

Hobart Interim Planning Scheme 2015

Land Use Planning and Approvals Act 1993

Section 87C & Schedule 6, clause 8A(1)

NOTICE OF DECLARATION

To: Hobart City Council

Take notice that in accordance with Schedule 6, Clause 8A(1) of the *Land Use Planning and Approvals Act 1993* ("the Act") I, MICHAEL DARREL JOSEPH FERGUSON, Minister for Planning, after having consulted with the Tasmanian Planning Commission, declare that the draft Hobart City Local Provisions Schedule prepared and the Hobart City Local Provisions Schedule made in relation to the municipal area of Hobart City under Part 3A of the Act must contain the specific area plans, particular purpose zones and site-specific qualifications provisions identified in the Schedule to this Notice.

Dated this 31st day of January, 2023



MICHAEL DARREL JOSEPH FERGUSON

Minister for Planning

The Schedule

**Specific Area Plans, Particular Purpose Zones and Site-specific Qualifications
declared subject to Schedule 6, Clause 8A(1) of the Act**

Provision
F4.0 Royal Hobart Hospital Helipad Airspace Specific Area Plan

Hobart Interim Planning Scheme 2015

Land Use Planning and Approvals Act 1993

Section 87C and Schedule 6, clause 8(4)

DECLARATION

Take notice that in accordance with Schedule 6, Clause 8(4) of the *Land Use Planning and Approvals Act 1993* ("the Act") I, MICHAEL DARREL JOSEPH FERGUSON, Minister for Planning, after having consulted with the Tasmanian Planning Commission, declare that Schedule 6, clause 8 of the Act does not apply in relation to the particular purpose zones, specific area plans and site-specific qualifications identified in the Schedule to this declaration in relation to the municipal area of Hobart City.

Dated this *10th* day of *February*, 2023



MICHAEL DARREL JOSEPH FERGUSON

Minister for Planning

The Schedule

Specific Area Plans, Particular Purpose Zones and Site-specific Qualifications declared not subject to Schedule 6, Clause 8 of the Act

Provision	Reason
Inner Residential Zone – 11.2 Use Table. Business and Professional Services discretionary – "Only if not displacing a residential or visitor accommodation use, unless occupying floor area previously designed and used for non-residential commercial purposes (excluding visitor accommodation) or on the properties shown on Figure 11.2.1 (Former Douglas Parker Rehabilitation Complex - 31b and 35 Tower Road)."	The provision is no longer required as the State Planning Provisions Inner Residential Zone Use Table 9.2 does not contain an equivalent qualification for the Business and Professional Services use class.
Inner Residential Zone – 11.3.2 Visitor Accommodation A2 – "In the Battery Point Heritage Precinct (BP1) visitor accommodation (except for bed and breakfast establishment) must be within an existing building and not displace a residential use."	The Planning Authority wish to include an amended version of the provision in the draft LPS.

Provision	Reason
<p>Low Density Residential Zone – 12.4.3 A1 Site coverage and private open space</p> <p>‘...Any part of a site east of the Lower Sandy Bay Escarpment Line shall not be included in the site area for the purpose of calculating the site coverage under sub-clause (a)’.</p>	<p>The Planning Authority wish to include an amended version of the provision in the draft LPS.</p>
<p>Low Density Residential Zone – 12.4.10 Setbacks from Lower Sandy Bay Escarpment</p> <p>‘A1.1 A building must be setback a minimum distance of 20m landward of the Lower Sandy Bay Escarpment Line (shown on the Local Overlay Maps).</p> <p>A1.2 If an existing building is within 20 m landward of the Lower Sandy Bay Escarpment Line, an extension to the floor area, including open decks, is no greater than 15 m² or contained within the existing building footprint, measured at the effective date, and must not extend seaward of the Lower Sandy Bay Escarpment Line (shown on the Local Overlay Maps).’</p> <p>‘P1</p> <p>A building must be sited and designed to minimise unreasonable impacts on views of the escarpment from the Derwent Estuary by means that must include all of the following:</p> <ul style="list-style-type: none"> (a) minimising land disturbance, and retention of native vegetation; (b) the use of suitable landscaping; (c) the use of non-reflective materials on facades visible from the estuary; (d) the use of subdued colours on external building surfaces; <p>no part of a building shall extend seaward of the Lower Sandy Bay Escarpment Line (shown on the Local Overlay Maps) the use of subdued colours on external building surfaces.’</p>	<p>The Planning Authority wish to include an amended version of the provision in the draft LPS.</p>
<p>Low Density Residential Zone – 12.5.1 A2(c) and P2(b) Lot Design</p> <p>A2 Each lot must provide a minimum building area that complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>‘(c) is setback a minimum distance of 20 m landward of the Lower Sandy Bay Escarpment Line (shown on the Local Overlay Maps);’</p> <p>P2 Each lot must contain a building area able to satisfy all of the following:</p> <p>‘(b) is setback a minimum distance of 20 m landward of the Lower Sandy Bay Escarpment Line (shown on the Local Overlay Maps);’</p>	<p>The Planning Authority wish to include an amended version of the provision in the draft LPS.</p>

