part of the site to another part of that site; or
- (c) for a minor development to a non-conforming use,

where there is –

- (a) no detrimental impact on adjoining uses; or
- (b) the amenity of the locality; and
- (c) no substantial intensification of the use of any land, building or work,

In exercising its discretion, the planning authority may have regard to the purpose and provisions of the zone and any applicable codes.

## **9.2 Development for Existing Discretionary Uses**

9.2.1 Notwithstanding clause 8.8.1, proposals for development (excluding subdivision), associated with a use class specified in an applicable Use Table, as a discretionary use, must be considered as if that use class had permitted status in that Use Table, where the proposal for development does not establish a new use, or substantially intensify the use.

## **9.3 Adjustment of a Boundary**

9.3.1 An application for a boundary adjustment is permitted and a permit must be granted if:

- (a) no additional lots are created;
- (b) there is only minor change to the relative size, shape and orientation of the existing lots;
- (c) no setback from an existing building will be reduced below the applicable minimum setback requirement;
- (d) no frontage is reduced below the applicable minimum frontage requirement; and
- (e) no lot boundary that aligns with a zone boundary will be changed.

## **9.4 Demolition**

- 9.4.1 Unless approved as part of another development or Prohibited by another provision in this planning scheme, or a code relating to historic heritage values applies, an application for demolition is Permitted and a permit must be granted subject to any conditions and restrictions specified in clause 8.11.2 of the relevant interim planning scheme.

**9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place**

- 9.5.1 An application for a use of a place listed on the Tasmanian Heritage Register or as a heritage place in a code relating to historic heritage values that would otherwise be Prohibited is Discretionary.

- 9.5.2 The planning authority may approve such an application if it would facilitate the restoration, conservation and future maintenance of:

- (a) the local historic heritage significance of the heritage place; or
- (b) the historic cultural heritage significance of the place as described in the Tasmanian Heritage Register.

- 9.5.3 In determining an application the planning authority must have regard to:

- (a) any statement of historic cultural heritage significance for the place, as described in the Tasmanian Heritage Register;
- (b) any statement of local historic heritage significance and historic heritage values, as described in a code relating to historic heritage values;
- (c) any heritage impact statement prepared by a suitably qualified person setting out the effect of the proposed use and any associated development on:
  - (i) the local historic heritage significance of the heritage place or heritage precinct; and
  - (ii) the historic cultural heritage significance of the place as described in the Tasmanian Heritage Register;
- (d) any conservation plan prepared by a suitably qualified person in accordance with The Conservation Plan: A guide to the preparation of conservation plans for places of European cultural significance 7th edition, 2013;
- (e) the degree to which the restoration, conservation and future maintenance of the heritage significance of the place is dependent upon the establishment of the proposed use;
- (f) the likely impact of the proposed use on the amenity, or operation, of surrounding uses;
- (g) any Heritage Agreement that may be in place, in accordance with the provisions contained in the *Historic Cultural Heritage Act 1995*;

- (h) the purpose and provisions of the applicable zone; and
- (i) the purpose and provisions of any applicable code.

## **9.6 Change of Use**

9.6.1 A permit is not required for a change of use from an existing lawful use to another use in the same Use Class if:

- (a) the use is not otherwise Prohibited or Discretionary under any provision of the planning scheme;
- (b) the use complies with all applicable standards and does not rely on any Performance Criteria to do so; and
- (c) there is no:
  - (i) increase in the gross floor area of the use;
  - (ii) increase in the requirement for parking spaces under a code relating to parking;
  - (iii) change in the arrangements for site access, parking, or for the loading and servicing of vehicles on the site;
  - (iv) change in arrangements for the use of external areas of the site for display, operational activity or storage;
  - (v) increase in emissions or change in the nature of emissions;
  - (vi) increase in the required capacity of utility services; and
  - (vii) increase in the existing hours of operation if outside the hours of 8.00am to 6.00pm Monday to Sunday inclusive.

## **9.7 Access and Provision of Infrastructure Across Land in Another Zone**

9.7.1 If an application for use or development includes access or provision of infrastructure across land that is in a different zone to that in which the main part of the use or development is located, and the access or infrastructure is prohibited by the provisions of the different zone, the planning authority may at its discretion approve an application for access or provision of infrastructure over the land in the other zone, having regard to:

- (a) whether there is no practical and reasonable alternative for providing the access or infrastructure to the site;
- (b) the purpose and provisions of the zone and any applicable code for the land over which the access or provision of infrastructure is to occur; and

- (c) the potential for land use conflict with the use or development permissible under the planning scheme for any adjoining properties and for the land over which the access or provision of infrastructure is to occur.

## **9.8 Buildings Projecting onto Land in a Different Zone**

- 9.8.1 If an application for use or development includes a building that projects over land in a different zone, the status of the use for the projecting portion of the building is to be determined in accordance with the provisions of the zone in which the main part of the building is located.

