

Minister for Planning
Amendment 01-2021 of the State Planning Provisions
Statement of Reasons

After considering the advice received under sections 30NA(2) and (4) of the *Land Use Planning and Approvals Act 1993* (LUPA Act), I have determined to make amendment 01-2021 of the State Planning Provisions (SPPs) as a minor amendment of the SPPs in accordance with section 30NA of the LUPA Act.

In accordance with section 30NA(7)(b) of the LUPA Act, my reasons for making amendment 01-2021 of the SPPs are set out in the attached Schedule 1.

The amendment is made in accordance with Schedule 2 and comes into effect on 20 July 2022.

Dated: 22 June 2022



MICHAEL DARREL JOSEPH FERGUSON

MINISTER FOR PLANNING

SCHEDULE 1

Minister's reasons for making amendment 01-2021 of the State Planning Provisions in accordance with section 30NA(7)(b) of the *Land Use Planning and Approvals Act 1993*

Background

The State Planning Provisions (SPPs) were made on 22 February 2017 and came into effect on 2 March 2017 as part of the Tasmanian Planning Scheme. The SPPs only come into effect in a municipal area in Tasmania when the council's Local Provisions Schedule is approved by the Tasmanian Planning Commission. The SPPs are now in effect in several municipalities with the remaining municipalities to follow when each Local Provisions Schedule is approved.

It is important that the SPPs are kept under regular review. Previous amendments of the SPPs were made on 19 April 2018 and 19 February 2020 for a number of minor amendments including correcting clerical errors and anomalies, clarifying provisions, and alignment with legislation and previously approved or modified planning directives. A comprehensive review of the SPPs is due to commence in 2022 as part of the 5-yearly review as required by section 30T of the *Land Use Planning and Approvals Act 1993* (the LUPA Act).

Minor amendments of the SPPs have been identified by a range of stakeholders, including local councils, the Tasmanian Planning Commission, State agencies and authorities, and others involved in the operation of the SPPs, including submissions made on draft *Planning Directive No. 8 – Exemptions, Application Requirements, Special Provisions and Zone Provisions* (draft Planning Directive No. 8). There is also the opportunity to align the SPPs with recently approved planning directives, and updated legislation and Australian Standards.

My predecessor as Minister for Planning, prepared terms of reference for amendment 01/2021 of the SPPs and gave notice in the three main Tasmanian newspapers. My predecessor also made a determination in accordance with section 30BA of the LUPA Act that *Planning Directive No. 7 – Permits for Temporary Housing* (Planning Directive No. 7) should be reflected in the SPPs.

Legislative requirements

Part 3, Division 2 of the LUPA Act sets out the statutory requirements for making amendments to the SPPs.

The LUPA Act enables minor amendments of the SPPs to be made without going through the normal public consultation and assessment processes provided they are for any of the following purposes outlined in section 30NA(1):

- (i) correcting a clerical mistake, an error arising from any accidental slip or omission, an evident miscalculation of figures, or an evident material mistake, in a provision of the SPPs;
- (ii) removing an anomaly in the SPPs;

- (iii) clarifying or simplifying the SPPs;
- (iv) removing an inconsistency in the SPPs;
- (v) removing an inconsistency between the SPPs and the LUPA Act or any other Act;
- (vi) bringing the SPPs into conformity with a State Policy;
- (vii) bringing the SPPs into conformity with a planning directive which the Minister has, under section 30BA of the LUPA Act, determined should be reflected in the SPPs;
- (viii) changing provisions of the SPPs that indicate or specify the structure to which an LPS is to conform or the form that a provision of an LPS is to take; or
- (ix) a purpose prescribed by regulation.

For an amendment to be considered as a minor amendment of the SPPs, it must also not prejudice the public interest if the normal SPPs amendment processes under the LUPA Act are not followed.

A draft amendment of the SPPs must be prepared in accordance with the terms of reference to which notice has been given under section 30C(2) of the LUPA Act. It must also meet the SPPs criteria outlined in section 15 of the LUPA Act.

After giving notice on the terms of reference in accordance with section 30C(2) of the LUPA Act, I consulted on amendment 01-2021 of the SPPs with all planning authorities and relevant State Service Agencies and State authorities as required by section 30NA(2) of the LUPA Act.

After considering the advice of the planning authorities and relevant State Service Agencies and State authorities, I also sought the opinion of the Tasmanian Planning Commission (the Commission) on whether the amendment 01-2021 of the SPPs met the criteria for minor amendments under section 30NA(1) of the LUPA Act.

Reasons for my decision

I have determined to accept the Commission's reasons on amendment 01-2021 as contained in their report, with the exception of amendment number 4.

