

# Clarence Interim Planning Scheme 2015

## *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 Clarence Interim Planning Scheme 2015 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**

<b>Provision</b>	<b>Application</b>
35.0 Particular Purpose Zone – Kangaroo Bay	Particular Purpose Zone
E26.0 Quoin Ridge Code	Specific Area Plan
F2.0 Lauderdale Neighbourhood Centre Specific Area Plan	Specific Area Plan
F4.0 ParanVille Specific Area Plan	Specific Area Plan
F5.0 Olive Grove Specific Area Plan	Specific Area Plan
F6.0 74 Sugarloaf Road Specific Area Plan	Specific Area Plan
F7.0 North East Droughty Specific Area Plan	Specific Area Plan
F8.0 East Glebe Hill Specific Area Plan	Specific Area Plan
F9.0 Cranston Parade Specific Area Plan	Specific Area Plan
F10.0 North Glebe Hill Specific Area Plan	Specific Area Plan
F11.0 Sandford Specific Area Plan	Specific Area Plan
F12.0 Begonia Street Specific Area Plan	Specific Area Plan
F14.0 Oceana Drive Residential and Bushland Specific Area Plan	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
Commercial Zone – 23.2 Use Table Manufacturing and Processing discretionary – ‘Only if on the land contained within the title references CT 167838/0, CT 167838/1, CT 167838/2, CT 167838/3, CT 167838/4 and CT 167838/5.’	The provision is provided for by the State Planning Provisions Commercial Zone which includes Manufacturing and Processing as an unqualified discretionary use in the Use Table 17.2.
Commercial Zone – 23.2 Use Table Resource Processing discretionary – ‘Only if for a winery, brewery, cidery or distillery at 18 Kennedy Drive, Cambridge (PID 3411278)	The provision is provided for by the State Planning Provisions Commercial Zone which includes Resource Processing for food and beverage production as a discretionary use in the Use Table 17.2.
Significant Agriculture Zone – 27.2 Use Table Educational and Occasional Care discretionary – ‘Only if located at 701 Richmond Road, Cambridge (CT 170021/3 and CT 235582/1) and only if related to University of Tasmania sciences educational programs’.	The provision is provided for by the State Planning Provisions Agriculture Zone which includes Educational and Occasional Care as an unqualified discretionary use in the Use Table 21.2.
F16.0 Rokeby Housing Land Supply Order Specific Area Plan	The provision is provided for by the State Planning Provisions General Residential Zone.

## Schedule 3

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

Code-applying Provision	Application
<p>E13.0 Historic Heritage Code</p> <ul style="list-style-type: none"> <li>• Table E13.1 Heritage Places,</li> <li>• The Heritage Places overlay;</li> <li>• Table E13.2 Heritage Precincts; and</li> <li>• The Heritage Precincts overlay</li> </ul> <p>Unless it is listed on the Tasmanian Heritage Register, or the place, precinct, figure or overlay has been inserted or removed by amendment after the commencement day.</p>	<p>Table E13.1 Heritage Places and overlay – for application through the Local Provisions Schedule as the Local Heritage Places list and overlay for the State Planning Provisions Local Historic Heritage Code.</p> <p>Table E13.2 Heritage Precincts and overlay – for application through the Local Provisions Schedule as the Heritage Precincts list and overlay for the State Planning Provisions Local Historic Heritage 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>Rural Living Zone – 13.5.1 &amp; Table 13.1.</p> <p>Permitted minimum lot size of:</p> <ul style="list-style-type: none"> <li>Otago – 1ha</li> </ul>	<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"> <li>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 the nominated localities.; and</li> <li>applies to multiple areas.</li> </ul> <p>Does not meet the definition of a Specific Area Plan under Schedule 6, Clause 1 of the Act as the area is not specifically mapped.</p> <p><i>Note: The State Planning Provisions Rural Living Zone provides for four minimum lot sizes of 1ha, 2ha, 5ha and 10ha.</i></p>
<p>Local Business Zone – 20.2 Use Table</p> <p>Vehicle Fuel Sales and Service discretionary – ‘Must have frontage and access to one of the following roads:</p> <ul style="list-style-type: none"> <li>(a) Cambridge Road</li> <li>(b) Clarence Street</li> <li>(c) East Derwent Highway</li> <li>(d) Rokeby Road</li> <li>(e) South Arm Highway</li> <li>(f) South Arm Road</li> <li>(g) Sugarloaf Road’</li> </ul>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provision does not specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p>
<p>Central Business Zone – 22.4.2 A1</p> <p>Building setback from frontage must be parallel to the frontage and must be no less than:</p> <ul style="list-style-type: none"> <li>3 m, if facing a Residential zone.</li> <li>9 m, if fronting Bayfield Street or Ross Avenue.</li> <li>nil if fronting any other street.</li> </ul>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provision does not specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road or zone).</p>
<p>Commercial Zone – 23.4.2 A1</p> <p>Building setback from frontage must be parallel to the frontage and must be no less than:</p> <ul style="list-style-type: none"> <li>10 m, if fronting any other street</li> <li>20 m, if fronting Tasman Highway.</li> </ul>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provision does not specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p>