



**NORTHERN
MIDLANDS
COUNCIL**

**NORTHERN MIDLANDS COUNCIL
PLACEMENT OF SHIPPING CONTAINERS
BY-LAW NO. 1 OF 2018**

A by-law of Northern Midlands Council made under Section 145 of the *Local Government Act 1993 (Tas)* for the purpose of regulating the placement of shipping containers within the municipality of the Northern Midlands

PART I - PRELIMINARY

1 Short Title

This By-law may be cited as the Placement of Shipping Containers By-law No. 1 of 2018

2 Commencement

This this By-law commence on the day that this by-law is published in the Tasmanian Government Gazette.

3 Application

- (a) This By-Law applies to the placement of Shipping Containers on any Premises.
- (b) This By-Law does not apply to the placement of Shipping Containers on any Premises in circumstances where such activity constitutes 'development' as that term is defined in s.3(1) of the *Land Use Planning and Approvals Act 1993 (Tas)*.

PART 2 – DEFINED TERMS

4 Definitions

In this By-Law, unless the contrary intention appears –

"Act" means the *Local Government Act 1993 (Tas)*;

"Authorised Officer" means the General Manager or a person appointed as an authorised officer by the General Manager for the purposes of this By-law;

"Building" has the meaning given to that term in section 3(1) of the *Land Use Planning and*

Approvals Act 1993 (Tas);

"**By-law**" is a reference to this Placement of Shipping Containers By-law No. 1 of 2018;

"**Council**" means Northern Midlands Council (ABN 70 695 934 223) constituted pursuant to the Act;

"**General Manager**" means the person appointed by Council from time to time to the position of general manager in accordance with section 61 of the Act;

"**Licence**" means a written authority from Council issued to a person for the purpose of this By-law;

"**Municipal Area**" means the municipal area of the Northern Midlands Council as defined in section 16 of the Act;

"**Obstruction**" of an Authorised Officer includes to resist, hinder, delay or impede;

"**Occupier**" means a person who is in possession or occupation of any Premises;

"**Permanent Shipping Container**" means a Shipping Container to be kept on the same premises for a period of more than three months;

"**Permit**" means a written authority from Council issued to a person, pursuant to this By-law;

"**Person**" includes an individual and a body corporate;

"**Planning Scheme**" means the planning scheme in effect for the Northern Midlands municipality;

"**Premises**" means any piece of land within the Municipal Area;

"**Public Land**" means land within the Municipal Area which is owned, vested in or managed by Council and includes any Public Place and any Public Street;

"**Public Place**" has the meaning given to that term in section 3(1) of the *Police Offences Act 1935 (Tas)*;

"**Public Street**" has the meaning given to the term in section 3(1) of the *Traffic Act 1925 (Tas)*;

"**Shipping Container**" means a single, rigid, reusable metal box usually up to 2.44m in width, up to 2.90m in height and up to 12.19m in length in which merchandise is, will be, or may have been, shipped by vessel, truck, or rail. Container types include standard, high cube, hardtop, open top, open sided, flat, platform, ventilated, insulated, refrigerated, or bulk;

"**Specified Offence**" means an offence against the clause specified in Column 1 of Schedule 1 to this By-law; and

"**Temporary Shipping Container**" means a Shipping Container to be kept on the same Premises for a period of not less than 7 days, and not more than three months.

PART 3 – REGULATION OF SHIPPING CONTAINERS

5 Placement of Shipping Container to require Permit or Licence

(1) The placement of any Permanent Shipping Container on any Premises shall require a Permit.

- (2) The placement of any Temporary Shipping Container on any Premises shall require a Licence.
- (3) Sub clauses 5(1) and 5(2) above do not apply to Shipping Containers:
 - (a) lawfully held in, or placed on, any Premises prior to the commencement of this By-law;
 - (b) in transit (i.e. placed on Premises for a period of not more than seven days); or
 - (c) placed wholly within a lawfully constructed Building which is enclosed by walls on all sides.

PART 4 - LICENCES AND PERMITS

6 Licence and Permit requirements and procedures

- (1) A Person seeking to do anything for which a Licence or Permit is required under this By-law is to apply to Council for the relevant Licence or Permit (as the case may be) using the form approved by the General Manager.
- (2) In order to be valid, an application for a Licence or Permit must:
 - (a) specify the Premises where it is proposed to locate the Shipping Container(s);
 - (b) include a site plan, at a scale of 1:200, depicting the location of the proposed Shipping Container(s) and all other Buildings on the site;
 - (c) provide details of the Shipping Container(s) including type, size, colour and any markings (e.g. logos);
 - (d) provide details of any measures that the applicant proposed to take to mitigate the impacts of the proposed Shipping Container (e.g. landscape plan) on views from any Public Land;
 - (e) include the written consent of the registered proprietor of the Premises where it is proposed to locate the Shipping Container(s); and
 - (f) be accompanied by the application fee (if any) prescribed by Council pursuant to section 205 of the Act.
- (3) Council or an Authorised Officer may request further information from an applicant within 14 days of receipt of a valid application.
- (4) If further information requested by Council is not provided within 14 days of a request made under sub-clause 6(3) of this By-law, Council may reject the application or consider it on the basis of the information that has been provided.
- (5) A Licence or Permit granted by Council expires on the 30th of June following the date on which the Licence or Permit was issued unless earlier cancelled pursuant to sub-clause 7(1)(d) of this By-law.
- (6) Prior to the expiration of a Licence or Permit, the holder may apply to renew it by making application to Council in the form approved by the General Manager and accompanied by the application fee (if any) prescribed by Council pursuant to section 205 of the Act.
- (7) An application for renewal of a Licence or Permit must be made prior to its expiration and

has the effect of extending the duration of the Licence or Permit until such time that the application is determined by Council under clause 7 of this By-law.

- (8) The General Manager is to keep a register of all Licences and Permits issued and is to note any amendments, corrections or cancellations in that register.
- (9) The holder of a Licence or Permit must comply with all of conditions attaching to that Licence or Permit.

PENALTY: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (10) Any Person applying for Licence or Permit, or a variation or renewal of a Licence or Permit under this By-law must not willfully make or cause to be made any false representation or declaration as part of their application.

PENALTY: On summary conviction a fine not exceeding 10 penalty units.

7 Council May Approve, Refuse or Cancel a Licence or Permit

- (1) After considering an application made under clause 6 of this By-law, Council or an Authorised Officer has the discretion to:
 - (a) grant a Licence or Permit, with or without conditions determined by Council or an Authorised Officer;
 - (b) in the case of an existing Licence or Permit, grant a renewal and add or vary the conditions of that Licence or Permit;
 - (c) refuse the application; or
 - (d) in the case of an existing Licence or Permit, cancel it subject to the operation of clause 8 of this By-law.
- (2) When exercising the discretion in sub-clause 7(1) of this By-law, the decision maker must take into account the following matters where relevant:
 - (a) whether the proposed Shipping Container(s) will be visible from any Public Land;
 - (b) the details of any measures that the applicant proposes to take to mitigate the visual impact of the proposed Shipping Container(s);
 - (c) whether the proposed Shipping Container(s) is proposed to be a Temporary Shipping Container(s) or a Permanent Shipping Container(s) or a combination of the two;
 - (d) the requirements of this By-law; and
 - (e) any other matter that the decision maker considers to be relevant under the circumstances.
- (3) At any time, Council or an Authorised Officer may:
 - (a) amend or vary the conditions of any Licence or Permit by giving one month's written notice to the holder of the relevant Licence or Permit; and

- (b) correct any accidental slip, omission or evident mistake or error in any Licence or Permit by giving seven days written notification to the holder of the relevant Licence or Permit.

8 Cancellation of a Licence or Permit

- (1) Before cancelling any Licence or Permit pursuant to sub-clause 7(1)(d) of this By-law, Council or an Authorised Officer must:
 - (a) give one month's written notice to the holder of the relevant Licence or Permit and ask that they show cause within 21 days of the date of the notice why the relevant Licence or Permit should not be cancelled; and
 - (b) give consideration to any representation made by the holder of the relevant Licence or Permit in response to a notice given pursuant to sub-clause 8(1) of this By-law.
- (2) Subject to compliance with sub-clause 8(1) of this By-law, Council or an Authorised Officer may cancel a Licence or Permit by giving 21 day's written notice of cancellation of the holder of the relevant Licence or Permit. Cancellation takes effect 21 days after the date of the written notice of cancellation.

PART 5 – TEMPORARY SHIPPING CONTAINERS

9 Temporary Shipping Container Licence Required

- (1) A Person must not place, or cause or allow to be placed, a Temporary Shipping Container on any Premises without first obtaining a Licence to do so.

PENALTY: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.
- (2) Unless used for the temporary storage of equipment or materials associated with and during the lawful construction of a Building, a Temporary Shipping Container must be:
 - (a) contained wholly within a single Premises and not extend over any title boundary;
 - (b) located wholly behind the relevant building line; and
 - (c) screened from view from any Public Land.
- (3) Where used for the temporary storage of equipment or materials associated with and during the lawful construction of a Building, a Temporary Shipping Container must:
 - (a) not be placed on the relevant Premises prior to the issue of a start work notice pursuant to the Building Act 2016;
 - (b) not encroach onto or over any Public Land or any Premises in other ownership, without the written consent of the relevant authority or owner; and
 - (c) be removed from the relevant Premises prior to issue of occupancy or completion pursuant to the Building Act 2016, whichever occurs first.

PART 6 – PERMANENT SHIPPING CONTAINERS

10 Permanent Shipping Container Permit Required

- (1) A Person must not place, or cause or allow to be placed, a Permanent Shipping Container on any Premises without first obtaining a Permit to do so.

PENALTY: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (2) A Permanent Shipping Container must be:
- (a) contained wholly within a single Premises and not extend over any title boundary;
 - (b) located wholly behind the relevant building line; and
 - (c) screened from view from any Public Land.

PART 7 - BY-LAW COMPLIANCE

11 Costs

In addition to a penalty imposed in relation to a failure to comply with or a contravention of this By-law, an expense incurred by Council in consequence of that failure or contravention is recoverable by Council as a debt payable by the person so failing to comply or contravening.

12 Notices

- (1) Where an Authorised Officer reasonably believes that a Shipping Container has been placed on any Premises in contravention of this By-law, that Authorised Officer may serve a notice on the Person (or Persons) who owns (or appears to own) the Premises and/or the Shipping Container which requires the Person (or Persons) named in the notice to:

- (a) remove or cause the removal of the Shipping Container from the Premises; or
- (b) obtain a Licence or Permit with respect to the Shipping Container.

within fourteen days of the date of service of the notice, or such other period of time as may be specified in the notice.

- (2) A person served with a notice under sub-clause 12(1) of this By-law must comply with the requirements of that notice.

PENALTY: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (3) A person served with a notice under sub-clause 12(1) of this By-law may apply to the General Manager within fourteen days of the date of service of the notice seeking:

- (a) withdrawal of the notice; or
- (b) additional time in which to comply with the requirements of the notice.

PART 8 – MISCELLANEOUS PROVISIONS

13 **Power of entry**

For the purposes of enforcing this By-law, an Authorised Officer may enter and remain on an Premises after giving the owner and occupier of the Premises written notice of their intention to do so in accordance with s.20A of the Act other than where such notice is not required pursuant to s.20A(3) of that provision.

14 **Name and place of abode**

- (1) An Authorised Officer may require a Person to give his or her name and address if the Authorised Officer reasonably believes that the Person is offending or has offended against this By-law.
- (2) Upon request by an Authorised Officer, a person must not:
 - (a) fail or refuse to give his or her name and address; or
 - (b) give a false name or address.

PENALTY: On summary conviction a fine not exceeding 10 penalty units.

15 **Obstruction of an Authorised Officer**

- (1) A Person must not obstruct, assault, threaten, harass or intimidate an Authorised Officer engaged in the performance on any function or the exercise of any power under this By-law.

PENALTY: On summary conviction a fine not exceeding 10 penalty units.

PART 9 – INFRINGEMENT NOTICES

16 **Infringement Notices**

- (1) An infringement notice may be issued in respect of a Specified Offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that Specified offence.
- (2) An Authorised Officer may:
 - (a) issue an infringement notice to a person whom the Authorised Officer has reason to believe is guilty of a Specified Offence; and
 - (b) issue one infringement notice in respect of more than one Specified Offence.
- (3) Payment of an infringement notice issued under this By-law must be made to the General Manager within 28 days of the issue of the infringement notice to avoid the infringement notice being referred to the Director, Monetary Penalties Enforcement Service.
- (4) The *Monetary Penalties Enforcement Act 2005* (Tas) applies to an infringement notice issued under this By-law.

