GENERAL COMMENTS ON THE DRAFT SPPS:

Creating land use conflicts

Industrial and residential land use conflict

The lack of amenity controls for industrial land abutting residential land is a key concern for Glenorchy. The Explanatory Report accompanying the draft State Planning Provisions (SPPs), provides that the General Industrial Zone should not be located near residential areas. If the location of General Industrial areas was planned afresh, then not providing provisions to manage hours of operation, traffic impacts, lighting and emissions may be acceptable, however the existing land use pattern means that within Glenorchy many industrial areas abut residential zones, and changes to the zoning cannot occur without having significant impacts on owners development rights.

The draft provisions have no ability to mitigate industrial operations at residential boundaries through good design or, conversely, to require new residential subdivision adjacent to industrial areas to be designed to minimise impacts from industrial areas, as the Attenuation Code does not apply to uses in industrial areas.

Further, many of the conflicts between residential/industrial uses only arise once the industrial activity begins operation, and a claim of environmental nuisance is then addressed under the *Environmental Management and Pollution Control Act 1994* (EMPCA). All industrial development must comply with EMPCA. This means that under the draft SPPs, many businesses may pass through the planning stage without any awareness of potential impacts on surrounding areas, but due to the EMPCA legislation, not be able to continue operating, or only operate through incurring significant costs to change the design and layout of their premises.

Glenorchy has a number of industrial areas which provide employment to the local population and must be supported. Including provisions on residential amenity impacts in the planning scheme enables a developer to become aware of the potential impacts at the planning stage and be given the opportunity to redesign the proposal or determine if it is an appropriate use for the site.

It is unclear why it is inappropriate to require industrial development/residential subdivision to consider these potential impacts (and have the ability to address them through good design) at the planning stage.

Lack of amenity consideration within zones

The draft SPPs provide a broad range of uses within zones, often with no basic amenity provisions for permitted uses and limited amenity provision for discretionary uses occurring *within* the zone. For example within the draft Urban Mixed Use Zone and the three draft business zones, both *Hotel Industry* and *Residential* uses are permitted. However a Hotel industry is only required to address operational times, lighting and traffic issues if it is within 50m of a residential zone. If a Residential use was to establish *within* the zone, it is not required to demonstrate any noise attenuation measures to protect itself from an adjoining *Hotel Industry*. While encouraging both of these uses (and a range of uses) in business zones can enliven and activate business areas, the draft SPPs does not offer any protection for the operation of existing or new uses within the zone.

Similarly, the ability for *Bulky Goods Sales*, *Storage*, and *Service industry* uses to establish in business zones is likely to reduce the amenity of the City's key business/retail centres and diminish their ability to become more walkable and active areas if land is used for vehicle sales, trade centres, panel beaters and wholesale storage. It is unclear how such uses will support the function of these zones and achieve a quality pedestrian environment. Such uses are supported in Glenorchy however they need to be located in areas with similar land use needs and impacts.

Removal of ability to assess planning issues at the planning application stage

Creation of 'planning application loops'

While planning provisions should not duplicate the role of other legislative requirements, the exclusion of some provisions that deal with planning matters as the matter could also be dealt with under other legislation has to the potential to create a 'planning application loop'. That is, a permit is granted for one aspect, for instance the construction of a cafe in an area which is subject to the Bushfire Prone Areas Code, but the removal of vegetation is not considered until the bushfire management plan is developed at the building permit stage. A new and separate permit has to be sought from planning for the removal of the vegetation.

Similarly, removal of consideration of matters such as dispersive soils at the subdivision stage, could require a return to planning for a revised or fresh permit, once construction issues are further investigated at the building stage. Other matters may not be able to be resolved once an activity has been constructed and begun operation, for example, noise attenuation requirements under EMPCA for industrial development abutting residential zones that could have been resolved through a different layout if the matter had been acknowledged at the planning stage. This could have significant financial impacts on developers.

It is difficult to accept that the planning system is being made simpler, faster and better, if an applicant must seek a fresh or amended permit at the end of the planning process, where previously, the matter would have been considered and resolved at the beginning of the planning process.

Lack of provisions for 'determining' applications

The draft SPPs contain few standards for the assessment of permitted uses within zones, and often few standards to assess amenity impacts of discretionary uses on other uses within zones. For example there are no assessment standards for permitted uses within the draft business zones.

Lack of general amenity considerations

There are no requirements to consider general amenity outcomes, such as: good urban design outcomes in industrial areas (such as casual surveillance of car parking areas and entrances); visual bulk impacts (apart from height and setbacks) in non-residential zones; or the provision of landscaping.

Physical appearance, particularly perceptions of lack of safety, can have a negative impact on employees, visitors and investors. It is unclear why the provision of safe and clear connections

between entrances and the street or onsite car parking, and improved streetscapes is not required within industrial zones.

Undermining existing strategic work

Erosion of Glenorchy's activity centre hierarchy

The SPPs proposes an Activity Centre network rather than a hierarchy of activity centres. This approach is supported by work undertaken by Hill PDA. It is noted this is high level document proposing commercial areas distinguishable from each other. However the method for the implementation of this strategy is unclear. Additionally many regional and local areas have differential commercial areas, whether they are a hierarchy, network or other structure.

Glenorchy is identified in the PDA study as an Urban Centre, however it is unclear what area of Glenorchy this relate to - the Glenorchy CBD, or that and all other central commercial areas also within the City?

Glenorchy has undertaken a significant amount of strategic work to establish a retail centre hierarchy and this has been implemented through the application of various business zones to local, verses regional centres. Glenorchy has had a clear and functional hierarchy of commercial centres for decades. Council wishes to retain this hierarchy of commercial zones/centres, and believes the provisions of the TPS undermine this hierarchy. Statutory and Strategic Planning decision have re-enforced this hierarchy which is essentially three central commercial areas in priority order Glenorchy, Moonah and Claremont and supporting commercial zones around these.

This Local context was most recently articulated in the *Glenorchy City Council Interim Land Use Planning Strategy* (2010) (GILUPS) produced for the review process for the Glenorchy Planning Scheme 1992 (GPS 1992). The Local Planning Schedule (LPS) tools do not give sufficient ability to Council to ensure the hierarchy of commercial centres within the City will be protected. Additionally, as detailed below, aspects of the draft SPP will erode this functional hierarchy.

> *'6.1.4 Strategic Issues for the City's Activity Centres Adequacy of Existing Commercial Land Use Strategy*
>
> *The existing commercial land use strategy underpinning the Glenorchy Planning Scheme 1992 proposed a hierarchy of commercial land use, with intensive retail activities centred around the City's three main activity centres – Glenorchy, Moonah and Claremont.*
> *The use of a hierarchy reinforces economic development within the city by encouraging economies of scale, clustering of sympathetic*
> *activities and preventing the flight of commercial activity to cheaper industrial land.*
>
> *The Glenorchy and Moonah activity centres are also*
> *attended by a "Frame Commercial Zone" which provides for supportive activities on the periphery of the centre and allows for future expansion of the*
> *Centre. Connecting the Moonah and Glenorchy centres is a spine of bulky goods sales/showroom activity (also found in Derwent Park Road and, to a limited extent, on the Brooker Highway). There are also a number of local neighbourhood centres which provide for local convenience shopping needs at the lowest level of the*

commercial hierarchy. There were a number of existing "exceptions" to the hierarchy in the form of spot zones for Service Stations and Motels and Licensed Establishments, for which the existing strategy is one of containment to prevent the development of further "ad hoc" commercial nodes.

It is considered that the existing planning strategy is a sound one, which has served the City well. Maintenance of a similar hierarchy is recommended for a new planning scheme to the extent that the new standard zoning requirements allow. (GCC ILUPS 2010)

The draft SPP provisions will erode the established hierarchy of commercial development in Glenorchy. The TPS proposes very little variety between the Central Business, General Business and Local Business zones: seven use classes are No Permit Required in each zone, five of the same use classes are permitted and twelve are discretionary in each zone. This makes the commercial zones virtually indistinguishable from each other in terms of use and development permissible in the zone.

It is noted that there are qualifications for a retail impact standard as an acceptable solution for *Bulky Goods Sales* and *General Retail and Hire* use classes in the General and Local Business Zones, however nothing for the Central Business Zone. The highest order zone (Central Business) needs the greatest control on uses which require large site areas and are car-based retail. Otherwise the other activity centres within Glenorchy will be affected.

A rationalisation of these use classes within these zones is required, with review of the appropriateness of the use classes of *Bulky Goods Sales* and *Equipment Sales and Hire* in particular. Alternatively a retail impact standard with a highly restrictive acceptable solution should applied to the lower order zones.

Further, the draft suite of business zones permit a much broader range of uses, for instance more business uses are permissible in industrial zones and more industrial uses are permissible in business zones. This is likely to cause significant land use conflicts between existing and new uses, along with the potential to severely erode industrial development opportunities as commercial businesses seek cheaper land in industrial areas. Council does not believe the LPS tools are sufficient to apply local standards in the Commercial Zones to prevent the erosion of the hierarchy.

Impact of 'one size fits all' lot sizes, height and setback controls

The draft SPPs appear to provide for an 'average' across Tasmania in terms of height and setback controls, and lot sizes. This undermines the work undertaken by Glenorchy in the past and significant work invested in the development of the Interim Planning Scheme. It is likely that this standardisation will lead to a loss of local context and it is an ineffective and an inadequate planning response to land use management.

With the removal of the Environmental Living Zone from the draft SPPs, exclusion of the Environmental Management Zone from private land, and the large lot sizes required under the draft Landscape Conservation Zone, many properties in Glenorchy many not fit the available zones due to lot size restrictions.

The introduction of a local schedule which provides appropriate local controls for lot sizes, heights and setback requirements (which Councils would have to justify as part of the development of the LPS) would be an effective land use management tool that would not compromise the intent of the single state-wide planning scheme.

While there is ability for local government to affect outcomes at the local level through the tools given in the LPS [the Particular Purpose Zone (PPZ), Specific Area Plans (SAP), Site Specific Qualification and Local Area Objectives (LAO)] their application is relatively restrictive. For example, compared to the provisions of the Interim Planning Schemes, a Local Planning Authority can no longer apply qualifications to a use table where this may be required given a particular local context. Local Area Objectives must be used to assess Discretionary uses (and are not applicable for No Permit Required and Permitted uses).

Inappropriate facilitation of multiple dwellings in Low Density Residential Zone

The draft provisions allow for multi-dwelling development in the Low Density Residential Zone, which is not supported, particularly around the Goulds Lagoon Wildlife Sanctuary / Conservation Area. Historically this area has been developed as a low density residential area with characteristic larger than average lot size and importantly, the prohibition of medium to high density residential development. The low density zoning and associated provisions have attempted to reduce increased run-off and other environmental impacts associated with residential development in the vicinity of the Lagoon. The Glenorchy Interim Planning Scheme 2015 (GIPS 2015) applies a Low Density Residential Zone and provisions consistent with expectations of that zone: subdivision of large lots and prohibition of medium to high density residential development. The permissibly of multiple dwellings in this zone is contradictory to the historical development of the area and the environmental objectives it seeks to achieve.

Further, the standards in the Zone are misleading and unlikely to be achieved, as unless the larger lot sizes are met (1500m2 if connection to all services is met, and 2500m2 otherwise) then development must not be out of character with the existing pattern of development. Is there a fear in calling it how it is? The draft provisions appear to make a use permissible, but the use standards make the use almost impossible to achieve.

A qualification to prohibiting multiple dwellings in the Low Density Residential Zone must be applied. If this is not accepted, Council will apply the tools of the LPS to ensure the current character of the area is protected. This is particularly important given there is no longer a Stormwater Code to apply to development and limited application of the Natural Assets Code in respect to vegetation protection will be available.

Erosion of vegetation values and impacts on the Glenorchy Skyline

One of the key objectives of *Glenorchy's Interim Land Use Planning Strategy*, adopted by Council on 13 September 2010, was to protect the City's skyline and threatened species.

However the draft Environmental Management Zone can only be applied to public land and the draft SPPs do not include an Environmental Living Zone. A Landscape Conservation Zone is proposed, however it focuses on the visual impacts of vegetation loss on large lots rather than ecological and biodiversity values. There are also significant exemptions for vegetation clearance and limitations

on the type of vegetation that can be protected under the new Natural Assets Code and Scenic Landscape Code.

It is considered that the provisions as currently drafted will not enable Council to protect its valuable skyline and hillface area which are key elements to the character of Glenorchy.

This Local context was most recently articulated in the GILUPS produced for the review process for the GPS 1992. The draft provisions do not give sufficient ability to Council to ensure the protection of landscape value and skyline protection within the City in line with the objectives and community expectations of the GILUPS. Additionally, as detailed below, aspects of the draft SPP will erode the Skyline and Landscape value of Glenorchy's backdrop. In the application of zoning for the GIPS 2015, Glenorchy considered the existing values of the skyline protected by the Landscape and Conservation Zone under the GPS 1992; in summary this zone prohibited subdivision (except for adjustment of boundaries), made a dwelling discretionary and vegetation removal was controlled.

As a part of the Interim Planning Scheme process many Council's proposed the Environmental Living Zone for skyline areas, Glenorchy did not believe this would deliver the same protection and selected the Environmental Management Zone. The GILUPS provides:

> *'Landscape value is the visual amenity value of larger landscape elements and features, common the visual value of treed skylines and vegetated hill faces. Many landscape features within the City are of particular value to not only residents of Glenorchy, but also those of adjoining municipalities and visitors to the region. These features include:*
>
> - *the treed skyline and foothills that form the backdrop to the City;*
> - *the rural setting of the Collinsvale area – including the agricultural land surrounding Glenlusk – flanked by forested hills and peaks;*
> - *Lowes Ridges extending down from Mt Wellington, Mt Arthur and Mt Faulkner; and*
> - *Isolated landscape features such as Poimena and Amy Street Reserves.*
>
> *While much of the skyline is in public ownership and reserved, large areas of land on the hills face of Mt Faulkner are of significant landscape value and are under private ownership.*
>
> *If not carefully managed, land development in these areas could impact upon important landscape values.*
>
> *The existing Landscape and Conservation Zone, particularly the prohibition of further subdivision of land within that Zone, has effectively limited development within that Zone to a density that has not significantly impacted upon landscape values. However, there remains a need to ensure that the design and materials of individual buildings – in important landscape areas – do not significantly impact upon landscape values.*
> *Many of these sensitive landscape areas are also subject to bushfire risk and care must be exercised in order to ensure that bushfire hazard management practices do not cause a significant adverse impact upon landscape value.'*

The draft provisions of the SPPs provide only one zone which could potentially apply to these areas of Glenorchy: the Landscape Conservation Zone (noting that the Environmental Management Zone can only be applied to public land and would no longer be available to many areas to which it is currently applied under the GIPS 2015). The Scenic Protection Code may also apply.

