

# Devonport 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 Devonport 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**

<b>Provision</b>	<b>Application</b>
E11.0 Devonport Reserved Residential Land Code	Specific Area Plan
F1.0 Devonport Regional Homemaker Centre	Specific Area Plan
F2.0 Devonport Homemaker Service Industrial Centre	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
Nil	

### Schedule 3

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

Code-applying Provision	Application
<p>E5.0 Local Heritage Code</p> <ul style="list-style-type: none"> <li>E5.1 Table to the Local Heritage Code (Buildings and Places);</li> <li>E5.1 Table to the Local Heritage Code (Conservation Areas); and</li> <li>Conservation Areas overlay,</li> </ul> <p>unless the place, precinct, figure or overlay has been inserted or removed by amendment after the commencement day, or the place has been demolished in accordance with a planning permit.</p>	<p>E5.1 Table to the Local Heritage Code (Buildings and Places) is for application through the Local Provisions Schedule as the Local Heritage Places list for the State Planning Provisions Local Historic Heritage Code</p> <p>E5.1 Table to the Local Heritage Code (Conservation Areas) is for application through the Local Provisions Schedule as the Local Heritage Precinct list or the Local Historic Landscapes Precinct list for the State Planning Provisions Local Historic Heritage Code.</p> <p>The Conservation Areas overlay is for application through the Local Provisions Schedule as the Local Heritage Precinct overlay or the Local Historic Landscapes Precinct overlay for the State Planning Provisions Local Historic Heritage Code.</p>
<p>E9.0 Traffic Generating Use and Parking Code</p> <ul style="list-style-type: none"> <li>the Devonport Local Area Parking Scheme</li> </ul>	<p>For application through the Local Provisions Schedule as the Parking Precinct Plan overlay for the State Planning Provisions Parking and Sustainable Transport 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	Advice
<p>General Residential Zone – 10.4.2 A1(d) Setbacks and building envelope for all dwellings, Table 10.4.2</p> <p>Permitted minimum frontage setback of 50m for dwellings on lots fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p> <p><i>Note: The State Planning Provision Road and Railway Assets Code provides for a 50m separation for sensitive uses from major roads and railways.</i></p>
<p>General Residential Zone – 10.4.11.1 A1(f) Location and configuration of development</p> <p>Permitted minimum frontage setback of 50m for buildings on lots fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p>
<p>General Residential Zone – 10.4.12 A2(a) Setback of development for sensitive use</p> <p>Permitted minimum frontage setback of 50m for buildings for sensitive uses on lots fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p> <p><i>Note: The State Planning Provision Road and Railway Assets Code provides for a 50m separation for sensitive uses from major roads and railways.</i></p>
<p>Rural Living Zone - 13.4.3 A1(e) Location and configuration of development</p> <p>Permitted minimum frontage setback of 50m for buildings fronting Devonport Road.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p>
<p>Rural Living Zone – 13.4.6 A2(a) Setback of development for sensitive use</p> <p>Permitted minimum frontage setback of 50m for buildings for sensitive uses fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p> <p><i>Note: The State Planning Provision Road and Railway Assets Code provides for a 50m separation for sensitive uses from major roads and railways.</i></p>
<p>Environmental Living Zone - 14.4.3 A1(e) Location and configuration of development</p> <p>Permitted minimum frontage setback of 50m for buildings fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p>
<p>Environmental Living Zone – 14.4.6 A2(a) Setback of development for sensitive use</p> <p>Permitted minimum frontage setback of 50m for buildings for sensitive uses fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p> <p><i>Note: The State Planning Provision Road and Railway Assets Code provides for a 50m separation for sensitive uses from major roads and railways.</i></p>

Provision	Advice
<p>Urban Mixed Use Zone – 15.4.3 A1(d) Location and configuration of development</p> <p>Permitted minimum frontage setback of 50m for buildings fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p> <p><i>Note: The provision is redundant as the Urban Mixed Use Zone in the Devonport Interim Planning Scheme does not front onto the Bass Highway.</i></p>
<p>Community Purpose Zone - 17.4.2 A1(f) Location and configuration of development</p> <p>Permitted minimum frontage setback of 50m for buildings fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p>
<p>Community Purpose Zone – 17.4.4 A2(a) Setback of development for sensitive use</p> <p>Permitted minimum frontage setback of 50m for buildings for sensitive uses fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p> <p><i>Note: The State Planning Provision Road and Railway Assets Code provides for a 50m separation for sensitive uses from major roads and railways.</i></p>
<p>Recreation Zone - 18.4.2 A1(f) Location and configuration of development</p> <p>Permitted minimum frontage setback of 50m for buildings fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p> <p><i>Note: The provision is redundant as the Recreation Zone in the Devonport Interim Planning Scheme does not front onto the Bass Highway.</i></p>
<p>Open Space Zone - 19.4.2 A2(f) Location and configuration of development</p> <p>Permitted minimum frontage setback of 50m for buildings fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p> <p><i>Note: The provision is redundant as the Open Space Zone in the Devonport Interim Planning Scheme does not front onto the Bass Highway.</i></p>
<p>Light Industrial Zone - 24.4.2 A1(a) Location and configuration of development</p> <p>Permitted minimum frontage setback of 20m for buildings fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p>
<p>General Industrial Zone - 25.4.2 A1.1(a) Location and configuration of development</p> <p>Permitted minimum frontage setback of 20m for buildings fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p> <p><i>Reason: The provision is redundant as the General Industrial Zone in the Devonport Interim Planning Scheme does not front onto the Bass Highway.</i></p>
<p>Rural Resource Zone - 26.4.2 A1(b) Location and configuration of development</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 specify a particular area of land to which it applies</p>

Provision	Advice
Permitted minimum frontage setback of 50m for buildings fronting Bass Highway.	(only identifies a general class of land that abuts a particular road).
<p>Rural Resource Zone – 26.4.3 A1(a)(viii) Location of development for sensitive uses</p> <p>Permitted minimum frontage setback of 50m for buildings for sensitive uses fronting Bass Highway.</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 specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p> <p><i>Note: The State Planning Provision Road and Railway Assets Code provides for a 50m separation for sensitive uses from major roads and railways.</i></p>
<p>Environmental Management Zone - 29.4.3 A1(b) Location and configuration of development</p> <p>Permitted minimum frontage setback of 50m for buildings fronting Bass Highway.</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>Dispensation</p> <p>Set aside provisions of General Residential Zone and apply provisions of Light Industrial Zone to allow for a potato packing and distribution facility at 23-61 Tarleton Street, Devonport (CT 127085/1).</p>	Does not form part of the existing planning scheme as it was not formally incorporated into the interim planning scheme.