Provision	Reason
Urban Mixed Use Zone – 15.2 Use Table. General Retail and Hire permitted – “Only if on the property at 1 Risdon Road, New town (New Town Plaza Shopping Centre)”	The provision is inconsistent with the: <ul style="list-style-type: none"> purpose of the State Planning Provisions Urban Mixed Use Zone which aims to provide for a mix of residential, retail, community services and commercial activities in urban locations; and State Planning Provisions Urban Mixed Zone Use Table 13.2 as it downgrades the status of the General Retail and Hire use classes in the zone.
Urban Mixed Use Zone – 15.2 Use Table. Visitor Accommodation discretionary – “...In the Battery Point Heritage Precinct (BP1) any self-contained visitor accommodation must not displace an existing business and professional service or general retail and hire use”	The Planning Authority wish to include an amended version of the provision in the draft LPS.
Community Purpose Zone – 17.2 Use Table. Business and Professional Services permitted – “Only if a funeral parlour at Cornelian Bay Cemetery (27 Queens Walk, New Town).”	The provision is provided for by the State Planning Provisions Community Purpose Zone Use Table 27.2 which includes the Business and Professional Services use class as a permitted use with the qualification “If for:... (d) funeral parlour.”
Community Purpose Zone – 17.2 Use Table. Residential discretionary – “Only if for student or staff accommodation at Hobart College (50 Olinda Grove, Mt Nelson)”	The provision is provided for by the State Planning Provisions Community Purpose Zone Use Table 27.2 which includes the Residential use class as a permitted use “If for:... accommodation for staff or students of a use on the site.”
Community Purpose Zone – 17.2 Use Table. Residential discretionary – “Only if for...a caretaker's dwelling at Cornelian Bay Cemetery (27 Queens Walk, New Town)”	The provision is provided for by clause 6.2.2 of the State Planning Provisions which provides for a “use or development that is directly associated with and a subservient part of another use on the same site” to be “categorised into the same Use Class as that other use”. A caretaker's dwelling for the Cornelian Bay Cemetery would be categorised as part of the Crematoria and Cemeteries use class, which is a permitted use in the State Planning Provisions Community Purpose Zone “If for a cemetery”.
Recreation Zone – 18.2 Use Table Domestic Animal Breeding, Boarding and Training discretionary, portion of use class qualification - “if animal training or...” (at 12 Selfs Point Road, Newtown)	The provision is provided for by the State Planning Provisions Recreation Zone which includes the Domestic Animal Breeding, Boarding and Training as a discretionary use “If for animal training”.
General Business Zone – 21.2 Use Table Business and Professional Services permitted – “Except if consulting rooms on the properties at 17 and 19 Gregory Street”	The provisions is inconsistent with the: <ul style="list-style-type: none"> purpose of the State Planning Provisions General Business Zone which aims to provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania's main suburban and rural centres; and State Planning Provisions General Business Zone Use Table 15.2 as it downgrades the status of the Business and Professional Services use class in the zone.

