REPORT TO COUNCIL MEETING - 26 April 2021

INFO

HERITAGE PROVISIONS OF THE NORTHERN MIDLANDS INTERIM PLANNING SCHEME 2013 AND THE TASMANIAN PLANNING SCHEME

Attachments: Section 1 - Page XXXX

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The Northern Midlands Council is in the process of replacing its current Northern Midlands Interim Planning Scheme 2013 with the Tasmanian Planning Scheme.

As requested by Councillors, attached to this report is:

- A comparison between the provisions of the current Heritage Precincts Specific Area Plan and the provisions of the Tasmanian Planning Scheme Local Historic Heritage Code.
- The draft Ministerial declarations regarding the current Local Historic Heritage Code and the Heritage Precincts Specific Area Plan.

LOCAL HERITAGE PRECINCTS

Setbacks

Northern Midlands Interim Planning Scheme 2013 – Heritage Precincts Specific Area Plan	ne 2013 — Heritage Precincts Specific Area	Tasmanian Planning Scheme – Local Historic Heritage Code	Il Historic Heritage Code
Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1 The predominant front setback as identified in the design statement must be maintained for all new buildings, extensions, alterations or additions.	P1 The front setback must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:	A1 Within a local heritage precinct or local historic landscape precinct, building and works, excluding demolition, must:	P1.1 Within a local heritage precinct, design and siting of buildings and works, excluding demolition, must be compatible with the local heritage precinct, except if a local heritage precinct.
	 a) the cultural heritage values of the local heritage place, its setting and the precinct; 	(a) not be on a local heritage place;(b) not be visible from any road or public open space; and	of an architectural style different from that characterising the precinct,
	b) the topography of the site;	(c) not involve a value, feature or	naving regara to:
	c) the size, snape, and orientation of the lot;	a local heritage precinct or local historic landscape precinct listed	nscape values identified local historic herit
	d) the setbacks of other buildings in the surrounding area;		significance of the local heritage precinct, as identified
a.	e) the historic cultural heritage significance of adiacent		in the relevant Local Provisions Schedule;
	places; and f) the streetscape.		(b) the character and appearance of the surrounding
A2 New carports and garages, whether attached or detached,	P2 The setback of new carports and garages from the line of the front		(c) the height and bulk of other buildings in the surrounding
must be set back a minimum of 3	wall of the house which it adjoins		area; and

(d) the setbacks of other buildings in the surrounding area.

1.2

Within a local heritage precinct, extensions to existing buildings must be compatible with the local heritage precinct, having regard to:

- (a) the streetscape or townscape values identified in the local historic heritage significance of the local heritage precinct, as identified in the relevant Local Provisions Schedule;
 (b) the character and appearance of the surrounding
- area;
 (c) the height and bulk of other buildings in the surrounding area; and
- (d) the setbacks of other buildings in the surrounding area.

appearance of the surrounding area;		area;		
(b) the character and		buildings in the surrounding		
Schedule;		d) the setbacks of other		
significance of the local heritage precinct, as identified in the relevant Local Provisions	relevant Local Provisions Schedule.	c) the size, shape, and orientation of the lot;		
the local historic heritage	precinct or local historic	b) the topography of the site;		
townscape values identified in	or characteristic specifically part of a local heritage	setting and the precinct;		
precinct, having regard to:	(c) not involve a value, feature	 a) the cultural heritage values of the local heritage place, its 	 c) A new building must not be on an angle to an adjoining heritage-listed building. 	0
from that characterising the	(b) not be visible from any	having regard to:	pattern in the street; and	,
architectural style different	place;	heritage place or precinct,	to the street, to conform to the established	
heritage precinct, except if a	(a) not be on a local heritage	significance of a local	the predominant orientation of buildings	
compatible with the local	olition, must:	be compatible with the	b) Where the design statement identifies that	D
demolition, must be	and works, excluding	alteration or additions must	 a) perpendicular to the street frontage; or 	മ
precinct, design and siting of	precinct or local historic		additions must be orientated:	
P1.1 Within a local heritage	A1 Within a local heritage	P1 Orientation of all new	A1 All new buildings, extensions, alterations or	D
Performance Criteria	Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	D
	=		Orientation	o
		the streetscape.	ħ	
		places; and		
	9	the historic cultural heritage significance of adjacent	e)	
		in the surrounding area;	a)	
		the sethered of ether buildings	2	7

buildings in the surrounding				•		
(d) the setbacks of other		a				
area; and						
buildings in the surrounding						
(c) the height and bulk of other						
surrounding area;						
appearance of the	0.5%					
(b) the character and						
Schedule;						
in the relevant Local Provisions						
heritage precinct, as identified			81			
significance of the local						
the local historic heritage						
townscape values identified in						
(a) the streetscape or						
precinct, having regard to:						
with the local heritage						
buildings must be compatible						
precinct, extensions to existing						
Within a local heritage						
P1.2						
				i a grant		
area.						
buildings in the surrounding		נוופ אנו פפנאכמ שם:	ו) נוופט			
(d) the setbacks of other		**************************************		h		
area; and	\$ 55	places; and	place			til
buildings in the surrounding		significance of adjacent	signif		X362)	
(c) the height and bulk of other		the historic cultural heritage	e) the h	<u></u>		

Acce	Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1	Single storey developments must have a maximum height from floor level to eaves of 3 metres.	P1 No performance criteria	A1 Within a local heritage precinct or local historic landscape precinct, building and works, excluding	P1.1 Within a local heritage precinct, design and siting of buildings and works, excluding demolition, must be
A2	Where a second storey is proposed it must be incorporated into the roof space using dormer windows, or roof windows, or gable end windows, so as not to detract from original two storey heritage-listed buildings.	P2 No performance criteria.	(a) not be on a local heritage place; (b) not be visible from any road or public open space; and (c) not involve a value, feature	heritage precinct, except if a local heritage place of an architectural style different from that characterising the precinct, having regard to:
A3	Ground floor additions located in the area between the rear and front walls of the existing house must not exceed 50% of the	P3 No performance criteria.	or characteristic specifically part of a local heritage precinct or local historic landscape precinct listed in the relevant Local Provisions	(a) the streetscape or townscape values identified in the local historic heritage significance of the local heritage precinct, as identified
	floor area of the original main house.		Schedule.	in the relevant Local Provisions Schedule; (b) the character and
				appearance of the surrounding area; (c) the height and bulk of other buildings in the surrounding area; and (d) the setbacks of other buildings in the surrounding area.
				P1.2

A3	A2										A1.2	
Where used, chimneys must be in a style that reflects the period setting of the existing main building on the site, or the setting if the site is vacant.	Where there is a need to use the roof space, dormer windows are acceptable and must be in a style that reflects the period setting of the existing main building on the site, or the setting if the site is vacant.									according guttering, or match the existing building.		a pitch between $25-40$ degrees, or match the existing building, and
Р3	P2											
No performance criteria	No performance criteria	d) the streetscape.	 the dominant rooting style and materials in the setting; and 		materials of the dominant building on	b) the design, period of construction and	precinct;	e place,	 a) the cultural heritage values of the local 	to:	significance of a local heritage place or precinct, having	be compatible with the historic cultural heritage
					טרויפטטור.	landscape precinct listed in the relevant Local Provisions	precinct or local historic	or characteristic specifically	road or public open space; and (c) not involve a value, feature	(b) not be visible from any	(a) not be on a local heritage	and works, excluding demolition, must:
bui ble p	buildings in the surrounding area. P1.2 Within a local heritage precinct. extensions to	surrounding area; and (d) the setbacks of other	surrounding area; (c) the height and bulk of other buildings in the	appearance of the	Provisions Schedule; (h) the character and	significance of the local heritage precinct, as identified in the relevant local	the local historic heritage	(a) the streetscape or	precinct, having regard to:	architectural style different	heritage precinct, except if a local heritage place of an	excluding demolition, must be compatible with the local

			reculliedi.
precinct, having regard to:	(b) not be visible from any road or public open space; and	P2 No performance criteria	A2 The plan form of new buildings must be
an architectural style different	place;		house design and dimensions.
except if a local heritage place of	4	from public spaces.	
with the local heritage precinct,		additions when viewed	A1.2 The plan form of additions must be
demolition must be compatible	works excluding demolition	dominant over any	of the existing main building; or
precince, design and sitting of	קיבות מי וסכמו וואנסות האלולים בהל	must remain visually	buildings must retain the original plan form
P1.1 Within a local heritage	hir	P1 Original main buildings	A1.1 Alterations and additions to pre-1940
Performance Criteria	Acceptable Solution/s	Performance Criteria	Acceptable Solution/s
			Plan Form
area.			
buildings in the surrounding			
(d) the setbacks of other		=	
surrounding area; and			
other buildings in the		=	
(c) the height and bulk of			
surrounding area;			
appearance of the			-
(b) the character and			
Provisions Schedule;			

252	character	-6-	(4)	11
	ile;	chedu	Provisions Schedule;	Prov
Local		relevant	the	Ë
ntified	as ider	cinct,	heritage precinct, as identified	heri
local	of the local		significance	sign
ritage	ric he	histor	the local historic heritage	the
fied in	identij	values	townscape values identified in	towi
or	streetscape	stree	the	(a)

A4

Metal cowls must not be used where they will P4

No performance criteria

be seen from the street.

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2702.				
appearance of the surrounding				
(b) the character and				
Provisions Schedule;				
identified in the relevant Local				
the local heritage precinct, as				
historic heritage significance of		T.		
values identified in the local				¥
(a) the streetscape or townscape				
regara to.				
local neritage precinct, naving				
must be compatible with the				
extensions to existing buildings				
Within a local heritage precinct,				
P1.2				
area.				
buildings in the surrounding				
(d) the setbacks of other				
area; and				
buildings in the surrounding				
(c) the height and bulk of other				
area;				
appearance of the surrounding				
(b) the character and				
ch	Schedule.			
identified in the relevant Local	levant Local Provisions			
the local heritage precinct, as				
historic heritage significance of	a local heritage precinct or local			
values identified in the local	characteristic specifically part of			
In) the streetscape or townstabe	(c) not myorke a value, Jearnie of			