Specifically, I have determined to modify amendment 01-2021 as outlined in Attachment 1 to:

- delete amendment numbers 2, 13 and 19 for the reasons outlined in the Commission's report;
- modify amendment number 4 for the reasons outlined in Attachment 1; and
- modify amendment numbers 14, 20, 30 and 33 for the reasons outlined in the Commission's report.

Compliance with the requirements in the LUPA Act

I am satisfied that the modified amendment meets the requirements of the LUPA Act as follows:

- meets the criteria for a minor amendment of the SPPs under section 30NA(1) of the LUPA Act for the reasons outlined in Attachment 1;

- is in accordance with the terms of reference for draft amendment 01-2021 of the SPPs to which notice was given under section 30C(2) of the LUPA Act; and
- meets the SPPs criteria contained in section 15 of the LUPA Act.

The SPPs criteria require an amendment of the SPPs to comply with the following:

- (a) only contains provisions that the SPPs may contain under section 14 of the LUPA Act;
- (b) furthers the objectives set out in Schedule 1 of the LUPA Act;
- (c) is consistent with each State Policy;
- (d) is consistent with the TPPs that are in force before the instrument is made; and
- (e) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

The draft amendment only contains provisions that section 14 of the LUPA Act allows the SPPs to contain. It proposes minor amendments to the current SPPs, and to introduce new provisions in accordance with a recently approved planning directive, which have already been assessed and approved as meeting the SPPs criteria.

Attachment 1

| No | Clause | Amendment | Minister's Reason | | | | | | | | |
|--------------------------|---|---|---|--|------------------|---|--------------------------|---|-------------------|---|--|
| 1. | Administration – Planning Terms and Definitions – Table 3.1 | <p>Insert the following new terms and definitions in alphabetical order in Table 3.1:</p> <table border="1" data-bbox="551 352 1424 794"> <tr> <td data-bbox="551 352 779 448">Director of Housing</td> <td data-bbox="779 352 1424 448">means the Director as defined in the <i>Homes Act 1935</i>.</td> </tr> <tr> <td data-bbox="551 448 779 512">eligible persons</td> <td data-bbox="779 448 1424 512">means as defined in the <i>Homes Act 1935</i>.</td> </tr> <tr> <td data-bbox="551 512 779 608">housing support provider</td> <td data-bbox="779 512 1424 608">means as defined in the <i>Homes Act 1935</i>.</td> </tr> <tr> <td data-bbox="551 608 779 794">temporary housing</td> <td data-bbox="779 608 1424 794">means residential use or development for a period of not more than 12 months commencing from the date on which an occupancy permit or temporary occupancy permit is issued in accordance with Part 17 of the <i>Building Act 2016</i>.</td> </tr> </table> | Director of Housing | means the Director as defined in the <i>Homes Act 1935</i> . | eligible persons | means as defined in the <i>Homes Act 1935</i> . | housing support provider | means as defined in the <i>Homes Act 1935</i> . | temporary housing | means residential use or development for a period of not more than 12 months commencing from the date on which an occupancy permit or temporary occupancy permit is issued in accordance with Part 17 of the <i>Building Act 2016</i> . | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(vii) of the LUPA Act.</p> <p>The amendment brings the SPPs into conformity with Planning Directive No. 7 following a determination made by my predecessor as Minister for Planning in accordance with s.30BA of the LUPA Act.</p> |
| Director of Housing | means the Director as defined in the <i>Homes Act 1935</i> . | | | | | | | | | | |
| eligible persons | means as defined in the <i>Homes Act 1935</i> . | | | | | | | | | | |
| housing support provider | means as defined in the <i>Homes Act 1935</i> . | | | | | | | | | | |
| temporary housing | means residential use or development for a period of not more than 12 months commencing from the date on which an occupancy permit or temporary occupancy permit is issued in accordance with Part 17 of the <i>Building Act 2016</i> . | | | | | | | | | | |
| 2. | Administration – Exemptions 4.1.3 – home-based child care | <p>In clause 4.1.3, delete the requirements for home-based child care and replace with the following:</p> <p>If in accordance with a licence granted under the <i>Child Care Act 2001</i>.</p> | <p>I agree with the Commission's recommendation to delete this amendment for the reasons outlined in their report.</p> <p>I will seek further advice before determining to how to progress this change through the normal SPPs amendment process to align with exemption for home-based child care with current National Law.</p> | | | | | | | | |
| 3. | Administration – Exemptions 4.2.7 – minor infrastructure | <p>In clause 4.2.7, amend the requirements for minor infrastructure by deleting text shown as strikethrough and inserting the text shown as underlined:</p> <p>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 <u>waste or recycling</u> bins, public art, and the like by, or on behalf of, the Crown, a council or a State authority.</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(iii) and (iv) of the LUPA Act.</p> <p>The amendment removes an inconsistency in the SPPs by referring to 'waste bins' instead of 'rubbish bins' and clarifies that recycling bins were intended to be covered by this exemption.</p> | | | | | | | | |

