

## **Attachment 2 – Differences between the State Planning Provisions and current planning scheme.**

### **Objectives Section**

The interim planning scheme provided an objectives section. This section was not relevant to the assessment of any application but provided background and context to the scheme and for planning scheme amendments. This provision is not included in the SPP or LPS.

### **Definitions**

A number of additional terms are defined which will assist with interpretation of provisions. Most are not particularly noteworthy.

### **Exemptions**

Broadly, the exemptions are similar but they are expressed more precisely and with a more logical structure. There is a new exemption for new vehicle crossings.

### **General Provisions Section**

The SPPs General Provisions are broadly similar to those in the current interim planning scheme, but there are some new clauses.

There is a new standard for a change of use from one use to another in the same use class (i.e., from a post office to a real estate agent) and exempts such changes where a number of considerations are met.

The general provision for access across land in another zone introduces a general discretion in all cases which is not considered necessary. Such circumstances have been avoided in putting the zone provisions together.

There is a new General Provision that means certain types of development are not classified into a use class. This means that signs, land filling, retaining walls, subdivision and coastal protection works are useless forms of development. Practically, this means a retaining wall is a retaining wall regardless of whether it is for a house or industrial use.

There is a new General Provisions for sheds on vacant land in the Low Density Residential, Village and Rural Living Zones. This requires that a permit be issued for such a shed if it is the only shed on the site, it is less than 54m<sup>2</sup>, room remains for a future dwelling and a number of other criteria are met. This clause is useful to some degree but it is not self-executing and does not inform how discretion should be applied if the criteria are not met.

### **Drafting Style**

The SPPs generally, but not always, includes Performance Criteria that have been drafted on a 'have regard to' basis. This differs from a 'must do' approach common in the current IPS.

The change is far more practical and reflects circumstances where not all elements of a Performance Criteria are applicable to a site or proposal. This means that the assessment can focus on the key points. For instance, the following shows wetlands and waterway clauses from the interim scheme and SPPs. For the current IPS, (a) to (i) **must** be achieved. For the SPP, adverse impacts to natural assets must be avoided **having regard** to those applicable matters below.

The SPP will provide a more reasonable basis for decision-making and more efficient decision by virtue of having to considered only those matters are relevant.

Current IPS E11.7.1 P1	SPP – C7.6 P1.1
<p>Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) avoid or mitigate impact on natural values;</li> <li>(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</li> <li>(c) avoid or mitigate impacts on riparian or littoral vegetation;</li> <li>(d) maintain natural streambank and streambed condition, (where it exists);</li> <li>(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</li> <li>(f) avoid significantly impeding natural flow and drainage;</li> <li>(g) maintain fish passage (where applicable);</li> <li>(h) avoid landfilling of wetlands;</li> <li>(i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.</li> </ul>	<p>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> <li>(a) impacts caused by erosion, siltation, sedimentation and runoff;</li> <li>(b) impacts on riparian or littoral vegetation;</li> <li>(c) maintaining natural streambank and streambed condition, where it exists;</li> <li>(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</li> <li>(e) the need to avoid significantly impeding natural flow and drainage;</li> <li>(f) the need to maintain fish passage, where known to exist;</li> <li>(g) the need to avoid land filling of wetlands;</li> <li>(h) the need to group new facilities with existing facilities, where reasonably practical;</li> <li>(i) minimising cut and fill;</li> <li>(j) building design that responds to the particular size, shape, contours or slope of the land;</li> <li>(k) minimising impacts on coastal processes, including sand movement and wave action;</li> <li>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</li> <li>(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</li> <li>(n) the guidelines in the Tasmanian Coastal Works Manual.</li> </ul>

Overview of variations between existing Interim Planning Scheme (IPS) and Statewide Planning Scheme (SPPs)

(+) indicates a new element in the SPP in comparison to the IPS

(-) indicates an element of the IPS that has been removed in the SPP

Zones (Existing IPS)	Zones (SPP equivalent)	Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments			
Low Density	Low Density	(+) consulting room, medical centre, & similar	(+) General clause for all discretionary uses	No change	Front setback increased from 4.5m to 8m	(+) residential density for multiple dwellings of 1500m <sup>2</sup> if serviced, 2500m <sup>2</sup> if unserviced with discretion to 1200m <sup>2</sup> and 2000m <sup>2</sup> respectfully	(-) public open space design consideration	Anticipate increased number of discretionary developments given new setback provisions, many of which will be unnecessary			
							(-) internal lot standard				
		(+) Primary & high schools					(-) noise level standard (managed by hours of operation)		Side setback increased from 1.5m to 5m	(-) north facing window	Minimum lot size increased from 1000m <sup>2</sup> to 1500m <sup>2</sup> (1200m <sup>2</sup> under performance criteria)
		(+) food services (excluding a take-away)								(-) garage width standards	
		(+) local shop								(-) privacy standard (note new side setback)	
(+) multiple dwellings											
Zones (Existing IPS)	Zones (SPP equivalent)	Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments			
Rural Living	Rural Living	Agriculture is permitted rather than discretionary	(-) noise level standard (managed by hours of operation)	No change	Side setback decreased from 20m to 10m (-) 100m setback to EMZ	Site cover increased from 375m <sup>2</sup> to 400m <sup>2</sup>	Minimum lot size is 1ha, 2ha, 5ha or 10ha. Was a standard 1ha under IPS.	Zone is a combination of Rural Living and Environmental Living zones from interim planning scheme, hence approach to minimum lot size			
		(+) local shop					(-) cut and fill standard				
		(+) food services up to 200m <sup>2</sup>					(-) light reflectance value standard		(-) public open space design consideration		
		(-) manufacturing and processing					(-) outbuilding standard		(-) internal lot standard		
		(+) tourist operation					(-) avoid native vegetation and skylines				
Zones (Existing IPS)	Zones (SPP equivalent)	Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments			
Environmental Living	Rural Living	(+) veterinary centre			10m, reduced from 30m	Site cover increased from 300m <sup>2</sup> to 400m <sup>2</sup>	Was 10ha – 10ha can be specified	The Rural Living Zone does not provide a			

