

# Tasmanian Planning Scheme

## Guide 2 – How to interpret the scheme

### Background

The Tasmanian Planning Scheme identifies the types of use or development that require a planning permit prior to their commencement. The scheme also provides the 'provisions' (or rules) that will apply to a use and development. When someone is required to lodge an application for a planning permit, the proposed development will be assessed against the relevant provisions of the planning scheme. The planning scheme also includes zones and codes. Zones set out the types of uses or developments that can occur in an area. Codes indicate issues or areas where additional provisions may apply.

### Terminologies used in the Tasmanian Planning Scheme

<b>Exempt</b>	A planning permit is not required to carry out the use or development if it is exempt from requiring a permit under Section 4 of the Tasmanian Planning Scheme.
<b>No Permit Required</b>	No planning permit is required if it meets all other requirements of the planning scheme, including within the zones and overlay codes or other special provisions of the scheme.
<b>Permitted</b>	A planning permit is required if - <ul style="list-style-type: none"><li>• the use is permitted (as specified in the use table);</li><li>• The use or development complies with each applicable standard and does not rely on any performance criteria; and</li><li>• The use or development is not discretionary or prohibited under any other provision of the scheme.</li></ul>
<b>Discretionary</b>	The Planning Authority can consider an alternative proposal as outlined in the performance criteria.



<b>Prohibited</b>	A use or development must not be granted a permit if - <ul style="list-style-type: none"> <li>• the use is prohibited (as specified in the use table );</li> <li>• the use or development does not comply with an acceptable solution and there is no corresponding performance criterion; or</li> <li>• it is prohibited under any other provision of the scheme.</li> </ul>
<b>Acceptable solution</b>	These are the primary provisions an application must comply with. If an application meets all the acceptable solutions, the Planning Authority must approve the application. If an application can't meet the acceptable solution, the Planning Authority may consider the application having regard to the performance criteria listed next to the acceptable solution.
<b>Performance criteria</b>	These are the provisions the Planning Authority may have regard to in considering discretionary uses or developments. For example, in the General Residential zone, the building setback on the primary street frontage is 4.5m, however the Planning Authority may consider a reduced setback having regard to the performance criteria which stipulates that a building must be compatible with the streetscape.
<b>Qualification</b>	This provides the explanation and parameters which apply to a use. For example, in the General Residential Zone, General Retail and Hire is discretionary, but only if it's for a local shop. The qualification in this example is that it must be a local shop.

## Understanding a zone

Each parcel of land in the municipality is assigned a zone, which is indicated on the zone maps of the planning scheme. The purpose of a zone is to indicate what land can be used for and what type of development is appropriate for that zone.

A use table is provided for each zone that specifies the allowable uses within each zone. The use table classifies the use classes into either 'No Permit Required', 'Permitted' or 'Discretionary'. These use classes may have a further qualification that identifies a more specific use within the use class that is permissible.

The zone also includes a set of planning provisions relevant to both 'use' of land and 'development' of land. These standards are applicable to the type of development that is expected to be found within the area of zoned land and are in place to guide development appropriately.

The use and development standards are separated into acceptable solutions and performance criteria. The acceptable solution provides a definitive/measurable standard that an application must comply with. The performance criteria allows for more flexibility to consider an application on its merit. An application must comply with either an acceptable solution or performance criteria for each clause relevant to the application in order for the use/development not to be prohibited.



It is important to note that if a code or Specific Area Plan also applies to the land, the provisions contained within the code or Specific Area Plan override the zone provisions, where there is conflict between the standards.

### **Understanding a code**

Each code identifies areas or planning values or issues that are not constrained by the boundaries of properties or zones. For example, they may address areas of land at risk from natural hazards such as coastal inundation, bushfire or landslide.

Each code includes a purpose statement that provides a description of what the code seeks to achieve. The code also provides a statement on the “Application of the Code” to clarify what use and/or development the code applies to. Each code, where considered relevant to an application, should be consulted in its entirety for full information. This section will also clarify whether there is a code overlay map that details the spatial extent of the code’s application. Some of the codes contain exemptions for use and/or development which are also listed at the beginning of the code. In some instances, there are specific application requirements that ‘must’ or ‘may’ need to be addressed that are also listed in the code to assist with the preparation and assessment of an application.

Similar to the zone, the code contains both use and development standards that specify the acceptable solution and the performance criteria. Where a code is triggered by the use or development, the requirements of the code may affect the use class status in the use table at the front of the relevant zone.

It is important to note that if a code provision conflicts with a zone provision, the code provision prevails. If a Specific Area Plan is applicable to the land, the Specific Area Plan provisions override the code and zone provisions where they conflict.

