

SCHEDULE 2

Amendment 01-2021 of the State Planning Provisions

No	Clause	Amendment								
1.	Administration – Planning Terms and Definitions – Table 3.1	<div>Insert the following new terms and definitions in alphabetical order in Table 3.1:</div> <table><tr><td>Director of Housing</td><td>means the Director as defined in the <i>Homes Act 1935</i>.</td></tr><tr><td>eligible persons</td><td>means as defined in the <i>Homes Act 1935</i>.</td></tr><tr><td>housing support provider</td><td>means as defined in the <i>Homes Act 1935</i>.</td></tr><tr><td>temporary housing</td><td>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> .
Director of Housing	means the Director as defined in the <i>Homes Act 1935</i> .									
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2.	Administration – Exemptions 4.2.7 – minor infrastructure	<div>In clause 4.2.7, amend the requirements for minor infrastructure by deleting text shown as strikethrough and inserting the text shown as underlined:</div> <div>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 waste or recycling bins, public art, and the like by, or on behalf of, the Crown, a council or a State authority.</div>								
3.	Administration – Exemptions 4.3.7 – outbuildings	<div>In clause 4.3.7, delete the requirements for outbuildings and replace with the following:</div> <div>Construction or placement of an outbuilding if:</div> <div>(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</div> <div>(b) the area of the new outbuilding that is roofed is not more than:</div> <div><div>(i) 10m² if:</div><div>a. there is not more than one other outbuilding on the lot;</div><div>b. the total area of all outbuildings on the lot that are roofed will not be more than 20m²;</div></div>								

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		<ul style="list-style-type: none"> c. no side of the new outbuilding is longer than 3.2m; and d. the building height of the new outbuilding is not more than 2.4m; or <p>(ii) 18m² if:</p> <ul style="list-style-type: none"> a. there is no other outbuilding on the lot; b. the roof span of the new outbuilding is not more than 3m; c. the building height of the new outbuilding is not more than 2.4m; d. the new outbuilding is not less than 0.9m from an existing building on the lot; e. the new outbuilding has a setback of not less than 0.9m from any boundary; and f. 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>
4.	Administration – Exemptions 4.3.9 – agricultural buildings and works in the Rural Zone or Agriculture Zone	In clause 4.3.9, amend the requirements in subclause (a) by inserting the text shown as underlined: buildings or works, excluding a dwelling <u>or land filling</u> , are directly associated with, and a subservient part of, an agricultural use;
5.	Administration – Exemptions 4.4.1 – vegetation removal for safety or in accordance with other Acts	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> '.
6.	Administration – Exemptions 4.4.1 – vegetation removal for safety or in accordance with other Acts	In clause 4.4.1, amend the requirements in subclause (e) by deleting 'Tasmanian Fire Service' and replacing with 'Tasmania Fire Service'.
7.	General Provisions	<p>Insert a new general provision at clause 7.13 as follows:</p> <p>7.13 Temporary Housing</p>

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		<p>7.13.1 Unless No Permit Required under any other provision of this planning scheme, use and development for temporary housing of 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: <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;

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		<p>(d) the building height is not more than 8m above existing ground level; and</p> <p>(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:</p> <p>(i) an adjoining property to which sub-clause 7.13.2)(c) applies; and</p> <p>(ii) the portion of the wall that is not more than 3m above existing ground level; and</p> <p>(f) the following does not apply:</p> <p>(i) Bushfire-Prone Areas Code;</p> <p>(ii) Flood-Prone Areas Hazard Code;</p> <p>(iii) Coastal Inundation Hazard Code;</p> <p>(iv) Landslip Hazard Code;</p> <p>(v) Potentially Contaminated Land Code;</p> <p>(vi) Local Historic Heritage Code; or</p> <p>(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> <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> <p>(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;</p> <p>(b) the availability of public transport and capacity of road infrastructure and utility services to the site;</p> <p>(c) the purpose and provisions of the applicable zone and any applicable codes; and</p> <p>(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> <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</p>

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		<p>defined under the Bushfire-Prone Areas Code, that provides for mitigation 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 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>
8.	General Residential Zone – 8.4.2 and 8.5.1 Inner Residential Zone – 9.4.2 and 9.5.1	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”
9.	General Residential Zone – 8.4.8 Inner Residential Zone – 9.4.8	<p>In clauses 8.4.8 and 9.4.8, amend P1 by:</p> <ul style="list-style-type: none"> (a) inserting in (b) the word “any” before “dwellings”; and (b) inserting in (c) the word “any” before “dwellings” and deleting the words “on the site”.

