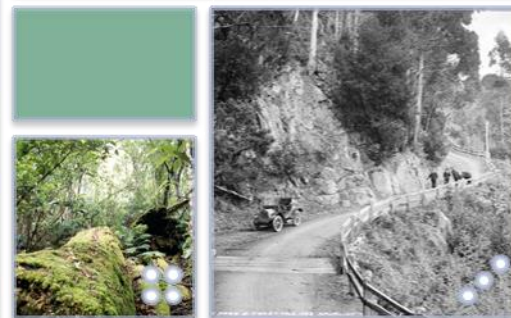
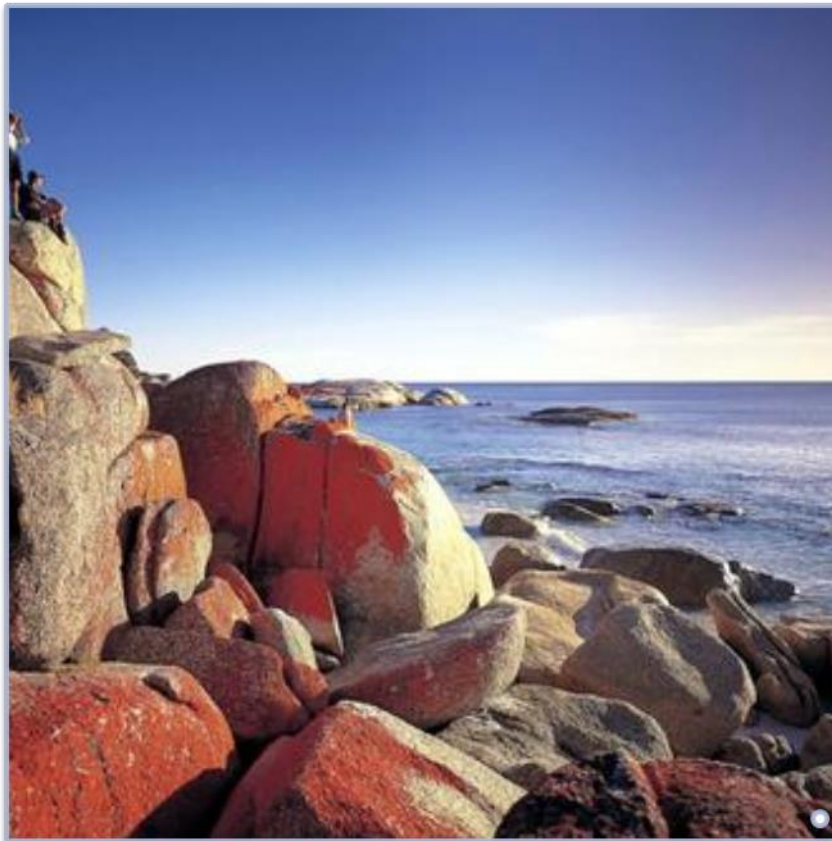


# Break O' Day

## Interim Planning Scheme 2013

*VERSION 20 – 10 May 2023*



## Foreword

This planning scheme sets out the requirements for use or development of land in accordance with the *Land Use Planning and Approvals Act 1993* (the Act).

The maps show how land is zoned and the scheme sets out the provisions that apply to use or development of land.

The provisions in this planning scheme should be read together with the Act.

The foreword, footnotes and appendices are not legally part of this planning scheme.

They have been added to help users understand the planning scheme and its relationship to the Act. They are a guide only and do not cover all relevant law relating to planning schemes or the planning application and assessment process.

### Document Issue Status

Ver.	Issue Date	Description	Originator	Checked	Approved
1	22.5.2013	Declared by Minister for Planning	BODC		
2	11.12.2013	Urgent amendment BRE UA2/2013	TPC		
3	8.1.2014	PD1 modifications	TPC	KF	AL
4	28.2.2014	PD4.1 modifications	TPC	JH	LN
5	18.6.2014	PD1 and PD4.1 modifications	TPC	KF	KF
6	26.9.14	Urgent amendment BRE UA1/2014 & BRE UA2/2014	TPC	KF	KF
7	28.12.15	Urgent amendment BRE UA1/2015	TPC	KF	NN
8	31.12.15	Amendment 01/2015	BODC	KF	MB
9	17.02.16	PD1 minor modifications	TPC	KF	SH
10	23.02.16	Insert Interim Planning Directive No. 1 (IPD1)	TPC	KF	NN
11	19.07.16	Amendment 01/2016	TPC	KF	LN
12	23.2.17	Interim Planning Directive No. 1.1 – Bushfire-Prone Areas Code	TPC	JC	CW
13	4.8.17	Amendment BRE UA2-2017	TPC	JH	JE
14	1.9.17	PD 5.1 modifications	TPC	JH	NN
15	25.01.18	Amendment BRE UA3-2017	TPC	JH	AF
16	8.11.2019	Amendment 02-2019	BODC	TP	CA
17	22.02.2021	Interim Planning Directive No. 4 – Exemptions, Application Requirements, Special Provisions and Zone Provisions	TPC	EL	LO
18	22.02.2022	Planning Directive No. 8 - Exemptions, Application Requirements, Special Provisions and Zone Provisions	TPC	HG	KF
19	20.07.2022	Modified Planning Directive No. 8 - Exemptions, Application Requirements, Special Provisions and Zone Provisions And PD5.1 - Bushfire-Prone Areas Code	TPC	TP	HG
20	10.05.2023	Interim Planning Directive No. 6 - Container Refund Scheme – Exemptions and Special Provisions	TPC	TP	LO

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## Part A

# Purpose and Objectives

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## 1 Identification of the Planning Scheme

### 1.1 Planning Scheme Title

1.1.1 This planning scheme is called the Interim Break O' Day Planning Scheme 2013.

### 1.2 Composition of this Planning Scheme

1.2.1 This planning scheme consists of this document and the maps identified 1 to 84 and Overlay maps marked 1 to 84.

### 1.3 Planning Scheme Area

1.3.1 The planning scheme area comprises all the land as identified on the planning scheme maps.

## 2 Planning Scheme Purpose

### 2.1 Purpose

2.1.1 The purpose of this planning scheme is:

- a) to further the Objectives of the Resource Management and Planning System and of the Planning Process as set out in Parts 1 and 2 of Schedule 1 of the Act; and
- b) to achieve the planning scheme objectives set out in clause 3.0 by regulating or prohibiting the use or development of land in the planning scheme area.

### 2.2 Regional Land Use Strategy

2.2.1 The Northern Region is comprised of the eight municipal areas of the Launceston, Northern Midlands, Meander Valley, West Tamar, George Town, Dorset, Break O' Day and Flinders councils. The Northern Regional Land Use Framework provides strategic context at a regional level for planning schemes within the region and contains strategies for the future use and development of land within the region.

The Northern region is characterised by a distinct settlement hierarchy with the urban area of Greater Launceston as the higher order and dominant population centre, together with towns, villages and hamlets. Settlements are generally separated by natural or productive rural areas and have their own character and identity. Regional strategies advocate that settlements support local and regional economies, concentrate the investment in the improvement of services and infrastructure and enhance the quality of life in those centres.

The Northern region has significant natural and cultural assets including areas of important biodiversity, areas and sites of cultural heritage, important landscapes and recreation opportunities, and natural resources which are integral to the consideration of the strategic use of land.

This planning scheme is based on the Regional Model Planning Scheme, derived from the Regional Land Use Framework, the mechanisms by which land use strategies for sustainable economic, environmental and social outcomes are delivered at a Regional level, through the appropriate allocation of zones and the inclusion of regionally consistent development controls for use and development.

The application of zoning responds to the unique circumstances of the Northern Region with the settlement hierarchy reflected in some zones only being relevant to the population densities of Launceston urban area and the principal use of the Rural Resources Zone reflecting the highly dispersed and variable nature of the Region's productive rural resources. Each of the zones contains regionally consistent core elements in the provisions that respond to the regional strategies.

## 2.2.2 Local Content

The local delivery of the Northern Regional Land Use Strategy is guided by the Vision East 2030 Framework and the 1995 Break O' Day Settlement Strategy. Some specific strategies in the 1995 document are now superseded by the newer documents, state policy and the possibilities created by Planning Directive 1.

The four key principles of Vision East 2030 Framework will further the objectives of the Northern Region Land Use Strategy. These principles are Settlements, Environment and Heritage, Linkages and Services, and Resource Utilisation. Following these four principles ensures that land is divided into the three key land use categories of the Northern Regional Strategy (urban growth areas, rural and environment).

In the Northern Regional Strategy the six policy areas are; regional settlement network, regional activity centre network, regional economic development, regional infrastructure network, regional environment and social infrastructure and community.

- a) The Vision east 2030 principle for settlements furthers regional settlement network and regional activity centre network policies.
- b) The Vision east 2030 principle for environment and heritage furthers regional environment policy.
- c) The Vision east 2030 principle for linkages and services furthers regional infrastructure network and social infrastructure and community policies.
- d) The Vision east 2030 principle for resource utilisation furthers regional settlement network and regional economic development policy.

### 2.2.2.1 Settlements

St Helens is the District town for Break O' Day in the settlement hierarchy. In St Helens the main residential zone is General Residential. St Helens is also the highest order in the business activity hierarchy, where the central business area is zoned General Business. Any higher order business in the region is located in Launceston and surrounds.

Both St Marys and Scamander are considered to be in the next level of the business activity hierarchy and their business areas are zoned Local Business. Fingal is considered to be the next level down and its business area is zoned Village.

Urban growth area boundaries have been assigned to St Helens, Scamander, St Marys, Fingal, Ansons Bay, Binalong Bay, Beaumaris, Falmouth, Cornwall, Mathinna and Weldborough. More than 10 years of land supply is provided inside the Urban Growth areas when they are viewed as a whole. It is likely the small coastal settlements will reach capacity before 2032.

The General Residential Zone has been applied to fully serviced areas in St Helens, Scamander and St Marys. Areas without water and sewerage infrastructure are zoned Low Density or Village. Small non-agricultural lots outside of settlements are zoned either Rural Living or Environmental Living.