Provision	Reason
<p>General Business Zone – 21.2 Use Table</p> <p>Food Services permitted – “Except if a restaurant or take-away food premises on the properties 59-65 Queen Street, Sandy Bay”</p> <p>Food Services discretionary – “Except if a restaurant, drive through take-away or take-away food premises on the properties 59-65 Queen Street, Sandy Bay”</p>	<p>The provision is inconsistent with the:</p> <ul style="list-style-type: none"> • purpose of the State Planning Provisions General Business Zone which aims to provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania’s main suburban and rural centres; and • State Planning Provisions General Business Zone Use Table 15.2 as it downgrades the status of the Food Services use class in the zone.
<p>General Business Zone – 21.2 Use Table</p> <p>General Retail and Hire permitted – “Except if a shop on the property at 267-275 Sandy Bay Road unless it is ancillary to or in association with the community and fund raising activities of the Church at 275 Sandy Bay Road”</p>	<p>The provision is inconsistent with the:</p> <ul style="list-style-type: none"> • purpose of the State Planning Provisions General Business Zone which aims to provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania’s main suburban and rural centres; and • State Planning Provisions General Business Zone Use Table 15.2 as it downgrades the status of the General Retail and Hire use class in the zone.
<p>General Business Zone – 21.2 Use Table</p> <p>Visitor Accommodation discretionary – “Except if a motel, bed and breakfast accommodation or backpacker accommodation on the properties at 59-65 Queen Street, Sandy Bay”</p>	<p>The provision is inconsistent with the:</p> <ul style="list-style-type: none"> • purpose of the State Planning Provisions General Business Zone which aims to encourage Visitor Accommodation if it supports the viability of the activity centre and an active street frontage is maintained; and • State Planning Provisions General Business Zone Use Table 15.2 as it downgrades the status of the Visitor Accommodation use classes in the zone.
<p>Central Business Zone – 22.2 Use Table</p> <p>Educational and Occasional Care permitted – “Except if within the Active Frontage Overlay (Figure 22.1) and the ground floor frontage is greater than 4m”</p>	<p>The Planning Authority wish to include an amended version of the provision in the draft LPS.</p>
<p>Central Business Zone – 22.2 Use Table</p> <p>Research and Development permitted – “Only if above ground floor level (except for access) within the Active Frontage Overlay (Figure 22.1)”</p>	<p>The Planning Authority wish to include an amended version of the provision in the draft LPS.</p>
<p>Central Business Zone – 22.2 Use Table</p> <p>Tourist Operation permitted – “Only if a visitor centre or above ground floor level (except for access) if within the Active Frontage Overlay (Figure 22.1)”</p>	<p>The Planning Authority wish to include an amended version of the provision in the draft LPS.</p>
<p>Central Business Zone – 22.2 Use Table</p> <p>Visitor Accommodation permitted – “Except at ground floor level (except for access) within the Active Frontage Overlay (Figure 22.1)”</p>	<p>The Planning Authority wish to include an amended version of the provision in the draft LPS.</p>
<p>Central Business Zone – 22.2 Use Table</p> <p>Bulky Goods Sales discretionary – “Except at ground floor level (except for access) within the Active Frontage Overlay (Figure 22.1)”</p>	<p>The Planning Authority wish to include an amended version of the provision in the draft LPS.</p>

Provision	Reason
<p>Central Business Zone – 22.4.1 A4 and P4</p> <p>A4 – “Building height of development on the same title as a place listed in the Historic Heritage Code, where the specific extent of the heritage place is specified in Table E13.1, and directly behind that place must:</p> <ul style="list-style-type: none"> (a) not exceed 2 storeys or 7.5m higher (whichever is the lesser) than the building height of any heritage building within the place, and be set back between 5m and 10m from the place (refer figures 22.4 i and 22.4 ii); and (b) not exceed 4 storeys or 15m higher (whichever is the lesser) than the building height of any heritage building within the place, and be set back more than 10m from the place (refer figures 22.4 i and 22.4 ii); or (c) comply with the building height in clauses 22.4.1 A1 and A2; <p>whichever is the lesser.”</p> <p>P4 – “Development on the same site as a place listed in the Historic Heritage Code and directly behind that place must:</p> <ul style="list-style-type: none"> (a) be designed, sited, arranged, finished, constructed or carried out so as to not unreasonably detract from those characteristics of the place which contribute to its historic cultural heritage significance; and (b) for city blocks with frontage to a Solar Penetration Priority Street in Figure 22.2, not exceed the Amenity Building Envelope illustrated in Figure 22.3, unless it can be demonstrated that the overshadowing of the public footpath on the opposite side of the Solar Penetration Priority Street does not unreasonably impact on pedestrian amenity.” 	<p>The Planning Authority wish to include an amended version of the provision in the draft LPS.</p>
<p>Central Business Zone - 22.4.3 A4 & A5</p> <p>A4 – ‘For new buildings or alterations to existing façades within the Active Frontage Overlay (Figure 22.1) provide windows with clear glazing and door openings at ground floor level in the front façade and façades facing other public space boundaries no less than 80% of the surface area’.</p> <p>A5 – ‘For new buildings or alterations to existing façades within the Active Frontage Overlay (Figure 22.1) awnings must be provided over public footpaths.’</p>	<p>The Planning Authority wish to include an amended version of the provision in the draft LPS.</p>
<p>Utilities Zone – 28.2 Use Table</p> <p>General Retail and Hire discretionary – “Only if an activity related to the use of the McRobies Gully Landfill site for recycling and waste disposal.”</p>	<p>The provision is provided for in the State Planning Provisions which includes the:</p> <ul style="list-style-type: none"> • selling of used or scrap material in the description for the Recycling and Waste Disposal use class in Table 6.2; and • Recycling and Waste Disposal use class as a permitted use in the Utilities Zone.
<p>E3.0 Landslip Code</p>	<p>The provision is provided for by the State Planning Provisions Landslip Hazard Code.</p>