## **9.9 Port and Shipping in Proclaimed Wharf Areas**

- 9.9.1 Notwithstanding any other provision in this planning scheme, an application for a use or development for Port and Shipping within a proclaimed wharf area must be considered as No Permit Required.

### Attachment 4.1

Interim Planning Scheme	Special Provision	Qualification
Central Highlands Interim Planning Scheme 2015	9.7	
	9.9	
Derwent Valley Interim Planning Scheme 2015	9.7	
	9.9	
Glamorgan Spring Bay Interim Planning Scheme 2015	9.7	
	9.9	
Hobart Interim Planning Scheme 2015	9.7	
	9.9	
Huon Valley Interim Planning Scheme 2015	9.7	
	9.9	
Kingborough Interim Planning Scheme 2015	9.7	
	9.9	
Sorell Interim Planning Scheme 2015	9.7	
	9.9	
Southern Midlands Interim Planning Scheme 2015	9.7	
	9.9	



## **Attachment 5 – General Residential Zone Provisions**

## 10.4 Development Standards for Dwellings

### 10.4.1 Residential density for multiple dwellings

Objective:	That the density of multiple dwellings:  (a) makes efficient use of land for housing; and  (b) optimises the use of infrastructure and community services.	
Acceptable Solutions	Performance Criteria	
<b>A1</b>  Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> .	<b>P1</b>  Multiple dwellings must only have a site area per dwelling that is less than 325m <sup>2</sup> , if the development will not exceed the capacity of infrastructure services and:  (a) is compatible with the density of existing development on established properties in the area; or  (b) provides for a significant social or community benefit and is:  (i) wholly or partly within 400m walking distance of a public transport stop; or  (ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.	

### 10.4.2 Setbacks and building envelope for all dwellings

Objective:	The siting and scale of dwellings:  (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings; (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and (d) provides reasonable access to sunlight for existing solar energy installations.	
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Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> <li>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</li> <li>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</li> <li>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;</li> <li>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or</li> <li>(e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</li> </ul>	<p><b>P1</b></p> <p>A dwelling must:</p> <ul style="list-style-type: none"> <li>(a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and</li> <li>(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.</li> </ul>
<p><b>A2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> <li>(a) 5.5m, or alternatively 1m behind the building line;</li> <li>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</li> <li>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</li> </ul>	<p><b>P2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>

<p><b>A3</b></p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p><b>P3</b></p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; or</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>
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**Table 4.2**

Road	Setback (m)

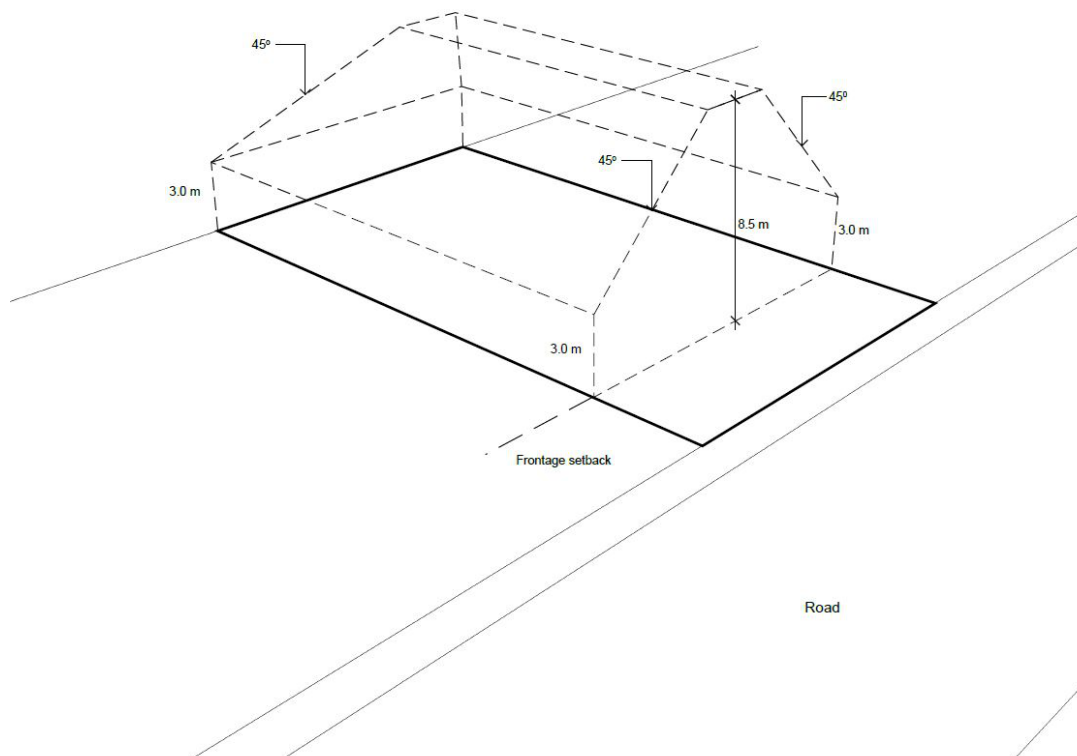


Figure 10.1 Building envelope as required by clause 10.4.2 A3(a)