A guiding principle to support the growth of the settlements is to direct population growth to the serviced areas. At present (2011) St Helens and Scamander have approximately 150ha of vacant land zoned General Residential for which subdivisions can be proposed. The Northern Region Strategy estimates a population growth of between 1500 and 2500 people in the next 20 years and the number of persons living in 1 household to be 2 persons per dwelling. Over the next 20 years Break O' Day needs to plan for between 750 and 1250 dwellings.

The average dwelling density in St Helens is approximately 10 dwellings per hectare. The Northern Region Strategy suggests this density to rise to 15 dwellings per hectare. This is achieved by a low minimum lot size and providing for multiple dwellings. On the historical average the amount of land required for 1250 dwellings is 125hectares. Meaning that there is ample residential land required to provide for the projected needs of the community.

The take up of residential land and population growth over the next 20 years will need to be monitored regularly to ensure there is an adequate supply of available land, as additional residential land may be required near the end of the 20 year period.

In order to ensure that the General Residential zone accommodates the projected growth, the other zones that provide for housing should remain as they currently are until such time as the General Residential Zone cannot provide at least 10 years of supply. This principle is embodied in the Desired Future Character statements of the Low Density Zone and Village Zone.

The provisions of the zones have been developed at a regional level. When these common provisions were applied to the small dwelling sites in Ansons Bay the sites became restricted from future development by those provisions. To the point where on some sites development would not be possible. In order to overcome this hurdle and not diminish the intent of the regional common provisions, a special zone has been developed for this unique area to allow for reasonable improvements to those properties.

#### 2.2.2.2 Resource utilisation

A particular intent of the Rural Resource Zone was to identify only that land that was genuinely used for agriculture. Other land that was not being used or appeared to be lost to agriculture has been zone Rural Living, Environmental Living or Environmental

Management. By doing this, the provisions of the zone are more specific to rural enterprise and allow a greater level of protection to the agricultural land than in the past. Most of the land identified for the Rural Living Zone and Environmental Living Zone is in close proximity to a settlement and as such furthers Vision East 2030.

There is flexibility for tourism development growth in most zones.

The economy of Break O' Day is supported by providing for tourism growth, population growth and protection of agricultural land. The scheme provisions also ensure that mining and aquaculture can continue without significant constraint. The General Industry Zone is located in St Helens and Fingal. Small scale boutique business's are provided for in most residential zones.

#### 2.2.2.3 Environment and Heritage

Protection of natural assets is through the Environmental Management Zone and the Environmental Living Zone provisions. There are also supporting codes, Scenic Management, Biodiversity Code, Coastal Code and Water Quality Code.

Natural hazards are managed by codes through a risk management approach. Over time the locations of risk areas will become better defined and the need for detailed studies at the time of assessment will reduce.

Heritage protection is provided for in the Heritage code.

The overall appearance of signage is provided for in the signage code.

#### 2.2.2.4 Linkages and Services

Key infrastructure is zoned Port and Marine or Utilities. The application of the residential growth principle will also ensure that the infrastructure is better utilised, which will lead to better efficiencies. Currently, the St Helens waste water treatment plant is only at 35% capacity.

Impacts on the state road and rail system are managed by the Road and Rail asset code.

Surrounding land use will be tested against the Airports Impact Management Code to ensure the ongoing viability of the airport site to be used for its intended purpose.

In most cases the history of land use in Break O' Day has guided the allocation of zones around the municipality. For zones that are more specific in their intent, ie Utilities, Community Purpose, Open Space or Recreation, these zones have been applied to sites that contain a history of such use. In 2011 there is no new strategy to guide expansion of these specific zones.

#### 2.2.2.5 Adapting to Climate Change

The process of adaption to a changing climate has only just begun in 2011. Specific hazard maps for St Helens are included in the planning scheme overlays.



### **3 Planning Scheme Objectives**

#### **3.1.1 General Planning Scheme Objectives**

To achieve sustainable use and development of resources in the planning scheme area, the following general objectives apply:

- a) To ensure that the use and development of resources contributes to;
  - i) the enhancement of individual and community wellbeing and welfare through economic and social development and environmental management that safeguards the welfare of future generations; and
  - ii) the provision of equity within and between generations; and
  - iii) the protection of biological diversity and the maintenance of ecological processes and life-support systems.
- b) To ensure that approvals are given for use and development so that the total quality of life is maintained, both now and in the future, and the ecological processes on which life depends are improved.
- c) To ensure that decision making processes effectively integrate long and short term economic, environmental, social and equity considerations and recognises the global dimension of environmental impacts.
- d) To provide for a strong, growing and diversified economy which can enhance and maintain the capacity for environmental protection.
- e) To provide opportunities for people of all social and economic groups to benefit from the availability and sustainable use and development of resources.
- f) To ensure that in decision making, all individuals or groups are treated equitably.
- g) To provide for access to resources and opportunities in a fair and equitable manner.
- h) To ensure that short term and narrowly based considerations do not override the broader and longer term interests of the present day community or future generations.
- i) To provide for a range of sustainable development opportunities, encourage innovation and quality design and development outcomes.
- j) To ensure that where there are threats of serious or irreversible environmental damage, lack of full scientific certainty is not used as a reason for allowing environmental degradation and the precautionary principle is applied.
- k) To ensure that terrestrial and marine habitats are protected from use and development that would adversely affect their role as habitats.
- l) To protect and maintain the conservation values of native forests, critical habitats for native fauna, natural bushland, grasslands, alpine areas, wetlands, heathlands and waterways.

#### **3.1.1 Specific Planning Scheme Objectives**

##### **3.1.1.1 Settlements**

- a) To ensure that existing towns and settlements are the primary focus for residential, commercial and industrial development.

- b) Redevelopment of existing settlement nodes is to be the main means of providing for new residential, commercial and industrial growth.
- c) Land and resources outside towns and settlements are to be utilised primarily for agriculture, forestry, tourism, resource protection and conservation.
- d) Growth of minor centres is to be based on meeting needs for living space with self-sufficiency in infrastructure with minimal impact on surrounding agricultural uses and on key environmental assets.
- e) Where settlement occurs outside major nodes it is to be self-sufficient in services.
- f) Settlement in coastal areas or rivers is not to contribute to ribbon development nor to the creation of new development nodes, and is to be self-sufficient and self-contained.
- g) 'Lifestyle' residential development is only to be allowed as part of comprehensive planning proposals that address issues of services, access, impact on the environment and management of natural resources and meeting community needs.

#### 3.1.1.2 Resource Development

- a) Prime agricultural land is to be maintained for agricultural use and the *State Policy on the Protection of Agricultural Land* is to be implemented.
- b) Viable agricultural enterprises are not to be fragmented by subdivision or fettered by incompatible development.
- c) Agriculture is to be protected from the encroachment of incompatible activities.
- d) Farming activities are to use best practice techniques for land and environmental management.
- e) Forestry is to be managed in accordance with the Forest Practices Code.
- f) New forestry developments are to be located in areas where they do not adversely affect the existence of other allowable land uses.
- g) All mining and mineral exploration activities are to be carried out in accordance with the Mineral Exploration Code of Practice, the Quarrying Code of Practice and other relevant codes.
- h) Wastewater is to be managed in accordance with the *State Policy on Water Quality Management 1997*.
- i) Buffer zones are to be used to separate mining and quarrying activities from sensitive uses.

#### 3.1.2.3 Environmental Protection

- a) Management of water resources is to focus on the achievement of water quality objectives which will maintain or enhance water quality for both surface and groundwater's.
- b) Diffuse and point sources of pollution are not to prejudice the achievement of water quality objectives and pollutants discharged to waterways are to be reduced by the use of best practice environmental management.
- c) Integrated catchment management is to be promoted through the achievement of the above objectives and commitment to the Natural Resource Management Objectives and Strategy for the region.

- d) Development in National Parks, formal conservation reserves, river reserves and near the coast is to be controlled and managed to ensure that the values of those areas are not diminished.
- e) The design and siting of buildings is to be managed to ensure that environmental values are not diminished.
- f) Design and siting of developments is to be managed to ensure that important visual landscapes are protected from inappropriate development.
- g) To avoid the incremental degradation of the environment by broad scale planning by providing overlays to manage priority habitat and important scenic values.

#### 3.1.2.4 Transport and Infrastructure

- a) A road hierarchy is to be established and become the basis for planning and development of the road network.
- b) The development of land is to take into consideration the likely impacts on the road network.
- c) Tourist routes through and within the Municipality are to be identified and adopted as the basis for providing access to visitor experiences.
- d) Where new development creates a demand for community services, developers are to make a contribution to the provision of those services.
- e) Development in unserviced areas should be self-sufficient in service provision and not be allowed on the expectation that Council and Regulated Entities will provide services.
- f) Additional road capacity required to service development should be fully funded by those creating the additional demand.
- g) Stormwater should be managed to ensure that pollution and erosion does not occur.
- h) Levels of access to and provision of community facilities should be maintained.

#### 3.1.2.5 Commercial and Industrial Development

- a) Resource processing operations are to be allowed to locate in proximity to the areas in which resources are produced and their impact on surrounding uses can be minimised.
- b) Light industries should be located where services are available and their impact on surrounding uses can be minimised.
- c) Industrial operations that do not impact on surrounding uses and whose infrastructure needs can be met, should not be unduly restricted in their location.
- d) Commercial developments should contribute to the character and amenity of the areas in which they are located, particularly streetscapes and in adjacent residential areas.
- e) Commercial development required to service rural and tourist industries should be located where they are best able to service their markets.
- f) Outside serviced areas, commercial and industrial developments should be self-sufficient in infrastructure.
- g) All environmental and amenity impacts of commercial and industrial

development should be managed in accordance with standards set through the planning scheme and the *Environmental Management and Pollution Control Act 1994*.

## Part B

# Administration

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## 4 Interpretation

### 4.1 Planning Terms and Definitions

4.1.1 Terms in this planning scheme have their ordinary meaning unless they are defined in the Act or specifically defined in subclause 4.1.3 or in a code in Part E or a specific area plan in Part F.

4.1.2 In this planning scheme a reference to a Use Table is a reference to the Use Table in a zone in Part D or specific area plan in Part F.