Provision	Reason
Central Business Zone – 22.2 Use Table Equipment and Machinery Sales and Hire discretionary – “Except if within the Active Frontage Overlay (Figure 22.1)”	The Planning Authority wish to include an amended version of the provision in the draft LPS.
Central Business Zone – 22.2 Use Table Food Services discretionary “Except if permitted Unless a take away food premises with a drive through facility within the Active Frontage Overlay (Figure 22.1)”	The Planning Authority wish to include an amended version of the provision in the draft LPS.
Central Business Zone – 22.2 Use Table Hospital Services discretionary – “Except at ground floor level (except for access) within the Active Frontage Overlay (Figure 22.1)”	The Planning Authority wish to include an amended version of the provision in the draft LPS.
Central Business Zone – 22.2 Use Table Manufacturing and Processing discretionary – “Except at ground floor level within the Active Frontage Overlay (Figure 22.1)”	The Planning Authority wish to include an amended version of the provision in the draft LPS.
Central Business Zone – 22.2 Use Table Storage discretionary – “Except at ground floor level (except for access) within the Active Frontage Overlay (Figure 22.1)”	The Planning Authority wish to include an amended version of the provision in the draft LPS.
Central Business Zone – 22.2 Use Table Vehicle Fuel Sales and Service discretionary – “Except if within the Active Frontage Overlay (Figure 22.1)”	The Planning Authority wish to include an amended version of the provision in the draft LPS.

Provision	Reason
E6.0 Parking and Access Code	The provision is provided for by the State Planning Provisions Parking and Sustainable Transport Code.
E8.0 Electricity Transmission Infrastructure Protection Code	The provision is provided for by the State Planning Provisions Electricity Transmission Infrastructure Protection Code.
E10.0 Biodiversity Code	The provision is provided for by the State Planning Provisions Natural Assets Code.
E11.0 Waterway and Coastal Protection Code	The provision is provided for by the State Planning Provisions Natural Assets Code.
E13.0 Historic Heritage Code	The provision is provided for by the State Planning Provisions Local Historic Heritage Code. Hobart City Council have also advised that a new specific area plan will be prepared for the Battery Point area.
E15.0 Inundation Prone Area Code	The provision is provided for by the State Planning Provisions Coastal Inundation Hazard Code and the Flood-prone Areas Hazard Code.
E16.0 Coastal Erosion Hazard Code	The provision is provided for by the State Planning Provisions Coastal Erosion Hazard Code.
E17.0 Signs Code	The provision is provided for by the State Planning Provisions Signs Code, including the status of signs within a particular purpose zone.
E20.0 Acid Sulfate Soils Code	The management of acid sulfate soils can be achieved through appropriate zoning and the operation of the waterway and coastal protection area component of the SPPs Natural Assets Code. Clause 6.11.2 in the State Planning Provisions also provides for conditions or restrictions to be imposed on a permit for construction management, which may include the management of acid sulphate soils.

Hobart Interim Planning Scheme 2015

Land Use Planning and Approvals Act 1993

Section 87C and Schedule 6, clause 8D(3)

DECLARATION

I, MICHAEL DARREL JOSEPH FERGUSON, Minister for Planning, acting in accordance with Schedule 6, Clause 8D(3) of the *Land Use Planning and Approvals Act 1993* ("the Act") after having consulted with the Tasmanian Planning Commission, declare that Schedule 6, clause 8D(2) of the Act does not apply in relation to the code-applying provisions identified in the Schedule to this declaration in relation to the municipal area of Hobart City.

Dated this 31st day of January, 2023



MICHAEL DARREL JOSEPH FERGUSON

Minister for Planning

The Schedule

Code-applying Provisions declared not subject to Schedule 6, Clause 8D(2) of the Act

Code	Reason
E1.0 Bushfire-Prone Areas Code	The code contains no relevant Code-applying Provisions.
E2.0 Potentially Contaminated Land Code	The code contains no relevant Code-applying Provisions.
E3.0 Landslip Code	The Local Provisions Schedule requirements at clause LP1.7.12 of the State Planning Provisions specify the mapping to be used for the Landslip Hazard Area overlay for the State Planning Provisions Landslip Hazard Code.
E5.0 Road and Railway Assets Code	The code contains no relevant Code-applying Provisions.
E6.0 Parking and Access Code, Excluding: <ul style="list-style-type: none">The Pedestrian Priority Streets overlay	The only relevant code-applying provision is: <ul style="list-style-type: none">The Pedestrian Priority Streets overlay.
E7.0 Stormwater Management Code	The code does not relate to an equivalent State Planning Provisions code.
E8.0 Electricity Transmission Infrastructure Protection Code	The Local Provisions Schedule requirements at clause LP1.7.3 of the State Planning Provisions specify the mapping to be used to create the various overlays for the State Planning Provisions Electricity Transmission Infrastructure Protection Code.