Placement of Shipping Containers By-law No. 1 of 2018

SCHEDULE 1

INFRINGEMENT NOTICES – OFFENCES AND PENALTIES

Column 1 CLAUSE	Column 2 DESCRIPTION OF OFFENCE	Column 3 PENALTY (Penalty Units)
6(9)	Fail to comply with conditions of Licence or Permit	2
6(10)	Make false representation or declaration	2
9(1)	Place Shipping Container without Licence	2
10(1)	Place Shipping Container without Permit	2
12(2)	Fail to comply with requirements of notice	2
14(2)(a)	Failure or refusal to give personal details	2
14(2)(b)	Giving of false personal details	2
15(1)	Obstruction of Authorised Officer	2

2/11 Anstey Street,
Longford.

31st August, 2018.

The General Manager,
Northern Midlands Council,
Longford.

NORTHERN MIDLANDS COUNCIL					
Location					
File No.					
Property					
Attachments					
REC'D 3 SEP 2018					
			A		A
GM			MYB		
P&DM			CPS		
CSM			PLAN	✓	
E&DM			BLD		
WA			ILT		
HR					

Dear Sir,

It has been perceived that there is a need for Council to take a stand against the 'shipping container collectors' who are quickly becoming a cult.

The eye is assaulted by this visual pollution as one drives around our towns and villages. Many people feel it is not worth lodging a complaint to Council as no action will be taken to overcome the problem.

At my present address, I have had to endure up to four of these containers over 3 years all aesthetically sited for the owners' outlook, but not for the neighbours'. At my previous address in Catherine Street, I had to also endure another such 'collector's piece' for some years.

Council, please do something as this situation is getting out of hand.

Yours Faithfully,



Bowie Finch.

2/11 Anstey Street, Longford, 7301

30th August 2018

The General Manager,
Northern Midlands Council,
Longford.

NORTHERN MIDLANDS COUNCIL					
Location					
File No.					
Property					
Attachments					
REC'D 31 AUG 2018					
GM			MYR		
P&DM			CBS		
CSM			PLAN		
ERDM			BLO		
WM			BLI		
HR					

Dear Sir/Madam,

How pleasing to read that the Council is at long last doing something to regulate the scourge of shipping containers erupting around the district.

Call them what you will, they are just basic boxes designed to transport freight across the seven seas as cheaply as possible, thereby putting seamen, stevedores, and sundry carriers and clerks out of a job.

They are not architecture.
They are not sheds.

In no way do they enhance the landscape or fit in with our image of "History and Gardens" in this beautiful countryside.

Away with them!

Yours Faithfully,



Iain Twemlow.

NORTHERN MIDLANDS COUNCIL					
Location					
File No.					
Property					
Attachments					
REC'D 31 AUG 2018					
		A			A
GM			MYR		
P&DM			CBS		
CSM			PLAN		✓
E&DM			BLD		
WM			HLT		
HR					

1/11 Anstey St.,
 Longford,
 Tasmania 7301

31st August 2018

General Manager
 Northern Midlands Council
 Smith St.,
 Longford,
 Tasmania 7301

Dear Sir,

It is particularly encouraging to learn that council, with the proposed by-law to restrict shipping containers remaining indefinitely on public land, is leading the way on minimising visual pollution.

Longford, the Midlands and indeed Tasmania is an attractive resource for residents and tourists alike. We need to encourage pride in our state.

Congratulations on your foresight, I wish you success in your endeavours. It would be further encouraging to see this by-law extended to private land, also.

Yours faithfully
 P.M. Barnes.

19 Pakenham Street

Longford, Tas 7301

Des Jennings
General Manager
Northern Midlands Council
13 Smith Street
Longford
Tas 7301

Dear Sir,

By-law regarding the placement of shipping containers in Northern Midlands

I wish to make a formal submission regarding this above proposed by-law.

I submit that if the bylaw allows for any suggestion of a permanent permit, it will be very hard to police the bylaw, which will mean there will be disputes on the definition of the word "permanent". As the by law is written, I believe it can allow a Temporary A permit – that is available for up to 3 months, and Temporary B – 3 months to 2 years. There is no need to have the word "permanent" mentioned.

Therefore, I submit that all mention of the word "permanent" be erased from the by law. That includes in the definition of terms.

In section 5, replace the expiry time with "expires 90 days from the date of the permit issue", and I would suggest that Temporary B permit be no more than 365 days from the date of permit issue – and further that Temporary B permit be more for "exceptional circumstances" than the norm.

Section 7 (2) (c) be deleted. That the all of 10, Part 6 be deleted.

Shipping containers may be a cheap way of temporarily storing goods or machinery, but they should never be used for housing or permanent storage unless they come under the planning and building regulations. They have no place within town boundaries, especially in heritage towns. We do not want our rural towns to become shanties and slums. Using shipping containers for anything other than shipping goods is not the way to develop sensitively.

Yours faithfully,
Dee Alty

BY EMAIL

The General Manager,
Northern Midlands Council,
P.O.Box 156,
Longford,
TAS 7301

Dear Sir,

Re:- Proposed By-Law No.1 of 2018 – Placement Of Shipping Containers

I wish to make a submission in relation to the above proposed by-law.

Congratulations to the Northern Midlands Council for taking the initiative in formulating a by-law to attempt to control the insidious spread of shipping containers within the Council area, however it is regretfully noted that the proposed by-law cannot be applied retrospectively. Not only are containers unsightly, but they also prove to be very difficult to remove once they are embedded into a community.

I cannot see how allowing containers to be permanently placed in a heritage precinct complies with the Northern Midlands Interim Planning Scheme 2013, Section E13, Local Historic Heritage Code page E13-12 (reproduced below), which states quite clearly that its Management Objectives are:-

“To ensure that new buildings, additions to existing buildings, and other developments which are within Heritage Precincts do not adversely impact on the heritage qualities of the streetscape, but contribute positively to the precinct.”

Management Objectives

To ensure that new buildings, additions to existing buildings, and other developments which are within the Heritage Precincts do not adversely impact on the heritage qualities of the streetscape, but contribute positively to the Precinct.

To ensure developments within street reservations in the towns and villages having Heritage Precincts do not to adversely impact on the character of the streetscape but contribute positively to the Heritage Precincts in each settlement.

Whilst I have no objection to temporary shipping containers being placed in a heritage precinct for the purposes of temporary storage of equipment or materials associated with and during the lawful construction of a building, it beggars belief that Council would propose allowing permanently placed

containers which do not have to meet the stringent design, materials, finishing and colour requirements which are required of any building wishing to be constructed in a heritage precinct.

In addition, it is noted that the proposed by-law for both temporary and permanent shipping containers requires that a shipping container must be:-

“Screened from view from any Public Land.”

Part 5 section 9 paragraph 2 (c) and Part 6 section 10 paragraph 2 (c)

however no mention is made of what the screening should be constructed of, e.g. fencing, trellis, bricks, colourbond steel or whatever, and whether such screening should apply equally to both the sides and the top of the container.

Surely both Part 5 and Part 6 should require that the materials and construction methods of the screening should be subject to the approval of an authorised Council Officer, and that vegetation, e.g. hedges, are not an acceptable screening method due to the growth period required in order to become an effective screening medium ???

It is also noted that the proposed by-law Part 5 section 9 paragraph (1) and Part 6 section 10 paragraph (1) states:-

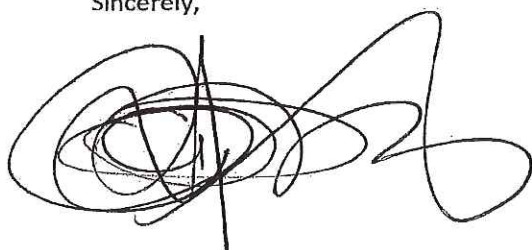
“A Person must not place, or cause or allow to be placed, a Temporary/Permanent Shipping Container on any Premises without first obtaining a licence to do so.”

There is no mention in the by-law if the above provisions apply only to the landowner on whose property the container is to be placed, or whether “A Person” can also include the Company who sold the container and the Transport Company who delivered it and placed it.

It is my opinion that to be an effective by-law “A Person” should include all parties who caused the container to be placed.

Thank you for the opportunity to make these submissions.

Sincerely,

A handwritten signature in black ink, appearing to be 'Arthur Thorpe', written in a cursive style with a large loop at the end.

Arthur Thorpe,
42 Bridge Street,
Ross,
TAS 7209.

17th September 2018

Minister for Housing
Minister for Environment and Parks
Minister for Human Services
Minister for Aboriginal Affairs
Minister for Planning

Level 9 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: +61 3 6165 7670
Email: minister.jaensch@dpac.tas.gov.au

5 February 2020

Councillor Mary Knowles
Mayor
Northern Midlands Council
PO Box 156
LONGFORD TAS 7301
Email: council@northernmidlands.tas.gov.au

Dear Mayor

Draft Amendment 01-2019 of the State Planning Provisions – Draft Apartment Development Code

I refer to attached draft amendment 01-2019 of the State Planning Provisions (SPPs) which proposes the inclusion of the draft Apartment Development Code along with other consequential amendments to the SPPs.

The draft amendment relates to the Medium Density Residential Development Standards project which was announced by the previous Premier in March 2019. The draft amendment proposes new planning development standards for medium density residential development in the form of apartments in areas close to existing services and facilities.

The draft Apartment Development Code has been prepared by the Department of Justice's Planning Policy Unit in collaboration with staff from Hobart City Council. The project is occurring in conjunction with the Central Hobart Precincts Plan as part of the Hobart City Deal under the *Greater Hobart Act 2019*.

I have enclosed a copy of draft amendment 01-2019, including the draft Apartment Development Code, along with an Explanatory Document which provides important background information on the draft amendment.

In accordance with section 30D(2) of the *Land Use Planning and Approvals Act 1993*, I request your feedback on the attached draft amendment. Feedback should be submitted by email to planning.unit@justice.tas.gov.au and be received by close of business on Friday, 13 March 2020.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'R Jaensch', enclosed within a large, loopy blue circle.

Hon Roger Jaensch MP
Minister for Planning

cc: Mr Des Jennings, General Manager

Attachments:

1. Draft Amendment 01-2019 of the SPPs (including Appendix 1 – draft Apartment Development Code)
2. Draft Amendment 01-2019 of the SPPs – Explanatory Document

Draft Amendment 01-2019 of the State Planning Provisions

ATTACHMENT 1

No	Clause	Amendment	Explanation				
1.	3.0 Interpretation – Table 3.1	<p>In Table 3.1, insert definitions for ‘apartment’ and ‘apartment building’ after the definition of ‘annual exceedance probability’ as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">apartment</td> <td style="width: 50%; padding: 5px;">means a dwelling, or a serviced apartment, located above the ceiling level or below the floor level of another dwelling, serviced apartment, or another use, and is part of a building containing two or more dwellings or serviced apartments.</td> </tr> <tr> <td style="width: 50%; padding: 5px;">apartment building</td> <td style="width: 50%; padding: 5px;">means a building that contains apartments and may also contain non-residential uses.</td> </tr> </table>	apartment	means a dwelling, or a serviced apartment, located above the ceiling level or below the floor level of another dwelling, serviced apartment, or another use, and is part of a building containing two or more dwellings or serviced apartments.	apartment building	means a building that contains apartments and may also contain non-residential uses.	<p>The term ‘apartment’ is used to define the types of development that is subject to the Apartment Development Code. The definition is based on the definition for apartment in the Victorian Planning Provisions. For the purposes of the Apartment Development Code, it also includes a ‘serviced apartment’, which is a form of Visitor Accommodation. This acknowledges that the use of an apartment can easily switch between a residential tenancy and short stay accommodation. Consequently, the design requirements should be the same for both.</p> <p>The term ‘apartment building’ provides a means of describing buildings that contain apartments. It also acknowledges that apartments often form part of mixed use developments with other uses, such as offices, retail and commercial spaces.</p> <p>These terms are largely used in the Apartment Development Code, but are also used elsewhere in the SPPs as part of the consequential amendments to implement the code.</p>
apartment	means a dwelling, or a serviced apartment, located above the ceiling level or below the floor level of another dwelling, serviced apartment, or another use, and is part of a building containing two or more dwellings or serviced apartments.						
apartment building	means a building that contains apartments and may also contain non-residential uses.						
2.	3.0 Interpretation – Table 3.1	<p>In Table 3.1, modify the definition of ‘dwelling’ to by inserting the text shown as underlined:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">dwelling</td> <td style="width: 50%; padding: 5px;">means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling. <u>A dwelling within an apartment building may have shared on-site laundry facilities.</u></td> </tr> </table>	dwelling	means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling. <u>A dwelling within an apartment building may have shared on-site laundry facilities.</u>	<p>To clarify that apartments which have shared laundry facilities are classified as a dwelling.</p> <p>Some apartment developments include shared laundry facilities.</p>		
dwelling	means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling. <u>A dwelling within an apartment building may have shared on-site laundry facilities.</u>						
3.	3.0 Interpretation – Table 3.1	<p>In Table 3.1, insert a definition for ‘serviced apartment’ after the definition ‘service station’ as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">serviced apartment</td> <td style="width: 50%; padding: 5px;">means the use of land to provide Visitor Accommodation in a furnished, self-contained room or suite of rooms which provides amenities for daily use such as kitchen and laundry facilities. A serviced apartment may have shared on-site laundry facilities.</td> </tr> </table>	serviced apartment	means the use of land to provide Visitor Accommodation in a furnished, self-contained room or suite of rooms which provides amenities for daily use such as kitchen and laundry facilities. A serviced apartment may have shared on-site laundry facilities.	<p>This definition is based on the definition in Planning Directive No. 1, which is used in interim planning schemes, with some minor modifications for clarification. The term is used in the definition of apartment which describes the types of development covered by the Apartment Development Code.</p>		
serviced apartment	means the use of land to provide Visitor Accommodation in a furnished, self-contained room or suite of rooms which provides amenities for daily use such as kitchen and laundry facilities. A serviced apartment may have shared on-site laundry facilities.						

