



Draft SPP Amendment 02-2025 of the State Planning Provisions

Subdivision of a lot in more than one zone, employment training, child care, electricity

Explanatory document under section 16(5) of the *Land Use Planning and Approvals Act 1993*, including SPP criteria assessment

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Abbreviations

LUPAA	Land Use Planning and Approvals Act 1993
CRS.....	Container Refund Scheme
NEPM.....	National Environment Protection Measure
NRE.....	Department of Natural Resources and Environment Tasmania
LPS	Local Provisions Schedule
RMPS.....	Resource Management and Planning System
SPP	State Planning Provisions
TPP	Tasmanian Planning Policy
TPS	Tasmanian Planning Scheme

Summary

The purpose of the draft amendment 02-2025 of the State Planning Provisions (SPPS) is to:

- clarify subdivision rules for lots in more than one zone (split zoned lots), particularly where the applicable zones have different minimum lot size requirements for subdivision;
- revise the definition and rules for employment training centre;
- update the definition and exemption requirements for home-based child care exemption to align with current legislation and
- add exemption limitations relating to electricity infrastructure.

The State Planning Office (SPO) has prepared this amendment as part of the SPPs Review, Action Group 1 project because it includes well-understood issues such as operational matters and clarifying and improving requirements. Preparation of the draft amendment is based on:

- submissions received during the SPPs Review scoping process,
- the resulting work program, and
- insights from regulators involved in the operation of the SPPs.

For the purposes of the SPPs criteria under section 15 of *Land Use Planning and Approvals Act 1993* (LUPAA), draft SPPs amendment 02-2025 is a relevant planning instrument and the SPP criteria apply.

For the reasons set out in this document, the draft SPP amendment 02-2025 is considered to meet the SPP criteria set out in section 15 of the LUPAA.

The draft SPP amendment has been prepared under section 30T(1)(a), in accordance with the terms of reference under section 30C(2). The terms of reference are included in Appendix A of this report.

Explanatory information

Under section 16(5) of LUPAA, this document is the explanatory document for the draft SPPs amendment 02-2025.

Background

The SPPs were made on 22 February 2017 and came into effect on 2 March 2017. The SPPs are in effect in almost all of the 29 municipalities across the State. The remaining few municipalities are expected to come into effect in 2025.

It is important that the SPPs are kept under regular review. The Minister for Planning started a comprehensive review of the SPPs in March 2022 as part of the 5-yearly statutory review required under LUPAA. A number of amendments were identified through the review.

The SPPs Review work program categorised issues into Action Groups according to the proposed response. The Action Group 1 project involves preparing batches of SPPs amendments to address stand-alone or well understood issues, such as operational matters and clarifying and improving requirements.

The draft amendment 02-2025 is part of Action Group 1:

- AG 1.15 - subdivision across zone boundaries,
- AG1.3 - employment training centre,
- AG1.2 - home-based child care, and
- AG1.6 - electricity infrastructure exemptions.

Preparation of the draft amendment is based on submissions received during the SPPs Review scoping process with input from:

- the Department of Education, Children and Young People on childcare legislation;
- the Tasmanian Planning Commission's opinion on electricity transmission corridor provisions given under section 35G of the LUPAA;
- input from TasNetworks; and
- subsequent workshops with local council planners.

These amendments are intended to address 4 specific issues raised in relation to the operational requirements and can be made without generally affecting other aspects of the SPPs.

General purpose and terms of the draft amendment

The draft amendment 02-2025 contains a number of amendments to:

1. clarify the subdivision requirements by introducing a General Provision allowing for discretionary approval of subdivision of a lot in more than one zone (split zoned lot), particularly where the minimum lot size requirement in one of the zones prohibits subdivision from occurring on urban fringes;
2. revise the definition of an employment training centre to include training in specialised or technical skills, and make vocational training permissible in the Light Industrial Zone;
3. update the definition and exemption requirements for home-based child care to align them with current legislation governing child care in Tasmania, and
4. add limitations for some general exemptions for developments located within an electricity transmission corridor to provide for protection, safety and maintenance of electricity infrastructure.