rformance Criteria Wall materials compatible with the cultural heritage so of a local heritage so of a local heritage so of a local heritage precinct, having reg a) the cultural values of the heritage place, and the precince b) the design, construction materials of the building on site c) the domina materials in the and the streetscape. Wall materials				
buildings in the surrounding reads to the dominant materials in the setting; and walls must be clad in: Performance Criteria Performance Criteria Performance Criteria Performance Criteria Acceptable Solution/s Porcional heritage precinct, building demolition, must: (a) not be on a local heritage precinct, exceptable; place, or and place; and precinct, exceptable; place, or and place; and precinct or and precinct or or local historic in the setting; and the precincit, building on site; (b) the dominant materials in the setting; and works, excluding demolition, must. (c) not be on a local heritage precinct, exceptable; place, or or ocal historic in the setting of a local historic in the setting in the setting; and the provision in the relevant			0)	c) the height and bulk of other
Idition/s Performance Criteria			9 6	nuildings in the surrounding rea; and
compatible with the historic cultural heritage place or values of the cultural heritage place, its setting and the precinct, bit the design, period of materials of the dominant materials in the setting; and walls must be clad in: P1 Wall materials must be precinct or local heritage place or precinct, billiding and works, excluding and works, excluding demolition, must compatible with the heritage place or place in the local heritage place or place in the precinct, design and stitute and works, excluding demolition, must compatible with the heritage place or place in the precinct, design and stitute and works, excluding demolition, must construction and the precinct, as setting to a local heritage place or place in the precinct, as setting and the precinct or local historic demolition, must compatible with the heritage place or place in the streetscape. Acceptable Solution/s P2.1 Within a local heritage place or precinct, design and stitute demolition, must compatible with the heritage precinct, except local heritage precinct, except local place or place in the streetscape townscape values identify and the relevant construction and precinct or local historic building on site; c) the dominant wall materials in the setting; and the relevant local heritage precinct, design and store and works, excluding demolition, must compatible with the heritage place or place or value, feature (a) the streetscape townscape values identify the local historic heritage precinct, as identify the local heritage precinct, design and store and works, excluding demolition, must compatible with the heritage place or place or value, feature (b) not involve a value, feature (c) and precinct or local heritage place or place or value, feature (c) and precinct or local heritage place or characteristing and works, excluding demolition, must the heritage place or characteristing to a continuous precinct, design and store and works, excluding or demolition, must the heritage place or characteristic soft the local heritage precinct, design an		5	6	d) the setbacks of other vildings in the surrounding
Inal walls must boulution/s Performance Criteria Acceptable Solution/s Performance Criteria Pollution size used in additions must match of the existing construction, except ditions to stone or brick buildings; of a local heritage significant cultural heritage place or precinct, having regard to:			a	rea.
olution/s Performance Criteria Acceptable Solution/s Performance Criteria Performance Criteria Acceptable Solution/s Percinct or local heritage precinct, building and stit compatible with the local heritage precinct, exceptor of a loc	External Walls			
Materials used in additions must match in additions to stone or brick buildings; and works, exclutural heritage place or precinct, having regard to: a) the cultural heritage place or precinct, having regard to: a) the cultural heritage place or values of the local heritage place, its setting and the precinct; b) the design, period of construction and precinct or local heritage place or precinct, building on site; b) the design, period of construction and precinct or local heritage place or precinct, excep (b) not be on a local heritage place or characteristic specifically or characteristic specifically in the precinct or local heritage place or place, its setting and the precinct or local heritage place or characteristic specifically in the streetscape of the local heritage precinct, excep (c) not involve a value, feature building on site; c) the dominant wall materials in the setting; and the precinct or local heritage precinct, having regard to construction and precinct or local heritage precinct, having regard to construction and precinct or local heritage precinct, having regard to construction and precinct or local heritage precinct, building of compatible with the historic compatible with the historic demolition, must of contribute a value, feature to construction and precinct or local heritage precinct, having regard to construction and precinct or local heritage precinct contributes demolition. b) the design of the dominant in the streetscape townscape values identify the local historic the local heritage precinct or loca	Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Performance Criteria
External walls must be clad in: P1 Wall materials must be		Wall materials must compatible with the hist cultural heritage significa of a local heritage place precinct, having regard to: a) the cultural herit values of the lead the precinct; b) the design, period construction materials of the domin building on site; c) the dominant want and the streetscape.	A1 Within a local heritage precinct or local historic landscape precinct, building and works, excluding demolition, must: (a) not be on a local heritage place; (b) not be visible from any road or public open space; and (c) not involve a value, feature or characteristic specifically part of a local heritage precinct or local historic landscape precinct listed in the relevant Local Provisions Schedule.	P1.1 Within a local heritage precinct, design and siting of buildings and works, excluding demolition, must be compatible with the local heritage precinct, except if a local heritage place of an architectural style different from that characterising the precinct, having regard to: (a) the streetscape or townscape values identified in the local historic heritage significance of the local heritage precinct, as identified in the relevant Local Provisions Schedule; (b) the character and appearance of the
		P1 Wall materials must be	•	surrounding area;

P1 Wall materials must be compatible with the historic

	Cladding materials designed to imitate traditional materials such as brick, stone and weatherboards must not be used.	A1.3
	concrete blocks in natural concrete finish must not be used.	d)
=	concrete blocks specifically chosen to blend with local dressed stone, or rendered and painted;	c)
	Heavily—tumbled clinker bricks must not be used; or	
	 if a heritage-listed building, second- hand traditional local bricks. 	
d) the streetscape.	 standard brickwork rendered in traditional style; or 	
c) the dominant wall materials in the setting;	 standard size natural clay bricks that blend with the colour and size of the traditional local bricks; or 	
materials of the dominant huilding on site:	 painted standard size bricks; or 	
b) the design, period of construction and	and struck flush with the brickwork (must not be deeply raked), including:	0)
a) the cultural heritage values of the local heritage place, its setting	they must be painted; thin profile compressed board weatherboards must not be used; or	
of a local heritage significance or precinct, having regard to:	traditional bull-nosed timber weatherboards; if treated pine boards are used to replace damaged weatherboards	a)

- (c) the height and bulk of other buildings in the surrounding area; and
- (d) the setbacks of other buildings in the surrounding area.

7.7

Within a local heritage precinct, extensions to existing buildings must be compatible with the local heritage precinct, having regard to:

- (a) the streetscape or townscape values identified in the local historic heritage significance of the local heritage precinct, as identified in the relevant Local Provisions Schedule;
- (b) the character and appearance of the surrounding area;
- (c) the height and bulk of other buildings in the surrounding area; and
- (d) the setbacks of other buildings in the surrounding area.

Entrances and Doors

Acceptable solution/s	Pertormance Criteria	Acceptable Solution/s	Performance Criteria
A1.1 The position, shape and size of original door and window openings must be retained where they are prominent from public spaces; and	Entrances and doors must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to: a) the cultural heritage values of the local heritage place, its setting and the precinct; b) the design, period of construction and materials of the dominant building on site; and the streetscape.	precinct or local heritage precinct or local historic landscape precinct, building and works, excluding demolition, must: (a) not be on a local heritage place; (b) not be visible from any road or public open space; and (c) not involve a value, feature or characteristic specifically part of a local heritage precinct or local historic landscape precinct listed in the relevant Local Provisions	precinct, design and siting of buildings and works, excluding demolition, must be compatible with the local heritage precinct, except if a local heritage precinct, except if a local heritage place of an architectural style different from that characterising the precinct, having regard to: (a) the streetscape or townscape values identified in the relevant local Provisions in the relevant local Provisions.
A1.2 The front entrance location must be in the front wall facing the street, and be located within the central third of the front wall of the house; and A1.3 Modern front doors with horizontal glazing or similar styles must not be used.	Entrances and doors must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to: a) the cultural heritage values of the local heritage place, its setting and the precinct;		Schedule; (b) the character and appearance of the surrounding area; (c) the height and bulk of other buildings in the surrounding area; and (d) the setbacks of other buildings in the surrounding area.

area.			R		
buildings in the surrounding				æ	
(d) the setbacks of other					
area; and					
buildings in the surrounding	e				
(c) the height and bulk of other		ε			
surrounding area;					
appearance of the	Ð				
(b) the character and	1				
Schedule;				٠	
in the relevant Local Provisions					
heritage precinct, as identified					
significance of the local					
the local historic heritage			99		
townscape values identified in					
(a) the streetscape or					
precinct, having regard to:					
with the local heritage		the streetscane	2		
buildings must be compatible	s; and	building on site; and			
precinct, extensions to existing	e dominant	materials of the dominant			
Within a local heritage	and	construction			
7 L.C	מבווסמ טו	D) ale design, period of			

Windows

Acceptable Solution/s

A1

Window heads must be a minimum of 300mm below the eaves line, or match the

P1

No performance criteria.

precinct or local historic landscape precinct, building

P1.1 Within a local heritage precinct, design and siting of buildings and works, excluding

A1 Within a local heritage

Acceptable Solution/s

Performance Criteria

Performance Criteria

existing.

	Window frames must be compatible with the historic cultural heritage	P10	Painted aluminium must only be used where it cannot be seen from the street and in new buildings, or where used in existing buildings	A10
	No performance criteria.	P9	Additions to heritage-listed buildings must have timber window frames, where visible from public spaces.	A9
	No performance criteria.	P8	Reflective and tinted glass and coatings must not be used where visible from public places.	A8
	No performance criteria.	Р7	Clear glass must be used.	A7
	No performance criteria.	P6	Corner windows to front facades must not be used.	A6
	No performance criteria.	P5	Horizontally sliding sashes must not be used.	A5
relevant Schedule.	No performance criteria.	P4	Traditional style multi-pane sashes, when used, must conform to the traditional pattern of six or eight vertical panes per sash with traditional size and profile glazing bars.	Α4
or chara part of precinct	No performance criteria	Р3	Window sashes must be double hung, casement, awning or fixed appropriate to the period and style of the building.	A3
demolitio (a) not be place; (b) not l road or pu	For commercial buildings, the solid/void ratio of front façade windows must be compatible with that of heritage-listed commercial buildings in the precinct.	P2	Front façade windows must conform to the solid/void ratio.	A2

works, excluding

- not be on a local heritage ce;
- not be visible from any d or public open space; and not involve a value, feature characteristic specifically t of a local heritage cinct or local historic dscape precinct listed in the evant Local Provisions leadule.

demolition, must be compatible with the local heritage precinct, except if a local heritage place of an architectural style different from that characterising the precinct, having regard to:

- (a) the streetscape or townscape values identified in the local historic heritage significance of the local heritage precinct, as identified in the relevant Local Provisions Schedule;
- (b) the character and appearance of the surrounding area; (c) the height and bulk of other buildings in the surrounding
- (d) the setbacks of other buildings in the surrounding area.

area; and

P1.2

Within a local heritage precinct, extensions to existing buildings must be compatible with the local heritage precinct, having regard to:

= =		Not detract from the historic values of the original building.	С)
		property or protect the historic fabric; and	•
		Be necessary to enhance the utility of the	b)
		Be divided by large vertical mullions to	a)
No performance criteria	P16	Large areas of glass panelling must:	A16
No performance criteria	P15	Where two bay windows are required, they must be symmetrically placed.	A15
No performance criteria	P14	French doors and bay windows must be appropriate for the original building style and must be of a design reflected in buildings of a similar period.	A14
		must have projecting brick or stone sills, or match the existing	
No performance criteria.	P13	All windows in brick or masonry buildings	A13
No performance criteria.	P12	Stick-on aluminium glazing-bars must not be used	A12
No performance criteria.	P11	Glazing bars must be of a size and profile appropriate for the period of the building	A11
heritage place or precinct, having regard to the cultural heritage values of the local heritage place, its setting and the precinct.			

(a) the streetscape or townscape values identified in the local historic heritage significance of the local heritage precinct, as identified in the relevant Local Provisions Schedule;

(b) the character and appearance of the surrounding area; (c) the height and bulk of other

buildings in the surrounding area; and
(d) the setbacks of other buildings in the surrounding area.

Roof Covering

Accep	Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1.1	Roofing of additions, alterations and extensions must match that of the existing building; and	P1 No performance criteria	A1 Within a local heritage precinct or local historic landscape precinct, building and works. excluding	P1.1 Within a local heritage precinct, design and siting of buildings and works, excluding demolition.
A1.2	Roof coverings must be:		olition, must:	compatible with the local
a)	corrugated iron sheeting in grey tones, brown tones, dark red, or galvanized iron		(a) not be on a local heritage place; (h) not he visible from any road	heritage precinct, except if a local heritage place of an architectural style different
	Or		or public open space; and (c) not involve a yellor feature	from that characterising the precinct, having regard to:
(0	profile tiles, where compatible with the style		or characteristic specifically	(a) the streetscape or
	and period of the main building on the site		part of a local heritage precinct or local historic	townscape values identified in the local historic heritage
	dark gray; or		relevant Local Provisions	heritage precinct, as identified
	liab+ arox: or		Schedule.	in the relevant Local Provisions
	angine grey, or			
	brown tones; or			character
	• dark red;			surrounding area;
	or			(c) the height and bulk of other
<u>C</u>)	traditional metal tray tiles where compatible		¥1	area; and
,	with the style and period of the main building on the site			(d) the setbacks of other buildings in the surrounding
d)	for additions, alterations and extensions,		3	area.

