

Amendment 02-2025 of the State Planning Provisions

Part 1.0 Subdivision of a lot in more than one zone

- 1.1 In clause 7.0 General Provisions, insert a new clause 7.15 Subdivision of a lot in more than one zone as follows:

7.15 Subdivision of a lot in more than one zone

- 7.15.1 The subdivision of a lot that is in more than one zone may be approved at the discretion of the planning authority if part of the lot includes land within the:
- (a) Low Density Residential Zone and the area of land in that zone is less than the minimum lot area requirement in clause 10.6.1 P1;
 - (b) Rural Living Zone and the area of land in that zone is less than the minimum lot area requirement in clause 11.5.1 P1; or
 - (c) Landscape Conservation Zone and the area of land in that zone is less than the minimum lot area requirement in clause 22.5.1 P1.
- 7.15.2 The subdivision of a lot that is in more than one zone referred to in clause 7.15.1 must only be approved if:
- (a) all of the land referred to in clause 7.15.1 (a), (b), or (c) is contained in a single lot in the plan of subdivision, and the lot has sufficient useable area and dimensions suitable for its intended use, having regard to:
 - (i) the purpose of the subdivision;
 - (ii) the relevant requirements for development of buildings on the lot;
 - (iii) existing buildings and the intended location of buildings on the lot;
 - (iv) any natural or landscape values on the lot in the Rural Living Zone or the Landscape Conservation Zone;
 - (v) the topography of the site;
 - (vi) adequate provision of private open space in the Low Density Residential Zone or the Rural Living Zone;
 - (vii) the pattern of development existing on established properties in the area; and
 - (viii) any constraints to development;
 - (b) it does not involve the subdivision of a lot that is contained in both the:

- (i) Landscape Conservation Zone and the Rural Zone; or
 - (ii) Landscape Conservation Zone and the Agriculture Zone; and
- (c) each lot proposed in a plan of subdivision, complies with the applicable standards in:
- (i) the applicable zones, excluding the lot required by clause 7.15.2(a), which is not required to comply with clause 10.6.1 A1 or P1, 11.5.1 A1 or P1, or 22.5.1 A1 or P1;
 - (ii) any applicable code; and
 - (iii) any applicable specific area plan or site-specific qualification.

Part 2.0 Employment training centre definition and Use Table qualification

- 2.1 In Table 3.1, amend the definition for 'employment training centre' by inserting the text shown underlined:

Terms	Definition
employment training centre	means use of land to provide education and training to jobseekers and unemployed persons, <u>or vocational training in specialised or technical skills.</u>

- 2.2 In clause 18.2 Use Table, in the row for Discretionary Use Class Educational and Occasional Care, delete the qualification and insert the following qualification:

If for:

- (a) an employment training centre; or
- (b) alterations or extensions to existing Educational and Occasional Care.

Part 3.0 Home-based child care definition and requirements

- 3.1 In Table 3.1, delete the definition for home-based child care and insert the following definition:

means use of a dwelling to mind or care for children for a day or part of a day if:

- (a) a home-based child care granted a licence under the *Child Care Act 2001*; or
- (b) a family day care service approved in a family day care residence under the *Education and Care Services National Law Act 2010*.

- 3.2 In Table 4.1, in clause 4.1.3 for the Use home-based child care, delete the Requirements and insert the following Requirements:

If for the use of a home-based child care.

Part 4.0 Exemption limitations for electricity infrastructure

- 4.1 In table 4.3 Exempt building and works, Table 4.5 Renewable energy exemptions, and Table 4.6 Miscellaneous exemptions, in the Requirements for the following clauses:

- 4.3.6 unroofed decks
- 4.3.7 outbuildings
- 4.3.8 outbuildings in Rural Living Zone, Rural Zone or Agriculture Zone
- 4.3.9 agricultural buildings and works in the Rural Zone or Agriculture Zone
- 4.3.11 garden structures
- 4.5.2 roof mounted solar energy installations
- 4.6.13 rainwater tanks
- 4.6.14 rain-water tanks in Rural Living Zone, Rural Zone, Agriculture Zone or Landscape Conservation Zone
- 4.6.16 fuel tanks in other zones

insert the following text before the full stop:

, or it is within an inner protection area or a registered electricity easement as defined in the Electricity Transmission Infrastructure Protection Code.

- 4.2 In clause 4.5.1, delete the Requirements for ground mounted solar energy installations and insert the following Requirements:

If covering an area of not more than 18m², unless:

- (a) the Local Historic Heritage Code applies and requires a permit for the use or development; or
- (b) it is within an inner protection area or registered electricity easement as defined in the Electricity Transmission Infrastructure Protection Code.

- 4.3 In clause 4.6.8, delete the Requirements for retaining walls and insert the following Requirements:

Retaining walls, excluding any land filling, if:

- (a) it has a setback of not less than 1.5m from any boundary, and
- (b) it retains a difference in ground level of less than 1m,

Unless:

- (i) the Local Historic Heritage Code or the Landslip Hazard Code applies, and requires a permit for the use or development; or
- (ii) it is within an inner protection area or registered electricity easement as defined in the Electricity Transmission Infrastructure Protection Code.

4.5 In clause 4.6.9, delete the requirements for land filling and insert the following requirements:

Land filling to a depth of not more than 1m above existing ground level, unless:

- (a) the Natural Assets Code, Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Hazard Code, or the Landslip Hazard Code applies and requires a permit for the use or development; or
- (b) it is within an inner protection area or registered electricity easement as defined in the Electricity Transmission Infrastructure Protection Code.

4.6 In clause 4.6.10, in the requirements for antennas, masts, flagpoles, and satellite dishes, delete requirement (b) and insert the following requirement (b):

- (b) all other antennas, masts, flagpoles and satellite dishes, unless:
 - (i) the Local Historic Heritage Code, or Safeguarding of Airports Code applies and requires a permit for use or development;
 - (ii) it is within an inner protection area or registered electricity easement as defined in the Electricity Transmission Infrastructure Protection Code; or
 - (iii) for facilities as defined under the Telecommunications Code.

4.7 In clause 4.6.15, delete the requirements for fuel tanks in the Light Industrial Zone, General Industrial Zone, Rural Zone, Agriculture Zone and Port and Marine Zone, and insert the following requirements:

If:

- (a) it is located in the Light Industrial Zone, General Industrial Zone, Rural Zone, Agriculture Zone or Port and Marine Zone; and
- (b) it has a setback not less than the Acceptable Solution for the relevant zone,

unless:

- (i) the Local Historic Heritage Code applies and requires a permit for the use or development;

- (ii) it is within an inner protection area or registered electricity easement as defined in the Electricity Transmission Infrastructure Protection Code; or
- (iii) for the storage of a hazardous chemical of a manifest quantity and the Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Hazard Code, Bushfire-Prone Areas Code or Landslip Hazard Code, applies and requires a permit for the use or development.