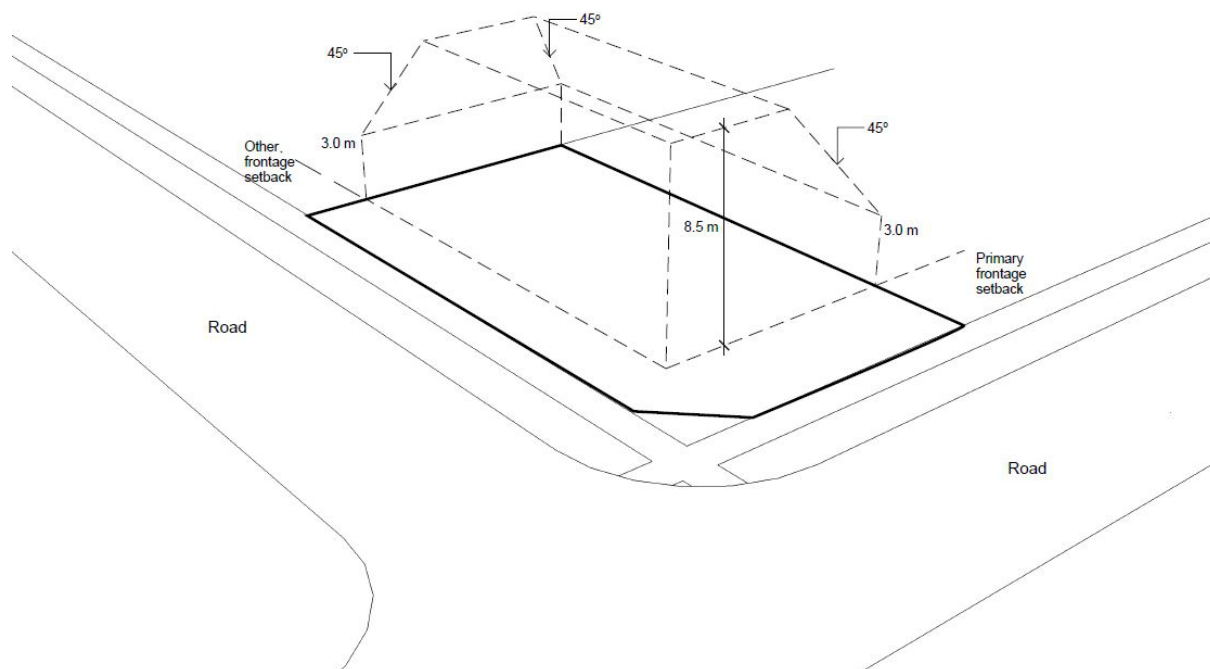


Figure 10.2 Building envelope for corner lots as required by clause 10.4.2 A3(a)

