

Meander Valley Interim Planning Scheme 2013

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 Meander Valley 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
Community Purpose Zone – 17.2 Use Table Custodial Facility permitted – 'If for the Ashley Detention Centre'.	Site-specific qualification
Community Purpose Zone – 17.2 Use Table Residential permitted – 'If for the Hagley Farm School Zone - CT's 199375/1, 211662/1 and 199011/1.'	Site-specific qualification
Recreation Zone – 18.2 Use Table Community Meeting and Entertainment no permit required – 'If for land at Quercus Park – CT 135734/3'.	Site-specific qualification
Recreation Zone – 18.2 Use Table Motor Racing Facility permitted – 'If for extensions or alterations to existing buildings at CT150110/1, Carrick.	Site-specific qualification

Provision	Application
<p>General Business Zone – 21.4.1 P4 Siting, Design and Built Form</p> <p>Development on land comprised in prior CT 53605/3, is limited to an extension of the existing Prospect Vale Market Place building and has a gross floor area no greater than 1000m².</p>	Site-specific qualification
<p>Light Industrial Zone – 24.2 Use Table</p> <p>Residential permitted – ‘If for additions, alterations or outbuildings on CT’s 171861/1, 55310/1 and 60860/1 that do not contain any additional habitable rooms.’</p>	Site-specific qualification
<p>General Industrial Zone – 25.2 Use Table</p> <p>Residential permitted – ‘If for additions, alterations or outbuildings on CT 30003/1 and 75279/1 that do not contain any additional habitable rooms.’</p>	Site-specific qualification
E15.0 Karst Management Code	Specific area plan

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
<p>General Residential Zone – 10.2 Use Table</p> <p>Food Services discretionary – ‘If for CT 15085/1’</p>	<p>The site-specific qualification is provided for by the State Planning Provisions General Residential Zone Use Table 8.2, which provides for Food Services as a discretionary use class.</p>

Schedule 3

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

Code-applying Provision	Application
<p>E7.0 Scenic Management Code</p> <ul style="list-style-type: none"> scenic management area overlay if on land that is in a zone listed in clause C8.2.1 of the State Planning Provisions Table E7.1 Local Scenic Management Areas scenic management – tourist road corridor (scenic corridor) overlay if on land that is in a zone listed in clause C8.2.1 of the State Planning Provisions 	<p>Scenic management area overlay – for application through the Local Provisions Schedule as the Scenic Protection Area overlay for the State Planning Provisions Scenic Protection Code.</p> <p>Table E7.1 Local Scenic Management Areas – for application through the Local Provisions Schedule as the Scenic Protection Area list for the State Planning Provisions Scenic Protection Code.</p> <p>Scenic management – Tourist Road Corridor (scenic corridor) overlay – for application through the Local Provisions Schedule as the Scenic Road Corridor overlay for the State Planning Provisions Scenic Protection Code.</p>

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
<p>Low Density Residential Zone – 12.4.3.2 A1(a) & P1(f) Lot Area, Building Envelopes and Frontage</p> <p>A1(a) - Permitted minimum lot size of:</p> <ul style="list-style-type: none"> Blackstone Heights – 1600m² Westbury – 5000m² Deloraine - 5000m² Chudleigh - 5000m² Exton - 5000m² Elizabeth Town – 1ha Kimberley - 5000m² Meander – 1ha Davis Road – 1ha Hadspen, Pumicestone Ridge, Travellers Rest – no additional lots <p>P1(f) - additional lots must not be located within the Low Density Residential Zone at Hadspen, Pumicestone Ridge or Travellers Rest.</p>	<p>Does not meet the definition of a site-specific qualification under Schedule 6, Clause 1 of the Act as the provision does not:</p> <ul style="list-style-type: none"> modify, substitute or add to the provisions of the planning scheme as it simply establishes minimum lot sizes for different areas; and clearly specify a particular area of land to which is applies – it applies generally to all land within the Low Density Residential Zone in a nominated locality.

Provision	Reason
<p>Local Business Zone – 20.2 Use Table</p> <p>Business and Professional Services permitted – ‘If not for Rutherglen’.</p>	<p>Does not meet the definition of a site-specific qualification under Schedule 6, Clause 1 of the Act as the provision does not clearly specify a particular area of land to which it applies. It applies generally to all land within the Local Business Zone in a nominated locality.</p>
<p>Rural Living Zone – 13.4.2.2 A1.1(a), P1(d) & P1(e) Lot Area, Building Envelopes and Frontage</p> <p>A1.1(a) - Permitted minimum lot size of:</p> <ul style="list-style-type: none"> • Reedy Marsh – 15ha • Birralee, Chudleigh, Elizabeth Town, Liffey, Lower Golden Valley, Mole Creek, Pateena Rd/Meander Valley Rd, Rosevale, Weetah – 10ha • Davis Road, Meander – 4ha • Carrick – ‘As set out in F3 Carrick Rural Living Specific Area Plan, or 2ha – if not located within F3 Carrick Rural Living Specific Area Plan’. • Hadspen – ‘As set out in F2 Hadspen Specific Area Plan’ • Kimberley, Red Hills, Ugbrook, Upper Golden Valley, Weegen, Western Creek – no additional lots created. <p>P1(d) - not create additional lots at Kimberley, Red Hills, Ugbrook, Upper Golden Valley, Weegen and Western Creek</p> <p>P1(e) - not be located on land with frontage to Parkham Road.</p>	<p>Does not meet the definition of a site-specific qualification under Schedule 6, Clause 1 of the Act as the provision:</p> <ul style="list-style-type: none"> • does not modify, substitute or add to the provisions of the planning scheme as it simply establishes minimum lot sizes for different areas; • does not clearly specify a particular area of land to which it applies – it applies generally to all land within the Rural Living Zone in a nominated locality. • applies to multiple areas.