4.1.3 In this planning scheme, unless the contrary intention appears:

Act	means the <i>Land Use Planning and Approvals Act 1993</i> .
access	means land over which a vehicle enters or leaves a road from land adjoining a road.
access strip	means land, the purpose of which is to provide access to a road.
adult sex product shop	means use of land to sell or hire sexually explicit material, including but not limited to: (a) publications classified as restricted under the <i>Classification (Publications, Films and Computer Games) (Enforcement) Act 1995</i> ; and (b) materials and devices (other than contraceptives and medical treatments) used in conjunction with sexual behaviour.
agency	means: (a) a department or other agency of Government of the State or of the Commonwealth; or (b) an authority of the State or of the Commonwealth established for a public purpose.
agricultural land	means all land that is in agricultural use, or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.
agricultural use	means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding pets. It includes the

	handling, packing or storing of plant and animal produce for dispatch to processors. It includes controlled environment agriculture, intensive tree farming and plantation forestry.
AHD	means the Australian Height Datum (Tasmania) being the vertical geodetic datum as described in Chapter 8 of the Geodetic Datum of Australia Technical Manual version 2.3(1).
amenity	means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.
amusement parlour	means use of land for a building that contains: <ul style="list-style-type: none"> <li>(a) 3 or more coin, card, or token operated amusement machines;</li> <li>(b) one or more coin, card, or token operated amusement machines with more than one screen or console that can be played by 3 or more people simultaneously;</li> <li>(c) 2 or more coin, card, or token operated billiard, snooker, or pool tables; or</li> <li>(d) the conduct of laser games or similar.</li> </ul> It does not include gambling machines or premises included in the Hotel industry use class as described in Table 8.2.
ancillary dwelling	means an additional dwelling: <ul style="list-style-type: none"> <li>(a) with a floor area not greater than 60m<sup>2</sup>;</li> <li>(b) that is appurtenant to a single dwelling; and</li> <li>(c) that shares with that single dwelling access and parking, and water, sewerage, gas, electricity and telecommunications connections and meters.</li> </ul>
animal pound	means use of land for an enclosure for confining stray or homeless animals.
animal saleyard	means use of land to buy and sell farm animals, and hold such animals for purchase or sale.
annual exceedance probability	means the probability of an event with a certain magnitude being exceeded in any one year.
applicable standard	means as defined in subclause 7.5.2.
application	means an application for a permit made under this planning scheme.
aquaculture	means use of land to keep or breed aquatic animals, or cultivate or propagate aquatic plants, and includes the use of tanks or impoundments

	on land.
art and craft centre	means use of land to manufacture, display, and sell, works of art or craft, such as handicrafts, paintings and sculpture.
basement	means a storey either below ground level or that projects no more than one metre above finished ground level.
bed and breakfast establishment	means part of a dwelling used by its resident to provide, on a short-term commercial basis, accommodation and breakfast for persons away from their normal place of residence.
boarding house	means use of land for a dwelling in which lodgers rent one or more rooms, generally for extended periods, and some parts of the dwelling are shared by all lodgers.
boat and caravan storage	means use of land to store boats, caravans, or vehicle-towed boat trailers.
building	means as defined in the Act.
building area	means the area shown on a plan or plan of subdivision to indicate where all buildings will be located.
building envelope	means the three-dimensional space within which buildings are to occur.
building height	means the vertical distance from natural ground level at any point to the uppermost part of a building directly above that point, excluding minor protrusions such as aerials, antennae, solar panels, chimneys and vents.
building line	means a line drawn parallel to a frontage along the front facade of a building or through the point of a building closest to the frontage, excluding protrusions.
camping and caravan park	means use of land to allow accommodation in caravans, cabins, motor homes, tents or the like and includes amenities provided for residents and persons away from their normal place of residence.
cinema	means use of land to display films, videos or other moving images to persons for reward.
clearance and conversion	means as defined in the <i>Forest Practices Act 1985</i> .
coastal zone	means as described in section 5 of the <i>State Coastal Policy Validation Act 2003</i> .

communal residence	means use of land for a building to accommodate persons who are unrelated to one another and who share some parts of the building. Examples include a boarding house, residential college and residential care home.
controlled environment agriculture	means an agricultural use carried out within some form of built structure, whether temporary or permanent, which mitigates the effect of the natural environment and climate. Such agricultural uses include production techniques that may or may not use imported growth medium. Examples include greenhouses, polythene covered structures, and hydroponic facilities.
council	means as defined in the Act.
crop raising	means use of land to propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, and vegetables.
curtilage	means the area of land occupied by development including its yard, outbuildings, car parking, driveways, storage areas, landscaping, wastewater disposal areas and land maintained for natural hazard protection.
day respite centre	means use of land for day-time respite care for the aged or persons with disabilities.
demolition	means the intentional damaging, destruction or removal of any building or works in whole or in part.
desired future character	means the desired character for a particular area set out in the planning scheme.
development	means as defined in the Act.
dwelling	means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.
effective date	means the date on which the planning scheme came into effect.
employment training centre	means use of land to provide education and training to jobseekers and unemployed persons.
environmental harm	means as defined in the <i>Environmental Management and Pollution Control Act 1994</i> .
environmental	means as defined in the <i>Environmental Management and Pollution Control</i>



nuisance	<i>Act 1994.</i>
existing ground level	when used in respect of a development, means the level of a site at any point before the development occurs.
existing non-conforming use	means a use which is prohibited under the planning scheme but is one to which ss12(1)-(7) of the Act applies.
fence	includes a masonry or concrete garden wall.
finished ground level	when used in respect of a development, means the level of a site at any point after the development has been completed.
forest practices plan	means a Forest Practices Plan certified under the <i>Forest Practices Act 1985</i> .
frontage	means a boundary of a lot which abuts a road.
function centre	means use of land, by arrangement, to cater for private functions, and in which food and drink may be served. It may include entertainment and dancing.
funeral parlour	means use of land to organise and conduct funerals, memorial services, or the like. It includes the storage and preparation of bodies for burial or cremation.
gross floor area	means the total floor area of the building measured from the outside of the external walls or the centre of a common wall.
habitable building	means a building of Class 1 – 9 of the Building Code of Australia.
habitable room	means any room of a dwelling other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, hallway, lobby, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.
habitat corridor	means an area or network of areas, not necessarily continuous, which enables migration, colonisation or interbreeding of flora or fauna species between two or more areas of habitat.
home-based business	means use of part of a dwelling by a resident for non-residential purposes if: <ul style="list-style-type: none"> <li>(a) no more than 50m<sup>2</sup> of floor area of the dwelling is used for the non-residential purposes;</li> <li>(b) the person conducting the business normally uses the dwelling as their principal place of residence;</li> <li>(c) it does not involve employment of more than 2 workers who do not</li> </ul>

	<p>reside at the dwelling;</p> <p>(d) any load on a utility is no greater than for a domestic use;</p> <p>(e) there is no activity that causes electrical interference to other land;</p> <p>(f) there is, on the site, no storage of hazardous materials;</p> <p>(g) there is, on the site, no display of goods for sale;</p> <p>(h) there is, on the site, no advertising of the business other than 1 sign (non-illuminated) not exceeding 0.2m<sup>2</sup> in area;</p> <p>(i) there is, on the site, no refuelling, servicing or repair of vehicles not owned by a resident;</p> <p>(j) not more than 2 commercial vehicles are on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and</p> <p>(k) all vehicles used by the business are parked on the site.</p>
hostel	means a supervised place of accommodation, usually supplying board and lodging for students, nurses or the like.
hours of operation	means the hours that a use is open to the public or conducting activities related to the use, not including routine activities normally associated with opening and closing or office and administrative tasks.
intensive animal husbandry	means use of land to keep or breed farm animals, including birds, within a concentrated and confined animal growing operation by importing most food from outside the animal enclosures and includes a cattle feedlot, broiler farm or piggery.
internal lot	means a lot: <p>(a) lying predominantly behind another lot; and</p> <p>(b) having access to a road by an access strip, private road or right of way.</p>
junction	means an intersection between two or more roads at a common level, including the intersections of on and off ramps, and grade-separated roads.
land	means as defined in the Act.
landslide	means the movement of a mass of rock, debris, or earth (soil) down a slope.
level crossing	means as defined in section 35 of the <i>Rail Infrastructure Act 2007</i> .
level 2 Activity	means as defined under the <i>Environmental Management and Pollution Control Act 1994</i>
liquid fuel depot	means use of land for the storage, wholesale and distribution of liquid fuel.

local historic heritage significance	means the significance in relation to a heritage place or heritage precinct as identified in a code relating to heritage values, or in a report prepared by a suitably qualified person if not identified in the code.
local shop	means the use of land for the sale of grocery or convenience items where the gross floor area does not exceed 200m <sup>2</sup> .
lot	means a piece or parcel of land in respect of which there is only one title other than a lot within the meaning of the <i>Strata Titles Act 1998</i> .
marina	means use of land to moor boats, or store boats above or adjacent to the water. It includes boat recovery facilities, and facilities to repair, fuel, and maintain boats and boat accessories.
market	means use of land to sell goods, including but not limited to foodstuffs, from stalls.
medical centre	means use of land to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to out-patients only.
mezzanine	means an intermediate floor within a room.
minor protrusion	means awnings, steps, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services.
minor utilities	means use of land for utilities for local distribution or reticulation of services and associated infrastructure such as a footpath, cycle path, stormwater channel, water pipes, retarding basin, telecommunication lines or electricity substation and power lines up to but not exceeding 110Kv.
motel	means use of land to provide accommodation in serviced rooms for persons away from their normal place of residence, where provision is made for parking of guests' vehicles convenient to their rooms.
motor repairs	means use of land to repair or service motor vehicles, and includes the fitting of motor vehicle accessories.
motor vehicle, boat or caravan sales	means use of land to sell or hire motor vehicles, boats, or caravans. It includes the minor repair or servicing of motor vehicles, boats, or caravans, and the sale or fitting of accessories for motor vehicles, boats or caravans.
multiple dwellings	means 2 or more dwellings on a site.