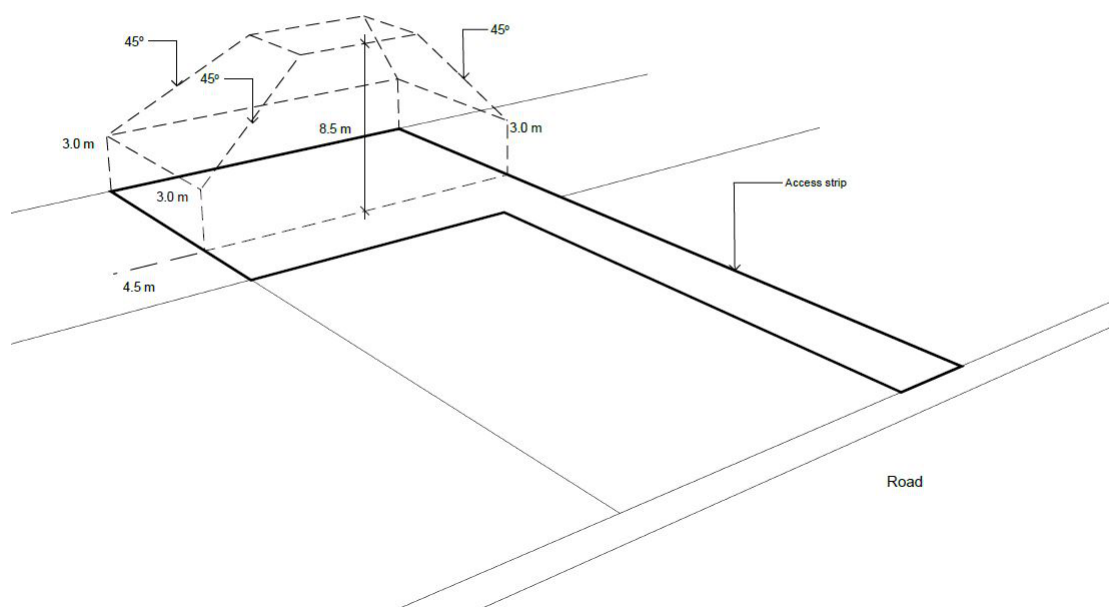


Figure 10.3 Building envelope for internal lots as required by clause 10.4.2 A3(a)

#### 10.4.3 Site coverage and private open space for all dwellings

Objective:	That dwellings are compatible with the amenity and character of the area and provide: (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</li> </ul>	<p><b>P1</b></p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) site coverage consistent with that existing on established properties in the area;</li> <li>(b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: <ul style="list-style-type: none"> <li>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space</li> </ul> </li> </ul>

	<p>provided for this purpose within the development; and</p> <p>(ii) operational needs, such as clothes drying and storage; and</p> <p>(c) reasonable space for the planting of gardens and landscaping.</p>
<p><b>A2</b></p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p>(i) 24m<sup>2</sup>; or</p> <p>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north;</p> <p>(d) has a gradient not steeper than 1 in 10; and</p> <p>(e) is not used for vehicle access or parking.</p>	<p><b>P2</b></p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>

## 10.4.4 Sunlight to private open space of multiple dwellings

Objective:	That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b>		<b>P1</b>

The diagram shows two dwellings with gabled roofs. The distance between the walls of the dwellings is labeled 'Private open space'. A dashed line indicates a '3.0 m minimum' distance between the dwellings. The roof height is labeled '3.0 m'. The solar angle is indicated as  $45^\circ$ . A sun icon and a north arrow are also present.



Figure 10.4 Separation from the private open space of another dwelling on the same site as required by clause 10.4.4 A1(a)

10.4.5 Width of openings for garages and carports for all dwellings

Objective:	To reduce the potential for garage or carport openings to dominate the primary frontage.	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).		<b>P1</b> A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.

10.4.6 Privacy for all dwellings

Objective:	To provide a reasonable opportunity for privacy for dwellings.	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: <ul style="list-style-type: none"> <li>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</li> <li>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</li> </ul>		<b>P1</b> A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of: <ul style="list-style-type: none"> <li>(a) a dwelling on an adjoining property or its private open space; or</li> <li>(b) another dwelling on the same site or its private open space.</li> </ul>

<ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</li> </ul>	
<p><b>A2</b></p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</li> <li>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</li> <li>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul>	<p><b>P2</b></p> <p>A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <ul style="list-style-type: none"> <li>(a) a window or glazed door, to a habitable room of another dwelling; and</li> <li>(b) the private open space of another dwelling.</li> </ul>

<p><b>A3</b></p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	<p><b>P3</b></p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>
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## 10.4.7 Frontage fences for all dwellings

Objective:	<p>The height and transparency of frontage fences:</p> <p>(a) provides adequate privacy and security for residents;</p> <p>(b) allows the potential for mutual passive surveillance between the road and the dwelling; and</p> <p>(c) is reasonably consistent with that on adjoining properties.</p>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>No Acceptable Solution<sup>2</sup>.</p>	<p><b>P1</b></p> <p>A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <p>(a) provide for security and privacy while allowing for passive surveillance of the road; and</p> <p>(b) be compatible with the height and transparency of fences in the street, having regard to:</p> <p>(i) the topography of the site; and</p> <p>(ii) traffic volumes on the adjoining road.</p>

<sup>2</sup> An exemption applies for fences in this zone – see Table 5.6 in Attachment 1

10.4.8 Waste storage for multiple dwellings

Objective:	To provide for the storage of waste and recycling bins for multiple dwellings.	
Acceptable Solutions		Performance Criteria
<p><b>A1</b></p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <ul style="list-style-type: none"> <li>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</li> <li>(b) a common storage area with an impervious surface that: <ul style="list-style-type: none"> <li>(i) has a setback of not less than 4.5m from a frontage;</li> <li>(ii) is not less than 5.5m from any dwelling; and</li> <li>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</li> </ul> </li> </ul>		<p><b>P1</b></p> <p>A multiple dwelling must have storage for waste and recycling bins that is:</p> <ul style="list-style-type: none"> <li>(a) capable of storing the number of bins required for the site;</li> <li>(b) screened from the frontage and dwellings; and</li> <li>(c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</li> </ul>