1.0

Roof Plumbing

	A2 Downpipes must not be square-line gutter profile or rectangular downpipes, or match the existing downpipes.	A1.1 Gutters must be OG, D mould, or Half Round profiles, or match the existing guttering; and A1.2 Downpipes must be zinculaume natural, colorbond round, or PVC round painted.	Acceptable Solution/s
	natch P2	ound P1 ; and tural,	Per
	No performance criteria	No performance criteria	Performance Criteria
	(a) not be on a local heritage place; (b) not be visible from any road or public open space; and (c) not involve a value, feature or characteristic specifically part of a local heritage precinct or local historic landscape precinct listed in the relevant Local Provisions Schedule.	A1 Within a local heritage precinct or local historic landscape precinct, building and works, excluding demolition, must:	Acceptable Solution/s
P1.2	heritage precinct, except if a local heritage place of an architectural style different from that characterising the precinct, having regard to: (a) the streetscape or townscape values identified in the local historic heritage significance of the local heritage precinct, as identified in the relevant Local Provisions Schedule; (b) the character and appearance of the surrounding area; (c) the height and bulk of other buildings in the surrounding area; and (d) the setbacks of other buildings in the surrounding area.	P1.1 Within a local heritage precinct, design and siting of buildings and works, excluding demolition, must be compatible with the local	Performance Criteria

		P1 No performance criteria	A1 Original verandahs must be retained.
Performance Criteria	Acceptable Solution/s	Performance Criteria	Acceptable Solution/s
	3		Verandahs
Provisions Schedule; (b) the character and appearance of the surrounding area; (c) the height and bulk of other buildings in the surrounding area; and (d) the setbacks of other buildings in the surrounding area.			
precinct, extensions to existing buildings must be compatible with the local heritage precinct, having regard to: (a) the streetscape or townscape values identified in the relevant Local heritage precinct, as identified in the relevant Local			

of the original verandah; or A2.2 If details of the original verandah are not available: a) The verandah roof must join the wall line below the eaves line of the building; and b) Verandah posts and roof profile must be consistent with that in use by the surrounding buildings of a similar period. A3 A new verandah, where one has not previously existed, must be consistent with the design and period of construction of the dominant existing building on the site or, for vacant sites, those of the dominant design and period within the precinct.
0 =
must be consistent with the form and detail of the original verandah: or
of the original verandah; or
n riie original ver
If details of the original verandah are not
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<i>-</i> ,
C)

area.	buildings in the surrounding	(d) the setbacks of other	surrounding area; and	other buildings in the	(c) the height and bulk of	surrounding area;	appearance of the	(b) the character and	Provisions Schedule;	identified in the relevant Local	heritage precinct, as	significance of the local	the local historic heritage	townscape values identified in	(a) the streetscape or	regard to:	heritage precinct, having

Architectural Details

Accep	Acceptable Solution/s	Perfo	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1	Original details and ornaments, such as architraves, fascias and mouldings, are an	P1	No performance criteria	A1 Within a local heritage precinct or local historic landscape precinct, building	P1.1 Within a local heritage precinct, design and siting of buildings and works,
	essential part of the building's character and must not be removed beyond the extent of any alteration, addition or extension.				de
A2.1	Non-original elements must be consistent with the original architectural style of the dominant existing building on the site or, for vacant sites, be consistent with the existing	P2	No performance criteria	place; (b) not be visible from any road or public open space; and	local heritage place of an architectural style different from that characterising the precinct, having regard to:
	streetscape; and			(c) not involve a value, feature	(a) the streetscape or
A2.1	Non-original elements must not detract from or dominate the original qualities of the building, nor should they suggest a past use which is not historically accurate.			part of a local heritage precinct or local historic landscape precinct listed in the relevant Local Provisions	the local historic heritage significance of the local heritage precinct, as identified in the relevant Local
		10		Schedule.	chedule; character
					surrounding area; (c) *ho hoight and hill of
					other buildings in the
					surrounding area; and
					(d) the setbacks of other buildings in the surrounding
					area.
					P1.2

Outbuildings

Acc	Acceptable Solution/s	Performa	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1	The roof form of outbuildings must, if visible P1 from the street, be in the form of hip or gable, with a maximum span of 6.5m and a		The roof form of outbuildings, if visible from the street, must be compatible with the	A1 Within a local heritage P1.1 Within a local heritage precinct or local historic precinct, design and siting oldendescape precinct, building buildings and works excluding demolition, must be	P1.1 Within a local heritage precinct, design and siting of buildings and works, excluding demolition, must be

A4	A3	A2											
Any garage, including those conjoined the main building, must be designed in form of an outbuilding, with an independence form.	Outbuildings must not be located in front of existing heritage-listed buildings, and must be setback a minimum of 3 metres behind the line of the front wall of the house that is set furthest back from the street.	Outbuildings must be designed, in both scale and appearance, to be subservient to the primary buildings on the site.											22.5 – 40 degrees.
to P4 the ent	of P3	th P2					50 Maria						=
1 No performance criteria	No performance criteria	2 No performance criteria	d) the streetscape.	the setting; and	c) the dominant roofing style and materials in	dominant building on site;	materials of the	period	setting and the precinct;	values of the local heritage place, its	a) the cultural heritage	regard to:	place or precinct, having
					Schedule.	landscape precinct listed in the relevant Local Provisions	(0) ≃	(c) not involve a value, feature or characteristic specifically	and	(b) not be visible from any road or public open space;	place;	(a) not be on a local heritage	demolition, must:
heritage precinct, having regard to:	P1.2 Within a local heritage precinct, extensions to existing buildings must be compatible with the local	surrounding area; and (d) the setbacks of other buildings in the surrounding	(c) the height and bulk of	surrounding area;	character	the relevant Lo chedule;	significance of the local heritage precinct as	townscape values identified in the local historic heritage	(a) the streetscape or	precinct, having regard to:	architectural style different	local heritage place of an	heritage precinct, except if a

area.			
buildings in the surrounding	= =		
(d) the setbacks of other			
surrounding area; and		8	
other buildings in the			
(c) the height and bulk of			
surrounding area;			
appearance of the		same as that of the main house.	
(b) the character and		and the roof form and pitch must be the	
Provisions Schedule;		height of outbuildings must not exceed 3m	
identified in the relevant Local	P6 No performance criteria	Where visible from the street, the eaves	A6
heritage precinct, as		c	
significance of the local		heritage-listed building on-site.	
the local historic heritage		and style, with those of any existing	
townscape values identified in		street must be consistent, in both materials	
(a) the streetscape or	P5 No performance criteria	Those parts of Outbuildings visible from the	A5

חפופחו טו טעוטעווטווופא ווועאר ווטר פאכפפט טווו			יוסעוטוטוט טכוורשטור)
and the roof form and pitch must be the		-	(b) the character and
same as that of the main house.			appearance of the
			surrounding area;
			(c) the height and bulk of
			other buildings in the
8			surrounding area; and
			(d) the setbacks of other
			buildings in the surrounding
			area.
Conservatories			
Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1 Conservatories must not be located at the front of a building.	P1 No performance criteria	A1 Within a local heritage precinct or local historic	P1.1 Within a local heritage precinct, design and siting of
A2 The scale form materials and colours of a		and works excluding	excluding demolition must be
conservatory addition must respect the	LZ INO bellottilatice citretta	demolition, must:	compatible with the local
established style and period of the existing building.		(a) not be on a local heritage	heritage precinct, except if a local heritage place of an
		ot be visible from any or public open space;	architectural style different from that characterising the precinct, having regard to:
		(c) not involve a value, feature	(a) the streetscape or
	and the second s		

															yt.											Schedule.	the relevant Local Provisions	landscape precinct listed in	3.	part of a local heritage
surrounding area;	of	(b) the character and	identified in the relevant Local	heritage precinct, as	significance of the local	the local historic heritage	townscape values identified in	(a) the streetscape or	regard to:	heritage precinct, having	compatible with the local	existing buildings must be	precinct, extensions to	Within a local heritage	P1.2	a wild controlled	area.	buildings in the surrounding	(d) the setbacks of other	surrounding area; and	other buildings in the	(c) the height and bulk of	surrounding area;	appearance of the	(b) the character and		identified in the relevant Local	heritage precinct, as	significance of the local	the local historic heritage

Acce	Acceptable Solution/s	Perfo	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1.1	Replacement of front fence must be in the same design, materials and scale; or	P1		Within a local heritage precinct, new front fences and gates must be designed and	Within a local heritage precinct, new front fences and agtes must be compatible
A1.2 a)			heritage place or precinct, having regard to:	constructed to match the existing original fences on the site.	with the local heritage precinct, having regard to: (a) the streetscape or
	masonry to match the house, heritage style woven wire, galvanized tubular fencing, other than looped, or iron palisade fence with a maximum height of 1500mm.		 a) the cultural heritage values of the local heritage place, its setting and the precinct; 		townscape values identified in the local historic heritage significance of the local heritage precinct, as
b)	Side and rear fences must be vertical timber palings to a maximum height of 1800mm.		 the architectural style of the dominant building on the site; 		identified in the relevant Local Provisions Schedule; (b) height, form, style and materials of the proposed
			c) the dominant fencing style in the setting; andd) the original or previous fences on the site.		fence; and (c) the style, characteristics and setbacks of fences and gates in the surrounding area.
A2	Catan manist months the femore both in	P2 No performance criteria			

significance of the local heritage precinct, as	nct or local historic scape precinct listed in		Indian red, light browns, tans, olive green and deep Brunswick green
the local historic heritage			and deep Brunswick green.
precinct, having regard to:	and (c) not involve a value feature,		b) Window & Door frames – white, off white, Indian red, light browns, tans, olive green
from that characterising the	not be visible from any	the existing place or precinct.	a) Walls – Off white, creams, beige, tans, fawn and ochre.
compatible with the local heritage precinct, except if a local heritage place of an		inct having regarder and appe	A1.2 Colour schemes must be drawn from the following:
excluding demolition, must be	and works, excluding	historic heritage significance of	or
hin desi	Within a local heritage inct or local historic	P1 Colour schemes must be compatible with the local	A1.1 Colour schemes must be drawn from heritage-listed buildings within the precinct;
Performance Criteria	Acceptable Solution/s	Performance Criteria	Acceptable Solution/s
			Paint Colours
			d) plywood and cement sheet.
		= =	c) flat metal sheet or corrugated sheets; or
			b) plastic covered wire mesh; or
		=	a) horizontal or diagonal timber slat fences; or
	v	P4 No performance criteria	A4 Fences must not be:
		P3 No performance criteria	A3 Screen fences used to separate the front garden from the rear of the house must be of timber or lattice.

surrounding area; and				
other buildings in the				
=				
surrounding area;				
appearance of the				
(b) the character and			(*	
Provisions Schedule;				
identified in the relevant Local				
heritage precinct, as				
significance of the local				
the local historic heritage				
townscape values identified in				
(a) the streetscape or				
regara to:				
neritage precinct, naving				
compatible with the local	,			
existing buildings must be		٥		
precinct, extensions to				
Within a local heritage				
P1.2				
area.				
buildings in the surrounding				
(d) the setbacks of other			ballalligs.	
surrounding area; and			hallied, except in the case of post took	
other buildings in the		No performance criteria	painted except in the case of post-1960	. ?
(c) the height and bulk of			Previously uppainted brickwork must not be	20
surrounding area;			colour and trim colours.	
		No performance criteria	There must be a contrast between the wall P2	A2
(b) the character and			0	
Provisions Schedule;	Schedule.		dark grev.	2
identified in the relevant Local	the relevant Local Provisions		Roof & Gutters – deep Indian red, light and	<u>d</u>

			(d) the setbacks of other buildings in the surrounding area.
Lighting			
Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1 Wiring or conduit to new lighting is not located on the front face of a building.	P1 No performance criteria	A1 Within a local heritage precinct or local historic landscape precinct, building and works, excluding demolition, must:	P1.1 Within a local heritage precinct, design and siting of buildings and works, excluding demolition, must be compatible with the local heritage precinct.
		(a) not be on a local heritage place; (b) not be visible from any road or public open space; and (c) not involve a value, feature or characteristic specifically part of a local heritage precinct or local historic landscape precinct listed in the relevant Local Provisions Schedule.	except if a local heritage place of an architectural style different from that characterising the precinct, having regard to: (a) the streetscape or townscape values identified in the local historic heritage significance of the local heritage precinct, as identified in the relevant Local Provisions Schedule; (b) the character and appearance of the surrounding area; (c) the height and bulk of other buildings in the surrounding area; and (d) the setbacks of other buildings in the surrounding area.