The Minister's Terms of Reference for draft amendment 02-2025 of the SPPs are in Appendix A.

1. Introducing specific requirements for subdivision of a lot in more than one zone

Concerns have been raised regarding subdivision of a lot that is within more than one zone (also known as a split zoned lot). This is particularly the case where one of the zones has an absolute minimum lot size which stops any subdivision occurring, even in the compliant zone. For example, subdividing a lot in the General Residential Zone and the Landscape Conservation Zone (see Figure 1) may not be approved due to non-compliance with the 20ha absolute minimum lot size required by clause 22.5.1 P1 in the Landscape Conservation Zone. This has the potential to prevent the subdivision of some suitable urban land on the edges of settlements.

Some past planning schemes had specific provisions for managing subdivision across zone boundaries, such as the former *Clarence Planning Scheme 2007*. The proposed amendment aims to deliver a similar outcome. The draft amendment introduces a General Provision to provide for discretionary approval of a lot that has less than the minimum lot area required by one of the zones, so that the other zone may be subdivided to its full potential.

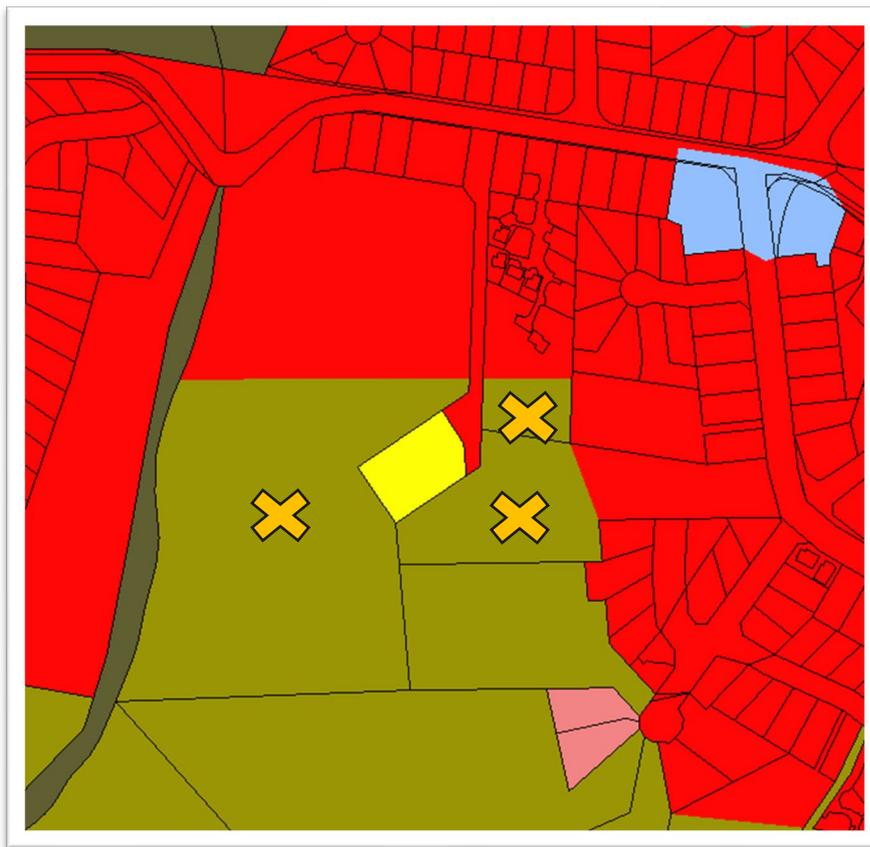


Figure 1 - Example of lots (black outlines) split-zoned General Residential (red) and Landscape Conservation (lighter green). All Landscape Conservation Zone land marked 'x' has an area less than 20ha which would prevent the General Residential Zone land contained in the same lot from being subdivided.