## Attachment 5.1

Interim Planning Scheme	Road	Setback (m)
Break O'Day Interim Planning Scheme 2013	Talbot Street, Fingal	6
	Main Road, St Marys	6
	Scamander Avenue	6
	Tasman Highway (including streets through St Helens)	6
	St Helens Point Road	6
Huon Valley Interim Planning Scheme 2015	Huon Highway	6
	Main Road	6
Latrobe Interim Planning Scheme 2013	Bass Highway	50
Waratah-Wynyard Interim Planning Scheme 2013	Bass Highway	50

## **Attachment 6 – Inner Residential Zone Provisions**

## 11.4 Development Standards for Dwellings

### 11.4.1 Residential density for multiple dwellings

Objective:	That the density of multiple dwellings: (a) makes efficient use of land for housing; and (b) optimises the use of infrastructure and community services.	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> Multiple dwellings must have a site area per dwelling of not less than 200m <sup>2</sup> .	<b>P1</b> Multiple dwellings must only have a site area per dwelling less than 200m <sup>2</sup> if: (a) the development contributes to a range of dwelling types and sizes appropriate to the surrounding area; or (b) the development provides for a specific accommodation need with significant social or community benefit.	

### 11.4.2 Setbacks and building envelope for all dwellings

Objective:	That the siting and scale of dwellings: (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings; and (c) provides separation between dwellings on adjoining properties to allow a reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:	<b>P1</b> A dwelling must have a setback from a frontage that is compatible with the streetscape having regard to any topographical constraints.	

<ul style="list-style-type: none"> <li>(a) if the frontage is a primary frontage, not less than 3m, or, if the setback from the primary frontage is less than 3m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</li> <li>(b) if the frontage is not a primary frontage, not less than 2m, or, if the setback from the frontage is less than 2m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</li> <li>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</li> <li>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</li> </ul>	
<p><b>A2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> <li>(a) 4m, or alternatively 1m behind the building line;</li> <li>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</li> <li>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</li> </ul>	<p><b>P2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
<p><b>A3</b></p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> <li>(a) be contained within a building envelope (refer to Figures 11.1, 11.2 and 11.3) determined by: <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a property with an adjoining frontage; and</li> </ul> </li> </ul>	<p><b>P3</b></p> <p>The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> <li>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> <li>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</li> <li>(ii) overshadowing the private open space of a dwelling on an adjoining property;</li> <li>(iii) overshadowing of an adjoining vacant property; or</li> </ul> </li> </ul>



<p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 9.5m above existing ground level; and</p> <p>(b) only have a setback within 1.5m of a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser)</p>	<p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; and</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area.</p>
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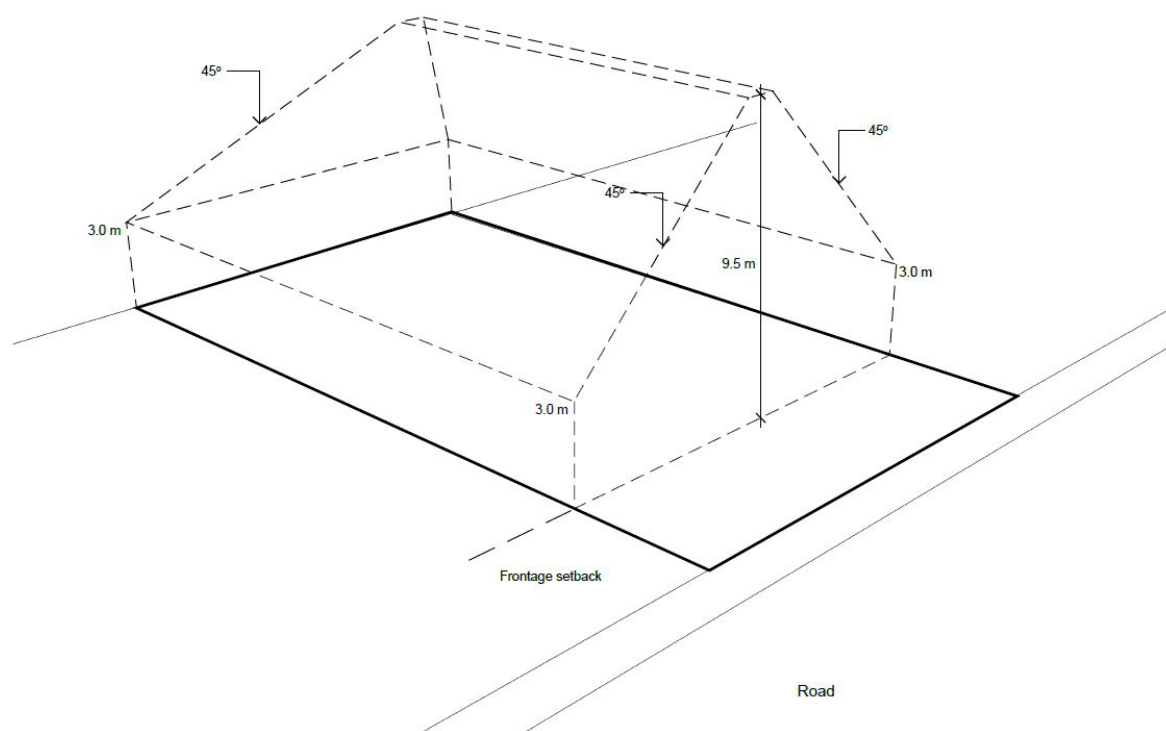