No	Clause	Amendment	Explanation		
4.	6.0 Assessment of an Application for Use or Development – Table 6.2	<p>In Table 6.2, modify the description for the Residential Use Class by deleting the text shown as strikethrough and inserting the text shown as underlined:</p> <table border="1" data-bbox="995 568 1182 1525"> <tr> <td data-bbox="995 568 1182 792">Residential</td> <td data-bbox="995 792 1182 1525"> use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village, and single or multiple dwellings, and an apartment (excluding a serviced apartment). </td> </tr> </table>	Residential	use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village, and single or multiple dwellings, and an apartment (excluding a serviced apartment).	<p>Similar to the amendment to the definition of 'dwelling' above, the definition clarifies that laundry facilities may be shared facilities.</p> <p>To clarify that an apartment, but not a serviced apartment, is a type of Residential use.</p>
Residential	use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village, and single or multiple dwellings, and an apartment (excluding a serviced apartment).				
5.	9.0 Inner Residential Zone – 9.4.3 A1	<p>In clause 9.4.3, modify A1(b) by deleting the text shown as strikethrough and inserting the text shown as underlined:</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 40m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the ground level (excluding a garage, carport or entry foyer) it is an apartment.</p>	<p>The exclusion of dwellings with a finished floor level more than 1.8m above the ground level was aimed at apartments. With the inclusion of a definition for 'apartment' this reference can be replaced</p>		
6.	9.0 Inner Residential Zone – 9.4.3 A2 and P2	<p>In clause 9.4.3, modify A2 and P2 by inserting text shown as underlined and deleting text shown as strikethrough:</p> <table border="1" data-bbox="177 568 699 1525"> <tr> <td data-bbox="177 568 699 1043"> <p>A2</p> <p>A dwelling, excluding an apartment, must have private open space that:</p> <p>(a) is in one location and is not less than 24m²;</p> <p>(i) 24m²; or</p> <p>(ii) 12m² if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of 4m;</p> <p>(i) 4m; or</p> </td> <td data-bbox="177 1043 699 1525"> <p>P2</p> <p>A dwelling, excluding an apartment, must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p> </td> </tr> </table>	<p>A2</p> <p>A dwelling, excluding an apartment, must have private open space that:</p> <p>(a) is in one location and is not less than 24m²;</p> <p>(i) 24m²; or</p> <p>(ii) 12m² if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of 4m;</p> <p>(i) 4m; or</p>	<p>P2</p> <p>A dwelling, excluding an apartment, must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>	<p>The exclusion of dwellings with a finished floor level more than 1.8m above the ground level was aimed at apartments. The private open space requirements for apartments in the Inner Residential Zone are contained in the Apartment Development Code.</p>
<p>A2</p> <p>A dwelling, excluding an apartment, must have private open space that:</p> <p>(a) is in one location and is not less than 24m²;</p> <p>(i) 24m²; or</p> <p>(ii) 12m² if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of 4m;</p> <p>(i) 4m; or</p>	<p>P2</p> <p>A dwelling, excluding an apartment, must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>				

No	Clause	Amendment	Explanation
7.	9.0 Inner Residential Zone - 9.4.8	<p>(ii) 2m; if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	The waste and recycling bin requirements for apartments are included in the Apartment Development Code
	<p>A1</p> <p>A multiple dwelling, excluding an apartment, must have a storage area, for waste and recycling bins, that is an area of not less than 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a common storage area with an impervious surface that:</p> <p>(i) has a setback of not less than 4.5m from a frontage;</p> <p>(ii) is not less than 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height of not less than 1.2m above the finished surface level of the storage area.</p>	<p>P1</p> <p>A multiple dwelling, excluding an apartment, must have storage for waste and recycling bins that is:</p> <p>(a) capable of storing the number of bins required for the site;</p> <p>(b) screened from the frontage and dwellings; and</p> <p>(c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</p>	

No	Clause	Amendment	Explanation					
8.	13.0 Urban Mixed Use Zone – 13.4.6	<p>In clause 13.4.6, delete A2 and P2, and modify A1 and P1 by inserting text shown as underlined and deleting text shown as strikethrough:</p> <table border="1" data-bbox="769 1912 1362 2114"> <tr> <td data-bbox="1197 1912 1362 2114">Objective: To provide adequate and useable private open space and storage for the needs of residents.</td> <td data-bbox="1136 1912 1197 2114">Acceptable Solutions</td> <td data-bbox="1098 1912 1136 2114">Performance Criteria</td> </tr> <tr> <td data-bbox="769 1912 1197 2114">A1</td> <td data-bbox="769 1912 1136 2114"> <p>A dwelling, excluding an apartment, must have private open space that is not less than 24m² with a minimum horizontal dimension of not less than 4m:</p> <p>(a) 24m² with a minimum horizontal dimension of not less than 4m; or</p> <p>(b) 8m² with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</p> </td> <td data-bbox="769 1912 1098 2114"> <p>A1</p></td> <p>A dwelling, excluding an apartment, must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.</p> </tr></table>	Objective: To provide adequate and useable private open space and storage for the needs of residents.	Acceptable Solutions	Performance Criteria	A1	<p>A dwelling, excluding an apartment, must have private open space that is not less than 24m² with a minimum horizontal dimension of not less than 4m:</p> <p>(a) 24m² with a minimum horizontal dimension of not less than 4m; or</p> <p>(b) 8m² with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</p>	<p>A1</p>
Objective: To provide adequate and useable private open space and storage for the needs of residents.	Acceptable Solutions	Performance Criteria						
A1	<p>A dwelling, excluding an apartment, must have private open space that is not less than 24m² with a minimum horizontal dimension of not less than 4m:</p> <p>(a) 24m² with a minimum horizontal dimension of not less than 4m; or</p> <p>(b) 8m² with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</p>	<p>A1</p>						

 The private open space and storage requirements for apartments are included in the Apartment Development Code. || 9. | 14.0 Local Business Zone – 14.4.6 | In clause 14.4.6, delete A2 and P2, and modify the objective, A1 and P1 by inserting text shown as underlined and deleting text shown as strikethrough: | | | | |--|---|---| | Objective:
To provide adequate and useable private open space and storage for the needs of residents. | Acceptable Solutions | Performance Criteria | | A1 | <p>A dwelling, excluding an apartment, must have private open space that is not less than 24m² with a minimum horizontal dimension of not less than 4m:</p> <p>(a) 24m² with a minimum horizontal dimension of not less than 4m; or</p> <p>(b) 8m² with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</p> | <p>P1</p> <p>A dwelling, excluding an apartment, must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.</p> | | The private open space and storage requirements for apartments are included in the Apartment Development Code. |

No	Clause	Amendment	Explanation				
10.	15.0 General Business Zone – 15.4.6	<p>In clause 15.4.6, delete A2 and P2, and modify the objective, A1 and P1 by inserting text shown as underlined and deleting text shown as strikethrough:</p> <table border="1" data-bbox="774 560 1273 1563"> <tr> <td data-bbox="1204 560 1273 1048"> <p>Objective: To provide adequate and useable private open space and storage for the needs of residents.</p> </td> <td data-bbox="1204 1048 1273 1563"> <p>Performance Criteria</p> </td> </tr> <tr> <td data-bbox="774 560 1204 1048"> <p>Acceptable Solutions</p> <p>A1</p> <p>A dwelling, excluding an apartment, must have private open space that is not less than 24m² with a minimum horizontal dimension of not less than 4m.:</p> <p>(a) 24m² with a minimum horizontal dimension of not less than 4m; or</p> <p>(b) 8m² with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground-floor level.</p> </td> <td data-bbox="774 1048 1204 1563"> <p>P1</p> <p>A dwelling, excluding an apartment, must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.</p> </td> </tr> </table>	<p>Objective: To provide adequate and useable private open space and storage for the needs of residents.</p>	<p>Performance Criteria</p>	<p>Acceptable Solutions</p> <p>A1</p> <p>A dwelling, excluding an apartment, must have private open space that is not less than 24m² with a minimum horizontal dimension of not less than 4m.:</p> <p>(a) 24m² with a minimum horizontal dimension of not less than 4m; or</p> <p>(b) 8m² with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground-floor level.</p>	<p>P1</p> <p>A dwelling, excluding an apartment, must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.</p>	<p>The private open space and storage requirements for apartments are included in the Apartment Development Code.</p>
<p>Objective: To provide adequate and useable private open space and storage for the needs of residents.</p>	<p>Performance Criteria</p>						
<p>Acceptable Solutions</p> <p>A1</p> <p>A dwelling, excluding an apartment, must have private open space that is not less than 24m² with a minimum horizontal dimension of not less than 4m.:</p> <p>(a) 24m² with a minimum horizontal dimension of not less than 4m; or</p> <p>(b) 8m² with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground-floor level.</p>	<p>P1</p> <p>A dwelling, excluding an apartment, must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.</p>						
11.	16.0 Central Business Zone – 16.4.6	<p>In clause 16.4.6, delete A2 and P2, and modify the objective, A1 and P1 by inserting text shown as underlined and deleting text shown as strikethrough:</p> <table border="1" data-bbox="175 560 646 1563"> <tr> <td data-bbox="598 560 646 1048"> <p>Objective: To provide adequate and useable private open space and storage for the needs of residents.</p> </td> <td data-bbox="598 1048 646 1563"> <p>Performance Criteria</p> </td> </tr> <tr> <td data-bbox="175 560 598 1048"> <p>Acceptable Solutions</p> <p>A1</p> <p>A dwelling, excluding an apartment, must have private open space that is not less than 24m² with a minimum horizontal dimension of not less than 4m.:</p> <p>(a) 24m² with a minimum horizontal dimension of not less than 4m; or</p> <p>(b) 8m² with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground-floor level.</p> </td> <td data-bbox="175 1048 598 1563"> <p>P1</p> <p>A dwelling, excluding an apartment, must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.</p> </td> </tr> </table>	<p>Objective: To provide adequate and useable private open space and storage for the needs of residents.</p>	<p>Performance Criteria</p>	<p>Acceptable Solutions</p> <p>A1</p> <p>A dwelling, excluding an apartment, must have private open space that is not less than 24m² with a minimum horizontal dimension of not less than 4m.:</p> <p>(a) 24m² with a minimum horizontal dimension of not less than 4m; or</p> <p>(b) 8m² with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground-floor level.</p>	<p>P1</p> <p>A dwelling, excluding an apartment, must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.</p>	<p>The private open space and storage requirements for apartments are included in the Apartment Development Code.</p>
<p>Objective: To provide adequate and useable private open space and storage for the needs of residents.</p>	<p>Performance Criteria</p>						
<p>Acceptable Solutions</p> <p>A1</p> <p>A dwelling, excluding an apartment, must have private open space that is not less than 24m² with a minimum horizontal dimension of not less than 4m.:</p> <p>(a) 24m² with a minimum horizontal dimension of not less than 4m; or</p> <p>(b) 8m² with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground-floor level.</p>	<p>P1</p> <p>A dwelling, excluding an apartment, must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.</p>						