museum	means use of land to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts.
native vegetation	means plants that are indigenous to Tasmania including trees, shrubs, herbs and grasses that have not been planted for domestic or commercial purposes.
natural ground level	means the natural level of a site at any point.
office	means use of land for administration, or clerical, technical, professional or other similar business activities.
outbuilding	means a non-habitable detached building of Class 10a of the Building Code of Australia and includes a garage, carport or shed.
outdoor recreation facility	means use of land for outdoor leisure, recreation, or sport.
overnight camping area	means the use of land which is open to public use for holiday and recreational purposes, which purposes involve primarily the setting up and use of tents for overnight accommodation.
panel beating	means use of land to repair or replace damaged motor vehicle bodies and panels, and carry out any associated mechanical work or spray painting.
permit	means as defined in the Act.
Planning authority	means the Break O' Day Council.
Plantation forestry	means the use of land for planting, management and harvesting of trees for commercial wood production, but does not include the milling or processing of timber, or the planting or management of areas of a farm for shelter belts, firewood, erosion or salinity control or other environmental management purposes, or other activity directly associated with and subservient to another form of agricultural use.
plot ratio	means the gross floor area of all buildings on the site divided by the area of the site.
primary frontage	means, where there are 2 or more frontages, the frontage with the shortest dimensions measured parallel to the road irrespective of minor deviations and corner truncations.
primary produce sales	means use of land to sell unprocessed primary produce grown on the land or adjacent land.

prime agricultural land	means agricultural land classified as Class 1, 2 or 3 land using the Class Definitions and methodology from the <i>Land Capability Handbook</i> , Second Edition, C J Grose, 1999, Department of Primary Industries, Water and Environment, Tasmania.
private garden	means land adjacent to a dwelling that has been modified with landscaping or vegetation, including ornamental or edible plants, or the like.
private open space	means an outdoor area of the land or dwelling for the exclusive use of the occupants of the land or dwelling.
protrusion	means a protrusion from a building such as awnings, steps, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services.
public art gallery	means use of land to display works of art including ceramics, furniture, glass, paintings, sculptures and textiles, which land is maintained at the public expense, under public control and open to the public generally.
public land	means land owned or managed by the Crown, a State authority or a council.
public open space	means land for public recreation or public gardens or for similar purposes.
rail authority	means the agency, authority or business enterprise which has responsibility for rail infrastructure in Tasmania.
railway	means as defined in the <i>Rail Infrastructure Act 2007</i> .
refuse disposal	means use of land to dispose of refuse by landfill, incineration, or other means.
regional land use strategy	means as defined in the Act.
remand centre	means use of land for an institution to which accused persons are sent for detention while awaiting appearance before a court.
residential aged care facility	means use of land for accommodation and personal or nursing care for the aged. It includes recreational, health or laundry facilities and services for residents of the facility.
retirement village	means use of land to provide permanent accommodation for retired people or the aged and includes communal recreational or medical facilities for residents of the village.

ribbon development	means a band of development extending along one or both sides of a road or along the coast.
road	means land over which the general public has permanent right of passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes.
road authority	means for State highways or subsidiary roads, within the meaning of the <i>Roads and Jetties Act 1935</i> , the Minister administering that Act and in relation to all other roads, the Council having the control of such road.
scrap yard	means use of land where disused vehicles, materials and machinery or parts are collected and either sold or prepared for being used again, and includes the use or on selling of scrap materials.
sensitive use	means a residential use or a use involving the presence of people for extended periods except in the course of their employment, such as in a caravan park, childcare centre, dwelling, hospital or school.
service station	means use of land to sell motor vehicle fuel from bowsers, and vehicle lubricants and if such use is made of the land, includes: (a) selling or installing of motor vehicle accessories or parts; (b) selling of food, drinks and other convenience goods; (c) hiring of trailers; and (d) servicing or washing of motor vehicles.
serviced apartment	means use of land to provide accommodation for persons, who are away from their normal place of residence, in a furnished, self-contained room or suite of rooms designed for short-term and long-term stays, which provides amenities for daily use such as kitchen and laundry facilities.
setback	means the distance from any lot boundary to a building on the lot.
shipping container storage	means use of land to store shipping containers and if such use is made of the land, includes the cleaning, repair, servicing, painting or fumigation of the shipping containers.
sign	means a device that is intended to give information, advertise or attract attention to a place, product, service or event.
single dwelling	means a dwelling or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.
site	means the lot or lots on which a use or development is located or proposed to be located.

site area per dwelling	means the area of the site (excluding any access strip) divided by the number of dwellings.
site coverage	means the proportion of a site (excluding any access strip) covered by roofed buildings.
solar energy installation	means a solar panel, evacuated tube solar collectors, or the like.
solid fuel depot	means use of land to sell solid fuel, such as briquettes, coal, and firewood.
standard	means, in any zone, code or specific area plan, the objective for a particular planning issue and the means for satisfying that objective through either an acceptable solution or performance criterion presented as the tests to meet the objective.
State authority	means as defined in the Act.
State-reserved land	means: (a) land owned by the Crown or a State authority and reserved for any purpose under the <i>Nature Conservation Act 2002</i> , or the <i>Crown Lands Act 1976</i> ; or (b) fee simple land reserved for any purpose under the <i>Nature Conservation Act 2002</i> where the Director of Parks and Wildlife is the managing authority.
State waters	means as defined in s.5 of the <i>Living Marine Resources Management Act 1995</i> .
storey	means that part of a building between floor levels, excluding a mezzanine level. If there is no floor above, it is the part between the floor level and the ceiling.
subdivide	means to divide the surface of a lot by creating estates or interests giving separate rights of occupation otherwise than by: a) a lease of a building or of the land belonging to and contiguous to a building between the occupiers of that building; b) a lease of airspace around or above a building; c) a lease of a term not exceeding 10 years or for a term not capable of exceeding 10 years; d) the creation of a lot on a strata scheme or a staged development scheme under the <i>Strata Titles Act 1998</i> ; or e) order adhering existing parcels of land.
subdivision	means the act of subdividing or the lot subject to an act of subdividing.

suitably qualified person	means a person who can adequately demonstrate relevant tertiary qualifications (or equivalent) and experience in a recognised field of knowledge, expertise or practice with direct relevance to the matter under consideration.
take away food premises	means use of land to prepare and sell food and drink primarily for immediate consumption off the premises.
threatened vegetation	means a threatened native vegetation community that is listed in Schedule 3A of the <i>Nature Conservation Act 2002</i> or a threatened native ecological community that is listed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth).
traffic impact assessment (TIA)	means a study prepared by a suitably qualified person that shows the likely effects of traffic generated by use or development on the local environment and on the road or railway networks or both in terms of safety, efficiency and amenity, having regard to present and assumed future conditions. It includes recommendations on measures to be taken to maintain the safety and efficiency of the road or railway networks.
turf growing	means use of land for growing grass which is cut into sods or rolls containing the roots and some soil for direct transplanting.
use	means as defined in the Act.
vehicle crossing	means a driveway for vehicular traffic to enter or leave a road carriageway from land adjoining a road.
veterinary centre	means land used to: (a) diagnose animal diseases or disorders; (b) surgically or medically treat animals; or (c) prevent animal diseases or disorders, and includes keeping animals on the premises for those purposes.
video shop	means use of land to hire out videos, films and computer games.
visitor centre	means land used for the principal purpose of providing information to tourists and may include incidental retail sales and supplementary services to tourism.
wall height	means the vertical distance from natural ground level immediately below the wall to the uppermost part of the wall excluding any roof element.
waste transfer station	means use of land to receive and temporarily store waste before it is disposed of elsewhere.



watercourse	means a defined channel with a natural or modified bed and banks that carries surface water flows.
wetland	means a depression in the land, or an area of poor drainage, that holds water derived from ground water and surface water runoff and supports plants adapted to partial or full inundation and includes an artificial wetland.
wharf	means use of land to provide facilities for ships, such as bulk and container ships, passenger ships, and defence force marine craft.
winery	means use of land for the manufacture of vineyard products and if land is so used, includes the display and sale of vineyard products, and the preparation and sale of food and drink for consumption on the premises.
works	means as defined in the Act.

## 5 Exemptions

- 5.0.1 Use or development described in subclauses 5.1 – 5.10 is exempt from requiring a permit under this planning scheme.
- 5.0.2 Use or development which, under the provisions of the Act, including ss12(1)-(4), a planning scheme is not to prevent, does not require a permit.
- 5.0.3 Excluding the exemption for emergency works at 5.3.1, in the coastal zone, no development listed in Table 5.1 – 5.6 is exempt from this planning scheme if it is to be undertaken on actively mobile landforms as referred to in clause 1.4 of the Tasmanian State Coastal Policy 1996. Development must not be located on actively mobile landforms in the coastal zone, unless for engineering or remediation works to protect land, property and human life in accordance with clause 1.4.1 and 1.4.2 in the State Coastal Policy 1996.

**Table 5.1 Exempt use**

	Use	Requirements
5.1.1	bee keeping	The use of land for bee keeping.
5.1.2	occasional use	If for infrequent or irregular sporting, social or cultural events.
5.1.3	home occupation	<p>If:</p> <ul style="list-style-type: none"> <li>(a) not more than 40m<sup>2</sup> of gross floor area of the dwelling is used for non-residential purposes;</li> <li>(b) the person conducting the home occupation normally uses the dwelling as their principal place of residence;</li> <li>(c) it does not involve employment of persons other than a resident;</li> <li>(d) any load on a utility is no more than for a domestic use;</li> <li>(e) there is no activity that causes electrical interference to other land;</li> <li>(f) it does not involve display of goods for sale that are visible from any road or public open space adjoining the site;</li> <li>(g) it involves no more than 1 advertising sign (that must be non-illuminated) and not more than 0.2m<sup>2</sup> in area;</li> <li>(h) it does not involve refuelling, servicing, detailing or repair of vehicles not owned by the resident on the site;</li> <li>(i) no more than 1 commercial vehicle is on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and</li> </ul> <p>any vehicle used solely for non-residential purposes must be parked on the site.</p>
5.1.4	markets	If on public land.