The provisions of the Landscape Conservation Zone and Scenic Protection Code will not afford sufficient protection of the landscape and amenity values of Glenorchy's skyline. Under the draft provisions Residential use is discretionary in the zone, which is the same as the current situation under the GIPS 2015, however, unlike the development standards of the Environmental Management Zone applied in the GIPS 2015, far more clearance of land in association with development is permissible:

- Existing Acceptable Solutions for the location of buildings and works requires that existing cleared sites are used and that it is not on a skyline or ridgeline. The draft provisions allow for an Acceptable Solution for the extent of development to be up to 400m2.
- Existing provisions for subdivision ensure the subdivision of land is for the management of environmental values and is for public purposes and to not increased residential use. The proposed standards allow subdivision down to 20ha in area provided it can meet the acceptable solutions for development (building siting and design).
- The exemptions under the Scenic Protection Code are extensive as they allow destruction of vegetation within private gardens, for fire hazard clearance, works within proximity to buildings, tracks, roads and fences. The Code also includes an Acceptable Solution for vegetation clearance of up to 500m2.

The draft provisions have increased the capacity for subdivision and residential development and the potential for the removal of vegetation and placement of buildings that could erode the landscape values of the area.

The draft provisions do not appear to meet the objectives of the Act

A planning scheme must be based on a clear policy direction: State policy needs to be agreed upon and adopted, then the provisions are developed to implement that policy. The rush to implement a single state-wide scheme will result in the need to retrofit State policy and amend regional strategies to achieve consistency. It is understood that policy is currently under preparation for the application of Agricultural Zones. This work should have been completed prior to the development (and release) of the draft SPPs.

Such an approach does not appear to meet the objectives of the *Land Use Planning and Approvals Act 1993* (the Act) in respect to:

Part 1*:* *(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
(c) to encourage public involvement in resource management and planning; and

Part 2: *(a) to require sound strategic planning and co-ordinated action by State and local government; and*
(*i) to provide a planning framework which fully considers land capability.*

The draft provisions are a significant shift from existing planning schemes. Current schemes identify where development is appropriate and where it is not, they consider the best use of the land whether it is for conservation, residential or commercial use, seeking to achieve a balanced and sustainable approach to land use management.

The draft provisions provide broad use options with a focus on when development occurs, how it should be managed. There are limited opportunities (with the loss of the Environmental Living Zone, restriction of the Environmental Management Zone to public land and significant weakening of vegetation controls) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity. The draft provisions are development led and they do not provide a balanced approach to resource management.

Significant resourcing cost

The introduction of the new provisions represents a significant resourcing impact. The removal of some zones and significant modification to others will mean full reassessment of land to consider appropriate zones and the application of Codes. Another change to the planning controls is also likely to cause significant frustration within the community.

As the State has made a commitment to roll out a State Scheme, it needs to fund the resources that are essential to the operation of that State Scheme. It is understood that vegetation mapping is two years in arrears, and the majority is not ground-truthed. How are local councils to rely on this information to apply various codes?

Use of iplan

The Explanatory Report at page 8 describes that iplan MAY be the service through which the TPS is delivered. This is concerning given the amount of time and resources that have been allocated to this new on-line content management system for Tasmania from both State and local government. Despite some user acceptance problems and resourcing issues, iplan now seems to be widely accepted as a preferred method of access to planning schemes. This needs to be further supported through the implementation of the TPS and adequate funding provided from the State to ensure iplan's continued operation and the roll-out of other functions (ie use in preparing and adverting amendments).

Vague terminology and inconsistent sentence structure

There are a number of vague terms and significant variance to sentence construction throughout the draft SPPs. Were the draft provisions reviewed for consistency and legal robustness prior to their release? If not, interested parties cannot be assured they have commented on the actual intent of the provisions.

The use of such vague terms ('*major* elevations', 'relevant tertiary qualifications (or equivalent)', 'have regard to' 'minor') and inconsistencies in sentence construction throughout the draft SPPs is likely to result in extended timeframes to satisfy further information requests and costs as such unclear terms are required to be considered by the Tribunal.

SPECIFIC COMMENTS ON THE DRAFT SPPS

Planning terms and definitions - Clause 3.1.3:

- The term **Council** is defined as –'*means as defined in the Act*' but LUPAA then refers to the Local Government Act for the definition – it would be simpler to refer straight to the LGA.
- **Home-based business**
  - Why is this definition included when there is a similar exemption for Home Occupation? A Home based business is No Permit Required in residential zones so technically exempt in any case, and where it is a permissible use (ie Land Conservation Zone) there are no use standards to assess it against – so what would be the effect of the permit? It would simplify the scheme to have a single term for businesses conducted at home, subject to additional qualifications - further explanation is provided below in respect to the exemption for Home Occupation.
  - If this term is retained, there should be a limitation on the portion of the dwelling to be used – 'part' is identified in the definition, this should be clarified to one-third of the gross floor area.
  - If this term is retained, an overarching amenity provision needs to be included in the definition. Currently a home-based business could operate all night (for example as a single veterinarian operating from home), or with two vehicles on site loading and unloading goods, within a residential zone as a no permit required use. Further, there is nothing in the draft provisions to restrict the operation to the 'occasional visitor'. Amenity controls are required. Suggested provision: *The use does not adversely affect the residential amenity of the area through the appearance of any building, works or material used, the hours of operation, any emissions from the site, or the time, duration or frequency of vehicle movements to and from the site*.
  - What does 'hazardous chemicals of a manifest quantity' mean? Manifest Quantity appears to be derived from the Work Health and Safety Regulations; while council would be concerned with storage of such levels in a residential area, there should be provision to control smaller operators who are seeking to undertake a medical or veterinary practice as part of a home based-business. The draft provisions do little if anything to prevent the establishment of such an activity, which could have significant impacts on the amenity of the surrounding area.
- ***Panel beating*** *means use of land* ***for the business of*** *repair or replace* (sic) *damaged motor vehicle bodies and panels, and carry out any associated mechanical work or spray painting.* Why is the term 'for the business of' used here? Other uses do not include this term and it is therefore likely to create uncertainty and inconsistency in decision making. If the intent is to address individuals working on their own vehicles at home – it would be more appropriate to address this matter through an additional amenity provision to home occupation/home-based business definition rather than creating significant confusion in terminology throughout the Scheme.
- **Primary frontage:** it is unclear why this is the frontage with the shortest dimension, a more appropriate guide would be the frontage to which the building entrance faces where there is a sense of street address.
- The new definition of **secondary residence** (replacing ancillary dwelling), must be 'self contained' (undefined) and may include laundry facilities. Why include different terms such as 'residence' it would improve consistency and be simpler to use the term 'dwelling' and then add the limitations or identify exceptions (ie laundry facilities are not required). Under this definition is it possible

someone could have a shed or container and use that as a secondary residence? Should it at least require separate cooking, toilet and shower facilities?

- **Suitably qualified person**: this term is too vague for the various situations where it will be used. While the intent to simplify the scheme provisions and include this term in the general definitions is laudable, each code needs to retain the definition and clarify the specific qualifications required. As proposed, it will likely result in individual council officers assessing the information to determine if the qualifications are adequate, leading to inconsistency in interpretation throughout the State.

Exemptions - Clause 4.0:

- **Occasional use**: provides for 'markets on public land', can these occur every day? Recommend the provision be reworded to:

  If for infrequent or irregular:

  (a) ~~infrequent or irregular~~ sporting, social and cultural events; or

  (b) markets on public land.

- **Home occupation:** It is confusing and unclear why there are provisions for both *Home occupation* and *Home based –business* when the two are virtually indistinct. The No Permit Required pathway for Home based-business consisting of minor alterations to the Home Occupation definition (no floor area limit, increase from no employees to 2, and increasing 1 commercial vehicle to 2) is confusing for applicants. In cases where a Home based business requires a permit – there are no relevant applicable standards to assess the proposal or condition a permit, so the process seems to be an expensive one for little gain. Suggest retain Home occupation as an exemption, but allow for a max 1/3 gross floor area limitation, max 2 employees and max two commercial cars on site. The following additional amenity provision is also considered essential to the operation of both the current definitions and the suggested change:

  The use does not adversely affect the residential amenity of the area through the appearance of any building, works or material used, the hours of operation, any emissions from the site, or the time, duration or frequency of vehicle movements to and from the site.

  It is also worth noting that in Glenorchy, current compliance/enforcement matters have arisen around the activity of auto-detailing being undertaken as a Home Occupation or home based without the need for a permit. A resident has submitted that a home detailing activity being undertaken on a neighbouring property has impacted on the residential amenity of their property. Whilst to a degree, impact on amenity will always be a subjective judgement the current (IPS) and draft SPP provisions allow Auto detailing activities for vehicles not owned by a resident to be undertaken on site (subject to it not being 'for the business of' – note above comments on the definition of panel beating) and so seems intentionally distinguishable from the activities of refuelling, servicing and repair. Is this intentional? If so under the draft SPPs this could conceivably lead to any auto-detailing activity for vehicles not owned by a resident being undertaken from a residential property without the need for a permit, as there would be no limit to vehicles on the site not owned by the resident it would not have to be proven there was 'more

than the occasional customer' as definitions for home occupation/ home based-business required in previous schemes.

- **Vehicle crossings, junctions and level crossings:** The exemption is confusing: why is the second sentence on *use* included? If the exemption is only about development, this second part appears to be redundant.
- **Minor telecommunications:** part (c) Is the intent that these facilities include new towers and new access roads to those towers? If so, there needs to be much greater limitation on size/scope of works.
- **Minor infrastructure:** This should include '*by or on behalf of the State Government, a Council, a statutory authority*'.
- **Internal building and works:**
  - Exempting internal building or works as a matter for consideration in the Tasmanian Planning Scheme is not appropriate. It is fundamentally at odds with all authoritative, published, and widely-referenced heritage standards such as the Australia ICOMOS *Burra Charter* and J.S.Kerr's, *The Conservation Plan*, which advocate holistic consideration of all attributes that together contribute to the significance of a heritage place.
  - Exempting (ie excluding) consideration of internal building and works from the TPS has the potential to result in unmitigated heritage impacts. This, in direct contravention of the Code Purpose statement (C6.1). In certain instances this will result in heritage 'shells'; places devoid of many of the stylistic elements that demonstrate evolution, denote period and impart character.
  - It is recommended that Clause C6.2.3 must be deleted and Clause 4.0 of the TPS altered so it reads:

    All internal building and works except where identified as a 'Significant Interior' in the Lists to the Heritage Code.

    A revised list is recommended to be included in the Local Historic Heritage Code to enable councils, subject to strategic work being undertaken to populate the list. The consideration would not apply under the list populated. (Refer to revised heritage list under comments on Local Historic Heritage Code). This will provide scope for each Planning Authority to consider significant interiors in a focussed manner (ie, only where specified in the Lists to the Heritage Code).
    Unless already existing, Lists to the Heritage Code will only be able to be populated with this information in an open and transparent manner by planning scheme amendment; a process that involves extensive consultation, consideration and endorsement by elected members, formal hearings and ratification where applicable.
- **Maintenance, repair and minor alteration to buildings:** it is recommended that (a) be removed and more detailed exemptions provided in the Heritage Code.
- **Outbuildings in rural zones**: exemptions should be excluded if affected by Natural Assets Code, it is not appropriate to have sheds too close to waterways or in the middle of vegetated areas (with access tracks).
- **Agricultural buildings and works:** For consistency with the other provisions, why not make a) the heading, as in *outbuildings in the rural zone*. Exemptions should also be excluded if affected by Natural Assets Code, it is not appropriate to have sheds too close to waterways or in the middle of vegetated areas (with access tracks).
- **Vegetation removal for safety or in accordance with other statutes:**
  - (a) Potentially allows applicants to choose a pathway, i.e. obtain an Forest Practices Plan (FPP) for a non-forestry activity and gain exemption

- (c) Does this apply if the Bushfire Hazard Management Plan (BHMP) is approved through building process rather than planning? This needs clarification. If it needs to be considered through planning, then the Bushfire Code should require this, or Natural Assets Code should require it. If building approval suffices, then there is clear neglect of assessment of impact.
- (f) What about non-boundary fences? (Not that we want people to be able to clear around non-boundary fences, but should be clarified perhaps?)
- (g) Does this mean 'environmental weeds listed under a local strategy or management' or 'removal or destruction of weeds under an approved local strategy or management plan? Needs clarification and potentially limitations to also ensure that native vegetation is not cleared or impacted.
- (h) Needs limitations, e.g. requirement for an arborist to determine that tree is a risk, as many people perceive any damage to a tree to mean the tree is dying or a risk. An additional part should be provided to read: '*For trees and vegetation on place, precinct or landscape within the Heritage Code, written advice from a suitably qualified person should be referenced*'.
- (i) This is different to the Boundary Fences Act 1908 and could lead to potential confusion and conflict.

- **Landscaping and vegetation management**
  - Definition of a 'private garden' required
  - (b) is fine but emphasises that Natural Assets Code, and this exemption, does not apply to use e.g. grazing.
  - The extent of exemption is unclear. What does 'unless they are incidental to the general maintenance' mean? It is recommended that Part (c) should not apply to places listed in the Heritage Code. Suggest amend the wording to read:' *(c) not subject to the Heritage Code'*. In lieu of exemption in Part 4.0, it would be preferable to include more detailed exemptions in the Heritage Code.
- **Vegetation rehabilitation works**
  - (c) Water quality protection or stream bank stabilisation works, the latter too broad and the provision needs to be limited by who designs the works and type of works.
- **Unroofed decks:** Why do they need to be attached or abut a habitable building to be exempt?
- **Vegetation removal for safety or in accordance with other statues**: item (b) should relate to existing infrastructure, new infrastructure needs to be assessed in respect to its impacts. Recommend: delete 'construction and'.
- **Landscaping and Vegetation Management**
  - Given this exemption is about landscaping (and vegetation management which could mean anything) there needs to be an exclusion for vegetation within a Scenic Protection Code.
  - A definition of 'private garden' needs to be provided; it could be argued that one's entire property is a 'private garden'.
  - Part (c) should be restricted to subject to a heritage Code or SAP. As discussed below (section on Local Historic Heritage Code) there are significant concerns with listing individual trees as part of a local heritage place. There may also be situations when trees are identified to be retained as part of a SAP (for example as part of a rezoning and offsetting requirements).
- **Vegetation rehabilitation works**: There are some 'or's at the end of some provisions but not all. There is no ability to comment on this provision if it is not clear what it means. Once corrected, further opportunity to comment should be provided.
- **Fences within 4.5 m of a frontage**: Fences at 1.8 m above ground level may have a potential to impact on sight lines depending on slope. Transparency can also be impacted depending on the view to the fence (ie if its louvered at a certain degree people can see out not in). A height of 1.8

metres is also excessive – unless the property fronts a highway, and has negative impacts on streetscape and opportunities for casual surveillance. A height of 1.5m is consistent with the IPS.

