

Glenorchy 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 Glenorchy 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

Provision	Application
33.0 Particular Purpose Zone – Future Road Corridor	Particular Purpose Zone
34.0 Particular Purpose Zone – Technopark	Particular Purpose Zone
F1.0 Claremont Peninsula Specific Area Plan	Specific Area Plan
F2.0 Wilkinsons Point & Elwick Bay Specific Area Plan	Specific Area Plan
F3.0 Wellington Park Specific Area Plan	Site-specific Qualification
F4.0 Hilton Hill and Environs Specific Area Plan	Specific Area Plan
F5.0 Black Snake Rural Village Specific Area Plan	Specific Area Plan
F6.0 656 Main Road Berriedale Specific Area Plan	Specific Area Plan
F8.0 Whitestone Point Specific Area Plan	Specific Area Plan

Provision	Application
F9.0 Glenorchy Activity Centre Urban Design Specific Area Plan	Specific Area Plan
F10.0 Land at 95 and 95A Abbotsfield Road, Claremont Specific Area Plan	Specific Area Plan or Site-specific Qualification
Rural Living Zone – 13.2 Use Table General Retail and Hire discretionary ‘Only if a shop on CT 31413/3’ (581-583 Collinsvale Road, Collinsvale).	Site-specific Qualification
General Industrial Zone – 25.3 Use Table Business and Professional Services discretionary – ‘only if an office in the existing building at CT 128430/5 and that office is for a purpose directly associated with a use that is permissible in this zone’[14 Farley Street, Glenorchy].	Site-specific Qualification
E13.0 Historic Heritage Code – Table E13.1 Granton The Particular Exempt Development the site at 37 Black Snake Road, Granton, Ref_No 0417.	Site-specific Qualification
Environmental Management Zone – 29.2 Use Table Extractive Industry discretionary – “if on CT199073’ (361 Tolosa Street, Glenorchy”	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
General Residential Zone – 10.2 Use Table Educational and Occasional Care discretionary – ‘Only if a secondary school on land at Allunga Road, Chigwell as shown on the overlay maps.’	The provision is provided for by the State Planning Provision General Residential Zone Use Table 8.2 which provides for the Educational and Occasional Care use class to be discretionary ‘if not for a tertiary institution’.
Recreation Zone – 18.2 Use Table Education and Occasional Care discretionary – ‘only if a childcare centre on land described in CT 57408/1, CT 134668/1, CT 230303/1, CT 109788/2, CT 218468/1, CT 216733/1 or CT 134490/1...’ [Note, these properties make up the KGV Sport and Community Precinct].	The provision is provided for by the State Planning Provision Recreation Zone Use Table 28.0 which provides for the Educational and Occasional Care use class to be discretionary with no qualification.

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"> Table E13.1 Heritage Places (including any figures showing extent of listing); and Table E13.4 Places of Archaeological Potential, unless the place, precinct, figure or overlay has been inserted or removed by amendment after the commencement day; 	<p>Table E13.1 Heritage Places is 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 E13.4 Places of Archaeological Potential is for application through the Local Provisions Schedule as the Places or Precincts of Archaeological Potential list for the State Planning Provisions Local Historic Heritage Code.</p>
<p>E14.0 Scenic Landscapes Code</p> <ul style="list-style-type: none"> the Scenic Landscapes overlay, if on land that is a zone listed in clause C8.2.1 of the State Planning Provisions. 	<p>The Scenic Landscapes overlay, if on land that is a zone listed in clause C8.2.1 of the State Planning Provisions is for application through the Local Provisions Schedule as the Scenic Protection Area for the State Planning Provisions Scenic Protection Code.</p>
<p>E24.0 Significant Tree Code</p> <ul style="list-style-type: none"> Table E24.1 Significant Trees; and the Significant Trees overlay. 	<p>For application through the Local Provisions Schedule as the Significant Trees list 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>Environmental Living Zone – 14.5.1 Lot design, Table 14.1</p> <p>Permitted minimum lots sizes of:</p> <ul style="list-style-type: none"> CT 127556/1 [161 Montrose Road, Montrose] – 1 ha CT 166553/1 [Coach Road, Chigwell] – 10 ha All other areas – 6ha 	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provision simply establishes minimum lot sizes for different areas.</p> <p>Does not meet the definition of a Specific Area Plan under Schedule 6, Clause 1 of the Act as the provision:</p> <ul style="list-style-type: none"> simply establishes minimum lot sizes for different areas; and does not specifically map the area to which it applies. <p><i>Note: The State Planning Provisions Rural Living Zone provides for four minimum lot sizes of 1ha, 2ha, 5ha and 10ha.</i></p>