**Table 5.2 Exempt infrastructure use or development**

	<b>Use or development</b>	<b>Requirements</b>
5.2.1	dam construction works	Works that are directly associated with construction of a dam approved under the <i>Water Management Act 1999</i> , including the construction of vehicular access, vegetation removal and bulk soil excavations, are exempt if contained on the same site as the dam.
5.2.2	stormwater infrastructure	Provision, removal, maintenance and repair of pipes, open drains and pump stations for the reticulation or removal of stormwater by, or on behalf of, the Crown, a council or a State authority unless a code relating to landslip hazards applies and requires a permit for the use or development.
5.2.3	irrigation pipes	The laying or installation in the Rural Resource Zone or the Significant Agricultural Zone, of irrigation pipes, that are directly associated with, and a subservient part of, an agricultural use, provided no pipes are located within a wetland, unless there is: <ul style="list-style-type: none"> <li>(a) a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken;</li> <li>(b) a code in this planning scheme which expressly regulates impacts on scenic or landscape values and requires a permit for the use or development that is to be undertaken;</li> <li>(c) a code in this planning scheme which expressly regulates impacts on biodiversity values and requires a permit for the use or development that is to be undertaken;</li> <li>(d) disturbance of more than 1m<sup>2</sup> of land that has been affected by a potentially contaminating activity;</li> <li>(e) excavation or fill of more than 0.5m depth in a salinity hazard area or landslip hazard area shown in the planning scheme; or</li> <li>(f) the removal of any threatened vegetation.</li> </ul>
5.2.4	road works	Maintenance and repair of roads and upgrading by or on behalf of the road authority which may extend up to 3m outside the road reserve including: <ul style="list-style-type: none"> <li>(a) widening or narrowing of existing carriageways;</li> <li>(b) making, placing or upgrading kerbs, gutters, footpaths, shoulders, roadsides, traffic control devices, line markings, street lighting, safety barriers, signs, fencing and landscaping, unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development; or</li> <li>(c) repair of bridges, or replacement of bridges of similar size in the same or adjacent location.</li> </ul>
5.2.5	vehicle crossings,	If:

	Use or development	Requirements
	junctions and level crossings	<p>(a) development of a vehicle crossing, junction or level crossing:</p> <ul style="list-style-type: none"> <li>(i) by the road or rail authority; or</li> <li>(ii) in accordance with the written consent of the relevant road or rail authority; or</li> </ul> <p>(b) use of a vehicle crossing, junction or level crossing by a road or railway authority.</p>
5.2.6	minor communications infrastructure	<p>If:</p> <ul style="list-style-type: none"> <li>(a) development of low impact facilities as defined in Parts 2 and 3 of the <i>Telecommunications (Low-Impact Facilities) Determination 2018</i>;</li> <li>(b) works involved in the inspection of land to identify suitability for telecommunications infrastructure;</li> <li>(c) development of a facility that has been granted a facility installation permit by the Australian Communications and Media Authority;</li> <li>(d) works involved in the maintenance of telecommunication infrastructure;</li> <li>(e) works meeting the transitional arrangements as defined in Part 2 of Schedule 3 of the <i>Telecommunications Act 1997</i>;</li> <li>(f) feeder and distribution optical fibre cables not exceeding 18mm in diameter and with attached messenger wires on existing poles;</li> <li>(g) the connection of a line forming part of a telecommunications network to a building, caravan or mobile home including drop cabling of optic fibre networks; or</li> <li>(h) works involved in the installation, for purposes in connection with the installation of the National Broadband Network, of a: <ul style="list-style-type: none"> <li>(i) galvanised steel service pole, no more than 6.6m in height above existing ground level, and 0.2m in diameter; or</li> <li>(ii) timber service pole, no more than 10.2m in height above existing ground level, and 0.42m in diameter,</li> </ul> </li> </ul> <p>unless a code relating to the protection of airports applies and requires a permit for the use or development.</p>
5.2.7	provision of linear and minor utilities and infrastructure	<p>If by or on behalf of the State Government, a Council, a Statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a Statutory authority, of electricity, gas, sewerage, and water reticulation to individual streets, lots or buildings, unless there is:</p> <ul style="list-style-type: none"> <li>(a) a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken;</li> </ul>

	Use or development	Requirements
		<p>(b) disturbance of more than 1m<sup>2</sup> of land that has been affected by a potentially contaminating activity;</p> <p>(c) excavation or fill of more than 0.5m depth in a salinity hazard area or landslip hazard area shown in the planning scheme;</p> <p>(d) the removal of any threatened vegetation; or</p> <p>(e) land located within 30m of a wetland or watercourse.</p>
5.2.8	upgrades of linear and minor utilities and infrastructure	<p>If minor upgrades by or on behalf of the State government, a Council, or a statutory authority or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure (excluding stormwater infrastructure under subclause 5.2.2 and road works under subclause 5.2.4) such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines including:</p> <p>(a) minor widening or narrowing of existing carriageways; or</p> <p>(b) making, placing or upgrading kerbs, gutters, footpaths, roadsides, traffic control devices and markings, street lighting and landscaping,</p> <p>unless the following apply:</p> <p>(c) a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken; or</p> <p>(d) the removal of any threatened vegetation.</p>
5.2.9	maintenance and repair of linear and minor utilities and infrastructure	<p>If by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, maintenance and repair of :</p> <p>(a) electricity, gas, sewerage, and water reticulation to individual streets, lots or buildings; and</p> <p>(b) infrastructure (excluding stormwater infrastructure under subclause 5.2.2 and road works under subclause 5.2.4) such as roads, rail lines, drains, sewers, power lines and pipelines.</p>
5.2.10	minor infrastructure	<p>Provision, maintenance and modification of footpaths, cycle paths, playground equipment, seating, shelters, bus stops and bus shelters, street lighting, telephone booths, public toilets, post boxes, cycle racks, fire hydrants, drinking fountains, waste or recycling bins, public art, and the like by, or on behalf of, the Crown, a council or a State authority.</p>
5.2.11	navigation aids	<p>Provision, maintenance and modification of any sort of marker which aids in navigation of nautical or aviation craft such as lighthouses, buoys, fog signals, landing lights, beacons, and the like, unless a code relating to the protection of airports applies and requires a permit for the use or development.</p>

	Use or development	Requirements
5.2.12	electric car charger	Provision and maintenance if in a car park.

**Table 5.3 Exempt building or works**

	Use or development	Requirements
5.3.1	emergency works	Urgent works, that are undertaken for public safety or to protect property or the environment as a result of an emergency situation, that are required or authorised by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority.
5.3.2	maintenance and repair of buildings	maintenance and repair of buildings including repainting, re-cladding and re-roofing whether using similar or different materials provided this does: <ul style="list-style-type: none"> <li>(a) not contravene a condition of an existing permit which applies to the site; and</li> <li>(b) involve a place or precinct listed in a heritage code that is part of this scheme.</li> </ul>
5.3.3	temporary buildings or works	The erection of temporary buildings or works to facilitate development for which a permit has been granted or for which no permit is required provided they are not occupied for residential use and are removed within 14 days of completion of development.
5.3.4	unroofed decks	If: <ul style="list-style-type: none"> <li>(a) not attached to or abutting a habitable building; and</li> <li>(b) the floor level is less than 1m above existing ground level,</li> </ul> unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.
5.3.5	outbuildings	Construction or placement of an outbuilding if: <ul style="list-style-type: none"> <li>(a) it is not between a frontage and the building line, or if on a lot with no buildings, the setback from the frontage is not less than the relevant Acceptable Solution requirement; and</li> <li>(b) the area of the new outbuilding that is roofed is not more than: <ul style="list-style-type: none"> <li>(i) 10m<sup>2</sup> if: <ul style="list-style-type: none"> <li>a. there is not more than one other outbuilding on the lot;</li> <li>b. the total area of all outbuildings on the lot that are roofed will not be more than 20m<sup>2</sup>;</li> <li>c. no side of the new outbuilding is longer than 3.2m; and</li> <li>d. the building height of the new outbuilding is not more</li> </ul> </li> </ul> </li> </ul>

	Use or development	Requirements
		<p>than 2.4m; or</p> <p>(ii) 18m<sup>2</sup> if:</p> <ul style="list-style-type: none"> <li>a. there is no other outbuilding on the lot;</li> <li>b. the roof span of the new outbuilding is not more than 3m;</li> <li>c. the building height of the new outbuilding is not more than 2.4m;</li> <li>d. the new outbuilding is not less than 0.9m from an existing building on the lot;</li> <li>e. the new outbuilding has a setback of not less than 0.9m from any boundary; and</li> <li>f. the change in existing ground level as a result of cut or fill is not more than 0.5m,</li> </ul> <p>unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.</p>
5.3.6	buildings and works in the Rural Resource Zone or Significant Agricultural Zone	<p>If for:</p> <ul style="list-style-type: none"> <li>(a) the construction of buildings or works, other than a dwelling, that are directly associated with, and a subservient part of, an agricultural use if: <ul style="list-style-type: none"> <li>(i) individual buildings do not exceed 100m<sup>2</sup> in gross floor area;</li> <li>(ii) the setback from all property boundaries is not less than 30m;</li> <li>(iii) no part of the building or works are located within 30m of a wetland or watercourse;</li> <li>(iv) no part of the building or works encroach within any service easement or within 1m of any underground service; and</li> <li>(v) the building or works are not located on prime agricultural land,</li> </ul> </li> </ul> <p>unless there is:</p> <ul style="list-style-type: none"> <li>(b) a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken;</li> <li>(c) a code in this planning scheme which expressly regulates impacts on scenic or landscape values and requires a permit for the use or development that is to be undertaken;</li> <li>(d) a code in this planning scheme which expressly regulates impacts on biodiversity values and requires a permit for the use or development that is to be undertaken;</li> </ul>

	Use or development	Requirements
		<p>(e) disturbance of more than 1m<sup>2</sup> of land that has been affected by a potentially contaminating activity;</p> <p>(f) excavation or fill of more than 0.5m depth in a salinity hazard area or landslip hazard area shown in the planning scheme; or</p> <p>(g) the removal of any threatened vegetation.</p>
5.3.7	demolition of exempt buildings	The demolition in whole or in part of a building, the erection of which would be exempt under this planning scheme.
5.3.8	garden structures	<p>Garden structures, such as a pergola, garden arch, trellis or frame, if:</p> <p>(a) the total area is no greater than 20m<sup>2</sup>;</p> <p>(b) the height is no more than 3m above ground level; and</p> <p>(c) it is uncovered or covered by an open-weave permeable material that allows water through,</p> <p>unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.</p>

