

PLANNING DIRECTIVE NO. 7 – PERMITS FOR TEMPORARY HOUSING

Overview

Tasmania is currently experiencing considerable pressures on housing affordability and availability. Data suggests that levels of homelessness in Tasmania are also steadily rising and this is likely to be compounded further by the COVID-19 emergency.

The long-term goal is to provide suitable permanent accommodation for all people experiencing homelessness. However, there will be circumstances where there is an urgent need to provide temporary housing as an interim measure. Therefore it is necessary to enable local councils to issue planning permits for temporary housing in suitable locations.

Planning Directive No. 7 – Permits for Temporary Housing (PD7) has been prepared to support the Tasmanian Government's response to homelessness by providing a targeted approach for issuing permits for temporary housing. PD7 came into effect on 16 September 2020.

What does PD7 do?

PD7 enables local councils to issue a planning permit for temporary housing under specific circumstances for up to 12 months¹.

The temporary housing must be:

- funded or operated by, or on behalf of, the Director of Housing, or another recognised housing support provider; and
- must be made available to eligible persons² as defined under the *Homes Act 1935*.

¹ The 12 month period commences after an occupancy permit, or temporary occupancy permit, is issued under the *Building Act 2016*.

² As of 19 April 2018, the Director of Housing determined that eligible persons in need of housing assistance are those that:

- are homeless or at risk of becoming homeless; or
- live in housing that is unsafe or unsuitable; or
- are a safety risk to themselves or others or there is a third party threat to them; or
- are living in housing that does not meet or makes worse their health or mobility; or
- do not have the financial capacity to meet their housing needs.

Specifically, PD7 provides a:

1. *Permitted pathway*³ for the use of an existing building, and any necessary minor development, for temporary housing in certain zones.
2. *Permitted pathway* for installing buildings (such as converted shipping containers) for temporary housing on the same site, or a site adjoining, an existing social housing facility in certain zones.
3. *Discretionary pathway*⁴ for the use and development of an existing building, or the installation of buildings, for temporary housing beyond the Permitted pathway options.

PD7 requires that planning permits include a condition requiring the restoration of the site within 6 months of the expiry of the permit. The reissuing of temporary housing permits is also limited to a maximum of 2 subsequent permits (or a total period of 3 years).

More details on the planning requirements in PD7 are contained in [Appendix I](#).

How does PD7 work with existing planning schemes?

PD7 applies to all interim planning schemes and the *Sullivans Cove Planning Scheme 1997*. It does not apply to the *Flinders Planning Scheme 2000* or the *Tasmanian Planning Scheme*⁵.

The requirements of PD7 operate outside the normal requirements of the planning scheme.

The Permitted pathway requirements in PD7 override all other requirements of the relevant planning scheme.

The Discretionary pathway requirements only apply to circumstances beyond the Permitted pathway requirements. This overrides any applicable provisions in the relevant planning scheme that prohibit temporary housing to the extent of any inconsistency. Otherwise, the normal provisions of the relevant planning scheme will apply, including the zone use and development standards, code requirements and any specific area plans.

The PD7 Permitted pathway requirements do not apply if the proposal already has the status of No Permit Required under the relevant planning scheme. Similarly, the PD7 Discretionary pathway requirements only apply if the proposal is prohibited under the relevant planning scheme.

Normal appeal rights continue to apply for Discretionary applications.

³ A Permitted pathway means that the application for a planning permit will be subject to the requirements under section 58 of the *Land Use Planning and Approvals Act 1993*.

⁴ A Discretionary pathway means that the application for a planning permit will be subject to the requirements under section 57 of the *Land Use Planning and Approvals Act 1993*.

⁵ The Government will seek to amend the State Planning Provisions in the near future to include equivalent requirements for temporary housing in the Tasmanian Planning Scheme.

How are amenity impacts considered?

The building height and setback requirements for the Permitted pathways minimise impacts associated with overlooking and overshadowing of adjoining properties. These requirements are similar to the three dimensional building envelope requirements applied in most residential zones.

Under the Discretionary pathway, the normal zone and code requirements of the planning scheme apply to address any amenity impacts for adjoining properties.

Does PD7 affect building approvals under the *Building Act 2016*?

PD7 only relates to the issuing of a planning permit. The normal building permits or authorisations for temporary housing under the *Building Act 2016* remain applicable.

Where can I find a copy of PD7?

Planning Directive No. 7 – Permits for Temporary Housing is available on the [Tasmanian Planning Reform website](#).

Enquiries

Any enquiries can be directed to the Planning Policy Unit within the Department of Justice at Planning.Unit@justice.tas.gov.au or by telephoning (03) 6166 1429.