Attachment 1

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| 4. | Administration – Exemptions 4.3.7 – outbuildings | <p>In clause 4.3.7, delete the requirements for outbuildings and replace with the following:</p> <p>Construction or placement of an outbuilding if:</p> <p>(a) it is not between a frontage and the building line, or if on a lot with no buildings, the setback from the frontage is not less than the relevant Acceptable Solution requirement; and</p> <p>(b) the floor area of the new outbuilding <u>that is roofed</u> is not more than:</p> <p>(i) 10m² if:</p> <ol style="list-style-type: none"> there is not more than one other outbuilding on the lot; the total floor area of all outbuildings on the lot <u>that are roofed</u> will not be more than 20m²; no side of the new outbuilding is longer than 3.2m; and the building height of the new outbuilding is not more than 2.4m; or <p>(ii) 18m² if:</p> <ol style="list-style-type: none"> there is no other outbuilding on the lot; the roof span of the new outbuilding is not more than 3m; the building height of the new outbuilding is not more than 2.4m; the new outbuilding is not less than 0.9m from an existing building on the lot; the new outbuilding has a setback of not less than 0.9m from any boundary; and the change in existing ground level as a result of cut or fill is not more than 0.5m, <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p> | <p>I agree with the Commission's recommendation that the amendment meets s.30NA(1)(a)(i) and (iii) of the LUPA Act.</p> <p>I note the Commission's recommendation that a definition of 'floor area' is required to clarify its meaning and that including the definition would not meet the minor amendment criteria under s.30NA of the LUPA Act.</p> <p>In response to the Commission's recommendation, I have determined to modify the amendment to refer to the area of outbuildings that are 'roofed' which I do not consider requires a definition. The roofed area corresponds with the 'floor area' as originally intended. The SPPs already refer to this concept in the calculation of 'site coverage' – or the proportion of a site covered by 'roofed' buildings.</p> <p>The amendment corrects a number of clerical errors clarifies the original intent of the exemption, as follows:</p> <ul style="list-style-type: none"> Clarifies that the exemption was intended to take account of any existing outbuildings on the lot and that it is limited to providing for up to two outbuildings with area of up to 10m² <u>each</u> (a total of 20m²), or a single outbuilding with an area of up to 18m². Replaces the reference to 'gross floor area' with 'roofed area' to capture outbuildings without 4 walls (e.g. carports) as originally intended. The meaning of the term 'roofed area' is already commonly understood in the SPPs for determining 'site coverage'. |

Attachment 1

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| | | | <ul style="list-style-type: none"> Clarifies the requirements that apply to the new outbuildings as compared to what is already existing on the lot. Restructures the exemption for ease of interpretation without changing the original policy intent. |
| 5. | Administration – Exemptions 4.3.9 – agricultural buildings and works in the Rural Zone or Agriculture Zone | <p>In clause 4.3.9, amend the requirements in subclause (a) by inserting the text shown as underlined:</p> <p>(a) buildings or works, excluding a dwelling <u>or land filling</u>, are directly associated with, and a subservient part of, an agricultural use;</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(iii) of the LUPA Act.</p> <p>The amendment clarifies the scope of the exemption for agricultural buildings and works in the Rural Zone or Agriculture Zone. Land filling is specifically covered by the exemption in clause 4.6.9 of the SPPs.</p> |
| 6. | Administration – Exemptions 4.4.1 – vegetation removal for safety or in accordance with other Acts | <p>In clause 4.4.1, amend the requirements in subclause (b) by deleting '<i>Forest Practices Regulations 2007</i>' and replacing with '<i>Forest Practices Regulations 2017</i>'.</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(v) of the LUPA Act.</p> <p>The amendment removes an inconsistency between the SPPs and the <i>Forest Practices Regulations 2017</i>.</p> <p>The SPPs refer to the <i>Forest Practices Regulations 2007</i> which has been superseded by the <i>Forest Practices Regulations 2017</i>.</p> |
| 7. | Administration – Exemptions 4.4.1 – vegetation removal for safety or in accordance with other Acts | <p>In clause 4.4.1, amend the requirements in subclause (e) by deleting 'Tasmanian Fire Service' and replacing with 'Tasmania Fire Service'.</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(i) of the LUPA Act.</p> <p>The amendment corrects a clerical error.</p> |
| 8. | General Provisions | <p>Insert a new general provision at clause 7.13 as follows:</p> <p>7.13 Temporary Housing</p> <p>7.13.1 Unless No Permit Required under any other provision of this planning scheme, use and development for temporary housing of</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(vii) of the LUPA Act.</p> <p>The amendment brings the SPPs into conformity with Planning Directive No. 7 following a determination made</p> |

