

# Waratah/Wynyard 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 Waratah/Wynyard 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>
32.0 Particular Purpose Zone 1 – 15285 Bass Highway Somerset	Particular Purpose Zone

### 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
Nil	

## 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.</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>Low Density Residential Zone – 12.4.1 A1(a)(ii) Suitability of a site or lot for use or development (Low Density Residential Zone)</p> <p>Permitted minimum lot size of 800m<sup>2</sup> for Sisters Beach.</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 Low Density Residential Zone in a nominated locality (i.e. there is no reference to specific lots or any spatial delineation, such as an overlay).</p>
<p>Low Density Residential Zone – 12.4.2 A1(b) Dwelling density</p> <p>Permitted site area per dwelling of not less than 800m<sup>2</sup> for Sisters Beach.</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 Low Density Residential Zone in a nominated locality (i.e. there is no reference to specific lots or any spatial delineation, such as an overlay).</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 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 provision is redundant as the Low Density Residential Zone in the Waratah/Wynyard Interim Planning Scheme does not front onto the Bass Highway.</i></p>
<p>Low Density Residential Zone - 12.4.3 A2(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:</p>

Provision	Reason
<p>Permitted side and rear setbacks of 6m from a reserve under the <i>Crown Lands Act 1976</i> for land at Boat Harbour and Sisters Beach.</p>	<ul style="list-style-type: none"> <li>• does not specify a particular area of land to which it applies (only identifies a general class of land that abuts a Crown land reserve); and</li> <li>• applies to multiple areas.</li> </ul> <p><i>Note: The State Planning Provision Low Density Residential Zone provides a similar 5m permitted setback for all side and rear boundaries.</i></p>
<p>Low Density Residential Zone - 12.4.3 A3(b) Location and configuration of development</p> <p>Permitted site coverage of not more than:</p> <ul style="list-style-type: none"> <li>• 40% for Sisters Beach.</li> <li>• 30% for Boat Harbour.</li> </ul>	<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 Low Density Residential Zone in a nominated locality (i.e. there is no reference to specific lots or any spatial delineation, such as an overlay).</p> <p><i>Note: The State Planning Provision Low Density Residential Zone has a permitted site coverage of not more than 30%.</i></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.</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 Low Density Residential Zone in the Waratah/Wynyard Interim Planning Scheme does not front onto the Bass Highway.</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 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>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><i>Note: The provision is redundant as the Environmental Living Zone in the Waratah/Wynyard Interim Planning Scheme does not front onto the Bass Highway.</i></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>

Provision	Reason
	<i>Note: The provision is redundant as the Environmental Living Zone in the Waratah/Wynyard Interim Planning Scheme does not front onto the Bass Highway.</i>
<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 Waratah/Wynyard Interim Planning Scheme does not front onto the Bass Highway.</i></p>
<p>Village Zone - 16.4.3 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 Village Zone in the Waratah/Wynyard Interim Planning Scheme does not front onto the Bass Highway.</i></p>
<p>Village Zone – 16.4.7 A2(a) Setback of development for sensitive use</p> <p>Permitted minimum frontage setback of 50m for buildings for sensitive uses fronting Bass Highway.</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 Village Zone in the Waratah/Wynyard 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>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>

Provision	Reason
<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>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.</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.</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 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>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>	<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>Dispensation – Belton Street, Wynyard</p> <p>Dispensation from provisions of General Residential Zone to apply the General Industrial Zone to allow for the site to be used and development for storage sheds and hardstand area at CT30685/1, CT38470/1, CT38470/2, CT24160/15, CT27208/2 and CT27208/3 (2, 4, 6 and part of 8 Belton Street, Wynyard)</p>	<p>Does not form part of the existing planning scheme as it was not formally incorporated into the interim planning scheme.</p>