	The environmental living zone has been deleted	(+) animal breeding & boarding (+) food service (+) local shop (+) resource processing (+) vehicle fuel sales and service	(-) noise level standard (managed by hours of operation)	8.5m, was 7.5m		(-) cut and fill standard (-) light reflectance value standard (-) outbuilding standard (-) standard to avoid native vegetation and skylines	in the Rural Living Zone	standard for tree removal and works on the skyline/ridgeline. For areas once zoned Environmental Living this is a significant change.
<b>Zones (Existing IPS)</b>	<b>Zones (SPP equivalent)</b>	<b>Use Table</b>	<b>Use Standard</b>	<b>Height</b>	<b>Setback</b>	<b>Other development standards</b>	<b>Subdivision</b>	<b>Comments</b>
Village Zone	Village Zone	More uses are permitted, rather than discretionary, including:	(+) general non-residential use standard	no change	side setback increased from 2m to 3m	(-) building design standard	(-) public open space design consideration	
		business and professional services, community meeting, food services and general retail & hire	(-) noise level standard				(-) internal lot standard	

Zones (Existing IPS)	Zones (SPP equivalent)	Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments
Local Business	Local Business	No Permit Required status for:	(+) discretionary use standard on amenity and character	No change	side setback to residential zone increased from 3m to 4m	(-) landscaping standard	minimum lot size reduced from 300m <sup>2</sup> to 200m <sup>2</sup>	
		(+) business and professional services	(+) discretionary use standard on activity centre hierarchy					
		(+) food services	(+) discretionary use standard for scale of retail uses and bulky goods uses					
		(+) general retail & hire						
		Permitted status for:	(-) noise level standard					
		(+) bulky goods sales						
		(+) food services						
		(+) emergency services						
		(+) hotel industry						
		(+) visitor accommodation not on street frontage						
		New discretionary uses for:						
		(+) manufacturing & processing						
		(+) storage						

Zones (Existing IPS)	Zones (SPP equivalent)	Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments
Light Industrial Zone	Light Industrial Zone	Permitted status for:	(+) discretionary use standard	Height increase to 10m from 9m	Front setback reduced from 10m to 5.5m	(-) building design standard (-) light reflectance standard	Frontage reduced from 25m to 20m (-) road design standard	<p>Light Industrial Zone land in GSBC is generally opportunistic – in the sense it applies because of past/current land rather than reflecting a broader industrial park</p> <p>Where the Light Industrial Zone is used strategically, such as along Freestone Point Road and Harvey’s Farm Road this is generally to consolidate and protection the operation of discrete activities, such as aquaculture.</p> <p>The SPP Light Industrial Zone is well suited to industrial parks in Greater Hobart. It is less suited to GSBC but is nevertheless workable. Following determination of the Freestone Point Road planning scheme amendment further consideration will be given to the issue of aquaculture in this zone.</p>
		(+) emergency services	(-) noise level standard					
		(+) port and shipping						
		(+) research and development						
		(+) transport depot & distribution						
		(+) vehicle fuel sales & service						
		New discretionary uses for:						
		(+) community meeting & entertainment						
		(+) crematoria						
		(+) domestic animal breeding & boarding						