- **Temporary fencing:** Should be required to be removed 14 days after the event.
- **Fences in Rural Zones:** Are fences within rural zones within 4.5 of the frontage exempt? This section needs a review and rewrite so it is clear.

Planning Scheme Operation – Clause 5.0

- It is recommended that these provisions be strengthened to ensure that – broadly speaking - responses to Performance Criteria are more securely linked to fulfilment of the Objective/s for the applicable Standard. Recommend the following:

  (i) Modify subclause 5.5.3 so it reads:

  Compliance for the purposes of subclause 5.5.1 of this planning scheme consists of meeting the objective of the standard, through either the requirements of the Acceptable Solution or the Performance Criteria.

  (ii) Modify subclause 5.5.4 so it reads:

  In assessing use or development, the planning authority must consider whether the Performance Criteria meets the objective in the applicable standard.

Assessment of an application for use or development – Clause 6.0

Application requirements – Clause 6.1

- 6.1.2 (d) it is not appropriate to separate the schedule of easements and only allow the council to ask for this if applicable. The explanatory report suggests that as councils have access to the list they can print it off themselves. This is not only cost shifting, it is also not council's application. The applicant should be investigating whether there are any covenants or restrictions on their title before they develop their proposal so they need to look at their full title. Council should not be responsible for printing out and preparing their application – what if it prints the wrong information – would council then be responsible?
- 6.1.3 (c) why can only 'major' elevations be requested? All elevations are essential to understand the proposal. It is also a very vague term, who determines what is 'major'?
- Why have landscaping provisions been removed? The aspects of quality design and streetscape amenity has been significantly reduced under the State-wide (and Interim Schemes) why should Tasmania be facilitating/supporting substandard development?
- Provisions should identify that an Environmental Impact Assessment may be required and contain a definition of what would constitute this.
- Planning for natural hazards and responding to issues such as potential dispersive soils or acid sulphate soils, should be considered at the subdivision stage and information to address these aspects which may require greater lot size or designation of open space areas, lodged at the subdivision application stage, rather than requiring an amended or fresh planning permit if the matters are inappropriately addressed when assessment at the building stage occurs. Further, if council is required to take over any assets (roads etc) an understanding of the soil type and its impacts for assets is required. Recommend a site and soil evaluation report be submitted with subdivision applications.

- With the removal of application requirements under the various Codes, it is now very vague as to requirements that can be sought. The draft SPPs represent a significant step backwards from the clarity and consistency that was being provided to council planners and applicants as to what could be sought and what needed to be provided occurring under the Interim Schemes.
- There needs to be a requirement to identify any landscaping areas on the plans

Conditions and restrictions on permits – Clause 6.11

- As all of the landscaping provisions have been removed from the draft SPPs, there should be a requirement to provide for a landscaping plan. Landscaping is an important part of development and improves the amenity value of an area, not providing for such elements will lead to substandard development and negative impacts on tourism and economic development within Tasmania.

Use Classes - Table to 6.2:

- **General Retail and Hire**: the Explanatory Report recommended deletion of the term 'video shop' as it is archaic and it has been deleted from Clause 3.1.3 – but its still in the use class definition.
- The use class **Recycling and waste disposal** needs to be more clearly defined. The term 'material' is not defined and is difficult to rely on in enforcement matters where sites are being used inappropriately to store items that impact on the amenity of the area. The excessive storage of some items cannot be enforced through available environmental heath provisions as they do not create a health risk. It is recommended that the use class be amended to include the underlined words: *use of land to collect, dismantle, store, dispose of, recycle or sell used or scrap material. <u>Such material includes but is not limited to scrap metals, containers, building materials, whole or parts of motor vehicles or machinery.</u> Examples include a recycling depot, refuse disposal site, scrap yard, vehicle wrecking yard and waste transfer station*.
- **Residential**
  - It is unclear why 'communal residence' is included as an example when the examples of communal residence as defined in the definitions at Clause 3.1.3 are also included as use class examples (ie boarding house, residential college, and residential care facility).
  - What is a *Residential Hotel*? How is it different from a motel? The hotel reference implies availability of alcohol (is it only to guests) which could create a whole raft of issues in residential zones.
- **Miscellaneous Uses:** It is unclear why a 'Miscellaneous' use class has not been included, particularly with dramatic increases in technology. The opportunity to consider a 'new use' on its merits has worked well historically, and the structure of a performance based scheme gives a proponent the opportunity to demonstrate achievement of quality planning outcomes.

General provisions – Clause 7.0

- **7.4 Change of Use of a Local Heritage Place.**
  - The intent of the provision is to allow the greatest possible scope for use of heritage places (including adaptive re-use) by making uses that would otherwise be Prohibited, Discretionary. If the provision is to achieve the objective, stringent requirements must be in place. The use of the word 'any' in 7.4.3 (a), (b) and (c) should be changed to make the requirements

mandatory. Therefore, replace ‘any’ with ‘a’, as in the GIPS 2015 (Part C – 9.5.2). This will ensure, at least, that Prohibited use proposals are supported by documentation that:
    - demonstrates an understanding of the significance of the place in question,
    - clearly articulates the impact of the proposed use (not just 'any' use) and;
    - is accompanied by a plan that sets out how the use forming the subject of the planning permit application (not just 'any' use) will conserve the identified heritage values.
  - 7.4.3 (d) could be simplified to read, “the degree to which the conservation and future maintenance of”…etc .
  - The term “conservation” should then be included in definitions, and should reflect the Burra Charter meaning.
  - The wording of 7.4.3 (e) is supported.
- **7.3 Adjustment of a boundary:** If there are no new lots created, why should the size of the new lots be an issue?
- **7.5 Change of use within the same use class**: No issue with the concept here, however the practice of how permits are issued may cause a problem in respect to part (c) if a permit is issued for *Business and Professional Services – veterinary surgery*, then it is proposed to convert it to a *child heath clinic*. In this case it would be clear the permit is for something else and is likely to cause confusion to surrounding residents and new operator. However if the permit is issued for just *Business and Professional Services* it would be able to be adapted without confusion although this approach may not suit council. If this provision is adopted there needs to be a consistent approach of how planning permits are written.
- **7.7 Buildings projecting onto land in a different zone**: There doesn’t seem to be anything in the Road and Rail Assets Code that would control this – should there be a limitation on extent of the extension (eg business vs utilities for overhanging balconies and possibly canter levered buildings into an Environmental Management Zone or Landscape Conservation Zone. The provision should be more defined as to its actual purpose.

ZONES

General Residential Zone

- 8.2 *Education and occasional Care:* '*home –based child care'* as defined in the draft provisions appears to also fall under the Home Occupation definition at part (d) which could lead to confusion – review these terms.
- 8.2 Use table: *Visitor accommodation* should be limited to bed and breakfast, holiday cabin and holiday unit, as the other uses are inconsistent with the character of a general residential zone and are unlikely to be approved in any instance (eg a Motel).
- 8.4.2 A3 provides exemptions for outbuildings less than 2.4m in height. Exemptions should be within the one place (Clause 4.0). This additional exemption creates confusion and implies that the Scheme does not work as 'a whole' and/or has not been reviewed to remove duplication of provisions.
- The diagrams at 8.4.2A, B C and D all make reference to the provisions at clause 8.4.2 A3 (a) however the diagrams show a 1.5m setback which is considered in 8.4.2 A3(b) [8.4.2 A3 (a) clearly identifies a 4.5m or equal to the frontage setback] the reference is incorrect and misleading given the wall length requirements.
- 8.4.3 Why are there no longer any requirements for impervious surfaces?
- 8.4.3 The objective includes the integration of pos areas with living areas, however there is no acceptable solution for this in the standard.
- Why is 8.4.4 sunlight and overshadowing of all dwellings limited to on onsite impacts only? There is no provision to consider overshadowing of a neighbour's pos, or reduction of sunlight to habitable rooms.
- 8.4.4 sunlight and overshadowing of all dwellings only refers to pos – it does not protect any north facing windows of adjacent dwellings on or off the site. While this may be picked up in the building code, to ensure a proponent does not have to go back and get an amended planning permit it is more efficient to address this matter in the planning scheme.
- 8.4.6 privacy only considers a dwelling or pos of adjoining property, not a vacant site. What if a development is approved but not constructed. Provision should made to be able to consider off site impacts.
- Eg of inconsistent and confused writing style and lack of consistency – 8.4.6 P2 could be read as only having to be screened to limit views to *either* a habitable room *or* open space but not both (note that 9.4.6 P2 uses 'and').
- 8.4.7 Frontage fences allows for fences to be up to 1.8m in height. This would only be acceptable if the dwelling fronts a highway or a busy main road. Further, depending on the slope of the site and how the required transparency is achieved, anything higher than 1.15 may impact sight lines. Perhaps the provision could be amended to exclude sight-triangles adjacent to crossovers.
- Support the requirements for non-residential buildings being clearly set out rather than cross-referenced as in the IPS.
- An applicable standard on the ability to consider the impact of new subdivision on existing roads needs to be provided, and where appropriate the developer should contribute to road upgrades.
- Provisions on ways and public open space, which includes pedestrian links, must be provided. There are no provisions in the draft SPPs to enable the assessment of the layout and location of

public open space in new subdivisions. There is also limited ability to assess a subdivision layout in terms of liveability and sense of community.

- 8.6.3 A1 provides for connection 'where available'. This term is unclear, for example how far away would the connection be to be 'unavailable'?

Inner Residential Zone

- 9.2 *Education and occasional Care:* '*home –based child care'* as defined in the draft provisions appears to also fall under the Home Occupation definition at part (d) which is confusing recommended these provisions/definitions be reviewed.
- Use table: **General retail and hire** and **Food services:** the draft use standards are unlikely to be able to prohibit such uses as department stores, supermarkets and restaurants. While local or small scale uses of these types are appropriate in this zone, their proliferation is not supported. In any instance the Inner Residential Zone should be about promoting higher residential densities *around* these uses so they are further supported.
- Clause 9.4.1 P1 (b) makes reference to multiple dwellings providing that the density can be reduced for specific development such as 'aged care, special needs and student accommodation'. The term 'multiple dwelling' is defined as more than 2 dwellings, and a dwelling is required to be self-contained. Student accommodation and aged care facilities (noting that 'aged' has been removed from the defined term 'residential care facility') are unlikely to meet the definition of a dwelling (a self-contained residence), as they are generally a number of bedrooms, with shared kitchens, dining rooms and bathrooms or bedrooms with ensuites and a shared dinning room. Including these references confuses the term 'multiple dwellings'. Modification of the standard to provide for increased densities for residential uses other than multiple dwellings is considered unnecessary.
- 9.4.2 A3 provides exemptions for outbuildings less than 2.4m in heights. Exemptions should be within the one place (Clause 4.0). This additional exemption creates confusion and implies that the Scheme does not work as 'a whole' and/or has not been reviewed to remove duplication of provisions.
- The diagrams at 9.4.2A, B C and D all make reference to the provisions at clause 9.4.2 A3 (a) however the diagrams show a 1.5m setback which is considered in 9.4.2 A3(b) [9.4.2 A3 (a) clearly identifies a 3m or equal to the frontage setback] the reference is incorrect and misleading given the wall length requirements.
- 9.4.3: Site coverage and pos for all dwellings no longer includes the need to provide for 25% impervious surfaces, why?
- 9.4.3 No longer requires the pos to be accessible from a habitable room or to receive adequate sunlight (only that it should only be located in the front setback if that's the only place its can get reasonable sunlight). This doesn't mean that it is acceptable for pos to have limited access to sunlight, which implies that there is an over-development of the site. None of the AS meet the objectives of integration with a living area or access to sunlight.
- Why is 9.4.4 sunlight and overshadowing of all dwellings limited to on onsite impacts only? Off-site amenity impacts such as overshadowing of a neighbours pos, or limiting sunlight to habitable rooms need to be considered.
- 8.4.4 sunlight and overshadowing of all dwellings only refers to pos, it does not protect any north facing windows of adjacent dwellings on or off the site. While this may be picked up in building

code, to ensure an applicant does not have to go back and get an amended permit it is more efficient to address this matter in the planning scheme.

- 9.4.6 privacy only considers a dwelling or pos of adjoining property, not a vacant site. What if a development is approved but not yet constructed? Off site impacts need to be considered.
- 9.4.7 Frontage fences allows for fences to be up to 1.8m in height. This would only be acceptable if the dwelling fronts a highway or a busy main road. Further, depending on the slope of the site and how the required transparency is achieved, anything higher than 1.15 may impact sight lines. Perhaps the provision could be amended to exclude sight-triangles adjacent to crossovers.
- Support the requirements for non-residential buildings being set out rather than cross-referenced as in the IPS.
- There needs to be an ability to consider the impact of new subdivision on existing roads, and the ability to seek upgrades at the developers expense for new roads.
- Provisions on ways and public open space, which includes pedestrian links, must be provided. There are no provisions in the draft SPPs to enable the assessment of the layout and location of public open space in new subdivisions. There is also limited ability to assess a subdivision layout in terms of liveability and sense of community.
- 9.6.3 A1 provides for connection 'where available'. This term is unclear, for example how far away would the connection be to be 'unavailable'?
- Where are the provisions that support or encourage higher density development? There should be: opportunities for reliance on communal open space areas for multiple dwellings, opportunities to reduce car parking requirements on site (the car parking requirements under the draft code appear excessive if the objective it so encourage higher density in areas close to public transport corridors); and incentives to consolidate lots.

Low Density Residential Zone

- 10.2 *Education and occasional Care:* '*home –based child care'* as defined in the draft provisions appears to also fall under the Home Occupation definition at part (d) which is confusing. Recommended these provisions/definitions be reviewed.
- Where is this zone likely to be applied? The lot size seems too big for many rural centres but the draft Explanatory Report identifies that it should be applied to small residential settlements without the full range of reticulated services (page 99). If this is the case the range of permissible uses seems excessive for un-serviced areas.
- The provision of multi-dwelling development in this zone is not supported.
    - The variety of housing types available in Glenorchy includes the recent and growing areas of Austins Ferry/Granton around the Goulds Lagoon Wildlife Sanctuary [which is included on the National Heritage list (Sanctuary Drive, Jacques Road, Hestercombe Road)]. Historically this area has been developed as a low density residential area with characteristic larger than average lot size and importantly, the prohibition of medium to high density residential development. The low density zoning and associated provisions have attempted to reduce increased run-off and other environmental impacts associated with residential development in the vicinity of the Goulds Lagoon Conservation Area. Previous Planning Schemes have zoned this area Reserved Residential (CPS 1980) or Low Density Residential (GPS 1992). The GIPS 2015 applies a Low Density Residential Zone and provisions consistent with expectations of that zone: subdivision of large lots and prohibition of medium to high

density residential development. The permissibly of multiple dwellings in this zone is contradictory to the historical development of the area and the environmental objectives it seeks to achieve.