2. Clarifying the definition for Employment training centre

The current definition for employment training centre is restricted to jobseekers and unemployed persons alone. The purpose of this amendment is to allow a broader range of uses, including general 'training in specialised or technical skills' and not just for jobseekers or unemployed persons. Additionally, the Educational and Occasional Care use class in the Light Industrial Zone use table is broadened with another qualification, allowing a new employment training centre to receive discretionary approval instead of being prohibited. Currently only existing facilities can be extended or altered at the discretion of the planning authority. Amending the use status of Educational and Occasional Care will allow an opportunity for new vocational training uses to be established in areas close to existing trade and technical industries and workplaces located in the Light Industrial Zone.

3. Updating the definition and operational requirements for home-based child care

The current exemption for home-based child care in clause 4.1.3 of the SPPs was originally drafted to provide a clear description of the size of services exempt from requiring a planning permit. It states the maximum number of children per day and limits employees to those living on the premises. The intention was to align the exemption thresholds with the legislation regulating home-based child care in Tasmania. Advice received by the SPO has confirmed the exemption is not aligned and requires amending.

Child care services in Tasmania are regulated under the Commonwealth *Education and Care Services National Law Act 2010* (the National Law), and the associated *Commonwealth Education and Care Services National Regulations 2011*, in addition to the Tasmanian *Child Care Act 2001* (the Tasmanian Law). Most services were transitioned to the National Law in 2012. However, there are some services that still operate under the Tasmanian Law. The majority of new services apply and operate under the National Law, however new services can still apply and operate under the Tasmanian Law.

Regulation 124 in the *Education and Care Services National Regulations 2011* identifies the number of children able to be cared for as part of a family day care service in a family day care residence at any one time. The National Law and Tasmanian Law do not limit the carers to those residing in the dwelling.

It is now proposed to directly align the SPPs exemption with the current regulations by making direct reference to them. A corresponding change is also proposed to the definition for 'home-based child care' in Table 3.1 of the SPPs. This means that an appropriately licensed home-based child care operation can be exempt from requiring planning approval.

4. Modification of exemption limitations relating to electricity infrastructure

The current exemptions in Clause 4 of the SPPs contain a list of uses and developments which are exempt unless certain limitations apply. Some exemptions, including for wind turbines, antennas, masts, flagpoles, and satellite dishes are limited, so that consideration under the Electricity Transmission Infrastructure Protection Code is required.

TasNetworks has advised that some exempt developments have the potential to compromise the efficient operation of electricity transmission infrastructure and may cause human safety issues in some situations. An exempt development located without reference to existing electricity infrastructure often conflicts with essential maintenance and safety requirements. This can result in the need to remove the development, creating expense and inconvenience, to both the landowner and the electricity infrastructure provider.

The Tasmanian Planning Commission gave its opinion on electricity transmission corridor provisions under section 35G of LUPAA, as the issue was also raised as part of Local Provisions Schedule (LPS) assessments.

Therefore, this modification is designed to ensure developments located within a mapped electricity transmission corridor are not exempt from a planning assessment under the Electricity Transmission Infrastructure Protection Code. This will avoid potential conflicts between electricity transmission infrastructure and new developments proposed in an inner protection area or registered electricity easement flagged by a mapped electricity transmission corridor.

The proposed draft SPP amendment 04-2024

Part 1.0 Subdivision of a lot in more than one zone

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

7.15 Subdivision of a lot in more than one zone

7.15.1 An application for subdivision of a lot that is in more than one zone may be approved at the discretion of the planning authority if it involves an area of land in the Landscape Conservation Zone, Rural Living Zone or Low Density Residential Zone that is less than the minimum lot area requirement for subdivision in that zone.

7.15.2 An application for subdivision to create a lot that is less than the minimum lot area requirement must only be approved under sub-clause 7.15.1 if:

- (a) the land that is less than the minimum lot area requirement for subdivision in that zone is contained in a single lot;
- (b) it does not involve the subdivision of a lot that is contained in both the:
 - (i) Landscape Conservation Zone and the Rural Zone; or
 - (ii) Landscape Conservation Zone and the Agriculture Zone; and
- (c) the lots meet all other relevant requirements in the applicable zones, any applicable code, and any applicable specific area plan or site-specific qualification.

