

TASMANIAN PLANNING COMMISSION



# Draft Amendment of the State Planning Provisions 01-2018

A report by the Tasmanian Planning  
Commission under section 30J of the  
*Land Use Planning and Approvals Act 1993*

8 January 2020

**Draft Amendment of the State Planning Provisions 1-2018 - Section 30J Report**

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## Executive Summary

The Hon, Roger Jaensch, Minister for Planning (the Minister) prepared and gave notice of terms of reference in relation to the preparation of the draft amendment of the State Planning Provisions (SPPs) 1-2018 on 8 September 2018.

Draft amendment 01-2018 of the SPPs is a series of amendments to the SPPs for the purposes of:

- (a) correcting any errors;
- (b) removing any anomalies;
- (c) improving clarity of interpretation; and
- (d) addressing any other matters that are capable of meeting the tests for not requiring public exhibition under section 30H(3) of the *Land Use Planning and Approvals Act 1993* (the Act).

In accordance with section 30D(2) of the Act, the Minister consulted with the Tasmanian Planning Commission (the Commission) on the preparation of a draft amendment of the SPPs on 3 September 2018.

Following consultation undertaken in accordance with section 30D(2), the draft amendment and explanatory document were refined and finalised in response to the feedback received, which included comments by the Commission.

On 26 March 2019, the Minister requested the Commission notify him in accordance with section 3H(1) as to whether, in its opinion, public exhibition of the draft amendment is not required and whether it is satisfied that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

On 21 June 2019, the Commission notified the Minister under section 30H(1) of the Act, that:

- (a) it is of the opinion that public exhibition of all but two of the draft amendments listed in Attachment A to his letter of 26 March 2019 is not required, because the draft amendments are for the purposes of:
  - correcting errors;
  - removing anomalies;
  - clarifying or simplifying the SPPs;
  - removing inconsistencies in the SPPs; or
  - removing inconsistencies between the SPPs and between the SPPs and the Act, in accordance with section 30H(3)(b); and
- (b) it is satisfied that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

The Commission recommended that draft amendment number 12 be:

- (a) deleted, because the Commission is not satisfied that the public interest will not be prejudiced by this draft amendment as the inclusion of the Landscape Conservation Zone does not conform with Planning Directive No.6, which applied to the Environmental Living Zone, a zone no longer available in the SPPs, and which does not equate to the Landscape Conservation Zone in the SPPs; or
- (b) modified, to remove its application to clause 22.3.2 (Landscape Conservation Zone).

If draft amendment 12 was modified to not apply to clause 22.3.2, the Commission was of the opinion that public exhibition was not required because the draft amendment is for the purpose of bringing the SPPs into conformity with the planning directive under section 30H(3)(b)(vii).


The Commission also recommended that draft amendment 37 be deleted, because it was not satisfied that public interest would not be prejudiced because it established a higher test to what currently exists in the SPPs.

On 20 December 2019, the Minister wrote to the Commission advising he has revised the draft amendment and made a new declaration under section 30H(2) of the Act that public exhibition is not required in relation to revised draft amendment 01-2018 of the SPPs.

The Commission has now considered the draft amendment of the SPPs against the SPP criteria and is satisfied that it meets the SPP criteria.

In accordance with its responsibilities under section 30J of the Act, the Commission recommends the Minister make the draft amendment of the SPPs as modified to correct errors, anomalies and to simplify and clarify the SPPs and remove inconsistencies.

The Commission also recommends that the Minister make this report publicly available.



John Ramsay  
**Delegate**



Roger Howlett  
**Delegate**



Claire Hynes  
**Delegate**

## 1.0 Introduction

### 1.1 Purpose of this report

Under section 30J of the *Land Use Planning and Approvals Act 1993* (the Act) the Commission must provide a report to the Minister in relation to a draft amendment of the SPPs including recommendations whether:

- (a) the Minister make an amendment of the SPPs in the terms of the draft amendment of the SPPs; or
- (b) the Minister make, with modifications, an amendment of the SPPs in the terms of the draft amendment of the SPPs; or
- (c) the Minister refuse to make an amendment of the SPPs.

### 1.2 Background

The Tasmanian Planning Scheme consists of State Planning Provisions (SPPs) and Local Provisions Schedules (LPSs) for each municipal area.

The Minister made the SPPs and these came into effect on 2 March 2017 as part of the Tasmanian Planning Scheme under section 29(2) of the Act.

An amendment to the SPPs came into effect on 19 April 2019 which addresses a number of minor drafting errors and anomalies in the SPPs. It also updated the SPPs to align amendments made to the transitional provisions under Schedule 6 of the Act and the approved *Planning Directive 5.1 – Bushfire-Prone Areas Code*.

The Minister prepared a terms of reference in relation to the preparation of a draft amendment of the SPPs and gave public notice of the preparation on 8 September 2018. A copy of the prepared terms of reference is included at Appendix A.

The terms of reference provide for the scope of draft amendment 01-2018 of the SPPs, stating it should be limited to those matters that are capable of meeting the tests for not requiring public exhibition under section 30H(3) of the Act. The scope of the draft amendment of the SPPs is to:

- (a) correct any errors;
- (b) remove any anomalies;
- (c) improve clarity of interpretation; and
- (d) address any other matters that are capable of meeting the tests for not requiring public exhibition under section 30H(3) of the *Land Use Planning and Approvals Act 1993* (the Act).

The Minister provided a copy of the draft amendment to the SPPs attached to a letter dated 26 March 2019 and requested the Commission's consideration under section 30H(1) of the Act .

The Minister requested the Commission notify him in accordance with section 3H(1) as to whether, in its opinion, public exhibition of the draft amendment is not required and whether it is satisfied that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

The Commission, after considering the draft amendment, notified the Minister on 21 June 2019 that public exhibition was not required, except for draft amendment 12 (which if modified to not apply to the Landscape Conservation Zone, the Commission is of the opinion that public exhibition is not required) and draft amendment 37 (which relates to the wording of Acceptable Solution A1 clause C8.6.1 of the Scenic Protection Code). The Commission also recommended a number of

modifications be made to amendments 2, 7, 14, 16, 17, 19 and 27 to correct errors. A copy of the Commission's notice is included at Appendix B.

The Minister, by notice in writing to the Commission on 20 December 2019, advised that he had revised the draft amendment and made a new declaration under section 30H(2) of the Act that public exhibition was not required in relation to revised draft amendment 1-2018 of the SPPs. A copy of the revised draft amendment 1-2018 is included at Appendix C.

In this correspondence, the Minister advised that he accepted the Commission's recommended modifications, comprising the correction of errors in amendments 2, 7, 14, 16, 17, 19 and 27, the exclusion of the Landscape Conservation Zone from amendment 12, and the deletion of the former amendment 37 relating to Clause C8.6.1 A1 in the Scenic Protection Code.

### **1.3 Minister's Role**

Under section 30P(5) of the Act, the Minister after considering this report may:

- (a) make an amendment of the SPPs in the terms of the draft amendment of the SPPs, modified as the Minister thinks fit; or
- (b) refuse to make an amendment of the SPPs in the terms of the draft amendment of the SPPs.

The Minister may only make an amendment of the SPPs for which public exhibition is not required if the Minister is satisfied that the amendment is urgently required or for a purpose specified in section 30H(3)(b) of the Act.

### **1.4 Commission's Role**

The Commission must be satisfied the draft amendment of the SPPs meets the SPP criteria and recommend whether the Minister make an amendment of the SPPs, make an amendment of the SPPs with modification or refuse to make an amendment of the SPPs.

Under section 30J(5) of the Act, the Commission may only include a recommendation the Minister make an amendment of the SPPs with modification, if the Commission is of the opinion that the modified draft amendment:

- (a) is urgently required or required for a purpose specified in section 30H(3)(b); and
- (b) that the Minister could reasonably be satisfied that the public interest will not be prejudiced by the modified draft amendment not being publicly exhibited.

### **1.5 Commission Delegation**

On 2 December 2019, under *Tasmanian Planning Commission Act 1997*, the Commission delegated the relevant powers and functions under the Act to consider draft amendments of the SPPs, jointly and severally to:

- John Ramsay;
- Roger Howlett;
- Claire Hynes;
- Sandra Hogue;
- Dianne Cowen; and
- Marietta Wong.

John Ramsay, Roger Howlett and Claire Hynes previously held a delegation to consider draft amendments to the SPPs.

## 2.0 Compliance with the SPP Criteria

Under section 30J(2)(c) of the Act, the Commission is to include in the report a statement as to whether it is satisfied that the draft amendment of the SPPs meets the SPPs criteria.

The SPP criteria are set out in section 15 of the Act as follows:

- (1) *In this section –*
  - relevant planning instrument means a draft of the SPPs, the SPPs, a draft amendment of the SPPs and an amendment of the SPPs.*
- (2) *The SPPs criteria to be met by a relevant planning instrument are that the instrument –*
  - (a) *only contains provisions that the SPPs may contain under section 14; and*
  - (b) *furtheres the objectives set out in Schedule 1; and*
  - (c) *is consistent with each State Policy; and*
  - (ca) *is consistent with the TPPs that are in force before the instrument is made; and*
  - (d) *has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.*
- (3) *An amendment of the SPPs, or a draft amendment of the SPPs, is taken to meet the SPPs criteria if the amendment of the SPPs, or an amendment of the SPPs made in the terms of the draft amendment of the SPPs, will not have the effect that the State Planning Provisions, as amended, will cease to meet the SPPs criteria.*

The Commission's consideration of these matters is set out below.

### 2.1 Only contains provisions allowable

The draft amendment of the SPPs may only contain provisions as provided for under section 14 of the Act.

The draft amendment of the SPPs:

- (a) includes provisions consistent with section 11(2), does not affect matters listed under sections 11(3) or 11(7), or include provisions inconsistent with section 12 of the Act [section 14(1)(a) and (b)];
- (b) contains provisions indicating or specifying the structure to which an LPS is to conform [section 14(1)(c)];
- (c) contains provisions permitting an LPS to provide for the detail of the SPPs in respect of application of the SPPs to matters of bushfire-prone areas and local heritage places [section 14(1)(d)];
- (d) contains provisions related to particular purpose zones and specific area plans permitted to override or modify a provision of the SPPs [section 14(1)(e)]; and
- (e) includes provisions related to the spatial application of bushfire-prone areas [section 14(1)(g)].

The Commission is satisfied that the draft amendment of the SPPs only contains provisions that the SPPs may contain under section 14 of the Act.



## 2.2 Furthers objectives of the Act

All decision makers under the Act, including the Minister, are required to further the Resource Management and Planning System (RMPS) objectives under section 5 of the Act. That is, at each step of the process there is an obligation to further the RMPS objectives.

Schedule 1, Part 1 objectives of the Act are those that apply to a suite of legislation comprising the RMPS. The Part 2 objectives apply specifically to the planning process established under the Act. They are both broad in nature.

Almost all of the amendments are minor in nature and as such do not warrant specific consideration in relation to the objectives.

## 2.3 Consistency with State Policies

The draft amendment of the SPPs must be consistent with each State Policy in effect under the *State Policies and Projects Act 1993*. There are three State Policies and seven National Environment Protection Measures (NEPMs) which are taken to be State Policies. The NEPMs are national standards for a range of environmental issues.

### 2.3.1 State Policy on the Protection of Agricultural Land Policy 2009

The Protection of Agricultural Land Policy 2009 (the PAL Policy) aims to conserve and protect agricultural land. Under the policy, agricultural land is all land in agricultural use or that has potential for agricultural use and is not zoned or developed for another purpose; or restricted for agricultural use.

The draft amendments only include the correction of minor typographical errors to the provisions and does not affect Rural and Agriculture Zones. The Commission is therefore satisfied that the draft amendment of the SPPs is consistent with *State Policy on the Protection of Agricultural Land Policy 2009*.

### 2.3.2 State Coastal Policy 1996

The State Coastal Policy (SCP) embodies three main principles:

- Natural and cultural values of the coast shall be protected;
- The coast shall be used and developed in a sustainable manner; and
- Integrated management and protection of the coastal zone is a shared responsibility.