- The objective of the applicable standard (clause 10.4.1) for residential density for multiple dwellings within the Low Density Residential Zone provides:

  To that (sic) the density of multiple dwellings:

  (a) Makes efficient use of low density residential land for housing; and
  (b) Optimises the use of infrastructure and community services.

  These objectives contradict each other. To permit medium to high density housing forms in low density areas conflicts with the established planning assumptions about the form and function of a low density zone. It is noted that there are Acceptable Solutions and Performance Criteria to achieve this objective requiring a minimum site area per dwelling of 1500m2 or 2500m2. However Council believes that any proposal in this area would fail to comply with the performance criteria, P1.1 (a) in terms of not being out of character with the pattern of development existing on established properties. In other words the provisions are contradictory and deceptive. Is there as fear in calling it how it is? The draft provisions appear to make a use permissible, but the use standards that make the use almost impossible to achieve.
- Council recommends that a qualification be applied prohibiting multiple dwellings in the Low Density Residential Zone. If this is not accepted Council will apply the tools of the LPS to ensure the current character of the area is protected. This is particularly important given there is no longer a Stormwater Code to apply to development and limited application of the Natural Assets Code in respect to vegetation protection will be available.

- Visitor accommodation should be limited to bed and breakfast, holiday cabin and holiday unit, the other uses are inconsistent with the character of a low density residential zone.
- Other discretionary uses include:
  - *Business and professional services – residential support services* , this seems out of context in a low density residential zone
  - *Education and Occasional Care,* which allows for secondary schools, and is a questionable use for a low density residential zone?
- *Domestic animal breeding, boarding and training,* is not included however this is often a reasonable use in this zone.
- 10.4.5 Frontage fences allows for fences to be up to 1.8m in height. Depending on the slope of the site and how the required transparency is achieved, anything higher than 1.15 may impact sight lines. Perhaps the provision could be amended to exclude sight-triangles adjacent to crossovers.
- There needs to be an ability to consider the impact of new subdivision on existing roads, and the ability to seek upgrades at the developers expense for new roads.
- Provisions on ways and public open space, which includes pedestrian links, must be provided. There are no provisions in the draft SPPs to enable the assessment of the layout and location of public open space in new subdivisions. There is also limited ability to assess a subdivision layout in terms of liveability and sense of community.
- 10.6.3 A1 provides for connection 'where available'. This term is unclear, for example how far away would the connection be to be 'unavailable'?

Rural Living Zone

- Typo: Use table: *Resource development* is included with the qualification *if not for abattoir, animal sales yard or sawmilling,* but these are *Resource processing* activities.
- Typo: As above, is this why Resource processing is not included in the Zone?
- It has been interpreted that a single dwelling would not include an outbuilding UNLESS it is associated with the dwelling (ie existing or proposed). The ability to build a shed on its own on land within this zone would therefore be prohibited. A solution may be to include the Residential use class as a discretionary use with the following qualification: *only if an outbuilding where there is no existing dwelling on the site*.
- The design standards under the IPS Rural Living Zone should be included to ensure rural character of the land is protected (ie provisions on limiting reflectivity, cut and fill, and siting provisions to avoid vegetation removal and development in locations close to skylines. The Natural Assets Code will not prevent vegetation removal in these areas given the excessive 3000m2 acceptable solution for vegetation clearance in this zone, and the Scenic Protection Code may not be applicable to all rural areas.
- C11.5.1 A1 building envelopes should be of an appropriate slope and be clear of any hazards or natural assets.
- While having options for lot sizes is supported, and reflective of the Rural Living Zone in the GIPS 2015, a range of lots sizes for various areas would be preferred. The removal of the Environmental Living Zone and the exclusion of private land from the Environmental Management Zone under the draft SPPs will require reallocation of a range of lot types of various sizes and characteristics, into the Rural Living or Landscape Conservation Zone. These two zones provide for 'small' and 'large' lot sizes, but there is no 'in-between' options. It is recommended that the Low Density Residential Zone, Rural Living and Landscape Conservation Zone be developed with schedules that can be populated with various key elements, lot size, heights, setbacks etc). The details would need to be strategically justified, but it removes the overly simplistic 'one size fits all' approach proposed under the draft provisions.
- There needs to be an ability to consider the impact of new subdivision on existing roads, and the ability to seek upgrades at the developers expense.
- 11.5.3 A1 provides for connection 'where available'. This term is unclear, for example how far away would the connection be to be 'unavailable'?

Village Zone

- Standard 12.3.1 is about non-residential uses, however throughout the provision there is specific reference to exclude Residential uses. This would seem implicit from the title of the standard. The inclusion creates inconsistency with other similar standards through the draft SPPs and therefore has potential for misinterpretation.
- There are no design standards at all. A village area requires some quality streetscape and public realm outcomes.
- 12.5.3 A1 provides for connection 'where available' How far away would the connection be to be 'unavailable'?

Urban Mixed Use Zone

- 13.1: If the intent is to truly have an urban mixed use zone there should be a quality streetscape / design purpose statement
- 13.2: **Hotel Industry** is it appropriate to have an adult entertainment venue as a **permitted** use in activity centres where encouraging a range of residential and community activities.
- 13.2: **Bulky goods sales** as a permitted use will have a negative impact on ability to achieve a quality mixed use area, the ability for a car sales yard to establish as a permitted use, will create a negative impact on pedestrian amenity and ability to achieve a quality streetscape. As the retail impact standard at 13.3.3 limits gross **floor** area to 300m2 per tenancy it will not apply to these types of large format uses.
- If there is a desire to have a truly mixed use zone, development needs to be designed to protect itself from the negative amenity impacts of other uses within the zone, otherwise given the range of permitted uses allowable under the draft provisions there will be extensive land use conflicts and the zone will not work. These impacts will also not eventuate until the planning permit has been issued, the development constructed and operation begins; then the environmental management issues under EMPCA arise. Residential uses must be required to be designed to meet appropriate noise attenuation levels, and new non-residential uses to minimise noise and visual amenity impacts on nearby residential uses (though design outcomes, layout, overlooking, screening, commercial waste disposal etc). The draft SPPs provides for a **Hotel Industry** and **Residential** as permitted uses and no use standards to manage these activities are provided. (Use standards only apply to 'adjoining residential zones'). The broad nature of the use table and lack of consideration of operation of the proposed uses within it, is likely to create extensive land use conflict.
- There should be residential design standards for access to sunlight and privacy.

Local Business Zone

- What is the difference between this zone and the General Business Zone? From a use table perspective the only difference is that the General Business Zone allows for a **Custodial facility (remand centre)** and **Hospital Services** as discretionary uses (both of which are community/social infrastructure) and that **Bulky goods sales** has an acceptable solution limit of 250m2 per tenancy in a Local Business Zone and 3500m2 in the General Business Zone. This zone has no clear focus and cannot be effectively applied to local centres due to the vast range of uses which are unsuitable at a local level (clearly evident as it's the same as the use table for General Business and Central Business Zones). A review of this zone is required.
- 14.2: **Hotel Industry:** It is not appropriate to have an adult entertainment venue as a permitted use in activity centres where get a range of residential and community activities. It is also questionable whether a hotel industry really serves the local area.
- 14.2: As a Local Business Zone it is unclear why uses of **Manufacturing and processing**, **Resource processing** and **Service industry** should be permissible in the zone (all D uses). These type of uses generally do not mix with residential uses, or the objectives of encouraging pedestrian amenity at street level, which is a purpose of the zone.
- **14.2 Vehicle fuel sales and service** should be limited to main roads (and probably would only occur there anyway).

- 14.3.1 This Standard provides for activity not impacting amenity in abutting residential zones but not for residential uses *within* the Local Business Zone. If the intent is to support these uses, they need to be designed to 'self-protect' against other uses in the zone, particularly noting that **Hotel industry** is a permitted use and not subject to any controls on hours or noise if it is not within 50 m of a residential zone. There are a number of other discretionary uses which will impact on the amenity of residential uses within the zone. The broad nature of the use table is likely to create extensive land use conflict.
- 14.3.2 This Standard references the activity centre hierarchy, but there isn't one in the scheme unless there is an intent to incorporate the Hill PDA document from the Explanatory Report. It is inappropriate to have to go 'outside of the scheme' to be able to make a decision.
- **Bulky goods sales** is supposed to be controlled by the retail impact standards at 14.3.3 but this only limits gross **floor** area per tenancy to 250m2 and will not be able to limit open areas such as car yards. Why has a standard been developed for one use across all of the business zones? Where is the 'activity centre hierarchy' so an assessment against it can be made?
- 14.4.4 Frontage fencing is inappropriate in this zone.
- There should be some residential design standards for access to sunlight and privacy.
- The draft zone significantly undermines Council's strategic work on developing an activity centre strategy.

General Business Zone

- What is the difference between this zone and the Central Business Zone? From a use table perspective the only difference is that the Central Business Zone allows for **Sports and recreation** and **Tourist operation** as discretionary uses and that **Bulky goods sales** is limited to 3500m2 per tenancy (as an Acceptable Solution) in a General Business Zone. How will this zone support the Capital city and regional centres network when it allows for the same land use outcomes?
- 15.2 **Hotel Industry** is it appropriate to have an adult entertainment venue as a permitted use in activity centres where a range of residential and community activities are encouraged.
- 15.2 As a General Business Zone it is unclear why uses of **Manufacturing and processing** and **Resource processing** should be permissible in the zone (both D uses). These type of uses generally do not mix with residential uses, the encouragement of which is a purpose of the zone. If this zone is to be applied to main suburban and rural centres it is likely that the surrounding catchment will provide an area for commercial or light industrial zones where these types of uses would be more appropriate.
- **Vehicle fuel sales and service** should be limited to main roads (and probably would only occur there anyway)
- 15.3.1 Provides for activities not impacting amenity in abutting residential zones but not on residential uses *within* the zone. If the intent is to encourage a mix of uses then they must be designed to 'self-protect' against other uses in the zone, particularly noting that **Hotel industry** is a permitted use and there are a number of other discretionary uses which will impact on the amenity of residential uses. The broad nature of the use table is likely to create extensive land use conflict.
- Standard 15.3.2 Where will the retail hierarchy be included? Will the Hill PDA document become an incorporated document? Should not go 'outside of the scheme' to make a decision.

- **Bulky goods sales** is supposed to be controlled by the retail impact standards at 15.3.3 but this only limits gross floor area per tenancy to 3500m2 (which is extensive even if the sales area was included) Is it really appropriate to have a Bunnings in Moonah? The development of this retail impact standard for one use across all of the business zones implies that the use class is obviously inconsistent with the zone purpose.
- There should be some residential design standards for access to sunlight and privacy
- 15.4.4 frontage fences are inappropriate along key pedestrian corridors.
- The draft zone significantly undermines Council's strategic work on developing an activity centre strategy.

Central Business Zone

- Given this draft zone is similar to the draft Central Business Zone, and even the Local Business Zone, how will it facilitate the function of the Capital city and regional centres?
- 16.2 **Hotel Industry**: is it appropriate to have an adult entertainment venue as a permitted use in activity centres where get a range of residential and community activities. Should **Hotel Industry** - *adult entertainment venue* be a D use?
- **Bulky goods sales** is permitted, would it be appropriate to have a Bunnings in the middle of Hobart? How will the centre function on a pedestrian amenity level and visitor experience if car yards and landscape centres occupy the centre. Such used should be channelled (and supported) on the periphery of the centre.
- Standard 16.3.1 provides for activity not impacting amenity in **abutting** residential zones but not on residential uses **within** the zone. If the intent is to support these uses and encourage them in the zone, they must be designed to self-protect against other uses in the zone, particularly noting that **Hotel industry** is a permitted use and there are a number of other discretionary uses which will impact on the amenity of residential uses. The broad nature of the use table is likely to create extensive land use conflict.
- 16.3.2 Discretionary uses parts (d) and (e): The standard is the same as in the Local and General Business Zones where it is important to ensure lower activity centres do not detract from one another. How will the use be assessed for its impact (eg in Hobart) on the functioning of urban centres in other municipalities - will they be notified?
- There should be some residential design standards for access to sunlight and privacy within 16.4.6.
- 16.5.1 A2 provides for a minimum frontage of 3.6. Will it ever be appropriate to have less than this as is facilitated under the PC?
- 16.4.4 The draft provisions allowing frontage fences to 1.8m in height in the zone are inappropriate.
- It is difficult to see any real distinction between this zone and the Urban Mixed Use, Local and General Business Zones.

Commercial Zone

- 17.2 Extending the life of **Visitor accommodation** in this zone is inappropriate. Further, the need to provide the qualification is unclear as extensions to existing uses would be appropriately addressed under Clause 7.1.1.

- 17.3.3 Retail impact: **Bulky goods sales** is consistent with the purpose of this zone (the only instance where this use has been designated as permitted and actually does meet the purpose in the draft SPPs so far) so why is this standard proposed? It is inconsistent with the zone purpose. The area limitation of 250m2 is also inconsistent with zone (it's the same as for a local business centre where it is inappropriate) and particularly as the AS lot size is 1000m2 is unduly restrictive.
- 17.3.2 Where will the retail hierarchy be included? Will the Hill PDA document become an incorporated document? Should not go 'outside of the scheme' to make a decision.
- 17.4.3 why is there a need for awnings in this zone? Normally they are for shopper comfort so people can 'stroll' along a retail streetscape and be protected from the weather. Most people don't 'shop' in commercial areas but go straight to their destination.

Light industrial Zone

- 18.2: Is it appropriate to exclude new employment and training centres from these areas (Educational and occasional care)
- There should be some design objectives for the area (visible and well designed entrances and access points to car parking areas etc). While the area is industrial, it does not mean it cannot be a pleasant and safe place to work. The layout of areas, and interface with other adjoining business areas should be considered particularly as the zone does provide for Research and Development uses and Sport and Recreation uses.
- 18.2 Both **Educational and occasional care** and **General retail and hire** have the qualification: *if for alterations or extensions to an existing use.* Why is this required when Clause 7.1.1 would provide for the same outcome?
- 18.5.2 A1 provides for connection where available. How far away would the connection be to be 'unavailable'?