7.15.3 In exercising its discretion under sub-clause 7.15.1, the planning authority must have regard to the purpose of the subdivision and

potential use and development of the land in the zone where the lot will be created below the minimum lot area requirement.

Reason for amendment: To provide a new general provision to allow for subdivision to create a sub-minimum lot area in the one part of a split zoned lot.

Part 2.0 Employment training centre definition and Use Table qualification

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

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

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

If for:

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

Reason for amendment: To clarify the definition and operational requirements for employment training centre and allow a pathway for approval of an employment training centre to establish in the Light Industrial Zone.

Part 3.0 Home-based child care definition and requirements

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

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

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

If:

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

Reason for amendment: To update the home-based child care definition and exemption to align with current legislation requirements for licensing under the *Child Care Act 2001* (the Tasmanian Law) or the *Education and Care Services National Law Act 2010* (the National Law).

Part 4.0 Exemption limitations for electricity infrastructure

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

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

insert the following text before the full stop:

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

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

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

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

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

Retaining walls, excluding any land filling, if:

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

unless:

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

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

Land filling to a depth of not more than 1m above existing ground level from that existing at the effective date, unless:

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

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

- (b) all other antennas, masts, flagpoles and satellite dishes, unless:
 - (i) the Local Historic Heritage Code, or Safeguarding of Airports Code applies and requires a permit for use or development;

- (ii) it is within an inner protection area or registered electricity easement as defined in the Electricity Transmission Infrastructure Protection Code; or
- (iii) for facilities as defined under the Telecommunications Code.

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

If:

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

unless:

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

Reason for amendment: To clarify the exemption limitations relating to protection of electricity transmission infrastructure so that some potentially exempt development is assessed for its impact within mapped electricity transmission corridors under the Electricity Transmission Infrastructure Protection Code.

Legislation Requirements

The SPPs criteria is set out in section 15 of LUPAA, as follows:

(1) In this section –

relevant planning instrument means a draft of the SPPs, the SPPs, a draft amendment of the SPPs and an amendment of the SPPs.

(2) The SPPs criteria to be met by a relevant planning instrument are that the instrument –

- a) only contains provisions that the SPPs may contain under section 14; and
- b) furthers the objectives set out in Schedule 1; and
- c) is consistent with each State Policy; and
- (ca) is consistent with the TPPs that are in force before the instrument is made; and
- d) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

(3) An amendment of the SPPs, or a draft amendment of the SPPs, is taken to meet the SPPs criteria if the amendment of the SPPs, or an amendment of the SPPs made in the terms of the draft amendment of the SPPs, will not have the effect that the State Planning Provisions, as amended, will cease to meet the SPPs criteria.

Contents of State Planning Provisions (section 14 of LUPAA)

(1) The SPPs –

- a) may contain any provision that may, under section 11, be included in the Tasmanian Planning Scheme; and
- b) may not contain a provision that is inconsistent with section 11 or, if the Tasmanian Planning Scheme were in effect in relation to a municipal area, would be inconsistent with a provision of section 12; and
- c) may contain a provision indicating or specifying the structure to which an LPS is to conform and the form that a provision of an LPS is to take; and
- d) may contain a provision permitting an LPS to provide for the detail of the SPPs in respect of, or the application of the SPPs to, a particular place or matter; and

- e) may contain a provision permitting a provision of an LPS to override a provision of the SPPs; and
 - f) may contain a provision permitting the modification, in relation to a part of a municipal area, of the application of a provision of the SPPs; and
 - g) may contain a provision requiring, or permitting, an LPS to contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land; and
 - h) may contain a provision requiring an LPS to contain a provision of a kind specified or referred to in the SPPs.
- (2) The SPPs may contain a provision permitting an LPS to include –
- a) a particular purpose zone, being a group of provisions consisting of –
 - i. a zone that is particular to an area of land specified in the LPS; and
 - ii. the provisions that are to apply in relation to that zone; or
 - b) a specific area plan, being a plan consisting of –
 - i. a map or overlay that delineates a particular area of land; and
 - ii. the provisions, specified in the LPS, that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs; or
 - c) a site-specific qualification, being a provision, or provisions, that are specified, in relation to a particular area of land, in the LPS and that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.