Provision	Reason
<p>Local Business Zone– 20.2 Use Table</p> <p>Permitted use classes:</p> <p>Business and Professional Services permitted – ” Only if consulting room, medical centre or post office</p> <p>and not on land described in CT106322/1, CT64165/1, CT81410/1, CT9624/1, CT126805/1, CT236813/1, CT61255/2, CT101157/1, CT251766/1, CT247346/1, CT61779/1, CT29605/1, CT24944/3, CT37586/1, CT37592/1, CT24944/4, CT24944/5, CT24944/6, CT24944/7, CT24944/8, CT24944/9, CT24944/10, CT24944/11 or CT24944/12”</p> <p>Business and Professional Services discretionary – ” Except if permitted</p> <p>and not on land described in CT106322/1, CT64165/1, CT81410/1, CT9624/1, CT126805/1, CT236813/1, CT61255/2, CT101157/1, CT251766/1, CT247346/1, CT61779/1, CT29605/1, CT24944/3, CT37586/1, CT37592/1, CT24944/4, CT24944/5, CT24944/6, CT24944/7, CT24944/8, CT24944/9, CT24944/10, CT24944/11 or CT24944/12”</p>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provisions apply to multiple areas.</p> <p><i>Note: The provisions are inconsistent with the purpose of the State Planning Provisions Local Business Zone which aims to provide for business, retail, administrative, professional, community and entertainment functions which meet the needs of a local area.</i></p>
<p>Local Business Zone– 20.2 Use Table</p> <p>Food services permitted – “Except if a take away food premises with a drive through facility</p> <p>and not on land described in CT106322/1, CT64165/1, CT81410/1, CT9624/1, CT126805/1, CT236813/1, CT61255/2, CT101157/1, CT251766/1, CT247346/1, CT61779/1, CT29605/1, CT24944/3, CT37586/1, CT37592/1, CT24944/4, CT24944/5, CT24944/6, CT24944/7, CT24944/8, CT24944/9, CT24944/10, CT24944/11 or CT24944/12”</p> <p>Food service discretionary – “Except if permitted</p> <p>and not on land described in CT106322/1, CT64165/1, CT81410/1, CT236813/1, CT61255/2, or CT101157/1</p> <p>and not a take away food premises on land described in CT9624/1, CT126805/1, CT251766/1, CT247346/1, CT61779/1, CT29605/1, CT24944/3, CT37586/1, CT37592/1, CT24944/4, CT24944/5, CT24944/6, CT24944/7, CT24944/8, CT24944/9, CT24944/10, CT24944/11 and CT24944/12”</p>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provisions apply to multiple areas.</p> <p><i>Note: The provisions are inconsistent with the purpose of the State Planning Provisions Local Business Zone which aims to provide for business, retail, administrative, professional, community and entertainment functions which meet the needs of a local area.</i></p>

Provision	Reason
<p>Local Business Zone– 20.2 Use Table</p> <p>General retail and hire – “Except if adult sex product shop or supermarket</p> <p>and not on land described in CT106322/1, CT64165/1, CT81410/1, CT9624/1, CT126805/1, CT236813/1, CT61255/2, CT101157/1, CT251766/1, CT247346/1, CT61779/1, CT29605/1, CT24944/3, CT37586/1, CT37592/1, CT24944/4, CT24944/5, CT24944/6, CT24944/7, CT24944/8, CT24944/9, CT24944/10, CT24944/11 or CT24944/12”</p> <p>General retail and hire – “Except if permitted</p> <p>and not on land described in CT106322/1, CT64165/1, CT81410/1, CT9624/1, CT126805/1, CT236813/1, CT61255/2, CT101157/1, CT251766/1, CT247346/1, CT61779/1, CT29605/1, CT24944/3, CT37586/1, CT37592/1, CT24944/4, CT24944/5, CT24944/6, CT24944/7, CT24944/8, CT24944/9, CT24944/10, CT24944/11 or CT24944/12”</p>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provisions apply to multiple areas.</p> <p><i>Note: The provisions are inconsistent with the purpose of the State Planning Provisions Local Business Zone which aims to provide for business, retail, administrative, professional, community and entertainment functions which meet the needs of a local area.</i></p>
<p>Local Business Zone– 20.2 Use Table</p> <p>Hotel industry discretionary – “Except if adult entertainment venue</p> <p>and not on land described in CT106322/1, CT64165/1, CT81410/1, CT236813/1, CT61255/2 or CT101157/1”</p>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provisions apply to multiple areas.</p> <p><i>Note: The provisions are inconsistent with the purpose of the State Planning Provisions Local Business Zone which aims to provide for business, retail, administrative, professional, community and entertainment functions which meet the needs of a local area.</i></p>
<p>Local Business Zone– 20.2 Use Table</p> <p>Vehicle fuel sales and service discretionary – “Must have frontage and access to Main Road,</p> <p>or be on land described in CT81410/1, CT101157/1 or CT65054/1</p> <p>and not on land described in CT9624/1, CT126805/1, CT251766/1, CT247346/1, CT61779/1, CT29605/1, CT24944/3, CT37586/1, CT37592/1, CT24944/4, CT24944/5, CT24944/6, CT24944/7, CT24944/8, CT24944/9, CT24944/10, CT24944/11 or CT24944/12”</p>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provisions apply to multiple areas.</p> <p><i>Note: The provisions are inconsistent with the purpose of the State Planning Provisions Local Business Zone which aims to provide for business, retail, administrative, professional, community and entertainment functions which meet the needs of a local area.</i></p>
<p>Commercial Zone – 23.2 Use Table</p> <p>Business and Professional Services permitted:</p> <ul style="list-style-type: none"> • Only a consulting room, medical centre or veterinary centre, • or an office in Main Road, Glenorchy within 400m walkable distance of a Central Business Zone and not exceeding 250m² floor area. 	<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 and within a certain distance of a particular zone).</p>
<p>Commercial Zone – 23.4.2</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"> • 8 m, if fronting a street other than the Brooker Highway; or • 10 m, if fronting the Brooker Highway or on CT46976/2 	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provision simply establishes building setbacks for different areas.</p>