General Industrial Zone

- Conflicts with adjoining residential zones:
  - The key issue with this draft zone relates to the conversation of industrial zones under pre-interim schemes, which often had amenity controls because they abutted residential and business areas, to a zone with no amenity consideration at all. This zone may be appropriate if it could be applied fresh on the ground suitably separated from residential zones (as encouraged in the Explanatory Report) or have a Light Industrial Zone applied to the periphery as a buffer. However at these areas are already established on the ground such an approach is unrealistic and would have a significant impact on developer rights.
  - Industrial development still needs to comply with EMPCA legislation and the drafting of this zone will create scenarios where a planning permit is issued, the development constructed, but once operation commences is subject to an environmental nuisance claim from an adjoining residential use. The industrial activity then cannot operate because it has not been designed or laid-out to meet amenity requirements for its residential neighbours at the beginning. Provisions on residential amenity impacts enable a developer to be made aware of the potential impacts at the planning and gives them the ability to make a commercial decision on whether to proceed.

- It is unclear why it is inappropriate to require industrial development to consider these potential impacts (and have the ability to address them through good design) at the planning stage.

- There should be some design objectives for the area, simply because its industrial does not mean it does not have to be a pleasant and safe place to work. The layout of car parking areas, entrances and work areas, interfaces with adjoining sites and abutting areas in different zones should be considered.
- 19.5.2 A1 provides for connection 'where available' How far away would the connection be to be 'unavailable'?

Rural Zone

- **Intensive animal husbandry, Motor Racing facility, Manufacturing and Processing, Recycling and Waste Disposal** and **Resource processing** (which could be an abattoir or a sawmill) can have significant impacts on surrounding properties and there are no amenity impacts provided to consider these issues. The emission of dust, smoke and waste from such activities would have significant impacts on food growers. Recommend these use be made permitted and an applicable standard added to the zone for all uses within the zone addressing amenity impacts such as emissions (light, noise, odour, dust, vibrations etc) traffic generation and hours of operation. The draft Attenuation Code does not address all of these impacts.
- It is not appropriate for Extractive Industry to be Permitted. There are NO amenity impacts for it to be assessed against. Recommend it be made a Discretionary use and the standard drafted below be added to the zone.
- It is unclear why **Educational and Occasional Care** and **Research and Development** are permitted only if associated with another uses – if they cannot exist on the site without the other use (ie they have to be associated with it) they would be ancillary and assessed via clause 6.2.2.
- It is unclear why the qualification for residential – 'only if alterations or extensions to an existing dwelling is needed'. Clause 7.2 would allow for extensions to an existing discretion use to be considered as permitted.
- It has been interpreted that a single dwelling would not include an outbuilding UNLESS it is associated with the dwelling (ie existing or proposed). The ability to build a shed on its own on land within this zone would therefore be prohibited. A solution may be to include the following additional qualification for discretionary residential uses: …*or if an outbuilding where there is no existing dwelling on the site.*
- 20.5.2 A1 provides for connection where available How far away would the connection be to be 'unavailable'?
- Some of the permissible uses could be quite site intensive. There is no requirement to address sewerage or stormwater on site, and, as there is no minimum lot size, it is possible that a situation could occur where a permit is grated for subdivision, then there other processes it is identified that the lot cannot cater for on site disposal and the proponent must seek an amendment or a new permit to address this matter. Why is it inappropriate to consider these issues up front at the beginning of the process?
- There are no provisions for cut and fill. There needs to be some consideration of how these uses might impact the land.
- Standards about vegetation loss or erosion management need to be provided.

Applicable standard for Extractive Industry (and possibly motor racing facility) as a Discretionary use in the Rural Zone

Objective:	To ensure that Extractive Industry satisfies the Zone Purpose
Acceptable Solutions	**Performance Criteria**
A1 No Acceptable Solutions.	**P1** Extractive Industry must satisfy all of the following: (a) the area permanently converted to non-agricultural use is minimised; (b) potential for conflict with or interference to existing or potential agricultural use of the site or adjoining properties is minimised; (c) demonstrates a significant benefit to the region, having regard to the economic, social and environmental costs and benefits of the proposed extractive industry; (d) ensure there are no unreasonable impacts on other uses in the vicinity from emissions (light, noise, odour, dust, vibrations etc) traffic generation and hours of operation.

Agricultural Zone

- 21.2 Use Table: Some of the permissible uses can be quite intensive however there are no standards to consider impacts such as lighting or frequency of traffic movement which could have a significant impact on the area.
- It is unclear why the qualification for residential – 'only if alterations or extensions to an existing dwelling is needed'. Clause 7.2 would allow for extensions to an existing discretion use to be considered as permitted.
- 21.3.1 P1(b): grammar: Delete 'is minimised' as it is superfluous wording – ie *minimise the likelihood of the following ~~is minimised~~*
- There are a number of high impact discretionary uses and no standards to manage amenity impacts. Recommend a standard be included that addresses these impacts such as emissions (light, noise, odour, dust, vibrations etc) traffic generation and hours of operation. The draft Attenuation Code does not address all of these impacts.
- Design provisions relating to minimising the clearance of vegetation or building near skylines or ridgelines, reducing reflectivity, provisions for cut and fill are required within the zone. There must be some consideration of how such activities might impact the amenity of the area and the land (soil erosion etc). The Natural Assets Code cannot be applied to Agricultural Zones, and it may not be appropriate to apply a Scenic Landscape Code over all agricultural land.

- 21.5.1 P1 are these provisions all alternatives [with just the 'or' missing after (a)] or is it a and (b or c)? Comment on the provision is limited as it is unclear what the intent is.
- 21.5.2 A1 provides for connection 'where available' How far away would the connection be to be 'unavailable'?
- There is no provision to consider issues of wastewater management on site. As there is no minimum lot size, it is possible that a lot could be approved but is not capable of on-site waste management. Why is it inappropriate to consider these issues up front at the beginning of the process?

Landscape Conservation Zone

- The large lot sizes under this zone (an acceptable solution of 50ha, down to an absolute minimum of 20ha) do not reflect the Environmental Living Zone (minimum lot size of 6ha in the GIPS) or the Environmental Management Zone (no minimum). These two zones cater for the land in Glenorchy with environmental management issues that may be appropriate for residential development or are in private ownership (EMZ). The draft provisions indicate that the EMZ will no longer be able to be applied to private land – so the translation of these properties into a new zone will need to be considered. The 'averaging' approach for lot sizes across Tasmania and seemingly employed to construct the draft provisions has significant limitations and is impractical. Recommend: a schedule be included to this zone (and others) that allows for a range of lot sizes that would suit the particular characteristics and values of the land.
- 22.2 Use table: It is unclear why **General Retail and Hire** has to be included and given the qualification *if associated with a* ***Tourist operation***. If it cannot function without the Tourist Operation, it is an ancillary use and can be considered under 6.2.2. There are several provisions written this way and it creates confusion as to the actual function of 6.2.2.
- 22.3.1 Must refer to all Discretionary uses as any one of these activities could be of a scale which has significant traffic movement, lighting and noise impacts.
- 22.4.4 The objective includes 'natural and landscape' values, however A1 and P1 only refer to the removal of **native** vegetation. Many landscape values relate to exotic species. The provisions should be expanded to included introduced or exotic vegetation.
- There is no definition of what constitutes landscape and conservation values in the context of this zone.
- 22.4.4 A2 (a) provides that '*building and works must be located within a building area****, if provided on title***', so if it is not provided on title is that ok? Recommend reword to: '*be located within a building area i****dentified*** *on the title*'. Alternatively review the scheme and provide a definition of 'building area being on the title' to remove all of this confusion.
- 22.4.4 A2 (c) This provides for a significant 'out' verses the requirement for it to be within a building envelope. Skylines are also difficult to measure. Recommended (c) be deleted and if not in the building envelop an extension, the matter be dealt with under the PC.
- There needs to be standards about cut and fill and vegetation removal whether on ridgeline or not as the view might be from a ridgeline into a valley.
- 22.5.2 A1 provides for connection where available. How far away would the connection be to be 'unavailable'?

Environmental Management Zone

- The ability to manage land due to its environmental values should not just apply to land in public ownership. The draft Codes are designed to facilitate development if it occurs on land where there is a hazard or natural values, not discourage or prohibit it, only the zones can do that and the draft SPPs do not provide any zones which facilitate the appropriate management of such land in private ownership.
- 23.2 Use table: is **Resource development**, which would allow intensive animal husbandry, appropriate in this zone? Recommend it be restricted to aquaculture
- 23.2 Use table: is **Resource processing,** which would allow an abattoir, animal saleyard, sawmilling etc, appropriate in this zone? Recommend it be limited to 'only if dependant to a coastal location'.

Major Tourism Zone

- It is unclear why this zone is necessary. The current areas covered by this zone are mainly golf courses; a SAP would be a more effective way of dealing with such activities.
- Is **Residential** an appropriate use in this Zone? If it is retained (maybe just as a caretakers dwelling) provisions to require it to 'self-protect' against noise impacts, light, hours, traffic so that it does not impact on the operation of other uses – maybe 24.3.3 P1(b) needs to be expanded to clearly indicate that this needs to be achieved.
- If Residential use remains, some design standards for residential development are required: storage, privacy, pos, solar access etc.
- 24.5.2 A1 provides for connection 'where available' How far away would the connection be to be 'unavailable'?

Port and Marine Zone

- 25.2 Use table: Why facilitate **Visitor Accommodation**, but not provide for any design outcomes to protect the use - and operation of other uses. Design requirements for self-protection are required in respect to noise impacts, odours, light glare, vibrations, traffic movement etc. In fact how is this activity appropriate in this zone?
- Design objectives for the area should be provided, simply because it is an industrial area does not mean it does not have to be a pleasant and safe place to work – layout of parking areas and work place entrances, interface with adjoining sites and abutting areas in different zones should be considered.
- 25.5.2 A1 provides for connection where available. How far away would the connection be to be 'unavailable'?

Utilities Zone

- 26.2 The draft permitted times for hours of operation and vehicle movement are excessive. Recommend they be restricted to align with EMPCA requirements for machinery in residential areas (eg Monday to Friday: 7am to 6pm, Saturday: 8am to 6pm, Sunday and Public Holidays: 10am to 6pm)
- 26.5.2 A1 provides for connection where available. How far away would the connection be to be 'unavailable'?

Community Purpose Zone

- 27.2 Use table: Why include **Custodial facility** and **Recycling and Waste Depot** as discretionary subject to the qualification '*if for alterations or extensions to existing use'*? Why are the provisions for existing use rights at Clause 7.1 not appropriate to address this? This inconsistency creates confusion in the interpretation of the scheme as to when Clause 7.1 might apply.
- There are no provisions to consider quality urban design or at a minimum casual surveillance in design. These are areas with a community focus so should be areas of high amenity.
- 27.5.2 A1 provides for connection where available. How far away would the connection be to be 'unavailable'?

Recreation Zone

- 27.2 Use table: Why include **Crematoria and Cemeteries** as permitted subject to the qualification '*if for alterations or extensions to existing use'*? Why are the provisions for existing use rights at Clause 7.1 not appropriate to address this? This inconsistency creates confusion in the interpretation of the scheme as to when Clause 7.1 might apply.
- There are no provisions to consider quality urban design or at a minimum casual surveillance in design. These are areas with a community focus so should be areas of high amenity.
- 28.5.2 A1 provides for connection where available. How far away would the connection be to be 'unavailable'?

Open Space Zone

- 29.2 Use Table Is a Cemetery appropriate in an open space zone? Given their size they would be more appropriate in a Community Purpose Zone – unless there is opportunity for 'natural burial' in Tasmania.
- Why is there no requirement for services in this zone particularly given the opportunity for camping sites and commercial activities, any lot size will need to be adequate to cater for on-site wastewater management. As indicated variously above, this is a matter that needs to be considered at the planning stage and remove the potential for amended subdivision plans if the site is too small to deal with these requirements.

CODES

General Comments

- **Inclusion of a State Stormwater Code**. It is recommended that a State Stormwater Code be included in the SPPs to address the following matters:
  - The unofficial state policy to abandon the *DPIPWE State Stormwater Strategy 2010* appears legally inconsistent with *State Policy on Water Quality Management 1997 (SPWQM 1997)*. See: *SPWQM 1997*Clause: 33.2: *State and Local Governments should develop and maintain strategies to encourage the community to reduce stormwater pollution at source.*
  - The current drafted stormwater provisions within the land-use zones are inadequate and would be better accommodated with a consistent code across land zones.
  - A lack of a clear stormwater provisions appears legally inconsistent with *State Policy on Water Quality Management 1997*, which would be remedied by the creation of a State Stormwater Code.
    - *SPWQM 1997Clause: 33.1 Regulatory authorities must require that erosion and stormwater controls are specifically addressed at the design phase of proposals for new developments, and ensure that best practice environmental management is implemented at development sites in accordance with clause 31 of this Policy.*
    - *SPWQM 1997 Clause: 31.5 Planning schemes must require that land use and development is consistent with the physical capability of the land so that the potential for erosion and subsequent water quality degradation is minimised.*
    - *32.1: Planning schemes should require that development proposals with the potential to give rise to off-site polluted stormwater runoff which could cause environmental nuisance or material or serious environmental harm should include, or be required to develop as a condition of approval, stormwater management strategies including appropriate safeguards to reduce the transport of pollutants off-site.*
  - The Urban Drainage Act 2013 and State Policy on Water Quality Management 1997 (SPWQM 1997) both make reference to the need to manage for stormwater quality in accord with RMPS Schedule 1 of the State Policies and Projects Act 1993. However, this Schedule is not prescriptive enough for local government to enable consistent statewide application. The DPIWPE State stormwater strategy 2010 provided this guidance on how this could be achieved and this would be possible through a State Stormwater Code with reference to water quality targets.
  - The Urban Drainage Act 2013 only applies to urban areas, and therefore does not enable council to have jurisdiction on stormwater maters outside of these areas. A State Stormwater Code should contain acceptable solutions and performance criteria for all land zones.
  - The Tasmanian Planning Scheme Explanatory Report provides that a Stormwater Code is not required as aspects relevant to the needs of a planning scheme in regards to are covered in where appropriate, Zone provisions and the Natural Assets Code with regard to the waterway and coastal protection area. The Natural Assets Code, waterway and coastal protection area, as currently drafted enables the piping of Class 4 waterways, which does not encourage retention of overland flood flow pathways and will result in poor water quality in waterways.
  - A lack of Stormwater code, and lack of clarity within zone provisions, would result in councils undertaking a planning process similar to that resulting from the interim planning Scheme in the north-west of Tasmania. That north-west Tasmanian outcome has resulted in the need for individual councils to issue a 'certificate of compliance', prior to development application

submission. This leads to an extra level of handling of applications by council, and may also cause different standards being imposed by different councils (inconsistent with the intent of a Tasmania Planning Scheme). Stormwater is essentially the same as water and sewerage in that it needs to be considered at the time of an application for development. Taswater is able to consider water and sewerage at the time of an application and is able to request additional information if necessary. Section 54 of LUPA is sufficiently wide to enable a Council to request such information but the conflict with cl 6.1.3 in the Tasmanian Planning Scheme draft and is likely to lead to arguments. The TPS should include provisions within a Stormwater Code that requires information to be provided with an application to demonstrate compliance. It should not be left to requests for additional information as that inevitably slows down the whole application process.