Code	Reason
E9.0 Attenuation Code	The code contains no relevant Code-applying Provisions.
E10.0 Biodiversity Code	The Local Provisions Schedule requirements at clause LP1.7.5 of the State Planning Provisions, and guidelines NAC 7 to NAC 12 of Guideline No.1, specify how the Priority Vegetation Area overlay is to be created for the State Planning Provisions Natural Assets Code.
E11.0 Waterway and Coastal Protection Code	Guidelines NAC 1 to NAC 3 of Guideline No.1 specify how the Waterway and Coastal Protection Area is to be created for the State Planning Provisions Natural Assets Code.
<p>E13.0 Historic Heritage Code, excluding:</p> <ul style="list-style-type: none"> • Table E13.1 Heritage Places (including Figures E13.1.1 to E13.1.13); • The Places of Archaeological Potential overlay; and • Table E13.4 Places of Archaeological Potential (including Figure E13.4.1), <p>unless the place, precinct, figure or overlay has been inserted or removed by amendment after the commencement day.</p>	<p>The only relevant Code-applying Provisions are:</p> <ul style="list-style-type: none"> • Table E13.1 Heritage Places (including Figures E13.1.1 to E13.1.13); • The Places of Archaeological Potential overlay; and • Table E13.4 Places of Archaeological Potential (including Figure E13.4.1), <p>The Planning Authority has advised they wish to modify the following elements of the code and include the modified versions in the draft LPS:</p> <ul style="list-style-type: none"> • The Heritage Precincts overlay; • Table E13.2 Heritage Precincts; • The Cultural Landscapes Precincts overlay; • Table E13.3 Cultural Landscapes Precincts (including Figures E13.3.1 to E13.3.2);
E15.0 Inundation Prone Areas Code	The Local Provisions Schedule requirements at clause LP1.7.9 of the State Planning Provisions specify the mapping to be used to create the coastal inundation hazard area overlay for the State Planning Provisions Coastal Inundation Hazard Code. Guideline CIHC 2 of Guideline No. 1 specifies how the Coastal Inundation Hazard Bands AHD Level table is to be populated for the State Planning Provisions Coastal Inundation Hazard Code.
E16.0 Coastal Erosion Hazard Code	The Local Provisions Schedule requirements at clause LP1.7.8 of the State Planning Provisions specify the mapping to be used to create the coastal erosion hazard area overlay for the State Planning Provisions Coastal Erosion Hazard Code.
E17.0 Signs Code	The code contains no relevant Code-applying Provisions.
E18.0 Wind and Solar Energy Code	The code does not relate to an equivalent State Planning Provisions code.
E19.0 Telecommunications Code	The code contains no relevant Code-applying Provisions
E20.0 Acid Sulfate Soils Code	The code does not relate to an equivalent State Planning Provisions code.
E23.0 On-Site Wastewater Management Code	The code does not relate to an equivalent State Planning Provisions code.

Code	Reason
E24.0 Significant Tree Code, Excluding: <ul style="list-style-type: none"> • Table E24.1 Significant Tree List 	Table E24.1 Significant Tree List is the only relevant Code-applying Provision.

Hobart Interim Planning Scheme 2015

Land Use Planning and Approvals Act 1993

Section 87C, Schedule 6, clause 8D(5)

DECLARATION

I, MICHAEL DARREL JOSEPH FERGUSON, Minister for Planning, acting in accordance with Schedule 6, Clause 8D(5) of the *Land Use Planning and Approvals Act 1993* ("the Act") after having consulted with the Tasmanian Planning Commission, declare that the requirement in Clause LP1.8.1 of the State Planning Provisions (SPPs), specifically the statement "all information requirements are to be completed in the tables", as it relates to the code-applying provisions identified in the Schedule to this declaration when they are included in the draft Hobart Local Provisions Schedule and Hobart Local Provisions Schedule in accordance with Schedule 6, clause 8(2) of the Act does not apply in relation to the draft Hobart Local Provisions Schedule and Hobart Local Provisions Schedule.

Dated this 3rd day of JANUARY, 2023



MICHAEL DARREL JOSEPH FERGUSON

Minister for Planning

The Schedule

Code-applying Provision
E13.0 Historic Heritage Code Table E13.1 Heritage Places