Table 5.4 Vegetation exemptions

	Use or development	Requirements
5.4.1	vegetation removal for safety or in accordance with other Acts	<p>If for:</p> <p>(a) clearance and conversion of a threatened native vegetation community, or the disturbance of a vegetation community, in accordance with a forest practices plan certified under the <i>Forest Practices Act 1985</i>, unless for the construction of a building or the carrying out of any associated development;</p> <p>(b) harvesting of timber or the clearing of trees, or the clearance and conversion of a threatened native vegetation community, on any land to enable the construction and maintenance of electricity infrastructure in accordance with the <i>Forest Practices Regulations 2017</i>;</p> <p>(c) fire hazard management in accordance with a bushfire hazard management plan approved as part of a use or development;</p> <p>(d) fire hazard reduction required in accordance with the <i>Fire Service Act 1979</i> or an abatement notice issued under the <i>Local Government Act 1993</i>;</p> <p>(e) fire hazard management works necessary to protect existing assets and ensure public safety in accordance with a plan for fire hazard management endorsed by the Tasmania Fire Service, Sustainable Timbers Tasmania, the Parks and Wildlife Service, or council;</p> <p>(f) clearance within 2m of lawfully constructed buildings or</p>



	Use or development	Requirements
		<p>infrastructure including roads, tracks, footpaths, cycle paths, drains, sewers, power lines, pipelines and telecommunications facilities, for maintenance, repair and protection;</p> <p>(g) safety reasons where the work is required for the removal of dead wood, or treatment of disease, or required to remove an unacceptable risk to public or private safety, or where the vegetation is causing or threatening to cause damage to a substantial structure or building; or</p> <p>(h) within 1.5m of a lot boundary for the purpose of erecting or maintaining a boundary fence.</p>
5.4.2	planting, clearing or modification of vegetation on pasture or cropping land	<p>If for the landscaping and the management of vegetation on pasture or cropping land, other than for plantation forestry on prime agricultural land, provided the vegetation is not protected by permit condition, an agreement made under Part 5 of the Act, covenant or other legislation, unless there is:</p> <p>(a) a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development to be undertaken;</p> <p>(b) a code in this planning scheme which expressly regulates impacts on scenic or landscape values and requires a permit for the use or development that is to be undertaken;</p> <p>(c) a code in this planning scheme which expressly regulates impacts on biodiversity values and requires a permit for the use or development that is to be undertaken;</p> <p>(d) disturbance of more than 1m<sup>2</sup> of land that has been affected by a potentially contaminating activity;</p> <p>(e) excavation or fill of more than 0.5m depth in a salinity hazard area or landslip hazard area shown in the planning scheme;</p> <p>(f) the removal of any threatened vegetation; or</p> <p>(g) land located within 30m of a wetland or watercourse.</p>
5.4.3	landscaping and vegetation management	<p>Landscaping and vegetation management within a private garden, public garden or park, or within State-reserved land or a council reserve, if:</p> <p>(a) the vegetation is not protected by legislation, a permit condition, an agreement made under section 71 of the Act, or a covenant; or</p> <p>(b) the vegetation is not specifically listed and described as part of a historic heritage place or a significant trees in the relevant interim planning scheme,</p> <p>unless the management is incidental to the general maintenance.</p>
5.4.4	vegetation rehabilitation	<p>The planting, clearing or modification of vegetation for:</p> <p>(a) soil conservation or rehabilitation works including Landcare</p>

	Use or development	Requirements
	works	<p>activities and the like, provided that ground cover is maintained and erosion is managed;</p> <p>(b) the removal or destruction of declared weeds or environmental weeds listed under a strategy or management plan approved by a council;</p> <p>(c) water quality protection or stream bank stabilisation works approved by the relevant State authority or a council;</p> <p>(d) the implementation of a vegetation management agreement or a natural resource, catchment, coastal, reserve or property management plan or the like, provided the agreement or plan has been endorsed or approved by the relevant State authority or a council; or</p> <p>(e) the implementation of a mining and rehabilitation plan approved under the terms of a permit, an Environment Protection Notice, or rehabilitation works approved under the <i>Mineral Resources Development Act 1995</i>.</p>

Table 5.5 Renewable energy exemptions

	Use or development	Requirements
5.5.1	ground mounted solar energy installations	If covering an area of not more than 18m <sup>2</sup> , unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.
5.5.2	roof mounted solar energy installations	Unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.

Table 5.6 Miscellaneous exemptions

	Use or development	Requirements
5.6.1	use or development in a road reserve or on public land	<p>If:</p> <p>(a) for outdoor dining facilities, signboards, roadside vendors and stalls on a road that is managed by a relevant council; or</p> <p>(b) a community garden on public land used for growing vegetables, fruit or ornamentals.</p>
5.6.2	fences (excluding fences within 4.5m of a frontage in the General	<p>The construction or demolition of:</p> <p>(a) side and rear boundary fences not adjoining a road or public reserve or not within 4.5m of the site's primary frontage and not more than a total height of 2.1m above natural ground level;</p> <p>(b) boundary fences adjoining a road or public reserve or within</p>

	Use or development	Requirements
	Residential Zone or Inner Residential Zone)	<p>4.5m of the site's primary frontage (excluding a fence under subclause 5.6.3) and not more than a total height of 1.2m above natural ground level;</p> <p>(c) fencing of agricultural land or for protection of wetlands and watercourses;</p> <p>(d) fencing for security purposes, no higher than 2.8m, that is within the Port and Marine Zone;</p> <p>(e) fencing for security purposes, no higher than 2.8m, at an airport, unless there is:</p> <p>(f) a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken;</p> <p>(g) the removal of any threatened vegetation; or</p> <p>(h) land located within 30m of a wetland or watercourse.</p>
5.6.3	fences within 4.5m of a frontage in the General Residential Zone or Inner Residential Zone	<p>Fences (including free-standing walls) within 4.5m of a frontage, if located in the General Residential Zone or Inner Residential Zone if not more than a height of:</p> <p>(a) 1.2m above existing ground level if the fence is solid; or</p> <p>(b) 1.8m above existing ground level, if the fence has openings above the height of 1.2m which provide a uniform transparency of at least 30% (excluding any posts or uprights),</p> <p>unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.</p>
5.6.4	temporary fencing	If for public safety, construction works or occasional sporting, social or cultural events.
5.6.5	retaining walls	<p>Retaining walls, excluding any land filling, if:</p> <p>(a) it has a setback of not less than 1.5m from any boundary; and</p> <p>(b) it retains a difference in ground level of less than 1m,</p> <p>unless a code relating to historic heritage values, significant trees, or landslip hazards, applies and requires a permit for the use or development.</p>
5.6.6	hot water cylinders	If attached, or located, to the side or rear of a building, unless a code relating to historic heritage values or significant trees applies and requires a permit for the use or development.
5.6.7	minor structures	<p>If:</p> <p>(a) they are at least 1m from any boundary, minor attachments to the side or rear of a building that are incidental to any use or development such as heat pumps, rain water tanks with a capacity of less than 45 kilolitres and on a stand no higher than 1.2m, and air-conditioners; or</p>

	Use or development	Requirements
		(b) they are incidental to any use or development including: <ul style="list-style-type: none"> <li>(i) a maximum of 2 masts for telecommunications or flagpoles provided each are no more than 6m in length;</li> <li>(ii) one satellite dish no more than 2m in diameter,</li> </ul> unless there is a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken.
5.6.8	strata division	Division by strata titles of lawfully constructed or approved buildings for a use granted a permit under this planning scheme or previously lawfully approved.

## 6 Limited Exemptions

*This Clause number is not used in this planning scheme.*

## 7 Planning Scheme Operation

### 7.1 Special Provisions

7.1.1 Part C sets out provisions, for certain types of use or development, that are not specific to any zone, specific area plan, or area to which a code applies.

7.1.2 Where there is a conflict between a provision in a zone, specific area plan or code and a special provision in Part C, the special provision in Part C prevails.

### 7.2 Operation of Zones

7.2.1 The planning scheme area is divided into zones in respect of which the primary controls for the use or development of land are set out.

7.2.2 The planning scheme maps show how land is zoned.

7.2.3 Part D sets out the zones and the use and development standards applying to each zone.

### 7.3 Operation of Codes

7.3.1 Part E specifies codes that identify areas or planning issues which require compliance with additional provisions set out in the codes.

7.3.2 Overlays on the maps may be used to indicate the areas where codes apply.

7.3.3 Codes set out provisions for:

- (a) particular types of use or development that may apply to more than one zone; and
- (b) matters that affect land that cannot be described by zone boundaries.

7.3.4 Where there is a conflict between a provision in a code and a provision in a zone, the code provision prevails.

## 7.4 Operation of Specific Area Plans

7.4.1 Part F sets out specific area plans, which plans identify areas either within a single zone or covered by a number of zones, and set out more detailed planning provisions for use or development in those areas.

7.4.2 Where there is a conflict between a provision in a specific area plan and a provision in a zone or a code, the specific area plan provision prevails.

## 7.5 Compliance with Applicable Standards

7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.

7.5.2 A standard in a zone, specific area plan or code is an applicable standard if:

- (a) the proposed use or development will be on a site within a zone or the area to which a specific plan relates, or is a use or development to which the code applies; and
- (b) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.

7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solutions or the performance criterion for that standard.

7.5.4 The planning authority may consider the relevant objective in an applicable standard to help determine whether a use or development complies with the performance criterion for that standard.

# 8 Assessment of an Application for Use or Development

## 8.1 Application Requirements

8.1.1 An application must be made for any use or development for which a permit is required under this planning scheme.

8.1.2 An application must include:

- (a) a signed application form;
- (b) any written permission and declaration of notification required under s.52 of the Act and, if any document is signed by the delegate, a copy of the delegation;
- (c) details of the location of the proposed use or development;
- (d) a copy of the current certificate of title for all land to which the permit sought is to relate, including the title plan; and
- (e) a full description of the proposed use or development.