Response

This section mostly relates to matters for what an LPS may or may not contain. These are not matters related to the content of this proposed amendment.

For section 11 of LUPAA, the proposed amendment does not relate to forestry operations, mineral exploration, fishing or marine farming in State waters. The proposed draft SPP amendment clarifies and amends existing requirements and specifies appropriate assessment criteria for approval of specific use and development.

For section 12 of LUPAA, the proposed amendment does not introduce any new prohibitions above what is currently in the SPPs. On this basis, the proposed draft SPP amendment will not prevent the continuance of any existing use or development or prevent any approved use and development from occurring.

On the above grounds the draft SPP amendment only contains provisions that it may contain in accordance with section 14 of LUPAA.

Land Use Planning and Approvals Act 1993 – Schedule 1 Objectives

Part 1 - Objectives of the Resource Management and Planning System of Tasmania (RMPS)

1. The objectives of the resource management and planning system of Tasmania are –
 - 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
 - d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
 - e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

2. In clause 1 (a), sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –
 - a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
 - b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
 - c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

Part 2 - Objectives of the Planning Process Established by this Act

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

- a) to require sound strategic planning and co-ordinated action by State and local government; and
- b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and
- c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and
- d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and
- e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and
- f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and
- g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and
- h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and
- i) to provide a planning framework which fully considers land capability.

Response

The SPPs are part of Tasmania's planning system, which includes the objectives of LUPAA, the State Policies, regional land use strategies, and the Tasmanian Planning scheme, which includes both the SPPs and LPSs. Tasmanian Planning Policies are yet to be finalised. Overall, the draft amendment clarifies and improves the requirements of the SPPs to promote efficient management of land use and development. The draft SPP amendment 02-2025 is a relatively small adjustment within the system and will enable the SPPs as whole to continue to further the Schedule 1 objectives of LUPAA.

Part 1 of draft amendment 02-2025 particularly enables the fair, orderly and sustainable use and development of land to its fullest capacity that has been strategically zoned. It provides a process in the planning framework which fully considers land capability in the circumstance of split zoned lots in certain zones.

Improving the requirements in the provisions for employment training centre and home-based child care through Parts 2 and 3 of draft amendment 02-2025 supports economic development and will help people to manage their social, economic, and cultural well-being in an efficient, safe and sustainable manner. Part 3 of draft amendment 02-2025 particularly provides for co-ordination of planning approvals with related approvals.

Part 4 of draft amendment 02-2025 particularly means a reduction in potential land use conflicts, protects public infrastructure, and enables the orderly provision and co-ordination of public utilities for the benefit of the community.

The draft SPP amendment 02-2025 will be subject to public consultation and public hearings before it is finally determined, which will further involve the public in decision making.

On the above grounds the draft SPP amendment 02-2025 is considered to further the objectives of the RMPS.

State Policies and NEPMs

State policies are created under Part 2 of the *State Policies and Projects Act 1993*. Also, under section 12A of that act, all NEPMs made by the Commonwealth are taken to be state policies. There are currently 3 state policies and 7 NEPMs in place. These are the –

1. State Coastal Policy 1996
2. State Policy on the Protection of Agricultural Land 2009
3. State Policy on Water Quality Management 1997
4. National Environment Protection (Air Toxics) Measure 2004
5. National Environment Protection (Ambient Air Quality) Measure 1998
6. National Environment Protection (Assessment of Site Contamination) Measure 1999
7. National Environment Protection (Diesel Vehicle Emissions) Measure 2001
8. National Environment Protection (Movement of Controlled Waste between States and Territories) Measure 1998
9. National Environment Protection (National Pollutant Inventory) Measure 1998
10. National Environment Protection (Used Packaging Materials) Measure 1998

Response: State Policies

The draft amendment Part 1 avoids unintended impacts on the protection of agricultural land by excluding certain split zoned land combinations in the Landscape Conservation Zone, Rural Zone and Agriculture Zone. Other than this element, draft SPP amendment 02-2025 makes no modification to SPPs relevant to any of the State Policies. On these grounds the draft SPP amendment 02-2025 is considered to be consistent with each state policy.