The SPPs address these principles by:

- including hazard management codes that are based on contemporary evidence and that take a risk-based approach;
- a natural assets code to protect watercourses and wetlands that are part of the coastal system; and
- by providing a number of zones that may be appropriately applied in the coastal zone, including the Environmental Management Zone and Landscape Protection Zone.

The draft amendment of the SPPs does not materially alter the application or provisions within relevant codes or zones.

The Commission is satisfied that the draft amendment of the SPPs is consistent with the *State Coastal Policy 1996*.

### **2.3.3 State Policy on Water Quality Management 1997**

The State Policy on Water Quality Management 1997 applies to all surface waters in Tasmania, including coastal waters and groundwater. The Policy aims to protect or enhance surface water and groundwater resources while allowing for development.

The draft amendment of the SPPs makes no modification to SPP provisions relevant to this State Policy. Therefore, the Commission is satisfied that the draft amendment of the SPPs is consistent with the *State Policy on Water Quality Management 1997*.

### **2.3.4 National Environment Protection Measures**

There are seven National Environment Protection Measures (NEPMs) which are taken to be State Policies. The NEPMs are national standards for a range of environmental issues. Only the NEPM for the assessment of site contamination is considered to be relevant to the draft amendment.

The draft amendment of the SPPs corrects minor drafting errors or clarifies the Potentially Contaminated Land Code and does not alter its application or operation. The Commission is therefore satisfied that the draft amendment of the SPPs is consistent with the relevant *National Environment Protection Measures*.

## **2.4 Tasmanian Planning Policies**

There are no Tasmanian Planning Policies.

## **2.5 Gas Safety requirements**

The *Gas Pipelines Regulations 2014* (made under the *Gas Pipelines Act 2000*) include safety requirements for pipelines in Part 4. These are set out in schedules to the Regulation that reference the applicable Australian Standard or code.

The Commission considers that the prescribed standards are not directly relevant to the draft amendment of the SPPs.

## **3.0 SPP drafting conventions**

The Commission has published *Practice Note 5 - Tasmanian Planning Scheme drafting conventions*, to provide guidance on the drafting conventions and writing style applied in the preparation of the SPPs.

The Practice Note contains drafting principles including the following relevant to the draft amendment:

- The Tasmanian Planning Scheme is expressed in plain English.
- The Tasmanian Planning Scheme contains minimal regulation while being legally robust.
- Language must be clear, unambiguous and consistently applied throughout the Tasmanian Planning Scheme. Words and phrases must carry the same meaning wherever they occur, unless deliberately varied to convey a different meaning.

The Commission considers that the revised draft amendment 1-2018 of the SPPS (dated 20 December 2019) meets the drafting principles and conventions and is consistent with the Practice Note. No modifications are required.

## **4.0 Conclusions and recommendation**

The Commission has considered the draft amendment of the SPPs and is satisfied that the draft amendment of the SPPs meets the SPP criteria.

The Commission recommends that the Minister make an amendment of the SPPs in the terms of the draft amendment of the SPPs as shown in Appendix C.

The Commission also recommends that the Minister make this report publicly available.

## **Appendix A    Minister's terms of reference for the draft amendment**

# Draft Amendment 01/2018 of the State Planning Provisions

## Terms of Reference

I, Roger Charles Jaensch, Minister for Planning, pursuant to section 30C(1) of the *Land Use Planning and Approvals Act 1993* (“the Act”), hereby issue these Terms of Reference for the preparation of draft amendment 01/2018 to the State Planning Provisions (SPPs).

### Background

The State Planning Provisions were made on 22 February 2017 and came into effect on 2 March 2017. An amendment came into effect on 19 April 2018 which addressed a number of minor drafting errors and anomalies in the SPPs. It also updated the SPPs to align amendments made to the transitional provisions under Schedule 6 of the Act and the approved *Planning Directive 5.1 – Bushfire-Prone Areas Code*.

It is important that the SPPs are kept under regular review to ensure the intended planning outcomes are delivered. There is an opportunity to address any issues that are identified in the SPPs prior to the provisions becoming operative in each municipality.

### Scope of the draft amendment

The draft amendment should be limited to those matters that are capable of meeting the tests for not requiring public exhibition under section 30H(3) of the Act.

SPP draft amendment 01-2018 is to make any necessary minor amendments to the SPPs to:

- correct any errors;
- remove any anomalies;
- improve clarity of interpretation; and
- address any other matters that are capable of meeting the tests for not requiring public exhibition under section 30H(3) of the Act.

### Statutory requirements for the draft amendment

The draft amendment is to be prepared in accordance with the requirements in Part 3, Division 2 of the Act.

## **Appendix B Commission's section 30H(1) notice**

# TASMANIAN PLANNING COMMISSION

Our ref: DOC/19/69776  
Officer: Claire Hynes  
Phone: 6165 6805  
Email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

21 June 2019

Hon Roger Jaensch MP  
Minister for Planning  
By email: [Minister.Jaensch@dpac.tas.gov.au](mailto:Minister.Jaensch@dpac.tas.gov.au)

Dear Minister

## **Draft amendments of the State Planning Provisions (SPPs) – 1-2018**

I refer to your letter requesting notification under section 30H of the *Land Use Planning and Approvals Act 1993* (the Act).

The Commission notifies under section 30H(1) that:

- (a) it is of the opinion that public exhibition of all but two of the draft amendments listed in Attachment A to your letter of 26 March 2019 is not required, because the draft amendments are for the purposes of:
- correcting errors;
  - removing anomalies;
  - clarifying or simplifying the SPPs;
  - removing inconsistencies in the SPPs; or
  - removing inconsistencies between the SPPs and between the SPPs and the Act, in accordance with section 30H(3)(b); and
- (b) it is satisfied that the public interest will not be prejudiced by the draft amendment not being publically exhibited.

It is recommended that modifications be made to draft amendments 2, 7, 14, 16, 17, 19 and 27 to correct errors, as outlined in Attachment 1 of this letter.

It is recommended that draft amendment number 12 be:

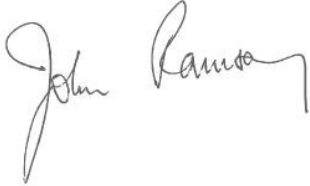
1. deleted, because the Commission is not satisfied that the public interest will not be prejudiced by this draft amendment as the inclusion of the Landscape Conservation Zone does not conform with Planning Directive No.6, which applied to the Environmental Living Zone, a zone no longer available in the SPPs, and which does not equate to the Landscape Conservation Zone in the SPPs; or
2. modified, to remove its application to clause 22.3.2 (Landscape Conservation Zone).

If draft amendment 12 is modified to not apply to clause 22.3.2, the Commission notifies it is of the opinion that public exhibition is not required because the draft amendment is for the purpose of bringing the SPPs into conformity with the planning direction under section 30H(3)(b)(viiia).

It is recommended that draft amendment 37 be deleted, because the Commission is not satisfied that public interest will not be prejudiced by this draft amendment because it establishes an additional regulatory control and is a higher test to what currently exists in the SPPs, and may impact upon individual property rights.

The Commission's consideration of the draft amendment against the relevant section of the Act is set out in Attachment 1.

Yours sincerely

A handwritten signature in black ink that reads "John Ramsay". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

John Ramsay  
**Delegate**

Attachment 1 – SPP draft amendment 1-2018 – consideration of s.30H(3)

cc Planning Policy Unit, Department of Justice



## SPP draft amendments 1-2018 – Commission consideration of section 30H(3)

No	Clause	Amendment	Relevant section satisfied				
	Administration – Table 3.1	<p>In Table 3.1, insert a definitions for 'strata lot' and 'strata scheme' after the definition of 'storey' as follows:</p> <table border="1" data-bbox="495 491 1364 620"> <tr> <td data-bbox="495 491 723 555">strata lot</td> <td data-bbox="723 491 1364 555">means a lot as defined in the <i>Strata Titles Act 1998</i>.</td> </tr> <tr> <td data-bbox="495 555 723 620">strata scheme</td> <td data-bbox="723 555 1364 620">means as defined in the <i>Strata Titles Act 1998</i>.</td> </tr> </table>	strata lot	means a lot as defined in the <i>Strata Titles Act 1998</i> .	strata scheme	means as defined in the <i>Strata Titles Act 1998</i> .	Section 30H(3)(b)(viiia) is satisfied.
strata lot	means a lot as defined in the <i>Strata Titles Act 1998</i> .						
strata scheme	means as defined in the <i>Strata Titles Act 1998</i> .						
	Administration – Table 3.1	<p>In Table 3.1, modify the definition of 'streetscape' by inserting text shown as underlined:</p> <p>means the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setback of buildings and structures from the property boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.</p> <p>For the purposes of determining streetscape for a particular site, the above matters are relevant when viewed from either side of the same street within 100m of each side boundary of the site, <u>unless for a local heritage precinct or local historic landscape precinct listed in the relevant Local Provisions Schedule, where the extent of the streetscape</u> <del>is to</del> <u>may</u> be determined by the relevant precinct provisions.</p>	<p>Section 30H(3)(b)(iii) is satisfied.</p> <p>For clarity, the Commission advises that draft amendment 2 be modified to delete the words 'is to', and replace with 'may', as shown in the Amendment column of this table.</p>				
	Administration – 4.2.6	In clause 4.2.6, modify the requirements in subclause (a) by deleting '1997' and replacing with '2018'.	Section 30H(3)(b)(v) is satisfied.				
	Administration – 4.4.1	<p>In clause 4.4.1, modify the requirements in subclause (e) by inserting text shown as underlined and deleting text shown as strikethrough:</p> <p>(e) fire hazard management works necessary to protect existing assets and ensure public safety in accordance with a <u>bushfire hazard management plan for fire hazard management</u> endorsed by the Tasmanian Fire Service, <del>Forestry Tasmania</del> <u>Sustainable Timbers Tasmania</u>, the Parks and Wildlife Service, or council;</p>	Section 30H(3)(b)(iii) is satisfied.				

No	Clause	Amendment	Relevant section satisfied
	Administration – 4.6.1	In clause 4.6.1, delete the requirements and replace with the following: If listed in, and meeting the requirements of, clause C1.4 in the Signs Code.	Section 30H(3)(b)(i) and (iii) is satisfied.
	Administration – 4.6.3	In clause 4.6.3, modify the requirements in subclause (c)(i) and (ii) by inserting text shown as underlined:  (i) 1.8m <u>above existing ground level</u> if adjoining public land; or (ii) 2.1m <u>above existing ground level</u> if not adjoining public land,	Section 30H(3)(b)(i) and (iii) is satisfied.
	Administration – 4.6.4	In clause 4.6.4, delete the requirements and replace with the following: Fences not within 4.5m of a frontage, if <del>it is</del> located in:  (a) the Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone, or Commercial Zone and:  (i) it is not more than a height of 1.8m above existing ground level if adjoining public land; <del>and/or</del>  (ii) it is not more than a height of 2.1m above existing ground level if not adjoining public land; and  (iii) it does not contain barbed wire if <u>on</u> a common boundary with a property in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone; or  (b) any other zone and it is  (i) not more than a height of 1.8m above existing ground level if adjoining public land; <del>or</del>  (ii) not more than a height of 2.1m above existing ground level if not adjoining public land,  unless the Local Historic Heritage Code applies and requires a permit for the use or development.	Section 30H(3)(b)(iii) and (iv) is satisfied.  For clarity, the Commission advises that draft amendment 7 be modified to reflect the tracked changes shown in the Amendment column of this table.