Maintenance and repairs that do not involve removal, replacement or concealment of any external building fabric are exempt.	No performance criteria.	New materials and finishes used in the maintenance and repair of buildings match the materials and finishes that are being replaced.
Exemption	Performance Criteria	Acceptable Solution
		Maintenance and Repair
area.		
(d) the setbacks of other	=	
area: and		
(c) the height and bulk of other	= =	
area;		
appearance of the surrounding		
(b) the character and		х.
Provisions Schedule;		
identified in the relevant Local		
the local heritage precinct, as	= =	
historic heritage significance of		
values identified in the local		
(a) the streetscape or townscape	=	
regard to:	=	10
local heritage precinct, having		
must be compatible with the		*
extensions to existing buildings		
Within a local heritage precinct,		
P1.2		

LOCAL HERITAGE PLACES

Setbacks

2	Northern Midiarius Interim Planning Scheine 2013	ellie 2	UI3	rushilah Flahiling Scheine	
Acc	Acceptable Solution/s	Perfo	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1	The predominant front setback	P1	The front setback must be	A1 No Acceptable Solution.	P1 The front, side and rear setbacks of a
	as identified in the design		compatible with the historic		building must be compatible with the
	e mai		cultural heritage significance of a	9	local historic heritage significance of the
	for all new buildings, extensions,		local heritage place or precinct,		place, having regard to:
	alterations or additions.	8	having regard to:		(a) the historic heritage values of the
	,		a) the cultural heritage values		local heritage place as identified in the relevant Local Provisions Schedule, or if
			setting and the precinct;		there are no historic heritage values
	п		b) the topography of the site;		Schedule, the historic heritage values as
		7,25	c) the size, shape, and orientation of the lot:		suitably qualified person;
					(b) the topography of the site;
			 d) the setbacks of other buildings in the surrounding 		(c) the size, shape, and orientation of the
	-		area;		(d) the setbacks of other buildings in the
			cultural		surrounding area.
			places; and		
			f) the streetscape.		
A2	New carports and garages, whether attached or detached,	P2	The setback of new carports and garages from the line of the front		

			1-56					
	A3 Side setback reductions must be to one boundary only, in order to maintain the appearance of the original streetscape spacing.							metres behind the line of the front wall of the house which it adjoins.
c) the topography of the site; c) the size, shape, and orientation of the lot;	P3 Side setbacks must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:	f) the streetscape.	e) the historic cultural heritage significance of adjacent places; and	 d) the setbacks of other buildings in the surrounding area; 	c) the size, shape, and orientation of the lot;	b) the topography of the site;	a) the cultural heritage values of the local heritage place, its setting and the precinct;	must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:

(c) the size, shape, and orientation of the lot; and		d) the setbacks of other buildings in the surrounding area;		
<pre>identified in a report prepared by a suitably qualified person; (b) the topography of the site:</pre>		c) the size, shape, and orientation of the lot;		
historic heritage values as		b) the topography of the site;		
identified in the relevant Local Provisions Schedule the	2	of the local heritage place, its setting and the precinct;	adjoining heritage-listed building.	
Provisions Schedule, or if there		a) the cultural heritage values		c)
of the local heritage place as identified in the relevant Local	8	heritage place or precinct, having regard to:	to the street, to conform to the established	
(a) the historic heritage values			within the street is other than perpendicular	
historic heritage significance of the place, having regard to:		alteration or additions must be compatible with the historic cultural heritage	a) perpendicular to the street frontage; or b) Where the design statement identifies that	b)
P1 The front, side and rear setbacks of a building must be	A1 No Acceptable Solution.	P1 Orientation of all new buildings, extensions,	All new buildings, extensions, alterations or additions must be orientated:	A1
Performance Criteria	Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Ac
			Orientation	Orie
		the streetscape.	f) t	
		places; and	75 W	**
		cultural	e) t	
		area;	ū.	
	20	buildings in the surrounding	d) †	
	•			

area; and			
buildings in the surrounding		=	
(c) the height and bulk of other		=	
building or place;		= 200	
(b) the character and			c
by a suitably qualified person;			floor area of the original main house.
identified in a report prepared			existing house must not exceed 50% of the
historic heritage values as		P3 No performance criteria.	between the rear and front walls of
Provisions Schedule, the			A3 Ground floor additions located in the area
identified in the relevant Local			
are no historic heritage values			
Provisions Schedule, or if there			original two storey heritage-listed buildings.
identified in the relevant Local			end windows, so as not to detract from
of the local heritage place as			dormer windows, or roof windows, or gable
(a) the historic heritage values			incorporated into the roof space using
place, having regard to:		P2 No performance criteria	A2 Where a second storey is proposed it must be
significance of a local heritage			
with the local historic heritage		= =	3 metres.
buildings must be compatible			maximum height from floor level to
P1 The height and bulk of	A1 No Acceptable Solution.	P1 No performance criteria	A1 Single storey developments must have a
Performance Criteria	Acceptable Solution/s	Performance Criteria	Acceptable Solution/s
		*	Scale
		9	
		f) the streetscape.	
area.		places; and	
s in the surrou			a
(d) the sethacks of other		e) the historic cultural heritage	

			(d) the setting of the local heritage place.
Roof form			
Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Performance Criteria

A4	A3	A	
Metal cowls must not be used where they will be seen from the street.	Where used, chimneys must be in a style that reflects the period setting of the existing main building on the site, or the setting if the site is vacant.	where there is a need to use the root space, dormer windows are acceptable and must be in a style that reflects the period setting of the existing main building on the site, or the setting if the site is vacant.	
P4	Р3	P2	
No performance criteria	No performance criteria	No performance criteria	c) the dominant roofing style and materials in the setting; andd) the streetscape.
72		and materials in the setting, and (d) the streetscape.	(b) the design, period of construction and materials of the building on the site that the roof directly relates to;(c) the dominant roofing style

Plan Form

Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1.1 Alterations and additions to pre-1940 P1) P1 Original main buildings	A1 No Acceptable Solution.	P1 Building alterations,
buildings must retain the original plan form	must remain visually		excluding roof form and
of the existing main building; or	dominant over any		that is a local heritage place
A1.2 The plan form of additions must be			must be compatible with and not
rectilinear or consistent with the existing	from public spaces.		detract from the local historic
house design and dimensions.			heritage significance of the
			place, having regard to:

No provisions.	No provisions.	P2 No performance criteria	The plan form of new buildings must be rectilinear.	A2
(d) the streetscape.				
and				
building materials in the setting;				
(c) the dominant external				
directly relate to;	ā			
building alterations most				
the building on the site that the				
construction and materials of				
(b) the design, period of			in the second	
qualified person;				
report prepared by a suitably				
heritage values as identified in a				
Provisions Schedule, the historic				
identified in the relevant Local				
are no historic heritage values			11	
Provisions Schedule, or if there				
identified in the relevant Local				
the local heritage place as				
(a) the historic heritage values of	7			

Accep	Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1.1	Materials used in additions must match those of the existing construction, except in additions to stone or brick buildings; and	P1 Wall materials must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to: a) the cultural heritage values of the local heritage place, its setting and the precinct; b) the design, period of construction and materials of the dominant building on site; c) the dominant wall materials in the setting; and	A1 No Acceptable Solution.	P1 Building alterations, excluding roof form and materials, of an existing building that is a local heritage place must be compatible with and not detract from the local historic heritage significance of the local heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person; (b) the design, period of
				(b) the design, period of construction and materials of the building on the site that the building alterations most directly relate to; (c) the dominant external building materials in the setting; and (d) the streetscape.

wytok w				state wee T
c)			b)	A1.2 a)
Heavily—tumbled clinker bricks must not be used; or concrete blocks specifically chosen to blend with local dressed stone, or rendered and painted;	 standard brickwork rendered in traditional style; or if a heritage-listed building, second- hand traditional local bricks. 	 painted standard size bricks; or standard size natural clay bricks that blend with the colour and size of the traditional local bricks; or 	compressed board weatherboards must not be used; or brickwork, with mortar of a natural colour and struck flush with the brickwork (must not be deeply raked), including:	External walls must be clad in: traditional bull-nosed timber weatherboards; if treated pine boards are used to replace damaged weatherboards they must be painted; thin profile
	d)	c)	b) a)	P1 W
	and the streetscape.	construction and materials of the dominant building on site; the dominant wall materials in the setting;	the cultural herital values of the learning place, its set and the precinct; the design, period	materials must be ble with the historic heritage significance cal heritage place or having regard to:
in the second se	¥,,	п		A1 No Acceptable Solution.
the building alterations most directly relate to; (c) the dominant external building materials in the setting; and (d) the streetscape.	identified in a report prepared by a suitably qualified person; (b) the design, period of construction and materials of the building on the site that	Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as	historic heritage significance of the place, having regard to: (a) the historic heritage values of the local heritage place as identified in the relevant Local	P1 Building alterations, excluding roof form and materials, of an existing building that is a local heritage place must be compatible with and not detract from the local

-					
				A1.3	d)
	=		a	Cladding materials designed to imitate traditional materials such as brick, stone and weatherboards must not be used.	concrete blocks in natural concrete finish must not be used.
					New build – no provisions
					New build – no provisions.

Entrances and Doors

Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Performance Criteria
ape and size of original door penings must be retained re prominent from public	Entrances and doors must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to: a) the cultural heritage values of the local heritage place, its setting and the precinct; b) the design, period of construction and materials of the dominant building on site; and the streetscape.	A1 No Acceptable Solution.	excluding roof form and materials, of an existing building that is a local heritage place must be compatible with and not detract from the local historic heritage significance of the place, having regard to: (a) the historic heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in a report prepared by a suitably qualified person; (b) the design, period of construction and materials of the building alterations most directly relate to; (c) the dominant external building materials in the setting; and
			a) electronego.

A2

Front façade windows must conform to the

P2

For commercial buildings, the solid/void ratio of front

compatible with that of

façade windows must be

heritage-listed commercial

buildings in the precinct.

solid/void ratio.

existing.

Window heads must be a minimum of 300mm below the eaves line, or match the

P1

No performance criteria.

New build - no provisions.

A1 No Acceptable Solution.

excluding roof materials, of

place must be compatible with

building that is a local heritage

alterations, form and an existing

and not detract from the local

Existing building:

Existing building:

Building

New build - no provisions.

A1

Performance Criteria	Acceptable Solution/s	Performance Criteria	Acceptable Solution/s
		H	Windows
/2		c) the streetscape.	
	r	construction and materials of the dominant building on site; and	
		b) the design, period of	
		heritage place, its setting and the precinct;	
		values of the local	
		a) the cultural heritage	or similar styles must not be used.
		precinct, having regard to:	A1.3 Modern front doors with horizontal glazing
		of a local heritage place or	the house; and
		cultural heritage significance	within the central third of the front wall of
reces build the providence.	The production of the producti	compatible with the historic	front wall facing the street, and be located
New huild - no provisions	New huild - no provisions	P1 Entrances and doors must be	A1.2 The front entrance location must be in the

ace or predoctor of the culues of the ace, its secinct.		8	
Window frames must be compatible with the historic cultural heritage significance of a local	P10	Painted aluminium must only be used where it cannot be seen from the street and in new buildings, or where used in existing buildings	A10
No performance criteria.	Р9	Additions to heritage-listed buildings must have timber window frames, where visible from public spaces.	A9
No performance criteria.	P8	Reflective and tinted glass and coatings must not be used where visible from public places.	A8
No performance criteria.	Р7	Clear glass must be used.	A7
No performance criteria.	P6	Corner windows to front facades must not be used.	A6
No performance criteria.	P5	Horizontally sliding sashes must not be used.	A5
No performance criteria.	P4	Traditional style multi-pane sashes, when used, must conform to the traditional pattern of six or eight vertical panes per sash with traditional size and profile glazing bars.	A4
No performance criteria	Р3	Window sashes must be double hung, casement, awning or fixed appropriate to the period and style of the building.	A3

of the place, having regard to: historic heritage significance

of the local heritage place as directly relate to; the building on the site that the building alterations most (b) the design, period of construction and materials of by a suitably qualified person; historic heritage values as are no historic heritage values Provisions Schedule, or if there identified in the relevant Local (a) the historic heritage values identified in a report prepared Provisions Schedule, the identified in the relevant Local

setting; and building materials in the (c) the dominant external

(d) the streetscape.