Glenorchy Interim Planning Scheme 2015

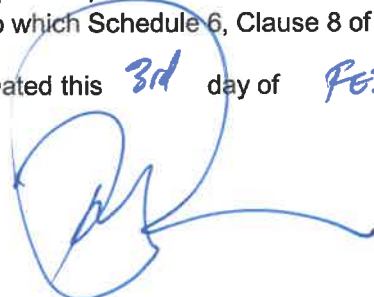
Land Use Planning and Approvals Act 1993

Section 87C & Schedule 6, Clause 8(4)

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 3d day of FEBRUARY, 2020



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
Light Industrial Zone – 24.2 Use Table General Retail and Hire discretionary – 'only if a market on CT 214622/1' [54-56 Gormanston Road, Moonah].	The Site Specific Qualification is unnecessary as the State Planning Provisions Light Industrial Zone Use Table 18.2 provides for alterations or extensions to an existing General Retail and Hire use class as a discretionary use.
32.0 Particular Purpose Zone – Urban Growth Zone	The provision is provided for by the State Planning Provisions Future Urban Zone
E3.0 Landslide Code	The provision is provided for by the State Planning Provisions Landslip Hazard Code.
E8.0 Electricity Transmission Infrastructure Protection Code	The provision is provided for by the State Planning Provisions Electricity Transmission Infrastructure Protection Code.
E10.0 Biodiversity Code	The provision is provided for by the State Planning Provisions Natural Assets Code.
E11.0 Waterway and Coastal Protection Code	The provision is provided for by the State Planning Provisions Natural Assets Code.

Provision	Reason
<p>E13.0 Historic Heritage Code</p> <p>Excluding –</p> <p>The Particular Exempt Development listed in Table E13.1 Granton for the site at 37 Black Snake Road, Granton, Ref_No 0417.</p>	<p>The provision is provided for by the State Planning Provisions Local Historic Heritage Code.</p>
<p>E14.0 Scenic Landscapes Code</p>	<p>The provision is provided for by the State Planning Provision Scenic Protection Code</p>
<p>E15.0 Inundation Prone Areas Code</p>	<p>The provision is provided for by the State Planning Provisions Coastal Inundation Hazard Code and the Flood-prone Areas Hazard Code.</p>
<p>E16.0 Coastal Erosion Hazard Code</p>	<p>The provision is provided for by the State Planning Provisions Coastal Erosion Hazard Code.</p>
<p>E20.0 Acid Sulfate Soils Code</p>	<p>The management of acid sulfate soils can be achieved through appropriate zoning and the operation of the waterway and coastal protection area component of the SPPs Natural Assets Code. Clause 6.11.2 in the State Planning Provisions also provides for conditions or restrictions to be imposed on a permit for construction management, which may include the management of acid sulphate soils.</p>
<p>E21.0 Dispersive Soils Code</p>	<p>The management of dispersive soils can be achieved by appropriate zoning and Clause 6.11.2 in the State Planning Provisions which provides for conditions or restrictions to be imposed on a permit for the management of soil erosion.</p>
<p>E24.0 Significant Trees Code</p>	<p>The provision is provided for by the State Planning Provisions Local Historic Heritage Code.</p>