No	Clause	Amendment	Relevant section satisfied
	Administration – 4.6.5	<p>In clause 4.6.5, modify the requirements in subclause (b)(i) by inserting text shown as underlined:</p> <p>(i) is not more than a height of 2.1m <u>above existing ground level</u>; and</p>	Section 30H(3)(b)(i) is satisfied.
	Administration – 4.6.10	<p>Delete the requirements in clause 4.6.10 and replace with the following:</p> <p>If for:</p> <p>(a) minor communications infrastructure exempt under clause 4.2.6; or</p> <p>(b) all other antennas, masts, flagpoles and satellite dishes, unless :</p> <p>(i) the Electricity Transmission Infrastructure Protection Code, Local Historic Heritage Code, or Safeguarding of Airports Code applies and requires a permit for the use or development; or</p> <p>(ii) for facilities as defined under the Telecommunications Code.</p>	Section 30H(3)(b)(i) and (iii) is satisfied.
	Administration – 5.2.6	<p>Delete clause 5.2.6 and replace with the following:</p> <p>5.2.6 After the effective date, a particular purpose zone is not permitted to override the:</p> <p>(a) administration provisions in clauses 3.0 - 6.0;</p> <p>(b) general provisions in clause 7.0; or</p> <p>(c) provisions in a code, unless specifically provided for in that code.</p>	Section 30H(3)(b)(iv) is satisfied.
	Table 6.2 – Visitor Accommodation Use Class	<p>At Table 6.2, modify the description for the Visitor Accommodation Use Class by inserting text shown as underlined:</p> <p>Use of land for providing short or medium-term accommodation for persons away from their normal place of residence on a commercial basis <u>or otherwise available to the general public at no cost</u>. Examples include a backpackers hostel, camping and caravan park, holiday cabin, motel, overnight camping area, residential hotel and serviced apartment complex.</p>	Section 30H(3)(b)(vii) is satisfied.

<p>General Residential Zone – 8.3.2</p> <p>Inner Residential Zone – 9.3.2</p> <p>Low Density Residential Zone – 10.3.2</p> <p>Rural Living Zone – 11.3.2</p> <p>Landscape Conservation Zone – 22.3.2</p>	<p>At clauses 8.3.2, 9.3.2, 10.3.2, <u>and</u> 11.3.2 <del>and 22.3.2</del>, delete the Objective, Acceptable Solutions and Performance Criteria and replace with the following:</p> <table border="1" data-bbox="495 323 1364 1291"> <tr> <td data-bbox="495 323 667 619">Objective:</td> <td data-bbox="667 323 1364 619"> <p>That Visitor Accommodation:</p> <p>(a) is compatible with the character and use of the area;</p> <p>(b) does not cause an unreasonable loss of residential amenity; and</p> <p>(c) does not impact the safety and efficiency of local roads or rights of way.</p> </td> </tr> <tr> <th data-bbox="495 619 929 683">Acceptable Solutions</th> <th data-bbox="929 619 1364 683">Performance Criteria</th> </tr> <tr> <td data-bbox="495 683 929 1291"> <p><b>A1</b></p> <p>Visitor Accommodation must:</p> <p>(a) accommodate guests in existing habitable buildings; and</p> <p>(b) have a gross floor area of not more than 200m<sup>2</sup> per lot.</p> </td> <td data-bbox="929 683 1364 1291"> <p><b>P1</b></p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the privacy of adjoining properties;</p> <p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the primary residential function of an area;</p> </td> </tr> </table>	Objective:	<p>That Visitor Accommodation:</p> <p>(a) is compatible with the character and use of the area;</p> <p>(b) does not cause an unreasonable loss of residential amenity; and</p> <p>(c) does not impact the safety and efficiency of local roads or rights of way.</p>	Acceptable Solutions	Performance Criteria	<p><b>A1</b></p> <p>Visitor Accommodation must:</p> <p>(a) accommodate guests in existing habitable buildings; and</p> <p>(b) have a gross floor area of not more than 200m<sup>2</sup> per lot.</p>	<p><b>P1</b></p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the privacy of adjoining properties;</p> <p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the primary residential function of an area;</p>	<p>The Commission does not agree draft amendment 12 should apply to clause 22.3.2.</p> <p>Planning Directive No.6 (PD6) standards applies to the Environmental Living Zone, but this zone is no longer available in the SPPs and does not equate to the Landscape Conservation Zone (LCZ) in the SPPs.</p> <p>The PD6 use standard applied to all the IPS residential zones. The primary purpose of those zones are to provide for residential use and development in a form that is consistent with other values expressed through the zone purpose.</p> <p>The primary purpose of the SPP LCZ is to protect, conserve and manage landscape values providing for compatible uses that do not adversely impact those values. Further, Visitor Accommodation in the LCZ is a Discretionary use, but is a Permitted use in all other SPP residential zones.</p> <p>The application of the PD6 use standard to the LCZ is not bringing the SPPs into conformity with PD6. Accordingly, the Commission considers public interest would be prejudiced, and public exhibition would be required, if this draft amendment applied to Landscape Conservation Zone, clause 22.3.2.</p> <p>Subject to draft amendment 12 being modified to delete its application to clause</p>
Objective:	<p>That Visitor Accommodation:</p> <p>(a) is compatible with the character and use of the area;</p> <p>(b) does not cause an unreasonable loss of residential amenity; and</p> <p>(c) does not impact the safety and efficiency of local roads or rights of way.</p>							
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No	Clause	Amendment		Relevant section satisfied
			<p>(e) the impact on the safety and efficiency of the local road network; and</p> <p>(f) any impact on the owners and users rights of way.</p>	<p>22.3.2, as shown in tracked changes in Amendment column of this table, the Commission considers section 30H(3)(b)(viiia) is satisfied.</p>
		<p><b>A2</b></p> <p>Visitor Accommodation is not for a strata lot that is part of a strata scheme where another strata lot within that strata scheme is used for a residential use.</p>	<p><b>P2</b></p> <p>Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other strata lots within the strata scheme, having regard to:</p> <p>(a) the privacy of residents;</p> <p>(b) any likely increase in noise;</p> <p>(c) the residential function of the strata scheme;</p> <p>(d) the location and layout of the strata lots;</p> <p>(e) the extent and nature of any other non-residential uses; and</p> <p>(f) any impact on shared access and common property.</p>	

No	Clause	Amendment	Relevant section satisfied		
	Rural Living Zone – 11.2 Use Table	In clause 11.2 Use Table, modify the Discretionary qualification for Food Services by deleting 'no' and replacing with 'not'.	Section 30H(3)(b)(i) is satisfied.		
	Village Zone – 12.3.1	<p>In clause 12.3.1 A4 and P4, modify by inserting the text shown as underlined and <del>deleting</del> the text shown as strikethrough:</p> <table border="1" data-bbox="495 512 1364 1291"> <tr> <td data-bbox="495 512 929 1291"> <p>A4</p> <p>The gross floor area of a non-residential use, <u>excluding Visitor Accommodation</u>, must be not more than <u>250m<sup>2</sup></u>;</p> <p><del>(a) 300m<sup>2</sup> for Visitor Accommodation; and</del></p> <p><del>(b) 250m<sup>2</sup> for all other non-residential uses.</del></p> </td> <td data-bbox="929 512 1364 1291"> <p>P4</p> <p>A non-residential use, <u>excluding Visitor Accommodation</u>, must be at a scale and intensity consistent with the character of the area, having regard to:</p> <p>(a) the nature and scale of the use;</p> <p>(b) the number of employees;</p> <p>(c) the hours of operation;</p> <p>(d) the emissions generated by the use;</p> <p>(e) the type and intensity of traffic generated by the use;</p> <p>(f) the impact on the character of the surrounding area; and</p> <p>(g) the impact on the amenity of any adjoining residential properties.</p> </td> </tr> </table>	<p>A4</p> <p>The gross floor area of a non-residential use, <u>excluding Visitor Accommodation</u>, must be not more than <u>250m<sup>2</sup></u>;</p> <p><del>(a) 300m<sup>2</sup> for Visitor Accommodation; and</del></p> <p><del>(b) 250m<sup>2</sup> for all other non-residential uses.</del></p>	<p>P4</p> <p>A non-residential use, <u>excluding Visitor Accommodation</u>, must be at a scale and intensity consistent with the character of the area, having regard to:</p> <p>(a) the nature and scale of the use;</p> <p>(b) the number of employees;</p> <p>(c) the hours of operation;</p> <p>(d) the emissions generated by the use;</p> <p>(e) the type and intensity of traffic generated by the use;</p> <p>(f) the impact on the character of the surrounding area; and</p> <p>(g) the impact on the amenity of any adjoining residential properties.</p>	<p>Section 30H(3)(b)(viiia) is satisfied.</p> <p>For clarity, the Commission notes a minor correction required to the instructional text for draft amendment 14, as shown in the Amendment column of this table.</p>
<p>A4</p> <p>The gross floor area of a non-residential use, <u>excluding Visitor Accommodation</u>, must be not more than <u>250m<sup>2</sup></u>;</p> <p><del>(a) 300m<sup>2</sup> for Visitor Accommodation; and</del></p> <p><del>(b) 250m<sup>2</sup> for all other non-residential uses.</del></p>	<p>P4</p> <p>A non-residential use, <u>excluding Visitor Accommodation</u>, must be at a scale and intensity consistent with the character of the area, having regard to:</p> <p>(a) the nature and scale of the use;</p> <p>(b) the number of employees;</p> <p>(c) the hours of operation;</p> <p>(d) the emissions generated by the use;</p> <p>(e) the type and intensity of traffic generated by the use;</p> <p>(f) the impact on the character of the surrounding area; and</p> <p>(g) the impact on the amenity of any adjoining residential properties.</p>				

	Village Zone	<p>Insert a new clause 12.3.2 after clause 12.3.1 as follows:</p> <p>12.3.2 Visitor Accommodation</p> <table border="1" data-bbox="495 338 1361 635"> <tr> <td data-bbox="495 338 667 635">Objective:</td> <td data-bbox="667 338 1361 635"> <p>That Visitor Accommodation:</p> <p>(a) is compatible with the character and use of the area;</p> <p>(b) does not cause an unreasonable loss of residential amenity; and</p> <p>(c) does not impact the safety and efficiency of local roads or rights of way.</p> </td> </tr> </table> <table border="1" data-bbox="495 635 1361 1302"> <thead> <tr> <th data-bbox="495 635 931 699">Acceptable Solutions</th> <th data-bbox="931 635 1361 699">Performance Criteria</th> </tr> </thead> <tbody> <tr> <td data-bbox="495 699 931 1302"> <p><b>A1</b></p> <p>Visitor Accommodation must:</p> <p>(a) accommodate guests in existing habitable buildings; and</p> <p>(b) have a gross floor area of not more than 200m<sup>2</sup> per lot.</p> </td> <td data-bbox="931 699 1361 1302"> <p><b>P1</b></p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the privacy of adjoining properties;</p> <p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the primary residential function of an area;</p> </td> </tr> </tbody> </table>	Objective:	<p>That Visitor Accommodation:</p> <p>(a) is compatible with the character and use of the area;</p> <p>(b) does not cause an unreasonable loss of residential amenity; and</p> <p>(c) does not impact the safety and efficiency of local roads or rights of way.</p>	Acceptable Solutions	Performance Criteria	<p><b>A1</b></p> <p>Visitor Accommodation must:</p> <p>(a) accommodate guests in existing habitable buildings; and</p> <p>(b) have a gross floor area of not more than 200m<sup>2</sup> per lot.</p>	<p><b>P1</b></p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the privacy of adjoining properties;</p> <p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the primary residential function of an area;</p>	Section 30H(3)(b)(viiia) is satisfied.
Objective:	<p>That Visitor Accommodation:</p> <p>(a) is compatible with the character and use of the area;</p> <p>(b) does not cause an unreasonable loss of residential amenity; and</p> <p>(c) does not impact the safety and efficiency of local roads or rights of way.</p>								
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			<p>(e) the impact on the safety and efficiency of the local road network; and</p> <p>(f) any impact on the owners and users rights of way.</p>		
		<p><b>A2</b></p> <p>Visitor Accommodation is not for a strata lot that is part of a strata scheme where another strata lot within that strata scheme is used for a residential use.</p>	<p><b>P2</b></p> <p>Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other strata lots within the strata scheme, having regard to:</p> <p>(a) the privacy of residents;</p> <p>(b) any likely increase in noise;</p> <p>(c) the residential function of the strata scheme;</p> <p>(d) the location and layout of the strata lots;</p> <p>(e) the extent and nature of any other non-residential uses; and</p> <p>(f) any impact on shared access and common property.</p>		