No	Clause	Amendment	Explanation												
12.	C2.0 Parking and Sustainable Transport Code – Table C2.1	<p>In Table C2.1, insert new rows as the fifth and sixth row of parking requirements for Residential use and insert the text shown as underlined:</p> <table border="1" data-bbox="798 571 1356 1556"> <thead> <tr> <th data-bbox="1197 571 1284 1064">Use</th> <th colspan="2" data-bbox="1197 1064 1284 1556">Parking Space Requirements</th> </tr> <tr> <th data-bbox="1157 571 1197 1064"></th> <th data-bbox="1157 1064 1197 1556">Car</th> <th data-bbox="1157 1064 1197 1556">Bicycle</th> </tr> </thead> <tbody> <tr> <td data-bbox="997 571 1157 1064">Residential</td> <td data-bbox="997 1064 1157 1556"> <p>If an apartment in the <u>Inner Residential Zone</u></p> <p>1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 apartments. (rounded up to the nearest whole number)</p> </td> <td data-bbox="997 1064 1157 1556"> <p>1 space per 5 bedrooms</p> </td> </tr> <tr> <td data-bbox="798 571 997 1064"></td> <td data-bbox="798 1064 997 1556"> <p>If an apartment in the <u>Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone</u></p> <p>1 space per apartment</p> </td> <td data-bbox="798 1064 997 1556"> <p>1 space per 5 bedrooms</p> </td> </tr> </tbody> </table>	Use	Parking Space Requirements			Car	Bicycle	Residential	<p>If an apartment in the <u>Inner Residential Zone</u></p> <p>1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 apartments. (rounded up to the nearest whole number)</p>	<p>1 space per 5 bedrooms</p>		<p>If an apartment in the <u>Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone</u></p> <p>1 space per apartment</p>	<p>1 space per 5 bedrooms</p>	Revised car parking requirements for apartments
Use	Parking Space Requirements														
	Car	Bicycle													
Residential	<p>If an apartment in the <u>Inner Residential Zone</u></p> <p>1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 apartments. (rounded up to the nearest whole number)</p>	<p>1 space per 5 bedrooms</p>													
	<p>If an apartment in the <u>Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone</u></p> <p>1 space per apartment</p>	<p>1 space per 5 bedrooms</p>													
13.	C2.0 Parking and Sustainable Transport Code – Table C2.1	<p>In Table C2.1, modify the parking requirements for Visitor Accommodation use by inserting the text shown as underlined:</p> <table border="1" data-bbox="167 571 782 1556"> <thead> <tr> <th data-bbox="662 571 710 1064">Use</th> <th colspan="2" data-bbox="662 1064 710 1556">Parking Space Requirements</th> </tr> <tr> <th data-bbox="622 571 662 1064"></th> <th data-bbox="622 1064 662 1556">Car</th> <th data-bbox="622 1064 662 1556">Bicycle</th> </tr> </thead> <tbody> <tr> <td data-bbox="399 571 622 1064">Visitor Accommodation</td> <td data-bbox="399 1064 622 1556"> <p>If a serviced apartment in the <u>Inner Residential Zone</u></p> <p>1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 serviced apartments (rounded up to the nearest whole number)</p> </td> <td data-bbox="399 1064 622 1556"> <p>1 space per 5 bedrooms</p> </td> </tr> <tr> <td data-bbox="167 571 399 1064"></td> <td data-bbox="167 1064 399 1556"> <p>If a serviced apartment in the <u>Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone</u></p> <p>1 space per serviced apartment</p> </td> <td data-bbox="167 1064 399 1556"> <p>1 space per 5 bedrooms</p> </td> </tr> </tbody> </table>	Use	Parking Space Requirements			Car	Bicycle	Visitor Accommodation	<p>If a serviced apartment in the <u>Inner Residential Zone</u></p> <p>1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 serviced apartments (rounded up to the nearest whole number)</p>	<p>1 space per 5 bedrooms</p>		<p>If a serviced apartment in the <u>Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone</u></p> <p>1 space per serviced apartment</p>	<p>1 space per 5 bedrooms</p>	Revised car parking requirements for serviced apartments.
Use	Parking Space Requirements														
	Car	Bicycle													
Visitor Accommodation	<p>If a serviced apartment in the <u>Inner Residential Zone</u></p> <p>1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 serviced apartments (rounded up to the nearest whole number)</p>	<p>1 space per 5 bedrooms</p>													
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No	Clause	Amendment	Explanation						
		<table border="1"> <thead> <tr> <th data-bbox="1141 896 1369 1064"><u>Any other Visitor Accommodation use</u></th> <th data-bbox="1141 1064 1369 1321">1 space per self-contained accommodation unit, allocated tent or caravan space, or 1 space per 4 beds, whichever is the greater</th> <th data-bbox="1141 1321 1369 1568">No requirement</th> </tr> </thead> <tbody> <tr> <td data-bbox="1141 896 1369 1064"></td> <td data-bbox="1141 1064 1369 1321"></td> <td data-bbox="1141 1321 1369 1568"></td> </tr> </tbody> </table>	<u>Any other Visitor Accommodation use</u>	1 space per self-contained accommodation unit, allocated tent or caravan space, or 1 space per 4 beds, whichever is the greater	No requirement				
<u>Any other Visitor Accommodation use</u>	1 space per self-contained accommodation unit, allocated tent or caravan space, or 1 space per 4 beds, whichever is the greater	No requirement							
14.	C17.0 Apartment Development Code	Insert C17.0 Apartment Development Code as per Appendix 1	Inserts the new Apartment Development Code						
15.	Local Provisions Schedules Requirements – LP1.7	<p>Insert a new clause LP1.7.15 as follows:</p> <p>LP1.7.15 Apartment Development Code</p> <p>(a) The Hobart LPS must contain an overlay map produced by the Department of Justice, showing an apartment development area for the application of the Apartment Development Code, unless modified by the planning authority for part of the municipal area. If modified, the modified map must be shown.</p> <p>(b) Each LPS may contain an overlay map showing any other apartment development areas for the spatial application of the Apartment Development Code.</p>	<p>Provides for specific areas to be identified by overlay for application of the Apartment Development Code.</p> <p>The following areas within Hobart have been nominated for inclusion within this overlay:</p> <ul style="list-style-type: none"> • Commercial Zone under the Hobart Interim Planning Scheme 2015; and • Activity Area 1.0 Inner City Residential (Mapping), Activity Area 2.0 Sullivan's Cove 'Mixed Use', and land subject to the Macquarie Point Site Development Plan under the Sullivan's Cove Planning Scheme 1997. 						

C17.0 Apartment Development Code

C17.1 Code Purpose

The purpose of the Apartment Development Code is:

- C17.1.1 To facilitate the development of well-designed apartments in areas located close to commercial, employment, and social services.
- C17.1.2 To provide for apartments that deliver an appropriate level of residential amenity and promote the health and well-being of occupants.
- C17.1.3 To enable opportunities for resource efficiency and minimising energy consumption by encouraging designs that assist with passive heating, cooling, natural ventilation and natural lighting of apartments.
- C17.1.4 To assist in providing a variety of housing choices to meet the needs of the population.

C17.2 Application of this Code

- C17.2.1 This code applies to development for apartments within an apartment development area, or within the following zones:
 - (a) Inner Residential Zone;
 - (b) Urban Mixed Use Zone;
 - (c) Local Business Zone;
 - (d) General Business Zone; or
 - (e) Central Business Zone.

C17.3 Definition of Terms

- C17.3.1 In this code, unless the contrary intention appears:

Term	Definition
blank wall	means a wall, or portion of a wall, that does not contain a window or balcony.
circulation core	means a vertical space that allows people to move between floors of a building, such as a stair or lift.
common open space	means common outdoor open space for relaxation and recreation of residents of an apartment building.
deep soil area	means an area of natural ground that can support the growth of a canopy tree.
apartment development area	means the area as shown on an overlay map in the relevant Local Provisions Schedule.
light well	means a space within a building designed to provide natural light and air to internal areas of the building.

C17.4 Use or Development Exempt from this Code

C17.4.1 There are no exemptions to this code.

C17.5 Use Standards

C17.5.1 There are no Use Standards in this code.

C17.6 Development Standards for Buildings and Works

C17.6.1 Building separation and setbacks

Objective:	<p>To provide for the residential amenity and privacy of occupants by:</p> <ul style="list-style-type: none"> (a) providing opportunities for outlooks from apartments that create a visual connection to the external environment; (b) providing opportunities for access to sunlight, daylight and natural ventilation; and (c) minimising direct views into habitable rooms and balconies.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A window or balcony of an apartment, excluding an apartment in the Inner Residential Zone, must have:</p> <ul style="list-style-type: none"> (a) a separation distance from buildings on the same site of not less than specified in Table C17.1; and (b) a setback from a side or rear boundary of not less than specified in Table C17.2. <p>The separation distance in Table C17.1, and the setback in Table C17.2, applies to all storeys in an apartment building of the specified building height.</p>	<p>P1</p> <p>A window or balcony of an apartment, excluding an apartment in the Inner Residential Zone, must be located or designed to provide opportunities for outlooks from apartments, access to sunlight, daylight and natural ventilation, and minimise direct views between other windows and balconies, having regard to:</p> <ul style="list-style-type: none"> (a) the orientation of the site; (b) the position and scale of surrounding buildings; (c) the development potential of adjoining sites; (d) amenity on adjacent sites including outlook from habitable rooms and the position of existing windows and balconies; (e) the position of windows and balconies of existing and proposed development; and (f) amenity of existing buildings on the site.

Table C17.1: Window and balcony separation distances from buildings on the same site

Building height	Separation distance				
	Between living room windows or balconies	Between bedroom windows	Between a living room window or balcony and a bedroom window	Between a living room window or balcony and a blank wall or non-habitable room window	Between a bedroom window and a blank wall or non-habitable room window
up to 2 storeys	8m	4m	6m	4m	2m
3 to 4 storeys	12m	6m	9m	6m	3m
5 to 6 storeys	16m	8m	12m	8m	4m
7 to 8 storeys	20m	10m	15m	10m	5m
9 storeys and above	24m	12m	18m	12m	6m

Table C17.2: Window and balcony setbacks from side and rear boundaries

Building height	Setback	
	Between a living room window or balcony and a side or rear boundary	Between a bedroom window and a side or rear boundary
up to 2 storeys	4m	2m
3 to 4 storeys	6m	3m
5 to 6 storeys	8m	4m
7 to 8 storeys	10m	5m
9 storeys and above	12m	6m

C17.6.2 Common open space and landscaping

Objective:	To provide opportunities for: (a) recreation and encourage social interaction through the provision of useable and accessible common open spaces; and (b) broader residential amenity benefits for occupants through the provision of quality vegetated spaces.	
Acceptable Solutions		Performance Criteria
A1 An apartment building with 20 or more apartments must provide common open space on the site that: (a) is not less than 20% of the site area, excluding any areas designated for common clothes drying facilities; (b) has a minimum horizontal dimension of 5m;		P1.1 An apartment building with 20 or more apartments must provide useable and accessible common open space on the site that provides opportunities for a range of outdoor recreation needs of the occupants including relaxation and entertainment, and includes common garden areas that enhance residential amenity, having regard to:

- | | |
|---|---|
| <ul style="list-style-type: none"> (c) achieves a minimum of 2 hours direct sunlight between 9 am and 3 pm on 21 June (mid-winter) to at least 50% of the common open space; (d) includes at least 15% of the total area of common open space for plantings; (e) is directly accessible from the main pedestrian entrance to the building or site, and all apartments within the building, by common walkways; (f) is screened from mechanical plant and equipment, service structures and lift motor rooms; and (g) does not include vehicle driveways, manoeuvring or hardstand areas. | <ul style="list-style-type: none"> (a) the area of the space provided relative to the size of the site; (b) the orientation of the site to gain sunlight access; (c) accessibility to sunlight, taking into account the development potential of adjacent sites; (d) the outlook from the space; (e) the total number of apartments on the site; (f) the accessibility of the space; (g) the flexibility of the space and opportunities for various forms of recreation; (h) the availability and location of common facilities within the space; (i) landscaping and the area available for gardens, trees and plantings; (j) the level of noise intrusion from external noise sources; or |
|---|---|

P1.2

An apartment building with 20 or more apartments, but less than 30 apartments, may be provided with no common open space if:

- (a) they are located in an existing building where common open space cannot be reasonably achieved due to unreasonable impacts on the local historic heritage significance of a local heritage place or local heritage precinct listed in the Local Historic Heritage Code;
- (b) the development is located adjacent to accessible public open space that achieves a minimum of 2 hours direct sunlight between 9 am and 3 pm on 21 June (mid-winter), that provides opportunities for a range of outdoor recreation needs for the occupants of the apartment building, including relaxation, entertainment, and children's play; or
- (c) private open space is provided for all apartments on the site in accordance with clause C17.6.8 A1, and these spaces provide an appropriate level of amenity in terms of access to sunlight and outlook, and provide opportunities for a range of outdoor recreation needs including relaxation, entertainment, gardens, outdoor dining.