8.1.3 In addition to the information that is required by clause 8.1.2, a planning authority may, in order to enable it to consider an application, require such further or additional information as the planning authority considers necessary to satisfy it that the proposed

use or development will comply with any relevant standards and purpose statements in the zone, codes or a specific area plan, applicable to the use or development including:

- (a) any schedule of easements if listed in the folio of the title and appear on the plan, where applicable;
- (b) a site analysis and site plan at a scale acceptable to the planning authority showing, where applicable:
  - (i) the existing and proposed use(s) on the site;
  - (ii) the boundaries and dimensions of the site;
  - (iii) topography including contours showing AHD levels and major site features;
  - (iv) natural drainage lines, watercourses and wetlands on or adjacent to the site;
  - (v) soil type;
  - (vi) vegetation types and distribution including any known threatened species, and trees and vegetation to be removed;
  - (vii) the location and capacity and connection point of any existing services and proposed services;
  - (viii) the location of easements on the site or connected to the site;
  - (ix) existing pedestrian and vehicle access to the site;
  - (x) the location of existing and proposed buildings on the site;
  - (xi) the location of existing adjoining properties, adjacent buildings and their uses;
  - (xii) any natural hazards that may affect use or development on the site;
  - (xiii) proposed roads, driveways, parking areas and footpaths within the site;
  - (xiv) any proposed open space, common space, or facilities on the site; and
  - (xv) proposed subdivision lot boundaries;
- (c) where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 as required by the planning authority showing, where applicable:
  - (i) the internal layout of each building on the site;
  - (ii) the private open space for each dwelling;
  - (iii) external storage spaces;
  - (iv) parking space location and layout;
  - (v) major elevations of every building to be erected;
  - (vi) the relationship of the elevations to existing ground level, showing any proposed cut or fill;
  - (vii) shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites; and
  - (viii) materials and colours to be used on roofs and external walls.

## 8.2 Categorising Use or Development

- 8.2.1 Each proposed use or development must be categorised into one of the use classes in Table 8.2.
- 8.2.2 A use or development that is directly associated with and a subservient part of another use on the same site must be categorised into the same use class as that other use.
- 8.2.3 If a use or development fits a description of more than one use class, the use class most specifically describing the use applies.
- 8.2.4 If a use or development does not readily fit any use class, it must be categorised into the most similar use class.
- 8.2.5 If more than one use or development is proposed, each use that is not directly associated with and subservient to another use on the same site must be individually categorised into a use class.

Table 8.2 Use Classes

Use Class	Description
Bulky goods sales	use of land for the sale of heavy or bulky goods which require a large area for handling, storage and display. Examples include garden and landscape suppliers, rural suppliers, timber yards, trade suppliers, showrooms for furniture, electrical goods and floor coverings, and motor vehicle, boat or caravan sales.
Business and professional services	use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, travel agency and veterinary centre.
Community meeting & entertainment	use of land for social, religious and cultural activities, entertainment and meetings. Examples include an art and craft centre, church, cinema, civic centre, function centre, library, museum, public art gallery, public hall and theatre.
Custodial facility	use of land, other than psychiatric facilities, for detaining or reforming persons committed by the courts or during judicial proceedings. Examples include a prison, remand centre and any other type of detention facility.
Crematoria and cemeteries	use of land for the burial or cremation of human or animal remains, and if land is so used, the use includes a funeral chapel.
Domestic animal breeding, boarding or training	use of land for breeding, boarding or training domestic animals. Examples include an animal pound, cattery and kennel.
Educational and occasional care	use of land for educational or short-term care purposes. Examples include a childcare centre, day respite facility, employment training centre, kindergarten, primary school, secondary school and tertiary institution.
Emergency services	use of land for police, fire, ambulance and other emergency services including storage and deployment of emergency vehicles and equipment. Examples include ambulance station, fire station and police station.



Use Class	Description
Equipment and machinery sales and hire	use of land for displaying, selling, hiring or leasing plant, equipment or machinery, associated with, but not limited to, cargo-handling, construction, earth-moving, farming, industry and mining.
Extractive industry	use of land for extracting or removing material from the ground, other than Resource development, and includes the treatment or processing of those materials by crushing, grinding, milling or screening on, or adjoining the land from which it is extracted. Examples include mining, quarrying, and sand mining.
Food services	use of land for preparing or selling food or drink for consumption on or off the premises. Examples include a cafe, restaurant and take-away food premises.
General retail and hire	use of land for selling goods or services, or hiring goods. Examples include an adult sex product shop, amusement parlour, beauty salon, betting agency, commercial art gallery, department store, hairdresser, market, primary produce sales, shop, shop front dry cleaner, supermarket and video shop
Hospital services	use of land to provide health care (including preventative care, diagnosis, medical and surgical treatment, rehabilitation, psychiatric care and counselling) to persons admitted as inpatients. If the land is so used, the use includes the care or treatment of outpatients.
Hotel industry	use of land to sell liquor for consumption on or off the premises. If the land is so used, the use may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines and gambling. Examples include a hotel, bar, bottle shop, nightclub and tavern.
Manufacturing and processing	use of land for manufacturing, assembling or processing products other than Resource processing. Examples include boat building, brick making, cement works, furniture making, glass manufacturing, metal and wood fabrication, mineral processing and textile manufacturing.
Motor racing facility	use of land (other than public roads) to race, rally, scramble or test vehicles, including go-karts, motor boats, and motorcycles, and includes other competitive motor sports.
Natural and cultural values management	use of land to protect, conserve or manage ecological systems, habitat, species, cultural sites or landscapes.
Passive recreation	use of land for informal leisure and recreation activities principally conducted in the open. Examples include public parks, gardens and playgrounds, and foreshore and riparian reserves.

Pleasure boat facility	use of land to provide facilities for boats operated primarily for pleasure or recreation, including boats operated commercially for pleasure or recreation. An example is a marina.
Port and shipping	use of land for: (a) berthing, navigation, servicing and maintenance of marine vessels which may include loading, unloading and storage of cargo or other goods, and transition of passengers and crew; or (b) maintenance dredging. Examples include berthing and shipping corridors, shipping container storage, hardstand loading and unloading areas, passenger terminals, roll-on roll-off facilities and associated platforms, stevedore and receipt offices, and a wharf.
Recycling and waste disposal	use of land to collect, dismantle, store, dispose of, recycle or sell used or scrap material. Examples include a recycling depot, refuse disposal site, scrap yard, vehicle wrecking yard and waste transfer station.
Research and development	use of land for electronic technology, biotechnology, or any other research and development purposes, other than as part of an educational use.
Residential	use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.
Resource development	use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fish stock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, bee keeping, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry and turf growing.
Resource processing	use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery and sawmilling.
Service industry	use of land for cleaning, washing, servicing or repairing articles, machinery, household appliances or vehicles. Examples include a car wash, commercial laundry, electrical repairs, motor repairs and panel beating.
Sports and recreation	use of land for organised or competitive recreation or sporting purposes including associated clubrooms. Examples include a bowling alley, fitness centre, firing range, golf course or driving range, gymnasium, outdoor recreation facility, public swimming pool, race course and sports ground.

Storage	use of land for storage or wholesale of goods, and may incorporate distribution. Examples include boat and caravan storage, contractors yard, freezing and cool storage, liquid fuel depot, solid fuel depot, vehicle storage, warehouse and wood yard.
Tourist operation	use of land specifically to attract tourists, other than for accommodation. Examples include a theme park, visitor centre, wildlife park and zoo.
Transport depot and distribution	use of land for distributing goods or passengers, or to park or garage vehicles associated with those activities, other than Port and shipping. Examples include an airport, bus terminal, council depot, heliport, mail centre, railway station, road or rail freight terminal and taxi depot.
Utilities	<p>use of land for utilities and infrastructure including:</p> <ul style="list-style-type: none"> <li>(a) telecommunications;</li> <li>(b) electricity generation;</li> <li>(c) transmitting or distributing gas, oil, or power;</li> <li>(d) transport networks;</li> <li>(e) collecting, treating, transmitting, storing or distributing water; or</li> <li>(f) collecting, treating, or disposing of storm or floodwater, sewage, or sullage.</li> </ul> <p>Examples include an electrical sub-station or powerline, gas, water or sewerage main, optic fibre main or distribution hub, pumping station, railway line, retarding basin, road, sewage treatment plant, storm or flood water drain, water storage dam and weir.</p>
Vehicle fuel sales and service	<p>use of land primarily for the sale of motor vehicle fuel and lubricants, and if the land is so used, the use may include the routine maintenance of vehicles.</p> <p>An example is a service station.</p>
Vehicle parking	<p>use of land for the parking of motor vehicles.</p> <p>Examples include single and multi-storey car parks.</p>
Visitor accommodation	use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.

Planning authorities can add to the uses listed in column 3 in accordance with the Planning Directive.

### **8.3 Qualification of Use**

8.3.1 A use class may be subject to qualification in a Use Table which provides for conditions or limitations on the use class.

### **8.4 Requirement for a Permit**

8.4.1 Except as provided in subclauses 8.5 and 8.6, use or development of land must not be commenced or carried out:

- (a) without a permit granted and in effect in accordance with the Act and the provisions of this planning scheme; or
- (b) in a manner contrary to the conditions and restrictions of a permit.

8.4.2 A change from an individual use to another individual use whether within the same use class or not requires a permit unless the planning scheme specifies otherwise.

### **8.5 Exempt Use or Development**

8.5.1 A permit is not required to commence or carry out a use or development if it is exempt from requiring a permit under clauses 5.0 or 6.0.

### **8.6 No Permit Required**

8.6.1 A permit is not required to commence or carry out a use or development if:

- (a) the use is within a use class specified in the applicable Use Table as being a use for which no permit is required;
- (b) the use or development does not rely on a performance criterion to comply with an applicable standard;
- (c) the use or development is not discretionary or prohibited under any other provision of the planning scheme; and
- (d) a permit for such use and development is not required by a Code.

### **8.7 Permitted Use or Development**

8.7.1 A use or development must be granted a permit if:

- (a) the use is within a use class specified in the applicable Use Table as being a use which is permitted;
- (b) the use or development complies with each applicable standard and does not rely on a performance criterion to do so; and
- (c) the use or development is not discretionary or prohibited under any other provision of the planning scheme.