No	Clause	Amendment	Relevant section satisfied		
	Urban Mixed Use Zone – 13.4.4 General Business Zone – 15.4.4 Central Business Zone – 16.4.4	<p>At clauses 13.4.4, 15.4.4 and 16.4.4, modify A2 and P2 by inserting the text shown as underlined <u>and deleting the text shown as strikethrough</u>:</p> <table border="1" data-bbox="495 387 1361 836"> <tr> <td data-bbox="495 387 929 836"> <p><b>A2</b></p> <p>Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, <u>if not within 4.5m of a frontage</u>, must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>contain</del><sup>use</sup> barbed wire.<sup>2</sup></p> </td> <td data-bbox="929 387 1361 836"> <p><b>P2</b></p> <p>Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, <u>if not within 4.5m of a frontage</u>, must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p> </td> </tr> </table>	<p><b>A2</b></p> <p>Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, <u>if not within 4.5m of a frontage</u>, must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>contain</del><sup>use</sup> barbed wire.<sup>2</sup></p>	<p><b>P2</b></p> <p>Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, <u>if not within 4.5m of a frontage</u>, must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p>	<p>Section 30H(3)(b)(iii) and (iv) is satisfied.</p> <p>The words ‘not contain barbed wire’ (as opposed to ‘not use barbed wire’) are used in the following SPPs provisions:</p> <ul style="list-style-type: none"> <li>• clause 4.6.5;</li> <li>• clause 14.4.4 A2(b); and</li> <li>• clause 16.4.4 A2(b).</li> </ul> <p>For consistency, the Commission advises that draft amendment 16 should be modified to revise the instructional text and delete the word ‘use’ and replace with ‘contain’ in A2(b), as shown in the Amendment column of this table.</p>
<p><b>A2</b></p> <p>Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, <u>if not within 4.5m of a frontage</u>, must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>contain</del><sup>use</sup> barbed wire.<sup>2</sup></p>	<p><b>P2</b></p> <p>Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, <u>if not within 4.5m of a frontage</u>, must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p>				

No	Clause	Amendment	Relevant section satisfied		
	Local Business Zone – 14.4.4	<p>In clause 14.4.4, modify A2 and P2 by inserting the text shown as underlined and deleted the <del>text</del> shown as strikethrough:</p> <table border="1" data-bbox="495 387 1364 871"> <tr> <td data-bbox="495 387 929 871"> <p><b>A2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, <u>if not within 4.5m of a frontage,</u> must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>use</del> <u>contain</u> barbed wire.<sup>2</sup></p> </td> <td data-bbox="929 387 1364 871"> <p><b>P2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, <u>if not within 4.5m of a frontage,</u> must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p> </td> </tr> </table>	<p><b>A2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, <u>if not within 4.5m of a frontage,</u> must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>use</del> <u>contain</u> barbed wire.<sup>2</sup></p>	<p><b>P2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, <u>if not within 4.5m of a frontage,</u> must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p>	<p>30H(3)(b)(iii) and (iv)</p> <p>Similar to row 16, the Commission advises that draft amendment 17 should be modified to revise the instructional text and delete the word ‘use’ and replace with ‘contain’ in A2(b), as shown in the Amendment column of this table.</p>
<p><b>A2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, <u>if not within 4.5m of a frontage,</u> must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>use</del> <u>contain</u> barbed wire.<sup>2</sup></p>	<p><b>P2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, <u>if not within 4.5m of a frontage,</u> must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p>				
	<p>General Business Zone – 15.2 Use Table</p> <p>Central Business Zone – 16.2 Use Table</p> <p>Commercial Zone – 17.2 Use Table</p>	<p>In clauses 15.2 Use Table, 16.2 Use Table, and 17.2 Use Table, modify the Discretionary qualification for the Resource Processing use class by replacing ‘and’ with ‘or’</p>	<p>Section 30H(3)(b)(i) is satisfied.</p>		

No	Clause	Amendment	Relevant section satisfied		
	Commercial Zone – 17.4.4	<p>In clause 17.4.4, modify A2 and P2 by inserting the text shown as underlined and deleted the <del>text</del> shown as strikethrough:</p> <table border="1" data-bbox="495 384 1364 898"> <tr> <td data-bbox="495 384 929 898"> <p><b>A2</b> Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, <u>if not within 4.5m of a frontage</u>, must: (a) have a height above existing ground level of not more than 2.1m; and (b) not <del>contain</del><u>use</u> barbed wire.<sup>2</sup></p> </td> <td data-bbox="929 384 1364 898"> <p><b>P2</b> Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, <u>if not within 4.5m of a frontage</u>, must not cause an unreasonable loss of residential amenity, having regard to: (a) their height, design, location and extent; and (b) the proposed materials and construction.</p> </td> </tr> </table>	<p><b>A2</b> Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, <u>if not within 4.5m of a frontage</u>, must: (a) have a height above existing ground level of not more than 2.1m; and (b) not <del>contain</del><u>use</u> barbed wire.<sup>2</sup></p>	<p><b>P2</b> Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, <u>if not within 4.5m of a frontage</u>, must not cause an unreasonable loss of residential amenity, having regard to: (a) their height, design, location and extent; and (b) the proposed materials and construction.</p>	<p>Section 30H(3)(b)(iii) and (iv) is satisfied.</p> <p>Similar to rows 16 and 17, the Commission advises that draft amendment 19 should be modified to revise the instructional text and delete the word 'use' and replace with 'contain' in A2(b), as shown in the Amendment column of this table.</p>
<p><b>A2</b> Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, <u>if not within 4.5m of a frontage</u>, must: (a) have a height above existing ground level of not more than 2.1m; and (b) not <del>contain</del><u>use</u> barbed wire.<sup>2</sup></p>	<p><b>P2</b> Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, <u>if not within 4.5m of a frontage</u>, must not cause an unreasonable loss of residential amenity, having regard to: (a) their height, design, location and extent; and (b) the proposed materials and construction.</p>				
	General Industrial Zone – 19.2 Use Table	In clause 19.2 Use Table, modify the Discretionary qualification for the Crematoria and Cemeteries use class by replacing 'crematoria' with 'crematorium'.	Section 30H(3)(b)(i) is satisfied.		
	Landscape Conservation Zone – 22.2 Use Table	In clause 22.2 Use Table, modify the Discretionary qualification for the Utilities use class by replacing with the following: If not listed as Permitted.	Section 30H(3)(b)(i) is satisfied.		
	Landscape Conservation Zone – 22.4.4	In clause 22.4.4, modify P2.1(f) by deleting ', and' and replacing with a full stop.	Section 30H(3)(b)(iv) is satisfied.		

No	Clause	Amendment	Relevant section satisfied
	Environmental Management Zone – 23.2 Use Table	In clause 23.2 Use Table, delete ‘Sport and Recreation’ in the Use Class column under the Permitted and Discretionary headings and replace with ‘Sports and Recreation’.	Section 30H(3)(b)(i) is satisfied.
	Recreation Zone – 28.2 Use Table	In clause 28.2 Use Table, modify the Discretionary qualification for Crematoria and Cemeteries use class by replacing ‘Crematoria or Cemetery’ with ‘crematorium or cemetery’.	Section 30H(3)(b)(i) is satisfied.
	Recreation Zone – 28.3.1	In clause 28.3.1, modify the heading to delete the words ‘, excluding Emergency Services or Visitor Accommodation’.	Section 30H(3)(b)(i) is satisfied.
	Parking and Sustainable Transport Code – C2.2.1	In clause C2.2.1, modify by inserting text shown as underlined: C2.2.1 Unless stated otherwise in a particular purpose zone, <u>or</u> sub-clause C2.2.2, C2.2.3 or C2.2.4, this code applies to all use and development.	Section 30H(3)(b)(iii) is satisfied.
	Parking and Sustainable Transport Code – C2.5.1	In clause C2.5.1 <sup>12</sup> , modify P1.1(h) by deleting ‘, or’ and replacing with a full stop.	Section 30H(3)(b)(iii) and (iv) is satisfied, provided draft amendment 27 is modified to state ‘clause C2.5.1’ not ‘clause C2.5.2’, as shown in the Amendment column of this table..
	Parking and Sustainable Transport Code – C2.6.5	In clause C2.6.5, modify A1.1(b) by deleting ‘; and’ and replacing with a full stop.	Section 30H(3)(b)(iii) and (iv) is satisfied.
	Road and Railway Assets Code – C3.5.1	In clause C3.5.1, modify the following: <ul style="list-style-type: none"> <li>• A1.1(c) by deleting ‘; or’ and replacing with a full stop;</li> <li>• A1.2 by deleting ‘; or’ and replacing with a full stop;</li> <li>• A1.3 by deleting ‘; and’ and replacing with a full stop; and</li> <li>• A1.4(b) by deleting ‘;and’ and replacing with a full stop.</li> </ul>	Section 30H(3)(b)(iii) and (iv) is satisfied.

No	Clause	Amendment	Relevant section satisfied
	Road and Railway Assets Code – C3.6.1	<p>In clause C3.6.1, modify the Objective by inserting the text shown as underlined:            To minimise the effects of noise, vibration, light and air emissions on sensitive uses <u>within a road or railway attenuation area</u>, from existing and future major roads and the rail network.</p> <p>In clause C3.6.1 A1, modify by inserting text shown as underlined:            Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use <u>within a road or railway attenuation area</u>, must be:</p> <p>In clause C3.6.1 P1, modify by inserting text shown as underlined:            Habitable buildings for sensitive uses <u>within a road or railway attenuation area</u>, must be sited, designed or screened to minimise adverse effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to:</p>	Section 30H(3)(b)(iii) is satisfied.
	Road and Railway Assets Code – C3.7.1	<p>In clause C3.7.1, modify the Objective by inserting the text shown as underlined:            To minimise the effects of noise, vibration, light and air emissions on lots for sensitive uses <u>within a road or railway attenuation area</u>, from existing and future major roads and the rail network.</p> <p>In clause C3.7.1, modify P1 by inserting the text shown as underlined:            A lot, or a lot proposed in a plan of subdivision, intended for sensitive uses <u>within a road or railway attenuation area</u>, must be sited, designed or screened to minimise the effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to:</p>	Section 30H(3)(b)(iii) is satisfied.

No	Clause	Amendment	Relevant section satisfied
	Electricity Transmission Infrastructure Protection Code – Table C4.1	In Table C4.1, modify the qualification for the Crematoria and Cemeteries use class by replacing ‘crematoria’ with ‘crematorium’.	Section 30H(3)(b)(i) is satisfied.
	Local Historic Heritage Code – C6.1.2	Delete clause C6.1.2 and replace with the following: C6.1.2 This code does not apply to Aboriginal heritage values.	Section 30H(3)(b)(iii) is satisfied.
	Local Historic Heritage Code – C6.7.1	In clause C6.7.1 A1, modify by inserting text shown as underlined: Within a local heritage precinct, demolition of a building, works or fabric, including trees, fences, walls and outbuildings must: <ul style="list-style-type: none"> <li>(a) not be on a local heritage place;</li> <li>(b) not be visible from any road or public open space; and</li> <li>(c) not involve a value, <u>feature</u> or characteristic specifically part of a precinct listed in the relevant Local provisions Schedule.</li> </ul>	Section 30H(3)(b)(i) is satisfied.