<p>A2</p> <p>A new apartment building, excluding buildings within a Central Business Zone, must be provided with deep soil areas and trees in accordance with Table C17.3.</p> <p>If an existing tree over 8m in height is retained on the site, the deep soil area requirement in Table C17.3 is reduced by 25%.</p>	<p>P2</p> <p>A new apartment building, excluding buildings within a Central Business Zone, must be provided with spaces for gardens and landscaping which enhance the residential amenity of occupants, having regard to:</p> <ul style="list-style-type: none"> (a) the size of the site; (b) the proposed building type; (c) the health, age and suitability of any existing trees being retained as part of the deep soil area; (d) access to sunlight, having regard to the development potential of adjacent sites; and (e) co-location with other vegetated areas on adjacent sites to create a contiguous areas of vegetation.
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Table C17.3: Deep soil area and minimum tree requirements

Site area (m ²)	Deep soil area	Minimum tree requirement
750 – 1000	5% of the site area with a minimum dimension of 3m.	1 tree (capable of reaching 6-8m in height) per 30m ² of deep soil area.
>1000 – 1500	7.5% of the site area with a minimum dimension of 4m.	1 tree (capable of reaching 8-12m in height) per 50m ² of deep soil area, or 1 tree (capable of reaching at least 12m in height) per 90m ² of deep soil area.
>1500 - 2500	10% of the site area with a minimum dimension of 5m.	1 tree (capable of reaching at least 12m in height) per 90m ² of deep soil area, or 2 trees (capable of reaching 8-12m in height) per 90m ² of deep soil area.
>2500	15% of the site area with a minimum dimension of 6m.	1 tree (capable of reaching at least 12m in height) per 90m ² of deep soil area, or 2 trees (capable of reaching 8-12m in height) per 90m ² of deep soil area.

C17.6.3 Common circulation spaces

Objective:	To provide for safe and functional internal layouts for apartment buildings which: (a) provide for ease of access for the occupants; and (b) enable opportunities social interaction and familiarity with other residents.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>An apartment building must be designed to achieve the following:</p> <p>(a) the number of apartments on each floor level, excluding the ground floor, must not be more than 8 per circulation core;</p> <p>(b) for buildings of 10 storeys or more, the number of apartments must be not more than 40 per lift; and</p> <p>(c) common internal corridors on each floor level must have a total length of not more than:</p> <p>(i) 25m; or</p> <p>(ii) 35m, if the corridor has a window to an external wall that has a glazed area of not less than 1m².</p>	<p>P1.1</p> <p>An apartment building must be designed to provide ease of access for occupants between the circulation core and apartments, with common internal corridors that provide for the safety and residential amenity of occupants, having regard to:</p> <p>(a) the number of apartments connected to a circulation core per level;</p> <p>(b) the total number of apartments connected to a circulation core;</p> <p>(c) the extent of openings and access to daylight in common internal corridors;</p> <p>(d) the visibility and accessibility of stairs at the ground level;</p> <p>(e) the length of common internal corridors and lighting; and</p> <p>(f) the inclusion of operable windows or openings in stairways, corridors and common areas; and</p> <p>P1.2</p> <p>The number of apartments on each floor level, excluding the ground floor, must not be more than 12 per circulation core and common internal corridors on each floor level must have a total length of not more than 40m.</p>

C17.6.4 Sunlight

Objective:	To: (a) optimise the provision of direct sunlight to living rooms and private open spaces for the thermal comfort of occupants; and (b) enable the passive heating of apartments through the provision of direct sunlight to living rooms.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Apartments, excluding apartments in the Central Business Zone of the Hobart Local Provisions</p>	<p>P1</p> <p>At least 70% of apartments (rounded up to the nearest whole number) within an apartment building</p>

<p>Schedule, must be designed to achieve the following:</p> <p>(a) living rooms and private open spaces of at least 70% of apartments (rounded up to the nearest whole number) in an apartment building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on 21 June (mid-winter); and</p> <p>(b) not more than 15% of apartments (rounded up to the nearest whole number) receive no direct sunlight to living areas and private open spaces between 9 am and 3 pm on 21 June (mid-winter).</p>	<p>must be designed to provide a reasonable level of direct sunlight to living rooms and private open spaces, having regard to:</p> <p>(a) whether the number of living rooms, and private open spaces oriented with a northern aspect has been maximised;</p> <p>(b) whether south facing single aspect apartments have been minimised;</p> <p>(c) maximising the number of apartments with multiple aspects;</p> <p>(d) optimising the area of direct sunlight to living rooms through the depth and layout of apartments and window sizes;</p> <p>(e) overshadowing from adjacent developments or existing trees or structures; and</p> <p>(f) the slope of the land.</p>
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C17.6.5 Daylight and natural ventilation

<p>Objective:</p>	<p>To:</p> <p>(a) promote the health and well-being of occupants by providing daylight and natural ventilation to apartments; and</p> <p>(b) provide for the comfort of occupants by facilitating natural ventilation.</p>
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>At least 60% of apartments (rounded up to the nearest whole number) in the first 9 storeys of an apartment building must have openable windows that are located in at least two external walls of the apartment and have:</p> <p>(a) an openable area of not less than 0.5m² for each window; and</p> <p>(b) a distance of:</p> <p>(i) not less than 6m, or half the depth of the apartment, whichever is greater, between the openable windows of the apartment; and</p> <p>(ii) not more than 15m between the openable windows of the apartment.</p>	<p>P1</p> <p>At least 60% of apartments (rounded up to the nearest whole number) in the first 9 storeys of an apartment building must be orientated and designed to enable natural cross ventilation through the apartment, having regard to:</p> <p>(a) the suitability of the building typology given the size and orientation of the site and the location and scale of neighbouring development;</p> <p>(b) whether the apartments have more than one aspect with appropriately sized openable windows in multiple external walls;</p> <p>(c) whether the breeze path between windows is clear from obstruction when internal doors are open; and</p> <p>(d) the need to avoid rooms without an external openable window,</p>

	and the distance between external openable windows must not be more 18m.
<p>A2</p> <p>Apartments must be designed to achieve the following:</p> <ul style="list-style-type: none"> (a) room depths measured from an external window must be not more than of 2.5 times the ceiling height, unless for an open plan living area which must have a room depth of not more than 8m; (b) ceiling heights must not be less than: <ul style="list-style-type: none"> (i) 2.7m for habitable rooms, or 2.4m for the habitable rooms on the upper floor levels of an apartment that is two or more storeys; (ii) 2.4m for non-habitable rooms; and (iii) 1.8m for attic spaces at the edge of the room with a ceiling slope of not less than 30 degrees; and (c) all habitable rooms must have an external wall with a glazed area of not less than 10% of the floor area of the room of which at least half must be openable; (d) living areas must have at least one external window visible from all points of the room and with a glazed area of not less than 20% of the internal floor area of that room; and (e) if the only external window in a habitable room is located within a recess, that recess must have a: <ul style="list-style-type: none"> (i) width of not less than 1.2m; and (ii) depth of not more than 1.5 times the width, measured from the external surface of the external window. 	<p>P2</p> <p>Apartments must be designed to provide residential amenity to the occupants by enabling daylight and natural ventilation to be provided to apartments, having regard to:</p> <ul style="list-style-type: none"> (a) size of windows; (b) ceiling heights; (c) dimensions of the room; (d) layout and function of the room; (e) optimised access to daylight through the position and size of windows and the use of transparent glazing; (f) living rooms receiving daylight to assist with performing tasks and activities, such as cooking and reading, <p>and the maximum room depth for an open plan living area must be not more than 10m.</p>
<p>A3</p> <p>Light wells must only be used to provide the primary source of daylight or natural ventilation for a room of an apartment if:</p> <ul style="list-style-type: none"> (a) for a bedroom or non-habitable room; (b) the apartment shares an external wall with an existing building or is built to the boundary; 	<p>P3</p> <p>Light wells must be orientated and designed to provide daylight and natural ventilation to apartment rooms that they serve, having regard to:</p> <ul style="list-style-type: none"> (a) the number rooms being served; (b) the size and dimensions of the light wells;

<p>(c) not more than 2 bedrooms per floor level open onto a light well; and</p> <p>(d) the light well has a height that is not more than 5 times the width, calculated using the shortest dimension of the light well.</p>	<p>(c) the function of the rooms; and</p> <p>(d) the size of the windows and light well openings, and must not provide a primary source of daylight or natural ventilation for a living room.</p>
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C17.6.6 Apartment size, layout and storage

Objective:	To optimise the size and layout of apartments to provide useable and functional spaces for the occupants.	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>Apartments must be designed to achieve the following:</p> <p>(a) the apartment internal area and internal storage volume must be not less than specified in Table C17.4;</p> <p>(b) at least 50% of the internal storage volume specified in Table C17.4 must be located within the apartment, such as cupboards and wardrobes;</p> <p>(c) living rooms or open plan living/dining rooms must have a width of not less than:</p> <p style="margin-left: 20px;">(i) 3.6m for a studio or one bedroom apartment; and</p> <p style="margin-left: 20px;">(ii) 4m for a 2 or more bedroom apartment.</p>	<p>P1</p> <p>Apartments must be designed to provide useable and functional spaces for the occupants with space for the storage of household items, having regard to:</p> <p>(a) potential for the apartment to accommodate furniture and the normal activities of the occupants;</p> <p>(b) adequate circulation between spaces within the apartment;</p> <p>(c) adequate storage space for necessary household items within the apartment such as a vacuum cleaner, linen, clothes, toiletries, cleaning products, and food; and</p> <p>(d) adequate storage space for other bulky household items in areas outside the apartment.</p>	

Table C17.4: Minimum apartment internal area and storage requirements:

Apartment type	Apartment internal area	Internal storage volume
Studio	37m ²	4m ³
1 bedroom	50m ²	6m ³
2 bedroom	65m ²	8m ³
3+ bedroom	90m ²	10m ³

C17.6.7 Universal design

Objective:	To provide apartments that enable access and inclusion for a range of users and levels of mobility and to enable apartments to be easily adapted over time.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A new apartment buildings with 5 or more apartments must have a minimum of 30% of the apartments (rounded up to the nearest whole number) designed to achieve the following:</p> <ul style="list-style-type: none"> (a) a continuous step-free path of travel with a clear width of not less than 1.1m from the street entrance and any on-site car parking spaces to the apartment entrance; (b) a path of travel with a clear width of not less than 1m between spaces and rooms within the apartment; (c) corridors within the apartment with clear widths of not less than 1m; (d) doors within the apartment with clear openings of not less than 920mm; (e) a toilet with minimum clearance dimensions of 0.9m wide by 1.2m deep measured from the front edge of the toilet pan (exclusive of the door swing); (f) a bedroom with a minimum area of 10m², excluding wardrobes, and a path of travel with a clear width of not less than 1m on the side of the bed (assume a queen size bed) that is closest to the door; (g) a kitchen with a minimum clearance of 1.2m in front of fixed benches and cupboards; (h) a laundry with a separate laundry sink and minimum clearance of 1.2m in front of fixed benches and cupboards; and (i) a step-free (hobless) shower with minimum dimensions of 0.9m x 1.2m. 	<p>P1</p> <p>No Performance Criterion.</p>

C17.6.8 Private open space

Objective:	That apartments are provided with adequate and useable private open space for the needs of the occupants.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>An apartment must have private open space that:</p> <ul style="list-style-type: none"> (a) is co-located with living areas; (b) is in one location and has an area not less than: <ul style="list-style-type: none"> (i) 4m² for studio apartments; (ii) 8m² for 1 bedroom apartments; (iii) 10m² for 2 bedroom apartments; (iv) 12m² for 3 or more bedroom apartments; (v) 15m², if the private open space is located at podium level; or (vi) 24m², if the private open space is located at ground level; (c) has a minimum dimension of not less than: <ul style="list-style-type: none"> (i) 1.8m for a studio or 1 bedroom apartment; (ii) 2m for a 2 bedroom apartment; (iii) 2.4m for a 3 or more bedroom apartment; or (iv) 3m, if located at ground level or podium level; and (d) is screened from mechanical plant and equipment, service structures and lift motor rooms, unless the outdoor component of an air conditioning unit servicing that apartment. 	<p>P1</p> <p>Apartments must be provided with private open space that is capable of serving as an extension of the apartment for outdoor relaxation, dining and entertaining and is conveniently located in relation to the living room of the apartment, having regard to:</p> <ul style="list-style-type: none"> (a) access to sunlight; (b) the shape of the site and adjoining land uses; (c) the size and minimum dimensions of the space; (d) the number bedrooms in the apartment and the number of people the space could comfortably accommodate; (e) the amount of space available for furniture or plantings; (f) the potential for significant noise intrusion; (g) proximity and overlooking to the private open space of existing adjacent residential and serviced apartment developments; (h) screening where necessary for privacy that does not unreasonably restrict access to daylight; (i) screening where necessary for noise and wind protection that does not unreasonably restrict access to daylight; and (j) screening from public view for clothes drying areas. 	