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10.	General Residential Zone – 8.5.1 Inner Residential Zone – 9.5.1 Low Density Residential Zone – 10.5.1	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”
11.	Inner Residential Zone – 9.4.3	In clause 9.4.3 A1(b), amend by inserting “finished” before “ground level”.
12.	Rural Zone – 20.5.1	In clause 20.5.1 P1(b)(iii), amend by inserting “A2 or P2” after “clause 20.4.2”.
13.	Agriculture Zone – 21.2 Use Table	In clause 21.2 Use Table, delete the Discretionary qualification for Storage and replace with the following: If for: (a) a contractors yard; (b) freezing and cooling storage; (c) grain storage; (d) a liquid, solid or gas fuel depot; or a woodyard.
14.	Environmental Management Zone	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> ’.
15.	Signs Code – C1.6.4	In clause C1.6.4 P1, amend by deleting “local heritage significance” and replacing with “local historic heritage significance”.
16.	Parking and Sustainable Transport Code – C2.3.1	Amend the definition of parking precinct plan by deleting “and other vehicles”.
17.	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”.

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18.	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”.
19.	Local Historic Heritage Code – C6.6.9	In clause C6.6.9 A1, amend by inserting text shown as underlined and deleting text shown as strikethrough: <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.
20.	Natural Assets Code – C7.6.2	In clause C7.6.2 P1.1(a), delete ‘Tasmanian Fire Service’ and replace with ‘Tasmania Fire Service’.
21.	Natural Assets Code – C7.7.2	In clause C7.7.2 P1.1(a), delete ‘Tasmanian Fire Service’ and replace with ‘Tasmania Fire Service’.
22.	Coastal Erosion Hazard Code – C10.5.4	In clause C10.5.4 P1, amend subclause (d) by inserting text shown as underlined and deleting text shown as strikethrough: (d) if it is for a critical use, hazardous use, or vulnerable use, <u>it and</u> 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.
23.	Bushfire-Prone Areas Code – C13.3.1	In clause C13.3.1, amend the definition of bushfire attack level (BAL) by deleting “ <i>Australian Standard AS3959-2009</i> ” and replacing with “ <i>Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas</i> ”
24.	Bushfire-Prone Areas Code – C13.6.1	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> ”.
25.	Bushfire-Prone Areas Code – Table C13.1	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> ”.
26.	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> ”
27.	Bushfire-Prone Areas Code – Table C13.5	In Table C13.5 delete the superscript for footnote 1 in clause (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.
28.	Bushfire-Prone Areas Code – Table C13.5	In Table C13.5 (row D.): (a) delete “ <i>Australian Standard AS 2304- 2011</i> ” in requirement (a) and replace with “ <i>Australian Standard AS 2304:2019</i> ”; and

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		delete “Tasmanian Fire Service” in requirement (b) and replace with “Tasmania Fire Service”.		
29.	Potentially Contaminated Land Code – Clause C14.5.1	<div>In clause C14.5.1, amend A1 and P1 by inserting text shown as underlined and deleting text shown as strikethrough:</div> <table><tr><td><div>A1</div><div><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:</div><div><div>(a) certifies that land is suitable for the intended use; or</div><div>(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</div></div><div>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.</div></td><td><div>P1</div><div><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:</div><div><div>(a) an environmental site assessment that demonstrates there is no evidence the land is contaminated;</div><div>(b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or</div><div>(c) an environmental site assessment that includes a plan, to manage contamination and associated risk to human health or the environment that includes:<div><div>(i) any specific remediation and protection measures required to be implemented before any use commences; and</div></div></div></div></td></tr></table>	<div>A1</div> <div><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:</div> <div><div>(a) certifies that land is suitable for the intended use; or</div><div>(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</div></div> <div>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.</div>	<div>P1</div> <div><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:</div> <div><div>(a) an environmental site assessment that demonstrates there is no evidence the land is contaminated;</div><div>(b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or</div><div>(c) an environmental site assessment that includes a plan, to manage contamination and associated risk to human health or the environment that includes:<div><div>(i) any specific remediation and protection measures required to be implemented before any use commences; and</div></div></div></div>
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			(ii) a statement that the land will be suitable for the intended use.	
30.	State Planning Provisions – Applied, Adopted or Incorporated Documents	<p>Amend the State Planning Provisions - Applied, Adopted or Incorporated Documents table as follows:</p> <p>(a) replace the reference to “AS 1743-2001” with “AS1743:2018”;</p> <p>(b) replace the references “AS 2304-2011” with “AS 2304:2019”;</p> <p>(c) replace the reference to “AS3959-2009” with “AS 3959:2018”; and</p> <p>delete the row relating to “Australian/ New Zealand Standard AS/NZS 3500.1:2003 Plumbing and drainage”.</p>		
31.	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>		