No	Clause	Amendment	Relevant section satisfied
	Local Historic Heritage Code – C6.7.3	<p>In clause C6.7.3, modify P1.1 and P1.2 by inserting text shown as underlined and deleting text shown as strikethrough:</p> <p><b>P1.1</b></p> <p>Within a local heritage precinct, design and siting of buildings and works, excluding demolition, must be compatible with the local heritage precinct, except if a local heritage place of an architectural style different from that characterising the precinct, having regard to:</p> <p>(a) the streetscape or townscape values identified in the local historic heritage significance of the local heritage precinct, as identified in the relevant Local Provisions Schedule;</p> <p>(b) the character and appearance of the surrounding area;</p> <p>(c) the height and bulk of other buildings in the surrounding area; <del>and</del></p> <p>(d) the setbacks of other buildings in the surrounding area; <u>and</u></p> <p><u>(e) any relevant design criteria or conservation policies for the local heritage precinct, as identified in the relevant Local Provisions Schedule.</u></p> <p><b>P1.2</b></p> <p>Within a local heritage precinct, extensions to existing buildings must be compatible with the local heritage precinct, having regard to:</p> <p>(a) the streetscape or townscape values identified in the local historic heritage significance of the local heritage precinct, as identified in the relevant Local Provisions Schedule;</p> <p>(b) the character and appearance of the surrounding area;</p> <p>(c) the height and bulk of other buildings in the surrounding area; <del>and</del></p> <p>(d) the setbacks of other buildings in the surrounding area; <u>and</u></p> <p><u>(e) any relevant design criteria or conservation policies for the local heritage precinct, as identified in the relevant Local Provisions Schedule.</u></p>	Section 30H(3)(b)(i) is satisfied.

No	Clause	Amendment	Relevant section satisfied
	Scenic Protection Code – C8.3.1	<p>In clause C8.3.1, delete the definition of 'scenic road corridor' and replace with:</p> <p>means:</p> <ul style="list-style-type: none"> <li>(a) an area shown on an overlay map in the relevant Local Provisions Schedule, as within a scenic road corridor; or</li> <li>(b) the area of land that is within: <ul style="list-style-type: none"> <li>(i) 100m of the frontage to a road shown on an overlay map in the relevant Local Provisions Schedule as a scenic road; or</li> <li>(ii) where there is no frontage, 120m of the edge of the carriageway of a road shown on an overlay map in the relevant Local Provisions Schedule as a scenic road,</li> </ul> </li> </ul> <p>and is listed and described in the scenic road corridors list in the relevant Local Provisions Schedule.</p>	Section 30H(3)(b)(i) and (iii) is satisfied.
	Scenic Protection Code – C8.6.1	<p>In clause C8.6.1 A1, modify by inserting text shown as underlined:</p> <p>Buildings or works, including destruction of vegetation, within a scenic protection area must:</p> <ul style="list-style-type: none"> <li>(a) be on land not less than 50m in elevation below a skyline; and</li> <li>(b) not total more than 500m<sup>2</sup> in extent <u>per lot, from that existing at the effective date.</u></li> </ul>	<p>Not satisfied.</p> <p>The Commission agrees in principle that draft amendment 37 clarifies the extent of buildings and works is limited to 500m<sup>2</sup> per lot and a 'once only' allowance. However, the draft amendment establishes an additional regulatory control and is higher test to what currently exists in the SPPs. This presents a new policy and therefore is beyond clarifying. Therefore, the Commission advises it is not satisfied that draft amendment 37 meets any of the purposes in section 30H(3)(b).</p>



No	Clause	Amendment	Relevant section satisfied
	Scenic Protection Code – C8.6.1	In clause C8.6.1, modify P1.1(f) by deleting ‘, and’ and replacing with a full stop.	Section 30H(3)(b)(iv) is satisfied.
	Coastal Erosion Hazard Code – C10.5.1	In clause C10.5.1, modify P1.1(h) by deleting ‘, and’ and replacing with a full stop.	Section 30H(3)(b)(iv) is satisfied.
	Coastal Erosion Hazard Code – C10.5.3	In clause C10.5.3, modify P1.1(g) by deleting ‘, and’ and replacing with a full stop.	Section 30H(3)(b)(iv) is satisfied.
	Coastal Erosion Hazard Code – C10.6.1	In clause C10.6.1, modify P1.1(c) by deleting ‘, and’ and replacing with a full stop.	Section 30H(3)(b)(iv) is satisfied.
	Coastal Inundation Hazard Code – C11.5.1	In clause C11.5.1, modify P1.1(h) by deleting ‘, and’ and replacing with a full stop.	Section 30H(3)(b)(iv) is satisfied.
	Coastal Inundation Hazard Code – C11.5.2	In clause C11.5.2, modify P1.1(h) by deleting ‘, and’ and replacing with a full stop.	Section 30H(3)(b)(iv) is satisfied.
	Coastal Inundation Hazard Code – C11.5.4	In clause C11.5.4, modify P1.1(g) by deleting ‘, and’ and replacing with a full stop.	Section 30H(3)(b)(iv) is satisfied.

No	Clause	Amendment	Relevant section satisfied
	Coastal Inundation Hazard Code – C11.6.1	In clause C11.6.1, modify P1.1(c) by deleting ‘, and’ and replacing with a full stop.	Section 30H(3)(b)(iv) is satisfied.
	Flood-Prone Areas Hazard Code – C12.5.1	In clause C12.5.1, modify P1.1(c) by deleting ‘, and’ and replacing with a full stop.	Section 30H(3)(b)(iv) is satisfied.
	Coastal Inundation Hazard Code – C12.6.1	In clause C12.6.1, modify P1.1(d) by deleting ‘, and’ and replacing with a full stop.	Section 30H(3)(b)(iv) is satisfied.
	Potentially Contaminated Land Code – C14.3.1	In clause C14.3.1, modify the definition of ‘site contamination practitioner’ by deleting text shown as strikethrough:  means a person who is certified under <del>the Site Contamination Practitioners Australia (SCP Australia) scheme</del> , or a contaminated land practitioners scheme that is endorsed by the Director.	Section 30H(3)(b)(iii) is satisfied.
	Potentially Contaminated Land Code – C14.4.1	In clause C14.4.1 modify subclause (d) by inserting text shown as underlined:  (d) any use or development that the Director, <u>a site contamination practitioner</u> , or a person approved by the Director for the purpose of this code, having regard to the applicable standards in this code, has issued a certificate stating that there is insufficient increase in risk from contamination to warrant any specific remediation and protection measures; or	Section 30H(3)(b)(iii) is satisfied.
	Landslip Hazard Code – C15.3.1	In clause C15.3.1, modify the definition of ‘landslip hazard report’ by replacing the semicolon with a colon in subclause (e).	Section 30H(3)(b)(i) is satisfied.

No	Clause	Amendment	Relevant section satisfied
	Landslip Hazard Code – C15.4.1	In clause C15.4.1(b), delete the word “and” between the words “ <i>Mineral Resources</i> ” and “ <i>Development Act 1995</i> ”.	Section 30H(3)(b)(i) is satisfied.
	Landslip Hazard Code – C15.5.1	In clause C15.5.1, modify P1.1(b)(ii) by deleting ‘, and’ and replacing with a full stop.	Section 30H(3)(b)(iv) is satisfied.
	Landslip Hazard Code – C15.6.1	In clause C15.6.1, modify P1.1(d) and P1.2 by deleting ‘, and’ and replacing with a full stop.	Section 30H(3)(b)(iv) is satisfied.
	Local Provisions Schedule Requirements – Table LP1.0 Local Provisions Schedule Numbering	In Table LP1.0, modify the prefix for Glamorgan-Spring Bay by deleting ‘GLA’ and replacing with ‘GSB’.	Section 30H(3)(b)(viii) is satisfied.

## **Appendix C Minister's revised draft amendment of the SPPs 1-2018 – 20 December 2019**

## Revised Draft Amendment 01/2018 of the State Planning Provisions

No	Clause	Amendment	Reason				
1.	Administration – Table 3.1	<p>In Table 3.1, insert definitions for 'strata lot' and 'strata scheme' after the definition of 'storey' as follows:</p> <table border="1" data-bbox="546 411 1415 539"> <tr> <td data-bbox="546 411 779 475">strata lot</td> <td data-bbox="779 411 1415 475">means a lot as defined in the <i>Strata Titles Act 1998</i>.</td> </tr> <tr> <td data-bbox="546 475 779 539">strata scheme</td> <td data-bbox="779 475 1415 539">means as defined in the <i>Strata Titles Act 1998</i>.</td> </tr> </table>	strata lot	means a lot as defined in the <i>Strata Titles Act 1998</i> .	strata scheme	means as defined in the <i>Strata Titles Act 1998</i> .	<p>Consequential amendments to bring the SPPs into conformity with Planning Directive No.6 following a determination made by the Minister for Planning in accordance with s.30BA of LUPAA. The definitions have been included in Table 3.1 of the SPPs in place of the footnotes that are included in Planning Directive No.6.</p> <p>Section 30H(3)(b)(viiia) of LUPAA is satisfied.</p>
strata lot	means a lot as defined in the <i>Strata Titles Act 1998</i> .						
strata scheme	means as defined in the <i>Strata Titles Act 1998</i> .						
2.	Administration – Table 3.1	<p>In Table 3.1, modify the definition of 'streetscape' by inserting text shown as underlined:</p> <p>means the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setback of buildings and structures from the property boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.</p> <p>For the purposes of determining streetscape for a particular site, the above matters are relevant when viewed from either side of the same street within 100m of each side boundary of the site, <u>unless for a local heritage precinct or local historic landscape precinct listed in the relevant Local Provisions Schedule, where the extent of the streetscape may be determined by the relevant precinct provisions.</u></p>	<p>To clarify that the streetscape for a local heritage precinct and a local historic landscape precinct is not limited to being within 100m of the site boundary. The extent of the streetscape may be determined by the relevant provisions of the relevant precinct.</p> <p>Section 30H(3)(b)(iii) of LUPAA is satisfied.</p>				
3.	Administration – 4.2.6	<p>In clause 4.2.6, modify the requirements in subclause (a) by deleting '1997' and replacing with '2018'.</p>	<p>The <i>Telecommunications (Low-Impact Facilities) Determination 1997</i> has been superseded by the <i>Telecommunications (Low-Impact Facilities) Determination 2018</i>.</p> <p>Section 30H(3)(b)(v) of LUPAA is satisfied.</p>				

No	Clause	Amendment	Reason
4.	Administration – 4.4.1	<p>In clause 4.4.1, modify the requirements in subclause (e) by inserting text shown as underlined and deleting text shown as strikethrough:</p> <p>(e) fire hazard management works necessary to protect existing assets and ensure public safety in accordance with a <u>bushfire hazard management plan for fire hazard management</u> endorsed by the Tasmanian Fire Service, <del>Forestry Tasmania Sustainable Timbers Tasmania</del>, the Parks and Wildlife Service, or council;</p>	<p>To clarify the intent of the exemption and to avoid confusion with a 'bushfire hazard management plan' as defined under the Bushfire-Prone Areas Code. The exemption was intended to apply to generic plans for fire hazard management endorsed by the relevant entity.</p> <p>The reference to Forestry Tasmania has also been updated to Sustainable Timbers Tasmania.</p> <p>Section 30H(3)(b)(iii) of LUPAA is satisfied.</p>
5.	Administration – 4.6.1	<p>In clause 4.6.1, delete the requirements and replace with the following:</p> <p>If listed in, and meeting the requirements of, clause C1.4 in the Signs Code.</p>	<p>To clarify that a sign listed in clause C1.4 of the Signs Code is exempt from the planning scheme if it meets the relevant requirements in that clause. To also correct an error by deleting the reference to the Local Historic Heritage Code, as the requirements in clause C1.4 of the Signs Code already identify the exemptions that a limited by the Local Historic Heritage Code.</p> <p>Section 30H(3)(b)(i) and (iii) of LUPAA is satisfied.</p>
6.	Administration – 4.6.3	<p>In clause 4.6.3, modify the requirements in subclause (c)(i) and (ii) by inserting text shown as underlined:</p> <p>(i) 1.8m <u>above existing ground level</u> if adjoining public land; or</p> <p>(ii) 2.1m <u>above existing ground level</u> if not adjoining public land,</p>	<p>To correct a drafting error and to be consistent with the other provisions relating to fence height.</p> <p>Section 30H(3)(b)(i) of LUPAA is satisfied.</p>