Figure 11.1 Building envelope as required by clause 11.4.2 A3(a)

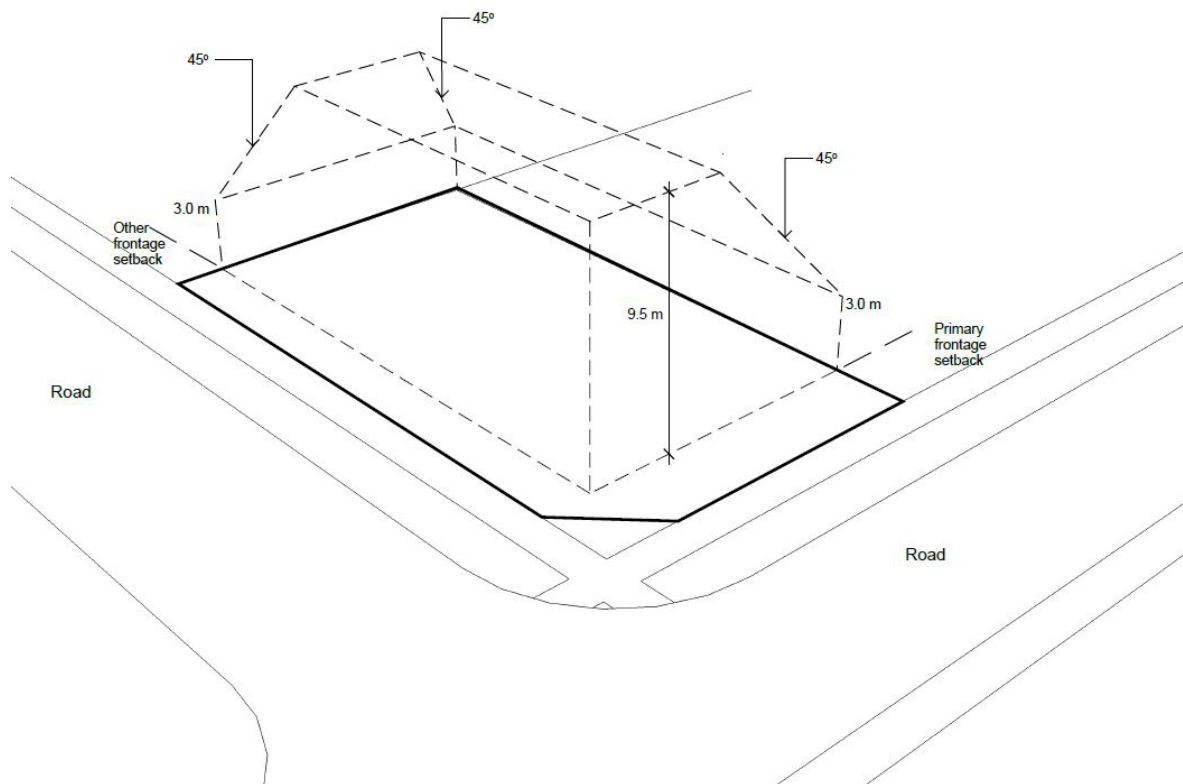


Figure 11.2 Building envelope for corner lots as required by clause 11.4.2 A3(a)