C17.6.9 Acoustic privacy

Objective:	That apartments are designed to be protected from noise impacts associated with traffic movements and non-residential uses to minimise conflicts with other uses that are consistent with the zone purpose.	
Acceptable Solutions	Performance Criteria	
A1 Apartments, excluding apartments in the Inner Residential Zone, must be designed to achieve internal noise levels in accordance with <i>Australian Standard AS 3671:1989 – Road Traffic Noise Intrusion (Building Siting and Construction)</i> and <i>Australian Standard AS 2107:2000 – Acoustics (Recommended Design Sound Levels and Reverberation Times for Building Interiors)</i> .	P1 Apartments, excluding apartments in the Inner Residential Zone, must be designed to minimise noise impacts from transport movements and likely noise from non-residential uses.	

C17.6.10 Waste storage and collection

Objective:	That the storage and collection of waste and recycling does not unreasonably impact on amenity and safety for occupants and the surrounding area and for vehicle traffic, cyclists, and pedestrians.	
Acceptable Solutions	Performance Criteria	
A1 Bulk waste and recycling bins that are commercially serviced must be provided for apartment buildings that contain: (a) 5 or more apartments; (b) if within a building containing other uses, 4 or more apartments; or (c) if fronting a pedestrian priority street as defined in the Parking and Sustainable Transport Code, 3 or more apartments, unless waste and recycling bins are provided for individual apartments and the bins are commercially collected on-site.	P1 Waste and recycling bins for individual apartments may only be provided if: (a) there are not more than 4 apartments or tenancies have kerbside collection per site and kerbside collection would not unreasonably compromise the amenity of the surrounding area, or the flow and safety of vehicles, cyclists and pedestrians; (b) the frontage has a width of at least 5m for each apartment and any other tenancy on the site with individual bins, and kerbside collection would not unreasonably compromise the amenity of the surrounding area, or the flow and safety of vehicles, cyclists and pedestrians; or (c) the apartments are within an existing building and areas for bulk waste bin storage and collection cannot reasonably be provided due to site constraints, or unreasonable impacts on the local historic heritage significance of a building listed as a local heritage place, or within a local heritage precinct, in the Local Historic Heritage Code.	

<p>A2</p> <p>Apartments must have an on-site storage area with an impervious surface for waste and recycling bins and:</p> <p>(a) if for individual bins for each apartment, must be:</p> <ul style="list-style-type: none"> (i) within an area for the exclusive use of each apartment, or within a common storage area, excluding the area between the building and a frontage; (ii) set back not less than 4.5m from a frontage; (iii) not less than 5.5m from any apartment or other dwelling; and (iv) screened from the frontage and any apartment or other dwelling by a wall to a height not less than 1.2m above the finished surface level or the storage area; or <p>(b) if for bulk waste bins, must:</p> <ul style="list-style-type: none"> (i) be located on common property; (ii) include dedicated areas for the storage and management of waste and recycling; (iii) be not less than 5.5m from any apartment or other dwelling; (iv) be screened from the frontage and any apartment or other dwelling by a wall to a height not less than 1.8m above the finished surface level or the storage area; (v) be accessible to each apartment without the need to travel off-site; and (vi) if within a building containing other uses, have separate storage spaces for commercial and residential bins with separate access to each. 	<p>P2</p> <p>Apartments must have storage for waste and recycling that is:</p> <ul style="list-style-type: none"> (a) capable of storing the number of bins required for the site; (b) of sufficient size to enable convenient and safe access for occupants; (c) in a location on-site that is conveniently and safely accessible to occupants, without compromising the amenity and flow of public spaces; (d) screened from view from public spaces, apartments and other dwellings; and (e) if the storage area is for common use, separate from apartments and other dwellings on the site to minimise impacts caused by odours and noise.
<p>A3</p> <p>Bulk waste and recycling bins must be collected on-site by private commercial vehicles.</p>	<p>P3</p> <p>No Performance Criterion.</p>

<p>A4</p> <p>Access for private commercial vehicles to the on-site waste and recycling bin collection areas (including for bulk bins or bins for individual apartments) must:</p> <p>(a) have a location, sight distance, geometry, gradient, and off-street parking, manoeuvring and service area that complies with <i>Australian Standard AS 2890.2:2002 – Parking facilities, Part 2 Off-street commercial vehicle facilities</i>; and</p> <p>(b) provide for the vehicle to be located entirely within the site when collecting bins.</p>	<p>P4</p> <p>The on-site collection of waste and recycling bins by private commercial vehicles must not compromise the safety, amenity and convenience of surrounding occupants, vehicular traffic, cyclists and pedestrians, having regard to:</p> <p>(a) the number of bins;</p> <p>(b) the method of collection;</p> <p>(c) the time and frequency of collection;</p> <p>(d) access for vehicles to bin storage areas, including consideration of gradient, sight distances, manoeuvring of the collection vehicle and the direction of vehicle movement and pedestrian access;</p> <p>(e) distance from vehicle stopping point to bins if not collected on-site;</p> <p>(f) the traffic volume, geometry and gradient of the street; and</p> <p>(g) the volume of pedestrians using the street and whether it is a pedestrian priority street as defined in the Parking and Sustainable Transport Code.</p>
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C17.8 Development Standards for Subdivision

C17.5.1 There are no Development Standards for subdivision in this code.

Draft Amendment 01-2019 of the State Planning Provisions

Apartment Development Code

Explanatory Document

1.0 Background

The Medium Density Residential Development Standard project was announced by the Premier of Tasmania in March 2019. The project aims to deliver new planning standards for medium density residential development in the form of apartments in areas where such development is already provided for and for areas identified (as per the apartment development area overlay). The new development standards will be implemented as a draft amendment to the State Planning Provisions (SPPs).

The development standards are being prepared in conjunction with the Central Hobart Precincts Plan as part of the Hobart City Deal under the *Greater Hobart Act 2019*. The development standards are being prepared by the Department of Justice's Planning Policy Unit in collaboration with staff from Hobart City Council.

The development standards have the following key purposes:

1. To provide a clear permitted pathway for apartment developments in areas where they are already allowed (along with new areas that may be identified in the future);
2. To provide clarity and certainty for the assessment of apartment developments in Tasmania; and
3. To encourage well-designed apartment developments that deliver appropriate levels of residential amenity and promote the health and well-being of occupants through quality internal designs.

Apartment design guidelines will also accompany the final development standards to further assist with good quality designs.

Tasmania, particularly Greater Hobart, is experiencing a high demand for housing with prices and competition for properties significantly increasing. There is high demand for rental properties, including student accommodation, in locations close to services and facilities.

Tasmania also has an aging population. It already has the oldest population of all Australian states and territories, with projections suggesting that Tasmania's population will continue to age faster than other parts of Australia. Tasmania and Hobart in particular is also experiencing higher than normal levels of interstate and international migration and anecdotally many of these new arrivals are looking for alternatives to the suburban single dwelling.

With the current housing demands, there is a need to ensure the planning controls in the SPPs can facilitate a diverse range of housing opportunities to suit the population's needs, ranging from single detached, or semi-detached, houses, through to various types of multiple dwellings like villa units, townhouses and apartments, and various forms of social housing.

The development standards in the General Residential Zone and Inner Residential Zone, which are derived from *Planning Directive No. 4.1 – Standards for Residential Development in the General Residential Zone*, already provide for single dwellings, villa units and townhouses.

While many zones already allow for apartments, including the urban Mixed Use Zone and the three business zones (Local Business Zone, General Business Zone and Central Business Zone), there are very few requirements to facilitate good quality apartment designs. As a result many proposals are subject to additional information requests and conditions that are required to provide for good design outcomes. This draft amendment aims to deliver these requirements.

The standards do not set the use status, density, building height, generic setbacks, or subdivision controls. These will continue to be set in the zones and by relevant codes. The intention is that the standards will allow certain areas to set heights in the comfort of knowing that the issues of design quality that are required for taller buildings will be provided by these new standards. Other matters currently managed through codes, such as local heritage places and precincts, will continue to apply.

Apartment developments provide significant opportunities for inner city living close to employment and services. They provide housing choice for a range of incomes, opportunities for downsizers seeking a smaller dwelling with less maintenance costs, and important housing alternatives for those seeking this lifestyle option.

2.0 Stakeholder engagement

The draft amendment has been prepared in conjunction with staff from Hobart City Council and in consultation with an External Reference Group, consisting of council planning staff from Clarence City Council, Glenorchy City Council and Launceston City Council and the Architecture and Design unit of the University of Tasmania.

Testing of some of the key development standards has also been undertaken with members of the Australian Institute of Architects (Tasmanian Chapter) against recent apartment developments approved within the inner areas of Hobart.

3.0 Overview of the draft amendment

The draft amendment consists of two parts being the draft Apartment Development Code and the consequential amendments to the SPPs to allow the Code to operate in conjunction with the underlying zones and other related codes.

The draft amendment is presented in chronological order.

The following provides an overview of the various amendments included in draft amendment.

3.1 Consequential amendments to the State Planning Provisions

The draft amendment identifies the various consequential amendments proposed to the SPPs to deliver the Apartment Development Code. This includes the inclusion of new definitions and the modification of existing definitions and alterations to the underlying zone provisions to link with the new Code. A short explanation is provided for all consequential amendments in the draft amendment.

Amendments are proposed to the car parking and bicycle parking space requirements in the Parking and Sustainable Transport Code to deliver requirements to a better suited to apartment developments.

3.2 Apartment Development Code

C17.1 Code Purpose

This clause outlines the purpose of the Code.

C17.2 Application of this Code

The Code applies to development for apartments within the Inner Residential Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, and Central Business Zone. These are the five SPP zones where apartments developments will mostly occur.

Apartments may occur in other zones, such as the General Residential Zone and Village Zone, however, the density and site coverage requirements in these zones will largely deliver single dwellings, villa units and townhouses.

The definition of 'apartment' proposed in Table 3.1 of the SPPs also includes 'serviced apartments' which are a form of Visitor Accommodation use. This acknowledges that the use of an apartment can easily switch between a residential tenancy and short stay accommodation. Consequently, the design requirements should be the same for both.

The Code also allows for application to land identified within an 'apartment development area' overlay. Four areas have been identified to date for inclusion within the 'apartment development area' overlay and will be mapped as part of the finalised draft amendment:

- Commercial Zone under the Hobart Interim Planning Scheme 2015; and
- Activity Area 1.0 Inner City Residential (Wapping), Activity Area 2.0 Sullivans Cove 'Mixed Use', and land subject to the Macquarie Point Site Development Plan under the Sullivans Cove Planning Scheme 1997.

These four areas are located within central Hobart and the current planning requirements provide for apartment development. These areas are not included within any of the five default zones in the draft Hobart Local Provisions Schedule (LPS). The three areas currently under the Sullivans Cove Planning Scheme will likely be included within particular purpose zones. The area within the Commercial Zone will likely remain in this zone under the Hobart LPS, with specific provisions allowing for residential use and development as per the Commercial Zone in the current Hobart Interim Planning Scheme¹.