No	Clause	Amendment	Reason
7.	Administration – 4.6.4	<p>In clause 4.6.4, delete the requirements and replace with the following:</p> <p>Fences not within 4.5m of a frontage, if located in:</p> <p>(a) the Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone, or Commercial Zone and:</p> <p>(i) it is not more than a height of 1.8m above existing ground level if adjoining public land; or</p> <p>(ii) it is not more than a height of 2.1m above existing ground level if not adjoining public land,</p> <p>and it does not contain barbed wire if on a common boundary with a property in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone; or</p> <p>(b) any other zone and it is</p> <p>(i) not more than a height of 1.8m above existing ground level if adjoining public land; or</p> <p>(ii) not more than a height of 2.1m above existing ground level if not adjoining public land,</p> <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>	<p>To clarify the exemption for fences not within 4.5m of a frontage, and to remove an inconsistency with the provisions in the Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone, and Commercial Zone for common boundary fences with a property in a residential zone. The exemption currently allows for common boundary fences with a residential zone to contain barbed wire, which is inconsistent with current Acceptable Solutions in the above business and commercial zones.</p> <p>Section 30H(3)(b)(iii) and (iv) of LUPAA is satisfied.</p>
8.	Administration – 4.6.5	<p>In clause 4.6.5, modify the requirements in subclause (b)(i) by inserting text shown as underlined:</p> <p>(i) is not more than a height of 2.1m <u>above existing ground level</u>; and</p>	<p>To correct a drafting error and to be consistent with the other provisions relating to fence height.</p> <p>Section 30H(3)(b)(i) of LUPAA is satisfied.</p>

No	Clause	Amendment	Reason
9.	Administration – 4.6.10	<p>Delete the requirements in clause 4.6.10 and replace with the following:</p> <p>If for:</p> <ul style="list-style-type: none"> <li>(a) minor communications infrastructure exempt under clause 4.2.6; or</li> <li>(b) all other antennas, masts, flagpoles and satellite dishes, unless : <ul style="list-style-type: none"> <li>(i) the Electricity Transmission Infrastructure Protection Code, Local Historic Heritage Code, or Safeguarding of Airports Code applies and requires a permit for the use or development; or</li> <li>(ii) for facilities as defined under the Telecommunications Code.</li> </ul> </li> </ul>	<p>The purpose of this amendment is to clarify that antennas, masts, flagpoles, and satellite dishes that relate to telecommunications infrastructure are only exempt if they relate to minor communications infrastructure that are exempt under clause 4.2.6. This was the original intent.</p> <p>The current wording in the exemption states that antennas, masts, flagpoles and satellite dishes are exempt if the Telecommunications Code does not apply. The Telecommunications Code applies to all development for telecommunications facilities, unless exempt under clause 4.2.6. The current exemption could create ambiguity if a particular purpose zone applied alternate provisions to telecommunications facilities.</p> <p>Section 30H(3)(b)(i) and (iii) of LUPAA is satisfied.</p>
10.	Administration – 5.2.6	<p>Delete clause 5.2.6 and replace with the following:</p> <p>5.2.6 After the effective date, a particular purpose zone is not permitted to override the:</p> <ul style="list-style-type: none"> <li>(a) administration provisions in clauses 3.0 - 6.0;</li> <li>(b) general provisions in clause 7.0; or</li> <li>(c) provisions in a code, unless specifically provided for in that code.</li> </ul>	<p>To remove an inconsistency in the SPPs as particular purpose zones are able to override the Signs Code, Parking and Sustainable Transport Code and Telecommunications Code.</p> <p>Section 30H(3)(b)(iv) of LUPAA is satisfied.</p>
11.	Table 6.2 – Visitor Accommodation Use Class	<p>At Table 6.2, modify the description for the Visitor Accommodation Use Class by inserting text shown as underlined:</p> <p>Use of land for providing short or medium-term accommodation for persons away from their normal place of residence on a commercial basis <u>or otherwise available to the general public at no cost.</u> Examples include a backpackers hostel, camping and caravan park, holiday cabin, motel, overnight camping area, residential hotel and serviced apartment complex.</p>	<p>To align with Planning Directive No.6 following a determination made by the Minister for Planning in accordance with s.30BA of LUPAA.</p> <p>Section 30H(3)(b)(viiia) of LUPAA is satisfied.</p>



12.	<p>General Residential Zone – 8.3.2</p> <p>Inner Residential Zone – 9.3.2</p> <p>Low Density Residential Zone – 10.3.2</p> <p>Rural Living Zone – 11.3.2</p>	<p>At clauses 8.3.2, 9.3.2, 10.3.2, and 11.3.2, delete the Objective, Acceptable Solutions and Performance Criteria and replace with the following:</p> <table border="1" data-bbox="546 277 1415 574"> <tr> <td data-bbox="546 277 719 574">Objective:</td> <td data-bbox="719 277 1415 574"> <p>That Visitor Accommodation:</p> <p>(a) is compatible with the character and use of the area;</p> <p>(b) does not cause an unreasonable loss of residential amenity; and</p> <p>(c) does not impact the safety and efficiency of local roads or rights of way.</p> </td> </tr> </table> <table border="1" data-bbox="546 574 1415 1377"> <thead> <tr> <th data-bbox="546 574 981 639">Acceptable Solutions</th> <th data-bbox="981 574 1415 639">Performance Criteria</th> </tr> </thead> <tbody> <tr> <td data-bbox="546 639 981 1377"> <p><b>A1</b></p> <p>Visitor Accommodation must:</p> <p>(a) accommodate guests in existing habitable buildings; and</p> <p>(b) have a gross floor area of not more than 200m<sup>2</sup> per lot.</p> </td> <td data-bbox="981 639 1415 1377"> <p><b>P1</b></p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the privacy of adjoining properties;</p> <p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the primary residential function of an area;</p> <p>(e) the impact on the safety and efficiency of the local road network; and</p> </td> </tr> </tbody> </table>	Objective:	<p>That Visitor Accommodation:</p> <p>(a) is compatible with the character and use of the area;</p> <p>(b) does not cause an unreasonable loss of residential amenity; and</p> <p>(c) does not impact the safety and efficiency of local roads or rights of way.</p>	Acceptable Solutions	Performance Criteria	<p><b>A1</b></p> <p>Visitor Accommodation must:</p> <p>(a) accommodate guests in existing habitable buildings; and</p> <p>(b) have a gross floor area of not more than 200m<sup>2</sup> per lot.</p>	<p><b>P1</b></p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the privacy of adjoining properties;</p> <p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the primary residential function of an area;</p> <p>(e) the impact on the safety and efficiency of the local road network; and</p>	<p>To align with Planning Directive No.6 following a determination made by the Minister for Planning in accordance with s.30BA of LUPAA.</p> <p>Section 30H(3)(b)(vii) of LUPAA is satisfied.</p>
Objective:	<p>That Visitor Accommodation:</p> <p>(a) is compatible with the character and use of the area;</p> <p>(b) does not cause an unreasonable loss of residential amenity; and</p> <p>(c) does not impact the safety and efficiency of local roads or rights of way.</p>								
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<p><b>A1</b></p> <p>Visitor Accommodation must:</p> <p>(a) accommodate guests in existing habitable buildings; and</p> <p>(b) have a gross floor area of not more than 200m<sup>2</sup> per lot.</p>	<p><b>P1</b></p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the privacy of adjoining properties;</p> <p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the primary residential function of an area;</p> <p>(e) the impact on the safety and efficiency of the local road network; and</p>								

No	Clause	Amendment		Reason
			(f) any impact on the owners and users rights of way.	
		<p><b>A2</b></p> <p>Visitor Accommodation is not for a strata lot that is part of a strata scheme where another strata lot within that strata scheme is used for a residential use.</p>	<p><b>P2</b></p> <p>Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other strata lots within the strata scheme, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the privacy of residents;</li> <li>(b) any likely increase in noise;</li> <li>(c) the residential function of the strata scheme;</li> <li>(d) the location and layout of the strata lots;</li> <li>(e) the extent and nature of any other non-residential uses; and</li> <li>(f) any impact on shared access and common property.</li> </ul>	
13.	Rural Living Zone – 11.2 Use Table	In clause 11.2 Use Table, modify the Discretionary qualification for Food Services by deleting 'no' and replacing with 'not'.		To correct a drafting error. Section 30H(3)(b)(i) of LUPAA is satisfied.

No	Clause	Amendment	Reason		
14.	Village Zone – 12.3.1	<p>In clause 12.3.1 A4 and P4, modify by inserting the text shown as underlined and deleting the text shown as strikethrough:</p> <table border="1" data-bbox="546 312 1415 1056"> <tr> <td data-bbox="546 312 981 1056"> <p>A4</p> <p>The gross floor area of a non-residential use, <u>excluding Visitor Accommodation</u>, must be not more than <u>250m<sup>2</sup></u>:-</p> <p><del>(a) 300m<sup>2</sup> for Visitor Accommodation; and</del></p> <p><del>(b) 250m<sup>2</sup> for all other non-residential uses.</del></p> </td> <td data-bbox="981 312 1415 1056"> <p>P4</p> <p>A non-residential use, <u>excluding Visitor Accommodation</u>, must be at a scale and intensity consistent with the character of the area, having regard to:</p> <p>(a) the nature and scale of the use;</p> <p>(b) the number of employees;</p> <p>(c) the hours of operation;</p> <p>(d) the emissions generated by the use;</p> <p>(e) the type and intensity of traffic generated by the use;</p> <p>(f) the impact on the character of the surrounding area; and</p> <p>(g) the impact on the amenity of any adjoining residential properties.</p> </td> </tr> </table>	<p>A4</p> <p>The gross floor area of a non-residential use, <u>excluding Visitor Accommodation</u>, must be not more than <u>250m<sup>2</sup></u>:-</p> <p><del>(a) 300m<sup>2</sup> for Visitor Accommodation; and</del></p> <p><del>(b) 250m<sup>2</sup> for all other non-residential uses.</del></p>	<p>P4</p> <p>A non-residential use, <u>excluding Visitor Accommodation</u>, must be at a scale and intensity consistent with the character of the area, having regard to:</p> <p>(a) the nature and scale of the use;</p> <p>(b) the number of employees;</p> <p>(c) the hours of operation;</p> <p>(d) the emissions generated by the use;</p> <p>(e) the type and intensity of traffic generated by the use;</p> <p>(f) the impact on the character of the surrounding area; and</p> <p>(g) the impact on the amenity of any adjoining residential properties.</p>	<p>To align with Planning Directive No.6 following a determination made by the Minister for Planning in accordance with s.30BA of LUPAA.</p> <p>Section 30H(3)(b)(vii) of LUPAA is satisfied.</p>
<p>A4</p> <p>The gross floor area of a non-residential use, <u>excluding Visitor Accommodation</u>, must be not more than <u>250m<sup>2</sup></u>:-</p> <p><del>(a) 300m<sup>2</sup> for Visitor Accommodation; and</del></p> <p><del>(b) 250m<sup>2</sup> for all other non-residential uses.</del></p>	<p>P4</p> <p>A non-residential use, <u>excluding Visitor Accommodation</u>, must be at a scale and intensity consistent with the character of the area, having regard to:</p> <p>(a) the nature and scale of the use;</p> <p>(b) the number of employees;</p> <p>(c) the hours of operation;</p> <p>(d) the emissions generated by the use;</p> <p>(e) the type and intensity of traffic generated by the use;</p> <p>(f) the impact on the character of the surrounding area; and</p> <p>(g) the impact on the amenity of any adjoining residential properties.</p>				