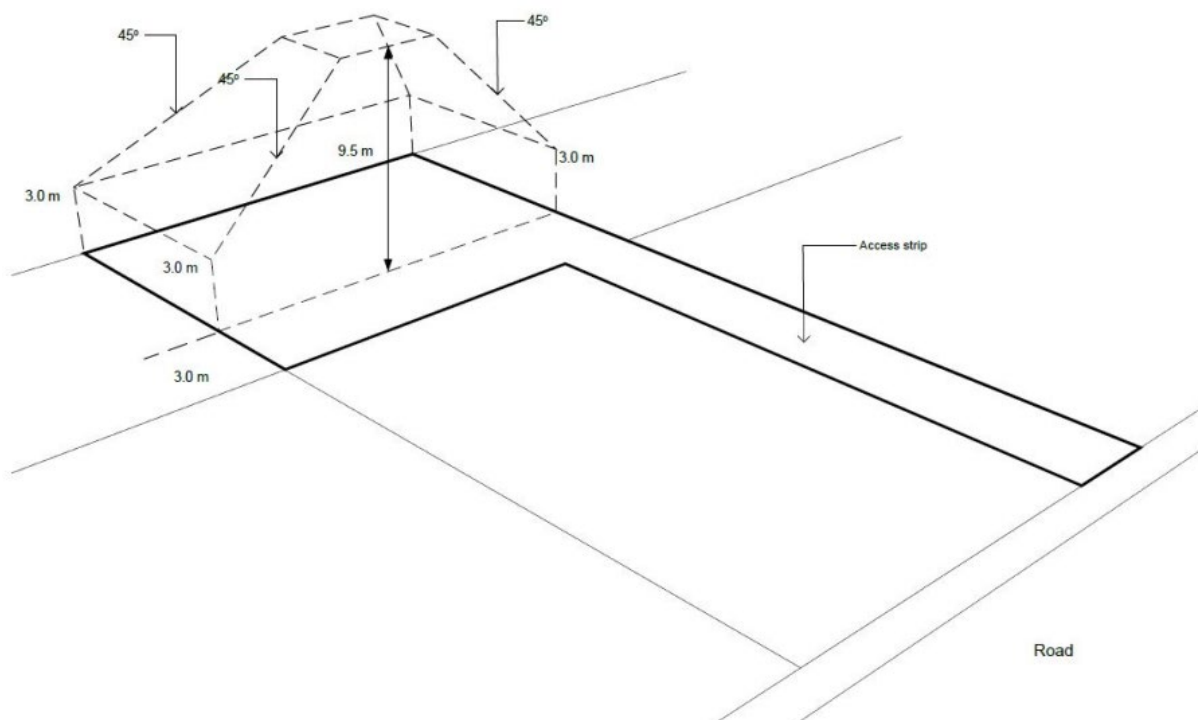


Figure 11.3 Building envelope for internal lots as required by clause 11.4.2 A3(a)

11.4.3 Site coverage and private open space for all dwellings

Objective:	That dwellings are compatible with the amenity and character of the area and provide: <ul style="list-style-type: none"> <li>(a) for outdoor recreation and the operational needs of the residents;</li> <li>(b) opportunities for the planting of gardens and landscaping; and</li> <li>(c) private open space that is conveniently located and has access to sunlight</li> </ul>	
Acceptable Solutions		Performance Criteria
<b>A1</b> Dwellings must have: <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 65% (excluding eaves up to 0.6m wide); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 40m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the ground level (excluding a garage, carport or entry foyer).</li> </ul>		<b>P1</b> Dwellings must have: <ul style="list-style-type: none"> <li>(a) site coverage consistent with that existing on established properties in the area;</li> <li>(b) private open space that is of a size and with dimensions appropriate for the size of the dwelling and is able to accommodate:               <ul style="list-style-type: none"> <li>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and</li> <li>(ii) operational needs, such as clothes drying and storage; and</li> </ul> </li> <li>(c) reasonable space for the planting of gardens and landscaping.</li> </ul>
<b>A2</b> A dwelling must have private open space that: <ul style="list-style-type: none"> <li>(a) is in one location and is not less than:               <ul style="list-style-type: none"> <li>(i) 24m<sup>2</sup>; or</li> <li>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</li> </ul> </li> <li>(b) has a minimum horizontal dimension of:               <ul style="list-style-type: none"> <li>(i) 4m; or</li> <li>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished</li> </ul> </li> </ul>		<b>P2</b> A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is: <ul style="list-style-type: none"> <li>(a) conveniently located in relation to a living area of the dwelling; and</li> <li>(b) orientated to take advantage of sunlight.</li> </ul>

<p>ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north;</p> <p>(d) has a gradient not steeper than 1 in 10; and</p> <p>(e) is not used for vehicle access or parking.</p>	
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## 11.4.4 Sunlight to private open space of multiple dwellings

Objective:	That the separation between multiple dwellings provides reasonable opportunity for sunlight to enter private open space for dwellings on the same site.	
Acceptable Solutions		Performance Criteria
<p><b>A1</b></p> <p>A multiple dwelling that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 11.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 11.4):</p> <p>(i) at a distance of 3m from the northern edge of the private open space; and</p> <p>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal.</p> <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight within the hours of 9.00am to 3.00pm on 21st June.</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <p>(i) an outbuilding with a building height not more than 2.4m; or</p> <p>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p>		<p><b>P1</b></p> <p>A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 11.4.3 of this planning scheme.</p>

