

# INTERIM PLANNING DIRECTIVE NO. 4 – EXEMPTIONS, APPLICATION REQUIREMENTS, SPECIAL PROVISIONS AND ZONE PROVISIONS

## Overview

The State Planning Provisions (SPPs) were made in early 2017 following public exhibition, hearings, and an independent review and assessment by the Tasmanian Planning Commission (the Commission). The SPPs deliver a number of improvements to the planning system, including:

- clearer exemptions;
- clearer application requirements;
- a broader range of general provisions for managing use and development;
- refinements to the development standards for dwellings in the General Residential Zone; and
- consistent requirements for residential development in the Inner Residential Zone.

The SPPs, together with Local Provisions Schedules (LPS), form the Tasmanian Planning Scheme (TPS). The TPS does not come into effect in a council area until the council has prepared, and the Commission has approved, a LPS.

While a small number of council's have had their LPSs approved, most LPSs are currently with the Commission for assessment. This means that two planning systems are in operation at the same time.

*Interim Planning Directive No. 4 – Exemptions, Application Requirements, Special Provisions and Zone Provisions (IPD4)* brings parts of the SPPs into effect earlier through the remaining interim planning schemes. Bringing some elements of the SPPs into effect through interim planning schemes will enable more consistency while the remainder of the LPS are assessed.

## What is an interim planning directive?

An interim planning directive (IPD) provides for a draft planning directive to have interim effect while it is being formally assessed by the Commission. A planning directive may be issued by the Minister for Planning on:

- issues relating to use, development, protection or conservation of land in all or some municipal areas;
- procedural matters arising from the operation of the *Land Use Planning and Approvals Act 1993* (LUPA Act) or a State Policy;
- the application of a State Policy; or
- any other matters considered appropriate by the Minister.

IPDs may be issued by the Minister for Planning under the former provisions<sup>1</sup> of the LUPA Act. The Minister may only make an IPD after considering a recommendation from the Commission regarding a related draft planning directive.

An IPD may remain in place for up to 12 months, or until the related planning directive (in this case draft Planning Directive 8) is issued. IPD4 will also cease to have effect when a council's LPS is approved and the Tasmanian Planning Scheme (comprising SPPs and LPS) comes into effect in that council.

## What does IPD4 do?

IPD4 provides consistency during the transition to the TPS by enabling particular elements of the SPPs to operate through current interim planning schemes (IPs). IPD4 will only apply to IPs. The SPPs are already in effect within the Burnie City Council and Devonport City Council areas.

The parts of the SPPs included in IPD4 have been selected based on their ability to operate within the structure of current interim planning schemes and provide consistency. Selected provisions include:

- 15 additional terms and definitions from the SPPs to allow the provisions to operate (refer to Attachment 1 in IPD4);
- certain exemptions that either add to, or replace, the general and limited exemptions in IPs (refer to Attachment 2 in IPD4);
- application requirements from clause 6.1 in the SPPs that replace the requirements in clause 8.1 of IPs (refer to Attachment 3 in IPD4);

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

- certain General Provisions (to be applied as Special Provisions) from the SPPs, which either add to, or replace, the Special Provisions in clause 9.0 of IPSs (refer to Attachment 4 in IPD4); and
- the development standards for dwellings from the General Residential Zone and Inner Residential Zone replace those in IPSs (refer to Attachments 5 and 6 in IPD4).

IPD4 includes both general and limited exemptions in clause 5.0, this means clause 6.0 will be left blank in IPSs. IPD4 also contains the exemptions to be retained from Planning Directive No. 1 for completeness. Detailed information on the provisions and how they work with each IPS is provided in Appendix I. Provisions that are specific to particular IPSs are retained and detailed in IPD4.

### When will IPD4 come into effect?

The provisions will be given effect on 22 February 2021. In the meantime, the Commission will make modifications to the relevant IPSs in accordance with former section 14 of the LUPA Act.

### Does draft PD8 mean the SPP provisions will be reassessed?

The current legislation requires a draft planning directive (in this case draft Planning Directive 8) to be publicly exhibited and assessed by the Commission. This would result in the reassessment of parts of the SPPs.