15.	Village Zone	<p>Insert a new clause 12.3.2 after clause 12.3.1 as follows:</p> <p>12.3.2 Visitor Accommodation</p> <table border="1" data-bbox="548 263 1413 560"> <tr> <td data-bbox="548 263 719 560">Objective:</td> <td data-bbox="719 263 1413 560"> <p>That Visitor Accommodation:</p> <ul style="list-style-type: none"> <li>(a) is compatible with the character and use of the area;</li> <li>(b) does not cause an unreasonable loss of residential amenity; and</li> <li>(c) does not impact the safety and efficiency of local roads or rights of way.</li> </ul> </td> </tr> </table> <table border="1" data-bbox="548 560 1413 1364"> <thead> <tr> <th data-bbox="548 560 981 624">Acceptable Solutions</th> <th data-bbox="981 560 1413 624">Performance Criteria</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 624 981 1364"> <p><b>A1</b></p> <p>Visitor Accommodation must:</p> <ul style="list-style-type: none"> <li>(a) accommodate guests in existing habitable buildings; and</li> <li>(b) have a gross floor area of not more than 200m<sup>2</sup> per lot.</li> </ul> </td> <td data-bbox="981 624 1413 1364"> <p><b>P1</b></p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the privacy of adjoining properties;</li> <li>(b) any likely increase in noise to adjoining properties;</li> <li>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</li> <li>(d) retaining the primary residential function of an area;</li> <li>(e) the impact on the safety and efficiency of the local road network; and</li> </ul> </td> </tr> </tbody> </table>	Objective:	<p>That Visitor Accommodation:</p> <ul style="list-style-type: none"> <li>(a) is compatible with the character and use of the area;</li> <li>(b) does not cause an unreasonable loss of residential amenity; and</li> <li>(c) does not impact the safety and efficiency of local roads or rights of way.</li> </ul>	Acceptable Solutions	Performance Criteria	<p><b>A1</b></p> <p>Visitor Accommodation must:</p> <ul style="list-style-type: none"> <li>(a) accommodate guests in existing habitable buildings; and</li> <li>(b) have a gross floor area of not more than 200m<sup>2</sup> per lot.</li> </ul>	<p><b>P1</b></p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the privacy of adjoining properties;</li> <li>(b) any likely increase in noise to adjoining properties;</li> <li>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</li> <li>(d) retaining the primary residential function of an area;</li> <li>(e) the impact on the safety and efficiency of the local road network; and</li> </ul>	<p>To align with Planning Directive No.6 following a determination made by the Minister for Planning in accordance with s.30BA of LUPAA.</p> <p>Section 30H(3)(b)(viiia) of LUPAA is satisfied.</p>
Objective:	<p>That Visitor Accommodation:</p> <ul style="list-style-type: none"> <li>(a) is compatible with the character and use of the area;</li> <li>(b) does not cause an unreasonable loss of residential amenity; and</li> <li>(c) does not impact the safety and efficiency of local roads or rights of way.</li> </ul>								
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No	Clause	Amendment		Reason
			(f) any impact on the owners and users rights of way.	
		<p><b>A2</b></p> <p>Visitor Accommodation is not for a strata lot that is part of a strata scheme where another strata lot within that strata scheme is used for a residential use.</p>	<p><b>P2</b></p> <p>Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other strata lots within the strata scheme, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the privacy of residents;</li> <li>(b) any likely increase in noise;</li> <li>(c) the residential function of the strata scheme;</li> <li>(d) the location and layout of the strata lots;</li> <li>(e) the extent and nature of any other non-residential uses; and</li> <li>(f) any impact on shared access and common property.</li> </ul>	

No	Clause	Amendment	Reason				
16.	Urban Mixed Use Zone – 13.4.4 General Business Zone – 15.4.4 Central Business Zone – 16.4.4	<p>At clauses 13.4.4, 15.4.4 and 16.4.4, modify A2 and P2 by inserting the text shown as underlined and deleting the text shown as strikethrough:</p> <table border="1" data-bbox="546 312 1415 756"> <thead> <tr> <th data-bbox="546 312 981 376">A2</th> <th data-bbox="981 312 1415 376">P2</th> </tr> </thead> <tbody> <tr> <td data-bbox="546 376 981 756"> <p>Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, <u>if not within 4.5m of a frontage,</u> must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>contain</del> use barbed wire.<sup>2</sup></p> </td> <td data-bbox="981 376 1415 756"> <p>Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, <u>if not within 4.5m of a frontage,</u> must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p> </td> </tr> </tbody> </table>	A2	P2	<p>Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, <u>if not within 4.5m of a frontage,</u> must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>contain</del> use barbed wire.<sup>2</sup></p>	<p>Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, <u>if not within 4.5m of a frontage,</u> must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p>	<p>To remove an inconsistency with the corresponding fence provisions in the zones that relates to front fences (fences within 4.5m of a frontage). The Acceptable Solution has also been linked to the footnote for A1 to clarify that some common boundary fences are exempt under clause 4.6.4.</p> <p>Amendments are also proposed to the exemption in clause 4.6.4 to avoid exempting barbed wire fences on a common boundary fence with a residential zone (see amendment 7 above).</p> <p>Section 30H(3)(b)(iii) and (iv) of LUPAA is satisfied.</p>
A2	P2						
<p>Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, <u>if not within 4.5m of a frontage,</u> must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>contain</del> use barbed wire.<sup>2</sup></p>	<p>Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, <u>if not within 4.5m of a frontage,</u> must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p>						
17.	Local Business Zone – 14.4.4	<p>In clause 14.4.4, modify A2 and P2 by inserting the text shown as underlined and deleting the text shown as strikethrough:</p> <table border="1" data-bbox="546 858 1415 1331"> <thead> <tr> <th data-bbox="546 858 981 922">A2</th> <th data-bbox="981 858 1415 922">P2</th> </tr> </thead> <tbody> <tr> <td data-bbox="546 922 981 1331"> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, <u>if not within 4.5m of a frontage,</u> must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>contain</del> use barbed wire.<sup>2</sup></p> </td> <td data-bbox="981 922 1415 1331"> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, <u>if not within 4.5m of a frontage,</u> must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p> </td> </tr> </tbody> </table>	A2	P2	<p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, <u>if not within 4.5m of a frontage,</u> must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>contain</del> use barbed wire.<sup>2</sup></p>	<p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, <u>if not within 4.5m of a frontage,</u> must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p>	<p>To remove an inconsistency with the corresponding fence provisions in the zones that relates to front fences (fences within 4.5m of a frontage). The Acceptable Solution has also been linked to the footnote for A1 to clarify that some common boundary fences are exempt under clause 4.6.4.</p> <p>Amendments are also proposed to the exemption in clause 4.6.4 to avoid exempting barbed wire fences on a common boundary fence with a residential zone (see amendment 7 above).</p> <p>Section 30H(3)(b)(iii) and (iv) of LUPAA is satisfied.</p>
A2	P2						
<p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, <u>if not within 4.5m of a frontage,</u> must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>contain</del> use barbed wire.<sup>2</sup></p>	<p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, <u>if not within 4.5m of a frontage,</u> must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p>						

No	Clause	Amendment	Reason		
18.	General Business Zone – 15.2 Use Table Central Business Zone – 16.2 Use Table Commercial Zone – 17.2 Use Table	In clauses 15.2 Use Table, 16.2 Use Table, and 17.2 Use Table, modify the Discretionary qualification for the Resource Processing use class by replacing 'and' with 'or'	To correct a drafting error. The qualifications should refer to 'food <u>or</u> beverage production' consistent with the equivalent qualification in the Urban Mixed Use Zone, Local Business Zone and Major Tourism Zone.  Section 30H(3)(b)(i) of LUPAA is satisfied.		
19.	Commercial Zone – 17.4.4	In clause 17.4.4, modify A2 and P2 by inserting the text shown as underlined and deleting the text shown as strikethrough: <table border="1" data-bbox="546 560 1415 1070" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <p><b>A2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, <u>if not within 4.5m of a frontage</u>, must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>contain</del> use barbed wire.<sup>2</sup></p> </td> <td style="width: 50%; padding: 5px;"> <p><b>P2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, <u>if not within 4.5m of a frontage</u>, must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p> </td> </tr> </table>	<p><b>A2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, <u>if not within 4.5m of a frontage</u>, must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>contain</del> use barbed wire.<sup>2</sup></p>	<p><b>P2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, <u>if not within 4.5m of a frontage</u>, must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p>	To remove an inconsistency with the corresponding fence provisions in the zones that relates to front fences (fences within 4.5m of a frontage). The Acceptable Solution has also been linked to the footnote for A1 to clarify that some common boundary fences are exempt under clause 4.6.4.  Amendments are also proposed to the exemption in clause 4.6.4 to avoid exempting barbed wire fences on a common boundary fence with a residential zone (see amendment 7 above).  Section 30H(3)(b)(iii) and (iv) of LUPAA is satisfied.
<p><b>A2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, <u>if not within 4.5m of a frontage</u>, must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not <del>contain</del> use barbed wire.<sup>2</sup></p>	<p><b>P2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, <u>if not within 4.5m of a frontage</u>, must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p>				
20.	General Industrial Zone – 19.2 Use Table	In clause 19.2 Use Table, modify the Discretionary qualification for the Crematoria and Cemeteries use class by replacing 'crematoria' with 'crematorium'.	To correct a drafting error by replacing the plural reference with a singular reference.  Section 30H(3)(b)(i) of LUPAA is satisfied.		
21.	Landscape Conservation Zone – 22.2 Use Table	In clause 22.2 Use Table, modify the Discretionary qualification for the Utilities use class by replacing with the following:  If not listed as Permitted.	To correct a drafting error as Utilities 'if for minor utilities' is a Permitted use in the Landscape Conservation Zone.  Section 30H(3)(b)(i) of LUPAA is satisfied.		

No	Clause	Amendment	Reason
22.	Landscape Conservation Zone – 22.4.4	In clause 22.4.4, modify P2.1(f) by deleting ‘, and’ and replacing with a full stop.	To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria.  Section 30H(3)(b)(iv) of LUPAA is satisfied.
23.	Environmental Management Zone – 23.2 Use Table	In clause 23.2 Use Table, delete ‘Sport and Recreation’ in the Use Class column under the Permitted and Discretionary headings and replace with ‘Sports and Recreation’.	To correct a drafting error. The correct use class is ‘Sports and Recreation’ as described in Table 6.2 of the SPPs.  Section 30H(3)(b)(i) of LUPAA is satisfied.
24.	Recreation Zone – 28.2 Use Table	In clause 28.2 Use Table, modify the Discretionary qualification for Crematoria and Cemeteries use class by replacing ‘Crematoria or Cemetery’ with ‘crematorium or cemetery’.	To correct a drafting error by replacing the plural reference with a singular reference and drafting in lower case.  Section 30H(3)(b)(i) of LUPAA is satisfied.
25.	Recreation Zone – 28.3.1	In clause 28.3.1, modify the heading to delete the words ‘, excluding Emergency Services or Visitor Accommodation’.	To correct a drafting error. The heading is misleading as not all provisions under in clause 28.3.1 exclude Emergency Services or Visitor Accommodation.  Section 30H(3)(b)(i) of LUPAA is satisfied.
26.	Parking and Sustainable Transport Code – C2.2.1	In clause C2.2.1, modify by inserting text shown as underlined:  C2.2.1 Unless stated otherwise in a particular purpose zone, <u>or</u> sub-clause C2.2.2, C2.2.3 or C2.2.4, this code applies to all use and development.	To clarify the operation of the clause.  Section 30H(3)(b)(iii) of LUPAA is satisfied.
27.	Parking and Sustainable Transport Code – C2.5.1	In clause C2.5.1, modify P1.1(h) by deleting ‘, or’ and replacing with a full stop.	To clarify the operation of the provision and to provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria.  Section 30H(3)(b)(iii) and s.30H(3)(b)(iv) of LUPAA is satisfied.