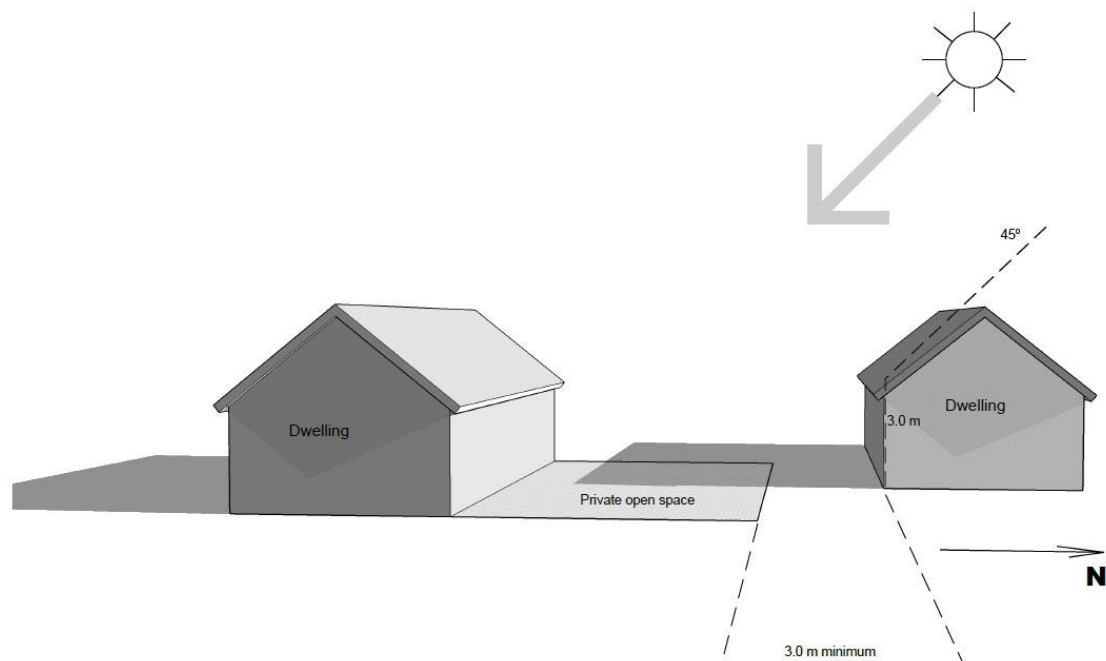


Figure 11.4 Separation from the private open space of another dwelling on the same site as required by clause 11.4.4 A1(a)

#### 11.4.5 Width of openings for garages and carports for all dwellings

Objective:	To reduce the potential for garage or carport openings to dominate the primary frontage	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	
<b>A1</b> A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	<b>P1</b> A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.	

#### 11.4.6 Privacy for all dwellings

Objective:	To provide a reasonable opportunity for privacy for dwellings.
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Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> <li>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</li> <li>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</li> </ul> </li> </ul>	<p><b>P1</b></p> <p>A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <ul style="list-style-type: none"> <li>(a) a dwelling on an adjoining property or its private open space; or</li> <li>(b) another dwelling on the same site or its private open space.</li> </ul>
<p><b>A2</b></p> <p>A window or glazed door, to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> </ul>	<p><b>P2</b></p> <p>A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <ul style="list-style-type: none"> <li>(a) a window or glazed door, to a habitable room of another dwelling; and</li> <li>(b) the private open space of another dwelling.</li> </ul>

<p>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</p> <p>(b) the window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</p> <p>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of at least 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	
<p><b>A3</b></p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	<p><b>P3</b></p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>

## 11.4.7 Frontage fences for all dwellings

Objective:	<p>The height and transparency of frontage fences:</p> <p>(a) provides adequate privacy and security for residents;</p>
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	<p>(b) allows the potential for mutual passive surveillance between the road and the dwelling; and</p> <p>(c) is reasonably consistent with that on adjoining properties.</p>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>No Acceptable Solution<sup>3</sup>.</p>	<p><b>P1</b></p> <p>A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <p>(a) provide for security and privacy while allowing for passive surveillance of the road; and</p> <p>(b) be compatible with the height and transparency of fences in the street, having regard to:</p> <p>(i) the topography of the site; and</p> <p>(ii) traffic volumes on the adjoining road.</p>

## 11.4.8 Waste storage for multiple dwellings

Objective:	To provide for the storage of waste and recycling bins for multiple dwellings.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a common storage area with an impervious surface that:</p> <p>(i) has a setback of not less than 4.5m from a frontage;</p> <p>(ii) is not less than 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height not less</p>	<p><b>P1</b></p> <p>A multiple dwelling must have storage for waste and recycling bins that is:</p> <p>(a) capable of storing the number of bins required for the site;</p> <p>(b) screened from the frontage and dwellings; and</p> <p>(c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</p>

<sup>3</sup> An exemption applies for fences in this zone – see Table 5.6 in Attachment 1



than 1.2m above the finished surface level of the storage area.	
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