Other local councils will be able to nominate any other areas to apply the code by the mapped overlay, such as particular purpose zones, as amendments to their future LPSs.

The Code will apply in conjunction with the underlying zone provisions, which sets the use status and use requirements, residential density, and generic building height and setback requirements. All other relevant codes will apply as normal and any application provisions approved as part of a LPS will also apply as normal.

¹ Note the Commercial Zone in the SPPs prohibits residential use and development.

C17.3 Definition of Terms

The draft Apartment Development Code includes an additional five defined terms which will apply in conjunction with the defined terms in Table 3.1 of the SPPs. These include the following:

Term	Definition	Explanation
circulation core	means a vertical space that allows people to move between floors of a building, such as a stair or lift.	This term is used in clause C17.6.3 and is a common architectural term to describe stairs or lifts that provide access between floors of a building.
blank wall	means a wall, or portion of a wall, that does not contain a window or balcony.	This term is used in Table C17.1 (as part of clause C17.6.1) to describe the separation distances from walls, or portions of walls, that do not contain a window or balcony.
common open space	means common outdoor open space for relaxation and recreation of residents of an apartment building.	This term is used in clause C17.6.2 to describe the common outdoor spaces that provide common recreation spaces for an apartment building.
deep soil area	means an area of natural ground that can support the growth of a canopy tree.	This term is used in clause C17.6.2 to describe the area of deep soil capable of supporting a tree. These areas provide amenity benefits for the occupants and the streetscape.
apartment development area	means the area as shown on an overlay map in the relevant Local Provisions Schedule.	This term describes the mapped overlay for applying the Apartment Development Code to additional areas beyond the five default zones.
light well	means a space within a building designed to provide natural light and air to internal areas of the building.	This term is used in clause C17.6.5 and describes the spaces within a building designed to provide daylight and natural ventilation to internal rooms within an apartment building.

An additional three terms have been added to Table 3.1 to define the terms 'apartment', 'apartment building' and 'serviced apartment'. These terms are largely used in the draft Apartment Development Code, but are also used elsewhere in the SPPs, which requires the definitions to be located in Table 3.1.

C17.4 Use or Development Exempt from this Code

There are no exemptions from the Code. All development for apartments within the identified zones and mapped overlay area will be subject to the applicable development standards in the Code.

C17.5 Use Standards

There are no Use Standards proposed for the Code. Use requirements for apartments will be assessed through the underlying zone provisions, relevant codes and LPS provisions.

C17.6 Development Standards for Buildings and Works

C17.6.1 Building separation and setbacks

This development standard applies separation distances between buildings on the same site in addition to requiring setbacks from lot boundaries for apartment windows and balconies. It aims to establish equitable development for apartments across neighbouring sites. The standard does not apply to the Inner Residential Zone as the zone provisions already include appropriate separation distances and setbacks for windows and balconies.

The separation distances and setbacks aim to protect the privacy of occupants and deliver amenity benefits by enabling opportunities for outlooks from apartments and access to sunlight, daylight and natural ventilation. There are specific development standards in the Code that deal with access to sunlight, daylight and natural ventilation for apartments.

Table C17.1 identifies the Permitted separation distances between apartments and any other buildings on the same site based on the building height. It applies separation distances for living room and bedroom windows and balconies of apartments. The separation distances apply to apartments on all floors levels of a building for the specified height.

The separation distances increase with building height and vary dependant on the interface with other living room or bedroom windows and non-habitable room windows and blank walls. Specifically, it provides separation distances between:

- living room windows or balconies within the same building or other buildings on the same site (column 2);
- bedroom windows within the same building or another building on the same site (column 3);
- a living room window or balcony and a bedroom window within the same building or another building on the same site (column 3);
- a living room window or balcony and a blank wall or non-habitable room window within the same building or another building on the same site (column 4); and
- a bedroom window and a blank wall or non-habitable room window within the same building or another building on the same site (column 5).

Table C17.2 identifies the Permitted side and rear boundary setbacks for apartment windows (both living room windows and bedroom windows) and balconies.

The separation distances and setbacks are based on the recommended separation distances in the NSW Apartment Design Guide² and the building setback and separation distances for apartments in the Moreland Planning Scheme³. Adjustments have been made to distances and building height categories to better reflect the Tasmania context.

² Refer to page 37 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

³ Refer to clause 22.07-2 Building setback and separation in the Moreland Planning Scheme (https://planning-schemes.delwp.vic.gov.au/_data/assets/pdf_file/0006/463974/Moreland_PS_Ordinance.pdf). Moreland City Council is a municipality in the inner north of Melbourne and includes the suburbs of Brunswick, Coburg and Glenroy.

This development standard also operates in conjunction with any generic side and rear setbacks in the underlying zones.

C17.6.2 Common open space and landscaping

This standard includes requirements for common open space (A1) and landscaping requirements (A2) for apartment developments.

Common open space

The common open space requirements in A1, P1.1 and P1.2 apply to apartment buildings containing 20 or more apartments. Common open space provides important outdoor recreation opportunities for occupants of larger apartment developments, in addition to private open space for individual apartments. It also provides opportunities for social interaction between occupants of the building. Common open space may be located at ground level, or for smaller, denser sites, located at a podium level of the building, or as rooftop space. Quality common open space can contribute to the appeal of a development, the well-being of residents and provide valuable infrastructure assets for our cities.

A1 requires common open space to comprise 20% of the site area with a minimum dimension of 5m and excludes any areas designated for common clothes drying areas, vehicle driveways, manoeuvring and hardstand areas. To meet A1, the space must receive at least 2 hours of direct sunlight to 50% of the space on the winter solstice, include 15% of the total area as garden space, and be accessible to all occupants of the building via common areas of the site. The space must be screened from any mechanical plant and services.

The requirements in A1 are largely based on the design criteria and guidance in the NSW Apartment Design Guide⁴.

Variations to these requirements may be considered under the Performance Criteria P1.1 and P1.2. P1.2 provides for no common open space to be provided for buildings with less than 30 apartments if:

- converting an existing building to apartments with significant heritage constraints;
- the building is adjacent to suitable public open space; or
- all apartments are provided with quality private open space that meets the requirements of clause C17.6.8 A1 in the code.

Deep soil areas

A2 and P2 relates to deep soil areas and aim to provide areas for the growth of canopy trees or other landscaping treatments. Buildings with 30 or more apartments must be provided with common open space.

Canopy trees can provide important environmental benefits through the provision of shade and broader amenity benefits to occupants. The deep soil requirements only apply to new buildings and do not apply to development in the Central Business Zone.

A2 requires deep soil areas to be provided in accordance with Table C17.3. The minimum area and size and number of canopy trees relating to the site area. These requirements are based on the deep

⁴ Refer to page 55 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

soils area and canopy tree requirements in the Victorian Planning Provisions⁵. A2 provides for a 25% reduction in total area if an existing canopy tree is retained on-site. This provides incentives for the retention of existing canopy trees.

P2 provides for alternative landscape treatments to be considered as a means of enhancing residential amenity.

C17.6.3 Common circulation spaces

This standards aims to provide safe and functional internal circulation spaces for apartment buildings. The internal circulation spaces of an apartment building have a direct relationship with the building form and layout. It aims to deliver ease of access to apartments and enable opportunities for casual social interaction amongst occupants and familiarity with other residents on the floor level.

A1 limits the number of apartments on each floor level that access a lift or stair (a circulation core), the number of apartments per lift for buildings of 10 storeys or more, and controls common internal corridor lengths and widths. The maximum common internal corridor lengths relate to the entire length of the corridor regardless of any articulations. These requirements are largely based on the recommended design criteria and guidance in the NSW Apartment Design Guide⁶.

P1 allows for variations to be considered to these requirements if providing safe and easy access to the occupants. The number of apartments on each floor must not exceed 12 per circulation core and common internal corridor lengths must not exceed a total length of 40m.

C17.6.4 Sunlight

This standard aims to optimise the provision of direct sunlight to apartments, specifically the living rooms and private open space. Access to direct sunlight can improve residential amenity by providing pleasant thermal conditions for the occupants and can assist with passive heating of apartments.

A1 applies to apartments, other than those in the Central Business Zone of Hobart, and requires at least 70% of apartments within the building receive not less than 3 hours of direct sunlight to living rooms and private open space on the winter solstice. It also requires that not more than 15% of apartments receive no direct sunlight on the winter solstice.

These requirements are based on the recommended design criteria in the NSW Apartment Design Guide⁷. These requirements acknowledge that not all apartments within a building will be able to achieve the sunlight requirements due to site constraints caused by orientation, topography and adjoining development. There is potential for adjoining development in the business zones to overshadow apartments and the building setbacks in clause C17.6.1 aim to assist with 'self-protecting' apartments from future overshadowing.

⁵ Refer to clause 55.07-4 Deep soil areas and canopy tree objective in the Victorian Planning Provisions: https://planning-schemes.delwp.vic.gov.au/schemes/vpps/55_07.pdf

⁶ Refer to page 97 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

⁷ Refer to page 79 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

The exclusion of Hobart's Central Business Zone acknowledges the greater building heights provided for in this zone. Sunlight access in this area will be further considered by Hobart City Council as part of the Central Hobart Precincts Plan.

P1 allows for variations to be considered to these requirements if at least 70% of apartments receive reasonable levels of sunlight to living rooms and private open space.

C17.6.5 Daylight and natural ventilation

This standard includes requirements relating to natural cross ventilation of apartments and access to daylight and natural ventilation of habitable rooms. It also includes requirements controlling the design of light wells within apartment buildings. It aims to promote the health and well-being of occupants through access to natural light and air within apartments.

Natural ventilation simply refers to the ability for a room to access fresh air without mechanical assistance (e.g. fans or air conditioning). Natural ventilation of an apartment has the benefit of creating comfortable living spaces. Access to adequate daylight assists with providing pleasant living conditions for the occupants and can reduce the reliance on artificial lighting within the apartment.

Natural cross ventilation

A1 and P1 relate to natural cross ventilation of an apartment. Natural cross ventilation is achieved by having apartments with more than one aspect allowing for fresh air to be drawn through the apartment. Apartment layout and depth impact on the effectiveness of natural cross ventilation.

The standard requires at least 60% of apartments in the first 9 storeys of a building to achieve effective natural cross ventilation. Apartments at 10 storeys and above are likely to have difficulties in achieving natural cross ventilation due to higher wind speeds and the need to different façade treatments on the building.

A1 requires at least 60% of apartments in the first 9 storeys of a building to have openable windows located on two external walls. This acknowledges that smaller, single aspect apartments (such as studios and some 1 bedroom apartments) may not be able to achieve cross ventilation. The windows must be spaced at least 6m apart, or half the depth of apartment, whichever is greater, to create a suitable breeze path for natural cross ventilation. The distance between the openable windows cannot exceed 15m.

P1 allows for variations to these requirements to be considered if at least 60% of apartments in the first 9 storeys of a building are orientated and design to enable natural cross ventilation through the apartment. The distance between two openable windows must not exceed 18m.

The natural cross ventilation requirements are based on the recommended design criteria and guidelines on the NSW Apartment Design Guide⁸.

Daylight and natural ventilation

A2 and P2 relate to daylight and natural ventilation for apartments. A2 includes requirements for room depths, ceiling heights and minimum window areas and requirements to assist with providing

⁸ Refer to page 85 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

appropriate daylight and natural ventilation to rooms. P2 allows for variations to these requirements to be considered provided the apartments have appropriate access to daylight and natural ventilation. The maximum depth for an open plan living area must not exceed 10m.

The room depth and ceiling height requirements are based on the recommended design criteria in the NSW Apartment Design Guide⁹.

Light wells

A3 and P3 relate to light wells and aim to ensure they are designed deliver appropriate daylight and natural ventilation to the rooms being served. Light wells provide a means of delivering daylight and air to internal rooms within a building and may assist with achieving a higher apartment yield. However, light wells should be used with caution and only when suitable access to an external wall cannot be provided and where appropriate air circulation is enabled. It is not appropriate for light wells to provide the primary source of daylight or natural ventilation for a living room.

A3 and P3 allows for light wells to be used to provide the primary source of daylight and natural ventilation for bedrooms and non-habitable rooms only. A3 further limits the number of bedrooms accessing a light well per floor level and specifies minimum height to width proportions to assist with ventilation and daylight penetration. The requirements in A3 are based on light well dimensions in the Moreland Planning Scheme¹⁰, but have been presented as a height to width ratio. P3 allows for variations to these requirements to be considered.