Response: NEPMs

The draft amendment does not apply to use or development that is likely to cause serious or material environmental harm or raise risks for environmental protection.

On the above grounds the draft SPP amendment 02-2024 is considered to be consistent with the NEPMs.

Tasmanian Planning Policies

Under section 15(ca) of LUPAA, an amendment of the SPPs must be consistent with the Tasmanian Planning Policies (TPPs) once they are in effect. The Tasmanian Planning Policies (TPPs) are yet to take effect. An independent review of the TPPs by the Tasmanian Planning Commission has been finalised. The proposed amendments have been considered against the Draft TPPs – March 2023 exhibited by the Commission, in case they become relevant before assessment of the draft amendment is completed.

The proposed amendments are considered to be consistent with clause 7.3.3 of the draft TPPs, specifically the following:

1. Allow use and development that has little or no impact to proceed without requiring planning approval.
2. Reduce planning regulation to the amount necessary to reflect, manage and be proportionate to, the level of impact that might be caused by the use and development.
3. Support the maintenance of regulatory consistency unless there is a demonstrated need that warrants a more specific or different approach.
5. Facilitate the coordination and rationalisation of regulation where there is consistency between planning and other regulatory regimes.

Response:

Part 1 - subdivision of a lot in more than 1 zone provides an approval pathway to fully realise the subdivision and development potential of already identified urban zoned land within settlements. This is consistent with the Settlement TPP, supporting the objectives for Growth, Liveability, Settlement Types and Housing, whilst minimising impacts on productive agricultural land and landscape values.

Part 2 – employment training centre clarifies that vocational training activities are intended and suitable to be considered as part of an employment training centre. It supports training in specialised or technical skills for the industrial sector occurring near active industrial and other businesses. These amendments are consistent with the Sustainable Economic Development TPP, particularly the Objective of the Business and Commercial policy and Strategy 3 and 8 at clause 4.7.3. It is also consistent with the Planning Processes TPP, particularly the Objective of the Regulation policy and Strategies 1 and 2 at clause 7.3.3.

Part 3 – home-based child care removes an inconsistency between the SPPs and the current national and state legislation governing home-based child care. It clarifies the intent of the SPPs exemption by specifying that a care operation which has been assessed and licensed under the relevant Acts does not require a planning permit. These amendments are consistent with the Sustainable Economic Development TPP, particularly the Objective of the Business and Commercial policy and Strategy 7 and 8 at clause 4.7.3; and the Planning Processes TPP, particularly, the Objective of the Regulation policy and Strategies 1, 2, 3, and 5 at clause 7.3.3.

Part 4 – electricity infrastructure protection requires that some potentially exempt development within a mapped electricity transmission corridor is assessed against the requirements of the Electricity Transmission Infrastructure Protection Code. This means that energy infrastructure corridors are adequately protected from any conflicting and incompatible development. This is consistent with the planning policies for Physical Infrastructure TPP, particularly the Objective of the Energy Infrastructure policy and Strategy 1 at clause 5.2.3.

Gas Pipeline Safety

LUPAA refers to the safety requirements set out in the standards prescribed in the *Gas Safety Act 2019*. However, this act only seems to deal with safety requirements for individual appliances, etc, not safety of the major gas infrastructure in the State. There is the ability under this act for the Minister to issue determinations in respect of any matter to do with safety, but at present there doesn't appear to be any determinations issued.

On this basis, any SPP amendment or planning scheme amendment would only have the potential to affect the risk level of the major gas infrastructure if an individual development, was located inside the declared gas pipeline corridor. In that case, any development

application would be referred to the gas pipeline licensee for comment under the *Gas Industry Act 2019*.

The matters addressed by this amendment will not have any direct effect on the location of development in proximity to the major gas pipeline or influence the risk levels for gas safety. Any specific issues will be managed through individual development applications if they are located within the declared gas pipeline corridor.

Appendix A – Terms of Reference for amendment 02-2025 of the SPPs