  - Without A state Stormwater Code there is a likely outcome that the individual councils will develop their own internal stormwater handling and assessment process, which is not in keeping with intent of have a State Planning Scheme with consistency in the management of stormwater.
  - There is scope then for the Local Area Provisions for Council to provide more stormwater quality and quantity requirements, especially as Urban Drainage Plans are created (for the Urban areas); however, a Stormwater Code is still required for these areas until such plans are created and for non-urban areas (where plans will not be created).
  - The draft included at Appendix 1, subject to further technical refinement, may be appropriate for inclusion to address the above issues.
- Inclusion of an **Onsite Stormwater Management Code**
  - Similar to the concerns around the lack of a Stormwater Code, individual councils are likely to develop their own internal approach to assessing requirements for onsite wastewater management. This is not in keeping with intent of having a State Planning Scheme with consistency in approach and requirements.
  - During the exhibition of the Southern Interim Planning Schemes, comments were made in respect to the On-site Stormwater Management Code, and a number of modifications to the Code were made by technical experts and supported by regional council officers for inclusion into the southern schemes via an urgent amendment. It is recommended that this revised Code be incorporated into the SPPs.
- **Specific qualifications** need to be included as to what constitutes a 'suitably qualified person'. Council officers should not have to determine what qualifications are appropriate. This is likely to lead to inconsistencies in interpretation.
- The provisions for **application requirements** need to be reinstated. These provisions under the Interim Schemes provided clarity for both applicants and assessors as to the extent of the information required, reducing the need to request further information.
- The **headings of provisions** need to be consistent. For example *Use and development exemption from this code* is drafted randomly throughout the scheme. The Signs Code provides '*Development Exempt from this Code'*, whereas the Telecommunications Code provides '*Use or Development exempt from this code*' and neither Code applies to use.

Signs Code

- While an improvement on the Southern IPS Signage Code, the draft is still complicated – primarily due to the number of signs.
- There are 38 sign types and many are repetitive, for example what is the amenity impact between a *horizontal projecting wall sign* and a *vertical projecting wall sign* (and the two banner signs). It's the fact that it projects which is the issue. What is the difference between *a ground*

base sign and *sports ground sign*? Why is a *banner sign vertical* so different from *a pole sign,* why is the material relevant? It is what is advertised (a business identification verse the types of goods for sale), and its location, and illumination that is important in signs. The signs need to be grouped more effectively. None of the sign types are illuminated or floodlit signs,so it means there is an extra complexity to the sifting back through the standards for illumination of sign.

- It would be simpler and easier to read if at C1.2.1 the reference was: *Unless otherwise stated in a Particular Purpose Zone, this code applies to all development for signs unless the exemptions at C1.4.2 or C1.4.3 apply*. Currently there is no clue as to what C1.4 is about.
- C1.4.3 provides for exemptions for changes to graphics which is fully supported, but it could be interpreted that a change in graphics might be from advertising the IGA on site to advertising cars. Need to ensure that the 'type of sign' does not change, and as these signs are defined based on their structure.
- C1.4 Are flags, buntings, and portable signs able to be 3rd party signs?
- C1.4 An awning facia sign exemption has the same requirements as the 'acceptable solution' in the sign standards, there should be a greater size is the standard, as in window signs, which are exempt at 10% but can go up to 25% as the Acceptable Solution. Some of the other signs also have similar standards to the exemption dimension, its needs to be greater otherwise why isn't it exempt?
- C1.6 P1.2 Why is the number and density of signs on adjacent properties relevant (might be if in the same ownership). This appears to be anti-competitive.
- C1.6.1 P2 (d) Why is the 'nature' of the sign relevant? What does it even mean? If it is meant to relate to subject matter, the Advertising Standards Bureau will determine if the advertising content of a sign is appropriate, it is not a planning issue.
- C1.6.3 P1 (a) The 'content' of the sign is not a planning issue, any issues with content are considered through the Advertising Standards Bureau.
- C1.6.4 There are no definitions and potentially no application requirements in this Code to provide for the assessment of heritage matters.
- C1.6.4 the objective should be re-worded: '*To ensure that the size, content, colour, number and position of signs is sympathetic to and does not impact on…*'.
- C1.6.4 P1 (a) Replace '*unreasonable*' with '*adverse'*.
- Include an additional sub-clause '(xx) *not lead to a proliferation of signage*'.

Parking and Sustainable Transport Code

- The clarity and readability could be improved by including the name of the provisions ie in C2.2.2 Clause C2.5.3 – Motor cycles and at C2.2.3 Clause C2.5.4 - Loading bays.
- C2.3: Does gross floor area include toilets and corridors?
- An example of not using consistent sentence structure: C2.5.1 A1(d) could read that both (i) and (ii) must be satisfied.
- C2.5.1 A1 (d)(ii): there is no definition for C in the equation.
- C2.5.1 Recommend that A1 be converted to A1.1 and a new A1.2 add: *The number of on-site parking spaces must not be more than 10% than the requirement in the Table C2.1*. If sustainable transport is to be supported, the provision of car parking needs to be appropriately managed and excess car parking provision discouraged. Excess car parking places pressure on existing roads and decreases the amenity of an area.

- C2.5.1 P1.1 (h) refers to a traffic and parking impact assessment. It is not clear if this could this also be a statement. Also C2.5.1 P1.1 (f) refers to an 'assessment' of actual car parking demand but it is not clear who can prepare this.
- C2.5.1 P1.2 (c) why is the 'pattern of parking in the locality' relevant, this is a very obscure measurement. What is the 'pattern' is undesirable?
- C2.5.1 A1: There does not appear to be a requirement for number of accessible car parking spaces, noting that C2.6.2 A1.2 identifies the Australian standard for their construction.
- C2.5.3 A1: This provision is unclear and should be reworded to '*a use that results in a car parking requirement of more than 20 car parking spaces…*' Otherwise it could be misconstrued that where Table C2.1 has a requirement of more than 20 spaces per x metres of area.
- C2.5.4 A1: Should this be modified, it is unlikely that a loading bay would be required for a sports ground or a multi-story car park.
- C2.5.5 A1 (a): Only the option relating to floor size should be provided, otherwise it is difficult to enforce.
- C2.5.5 P1: It is not clear that this only relates to use classes of *Food Services* and *General Retail and Hire.*
- C2.5.5 A1 last sentence needs clarification, it is recommended it be reworded to: *provided the use complies with the hours of operation specified in the Acceptable Solution for the relevant Zone*.
- C2.6.1 A1(a): This provision is misleading, as only manoeuvring and circulation spaces can have a gradient of 10%, parking spaces should have a maximum of 5% and access ways 2%. The provision will not provide suitable accessible parking areas.
- C2.6.1 A1 (b) should require impervious, sealed surfaces or paved areas. Inadequately sealed area can result in gravel or other materials getting onto council managed roads – which then have to be cleaned up due to the damage they can cause. The only areas where unsealed surfaces are appropriate are in Open Space area or in parks, which are generally managed by councils or other authorities who then undertake clean up.
- C2.6.1 A1 The structure of the sentence means that (b) and (d) conflict.
- C2.6.1 There should be additional provisions for the construction of access ways in respect slope issues and site triangle. Reference could be made to the Australian Standards.
- C2.6.3 A1 The term 'whichever is the greater' appears superfluous to the content of the provision.
- C2.6.3 Why does P2 also require the access to be on a pedestrian priority Street? If its not what applies?
- C2.6.5 A1 (b): Typo: is there supposed to be an 'and' at the end of this sentence? It seems implicit that both A1.1 and A1.2 apply.
- C2.6.5 A1.2: should the reference be to 'footpath' or 'ramp'?
- C2.6.5 P1: The requirements are very technical, it may be appropriate that this is assessed by a suitably qualified traffic engineer.
- 2.6.8 A1: The location of vehicle parking areas should be clearly visible however.
- C2.6.8 P1: Typo: (e) ends with and 'or' and the next sentence starts with an 'and'.
- C2.6.8 A2 and P2 should also ensure there is adequate casual surveillance of any car park
- C2.7.1 A1: Typo: missing 'be' from (a) 'not **be** provided'.
- Table C2.1: Typo: still using term 'church' in *Community meeting and entertainment*: replace with 'place of worship'

- Table C2.1 *Education and occasional care*: It is appropriate not to provide any onsite parking for drop off pick up around schools and especially day care centres.
- Table C2.1 Why is there no car parking requirement for emergency services other than fire/ambulance?
- Table C2.1 A requirement for motor racing facility is required, the interim schemes use '*subject to a traffic and parking impact assessment*'
- Table C2.1 A requirement for Port and Shipping is required, the interim schemes use '*subject to a traffic and parking impact assessment*'
- Table C2.1 There is a very high requirements for other residential uses in residential zones (and other residential uses in other zones, which could be student housing or aged care when lower car ownership occurs and want to promote less car parking)
- Table C2.1 Requirement of 50 spaces for other sports and recreation facilities is very high, the interim schemes have this as '*subject to a traffic and parking impact assessment'*
- Notes to table C2.1 3): should be amended to ensure the number is rounded up to the nearest whole number.
- There is no applicable standard to clearly assess shared parking areas where there are two or more use classes on the one site.

Road and Railway Assets Code

- C3.2.1 identifies that the Code applies to development including subdivision. The definition of development in LUPAA includes subdivision. Including the reference here is not only superfluous, but also creates confusion as to whether other provisions which only use the term 'development' also include subdivision. A scheme needs to be read as a whole and consistency of expression through a scheme is essential to its operation.
- C3.5.1 A1.5 should be included in a separate row and have no performance criteria. It is unsafe for any vehicle to reverse onto Brooker Highway.
- C3.5.1 A1.4 How can the variations in Table C3.1 be assessed without a TIA? This is not an acceptable solution.

Electricity Transmission Infrastructure Protection Code

- This Code should be matched to the current Southern Interim Planning Schemes Code, as it has been revised in consultation with TasNetworks. The revised Code provides acceptable solution pathways for many of the applicable standards.

Telecommunications Code

- There are no provisions to actively encourage co-location under this Code.

Local Historic Heritage Code

- General comment:
  - The draft SPP Heritage Code is overly complicated and overly wordy. In the Standards, there are too many categories of Development. These can, and should, be rationalised. In a number of cases, Performance Criteria contain elements that are already subject to exemption.

In some cases, wording has been adopted that is contentious, bears no relation to the stated Objective, and is potentially at odds with any overarching intention to deliver fairer, faster, cheaper, simpler planning processes by increasing the likelihood of time consuming and potentially costly appeals. Provisions must be clearly worded so they can be consistently applied (and explained at the front counter!).

More attention should be paid to including specific [and only] heritage positive/heritage neutral exempt development clauses leaving residual provisions in the Standards that are appropriately prescriptive, clearly defined and assessable, that promote certainty, and most importantly achieve (ie, actually result in) sound heritage outcomes.

- The City of Glenorchy supports the qualification in the Heritage Code (C6.2.1) that makes the Code effectively inoperative if a listed place or precinct is [also] included in the Tasmanian Heritage Register.

  This is consistent with national regulatory practice which advocates that heritage places should be managed by the level of government that matches the place's level of significance. When considered in tandem with the objective of streamlining planning processes, removal of duplication in decision-making (ie, so-called red tape) is supported.

  That said, in accepting this principle, it is the City of Glenorchy's firm expectation that the Tasmanian Heritage Council will consider and actively manage the local heritage values of places and precincts on the State heritage list. This is implicit on p7 of the Heritage Council's own guidelines for Assessing Historic Heritage Significance for application with the Historic Cultural Heritage Act 1995 version 5 of 2011, which state that:

  > *"In practice, the majority of places of state heritage significance are also likely to be of local heritage significance. That is, a place that is important to most Tasmanians is also usually important to the people who live in the local area around the place."*
  >
  > *To ensure adequate protection, it would be necessary for the Heritage Council to manage both state and local values, in consultation with the local planning authority."*

- Local Heritage Lists were historically created to identify the location of a heritage place, and simply served as the trigger for heritage provisions in the planning scheme, they are a list of sites not an assessment of the heritage elements on the site. Second generation planning schemes such as the GIPS 2015 were, in accordance with TPC instructions, a direct translation of the first generation schemes (GPS 1992). In recognition of this, the Heritage Code in the TPS should be re-drafted to modify all provisions or definitions that rely on the LHPL for applicable heritage values. If left as currently worded, and the GIPS 2015 heritage lists translated across to the LHPL, really important heritage attributes such as outbuildings, established garden settings containing established trees (and streetscapes) will be at grave risk of unmitigated impact through unregulated development.

  It is an unrealistic expectation to expect Councils will have the resources and budget to augment the lists with the additional information when their role has only ever been to define a location.

  It is recommended that a revised list (Figure 1) be incorporated into the Code (note above the inclusion of a column identifying that internal works should not be exempt)

  Figure 1 – recommended Heritage List column headings

Ref No.	THR No.	Heritage Listed Certificate of Title	Extent	Particular Exempt Development	Property Name	Unit No.	Street No.	Street	Suburb	General Description	Significant Interior

- The repeated use of the wording “the historic heritage values of the local heritage place identified in the relevant Local Provisions Schedule” is not supported – see comment – above - on Local Heritage Lists.
- In general, the manner in which the Heritage Code (C6.0) has been drafted provides much greater scope for costly delays to development through increased frequency in Appeals on heritage grounds than either the GIPS 2015, or its predecessor, the GPS '92 proved to be.
- Local provisions: The extent to which individual LGAs will be able to include local provisions remains unclear.
- Simplify title to Heritage Code and use throughout. Include a definition elsewhere to clarify that it relates to historic cultural heritage.

