

From: Frew, Rob (DoJ)
Sent: 6 Sep 2018 01:43:47 +0000
To: Martin Gill
Cc: Stevens, Leigh (DoJ);Meander Valley Council Email
Subject: Meander Valley Interim Planning Scheme 2013 - Transitionals
Attachments: Letter to Martin Gill re. approval of Meander Valley LPS Transi....pdf, A Meander Valley IPS 2013 - Notice of Declaration - Clause 8A(1).pdf, B Meander Valley IPS 2013 - Revised Declaration - Clause 8(4).pdf, C Meander Valley IPS 2013 - Revised Declaration - Clause 8D(3).PDF, D - Meander Valley IPS 2013 - Revised Transitional Provisions Clarificat....pdf

Martin Gill
General Manager – Meander Valley Council

Martin

Find attached correspondence from the Minister for Planning with respect to the Meander Valley Interim Planning Scheme 2013 - Declarations under Schedule 6 of LUPAA – Transitioning of certain provisions in the existing scheme to the Local Provision Schedule.

Regards
RobF



Rob Frew | Senior Project Manager

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Department of Justice

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**Minister for Human Services
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31 AUG 2018

Mr Martin Gill
General Manager
Meander Valley Council
By email – Martin.Gill@mvc.tas.gov.au

Dear Mr Gill,

Meander Valley Interim Planning Scheme 2013

Declarations under Schedule 6 of the *Land Use Planning and Approvals Act 1993* (the Act)

I refer to the transitional provisions under Schedule 6 of the Act which provide for the transitioning of certain provisions in existing planning schemes to the Local Provisions Schedules (LPS).

Following consultation with the Tasmanian Planning Commission, I have made declarations in accordance with Schedule 6, Clauses 8(4), 8A(1) and 8D(3) of the Act and have issued the relevant notices (attachments A, B & C).

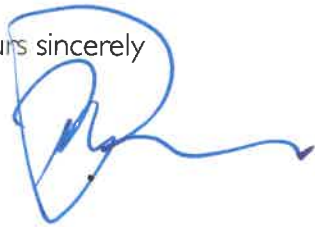
I have also enclosed a further non-statutory document prepared by the Department's Planning Policy Unit to clarify the declarations (attachment D). This document provides important information for Meander Valley Council and the Commission on:

- PPZs, SAPs and SSQ required to be transitioned to the LPS in accordance with Schedule 6, Clause 8(1) of the Act; and
- PPZs, SAPs and SSQs which are not subject to the Schedule 6, Clause 8A of the Act;
- code-applying provisions required to be transitioned to the LPS in accordance with Schedule 6, Clause 8D(2) of the Act; and
- provisions which do not meet definition of a SSQ under Schedule 6, Clause 1 of the Act.

The enclosed attachments are also available on the Department of Justice's Tasmanian Planning reform website: www.planningreform.tas.gov.au.

If you require further information, please contact Leigh Stevens, Senior Planning Adviser with the Department's Planning Policy Unit, on tel. (03) 6216 1435 or email leigh.stevens@planning.tas.gov.au

Yours sincerely



Hon Roger Jaensch MP
Minister for Human Services
Minister for Housing
Minister for Planning

Attachments

- 1 – Meander Valley IPS 2013 – Notice of Declaration – Schedule 6, Clause 8(4)
- 2 – Meander Valley IPS 2013 – Notice of Declaration – Schedule 6, Clause 8A(1)
- 3 – Meander Valley IPS 2013 – Notice of Declaration – Schedule 6, Clause 8D(3)
- 4 – Meander Valley IPS 2013 – Transitional Provisions Declarations Clarification Document

Meander Valley Interim Planning Scheme 2013

Land Use Planning and Approvals Act 1993

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

NOTICE OF DECLARATION

To: Meander Valley 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 Meander Valley Local Provisions Schedule prepared and the Meander Valley Local Provisions Schedule made in relation to the municipal area of Meander Valley 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 30 day of Aug 2018



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
General Residential Zone – 10.2 Use Table Bulky Goods Sales discretionary – 'If for CT 15085/1'
General Residential Zone – 10.2 Use Table Equipment and Machinery Sales and Hire discretionary – 'If for CT 15085/1'
General Residential Zone – 10.2 Use Table Service Industry discretionary – 'If for CT 15085/1'
General Residential Zone – 10.2 Use Table Storage discretionary – 'If for CT 15085/1'
General Business Zone – 21.2 Use Table Manufacturing and Processing permitted – 'if for a joinery factory on CT's 32077/2 and 32077/3'

Provision
F2.0 Hadspen Specific Area Plan
F3.0 Carrick Rural Living Specific Area Plan
F4.0 Harley Parade Specific Area Plan
F5.0 Westbury Road Specific Area Plan

Meander Valley Interim Planning Scheme 2013

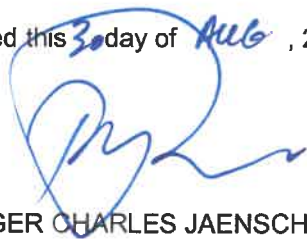
Land Use Planning and Approvals Act 1993

Section 87C and Schedule 6, clause 8(4)

DECLARATION

Take notice that in accordance with Schedule 6, Clause 8(4) 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 Schedule 6, clause 8 of the Act does not apply in relation to the particular purpose zones, specific area plans and site-specific qualifications identified in the Schedule to this declaration in relation to the municipal area of Meander Valley.