Attachment 1

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| | | <p>eligible persons within an existing building is Permitted, and a permit must be granted, if:</p> <ul style="list-style-type: none"> (a) on land within: <ul style="list-style-type: none"> (i) the General Residential Zone, Inner Residential Zone, Urban Mixed Use Zone, Central Business Zone, General Business Zone, Local Business Zone, Community Purpose Zone, Recreation Zone, or Open Space Zone; or (ii) the Commercial Zone in the Hobart Local Provisions Schedule; (b) funded or operated by, or on behalf of, the Director of Housing or a housing support provider; (c) the development is limited to minor building works or structures necessary for the use of the existing building for temporary housing; and (d) the following does not apply: <ul style="list-style-type: none"> (i) Bushfire-Prone Areas Code; (ii) Flood-Prone Areas Hazard Code; (iii) Coastal Inundation Hazard Code; (iv) Landslip Hazard Code; (v) Potentially Contaminated Land Code; or (vi) Local Historic Heritage Code. <p>7.13.2 Unless No Permit Required under any other provisions of this planning scheme, use and development for temporary housing of eligible persons within demountable, relocatable, or other forms of non-permanent buildings is Permitted, and a permit must be granted, if:</p> <ul style="list-style-type: none"> (a) on land within: | <p>by my predecessor as Minister for Planning in accordance with s.30BA of the LUPA Act.</p> |

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| | | <ul style="list-style-type: none"> (i) a General Residential Zone, Inner Residential Zone, Urban Mixed Use Zone, Central Business Zone, General Business Zone, Local Business Zone, Community Purpose Zone, Recreation Zone, or Open Space Zone under an interim planning scheme, or (ii) the Commercial Zone in the Hobart Local Provisions Schedule; (b) funded or operated by, or on behalf of, the Director of Housing or a housing support provider; (c) located on the same site, or a site adjoining, an existing residential facility that is funded or operated by, or on behalf of, the Director of Housing or a housing support provider; (d) the building height is not more than 8m above existing ground level; and (e) the buildings have a setback from an adjoining property of not less than half the wall height of the building if the adjoining property is within a General Residential Zone, Low Density Residential Zone, or Inner Residential Zone, excluding: <ul style="list-style-type: none"> (i) an adjoining property to which sub-clause 7.13.2)(c) applies; and (ii) the portion of the wall that is not more than 3m above existing ground level; and (f) the following does not apply: <ul style="list-style-type: none"> (i) Bushfire-Prone Areas Code; (ii) Flood-Prone Areas Hazard Code; (iii) Coastal Inundation Hazard Code; (iv) Landslip Hazard Code; | |

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| | | <ul style="list-style-type: none"> (v) Potentially Contaminated Land Code; (vi) Local Historic Heritage Code; or (vii) buildings are located on land within an inner protection area, or registered electricity easement, as defined in an Electricity Transmission Infrastructure Protection Code. <p>7.13.3 Unless sub-clause 7.13.1 or 7.13.2 applies, use or development for temporary housing of eligible persons within an existing building, or in a demountable, relocatable or other non-permanent building that would otherwise be Prohibited under any other provisions of this planning scheme, is Discretionary, if funded or operated by, or on behalf of, the Director of Housing or a housing support provider.</p> <p>7.13.4 In determining an application under sub-clause 7.13.3, a planning authority must have regard to:</p> <ul style="list-style-type: none"> (a) the proximity of the temporary housing to existing residential facilities and social support services that are funded or operated by, or on behalf of, the Director of Housing or a housing support provider; (b) the availability of public transport and capacity of road infrastructure and utility services to the site; (c) the purpose and provisions of the applicable zone and any applicable codes; and (d) the potential for land use conflict with other use or development on adjoining properties and any measures available to manage or mitigate such conflict. <p>7.13.5 Temporary housing must only be located in a bushfire-prone area, as defined under the Bushfire-Prone Areas Code, if accompanied by an emergency management strategy, endorsed by the Tasmania Fire Service or accredited person, as defined under the Bushfire-Prone Areas Code, that provides for mitigation</p> | |