Performance Criteria	Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Acc
			Roof Covering	Roof
			original building.	
		=	property or protect the historic fabric; and Not detract from the historic values of the	<u>C</u>
	. 80	· ·	Be necessary to enhance the utility of the	ь)
			Be divided by large vertical mullions to	a)
		P16 No performance criteria	6 Large areas of glass panelling must:	A16
		P15 No performance criteria	Where two bay windows are required, they must be symmetrically placed.	A15
×		P14 No performance criteria	4 French doors and bay windows must be appropriate for the original building style and must be of a design reflected in buildings of a similar period.	A14
		P13 No performance criteria.	3 All windows in brick or masonry buildings must have projecting brick or stone sills, or match the existing	A13
	s	P12 No performance criteria.	 Stick-on aluminium glazing-bars must not be used 	A12
,		P11 No performance criteria.	1 Glazing bars must be of a size and profile appropriate for the period of the building	A11
25				

		P2 No performance criteria	Must not be klip-lock steel deck and similar high rib tray sheeting.	A2
		as and	for additions, alterations and extensions, match that of the existing building.	d)
and (d) the streetscape.			with the style and period of the main building on the site	c)
(c) the dominant roofing style and materials in the setting;				
the building on the site that the roof directly relates to:			• dark red;	
construction and materials of			brown tones; or	
			• light grey; or	
by a suitably qualified person;	20		dark gray; or	
historic heritage values as identified in a report prepared			and the setting. Tile colours must be:	
Provisions Schedule, the	2		profile tiles, where compatible with the style and period of the main building on the site	
are no historic heritage values			slate or modern equivalents, shingle and low	<u>b</u>)
Provisions Schedule, or if there			or	
(a) the historic heritage values of the local heritage place as	to match the existing roof being replaced.		corrugated iron sheeting in grey tones, brown tones, dark red, or galvanized iron	a)
having regard to:	must be of a form and material		Roof coverings must be:	A1.2
historic heritage significance of a local heritage place,	visible from any road or public open space adjoining the site,	2	extensions must match that of the existing building; and	
Roof form and materials must be compatible with the local	Replacement roofs on local heritage places which will be	P1 No performance criteria	Roofing of additions, alterations and	A1.1

Roof Plumbing

Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1.1 Gutters must be OG, D mould, or Half Round profiles, or match the existing guttering; and	P1 No performance criteria	A1 Replacement roofs on local heritage places which will be visible from any road or public	P1 Roof form and materials must
A1.2 Downpipes must be zinculaume natural, colorbond round, or PVC round painted.		open space adjoining the site, must be of a form and	be compatible with the local historic heritage significance of a local heritage place,
A2 Downsines must not be square-line gutter	D2 No performance criteria	roof being replaced.	having regard to:
profile or rectangular downpipes, or match			(a) the historic heritage values of the local heritage place as
# C C S 2 # 1 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 -			identified in the relevant Local
			Provisions Schedule, or if
п			there are no historic heritage
			relevant Local Provisions
			Schedule, the historic heritage
			values as identified in a report
			prepared by a suitably
			qualified person;
			(b) the design, period of
			construction and materials of
			the building on the site that
		*	the roof directly relates to;
			(c) the dominant roofing style
			and materials in the setting;
			and
			(d) the streetscape.
3			

Verandahs

Accep	Acceptable Solution/s	Perfo	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1	Original verandahs must be retained.	P1	No performance criteria	A1 No Acceptable Solution.	P1 Building alterations, excluding roof form and
A2.1	The replacement of a missing verandah must be consistent with the form and detail	P2	Verandahs must be compatible with the historic		materials, of an existing building that is a local
	of the original verandah; or		cultural heritage significance		neritage place must be
A2.2	If details of the original verandah are not available:		of a local heritage place or precinct, having regard to:		detract from the local historic heritage significance of the
a)	The verandah roof must join the wall line		 a) the cultural heritage values of the local 		place, having regard to:
	Versidah poets and roof profile must be		heritage place, its		of the local heritage place as
	consistent with that in use by the		b) the design, period of		identified in the relevant Local
	Surrounding buildings of a sillinal period.		construction and		there are no historic heritage
*********			of		values identified in the
			site; and		Schedule, the historic heritage
			c) the streetscape.		values as identified in a report
					qualified person;
					(b) the design, period of
	2				construction and materials of
					the building alterations most
			=		directly relate to;
					(c) the dominant external
	6		= -		building materials in the
					setting; and

	A3	
previously existed, must be consistent with the design and period of construction of the dominant existing building on the site or, for vacant sites, those of the dominant design and period within the precinct.	A new verandah, where one has not P3	
	No performance criteria	
	New build - No provisions.	æ
-	New build - No provisions.	(d) the streetscape.

Architectural Details

Acce	Acceptable Solution/s	Perfo	Performance Criteria	Acceptable Solution/s	Performance Criteria
Origi	Original Detailing				
A1	Original details and ornaments, such as architraves, fascias and mouldings, are an essential part of the building's character and	P1	No performance criteria	A1 No Acceptable Solution.	P1 Building alterations, excluding roof form and materials, of an existing
	must not be removed beyond the extent of any alteration, addition or extension.				building that is a local heritage place must be compatible with and not detract from the local historic heritage significance of the
					place, having regard to:
					of the local heritage place as
					Provisions Schedule, or if
					there are no historic heritage
	143				values identified in the
	T.				Schedule, the historic heritage
					values as identified in a report
					prepared by a suitably
					qualified person;
					(b) the design, period of
				8	the building on the site that
					the building alterations most
					directly relate to;

Non-original elements must be consistent with the original architectural style of the dominant existing building on the site or, for vacant sites, be consistent with the existing streetscape; and Non-original elements must not detract from or dominate the original qualities of the building, nor should they suggest a past
No performance criteria
No

	¥.	in the second se				
A6	A5	A4	A3	A2		
Where visible from the street, the eaves height of outbuildings must not exceed 3m	Those parts of Outbuildings visible from the street must be consistent, in both materials and style, with those of any existing heritage-listed building on-site.	Any garage, including those conjoined to the main building, must be designed in the form of an outbuilding, with an independent roof form.	Outbuildings must not be located in front of existing heritage-listed buildings, and must be setback a minimum of 3 metres behind the line of the front wall of the house that is set furthest back from the street.	Outbuildings must be designed, in both scale and appearance, to be subservient to the primary buildings on the site.		
P6	P5	Р4	Р3	P2		
No performance criteria	No performance criteria	No performance criteria	No performance criteria	No performance criteria	c) the dominant roofing style and materials in the setting; andd) the streetscape.	the cons mate dom site;
		-	70	cut or fill of more than 1m; and (h) not encroach on any service easement or be	(f) have a maximum height less than 2.4m above existing ground level;(g) not have a maximum change of level as a result of	(d) have a gross floor area less than 9m ² ; (e) have a combined total area of all outbuildings on the site of not more than 20m ² ;
		2	outbuilding or structure from any road or public open space adjoining the site.	(d) the external materials, finishes and decoration of the outbuilding or structure; and	(b) the bulk, form and size of buildings on the site; (c) the bulk, form and size of the proposed outbuilding or	values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably aualified person;

	and the roof form and pitch must be the same as that of the main house.		=	ş	
Conse	Conservatories				
Acce	Acceptable Solution/s	Perf	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1	Conservatories must not be located at the front of a building.	P1	No performance criteria	A1 No Acceptable Solution.	P1 Building alterations, excluding roof form and materials, of an existing
A2	The scale, form, materials, and colours of a conservatory addition must respect the established style and period of the existing building.	P2	No performance criteria		building that is a local heritage place must be compatible with and not detract from the local historic
				,	of the local heritage place as identified in the relevant Local
					Provisions Schedule, or if there are no historic heritage
					values identified in the relevant Local Provisions
					Schedule, the historic heritage
					prepared by a suitably
					qualified person;
		690			construction and materials of
					the building on the site that
					the building alterations most
					מוו כרנוץ ו כושוב נט,

(c) the dominant fencing style in the setting;		P2 No performance criteria	A2 Gates must match the fence, both in	Ą
(b) the architectural style of the buildings on the site;		d) the original or previous fences on the site.		
values as identified in a report prepared by a suitably audified nerson:		c) the dominant fencing style in the setting; and		
values identified in the relevant Local Provisions Schedule, the historic heritage		 b) the architectural style of the dominant building on the site; 	b) Side and rear fences must be vertical timber palings to a maximum height of 1800mm.	
(a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage		 a) the cultural heritage values of the local heritage place, its setting and the precinct; 	masonry to match the house, heritage style woven wire, galvanized tubular fencing, other than looped, or iron palisade fence with a maximum height of 1500mm.	
place, having regard to:	on the site.	heritage place or precinct, having regard to:	A1.2a) Front fence must be a timber vertical picket,	a) A
must be compatible with the local historic heritage	al heritage places must be signed and constructed to	P1 Fences must be compatible with the historic cultural heritage significance of a local	A1.1 Replacement of front fence must be in the same design, materials and scale; or	· >
Performance Criteria P1 New fences and nates	Acceptable Solution/s A1 New fences and agrees on	Performance Criteria	Acceptable Solution/s	A
		= =	Fences and Gates	Fen
(d) the streetscape.				
(c) the dominant external building materials in the setting; and		5		

-			_	וסימיוטוי טן יוור (יוורים:
A4	Fences must not be:	P4 No performance criteria		
a)	horizontal or diagonal timber slat fences; or		ν	200
<u>b</u>	plastic covered wire mesh; or		1	
c)	flat metal sheet or corrugated sheets; or	=	,	
d)	plywood and cement sheet.		5	
Paint	Paint Colours			
Acce	Acceptable Solution/s	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1.1	Colour schemes must be drawn from heritage-listed buildings within the precinct; or	P1 Colour schemes must be compatible with the local historic heritage significance of	A1 No Acceptable Solution.	P1 Building alterations, excluding roof form and materials, of an existing
A1.2	Colour schemes must be drawn from the following:	the local heritage place or precinct having regard to the character and appearance of		heritage place must be compatible with and not
a)	Walls – Off white, creams, beige, tans, fawn and ochre.	the existing place or precinct.		heritage significance of the place, having regard to:
р)	Window & Door frames – white, off white, Indian red, light browns, tans, olive green and deep Brunswick green.			(a) the historic heritage values of the local heritage place as identified in the relevant Local
c)	Fascia & Barge Boards - white, off white Indian red, light browns, tans, olive green and deep Brunswick green	9		Provisions Schedule, or if there are no historic heritage values identified in the

	A3	A2	g)
buildings.	Previously unpainted brickwork must not be painted, except in the case of post-1960	There must be a contrast between the wall colour and trim colours.	Roof & Gutters – deep Indian red, light and dark grey.
	P3	P2	
	No performance criteria	No performance criteria	e ii
the building alterations most directly relate to; (c) the dominant external building materials in the setting; and (d) the streetscape.	(b) the design, period of construction and materials of the huilding on the site that	prepared by a suitably qualified person;	relevant Local Provisions Schedule, the historic heritage

Lighting

Acce	Acceptable Solution/s	Perf	Performance Criteria	Acceptable Solution/s	Performance Criteria
A1	Wiring or conduit to new lighting is not located on the front face of a building.	P1	No performance criteria	AI No Acceptable Solution.	P1 Building alterations, excluding roof form and materials, of an existing building that is a local heritage place must be
					compatible with and not detract from the local historic heritage significance of the place, having regard to:
					(a) the historic heritage values of the local heritage place as
					Provisions Schedule, or if there

Maintenance and Repair

Acceptable Solution/s

(d) the streetscape.		
and		
building materials in the setting;		
(c) the dominant external		
relate to;		
building alterations most directly		
the building on the site that the	2	
construction and materials of		
(b) the design, period of		
qualified person;		
report prepared by a suitably		2
heritage values as identified in a		
Provisions Schedule, the historic		
identified in the relevant Local		
are no historic heritage values		

Alternative Use of heritage buildings

being replaced.

New materials and finishes used in the maintenance and repair of buildings match the materials and finishes that are

No performance criteria.

Performance Criteria

Exemption

exempt.

Maintenance and repairs that do not involve removal, replacement or concealment of any external building fabric are

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										% -
			of the building or where there is an overriding public benefit.	 a report by heritage professional states that it is necessary for conservation purposes or the continued maintenance 	acceptable; and	proposed use on the surrounding areas and from the surrounding area on the proposed use are considered	b) the amenity impacts of both the	proposed use will not adversely impact on the significance of a heritage place; and	a) it can be demonstrated that the	granted for any use of a building listed in table F2.1 where:
(d) any conservation plan prepared by a suitably qualified person in accordance with <i>The Conservation Plan: A quide to the</i>	(ii) the historic cultural heritage significance of the place as described in the Tasmanian Heritage Register;	(c) any heritage impact statement prepared by a suitably qualified person setting out the effect of the proposed use and any associated development on: (i) the local historic heritage significance of the local heritage place or local heritage precinct; and	(b) any statement of local historic heritage significance and historic heritage values, as described in the Local Historic Heritage Code;	have regard to: (a) any statement of historic cultural heritage significance for the place, as described in the Tasmanian Heritage Register;	7.4.3 In determining an application the planning authority must	(b) the historic cultural heritage significance of the place as described in the Tasmanian Heritage Register.	(a) the local historic heritage significance of the local heritage place; or	maintenance of:	Prohibited is Discretionary.	Heritage Register or as a Local Heritage Place subject to the Local Historic Heritage Code that would otherwise be

(i) the purpose and provisions of any applicable code
(h) the purpose and provisions of the applicable zone; and
1995;
with the provisions contained in the Historic Cultural Heritage Act
(g) any Heritage Agreement that may be in place, in accordance
operation, of surrounding uses;
(f) the likely impact of the proposed use on the amenity, or
dependent upon the establishment of the proposed use;
maintenance of the heritage significance of the place is
(e) the degree to which the restoration, conservation and future
significance 7th edition, 2013;
preparation of conservation plans for places of European cultural

Land Use Planning and Approvals Act 1993

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

NOTICE OF DECLARATION

I, ROGER CHARLES JAENSCH, Minister for Planning, acting in accordance with Schedule 6, Clause 8(4) of the *Land Use Planning and Approvals Act 1993* ("the Act") after having consulted with the Tasmanian Planning Commission, declare the specific area plans, particular purpose zones and site specific qualifications identified in the Schedule to this declaration to be plans zones and qualifications to which Schedule 6, Clause 8 of the Act does not apply.