Appendix I – Summary of Planning Directive No. 7 requirements

INTERIM PLANNING SCHEMES

Requirements	Permitted pathway for temporary housing within existing building	Permitted pathway for temporary housing within temporary buildings	Discretionary pathway for temporary housing within existing building or temporary buildings
Applicable zones	General Residential Zone Inner Residential Zone Urban Mixed Use Zone Central Business Zone General Business Zone Local Business Zone Community Purpose Zone Recreation Zone Open Space Zone Commercial Zone (Hobart Interim Planning Scheme only)	General Residential Zone Inner Residential Zone Urban Mixed Use Zone Central Business Zone General Business Zone Local Business Zone Community Purpose Zone Recreation Zone Open Space Zone Commercial Zone (Hobart Interim Planning Scheme only)	All zones
Other locational requirements	Nil	Same site, or site adjoining, an existing residential facility funded or operated by, or on behalf of, the Director of Housing or a housing support provider.	Nil
Building height	Nil, only minor building works and structures allowed which are necessary for use of the existing building.	8m	In accordance with the relevant planning scheme
Building setbacks	Nil, only minor building works and structures allowed which are necessary for use of the existing building.	Half the wall height of the building if adjoining the General, Low Density, or Inner Residential Zone, excluding: <ul style="list-style-type: none"> an adjoining property containing the existing residential facility to which it relates; and the portion of the wall that has a height of 3m or less. 	In accordance with the relevant planning scheme
Heritage requirements	Must not involve: <ul style="list-style-type: none"> external alterations or modifications to a heritage building unless required by fire regulations and not visible off the site; or excavations to a depth of more than 0.3m and an area of 20m² on a site of archaeological significance. 	Must not involve: <ul style="list-style-type: none"> external alterations or modifications to a heritage building unless required by fire regulations and not visible off the site; or excavations to a depth of more than 0.3m and an area of 20m² on site of archaeological significance. 	In accordance with the relevant planning scheme
Hazard code requirements	The following codes must not apply: <ul style="list-style-type: none"> Bushfire-Prone Areas Code 	The following codes must not apply: <ul style="list-style-type: none"> Bushfire-Prone Areas Code 	In accordance with the relevant planning scheme Temporary housing must only be located in a bushfire-prone area, if accompanied by an emergency management

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Requirements	Permitted pathway for temporary housing within existing building	Permitted pathway for temporary housing within temporary buildings	Discretionary pathway for temporary housing within existing building or temporary buildings
	<ul style="list-style-type: none"> code relating to flooding or inundation hazards code relating to landslip hazards code relating to potentially contaminated land 	<ul style="list-style-type: none"> code relating to flooding or inundation hazards code relating to landslip hazards code relating to potentially contaminated land 	strategy, endorsed by the Tasmania Fire Service or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use.
Other requirements	A code relating to significant trees does not apply. Temporary housing must only be located in a bushfire-prone area, if accompanied by an emergency management strategy, endorsed by the Tasmania Fire Service or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use.	The following does not apply: <ul style="list-style-type: none"> located within an inner protection area or registered electricity easement under the Electricity Transmission Infrastructure Protection Code code relating to significant trees Temporary housing must only be located in a bushfire-prone area, if accompanied by an emergency management strategy, endorsed by the Tasmania Fire Service or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use.	In accordance with the relevant planning scheme Determination of a Discretionary temporary housing application must have regard to: <ul style="list-style-type: none"> proximity to existing residential facilities and social support services; availability of public transport and capacity of road infrastructure and utility services to the site; the purpose and provisions of the applicable zone and any applicable codes; and the potential for land use conflict with other use or development on adjoining properties and any measures available to manage or mitigate such conflict. Temporary housing must only be located in a bushfire-prone area, if accompanied by an emergency management strategy, endorsed by the Tasmania Fire Service or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use.

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SULLIVANS COVE INTERIM PLANNING SCHEME 1997

Requirements	Permitted pathway for temporary housing within existing building	Permitted pathway for temporary housing within temporary buildings	Discretionary pathway for temporary housing within existing building or temporary buildings
Applicable activity areas	Activity Area 1.0 Inner City Residential (Wapping) Activity Area 2.0 Sullivans Cove Mixed Use	Activity Area 1.0 Inner City Residential (Wapping) Activity Area 2.0 Sullivans Cove Mixed Use	All activity areas
Other locational requirements	Nil	Same site, or site adjoining, an existing residential facility funded or operated by, or on behalf of, the Director of Housing or a housing support provider.	Nil
Building height	Nil, only minor building works and structures allowed which are necessary for use of the existing building.	8m	In accordance with the Sullivans Cove Planning Scheme 1997
Building setbacks	Nil, only minor building works and structures allowed which are necessary for use of the existing building.	Nil	In accordance with the Sullivans Cove Planning Scheme 1997
Heritage requirements	Must not involve: <ul style="list-style-type: none"> alterations or modifications to a heritage building unless required by fire regulations and not visible off the site; or excavations to a depth of more than 0.3m and an area of 20m² on place of archaeological sensitivity. 	Must not involve: <ul style="list-style-type: none"> external alterations or modifications to a heritage building unless required by fire regulations and not visible off the site; or excavations to a depth of more than 0.3m and an area of 20m² on site of archaeological significance. 	In accordance with the Sullivans Cove Planning Scheme 1997
Other requirements	Schedule 8 – Environmental Management does not apply in relation to land contamination, or if the schedule does apply, the use or development is Permitted under that schedule.	Schedule 8 – Environmental Management does not apply in relation to land contamination, or if the schedule does apply, the use or development is Permitted under that schedule.	In accordance with the Sullivans Cove Planning Scheme 1997