Dated this 30 day of Aug, 2018



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
Low Density Residential Zone – 12.2 Low Density Residential Zone Use Table Residential discretionary – 'If for a communal residence at CT16584/1'.	Meander Valley Council have advised that the provision is no longer required. The site-specific qualification is also provided for by the State Planning Provisions Low Density Residential Zone which provides for a communal residence as a discretionary use in the use table.
Low Density Residential Zone – 12.2 Use Table Resource Processing discretionary – 'If for a wood yard on CT's 229403/1, 51154/6, 51154/5'.	Meander Valley Council have advised that the site-specific qualification is redundant as the land is no longer within the Low Density Residential Zone.
Utilities Zone – 28.4.1 A1(c) Building Design and Siting Permitted building height of 8m for: <ul style="list-style-type: none">Westbury Wastewater Treatment Plant;Deloraine Wastewater Treatment Plant;Prospect Vale Wastewater Treatment Plant. Permitted building height of 25m for Travellers Rest Telecommunications Site.	The site-specific qualifications are provided for by the State Planning Provisions: <ul style="list-style-type: none">Utilities Zone which includes a permitted building height of 10m, or 15m for structures such as poles and towers; andTelecommunications Code which includes a permitted building height of 30m for freestanding towers in the Utilities Zone.
32.0 Particular Purpose Zone – Prospect Vale Future Urban Area	The particular purposes zone is provided for by the State Planning Provisions Future Urban Zone.

Provision	Reason
E3.0 Landslip Code	The provision is provided for by the State Planning Provisions Landslip Hazard Code.
E5.0 Flood Prone Areas Code	The provision is provided for by the State Planning Provisions Flood-Prone Areas Hazard Code.
E7.0 Scenic Management Code	The provision is provided for by the State Planning Provisions Scenic Protection Code.
E8.0 Biodiversity Code	The provision is provided for by the State Planning Provisions Natural Assets Code.
E16.0 Urban Salinity Code	The code includes provisions that are not considered appropriate for implementation through a planning scheme.
F1.0 Birralea Road Industrial Precinct Specific Area Plan	Meander Valley Council have advised that they do not want the provision to be subject to the transitional provisions under Schedule 6, Clause 8(1) of the Act.

Meander Valley Interim Planning Scheme 2013

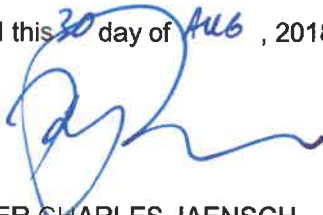
Land Use Planning and Approvals Act 1993

Section 87C and 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 Meander Valley.

Dated this 30 day of Aug, 2018



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 Provisions 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.
E4.0 Road and Railway Assets Code	The code contains no relevant code-applying provisions.
E5.0 Flood Prone Areas Code	Meander Valley Council have advised that they do not want the flood risk area overlay to be subject to the transitional provisions under Schedule 6 of the Act.
E6.0 Parking and Sustainable Transport Code	The code contains no relevant code-applying provisions.

Code	Reason
<p>E7.0 Scenic Management Code, excluding:</p> <ul style="list-style-type: none"> • the 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; and • The 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>The scenic management area overlay, Table E7.1 Local Scenic Management Areas, and the scenic management – tourist road corridor (scenic corridor) overlay are the only relevant code-applying provisions in the code.</p>
<p>E8.0 Biodiversity Code</p>	<p>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 produced for the State Planning Provisions Natural Assets Code.</p>
<p>E9.0 Water Quality Code</p>	<p>The code contains no relevant code-applying provisions.</p>
<p>E10.0 Recreation and Open Space Code</p>	<p>There is no equivalent code in the State Planning Provisions.</p>
<p>E11.0 Environmental Impacts and Attenuation Code</p>	<p>The code contains no relevant code-applying provisions.</p>
<p>E12.0 Airports Impact Management Code</p>	<p>The code contains no relevant code-applying provisions.</p>
<p>E13.0 Local Historic Cultural Heritage Code</p>	<p>The code contains no relevant code-applying provisions.</p>
<p>E14.0 Signage Code</p>	<p>The code contains no relevant code-applying provisions.</p>
<p>E15.0 Karst Management Code</p>	<p>There is no equivalent code in the State Planning Provisions.</p>
<p>E16.0 Urban Salinity Code</p>	<p>There is no equivalent code in the State Planning Provisions.</p>

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>	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.

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.