Dated this XX day of XXXXX, 2019

ROGER CHARLES JAENSCH

Minister for Planning

The Schedule

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

Provision	Reason
General Residential Zone – 10.2 Use Table Residential permitted – "If for multiple dwellings, except on CT 152543/1"	The provision is inconsistent with the: purpose of State Planning Provisions General Residential Zone which is to provide for residential use or development that accommodates a range of dwelling types; and State Planning Provisions General Residential Zone Use Table 8.2 as it downgrades the status of the Residential use class in the zone.
General Residential Zone – 10.2 Use Table Residential discretionary – "If on CT 152534/1 retirement village only"	The provision is inconsistent with the: purpose of State Planning Provisions General Residential Zone which is to provide for residential use or development that accommodates a range of dwelling types; and State Planning Provisions General Residential Zone Use Table 8.2 as it downgrades the status of the Residential use class in the zone.

Provision	Reason
General Residential Zone – 10.2 Use Table Food Services discretionary – "If a Restaurant on the land described in CT 3040/81 (114 Marlborough Street, Longford)"	The provision is provided for by State Planning Provisions General Residential Zone Use Table 8.2 which provides for all Food Services as discretionary "if not for a take away food premises with a drive through facility".
General Residential Zone – 10.2 Use Table Recycling and Waste Disposal discretionary – "If on CT 135864/3"	The provision is provided for the State Planning Provisions clause 7.6, which provides for a discretionary decision in relation to this use of the land.
General Residential Zone – 10.2 Use Table Resource Development discretionary – "If on CT 135864/3"	The provision is provided for the State Planning Provisions clause 7.6, which provides for a discretionary decision in relation to this use of the land.
Low Density Residential Zone – 12.2 Use Table Food Services discretionary – "If a Restaurant on the land described in CT 200085/1 (part of 31-41 Grant Street, Campbell Town"	The provision is provided for by State Planning Provisions Low Density Residential Zone use Table 10.2 which provides for all Food Services as discretionary "if not for a take away food premises with a drive through facility".
32.0 Particular Purpose Zone – Future Residential	The provision is provided for by the State Planning Provisions Future Urban Zone.
E3.0 Landslip Code	The provision is provided for by the State Planning Provisions Landslip Hazard Code.
E5.0 Flood Prone Areas Code	The provision is provided for by the State Planning Provisions Flood-Prone Areas Hazard Code.
E7.0 Scenic Management Code	The provision is provided for by the State Planning Provisions Scenic Protection Code.
E8.0 Biodiversity Code	The provision provided for by the State Planning Provisions Natural Assets Code.
E12.0 Airports Impact Management Code	The provision is provided for by the State Planning Provisions Safeguarding of Airports Code
E13.0 Heritage Code	The provision is provided for by the State Planning Provisions Local Historic Heritage Code
F2.0 Heritage Precincts Specific Area Plan	The provision is provided for by the State Planning Provisions Local Historic Heritage Code which provides for the application of local heritage precincts and local heritage places.

Land Use Planning and Approvals Act 1993

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

DECLARATION

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

Dated this XX day of XXXXX, 2019

ROGER CHARLES JAENSCH

Minister for Planning

The Schedule

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

Code	Reason
E1.0 Bushfire-Prone Areas Code	The code contains no relevant Code-applying Provisions.
E2.0 Potentially Contaminated Land Code	The code contains no relevant Code-applying Provisions.
E3.0 Landslip Code	The Local Provisions Schedule requirements at clause LP1.7.12 of the State Planning Provisions specify the mapping to be used for the Landslip Hazard Area overlay for the State Planning Provisions Landslip Hazard Code.
E4.0 Road and Railway Assets Code	The code contains no relevant Code-applying Provisions.
E5.0 Flood Prone Areas Code, excluding: • the Flood Prone Area overlay.	The only relevant Code-applying Provision is: the Flood Prone Area overlay.
E6.0 Parking and Sustainable Transport Code	The code contains no relevant Code-applying Provisions.

Code	Reason
 E7.0 Scenic Management Code, excluding: the Scenic Management Area overlay if on land that is a zone listed in C8.2.1 of the State Planning Provisions; Clause E7.1 Local Scenic Management Areas; and the Scenic Management – Tourist Road Corridor (scenic corridor) overlay, if on land that is a zone listed in C8.2.1 of the State Planning Provisions. E8.0 Biodiversity Code 	The only relevant Code-applying Provisions are: the Scenic Management Area overlay; Clause E7.1 Local Scenic Management Areas; and the Scenic Management – Tourist Road Corridor (scenic corridor) overlay. The Local Provisions Schedule requirements at clause LP1.7,5 of the State Planning Provisions, and guidelines NAC 7 to NAC 12 of Guideline No.1, specify how the Priority Vegetation Area overlay is to be created for the State Planning Provisions Natural Assets Code.
E9.0 Water Quality Code E10.0 Recreation and Open Space Code	The code contains no relevant Code-applying Provisions. The code does not relate to an equivalent State Planning Provisions Code.
E11.0 Environmental Impacts and Attenuation Code E12.0 Airports Impact Management Code	The code contains no relevant Code-applying Provisions. The Local Provisions Schedule requirements at clause LP1.7.14(a) of the State Planning Provisions and guidelines SAC 1 to SAC 5 in Guideline No. 1 specify the how the Airport Noise Exposure Area and the Airport Obstacle Limitation Area overlays are to be created for the State Planning Provisions Safeguarding of Airports Code.
E13.0 Local Historic Heritage Code, excluding: The Local Heritage Precincts overlay; Table E13.1 Local Heritage Precincts; and Table E13.2 Local Heritage Places Outside Precincts, unless the place or precinct has been inserted or removed by amendment after the commencement day.	The only relevant Code-applying Provisions are: the Local Heritage Precincts overlay; Table E13.1 Local Heritage Precincts; and Table E13.2 Local Heritage Places Outside Precincts.
E15.0 Signs Code	The code contains no relevant Code-applying Provisions.
F2.0 Heritage Precincts Specific Area Plan, excluding: the Heritage Precincts overlay; and Table F2.1 Heritage Places Inside Heritage Precincts, unless the place or precinct has been inserted or removed by amendment after the commencement day.	The only relevant Code-applying Provisions are: the Heritage Precincts overlay; and Table F2.1 Heritage Places Inside Heritage Precincts.

Land Use Planning and Approvals Act 1993

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

DECLARATION

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

Dated this XX day of XXXXX, 2019

ROGER CHARLES JAENSCH

Minister for Planning

The Schedule

Code-applying Provision

E13.0 Local Historic Heritage Code

Table E13.2 Local Heritage Places Outside Precincts

F2.0 Heritage Precincts Specific Area Plan

Table F2.1 Heritage Places Inside Heritage Precincts

Land Use Planning and Approvals Act 1993

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

NOTICE OF DECLARATION

To: Northern Midlands Council

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

Dated this XX day of XXXXX, 2019

ROGER CHARLES JAENSCH

Minister for Planning

The Schedule

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

Provision

33.0 Particular Purpose Zone - Service Station

F1.0 Translink Specific Area Plan

Land Use Planning and Approvals Act 1993

Section 87C and Schedule 6, Clauses 1, 8, 8A(1), 8D(2)

This document has been prepared by the Department of Justice, Planning Policy Unit to clarify the operation of the of the Minister's declarations made in accordance with Schedule 6, Clauses 8(4), 8A(1), and 8D(3) of the Land Use Planning and Approvals Act 1993 ("the Act"). This document identifies the provisions to which the Minister's declarations do not apply, specifically:

- particular purpose zones, specific area plans and site-specific qualifications that are subject to Schedule 6, Clause 8(1) of the Act (refer to Schedule 1);
- particular purpose zones, specific area plans and site-specific qualifications that are not subject to Schedule 6, Clause 8A(1) of the Act (refer to Schedule 2); and
- code-applying provisions that are subject to Schedule 6, Clause 8D(2) (refer to Schedule 3).

This document also provides information on specific provisions in the Northern Midlands Interim Planning Scheme 2013 that do not meet the definition of site-specific qualification or specific area plan under Schedule 6, Clause 1 of the Act.

Schedule 1

Particular Purpose Zones, Specific Area Plans and Site-specific Qualifications subject to Schedule 6, Clause 8 of the Act

Provision	Application
General Residential Zone – 10.2 Use Table General Retail and Hire discretionary – "If a hairdressing salon and the sale of clothing and accessories only on the land described in CT 110036/1 (4 Nile Road, Evandale)"	Site-specific Qualification
General Residential Zone – 10.2 Use Table Vehicle Parking discretionary – "If on CT 135864/3 and directly associated with the Evandale market"	Site-specific Qualification
Low Density Residential Zone – 12.4.3.1 A1.2 & P1.3 Lot Area, Building Envelopes and Frontage	Specific Area Plan or Site-specific Qualification
A1.2 - Subdivision at Devon Hills will not result in any new lots.	=
P1.3 - Land in Devon Hills must not be further subdivided.	

Provision	Application
Rural Living Zone – 13.2 Rural Living Zone Use Table Equipment and Machinery Sales and Hire discretionary – "If on CT 122423/2 (201 Pateena Road, Longford)"	Site-specific Qualification
Rural Living Zone – 13.2 Rural Living Zone Use Table Manufacturing and Processing discretionary – "If on CT 122423/2 (201 Pateena Road, Longford)"	Site-specific Qualification
Rural Living Zone – 13.2 Rural Living Zone Use Table Storage discretionary – "If for a contractors yard on CT 122423/2 (201 Pateena Road, Longford)"	Site-specific Qualification
Community Purpose – 17.2 Community Purpose Zone Use Table General Retail and Hire – "Only if in a building on CT 153988/1 that existed at the effective date of the scheme"	Site-specific Qualification
Light Industrial Zone – 24.2 Use Table Residential use discretionary – "If for a dwelling where all habitable rooms are limited to the first floor and above on the land described on CT 56239/1 (10 Union St, Longford)"	Site-specific Qualification
Rural Resource Zone – 26.2 Use Table Vehicle Parking discretionary – "If on CT 135864/3 and directly associated with the Evandale market"	Site-specific Qualification

Schedule 2

Particular Purpose Zones, Specific Area Plans and Site-specific Qualifications not subject to Schedule 6, Clause 8A(1) of the Act

Provision	Reason
Nil	

Schedule 3

Code-applying Provisions subject to Schedule 6, Clause 8D(2) of the Act

Code-applying Provision	Application
E5.0 Flood Prone Areas Code The Flood-prone Area overlay	For application through the Local Provisions Schedule as the flood-prone hazard area overlay for the State Planning Provisions Flood-Prone Hazard Areas Code.
 The Scenic Management Area overlay, if on land that is a zone listed in C8.2.1 of the State Planning Provisions. Clause E7.1 Local Scenic Management Areas The Scenic Management – Tourist Road Corridor (scenic corridor) overlay, if on land that is a zone listed in C8.2.1 of the SPPs. 	The Scenic Management Area overlay is for application through the Local Provisions Schedule as the Scenic Protection Area overlay for the State Planning Provisions Scenic Protection Code. Clause E7.1 Local Scenic Management Areas is for application through the Local Provisions Schedule as the Scenic Protection Area list for the State Planning Provisions Scenic Protection Code. The Scenic Management – Tourist Road Corridor (scenic corridor) overlay is for application through the Local Provisions Schedule as the Scenic Road Corridor overlay for the State Planning Provisions Scenic Protection Code.
 E13.0 Local Historic Heritage Code The Local Heritage Precincts overlay; Table E13.1 Local Heritage Precincts; and Table E13.2 Local Heritage Places Outside Precincts, unless the place or tree has been inserted or removed by amendment after the commencement day. 	The Local Heritage Precincts overlay is for application through the Local Provisions Schedule as the Local Heritage Precinct overlay for the State Planning Provisions Local Historic Heritage Code. Table E13.1 Local Heritage Precincts is for application through the Local Provisions Schedule as the Local Heritage Precinct list for the State Planning Provisions Local Historic Heritage Code. Table E13.2 Local Heritage Places Outside Precincts is for application through the Local Provisions Schedule as the Local Heritage Places list for the State Planning Provisions Local Historic Heritage Code.
F2.0 Heritage Precincts Specific Area Plan The Heritage Precincts overlay; and Table F2.1 Heritage Places Inside Heritage Precincts, unless the place or tree has been inserted or removed by amendment after the commencement day.	The Heritage Precincts overlay is for application through the Local Provisions Schedule as the Local Heritage Precinct overlay for the State Planning Provisions Local Historic Heritage Code. Table F2.1 Heritage Places Inside Heritage Precincts is for application through the Local Provisions Schedule as the Local Heritage Places list for the State Planning Provisions Local Historic Heritage Code.