C17.6.6 Apartment size, layout and storage

This standard controls the size and layout of apartments and provides for internal storage areas for household items. The size and layout of an apartment directly impacts its amenity and functionality. Providing adequate internal storage space also adds to the functionality of an apartment.

A1, through Table C17.4, specifies the minimum internal areas for apartments and the minimum internal storage volumes for household items. At least 50% of the internal storage volume needs to be provided within the apartment, in the form of cupboards or wardrobes and the remainder can be provided in other designated storage spaces within the apartment building. The areas and volumes relate to the number of bedrooms in the apartment. These requirements are based on the design criteria in the NSW Apartment Design Guide¹¹.

A1 also specifies the minimum width for living rooms and open plan living/dining rooms with the dimension also linked to the number of bedrooms in the apartment. These requirements are based on the design criteria in the NSW Apartment Design Guide¹².

P1 allows for variations to these requirements to be considered provided the apartment has usable and function spaces for the occupants and appropriate storage areas.

⁹ Refer to pages 87 and 89 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

¹⁰ Refer to clause 22.07-3 Light wells in the Moreland Planning Scheme: https://planning-schemes.delwp.vic.gov.au/_data/assets/pdf_file/0006/463974/Moreland_PS_Ordinance.pdf

¹¹ Refer to page 89 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

¹² Refer to page 91 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

C17.6.7 Universal design

This standard aims to require a certain proportion of apartments are designed to enable access and inclusion for a range of users and mobility levels and enable apartments to be adapted over time to meet the needs of the occupants.

Universal design broadly refers to the design of products, environments, programs and services to be usable by people of different ages and abilities over time. Seven principles for universal design were developed in 1997 by a working group of architects, product designers and environmental design researchers lead by the Centre for Universal Design at the North Carolina State University¹³. The aim is to guide the design of environments, products and communications.

In the context of apartments, universal design represents a design philosophy that enables people to continue living in the same home by ensuring apartments can be adapted with the needs of the occupants. This ranges from young families to older people, their visitors, as well as those with permanent or temporary disabilities.

The requirements in A1 are mandatory with no variation possible through the corresponding Performance Criteria. A1 requires 30% of apartments in apartment buildings consisting of 5 or more apartments to be designed to meet minimum entry, access and clearances in rooms throughout the apartment. The extra widths and clearances are considered to be a minimal impost on the design when compared to the benefits gained from providing accessible spaces for a range of users over the lifetime of the apartment.

The requirements are based on the NSW Apartment Design Guide and the Livable Housing Design Guidelines¹⁴ developed by Livable Housing Australia. Most jurisdictions include planning requirements relating to universal design or adaptable housing. This acknowledges that statistics show that 1 in 5 Australians currently have a disability of some type and that there is around a 60% chance that a house will be occupied by a person with a disability at some point in their life¹⁵. NSW and the ACT require 20% of apartments to meet such requirements, while in Melbourne requires up to 50%. The requirement for 30% of apartments to meet the requirements was set between these requirements.

C17.6.8 Private open space

This standard specifies the private open space requirements for apartments. Private open space offers important amenity benefits for the occupants by providing an outdoor extension of the apartment space for relaxation, entertainment and outdoor dining. Larger private open space areas can also provide opportunities for outdoor children's play.

A1 specifies the minimum area and dimensions for private open space based on the number of bedrooms in the apartment and its location. Larger private open space areas are required if provided as courtyards at ground level or on a podium level. Private open space must be co-located with the living areas of the apartment and be screened from mechanical plant and services.

¹³ More information on the 7 Principles of Universal Design is available on the Local Government NSW website: <https://www.lgnsw.org.au/files/imce-uploads/127/information-sheet-the-principles-of-universal-design.pdf>

¹⁴ http://www.livablehousingaustralia.org.au/library/SLLHA_GuidelinesJuly2017FINAL4.pdf

¹⁵ Refer to page 10 in the Livable Housing Design Guidelines: http://www.livablehousingaustralia.org.au/library/SLLHA_GuidelinesJuly2017FINAL4.pdf

These requirements are based on the design criteria in the NSW Apartment Design Guide¹⁶. The minimum dimension for studio and 1 bedroom apartments has been reduced to 1.8m to avoid the balcony restricting sunlight to the living areas of these smaller apartments.

P1 allows for variations to these requirements to be considered provided it is appropriate for the apartment and conveniently located.

C17.6.9 Acoustic privacy

This standard requires apartments to 'self-protect' against external noise impacts such as traffic movements and non-residential uses in mixed use areas, such as entertainment venues. The standard does not apply to apartments in the Inner Residential Zone, acknowledging that external noise impacts are more likely to occur in zones where there is a genuine mix of uses.

The standard is based on the equivalent standard for residential use currently in the Sullivans Cove Planning Scheme 1997 for the Macquarie Point Site Development Plan¹⁷.

C17.6.10 Waste storage and collection

This standard includes requirements for the storage and collection of waste and recycling bins, including bulk storage bin collection on-site. The storage and collection of waste and recycling bins can become problematic for sites that contain a number of dwellings or tenancies.

Local government have raised concerns with the adequacy of current planning requirements relating to waste and recycle bin collection. These development standards provide the first opportunity for the SPPs to be reviewed to deliver suitable standards. If appropriate, equivalent standards will be delivered for other types of use and development as part of a future review of the SPPs.

The standard is based on the requirements contained in draft amendment PSA-19-1-2 to the Hobart Interim Planning Scheme 2015 for the Central Business Zone and Commercial Zone.

C17.8 Development Standards for Subdivision

There are no development standards for subdivision in the Code. Subdivision will be assessed against the underlying zone requirements, any other applicable code requirements, and any applicable LPS requirements.

4.0 Consideration against the Schedule 1 objectives of the Act and State Policies

4.1 Schedule 1 objectives of the Act

The draft amendment is considered to further the Schedule 1 objectives of the Act, as set out below:

¹⁶ Refer to page 93 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

¹⁷ Refer to clause 32.6.2 Residential and Visitor Accommodation Use in the Sullivans Cove Planning Scheme 1997: <https://www.hobartcity.com.au/files/assets/public/planning/planning-schemes/sullivans-cove-planning-scheme-current-30-october-2019.pdf>

1(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.

The draft amendment is considered to further this objective as it forms part of the system of planning instruments that set the objectives and controls for use and development in the State which as a whole promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity. The draft amendment implements consistent development standards for apartments in areas already identified for residential and mixed use development.

1(b) to provide for the fair, orderly and sustainable use and development of air, land and water.

The draft amendment is considered to further this objective as it implements consistent development standards for apartments in areas already identified for residential and mixed use development. The development standards aim to facilitate the development of well-designed apartments in areas located close to commercial, employment, and social services therefore providing for the fair, orderly and sustainable use and development of air, land and water.

1(c) to encourage public involvement in resource management and planning.

The statutory assessment process for draft amendments encourages public involvement through public exhibition and the holding of any public hearings in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* and the *Tasmanian Planning Commission Act 1997*.

1(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b), and (c)

The draft amendment will facilitate economic development in accordance with the other objectives through the implementation of consistent development standards which aim to facilitate the development of well-designed apartments in areas located close to commercial, employment, and social services.

1(e) to promote the sharing of responsibility for resource management and planning between spheres of Government, the community and industry in the State.

The preparation of the draft amendment and subsequent consultation will involve the sharing of responsibilities between local government, particularly Hobart City Council, State Service Agencies and State authorities, the development industry and the community.

2(a) to require sound strategic planning and co-ordinated action by State and local government.

The draft amendment is considered to further this objective as it implements development standards for apartments in areas already identified for residential and mixed use development. The development standards aim to facilitate the development of well-designed apartments in areas located close to commercial, employment, and social services. Implementation of the draft amendment will require coordinated action by State and local governments.

2(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;

The draft amendment forms part of the system of planning instruments that set the objectives and controls for use and development in the State, specifically facilitating the development of well-design apartments in suitable locations. The draft amendment furthers this objective by contributing to a consistent system of planning instruments across the State.

2(c) to ensure the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about use and development.

The draft amendment implements development standards for apartments in areas already identified for residential and mixed use development. The draft amendment forms part of the system of planning instruments that set the objectives and controls for use and development in the State. The effects on the environment will be appropriately considered through the relevant provisions of the SPPs.

2(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.

The development standards will form one component of controls in the integrated resource management and planning system in the State, and takes into account existing policies, the SPPs and other instruments relating to apartment developments.

2(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

The development standards will form one component of controls in the integrated resource management and planning system in the State, and will therefore provide for the consolidation of land use approvals.

2(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;

The draft amendment will provide for a pleasant, efficient and safe living environment, by facilitating the development of well-designed apartments in areas located close to commercial, employment, and social services. The development standards aim to deliver an appropriate level of residential amenity and promote the health and well-being of occupants through quality design.

2(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

The development standards will operate in conjunction with the other provisions in the SPPs, which includes the Local Historic Heritage Code.

2(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.

The development standards will form one component of controls in the integrated resource management and planning system in the State and impacts on existing public infrastructure or other assets, and the capacity of existing infrastructure services will be taken into account through decision making process.

4.2 State Policies

4.2.1 State Policy on the Protection of Agricultural Land 2009

This State Policy is not applicable to the draft amendments as it does not impact on any land that is defined as 'agricultural land'.

4.2.2 State Coastal Policy 1996

The State Coastal Policy would be applicable to the draft amendment as land subject to the Apartment Development Code will be located within the 'coastal zone' of 1km from the coast.

The draft amendment is consistent with the outcomes of the State Policy as it provides for urban and residential development based on the existing urban areas and the land which is already designated for urban development through the planning scheme.

4.2.3 State Policy on Water Quality Management 1997

The draft amendment forms part of the system of planning instruments that set the objectives and controls for use and development in the State. The relevant objectives of the State Policy are already delivered through the various provisions of the SPPs.

4.2.4 National Environment Protection (Assessment of Site Contamination) Measure

The only National Environmental Protection Measure (NEPM) related to land use planning is the *National Environment Protection (Assessment of Site Contamination) Measure*.

The draft amendment forms part of the system of planning instruments that set the objectives and controls for use and development in the State. The relevant objectives of the NEPM are already delivered through the Potentially Contaminated Land Code in the SPPs.

Minister for Human Services
Minister for Housing
Minister for Disability Services and Community Development
Minister for Planning
Minister for Aboriginal Affairs



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21 January 2020

Councillor Mary Knowles
Mayor
Northern Midlands Council
PO Box 156
LONGFORD TAS 7301

Email: council@northernmidlands.tas.gov.au

Dear Mayor

I refer to my correspondence of 20 December 2019, where I advised you that I had received a request from TasNetworks for the North-West Tasmania Transmission Upgrades Project to be declared as a 'major infrastructure project' and assessed under the *Major Infrastructure Development Approvals Act 1999* (MIDAA).

As the responsible Minister, and having reviewed the supporting report provided by TasNetworks, I am satisfied that the Project meets the conditions precedent, as outlined in s.8 of MIDAA, and intend to recommend to the Governor the making of an Order declaring the Project to be a major infrastructure project.

As noted in my previous correspondence, an assessment under MIDAA would be undertaken by a combined planning authority, made up of representatives from each of the relevant councils, or the Tasmanian Planning Commission.

In accordance with s.9 of MIDAA, could you advise whether your Council supports the making of the Order, and if not, please provide your reasons. Also, could you please provide advice as to your Council's view on whether the project should be assessed by a combined planning authority or the Tasmanian Planning Commission.

For your information, I have attached the supporting report provided by TasNetworks, a copy of the draft Order, and my reasons for recommending the making of the Order.

Please provide your response within 21 days of the date of this notice to the Department of Justice's Planning Policy Unit (PPU) by email at planning.unit@justice.tas.gov.au or by mail to:

Planning Policy Unit
GPO BOX 825
Hobart TAS 7001

If you would like further clarification on the MIDAA process, the PPU would be happy to provide a briefing and can be contacted on 6166 1429.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'R Jaensch', enclosed within a large, loopy blue circle.

Hon Roger Jaensch MP
Minister for Planning

Cc: Mr Des Jennings, General Manager

Attachments:

1. Report from Proponent – TasNetworks,
2. Statement of my reasons for proposing to declare the project a major infrastructure project
3. Draft Order