Given the SPPs have already been subject to public exhibition and independent review and approved by the Commission 2017, an additional assessment would be unnecessary, inefficient, and costly. Concerns about any of the SPPs may be addressed through notification, amendment, and review processes provided for in the LUPA Act.

A legislative Bill proposing amendments to the LUPA Act will be tabled for debate in 2021. The Bill includes proposed amendments that allow the Minister to issue a planning directive relating to the SPPs without the current requirement for public exhibition and assessment by the Commission. Under the proposed Bill, the Minister may only issue a planning directive under the following circumstances:

- the Minister has already issued an interim planning directive in the form of that planning directive; and
- the planning directive only includes specific SPP provisions listed in the draft Bill.

### Community Impact Statement

Introducing IPD4 will not alter the degree of public, planning authority, State Service Agency, or State authorities involvement in land use planning processes.

The proposed changes further objective 1b) of the Part 1 Objectives of the LUPA Act, by providing for fair, orderly, and sustainable use and development of land during transition to the new planning system.

## What does IPD4 mean for applications that have already been lodged?

In accordance with former section 17(1) of the LUPA Act, IPD4 does not apply to any applications that were lodged prior to it coming into effect on 22 February 2021. Only those applications lodged after 22 February 2021 will be subject to the provisions given effect through IPD4.

## Where can I find a copy of IPD4?

*Interim Planning Directive No. 4 – Exemptions, Application Requirements, Special Provisions and Zone Provisions* is available on the [Tasmanian Planning Reform website](#).

## Enquiries

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

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## Appendix I – Summary of Interim Planning Directive No. 4 requirements

### NORTH

Interim Planning Scheme	Interpretation IPS clause 4.1.3	Exemptions IPS clauses 5.0 and 6.0	Application Requirements IPS clause 8.1	Special Provisions IPS clause 9.0	General Residential Zone IPS clause 10.4	Inner Residential Zone IPS clause 11.4
Break O'Day	The terms and definitions set out in Attachment 1 of IPD4 are to be included in section 4.1.3 of all IPSs.	Tables 5.1-5.6 in Attachment 2 of IPD4 replace section 5.0 and 6.0 of IPS excluding 5.5.1(b), which will continue to apply as a variation to 5.3.2 in IPD4	The application requirements set out in Attachment 3 of IPD4 replace section 8.1 of all IPSs.	The General Provisions set out in Attachment 4 of IPD4 replace Special Provisions in Part C of IPS	The provisions set out in Attachment 5 of IPD4 replace those in clause 10.4 of the IPS.  Road frontage setbacks specified in Attachment 5.1 must be included in Table 10.4.2.	Not applicable
West Tamar						
Dorset						
George Town		Tables 5.1-5.6 in Attachment 2 of IPD4 replace section 5.0 and 6.0 of IPS excluding 5.5.2, 6.1.4.1, 6.4.1.1, and 6.4.2.2, which will continue to apply as variations to the relevant exemptions in IPD4			The provisions set out in Attachment 5 of IPD4 replace those in clause 10.4 of the IPS.	
Northern Midlands						
Launceston						
Meander Valley	Tables 5.1-5.6 in Attachment 2 of IPD4 to replace section 5.0 and 6.0 of IPS excluding 5.1.1.1, which will continue to apply					