Schedule 4

Provisions that do not meet the definition of a Specific Area Plan or Site-specific Qualification under Schedule 6, Clause 1 of the Act

Provision	Reason
Low Density Residential Zone – 12.2 Use Table Sports and Recreation discretionary – "Including horse training or veterinary establishments on land in South Longford described on CT 110574/1-2; 111673/1-2; southern part of 112949/3; 113908/1-2; 122095/3; 124312/1; 135118/1-3; 140326/1; 157278/1-2; 19327/2-3; 244840/1; 244841/1; 26599/1; 63989/1"	Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provision applies to multiple areas.
Rural Living Zone – 13.4.2 Subdivision Permitted minimum lot size of: • 10ha for Blackwood Creek, Deddington, Norwich Drive and Pateena Road. • 2ha for Caledonia Drive, Kalangadoo.	Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provision: • does not modify, substitute or add to the provisions of the planning scheme as it simply establishes the minimum lot size requirements for different areas; and • applies to multiple areas. Does not meet the definition of a Specific Area Plan under Schedule 6, Clause 1 of the Act as the provision: • simply establishes minimum lot sizes for different areas; and • does not specifically map the areas to which it applies.

Land Use Planning and Approvals Act 1993

Version current from 3 February 2021 to date (accessed 12 April 2021 at 16:08)

87C. Savings and transitional – Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015

The savings and transitional provisions specified in Schedule 6 have effect.

SCHEDULE 6 - Savings and Transitional Provisions – Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015

Section 87C

1. Interpretation of this Schedule

In this Schedule -

amending Act means the Tasmanian Planning Scheme Amendment Act;

commencement day means the day on which Parts 2A and 3 of this Act, as in force immediately before that day, are substituted by the amending Act;

former provisions means the provisions of this Act as in force immediately before the commencement day;

particular purpose zone means -

- (a) a zone called a particular purpose zone in the provisions of the planning scheme in which the zoning appears; or
- (b) a group of provisions, in a planning scheme, consisting of -
 - (i) a zone that is particular to an area of land; and
 - (ii) the provisions that are to apply in relation to that zone;

permit application means an application, for a permit in relation to land, that is made before the first LPS that applies in relation to the land comes into effect;

planning directive means a planning directive as in force immediately before the commencement day or that is made, after that day, in accordance with clause 3(2)(b) and is in force;

planning instrument means a planning scheme, as in operation in relation to a municipal area before an LPS comes into effect in relation to the municipal area;

planning scheme has the same meaning as it has in the former provisions;

site-specific qualification means a provision, or provisions, in a planning scheme, that -

- (a) only apply in relation to a particular area of land specified in the planning scheme; and
- (b) modify, are in substitution for, or are in addition to, the requirements of the planning scheme that would otherwise apply in relation to the land;

specific area plan means -

- (a) a plan referred to as a specific area plan in the provision of the planning scheme in which the plan appears; or
- (b) a plan, in a planning scheme, consisting of
 - (i) a map or overlay that delineates a particular area of land; and
 - (ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the planning scheme in which the plan appears.

2. Saving of regional areas and regional strategies

- (1) An area that was a regional area under this Act immediately before the commencement day is taken to be a regional area specified under section 5A of this Act.
- (2) A document that was a regional land use strategy under the former provisions is taken to be a regional land use strategy declared under section 5A of this Act.

3. Saving of various instruments

- (1) Despite the substitution of Parts 2A and 3 of the former provisions, if there was, immediately before the commencement day, a planning instrument in operation in relation to a municipal area, then, on and from the commencement day until an LPS comes into effect in relation to the municipal area—
 - (a) any planning directive that was in force immediately before the commencement day continues to apply in relation to the municipal area and may be modified or revoked under Part 2A of the former provisions as if that Part had not been substituted under the amending Act; and
 - (b) any planning purposes notice that was in force, in relation to the municipal area, under section 30EA of the former provisions continues to apply in relation to the municipal area; and
 - (c)
- (2) Despite the substitution of Parts 2A and 3 of the former provisions, if there was, immediately before the commencement day, a planning instrument in operation in relation to a municipal area, then, on and from the commencement day until an LPS comes into effect in relation to the municipal area
 - (a) the planning instrument remains in operation in relation to the municipal area; and
 - (b) Parts 2A and 3 of the former provisions remain in force in relation to the municipal area and accordingly a planning directive, and an interim planning directive, each within the meaning of the former provisions, may be made under Part 2A of the former provisions in relation to the municipal area; and
 - (ba) a planning directive, and an interim planning directive, each within the meaning of the former provisions, that is in force under, and is, after the commencement day, made under, Part 2A of the former provisions as they apply in accordance with paragraph (b), applies in relation to the planning instrument; and
 - (c) a request, for an amendment to the planning instrument, that is made under section 33 of the former provisions may, by notice to the planning authority in relation to the planning instrument, be withdrawn by the applicant at any time before the draft amendment is approved under section 42 of the former provisions; and
 - (d) a draft amendment, to the planning instrument, that, before the day on which the LPS comes into effect in relation to a municipal area, has been initiated by a planning authority under section 34 of the former provisions, otherwise than pursuant to a request under section 33 of the former provisions, may, with the approval of the Commission, be withdrawn at any time by the planning authority before the draft amendment is approved under section 42 of the former provisions.
- (3) A planning authority, before exhibiting a draft amendment of a planning instrument under section 38 of the former provisions, is to notify
 - (a) the relevant agencies; and
 - (b) those State Service Agencies, or State authorities, that the planning authority considers may have an interest in the draft amendment of the planning instrument –

of the date on which the amendment of the planning instrument is to be exhibited in accordance with the former provisions.

- (4) Subclause (3) does not apply in relation to a draft amendment of a planning instrument that is not required, under the former provisions, to be exhibited.
- (5) A planning authority must not
 - (a) under section 35 of the former provisions as applied by this clause, certify a draft amendment of a planning instrument; or
 - (b) under section 41A of the former provisions as applied by this clause, undertake a modification, or an alteration to a substantial degree, of a draft amendment of a planning instrument –

unless the planning authority is satisfied that in draft amendment is consistent with the TPPs, as in force before the relevant planning instrument is certified, modified or altered, respectively.

- (6) The Commission must not
 - (a) under section 42 of the former provisions as applied by this clause, approve a draft amendment of a planning instrument; or
 - (b) under section 41 or 41B of the former provisions as applied by this clause -
 - (i) modify, or alter to a substantial degree, a draft amendment of a planning instrument; or
 - (ii) require a draft amendment of a planning instrument to be modified or altered to a substantial degree; or
 - (iii) certify an altered draft amendment -

unless the Commission is satisfied that the draft amendment as so approved, modified, altered or certified, is or would be consistent with the TPPs, as in force before the draft amendment of the planning instrument is approved, the modification or alteration is made, or the certification occurs, respectively.

- (7) For the purposes of the application of the TPPs in relation to a draft amendment of a planning instrument referred to in subclauses (5) and (6)
 - (a) the aims and principles of the TPPs in relation to the Tasmanian Planning Scheme, as referred to in section 12B, are to be taken to be the aims and principles of the TPPs in relation to the planning instrument; and
 - (b) the TPPs may specify the manner in which the TPPs are to be implemented into a planning instrument referred to in subclauses (5) and (6).

4. Saving of certain requests or draft amendments to alter designation of zoning under planning instruments

- (1) Subclause (2) applies in relation to a draft amendment of a planning instrument if -
 - (a) the draft amendment is for the purposes of altering in the planning instrument the designation of a zone to an area of land in a municipal area; and
 - (b) the draft amendment has been initiated by a planning authority under section 34 of the former provisions before an LPS comes into effect in relation to the municipal area; and
 - (c) the draft amendment has not been approved under section 42 of the former provisions before an LPS comes into effect in relation to the municipal area.
- (2) If this subclause applies in relation to a draft amendment of a planning instrument -
 - (a) Part 3B of this Act applies in relation to the draft amendment as if the draft amendment were a draft amendment of the LPS for the purposes of altering in the LPS the designation of a zone to an area of land; and
 - (b) the planning authority may alter the draft amendment for the purposes of ensuring that it relates to the LPS; and
 - (c) if the draft amendment was initiated by a planning authority pursuant to a request under section 33 of the former provisions the person who made the request may, by notice to the planning authority, withdraw the request at any time before a draft amendment of the LPS, that relates to the request, is approved under section 40Q; and
 - (d) if the draft amendment was initiated by a planning authority otherwise than pursuant to a request under section 33 of the former provisions the planning authority may, with the approval of the Commission, withdraw the draft amendment at any time before the draft amendment is approved under section 40Q.

5. Saving of certain requests or draft amendments to alter certain requirements of planning instruments

(1) Subclause (2) applies in relation to a draft amendment of a planning instrument if -

- (a) the draft amendment is a draft amendment, of a planning instrument, for the purposes of
 - (i) altering the requirements of a particular purpose zone, or of a specific area plan, that was designated in the planning instrument to an area of land in a municipal area; or
 - (ii) establishing in the planning instrument a specific area plan in relation to an area of land in a municipal area; and
- (b) the draft amendment has been initiated by a planning authority under section 34 of the former provisions before an LPS comes into effect in relation to the municipal area; and
- (c) the draft amendment has not been approved under section 42 of the former provisions before an LPS comes into effect in relation to the municipal area.
- (2) If this subclause applies in relation to a draft amendment of a planning instrument -
 - (a) Part 3B of this Act applies in relation to the draft amendment as if the draft amendment were a draft amendment of an LPS for the purposes of
 - (i) altering the requirements of a particular purpose zone, or of a specific area plan, that is designated under the LPS to an area of land; or
 - (ii) establishing in the LPS a specific area plan in relation to an area of land in a municipal area –

as the case may be; and

- (b) the planning authority may alter the draft amendment for the purposes of ensuring that it relates to the LPS; and
- (c) if the draft amendment was initiated by the planning authority pursuant to a request under section 33 of the former provisions the person who made the request may, by notice to the planning authority, withdraw the request at any time before an amendment of the LPS, that relates to the request, is approved under section 40Q; and
- (d) if the draft amendment was initiated by the planning authority otherwise than pursuant to a request under section 33 of the former provisions the planning authority may, with the approval of the Commission, withdraw the draft amendment at any time before the draft amendment is approved under section 40Q.

6. Application of Part 3B in relation to certain draft amendments

(1) If -

- (a) under clause 4 or 5, Part 3B of this Act applies in relation to a draft amendment of a planning instrument; and
- (b) the requirements of a provision (*the former provision*) of Division 2 or 2A of Part 3 of the former provisions have been satisfied in relation to the draft amendment before the day on which an LPS comes into effect in relation to the land to which the draft amendment applies –

the requirements of the provision of Part 3B that most closely corresponds to the former provision are to be taken to have been satisfied in relation to the draft amendment.

(2) If -

- (a) under clause 4 or 5, Part 3B of this Act applies in relation to a draft amendment of a planning instrument; and
- (b) the draft amendment was a draft amendment to which a request, in relation to an application for a permit, under section 43A of the former provisions applied –

the request for the draft amendment, and the application for a permit, are to be taken to be a request and an application for a permit, to which section 40T applies.

