

# Policy No. 62: Adhesion Orders

## POLICY MANUAL

<b>Policy No. 62</b>	<b>Adhesion Orders</b>
<b>Purpose</b>	The purpose of this Policy is to clarify the Council's position with respect to requests for adhesion orders.
<b>Department</b>	Development Services
<b>Author</b>	Krista Palfreyman, Acting Director
<b>Council Meeting Date</b>	10 September 2024
<b>Minute Reference</b>	124/2024
<b>Next Review Date</b>	<b>September 2028</b>

## POLICY

### **1. Definitions**

*Adhesion Order* Is an order of the Council that the parcels comprised in the block subject to the order are not to be dealt with so that they come into the possession of different persons for an estate of freehold at law or in equity or for a term at law or in equity of three years or more.

### **2. Objective**

To outline the basis on which the Council may or may not issue adhesion orders.

### **3. Scope**

This Policy applies to all requests for adhesion orders.

### **4. Policy**

#### *Approval of Application for Adhesion Order*

The Council may grant an adhesion order where the requirements of section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (the Act) are met.

This would occur where two more adjoining lots are involved and held in common ownership and at least one lot is of a sub-minimal size according to the minimum lot size requirements of the zone under the Tasmanian Planning Scheme – Meander Valley. *Note: section 110(2) of the Act also outlines circumstances where approval could not be given.*

### ***Removal of Adhesion Orders***

The Council will only approve the removal of an adhesion order if such application to the Council is accompanied by a development application for subdivision in accordance with the Planning Scheme.

### ***Refusal of Application for Adhesion Orders***

Where the requirements of section 110 of the Act cannot be met, the application for an adhesion order will be refused. In these circumstances and where a Part 5 agreement is not appropriate, the Council will require the applicant to make an application for subdivision in accordance with *the Land Use Planning and Approvals Act 1993*.

## **5. Legislation and Related Standards**

*Local Government (Building and Miscellaneous Provisions) Act 1993*

*Land Use Planning and Approvals Act 1993*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Development and Regulatory Services.