FACT SHEET IPD4

INTERIM PLANNING DIRECTIVE NO. 4 – EXEMPTIONS, APPLICATION REQUIREMENTS, SPECIAL PROVISIONS AND ZONE PROVISIONS

CRADLE COAST

Interim Planning Scheme	Interpretation	Exemptions	Application Requirements	Special Provisions	General Residential Zone	Inner Residential Zone
	IPS clause 4.1.3	IPS clauses 5.0 and 6.0	IPS clause 8.1	IPS clause 9.0	IPS clause 10.4	IPS clause 11.4
Central Coast	The terms and definitions set out in Attachment 1 of IPD4 are to be included in section 4.1.3 of all IPSs.	Tables 5.1-5.6 in Attachment 2 of IPD4 to replace section 5.0 and 6.0 of IPS. The following exemptions must be retained with the accompanying qualification: <ul style="list-style-type: none"> <li>• 5.4.2 – excluding maintenance and repair of navigation aids which is replaced by 5.2.11 in IPD4; and</li> <li>• 6.2.5 – only for jetties, wharfs, boat ramps and airstrips.</li> </ul>	IPD4 Application Requirements replace section 8.1 of all IPSs.	The General Provisions set out in Attachment 4 of IPD4 replace Special Provisions in Part C of IPS	The provisions set out in Attachment 5 of IPD4 replace those in clause 10.4 of the IPS. Road frontage setbacks specified in Attachment 5.1 must be included in Table 10.4.2.	Not applicable
Circular Head					The provisions set out in Attachment 5 of IPD4 replace those in clause 10.4 of the IPS.	
Latrobe						
Waratah-Wynyard						
Kentish					The provisions set out in Attachment 5 of IPD4 replace those in clause 10.4 of the IPS.	
King Island						
West Coast						
NOTE: The <b>Burnie City Council</b> and <b>Devonport City Council</b> areas now operate under the Tasmanian Planning Scheme.						

SOUTH

Interim Planning Scheme	Interpretation	Exemptions	Application Requirements	Special Provisions	General Residential Zone	Inner Residential Zone
	IPS clause 4.1.3	IPS clauses 5.0 and 6.0	IPS clause 8.1	IPS clause 9.0	IPS clause 10.4	IPS clause 11.4
Brighton	The terms and definitions set out in Attachment 1 of IPD4 are to be included in section 4.1.3 of all IPSs.	Tables 5.1-5.6 in Attachment 2 of IPD4 to replace section 5.0 and 6.0 of IPS excluding 5.5.2, 5.10, 5.11, 6.6, 6.8.1, 6.8.2, and 6.8.3, which will continue to apply as additional exemptions or variations	IPD4 Application Requirements replace section 8.1 of all IPSs.	The General Provisions set out in Attachment 4 of IPD4 replace Special Provisions in Part C of IPS excluding 9.7 and 9.9, which continue to apply.	The provisions set out in Attachment 5 of IPD4 replace those in clause 10.4 of the IPS.	If the Inner Residential Zone is used in the IPS, the provisions set out in Attachment 6 of IPD4 replace those in clause 11.4 of the IPS.
Central Highlands						
Derwent Valley						
Glamorgan Spring Bay	The definition for 'hours of operation' in Attachment 1 of IPD4 replaces the					
Glenorchy						

FACT SHEET IPD4

INTERIM PLANNING DIRECTIVE NO. 4 – EXEMPTIONS, APPLICATION REQUIREMENTS, SPECIAL PROVISIONS AND ZONE PROVISIONS

Interim Planning Scheme	Interpretation IPS clause 4.1.3	Exemptions IPS clauses 5.0 and 6.0	Application Requirements IPS clause 8.1	Special Provisions IPS clause 9.0	General Residential Zone IPS clause 10.4	Inner Residential Zone IPS clause 11.4
Sorell	definition in clause 4.1.3 of southern IPSs.	to the relevant exemptions in IPD4.				
Southern Midlands						
Tasman						
Hobart						
Kingborough						The provisions set out in Attachment 6 of IPD4 replace those in clause 11.4 of the IPS. Clause 11.4.2 A3 of Attachment 6 does not apply to land within the Battery Point Heritage Precinct (BPI) as identified in the Historic Heritage Code in the Hobart Interim Planning Scheme 2015.
Clarence	The provisions set out in Attachment 5 of IPD4 replace those in clause 10.4 of the IPS excluding clause 10.4.2 A4 and P4, which continue to apply.	The provisions set out in Attachment 6 of IPD4 replace those in clause 11.4 of the IPS excluding clause 10.4.2 A4 and P4, which continue to apply.				
Huon Valley	The provisions set out in Attachment 5 of IPD4 replace those in clause 10.4 of the IPS. Road frontage setbacks specified in Attachment 5.1 must be included in Table 10.4.2.	If the Inner Residential Zone is used in the IPS, the provisions set out in Attachment 6 of IPD4 replace those in clause 11.4 of the IPS.				