Glenorchy Interim Planning Scheme 2015

Land Use Planning and Approvals Act 1993

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

NOTICE OF DECLARATION

To: Glenorchy City 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 Glenorchy City Local Provisions Schedule prepared and the Glenorchy City Local Provisions Schedule made in relation to the municipal area of Glenorchy City 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 *3rd* day of *February*, 2020



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
Inner Residential Zone – 11.2 Use Table Service Industry discretionary – 'Only if on land described in CT 64165/1 (8-10 Main Road, Claremont), and if for motor repairs'
Inner Residential Zone – 11.2 Use Table Vehicle Fuel Sales and Service discretionary – 'Only if on land described in CT 64165/1 (8-10 Main Road, Claremont)'
F7.0 Hobart Show Ground Specific Area Plan
F11.0 MONA Specific Area Plan

Glenorchy Interim Planning Scheme 2015

Land Use Planning and Approvals Act 1993

Section 87C & 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 Glenorchy City.

Dated this 3rd day of February, 2020



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 Provision 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.
E5.0 Road and Railway Assets Code	The code contains no relevant Code-applying Provisions.
E6.0 Parking and Access Code	The code contains no relevant Code-applying Provisions.
E7.0 Stormwater Management Code	The code does not relate to an equivalent State Planning Provisions Code.
E8.0 Electricity Transmission Infrastructure Protection Code	The Local Provisions Schedule requirements at clause LP1.7.3 of the State Planning Provisions specify the mapping to be used to create the various overlays for the State Planning Provisions Electricity Transmission

Code	Reason
	Infrastructure Protection Code.
E9.0 Attenuation Code	The code contains no relevant Code-applying Provisions.
E10.0 Biodiversity Code	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 generated for the State Planning Provision Natural Assets Code.
E11.0 Waterway and Coastal Protection Code	Guidelines NAC 1 to NAC 3 of Guideline No.1 specify how the Waterway and Coastal Protection Area is to be created for the State Planning Provision Natural Assets Code.
E13.0 Historic Heritage Code, excluding: <ul style="list-style-type: none"> • Table E13.1 Heritage Places (including any figures showing extent of listing); and • Table E13.4 Places of Archaeological Potential, unless the place, precinct, figure or overlay has been inserted or removed by amendment after the commencement day.	The only relevant code-applying provisions are: <ul style="list-style-type: none"> • Table E13.1 Heritage Places; and • Table E13.4 Places of Archaeological Potential.
E14.0 Scenic Landscapes Code, excluding: <ul style="list-style-type: none"> • the Scenic Landscapes overlay, if on land that is a zone listed in clause C8.2.1 of the State Planning Provisions. 	The only relevant code-applying provision is the Scenic Landscapes overlay, if on land that is a zone listed in clause C8.2.1 of the State Planning Provisions.
E15.0 Inundation Prone Areas Code	Glenorchy City Council have advised that they do not want to Riverine Inundation Hazard Area overlay to be subject to the transitional provisions under Schedule 6, Clause 8D(2) of the Act as new overlay mapping is intended to be applied through the Local Provisions Schedule.
E16.0 Coastal Erosion hazard Code	The Local Provision Schedule requirements at clause LP1.7.8 of the State Planning Provisions specify the mapping to be used to create the Coastal Erosion Hazard Area overlay for the State Planning Provision Coastal Erosion Hazard Code.
E17.0 Signs Code	The code contains no relevant Code-applying Provisions.
E18.0 Wind and Solar Energy Code	The code does not relate to an equivalent State Planning Provision code.
E19.0 Telecommunications Code	The code contains no relevant Code-applying Provisions.
E20.0 Acid Sulfate Soils Code	The code does not relate to an equivalent State Planning Provisions code.
E21.0 Dispersive Soils Code	The code does not relate to an equivalent State Planning Provisions code.
E23.0 On-Site Waste Water Code	The code does not relate to an equivalent State Planning Provision Code.

Code	Reason
E24.0 Significant Tree Code, excluding: <ul style="list-style-type: none">• Table E24.1 Significant Trees; and• the Significant Trees overlay.	The only relevant Code-applying Provisions are: <ul style="list-style-type: none">• Table E24.1 Significant Trees; and• The Significant Trees overlay.

Glenorchy Interim Planning Scheme 2015

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 Glenorchy City Local Provisions Schedule and Glenorchy City Local Provisions Schedule in accordance with Schedule 6, clause 8(2) of the Act does not apply in relation to the draft Glenorchy City Local Provisions Schedule and Glenorchy City Local Provisions Schedule.

Dated this *3rd* day of *February*, 2020



ROGER CHARLES JAENSCH

Minister for Planning

The Schedule

Code-applying Provision
E13.0 Historic Heritage Code
Table E13.1 Heritage Places