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| | | <p>measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use considering:</p> <ul style="list-style-type: none"> (a) the nature of the bushfire-prone vegetation, as defined under the Bushfire-Prone Areas Code, including the type, fuel load, structure and flammability; (b) the ability of occupants of the temporary housing to: <ul style="list-style-type: none"> (i) protect themselves and defend property from bushfire attack; (ii) evacuate in an emergency; (iii) understand and respond to instructions in the event of a bushfire; and (c) any bushfire protection measures, as defined under the Bushfire-Prone Areas Code, available to reduce risk to emergency service personnel. <p>7.13.6 A permit granted under sub-clauses 7.13.1 or 7.13.2 must be subject to a condition to require that not more than 6 months after the date on which the permit lapses, all traces of any works, buildings, plant or materials introduced and used for the purposes temporary housing must be removed from the site to the satisfaction of the planning authority, unless:</p> <ul style="list-style-type: none"> (a) a new permit for temporary housing has been granted; or (b) such works, buildings, plant or materials are to be used for a use or development for which a permit has been granted, or are exempt from requiring a permit. <p>7.13.7 Additional permits for temporary housing issued under sub-clauses 7.13.1 or 7.13.2 must not cause the approval of temporary housing for a period longer than 3 years commencing from the date on which the initial occupancy permit, or temporary</p> | |

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| | | <p>occupancy permit, is issued in accordance with Part 17 of the <i>Building Act 2016</i>.</p> <p>7.13.8 No other provisions in this planning scheme apply to a use or development in accordance with sub-clauses 7.13.1 or 7.13.2.</p> | |
| 9. | <p>General Residential Zone – 8.4.2 and 8.5.1</p> <p>Inner Residential Zone – 9.4.2 and 9.5.1</p> | <p>In clauses 8.4.2 P3(a)(iii), 8.5.1 P2(a)(iii), 9.4.2 P3(a)(iii) and 9.5.1 P2(a)(iii), amend by deleting “or” and replacing with “and”</p> | <p>I agree with the Commission’s recommendation that it meets s.30NA(1)(a)(i) of the LUPA Act.</p> <p>The amendment corrects a clerical error.</p> |
| 10. | <p>General Residential Zone – 8.4.8</p> <p>Inner Residential Zone – 9.4.8</p> | <p>In clauses 8.4.8 and 9.4.8, amend P1 by:</p> <p>(a) inserting in (b) the word “any” before “dwellings”; and</p> <p>(b) inserting in (c) the word “any” before “dwellings” and deleting the words “on the site”.</p> | <p>I agree with the Commission’s recommendation that it meets s.30NA(1)(a)(iv) of the LUPA Act.</p> <p>The amendment removes an inconsistency in the SPPs by aligning the Performance Criteria with the corresponding Acceptable Solution which relates to any dwelling, not just dwellings on the site.</p> |
| 11. | <p>General Residential Zone – 8.5.1</p> <p>Inner Residential Zone – 9.5.1</p> <p>Low Density Residential Zone – 10.5.1</p> | <p>In clauses 8.5.1 A5, 9.5.1 A5 and 10.5.1 A6 by deleting “or” at the end of subclause (a) and replacing with “and”</p> | <p>I agree with the Commission’s recommendation that it meets s.30NA(1)(a)(iii) of the LUPA Act.</p> <p>The amendment clarifies that both (a) and (b) must be met.</p> |
| 12. | <p>Inner Residential Zone – 9.4.3</p> | <p>In clause 9.4.3 A1(b), amend by inserting “finished” before “ground level”.</p> | <p>I agree with the Commission’s recommendation that it meets s.30NA(1)(a)(i) of the LUPA Act</p> <p>The amendments corrects a clerical error and also makes the clause consistent with the wording in clauses 8.4.3 in the General Residential Zone and the other requirements in clause 9.4.3.</p> |

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| 13. | Rural Living Zone – 11.5.1 | <p>In clause 11.5.1, amend A1 by:</p> <p>(a) deleting (a)(i)a. and replacing with the following:</p> <p style="padding-left: 40px;">a. all setbacks required by clause 11.4.2 A2, A3 and A4; and</p> <p>(b) deleting (a)(ii) and replacing with the following:</p> <p style="padding-left: 40px;">(ii) existing buildings are consistent with the setback required by clause 11.4.2 A2, A3 and A4;</p> | <p>I agree with the Commission's recommendation and have determined to delete this amendment.</p> |
| 14. | Rural Zone – 20.5.1 | <p>In clause 20.5.1 P1(b)(iii), amend by inserting "A2 or P2" after "clause 20.5.1 <u>20.4.2</u>".</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(i) of the LUPA Act if modified to correct a typographical error. I have determined to modify the amendment to replace the reference to '20.5.1' with '20.4.2'.</p> <p>The amendment corrects a clerical error and removes an inconsistency in the SPPs by aligning the provisions with the corresponding provisions in the Agriculture Zone.</p> |
| 15. | Agriculture Zone – 21.2 Use Table | <p>In clause 21.2 Use Table, delete the Discretionary qualification for Storage and replace with the following:</p> <p>If for:</p> <p>(a) a contractors yard;</p> <p>(b) freezing and cooling storage;</p> <p>(c) grain storage;</p> <p>(d) a liquid, solid or gas fuel depot; or</p> <p>(e) a woodyard.</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(i) of the LUPA Act.</p> <p>The amendment corrects a clerical error by including 'grain storage' in the list of Discretionary uses under the Storage Use Class. The qualification was meant to be consistent with the Permitted qualification for the Storage Use Class in the Rural Zone.</p> |
| 16. | Environmental Management Zone | <p>Amend clauses 23.2, 23.4.1, 23.4.2, 23.4.3, 23.4.4 and 23.5.1 by changing all references from '<i>National Parks and Reserved Land Regulations 2009</i>' to '<i>National Parks and Reserve Management Regulations 2019</i>'.</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(v) of the LUPA Act.</p> <p>The amendment removes an inconsistency between the SPPs and the <i>National Parks and Reserve Management Regulations 2019</i>.</p> |