Zones (Existing IPS)	Zones (SPP equivalent)	Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments			
Rural Zone	Rural Resource Zone	Permitted status for		Height increased to 12m from 10m							
Note: this is largely a new zone for where 'agricultural use is limited or marginal'		(+) veterinary centre, agribusiness office	(+)use standard that use requires rural location for operation reasons			Front setback reduced from 20m to 5m					
		(+) animal breeding & boarding						(-) boundary reorganisation standard			
		(+) emergency services	(+) discretionary use standard addressing scale of use and infrastructure capacity			(-) 100m setback to EMZ	(-) cut and fill standard	(-) light reflectance value	(+) excise existing dwellings & visitor accomm.		
		(+) extractive industry									
		(+) food services associated with agricultural use						(-) plantation forestry standard	(-) subdivision of heritage places		
		(+) general retail & hire if associated with agricultural use	(-) sensitive use standard								
		(+) manufacturing & processing ass. with extraction industry	(+) discretionary use standard addressing protection of agricultural land			Side setback reduced from 50m to 5m	(-) standard to avoid native vegetation and skylines	(+) new standard requiring dwellings to have right of way frontage - prohibits dwellings relying on Crown reserved roads	Discretion to consider lots less than 40ha if required for rural use		
		(+) research & development									
		(+) resource processing									
		(+) storage	(+) discretionary use standard addressing adjoining uses								
		Discretion. status for:									
		(+) business & professional services									
		(+) community meeting & entertainment									
		(+) food services - any									
(+) general retail & hire - any											
(+) manufacturing & processing - any											
Zones (Existing IPS)	Zones (SPP equivalent)	Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments			
Significant Agricultural	Agriculture	Permitted status for:	(+) discretionary use standard ensuring use is requires rural location for operation reasons	Height increased to 12m	Front setback reduced from 20m to 5m	(+) new standard requiring dwellings to have right of way frontage - prohibits	Minimum lot size reduced from no subdivision of any kind to no				

Note: this is largely a new zone for all agricultural use		(+) food services associated with agricultural use	(+) discretionary use standard addressing protection of agricultural land	from 10m	Side setback for non-sensitive use reduced from 100m to 5m	dwellings relying on Crown reserved roads	minimum lot size if further purpose of zone	
		(+) general retail & hire if associated with agricultural use	(+) discretionary use standard for prime agricultural land - not applicable		Side setback for sensitive use increased from 100m to 200m	(-) cut and fill standard	(+) new provision to excise existing uses	
		(+) boat ramp	(-) sensitive use standard			(-) light reflectance value standard		
		Discretionary status for:	(+) discretionary use standard for residential use - more restrictive			(-) plantation forestry standard	(-) subdivision of heritage places	
		(+) bulky goods sales						
		(+) animal breeding & boarding						
		(+) food services - any						
		(+) general retail & hire - any						
		(+) manufacturing & processing ass. with extraction				(-) 100m setback to EMZ	(-) standard to avoid native vegetation and skylines	
		(+) storage						
		(+) tourist operation						
	(+) transport depot & distribution							
	(+) education							
<b>Zones (Existing IPS)</b>	<b>Zones (SPP equivalent)</b>	<b>Use Table</b>	<b>Use Standard</b>	<b>Height</b>	<b>Setback</b>	<b>Other development standards</b>	<b>Subdivision</b>	<b>Comments</b>
Environmental Management	Environmental Management	In IPS, only if provided for by a reserve management plan but will be discretionary:	(+) discretionary use standard	6m, reduced from 7.5m	10m, reduced from 30m	Minimal change	Minimal change	Minimal change
		General retail & hire	(-) use standard for only reserved land					
		Food services						
		Educational & occasional care						



Zones (Existing IPS)	Zones (SPP equivalent)	Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments	
Landscape Conservation	Nil	NPR / Permitted uses are passive recreation, natural & cultural values management, minor utilities and additions to dwellings	Use standards for:	Is 6m	Front setback of 10m	(+) new standard requiring dwellings to have right of way frontage - prohibits dwellings relying on Crown reserved roads	Minimum lot size of 50ha with discretion to 20ha		
		Discretionary uses are:	Hours - for some uses		Side setback of 20m	(+) Light reflectance value			
		community meeting & entertainment	Visitor accommodation			(+) Site coverage of 400m <sup>2</sup>			
		Animal breeding & boarding	For all discretionary uses						(+) Design standard for avoid native vegetation and skylines
		Emergency services							
		Food services up to 200m <sup>2</sup>							
		General retail & hire associated with tourist operation							
		Single dwelling							
		Resource development							
		Outdoor recreation area							
		Tourist operation							
		Visitor accommodation							

Zones (Existing IPS)	Zones (SPP equivalent)	Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments
Utilities Zone	Utilities Zone	Minimal changes	Minimal changes	Separate standard for buildings & poles/antennas etc	Minimal changes	Minimal changes	Minimal changes	Minimal change
Community Purpose Zone	Community Purpose Zone	Minimal changes	Minimal changes	No change	Minimal changes	(-) passive surveillance standard	New minimum lot size of 600m2 (no minimum previously)	Minimal changes
						(-) landscaping standard	(-) public open space design consideration	
Recreation Zone	Recreation Zone	(+) camping ground	Minimal changes	Minimal changes	Minimal changes	Minimal changes	Minimal changes	Minimal changes
		(-) motor racing facility						
		(+) new use of 'major sporting facility' to be discretionary						
Open Space Zone	Open Space Zone	(+) cemetery	Minimal changes	Height increased from 6.5m to 10m		(-) landscaping standard	Minimal changes	Minimal changes
		(+) resource development dependent on a coastal location						
		(+) tourist operation						
		(+) transport depot associated with ferries, water taxis						