

Burnie 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 Burnie 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
Low Density Residential Zone – 12.4.2 Dwelling density Permitted site area per dwelling of not less than 2500m ² for 1 Young Street (CT 43539/1) and 2A Brooklyn Rd (CT 124801/1) in South Burnie.	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
E2.0 Airport Impact Management Code	The code is no longer required, as Council have included the overlay in the draft LPS as an overlay for the SPPs C16.0 Safeguarding of Airports Code.

Schedule 3

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

Code-applying Provision	Application
E3.0 Clearing and Conversion of Vegetation Code <ul style="list-style-type: none"> • Land Significant for Scenic or Landscape Value (Tree Preservation) overlay, if on land that is in a zone listed in clause C8.2.1 of the State Planning Provisions. 	For application through the Local Provisions Schedule as the Scenic Protection Area overlay for the State Planning Provisions Scenic Protection Code.

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>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 and Burnie Truck Route (Massy-Greene Drive).</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, Table 10.4.11.1 A1</p> <p>Permitted minimum frontage setback of 50m for buildings on lots fronting Bass Highway, Burnie Truck Route (Massy-Greene Drive) and Ridgley 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, and Burnie Truck Route (Massy-Greene Drive).</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>Low Density Residential Zone – 12.4.3 A1 (f) Location and configuration of development</p> <p>Permitted minimum frontage setback of 50m for buildings fronting Bass Highway and Burnie Truck Route (Massy-Greene Drive) between Bass Highway and Old Surrey 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>Low Density Residential Zone – 12.4.7 A2(a) Setback of development for sensitive use</p> <p>Permitted minimum frontage setback of 50m for buildings for sensitive uses fronting Bass Highway and Burnie Truck Route (Massy-Greene Drive).</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 Ridgley Highway and Emu Bay Railway.</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>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>

Provision	Reason
Permitted minimum frontage setback of 50m for buildings for sensitive uses fronting Bass Highway, Ridgley Highway and Burnie Truck Route (Massy-Greene Drive).	<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>
Environmental Living Zone – 14.4.3 A1(f) Location and configuration of development Permitted minimum frontage setback of 50m for buildings fronting Bass Highway and Ridgley Highway.	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).
Environmental Living Zone – 14.4.6 A2(a) Setback of development for sensitive use Permitted minimum frontage setback of 50m for buildings for sensitive uses fronting Ridgley Highway and Burnie Truck Route (Massy-Greene Drive).	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). <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>
Village Zone – 16.4.3 A1(f) Location and configuration of development Permitted minimum frontage setback of 50m for buildings fronting Ridgley Highway and Emu Bay Railway.	Does not meet the definition of a SSQ 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).
Village Zone – 16.4.7 A2(a) Setback of development for sensitive use Permitted minimum frontage setback of 50m for buildings for sensitive uses fronting Bass Highway and Ridgley Highway.	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). <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>
Community Purpose Zone – 17.4.2 A1(f) Location and configuration of development Permitted minimum frontage setback of 50m for buildings fronting Bass Highway and Ridgley Highway.	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).
Community Purpose Zone – 17.4.4 A2(a) Setback of development for sensitive use Permitted minimum frontage setback of 50m for buildings for sensitive uses fronting Bass Highway, Ridgley Highway and Burnie Truck Route (Massy-Greene Drive).	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). <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>
Recreation Zone – 18.4.2 A1(f) Location and configuration of development Permitted minimum frontage setback of 50m for buildings fronting Bass Highway and Ridgley Highway.	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).
Open Space Zone – 19.4.2 A1(f) Location and configuration of development Permitted minimum frontage setback of 50m for buildings fronting Bass Highway and Ridgley Highway.	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).

Provision	Reason
<p>Commercial Zone – 23.4.2 A1.1(a) Location and configuration of development</p> <p>Permitted minimum frontage setback of 6m 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 State Planning Provision Commercial Zone provides a similar permitted minimum frontage setback of 5.5m.</i></p>
<p>Commercial Zone – 23.4.2 A1.1(a) Location and configuration of development</p> <p>Permitted minimum frontage setback of 20m for buildings fronting Ridgley 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 Commercial Zone in the Burnie Interim Planning Scheme does not front onto the Ridgley 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 and Ridgley 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(a) Location and configuration of development</p> <p>Permitted minimum frontage setback of 20m for buildings fronting Bass Highway and Ridgley 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>Rural Resource Zone – 26.4.2 A1(b) Location and configuration of development</p> <p>Permitted minimum frontage setback of 50m for buildings fronting Bass Highway and Ridgley 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>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 and Ridgley 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>Utilities Zone – 28.4.2 A1(b) Location and configuration of development</p> <p>Permitted minimum frontage setback of 20m for buildings fronting Bass Highway and Ridgley 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 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 and Ridgley 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>