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| | | | The <i>National Parks and Reserved Land Regulations 2009</i> have now been superseded by the <i>National Parks and Reserve Management Regulations 2019</i> . |
| 17. | Signs Code – C1.6.4 | In clause C1.6.4 P1, amend by deleting “local heritage significance” and replacing with “local historic heritage significance”. | I agree with the Commission’s recommendation that it meets s.30NA(1)(a)(i) of the LUPA Act. The amendment corrects a clerical error and aligns it with the defined term in the Local Historic Heritage Code. |
| 18. | Parking and Sustainable Transport Code – C2.3.1 | Amend the definition of parking precinct plan by deleting “and other vehicles”. | I agree with the Commission’s recommendation that it meets s.30NA(1)(a)(iv) of the LUPA Act. The amendment removes an inconsistency in the SPPs by aligning the definition of parking precinct plan with its scope for varying the car parking requirements in clause C2.5.1. |
| 19. | Parking and Sustainable Transport Code – C2.6.1 | In clause C2.6.1 A1(c), amend by inserting the text shown as underlined: (c) — excluding all uses in the Rural Living Zone, Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement. | I agree with the Commission’s recommendation and have determined to delete this amendment. I will seek further advice before determining how to progress this change through SPPs Review process. |
| 20. | Parking and Sustainable Transport Code – C2.7.1 | In clause C2.7.1, amend the objective, A1 and P1 by deleting “on-site parking” and replacing with “on-site car parking”. | I agree with the Commission’s recommendation that it meets s.30NA(1)(a)(i) of the LUPA Act. The amendment corrects a clerical error. |
| 21. | Local Historic Heritage Code – Table C6.4.1 Exempt Development | In Table C6.4.1, amend the qualifications for signs by deleting the comma after “potential”. | I agree with the Commission’s recommendation that it meets s.30NA(1)(a)(i) of the LUPA Act. The amendment corrects a clerical error. |

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| 22. | Local Historic Heritage Code – C6.6.9 | <p>In clause C6.6.9 A1, amend by inserting text shown as underlined and deleting text shown as strikethrough:</p> <p><u>Driveways and parking</u> Parking areas for non-residential purposes on local heritage places must be located behind the building line of buildings located or proposed on a site.</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(i) of the LUPA Act.</p> <p>The amendment corrects a clerical error and aligns the Acceptable Solution with the corresponding objective and Performance Criteria.</p> |
| 23. | Natural Assets Code – C7.6.2 | <p>In clause C7.6.2 P1.1(a), delete 'Tasmanian Fire Service' and replace with 'Tasmania Fire Service'.</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(i) of the LUPA Act.</p> <p>The amendment corrects a clerical error.</p> |
| 24. | Natural Assets Code – C7.7.2 | <p>In clause C7.7.2 P1.1(a), delete 'Tasmanian Fire Service' and replace with 'Tasmania Fire Service'.</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(i) of the LUPA Act.</p> <p>The amendment corrects a clerical error.</p> |
| 25. | Coastal Erosion Hazard Code – C10.5.4 | <p>In clause C10.5.4 P1, amend subclause (d) by inserting text shown as underlined and deleting text shown as strikethrough:</p> <p>(d) if it is for a critical use, hazardous use, or vulnerable use, <u>it</u> and is not located within a low, medium or high coastal erosion hazard band, <u>and</u> it meets the relevant requirements in clause C10.5.4 <u>C10.5.3</u> P1, P2, P3 and P4.</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(i) of the LUPA Act.</p> <p>The amendment corrects a clerical error.</p> |
| 26. | Bushfire-Prone Areas Code – C13.3.1 | <p>In clause C13.3.1, amend the definition of bushfire attack level (BAL) by deleting "Australian Standard AS3959-2009" and replacing with "Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas"</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(v) of the LUPA Act.</p> <p>The amendment removes an inconsistency between the SPPs and the <i>Building Act 2016</i> by referring to the updated Australian Standard and to align with the National Construction Code (NCC) and the <i>Building Act 2016</i>.</p> <p>The Bushfire-Prone Areas Code is closely linked to the Building Act through the <i>Director's Determination – requirements for Building in Bushfire-Prone Areas</i>. The</p> |