No	Clause	Amendment	Reason
28.	Parking and Sustainable Transport Code – C2.6.5	In clause C2.6.5, modify A1.1(b) by deleting ‘; and’ and replacing with a full stop.	To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria.  Section 30H(3)(b)(iv) of LUPAA is satisfied.
29.	Road and Railway Assets Code – C3.5.1	<p>In clause C3.5.1, modify the following:</p> <ul style="list-style-type: none"> <li>• A1.1(c) by deleting ‘; or’ and replacing with a full stop;</li> <li>• A1.2 by deleting ‘; or’ and replacing with a full stop;</li> <li>• A1.3 by deleting ‘; and’ and replacing with a full stop; and</li> <li>• A1.4(b) by deleting ‘;and’ and replacing with a full stop.</li> </ul>	<p>To clarify the operation of the provisions and to provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria.</p> <p>The disjunctive ‘or’ should be removed as A1.1, A1.2 and A1.3 are not different options, instead they provide requirements for different circumstances. The amendment also assist with interpretation of the standard.</p> <p>Section 30H(3)(b)(iii) and s.30H(3)(b)(iv) of LUPAA is satisfied.</p>
30.	Road and Railway Assets Code – C3.6.1	<p>In clause C3.6.1, modify the Objective by inserting the text shown as underlined:</p> <p style="padding-left: 40px;">To minimise the effects of noise, vibration, light and air emissions on sensitive uses <u>within a road or railway attenuation area</u>, from existing and future major roads and the rail network.</p> <p>In clause C3.6.1 A1, modify by inserting text shown as underlined:</p> <p style="padding-left: 40px;">Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use <u>within a road or railway attenuation area</u>, must be:</p> <p>In clause C3.6.1 P1, modify by inserting text shown as underlined:</p> <p style="padding-left: 40px;">Habitable buildings for sensitive uses <u>within a road or railway attenuation area</u>, must be sited, designed or screened to minimise adverse effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to:</p>	<p>To clarify that the standard relates to habitable buildings for sensitive uses ‘within a road or railway attenuation area’ as identified in the heading.</p> <p>Section 30H(3)(b)(iii) of LUPAA is satisfied.</p>

No	Clause	Amendment	Reason
31.	Road and Railway Assets Code – C3.7.1	<p>In clause C3.7.1, modify the Objective by inserting the text shown as underlined:</p> <p style="padding-left: 40px;">To minimise the effects of noise, vibration, light and air emissions on lots for sensitive uses <u>within a road or railway attenuation area</u>, from existing and future major roads and the rail network.</p> <p>In clause C3.7.1, modify P1 by inserting the text shown as underlined:</p> <p style="padding-left: 40px;">A lot, or a lot proposed in a plan of subdivision, intended for sensitive uses <u>within a road or railway attenuation area</u>, must be sited, designed or screened to minimise the effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to:</p>	<p>To clarify that the standard relates to habitable buildings for sensitive uses 'within a road or railway attenuation area' as identified in the heading.</p> <p>Section 30H(3)(b)(iii) of LUPAA is satisfied.</p>
32.	Electricity Transmission Infrastructure Protection Code – Table C4.1	In Table C4.1, modify the qualification for the Crematoria and Cemeteries use class by replacing 'crematoria' with 'crematorium'.	<p>To correct a drafting error by replacing the plural reference with a singular reference.</p> <p>Section 30H(3)(b)(i) of LUPAA is satisfied.</p>
33.	Local Historic Heritage Code – C6.1.2	<p>Delete clause C6.1.2 and replace with the following:</p> <p style="padding-left: 40px;">C6.1.2 This code does not apply to Aboriginal heritage values.</p>	<p>To further clarify the intent of the Local Historic Heritage Code. The Code was not intended to apply to Aboriginal heritage values.</p> <p>Section 30H(3)(b)(iii) of LUPAA is satisfied.</p>
34.	Local Historic Heritage Code – C6.7.1	<p>In clause C6.7.1 A1, modify by inserting text shown as underlined:</p> <p style="padding-left: 40px;">Within a local heritage precinct, demolition of a building, works or fabric, including trees, fences, walls and outbuildings must:</p> <p style="padding-left: 40px;">(a) not be on a local heritage place;</p> <p style="padding-left: 40px;">(b) not be visible from any road or public open space; and</p> <p style="padding-left: 40px;">(c) not involve a value, <u>feature</u> or characteristic specifically part of a precinct listed in the relevant Local provisions Schedule.</p>	<p>To correct a drafting error. This modification aligns with the wording in standards C6.7.2 A1 and C6.7.3 A1.</p> <p>Section 30H(3)(b)(i) of LUPAA is satisfied.</p>

35.	Local Historic Heritage Code – C6.7.3	<p>In clause C6.7.3, modify P1.1 and P1.2 by inserting text shown as underlined and deleting text shown as strikethrough:</p> <p><b>P1.1</b></p> <p>Within a local heritage precinct, design and siting of buildings and works, excluding demolition, must be compatible with the local heritage precinct, except if a local heritage place of an architectural style different from that characterising the precinct, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the streetscape or townscape values identified in the local historic heritage significance of the local heritage precinct, as identified in the relevant Local Provisions Schedule;</li> <li>(b) the character and appearance of the surrounding area;</li> <li>(c) the height and bulk of other buildings in the surrounding area; <del>and</del></li> <li>(d) the setbacks of other buildings in the surrounding area; <u>and</u></li> <li>(e) <u>any relevant design criteria or conservation policies for the local heritage precinct, as identified in the relevant Local Provisions Schedule.</u></li> </ul> <p><b>P1.2</b></p> <p>Within a local heritage precinct, extensions to existing buildings must be compatible with the local heritage precinct, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the streetscape or townscape values identified in the local historic heritage significance of the local heritage precinct, as identified in the relevant Local Provisions Schedule;</li> <li>(b) the character and appearance of the surrounding area;</li> <li>(c) the height and bulk of other buildings in the surrounding area; <del>and</del></li> <li>(d) the setbacks of other buildings in the surrounding area; <u>and</u></li> <li>(e) <u>any relevant design criteria or conservation policies for the local heritage precinct, as identified in the relevant Local Provisions Schedule.</u></li> </ul>	<p>To correct a drafting error. This approach aligns with the discretionary considerations in clause C6.7.3 P1.3 (b) which applies to local historic landscape precincts.</p> <p>Section 30H(3)(b)(i) of LUPAA is satisfied.</p>
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No	Clause	Amendment	Reason
36.	Scenic Protection Code – C8.3.1	<p>In clause C8.3.1, delete the definition of ‘scenic road corridor’ and replace with:</p> <p>means:</p> <ul style="list-style-type: none"> <li>(a) an area shown on an overlay map in the relevant Local Provisions Schedule, as within a scenic road corridor; or</li> <li>(b) the area of land that is within: <ul style="list-style-type: none"> <li>(i) 100m of the frontage to a road shown on an overlay map in the relevant Local Provisions Schedule as a scenic road; or</li> <li>(ii) where there is no frontage, 120m of the edge of the carriageway of a road shown on an overlay map in the relevant Local Provisions Schedule as a scenic road,</li> </ul> </li> </ul> <p>and is listed and described in the scenic road corridors list in the relevant Local Provisions Schedule.</p>	<p>To correct an error and clarify the original intent which was to provide the option for the planning authority to apply an overlay for the extent of the scenic road corridor, or to nominate a scenic road and have a set distance apply for the extent of the scenic road corridor.</p> <p>Section 30H(3)(b)(i) and (iii) of the LUPAA is satisfied.</p>
37.	Scenic Protection Code – C8.6.1	<p>In clause C8.6.1, modify P1.1(f) by deleting ‘, and’ and replacing with a full stop.</p>	<p>To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria.</p> <p>Section 30H(3)(b)(iv) of LUPAA is satisfied.</p>
38.	Coastal Erosion Hazard Code – C10.5.1	<p>In clause C10.5.1, modify P1.1(h) by deleting ‘, and’ and replacing with a full stop.</p>	<p>To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria.</p> <p>Section 30H(3)(b)(iv) of LUPAA is satisfied.</p>
39.	Coastal Erosion Hazard Code – C10.5.3	<p>In clause C10.5.3, modify P1.1(g) by deleting ‘, and’ and replacing with a full stop.</p>	<p>To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria.</p> <p>Section 30H(3)(b)(iv) of LUPAA is satisfied.</p>

No	Clause	Amendment	Reason
40.	Coastal Erosion Hazard Code – C10.6.1	In clause C10.6.1, modify P1.1(c) by deleting ‘, and’ and replacing with a full stop.	To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria. Section 30H(3)(b)(iv) of LUPAA is satisfied.
41.	Coastal Inundation Hazard Code – C11.5.1	In clause C11.5.1, modify P1.1(h) by deleting ‘, and’ and replacing with a full stop.	To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria. Section 30H(3)(b)(iv) of LUPAA is satisfied.
42.	Coastal Inundation Hazard Code – C11.5.2	In clause C11.5.2, modify P1.1(h) by deleting ‘, and’ and replacing with a full stop.	To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria. Section 30H(3)(b)(iv) of LUPAA is satisfied.
43.	Coastal Inundation Hazard Code – C11.5.4	In clause C11.5.4, modify P1.1(g) by deleting ‘, and’ and replacing with a full stop.	To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria. Section 30H(3)(b)(iv) of LUPAA is satisfied.
44.	Coastal Inundation Hazard Code – C11.6.1	In clause C11.6.1, modify P1.1(c) by deleting ‘, and’ and replacing with a full stop.	To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria. Section 30H(3)(b)(iv) of LUPAA is satisfied.
45.	Flood-Prone Areas Hazard Code – C12.5.1	In clause C12.5.1, modify P1.1(c) by deleting ‘, and’ and replacing with a full stop.	To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria. Section 30H(3)(b)(iv) of LUPAA is satisfied.

No	Clause	Amendment	Reason
46.	Coastal Inundation Hazard Code – C12.6.1	In clause C12.6.1, modify P1.1(d) by deleting ‘, and’ and replacing with a full stop.	To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria.  Section 30H(3)(b)(iv) of LUPAA is satisfied.
47.	Potentially Contaminated Land Code – C14.3.1	In clause C14.3.1, modify the definition of ‘site contamination practitioner’ by deleting text shown as strikethrough:  <del>means a person who is certified under the Site Contamination Practitioners Australia (SCP Australia) scheme, or a</del> contaminated land practitioners scheme that is endorsed by the Director.	To clarify the definition by removing the reference to a former certification scheme for site contamination practitioners. The Site Contamination Practitioners Australia scheme and the Certified Environmental Practitioners scheme was combined in 2017. The revised definition does not refer to the new certification scheme, instead leaving this to any schemes endorsed by the Director of EPA Tasmania.  Section 30H(3)(b)(iii) of LUPAA is satisfied.
48.	Potentially Contaminated Land Code – C14.4.1	In clause C14.4.1 modify subclause (d) by inserting text shown as underlined:  (d) any use or development that the Director, <u>a site contamination practitioner</u> , or a person approved by the Director for the purpose of this code, having regard to the applicable standards in this code, has issued a certificate stating that there is insufficient increase in risk from contamination to warrant any specific remediation and protection measures; or	To clarify how the exemption was intended to operate. Staff from EPA Tasmania have advised that the current exemption will not function as intended if it is limited to an auditor identified under the definition of ‘person approved by the Director for the purpose of this code’ as they are unlikely to provide the service intended by the exemption. The exemption should also be available to a ‘site contamination practitioner’ as defined in the code.  Section 30H(3)(b)(iii) of LUPAA is satisfied.
49.	Landslip Hazard Code – C15.3.1	In clause C15.3.1, modify the definition of ‘landslip hazard report’ by replacing the semicolon with a colon in subclause (e).	To correct a drafting error.  Section 30H(3)(b)(i) of LUPAA is satisfied.
50.	Landslip Hazard Code – C15.4.1	In clause C15.4.1(b), delete the word “and” between the words “ <i>Mineral Resources</i> ” and “ <i>Development Act 1995</i> ”.	To correct a reference to legislation.  Section 30H(3)(b)(i) of LUPAA is satisfied.

No	Clause	Amendment	Reason
51.	Landslip Hazard Code – C15.5.1	In clause C15.5.1, modify P1.1(b)(ii) by deleting ‘, and’ and replacing with a full stop.	To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria. Section 30H(3)(b)(iv) of LUPAA is satisfied.
52.	Landslip Hazard Code – C15.6.1	In clause C15.6.1, modify P1.1(d) and P1.2 by deleting ‘, and’ and replacing with a full stop.	To provide for consistent drafting in the SPPs for split requirements in Acceptable Solutions and Performance Criteria. Section 30H(3)(b)(iv) of LUPAA is satisfied.
53.	Local Provisions Schedule Requirements – Table LP1.0 Local Provisions Schedule Numbering	In Table LP1.0, modify the prefix for Glamorgan-Spring Bay by deleting ‘GLA’ and replacing with ‘GSB’.	To change the clause prefix for the Glamorgan-Spring Bay Local Provisions Schedule to match the typical abbreviation used by the council. Section 30H(3)(b)(viii) of LUPAA is satisfied.