- **C6.1.1 The Code Purpose**: Should make reference to the Australia ICOMOS Burra Charter 2013. The Burra Charter is the nationally recognised standard that sets out the key principles and procedures to be observed in the care of places of cultural significance. Include an additional sentence: In assessing and determining an application for development, The Burra Charter, its definitions, conservation principle, processes and practices must be considered.
- **C6.2.3 Internal works**. The exclusion of internal alterations as a matter for consideration in the statutory planning context is at odds with published and widely-used heritage standards such as the Australia ICOMOS *Burra Charter* and J.S.Kerr's, *The Conservation Plan* which advocate a holistic consideration of all aspects that together contribute to the significance of a heritage place. What about circumstances whereby internal works manifest an exterior change?
- **C6.3.** With the exception of ‘archaeological impact statement’, Application Requirements and associated Terms are absent. It is imperative these be included and defined in C6.0 as per the wording in the GIPS 2015 (E13.3 and E13.5.1) to guide and inform Applicants, and in the interests of transparency.
- **C6.3.1** The definition of the term ‘local heritage place’ is deficient as it is reliant on the wording in the Local Heritage Places List (LHPL), which essentially – and only - contains sufficient information to identify and locate a heritage place spatially, but does not (ie, was never intended to) constitute a comprehensive inventory of its heritage attributes. Instead the definition should adopt the wording for ‘place’ in the GIPS 2015 or, alternatively The Burra Charter.
- **C6.3.1** The definition of the term ‘local historic heritage significance’ should be aligned with either the definition in the Historic Cultural Heritage Act 1995 (which reflect HERCON criteria) or The Burra Charter, both of which have been widely adopted nationally.
- **C6.4 Development Exempt from this Code:** Development within a local heritage place, heritage precinct or historic landscape precinct (a) should be modified so it reads:

  Works incidental to the maintenance of a garden or grounds, including:

  (i) general gardening; weeding; cutting of grass; maintenance of garden beds, layouts and features;

  (ii) lopping and pruning of trees and shrubs to promote healthy growth, and where the form and normal growth habit of the plant species comprising the garden or grounds is maintained.

  A note on windows and doors: It is not appropriate to exempt replacement of windows and doors. These are key style markers. The broad interpretation of what constitutes ‘like for like’

could result in loss of significance through the introduction of inappropriate materials and glazing. For this reason windows and doors should be removed from the exempt works category.

Additional specific exemptions should be included to provide clear guidance in respect to repainting, and re-roofing, replacing (h) in the draft SPPs, and as follows:

[On places subject to the Heritage Code, the following works are exempt:]

(XX) The re-painting of exterior surfaces that are already painted in colours applicable to the architectural style of the place, or that are otherwise sympathetic to the heritage character of the place.

(XX) The re-rendering of exterior surfaces that are already rendered in materials that match the existing surface finish and texture.

(XX) The maintenance and selective, minor, repair of existing roof cladding in materials and colours matching the existing roof, and where the profiles and details of the ridge capping, flashings, barge boards and fascias, gutters and downpipes, vents and skylights are retained.

(XX) The total replacement of roof cladding on domestic residential buildings where the profiles and details of the ridge capping, flashings, barge boards and fascias, gutters and downpipes, vents and skylights match the existing or predominant historic built form using like for like materials and including:

(i) Replacement of corrugated galvanised iron with corrugated galvanised steel, in sheet lengths matching the roof to be replaced and either unpainted, or with a painted finish in a colour either matching or similar to that of the pre-existing roof (excluding black) or in a colour that is appropriate to the period and style of the place.

(ii) Replacement of corrugated galvanised iron roof cladding with corrugated Colorbond steel (or equivalent product) in sheet lengths matching the roof to be replaced and in a colour either matching or similar to, that of the pre-existing roof (excluding black) or in a colour that is appropriate to the period and style of the place.

(iii) Replacement of corrugated Colorbond steel (or equivalent product) with corrugated Colorbond steel (or equivalent product), in sheet lengths matching the roof to be replaced and, with a colour finish either matching or similar to that of the pre-existing roof (excluding black) or in a colour that is appropriate to the period and style of the place.

(iv) Replacement of glazed or unglazed terracotta tiles matching the original in both dimension and colour tone, using non-corrosive fixings, and colour-matched lime based mortar where re-pointing of ridge and hip tiles is required.

(XX) Replacement of slate tiles matching the original slate in both dimensions and colour tone.

(XX) Replacement of split timber shingles with split timber shingles in matching dimensions and species wood type.

(XX) The total replacement of circa 1970s pressed metal tiles (e.g, Decramastic, Decrabond, Colortile) with:

(i) Corrugated galvanised steel, either unpainted, or with a painted finish in a colour either matching, or similar to, that of the pre-existing roof (excluding black), or in a colour that is appropriate to the period and style of the place.

(ii) Corrugated Colorbond steel (or equivalent product) in a colour either matching or similar to that of the pre-existing roof (excluding black), or in a colour that is appropriate to the period and style of the place.

(XX) The total replacement of unpainted Zincalume roof cladding with:

(i) Corrugated galvanised steel, either unpainted, or with a painted finish in a colour appropriate to the period and style of the place (excluding black).

(ii) Corrugated Colorbond steel (or equivalent product) in a colour either matching or similar to that of the pre-existing roof (excluding black), or in a colour that is appropriate to the period and style of the place.

- **C6.6 Development Standards:**
  - The number of categories of development could be rationalised, potentially reducing 11 to 6. Rationalised Categories could include: Demolition; Maintenance and Repair; Development including additions, alterations and new buildings; Outbuildings, driveways and carparking; Fences; Subdivision.
  - Performance Criteria provide limited direction in what is necessary to achieve the stated objective. Use of the term 'having regard to' does not give appropriate weight to the Performance Criteria. It is unlikely this approach will promote orderly (or timely) land use planning - nor are sound heritage outcomes assured. Replace "having regard to" with "must satisfy" throughout.
  - The repeated use of the wording "the historic heritage values of the local heritage place identified in the relevant Local Provisions Schedule" is not supported – see earlier note on Local Heritage Lists.
- **C6.6.1 Demolition:** Re-word. P1. Replace "unreasonable" with "adverse". Delete (a) and (b), neither are relevant to the Objective. Delete (c) – consideration of safety issues is covered in exemptions. Delete (f) – again, there are exempt works categories for this. Delete (g) – how can demolition secure the long-term future of a building? Delete (h) – bears no relation to values, nebulous, can't be measured. Neither (g) nor (h) bear any relation to the Objective.
- **C6.6.2 Maintenance and Repair of Buildings and Structures:** Delete the word "New" at the beginning of P1. In many cases it may be more appropriate to maintain a place using sound salvaged, recycled or reused materials. Maintenance and repair must not detract from the character or appearance of a place. Maintenance and repair actions must be conservative and adopt the principle of 'as much as necessary and as little as possible to preserve, and not detract from, the character or appearance of a place as far as possible. Materials used in maintenance and repair must be compatible with significant heritage fabric.
- **C6.6.3 Site Coverage.** Delete this clause and incorporate relevant principles in a combined new clause under the heading "Development including additions, alterations and new buildings". Performance criteria should include consideration of historic land use patterns, the characteristics of the area in establishing front, side and rear setbacks.
- **C6.6.4 Height and Bulk of Buildings**. Delete this clause and incorporate relevant principles in a combined new clause under the heading "Development including additions, alterations and new buildings". Replace the word "compatible" in the Objective and P1 preamble with "sympathetic to". Delete (c) – in many cases taking cues from the height and bulk of surrounding buildings may not result in an appropriate design response.
- **C6.6.5 Siting of New Buildings and Structures.** Delete this clause and incorporate relevant principles in a combined new clause under the heading "Development including additions,

alterations and new buildings". Preservation of the streetscape character of a place should be included in the Objective and Performance Criteria.

- **C6.6.6 Fences.** Replace "compatible" with "sympathetic to" in the Objective. The acceptable solution and performance criteria a confusing and contain logical inconsistencies. Re-word A1 so it reads:

  New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.

  Simplify and re-word P1 so it reads:

  New front fences and gates must be sympathetic in design, (including height, form, scale and materials), to the style, period, and characteristics of the place.

- **C6.6.7 Roof Form and Materials.** Superfluous clause, particularly if the revised exemptions for roofing are adopted, and otherwise covered in C6.6.4 and C6.6.5 – or the proposed combined new clause under the heading "Development including additions, alterations and new buildings".
- **C.6.6.8 Building Alterations other than Roof Form and Materials.** Delete this clause and incorporate relevant principles in a combined new clause under the heading "Development including additions, alterations and new buildings". P1 should make reference to rear exterior walls (as well as front or side exterior walls). To exclude consideration of the rear exterior walls of a place is to remove any capacity to consider and respond to important fabric, or elements that represent the evolution of a place over time and are significant as a result.
- **C6.6.9 Outbuildings and Structures.** Delete this clause and incorporate relevant principles in a combined new clause under the heading "Outbuildings, Driveways and Carparking". In doing so it is imperative that the clause controls the location of any new outbuilding including carports and garages, and retains the landscaped area between a dwelling and a street without intrusion and with reference to the historic pattern of development.
- **C6.6.10 Driveways and Parking.** Delete this clause and incorporate relevant principles in a combined new clause under the heading "Outbuildings, Driveways and Carparking". The Objective, Acceptable solution and Performance Criteria must be amended so as not to exclude residential applications. Delete the words "for non-residential purposes" throughout.
- **C6.6.11 Removal, Destruction or Lopping of Trees or Removal of Vegetation that is specifically part of a Local Heritage Place.** Delete the clause. See earlier note re the limitations of lists and the flaws inherent in adoption of the wording "the historic heritage values of the local heritage place identified in the relevant Local Provisions Schedule". To avoid potential conflicts and in reviewing the applicability of any amended clause, note the scope proposed exemptions relating to the management of trees and vegetation. If re-wording the clause, remove "specifically" from the Clause title, Objective, Acceptable Solution and Performance Criteria. Include the requirement for advice from a suitably qualified person in the wording of the P1 criteria.
- **C6.8 – Development Standards for Places or Precincts of Archaeological Potential**. Include the word "understand" in the Objective to C6.8.1 (as existing in the GIPS 2015). In the Performance Criteria, include an additional criterion (as existing in the GIPS 2015), as follows:

  (XX) where it is demonstrated there is no prudent and feasible alternative to impacts arising from building, works and demolition, measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation.

- **C6.9 Significant Trees.** Should be extracted from Heritage Code and afforded individual Code status as trees can have a multitude of values.
- **C6.9.1** P2 (a) and (b) should be accompanied by an arboricultural assessment prepared by a suitably qualified person and specifically addressing the Performance Criteria**.** Arboricultural Assessment and Arborist Statement should be included in the Application Requirements of the TPS, and their scope defined in the interests of transparency.

- **C6.9.1 P2 (b).** Economic reasons should not be justification for removal of a significant tree.
- **C6.10 Development Standards for Subdivision.** Re-word C6.10.1 to reflect the Objective and Performance Criteria in Clause E13.7.3 in the GIPS 2015.

Natural Assets Code

- Application of the Code – General comments:
  - The current requirements for an application to submit a natural values assessment by a suitable qualified person has made assessment of new applications very streamlined, the loss of these requirements will decrease clarity around requirements and potentially require these matters to be resolved at appeal.
  - Glenorchy municipality has clearly defined areas of suburbia and council reserves, with the majority of values located in the western half, largely in reserved land such as Wellington Park and Goat Hills. However, there are some values remaining in suburban areas (eastern half) including riparian corridors, threatened flora species, and coastal natural values. Numerous values will not be protected under the draft provisions, including:
    - Potential habitat for threatened species (e.g. hollows, certain understorey features, mosaic vegetation.
    - Coastal and riparian values (although these have some protection as part of the Waterway Protection Areas).
    - Locally significant vegetation communities or species which are not listed at a State level.
    - Buffers and connection for other values.
  - Mapping issues:
    - The Biodiversity maps will be drafted by State Government (DPIPWE) and not local Councils, apparently based on current data of threatened vegetation and species. The proposed criteria for these maps will result in piecemeal patches of protected areas interspersed with other native vegetation, and apparently no potential for ground-truthing values at the time of a development application. This does not allow for accurate decision-making or protecting values which exist on the ground but may not be acknowledged by the maps.
    - Overall, to adequately reflect and implement the objectives of LUPAA in promoting sustainable development etc, there needs to be consideration of and allowance for the movement of natural values. Such movement has always occurred in any case but will be exacerbated over the coming decades by climate change.

      For example, on a short-term timescale, the Chaostola skipper may appear within Gahnia radula suddenly where it was not present six months previously. Similarly for threatened flora species and other threatened fauna such as the forty-spotted pardalote. On a mid-term timescale, vegetation communities move and regenerate if left undisturbed. Over the longer term, climate change will cause species, communities and ecosystems to move. At the local scale, this is particularly critical for coastal species, hence the need for refugia. It is also critical for the edges of existing vegetation communities and mapped habitats, and for connectivity between habitats. All values generally need 'room to move' to maintain biodiversity and viability.

Therefore it is not possible to draw a tight line around values on maps, and to do so may limit their viability.

- The definition of values under the proposed code also relies heavily on State and Federal listings of threatened species and vegetation communities. However, it does not take into account:
  - The full list of Regional Forest Agreement-captured communities where they are threatened on a bioregional basis;
  - Species of high conservation value at a local or regional level;
  - Individual trees or vegetation communities which are not themselves listed but may provide habitat to threatened species, e.g hollow-bearing eucalypts.

  Therefore there is discrepancy with the Forest Practices Code, where there should be consistency, and a lack of acknowledgement that this Scheme is for application at the local level, where impact on values is generally incremental.
  It is possible to deal with these issues by:
  - Allowing for on-ground ecological assessments to over-ride mapped values (which may be out of date)
  - Allowing the mapped overlay to encompass all native vegetation and to have a buffer on that overlay (e.g. 10-15m) and/or resource regular updates of the mapping (e.g. annually based on on-ground assessments and revised aerial photography)
  - Broadening definitions of values as discussed above

- C7.1 Code Purpose: This must consider connectivity with vegetation, threatened vegetation communities and reserve systems. It must also consider corridors to provide Refugia, and pathways of connectivity (these could be coastal, rivulet corridors or other elements), which aligns with the regional NRM strategy.
- C7.1.5: Does not aim to manage impacts on potential habitat of threatened species. Therefore it does not allow for consideration of habitat adjacent core or known habitat, or connectivity or refugia. This limitation relies too heavily on existing data without allowing for recent observations and increases the chances of dispute between developers and regulators as to definitions of habitat (e.g. is it core or known habitat if it is the right kind of tree 50m from the tree where the species was observed?) on technical grounds. The capacity to assess potential habitat as per the current Code allows for more realistic on-ground assessment of impact on highly threatened species, allows them to be protected more effectively now and into the future, and for onground mitigation to be negotiated and applied in a realistic way.
- C7.2 Application of this Code: The exclusion of certain zones is concerning. Biodiversity values can occur anywhere and zoning should not make any difference to the application of the code. In particular the Low Density Residential Zone includes a purpose of applying the zone where there are '*environmental or aesthetic constraints that limit density*'. However the Code that protects environmental elements cannot be applied. It is also questionable why it cannot be applied to the Recreation Zone.

  NB the Single Planning Scheme process has consistently aimed to avoid duplication. However, in doing so, often the need has been created for dual processes to be undertaken by the applicant. The point of the planning process is to integrate issues and processes – it is better to ensure that an issue is considered in planning and that this process then avoids the need for a second process.