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| | | | <p>Building Act requires building works to be undertaken in accordance with the NCC and refers to the <i>Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas</i>. This Australian Standard supersedes AS3959:2009. There is no change to the definition of bushfire attack level in the updated Australian Standard.</p> |
| 27. | Bushfire-Prone Areas Code – C13.6.1 | <p>In clause C13.6.1 A1(b)(iii) and (iv), delete “Table 2.4.4 of <i>Australian Standard AS3959–2009</i>” and replace with “Table 2.6 of <i>Australian Standard AS3959:2018</i>”.</p> | <p>I agree with the Commission’s recommendation that it meets s.30NA(1)(a)(v) of the LUPA Act.</p> <p>The amendment removes an inconsistency between the SPPs and the <i>Building Act 2016</i> by referring to the updated Australian Standard and to align with the National Construction Code (NCC) and the <i>Building Act 2016</i>.</p> <p>The Bushfire-Prone Areas Code is closely linked to the Building Act through the <i>Director’s Determination – requirements for Building in Bushfire-Prone Areas</i>. The Building Act requires building works to be undertaken in accordance with the NCC and refers to the <i>Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas</i>. This Australian Standard supersedes AS3959:2009. While the table reference number in the Australian Standard has changed, there are no changes to the prescribed minimum separation distances.</p> |
| 28. | Bushfire-Prone Areas Code – Table C13.1 | <p>In Table C13.1 (row A.), delete “<i>Australian Standard, AS 1743-2001</i>” in requirement (k) and replace with “<i>Australian Standard AS1743:2018</i>”.</p> | <p>I agree with the Commission’s recommendation that it meets s.30NA(1)(a)(iii) of the LUPA Act.</p> <p>The amendment clarifies the SPPs by aligning with the latest version of the Australian Standard.</p> <p>There are no changes to the specifications for parking signs in the updated Australian Standard.</p> |

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| 29. | Bushfire-Prone Areas Code – Table C13.5 | In Table C13.5 (row B.), delete “ <i>Australian Standard AS3959-2009</i> ” in requirement (e) and replace with “ <i>Australian Standard AS3959:2018</i> ” | <p>I agree with the Commission’s recommendation that it meets s.30NA(1)(a)(v) of the LUPA Act.</p> <p>The amendment removes an inconsistency between the SPPs and the <i>Building Act 2016</i> by referring to the updated Australian Standard and to align with the National Construction Code (NCC) and the <i>Building Act 2016</i>.</p> <p>The Bushfire-Prone Areas Code is closely linked to the Building Act through the <i>Director’s Determination – requirements for Building in Bushfire-Prone Areas</i>. The Building Act requires building works to be undertaken in accordance with the NCC and refers to the <i>Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas</i>. This Australian Standard supersedes AS3959:2009. There is no material change to the tank construction requirements prescribed in the updated Australian Standard.</p> |
| 30. | Bushfire-Prone Areas Code – Table C13.5 | In Table C13.5 delete the superscript for footnote 1 in clause (e)(d) of row C (Fittings, pipework and accessories (including stands and tank supports)) and also delete footnote 1 at the end of Table C3.5. | <p>I agree with the Commission’s recommendation that it meets s.30NA(1)(a)(v) of the LUPA Act if modified to correct a typographical error. I have determined to modify the amendment to replace the reference to ‘(c)’ with (d)’.</p> <p>The amendment removes an inconsistency between the SPPs and the <i>Building Act 2016</i> by deleting the now redundant reference to <i>AS/NZS 3500.1:2003</i>.</p> <p><i>AS/NZS 3500.1:2003</i> was superseded by a 2018 edition and more recently by a 2021 edition. The 2021 edition deletes the requirements previously in clause 5.23 of the <i>AS/NZS 3500.1:2003</i>. The preface of the 2021 edition explains that the bushfire clause was removed in anticipation of the requirement being elevated to the</p> |