7. Certain requests and draft amendment to lapse

- (1) If, before an LPS comes into effect in relation to the municipal area -
 - (a) a request was made under section 33 of the former provisions for the preparation of a draft amendment, to a planning instrument; and
 - (b) the draft amendment, to a planning instrument, is not a draft amendment to which clause 4 or 5 applies –

the request lapses on the day on which the LPS comes into effect in relation to the municipal area.

- (2) If a request for an amendment of a planning instrument is withdrawn or lapses under this Schedule, this Act ceases to apply, on the day on which the LPS comes into effect in relation to the municipal area, in relation to the request and any draft amendment of the planning instrument to which the request relates.
- (3) If a draft amendment of a planning instrument, that was in operation in relation to a municipal area immediately before the day on which an LPS comes into effect in relation to the municipal area
 - (a) is not a draft amendment to which clause 4(2) or clause 5(2) applies; and
 - (b) is not approved by the Commission under section 42 of the former provisions before an LPS comes into effect in relation to the municipal area –

this Act ceases to apply in relation to the draft amendment on the day on which the LPS comes into effect in relation to the municipal area.

8. Specific area plans, particular purpose zones and site-specific qualifications

- (1) A draft LPS prepared, and an LPS made, in relation to a municipal area, under Part 3A of this Act, must contain
 - (a) the specific area plans; and
 - (b) the particular purpose zones; and
 - (c) the site-specific qualifications -

that applied under the planning scheme, in relation to the municipal area, that applied to the area immediately before the commencement day, as those plans, zones or qualifications have, before an LPS comes into force in relation to the land to which the planning scheme relates, been amended, if at all, under section 30IA of Part 3 of this Act, as in force immediately before the commencement day and as it applies in relation to the planning scheme by virtue of this Schedule.

- (1A) Subclause (1) does not apply in relation to a specific area plan, a particular purpose zone, or site-specific qualifications, if a declaration is made under clause 8A(1) in relation to the plan, zone or qualifications.
- (2) If a specific area plan, particular purpose zone, or a site-specific qualification, is contained in an LPS in accordance with subclause (1), section 32(4) only applies, in relation to that LPS, in relation to an amendment of that LPS.
- (3) Nothing in this clause is to be taken to prevent an amendment of an LPS in relation to the specific area plans, the particular purpose zones, or a site-specific qualification, contained in the LPS.
- (4) This clause does not apply in relation to a specific area plan, a particular purpose zone, or a site-specific qualification that the Minister, after having consulted with the Commission, declares to be a plan, zone or qualification to which this clause does not apply.

8A. Inclusion of certain plans, zones and qualifications inserted or amended after commencement day

(1) If -

(a) after the commencement day but before an LPS applies in relation to a municipal area, a specific area plan, a particular purpose zone, or site-specific qualifications, is or are inserted in a planning scheme in relation to the municipal area by an amendment to the planning scheme; or

(b) a specific area plan, a particular purpose zone, or site-specific qualifications, that is or are included in a planning scheme in relation to a municipal area before the commencement day is or are amended after the commencement day but before an LPS applies in relation to the municipal area —

the Minister, after consultation with the Commission, may, by notice to the planning authority in relation to the municipal area, declare that a draft LPS prepared, and an LPS made, in relation to the municipal area under Part 3A of this Act must contain the plan, zone or qualifications, as so inserted or amended.

- (2) If the Minister declares under subclause (1) that a draft LPS prepared, and an LPS made, in relation to a municipal area must contain a specific area plan, a particular purpose zone, or site-specific qualifications, a draft LPS prepared, and an LPS made, in relation to the municipal area must contain the plan, zone or qualifications, as so inserted or amended.
- (3) This clause does not apply in relation to a specific area plan, a particular purpose zone, or site-specific qualifications to which clause 8(1) applies if the plan, zone or qualifications has or have, before an LPS comes into force in relation to the land to which the plan, zone or qualifications relates, been amended, if at all, under section 30IA of Part 3 of this Act as it applies in relation to the land by virtue of this Schedule.

8B. Alteration of draft amendments to which clauses 4(2)(b) or 5(2)(b) apply

(1) In this clause -

permitted alterations means alterations, referred to in subclause (3), to the provisions of a relevant amendment;

relevant amendment means a draft amendment to which clause 4(2)(b) or 5(2)(b) applies.

- (2) Despite clauses 4(2)(b) and 5(2)(b), but without limiting the generality of those clauses, the alterations that may be made by a planning authority to a relevant amendment include the permitted alterations.
- (3) For the purposes of this clause, permitted alterations are alterations to a relevant amendment so that, in the opinion of the Commission, the relevant amendment
 - (a) will conform to the requirements of the SPPs in relation to the LPS to which the relevant amendment relates; or
 - (b) will reflect the terminology used in the SPPs or the LPS, including, but not limited to including, where the relevant amendment relates to the designation of a zone in a planning instrument, by changing the designation of the zone to the zone in the LPS that most closely corresponds to the zone in the relevant amendment before the relevant amendment contains the permitted alterations; or
 - (c) will contain provisions that -
 - (i) are appropriately numbered; or
 - (ii) make correct references to provisions in the relevant amendment, in the LPS to which the relevant amendment relates, or in other instruments, including but not limited to the SPPs; or
 - (d) will achieve the effect intended, by the relevant amendment, before the permitted alterations are contained in the relevant amendment.
- (4) The Commission may, in relation to a relevant amendment, take any one or more of the following actions:
 - (a) by notice to the planning authority, direct the planning authority
 - (i) to modify the relevant amendment in the manner specified in the notice, so that the relevant amendment contains permitted alterations; and
 - (ii) to submit the relevant amendment, as so modified, to the Commission for approval under paragraph (b);

- (b) approve, or refuse to approve, a relevant amendment as modified by a planning authority in accordance with a direction under paragraph (a);
- (c) direct the planning authority to take action, under a provision of Part 3B of this Act, in relation to a relevant amendment that has been approved under paragraph (b).

8C. Alteration of instruments to which clause 8(1) or 8A(1) applies

(1) In this clause -

included document means -

- (a) a specific area plan; or
- (b) a particular purpose zone; or
- (c) site-specific qualifications -

that is or are required, under clause 8(1), to be contained in a draft LPS and an LPS or to which a declaration under clause 8A(1) relates;

permitted alterations means alterations, referred to in subclause (3), to the relevant provisions;

relevant provisions means the provisions, of an included document, that are contained in a draft LPS.

- (2) Despite clause 8(1) and clause 8A(2), the relevant provisions may contain permitted alterations.
- (3) For the purposes of this clause, permitted alterations are alterations to the relevant provisions so that, in the opinion of the Commission, the relevant provisions
 - (a) will conform to the requirements of the SPPs in relation to the draft LPS in which the relevant provisions are included; or
 - (b) will reflect the terminology used in the SPPs or the draft LPS, including, but not limited to including, where the relevant provisions relate to the designation of a zone in a planning instrument, by changing the designation of the zone to the zone in the draft LPS that most closely corresponds to the zone in the relevant provisions before the relevant provisions contain the permitted alterations; or
 - (c) will contain provisions that
 - (i) are appropriately numbered; or
 - (ii) make correct references to relevant provisions, other provisions in the draft LPS, or in other instruments referred to in the draft LPS, including but not limited to the SPPs; or
 - (d) will achieve the effect intended by the relevant provisions before they contain the permitted alterations.
- (4) Alterations to the relevant provisions under subclause (3)(d) may consist of, but are not limited to consisting of, an alteration of an instrument referred to in a paragraph of the definition of *included document* in subclause (1) so that the instrument becomes, when included in a draft LPS, an instrument referred to in another paragraph of that definition.
- (5) The Commission may, in relation to a draft LPS to which clause 8(1) or clause 8A(2) applies, take any one or more of the following actions:
 - (a) by notice to the planning authority, direct the planning authority -
 - (i) to modify the draft LPS in the manner specified in the notice, so that the relevant provisions contain permitted alterations; and
 - (ii) to submit the draft LPS, as so modified, to the Commission for approval under paragraph (b);
 - (b) approve a draft LPS as modified and submitted by a planning authority in accordance with a direction under paragraph (a);

- (c) itself modify the draft LPS so that the relevant provisions contain the permitted alterations and
 - (i) approve, for the purposes of paragraph (d), the draft LPS as so modified; and
 - (ii) provide to the planning authority a copy of the draft LPS as so approved;
- (d) direct the planning authority to take action, under a provision of Part 3A of this Act, in relation to a draft LPS that has been approved under this subclause.

8D. Inclusion in LPSs of certain code-applying provisions

(1) In this clause -

code-applying provision means a map, overlay, list, or provision, that, immediately before the commencement day –

- (a) was included in a planning instrument; and
- (b) applied, to a provision of the planning instrument, a provision of a code that formed part of, or was referred to in, the planning instrument.

(2) If -

- (a) a planning instrument that applied in relation to a municipal area immediately before the commencement day included, or referred to, a code immediately before that day (the planning instrument code); and
- (b) the SPPs contain a code (the SPPs code) that is substantially similar to the planning instrument code; and
- (c) the planning instrument, immediately before the commencement day, contained one or more code-applying provisions in relation to the planning instrument code -
- a draft LPS prepared, and an LPS made, in relation to the municipal area under Part 3A of this Act must contain each of the code-applying provisions as modified, if at all, in accordance with a determination under subclause (7).
- (3) The Minister, after having consulted with the Commission, may declare that subclause (2) does not apply in relation to a code-applying provision, specified in the declaration, in relation to a municipal area specified in the declaration.
- (4) Subclause (2) does not apply in relation to a code-applying provision specified in a declaration under subclause (3), in relation to a municipal area specified in the declaration.
- (5) The Minister may declare that -
 - (a) a requirement, of the SPPs, that relates to the formatting of a code-applying provision when the provision is included in a draft LPS and an LPS in accordance with subclause (2); or
 - (b) any other requirement, of the SPPs, that relates to a code-applying provision when the provision is included in a draft LPS and an LPS in accordance with subclause (2) -

does not apply in relation to a particular draft LPS and LPS or to all draft LPSs and all LPSs.

- (6) If the Minister declares under subclause (5) that a requirement, of the SPPs, does not apply in relation to a particular draft LPS and LPS or to all draft LPSs and all LPSs, the requirement of the SPPs does not, despite any other provision of this Act, apply in relation to the particular draft LPS and LPS, or to all draft LPSs and all LPSs, as the case may be.
- (7) The Commission may determine that a code-applying provision that is to be included in a draft LPS in relation to a municipal area is to be included in the draft LPS as modified in accordance with the determination.
- (8) The Commission may only determine under subclause (7) that a code-applying provision is to be modified if the modification is necessary in order to ensure
 - (a) that a correct cross-reference is used in the code-applying provision when it is included in the draft LPS; or

- (b) the correction of a minor error in the gode-applying provision; or
- (c) the effective operation of the provision when it is included in a draft LPS.
- (9) The Commission may, in relation to a draft LPS in relation to a municipal area, take any one or more of the following actions:
 - (a) by notice to the planning authority, direct the planning authority -
 - (i) to modify the draft LPS in the manner specified in the notice, so that the draft LPS contains a code-applying provision as so modified in accordance with the determination under subclause (7); and
 - (ii) to submit the draft LPS, as so modified, to the Commission for approval under paragraph (b);
 - (b) approve a draft LPS as modified by a planning authority in accordance with a direction under paragraph (a);
 - (c) itself modify the draft LPS so that the draft LPS contains the code-applying provision as so modified in accordance with the determination under subclause (7);
 - (d) approve, for the purposes of paragraph (e), the draft LPS as modified under paragraph (c);
 - (e) provide to the planning authority a copy of the draft LPS as approved under paragraph (d)
 - (f) direct the planning authority to take action, under a provision of Part 3A of this Act, in relation to a draft LPS that has been approved under this subclause.

9. Applications for permits

If an application for a permit in relation to an area of land in a municipal area is made, but not decided under this Act by the relevant decision-maker, before the day on which an LPS comes into effect in relation to the municipal area, the application may be withdrawn by the applicant at any time.

10. Saving of certain rights to appeal

If a planning authority has amended a permit under section 43K or 56 as in force before the commencement date, any person referred to in section 43K(3), (4) or (5), as in force before the commencement day, or section 56(3) or (4) may appeal to the Appeal Tribunal against the decision of the planning authority within 14 days after the day on which the notice was served under section 43K(3), (4) or (5) or 56(3) or (4).