- C7.2.2 The application of this code should apply to use; be it grazing, or anything which may on one occurrence or over time have an impact on vegetation, fauna habitat, fauna and migratory species.
- C7.3: Definition of terms -
  - **Natural stream bank and stream bed condition** Has there has been statewide adoption of The Tasmanian River Condition Index? If not this may not be the best way of assessing watercourses.
  - **Natural assets** should include *connectivity value, buffer value, flora, fauna, landscape function* and consider *spatial scale*.
  - **Priority vegetation**: a) *it forms an integral part* – what does 'integral' mean? Could it be argued that vegetation outside of a community prescribed under the Act forms an integral part of a threatened community as it protects it???
    The definition of 'habitat for threatened species' in the GIPS is more helpful as it allows for the species' Recovery Plan to be considered. It is noted that many values can be considered priority values, the Values Table (Table E10.1) in the Kingborough Interim Planning Scheme explicitly captures:
    - Significant habitat
    - Potential habitat
    - Priority species considered of conservation significance in the municipal area
    - Native vegetation communities which have been largely cleared on a bioregional basis
    - Individual high conservation value trees (which provide potential habitat for threatened species)
    - All other native vegetation communities

    Priority vegetation area should also define buffers required around such vegetation to ensure adequate protection.
  - **Waterway and coastal protection area:** The wording for the definition of Class 4 watercourse with reference to Zones implies that a Class 4 watercourse can only be considered as such when within one of the listed zones, i.e. a Class 4 watercourse in another Zone becomes a Class 3. If it is meant to state that any watercourse within one of those Zones becomes Class 4, the wording needs to be changed. NB this may not be appropriate in all municipalities, where larger watercourses flow through peri-urban areas and *are not yet impinged upon by development* but have the potential to be zoned Low Density, Urban Mixed Use etc.
  - **Waterway values:** should include value to community**.**
- C7.4 exemptions:
  - c) This clause would allow for the clearance and conversion of "corridor" and "buffer vegetation" that is connecting or providing protection to adjacent reserve vegetation and or threatened vegetation and threatened fauna habitat. This is a significant change from the interim scheme which allows for clearance controls on these significant natural assets.
  - d) This raises some concerns that an existing approved vineyard etc may begin clearing land on the same property even if outside the historical use or permitted area. This needs re-wording to regulate as to whether area has ever been cleared, whether need can be demonstrated, definition of area to be cleared etc. Should there also be a reason why its appropriate to clear this vegetation on private and public land (ie safety fire protection etc or a limitation on the area to be cleared and a time frame).

- d) ii) interesting to see definition of a private garden. This exemption has been problematic in the current Interim Schemes and would continue to be so. Needs a strict definition if retained. It is arguable whether it is ever appropriate to obstruct or degrade a waterway, regardless of the context.

- C7.6.1 A1 - there should be provision about not introducing sedimentation and/or issues with impacts from chemicals.
- C7.6.1 (A1)(b) allows piping of a Class 4 watercourse, which should not be in the Acceptable Solution as this impacts on natural values. This is not consistent with the stated Code Purpose. Small and intermittent waterways may still support native fauna and flora, e.g. frog breeding.
- C7.6.1 (P1)(d) this clause may be too restrictive, e.g. does not allow for a culvert under a new access.
- C7.6.1 Despite the Explanatory Report, it is still not clear why (A2) and (P2) exclude Class 1, 2, 3 and 4 waterways.
- C7.6.1 P2 (b) is a significantly lesser control than (a) Why would anyone choose (a)? This provision needs to be clarified so it is an alternative due to circumstances on the site – not just because don't want to comply with (a).
- C7.6.1 P3: Is (b) supposed to be where the development is for residential or visitor accommodation and doesn't have to rely on a coastal location?? These provisions need correction and should be readvertised for comment.
- C7.6.1 P3 (c) Promotes continual use where perhaps infrastructure should be relocated.
- C7.6.1 (A5) and (P5) this Clause was originally drafted for development and works depending on a coastal location. The standard is now out of context and needs to be clarified.
- C7.6.1 (P5)(a) and (b) Standards are completely inadequate – is any new or expanded use or development to be permitted? Standards do not address potentially devastating impacts of dredging and reclamation on natural values within waterway.
- C7.6.1 (P6) Should require works to be demonstrably designed and undertaken in accordance with the Tasmanian Coastal Works Manual and Acid Sulphate Soil Guidelines.
- C7.6.2 A1 - allows for incremental loss, there is no time period proposed between applications and the area of 3000m2 is too large. The minimum area must be reduced and the clearance limited to per property and once every 5 years.
- C7.6.2 P1 (b) is another example of poor sentence construction – it reads 'satisfy the following' which would mean all, but there is an 'or' at (c) – so there is a possibility to misinterpret the provision.
- C7.6.2 P1 (b)(i)(d) Offsetting will require either Council or State government policy to ensure consistency in approach. How is 'net benefit' defined? How are the offsets to be conserved in perpetuity?
- C7.7.2 A1 parts (e) and (f) should apply to all of the listed circumstances
- C7.7.2 P1 (a)(i) Still allows for all priority values on the lot to be impacted if necessitated by the proposed yield of the subdivision. Needs a quantitative limit (e.g. 20% of priority veg impacted and the rest conserved).
- C7.7.2 P1 (b) – what are the 'benefits' anticipated here? Only C7.7.2 P1(b) b references social and economic benefits – if these are the benefits then these are already required to be considered and this part is redundant.
- C7.7.2 P1 (b)(d) See comment above re offsetting.

Scenic Protection Code

- Why is it inappropriate to apply this overlay to the Low Density Residential Zone (LDRZ)? The purpose of the LDRZ is to apply it where there are '*environmental or aesthetic constraints that limit density*'. Also a Village Zone or Recreation Zone could be part of a landscape area.
- C8.4.1 (b): Why is it appropriate to exempt vegetation removal in a private/public garden, State reserve etc? If the Heritage Code applied, there would not be an exemption for significant trees in private garden. The exemption is inconsistent with the tenor of the Code.
- C8.4.1 (b): A definition is required for 'private garden.' Anyone's land is private and could be considered as their garden.
- C8.4.1 (d) (iii): A reference to external finishes should include 'including reflectivity', currently this could simply be assumed as painted or not.
- C8.4.1 (g) the 'construction' of roads should not be exempt as it can have a significant impact on landscapes and should be appropriately assessed.
- C8.6.1 there is some confusion in this code as to whether the values relate to just native vegetation or include exotic vegetation. This standard allows for destruction of native vegetation, but there are no controls on exotic vegetation. It may be possible to propose the removal of a whole hedgerow, as while there is no exemption for it, there is nothing in the provision to guide decision making on it, so could be argued the standard doesn't apply.
- C8.6.1 A1 allows for destruction of up to 500m2 of native vegetation. This must be limited to '*per property and within a 5 year time frame'*.
- There are no clear provisions in this Code relating to cut and fill, it is only considered if 50m above the skyline, but even below that height cut and fill could have significant impacts on the landscape.

Attenuation Code

- It is difficult to accept a report giving the ok when Council officers believe the activity is likely to cause an issue. Who is responsible when the issue occurs: it will be Council as they granted the permit.
- Recommend inclusion of provisions on application requirements which identify that the applicant may need to provide a site specific study to demonstrate compliance with the Performance Criteria.
- Clarity as to the qualifications of what constitutes a 'suitably qualified person' should be included. Council officers should not have to determine what qualifications are appropriate, as it is likely to lead to inconsistencies in interpretation.
- Attenuation distances should be able to be applied to industrial areas. This will enable an applicant to make a commercial decision at the being of the project whether to proceed and cost in any design elements that could mitigate negative impacts. Otherwise the applicant will be subject to EMPCA requirements at the end of the process, when it may be too costly to retro-fit building to address noise measures or alter layouts. Many projects may not be able to continue to operate. This is considered to create a significant negative impact on business in Tasmania verses making operators aware of the issues before they being construction/operation.
- If attenuation areas are not applied to development in industrial areas (which is a poor planning response) this is likely to create future conflicts when residential subdivision cannot be assessed and required to mitigate negative amenity impacts. A possible solution could be applying the

Code to residential subdivision within 50m or 100m metres of a Light Industrial, General Industrial, Port and Marine or Utilities Zone. Specific standards for ensuring subdivision layout could be applied. A 'no acceptable solution' would be appropriate, noting subdivision is already discretionary, and the PC for subdivision layout would provide for a design layout or works to mitigate impacts from noise, odour and traffic from adjacent industrial zones.

Coastal Erosion Hazard Code

- It is disappointing to see the focus of this Code is about people management, not about protecting the coast. A planning scheme should be able to identify locations where it is not appropriate to develop.
- C10.4.1 (a) (iii) Why aren't coastal protection works, if undertaken by a public authority, exempt but a **Tourist operation** could be exempt?
- C10.5.1 – objective (b) – 'deeming' certain uses as not meeting a standard, is not an objective, this needs to be reworded.
- C10.5.2 relates to uses within a non-urban zone and on low or medium band. Where are uses in an urban zone and on a low or medium band assessed?
- Typo: C10.5.3 P1 (b) (ii) and (iii) are the same.
- Does C10.5.1 (which prohibits residential and visitor accommodation) conflict with C10.5.3 which allows for Vulnerable uses to be considered in certain circumstances in high hazard bands?
- C10.6.2 P1 (a) (ii) refers to *coastal erosion risks till 2100.* What document is used to determine those risks?
- C10.7.1 P1 Must be amended to require a coastal erosion hazard report to enable a technical expert to determine if the risk is tolerable.
- C10.7.1 P1 (g) If the works have to be undertaken on actively mobile landforms to protect human life, does this not imply the project is not a good idea? The Code should be about protecting these areas and making sure further erosion does not occur, instead it is focused on mitigating risks to development, this is a poor planning outcome.
- There is no specific standard to discourage activities from being in a coastal area unless it is essential that they are there. The draft SPP only requires certain uses that may be impacted by being in the coast (or could have a significant threat if impacted by erosion) to demonstrate the need to be there (ie critical, hazardous and vulnerable) other uses like tourist operation or food services do not appear to have to be assessed. All uses should be required to demonstrate a need to be located on the coast.

Coastal Inundation Hazard Code

- Again the focus for this Code is how best to allow development in these areas, rather than identifying some development is inappropriate. This is particularly evident in the use of term 'tolerable risk', rather than demonstrating the activity is appropriate for the area.
- Is there an assumption that nothing in an urban zone would be affected by this Code?? There are no standards for proposals within an urban zone and a low or medium hazard band.
- Where are the maps for the 1% AEP coastal inundation event in 2100 (if they form one of the bands that is not clear in the definitions or in the application of the Code). If there is no map this needs to be a state-wide standard, as 1% AEP coastal inundation event in 2100 is not defined, so who's work would be used to demonstrate the impacts?

Riverine Inundation Hazard Code

- Why do the Coastal Erosion Hazard and Coastal Inundation Hazard codes give exemptions if need a building permit but this code doesn't? Why are impacts on erosion and protection of the coast less of a planning concern than riverine inundation?

Bushfire Code

- The removal of habitable building assessment is likely to create a 'planning application loop' when a proponent will have to return to planning for an assessment of vegetation removal to address any requirements of a hazard management plan.
- C13.2.2 This provision is inconsistent with other Codes and could cause interpretation issues. Recommend it be deleted.
- C13.3: It would appear that the intention was that where there is no overlay, land that is within 100 m of an area of bushfire prone vegetation equal to or greater than 1 ha is considered to be within a bush fire prone area. However the work currently being undertaken by the TFS in conjunction with councils seeks to map ALL bushfire prone areas. It should be either mapped or not mapped, not mapped plus some possible extra unmapped bits. Suggest a rewrite along the lines of:

  Bushfire-prone areas means:
  (a) land that is within the boundary of a bushfireprone area shown on an overlay on a planning scheme map; or
  (b) where there is no planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.
- C13.6.1 and C13.6.2 both provide in the PC that 'any advice from the TFS' should be taken into consideration when assessing a subdivision proposal. The inclusion of a PC places a significant onus on Council officers to determine an application beyond the technical requirements of the TFS. It is unlikely that Council officers would go against any advice from the TFS.

Potentially Contaminated Land

- C14.2.3 This provision is inconsistent with other Codes (except the Bushfire Prone Areas Code) and could cause interpretation issues. Recommend it be deleted.
- C14.4.1 (c) provides an exemption where a 'site history' has been provided to confirm potentially contaminated activities did not occur on the site. However the application of the Code C14.2.1 identifies circumstances where the land has been mapped by the overlay or a report associated with an application identifies it is potentially contaminated. It is appropriate that this lesser requirement facilities an exemption? It will be very difficult for a site history to confirm there were no potentially contaminating activities on the land.
- There are several references to 'use classes listed in Table C14.1 and is one of the uses specified as a qualification' in applicable standard objectives, but the statement should be in the AS and PC. The objective should be 'to ensure PCL is suitable for the intended use'.
- Table C14.1 should be at the end of the Code, its currently randomly placed at the front with no introduction.
- C14.2.2 limits requests to ask for report to land which may have been used for one of the activities in Table C15.2, however the introduction to Table C14.2 indicates that the table is not

exhaustive. This will cause problems in interpretation and abilities for councils to make requests for reports.

Landslip Hazard Code

- The report required is quite extensive and requires certain conclusions to be made rather than just to provide a report (as under the GIPS) which is an improvement.

LP3.5 – Natural Assets Code

- Allows for use of DPIPWE mapping. The Natural Values Atlas is considered to be 2 years out of date and Council officers have noted that some of the mapping is incorrect (it has not been ground-truthed). There appears to be an opportunity to modify the map for an area contained in a Local Provisions Schedule but there is no information or guidance as to how it can be modified or what documentation needs to be provided to justify a modification.

LP4.4 – Site specific qualifications and 3.0 Local Area Objectives

- Iplan would facilitate the inclusion of local site specific qualifications in a use table, and tables for local area objectives. Having all relevant uses provisions – ie uses – in one section improves the clarity and readability of the Scheme.

C6.0 List to Historic Heritage Code

- We need the ability to add in the 'THR ref' to the table. The table will then identify all of the state and local heritage sites and an applicant will know whether to talk to Council or the State. If the State removes a site – it will still be listed with Council and so remove the need to go through a formal amendment to list the site – it will always be protected –either at State or local level (but only ever assessed by one level of government).

P1.0 Particular Purpose Zone – Future Urban Zone

- Many councils have a PPZ - Future Urban Zone – why not include this zone as part of the suite of zones, particularly given a template has been created for it?

Applied, Adopted or Incorporated Documents

- If a document is incorporated into the planning scheme – it should be there to enable a decision – so full access to the documents will need to be available (ie to Australian Standards) -will they be available on iplan?
- What is the role of reference documents?