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| | | | <p>Plumbing Code of Australia (National Construction Code, Volume 3).</p> <p>As the Bushfire-Prone Areas Code already specifies the relevant requirements for pipes both above and below ground and the 2021 edition of AS/NZS 3500.1 no longer contains the relevant clause, the reference to AS/NZS 3500.1 is no longer required.</p> <p>The Bushfire-Prone Areas Code is closely linked to the Building Act through the <i>Director's Determination – requirements for Building in Bushfire-Prone Areas</i>. The references to AS/NZS 3500.1 do not appear in the Director's Determination. Removal of the reference will also improve consistency between the SPPs and building regulations.</p> | | |
| 31. | Bushfire-Prone Areas Code – Table C13.5 | <p>In Table C13.5 (row D.):</p> <p>(a) delete “<i>Australian Standard AS 2304- 2011</i>” in requirement (a) and replace with “<i>Australian Standard AS 2304:2019</i>”; and</p> <p>(b) delete “Tasmanian Fire Service” in requirement (b) and replace with “Tasmania Fire Service”.</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(i) and (iii) of the LUPA Act.</p> <p>The amendment clarifies the SPPs by aligning with the latest version of the Australian Standard and to correct a clerical error.</p> <p>There are no changes to the water tank signage requirements in the updated Australian Standard.</p> | | |
| 32. | Potentially Contaminated Land Code – Clause C14.5.1 | <p>In clause C14.5.1, amend A1 and P1 by inserting text shown as underlined and deleting text shown as strikethrough:</p> <table border="1" data-bbox="555 1114 1420 1377"> <tr> <td data-bbox="555 1114 987 1377"> <p>A1</p> <p><u>For a sensitive use, or a specified use listed in Table C14.1, the</u> The Director, or a person approved by the Director for the purpose of this code:</p> </td> <td data-bbox="987 1114 1420 1377"> <p>P1</p> <p><u>For a sensitive use, or a specified use listed in Table C14.1, the land</u> Land is suitable for the intended use, having regard to:</p> <p>(a) an environmental site assessment that</p> </td> </tr> </table> | <p>A1</p> <p><u>For a sensitive use, or a specified use listed in Table C14.1, the</u> The Director, or a person approved by the Director for the purpose of this code:</p> | <p>P1</p> <p><u>For a sensitive use, or a specified use listed in Table C14.1, the land</u> Land is suitable for the intended use, having regard to:</p> <p>(a) an environmental site assessment that</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(iv) of the LUPA Act</p> <p>The amendment removes an inconsistency in the SPPs by aligning the Acceptable Solution and the Performance Criteria with the corresponding objective.</p> |
| <p>A1</p> <p><u>For a sensitive use, or a specified use listed in Table C14.1, the</u> The Director, or a person approved by the Director for the purpose of this code:</p> | <p>P1</p> <p><u>For a sensitive use, or a specified use listed in Table C14.1, the land</u> Land is suitable for the intended use, having regard to:</p> <p>(a) an environmental site assessment that</p> | | | | |

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| | | <p>(a) certifies that land is suitable for the intended use; or</p> <p>(b) certifies a plan to manage contamination and associated risk to human health or the environment, so that the land is suitable for the intended use, or</p> <p>if in relation to redevelopment on land subject to the <i>Macquarie Point Development Corporation Act 2012</i>, the intended use must be in accordance with a certificate that has been or will be granted by an accredited environmental auditor.</p> | <p>demonstrates there is no evidence the land is contaminated;</p> <p>(b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or</p> <p>(c) an environmental site assessment that includes a plan, to manage contamination and associated risk to human health or the environment that includes:</p> <p>(i) any specific remediation and protection measures required to be implemented before any use commences; and</p> <p>(ii) a statement that the land will be suitable for the intended use.</p> | |
| 33. | State Planning Provisions – Applied, Adopted or Incorporated Documents | <p>Update references to the relevant Australian Standards as follows:</p> <p>AS 1743-2001, AS 2304-2011, AS3959-2009, and AS/NZ 3500.1:2003 accordingly.</p> | | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(iv) of the LUPA Act with their suggested modification to clarify the amendment. I have determined to modify the amendment accordingly.</p> |

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| | | <p>Amend the State Planning Provisions - Applied, Adopted or Incorporated Documents table as follows:</p> <ul style="list-style-type: none"> (a) replace the reference to "AS 1743-2001" with "AS1743:2018"; (b) replace the references "AS 2304-2011" with "AS 2304:2019"; (c) replace the reference to "AS3959-2009" with "AS 3959:2018"; and (d) delete the row relating to "Australian/ New Zealand Standard AS/NZS 3500.1:2003 Plumbing and drainage". | <p>The amendment removes an inconsistency in the SPPs by aligning the Applied, Adopted or Incorporated Document list with those referenced in the SPPs.</p> |
| 34. | State Planning Provisions – Applied, Adopted or Incorporated Documents | <p>In the publications details for the <i>Water Supply Signage Guideline, version 1.0</i>, delete "Tasmanian Fire Service" and replace with "Tasmania Fire Service".</p> | <p>I agree with the Commission's recommendation that it meets s.30NA(1)(a)(i) of the LUPA Act.</p> <p>The amendment corrects a clerical error.</p> |