## 8.8 Discretionary Use or Development

8.8.1 The planning authority has a discretion to refuse or permit a use or development if:

- (a) the use is within a use class specified in the applicable Use Table as being a use which is discretionary;
- (b) the use or development complies with each applicable standard but relies upon a performance criterion to do so; or
- (c) it is discretionary under any other provision of the planning scheme, and the use or development is not prohibited under any other provision of the planning scheme.

## 8.9 Prohibited Use or Development

8.9.1 A use or development must not be granted a permit if:

- (a) the use is within a use class specified in the applicable Use Table as being a use which is prohibited;
- (b) the use or development does not comply with an acceptable solution for an applicable standard and there is no corresponding performance criterion; or
- (c) it is prohibited under any other provision of the planning scheme.

## 8.10 Determining Applications

8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by ss51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act,

but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

8.10.2 In determining an application for a permit for a discretionary use the planning authority must, in addition to the matters referred to in subclause 8.10.1, have regard to:

- (a) the purpose of the applicable zone;
- (b) any relevant local area objective or desired future character statement for the applicable zone;
- (c) the purpose of any applicable code; and
- (d) the purpose of any applicable specific area plan.

but only insofar as each such purpose is relevant to the particular discretion being exercised.

8.10.3 In determining an application for any permit the planning authority must not take into consideration matters referred to in clauses 2.0 and 3.0 of the planning scheme.

## 8.11 Conditions and Restrictions on a Permit

8.11.1 When deciding whether to attach conditions to a permit, the planning authority may consider the matters contained in subclauses 8.10.1 and 8.10.2.

8.11.2 Conditions and restrictions imposed by the planning authority on a permit may include:

- (a) requirements that specific things be done to the satisfaction of the planning authority;
- (b) staging of a use or development, including timetables for commencing and completing stages;
- (c) the order in which parts of the use or development can be commenced;
- (d) limitations on the life of the permit; and
- (e) requirements to modify the development in accordance with predetermined triggers, criteria or events.

## Part C

# Special Provisions

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## 9 Special Provisions

### 9.1 Changes to an Existing Non-conforming Use

9.1.1 Notwithstanding any other provision of this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application:

- (a) to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme; or
- (b) to extend or transfer a non-conforming use and any associated development, from one part of the site to another part of that site; or
- (c) for a minor development to a non-conforming use,

where there is –

- (a) no detrimental impact on adjoining uses; or
- (b) the amenity of the locality; and
- (c) no substantial intensification of the use of any land, building or work,

In exercising its discretion, the planning authority may have regard to the purpose and provisions of the zone and any applicable codes.

### 9.2 Development for Existing Discretionary Uses

9.2.1 Notwithstanding clause 8.8.1, proposals for development (excluding subdivision), associated with a use class specified in an applicable Use Table, as a discretionary use, must be considered as if that use class had permitted status in that Use Table, where the proposal for development does not establish a new use, or substantially intensify the use.

### 9.3 Adjustment of a Boundary

9.3.1 An application for a boundary adjustment is permitted and a permit must be granted if:

- (a) no additional lots are created;
- (b) there is only minor change to the relative size, shape and orientation of the existing lots;
- (c) no setback from an existing building will be reduced below the applicable minimum setback requirement;
- (d) no frontage is reduced below the applicable minimum frontage requirement; and
- (e) no lot boundary that aligns with a zone boundary will be changed.

## 9.4 Demolition

9.4.1 Unless approved as part of another development or Prohibited by another provision in this planning scheme, or a code relating to historic heritage values applies, an application for demolition is Permitted and a permit must be granted subject to any conditions and restrictions specified in clause 8.11.2 of the relevant interim planning scheme.

## 9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place

9.5.1 An application for a use of a place listed on the Tasmanian Heritage Register or as a heritage place in a code relating to historic heritage values that would otherwise be Prohibited is Discretionary.

9.5.2 The planning authority may approve such an application if it would facilitate the restoration, conservation and future maintenance of:

- (a) the local historic heritage significance of the heritage place; or
- (b) the historic cultural heritage significance of the place as described in the Tasmanian Heritage Register.

9.5.3 In determining an application the planning authority must have regard to:

- (a) any statement of historic cultural heritage significance for the place, as described in the Tasmanian Heritage Register;
- (b) any statement of local historic heritage significance and historic heritage values, as described in a code relating to historic heritage values;
- (c) any heritage impact statement prepared by a suitably qualified person setting out the effect of the proposed use and any associated development on:
  - (i) the local historic heritage significance of the heritage place or heritage precinct; and
  - (ii) the historic cultural heritage significance of the place as described in the Tasmanian Heritage Register;
- (d) any conservation plan prepared by a suitably qualified person in accordance with *The Conservation Plan: A guide to the preparation of conservation plans for places of European cultural significance 7th edition, 2013*;
- (e) the degree to which the restoration, conservation and future maintenance of the heritage significance of the place is dependent upon the establishment of the proposed use;
- (f) the likely impact of the proposed use on the amenity, or operation, of surrounding uses;
- (g) any Heritage Agreement that may be in place, in accordance with the provisions contained in the *Historic Cultural Heritage Act 1995*;
- (h) the purpose and provisions of the applicable zone; and
- (i) the purpose and provisions of any applicable code.



## 9.6 Change of Use

9.6.1 A permit is not required for a change of use from an existing lawful use to another use in the same Use Class if:

- (a) the use is not otherwise Prohibited or Discretionary under any provision of the planning scheme;
- (b) the use complies with all applicable standards and does not rely on any Performance Criteria to do so; and
- (c) there is no:
  - (i) increase in the gross floor area of the use;
  - (ii) increase in the requirement for parking spaces under a code relating to parking;
  - (iii) change in the arrangements for site access, parking, or for the loading and servicing of vehicles on the site;
  - (iv) change in arrangements for the use of external areas of the site for display, operational activity or storage;
  - (v) increase in emissions or change in the nature of emissions;
  - (vi) increase in the required capacity of utility services; and
  - (vii) increase in the existing hours of operation if outside the hours of 8.00am to 6.00pm Monday to Sunday inclusive.

## 9.7 Access and Provision of Infrastructure Across Land in Another Zone

9.7.1 If an application for use or development includes access or provision of infrastructure across land that is in a different zone to that in which the main part of the use or development is located, and the access or infrastructure is prohibited by the provisions of the different zone, the planning authority may at its discretion approve an application for access or provision of infrastructure over the land in the other zone, having regard to:

- (a) whether there is no practical and reasonable alternative for providing the access or infrastructure to the site;
- (b) the purpose and provisions of the zone and any applicable code for the land over which the access or provision of infrastructure is to occur; and
- (c) the potential for land use conflict with the use or development permissible under the planning scheme for any adjoining properties and for the land over which the access or provision of infrastructure is to occur.

## 9.8 Buildings Projecting onto Land in a Different Zone

9.8.1 If an application for use or development includes a building that projects over land in a different zone, the status of the use for the projecting portion of the building is to be determined in accordance with the provisions of the zone in which the main part of the building is located.

## 9.9 Port and Shipping in Proclaimed Wharf Areas

9.9.1 Notwithstanding any other provision in this planning scheme, an application for a use or development for Port and Shipping within a proclaimed wharf area must be considered as No Permit Required.

# Part D

## Zones

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### 10 General Residential Zone

#### 10.1 Zone Purpose

##### 10.1.1 Zone Purpose Statements

10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.

10.1.1.3 Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off site impacts.

10.1.1.4 To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.

##### 10.1.2 Local Area Objectives

There are no local area objectives	
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##### 10.1.3 Desired Future Character Statements

There are no desired future character statements	
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#### 10.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Residential	If a single dwelling
Natural and cultural values management	
Passive recreation	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>

Residential	If not for a single dwelling
Utilities	If for minor utilities
Visitor Accommodation	Only for holiday letting of an existing dwelling
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Educational and occasional care	If for a childcare centre
Food services	If a café or takeaway food premises
General retail and hire	If for a local shop
Visitor accommodation	If not for holiday letting of an existing dwelling
Utilities	If not for minor utilities
<b>Prohibited</b>	
All other uses	

## 10.3 Use Standards

### 10.3.1 Amenity

Objective	
To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 If for permitted or no permit required uses.	P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.
A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.

<p>A3 If for permitted or no permit required uses.</p>	<p>P3 External lighting must demonstrate that:</p> <ul style="list-style-type: none"> <li>a) floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and</li> <li>b) all direct light will be contained within the boundaries of the site.</li> </ul>
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### 10.3.2 Residential Character – Discretionary Uses

<p>Objective</p> <p>To ensure that discretionary uses support:</p> <ul style="list-style-type: none"> <li>a) the visual character of the area; and</li> <li>b) the local area objectives, if any.</li> </ul>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 Commercial vehicles for discretionary uses must be parked within the boundary of the property.</p>	<p>P1 No performance criteria.</p>
<p>A2 Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public land.</p>	<p>P2 No performance criteria.</p>
<p>A3 Waste material storage for discretionary uses must:</p> <ul style="list-style-type: none"> <li>a) not be visible from the road to which the lot has frontage ; and</li> <li>b) use self-contained receptacles designed to ensure waste does not escape to the environment.</li> </ul>	<p>P3 No performance criteria.</p>

## 10.4 Development Standards for Dwellings

### 10.4.1 Residential density for multiple dwellings

Objective:	That the density of multiple dwellings: <ul style="list-style-type: none"> <li>(a) makes efficient use of land for housing; and</li> <li>(b) optimises the use of infrastructure and community services.</li> </ul>	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b>	Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> .	<p><b>P1</b></p> <p>Multiple dwellings must only have a site area per dwelling that is less than 325m<sup>2</sup>, if the development will not exceed the capacity of infrastructure services and:</p> <ul style="list-style-type: none"> <li>(a) is compatible with the density of existing development on established properties in the area; or</li> <li>(b) provides for a significant social or community benefit and is: <ul style="list-style-type: none"> <li>(i) wholly or partly within 400m walking distance of a public transport stop; or</li> <li>(ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.</li> </ul> </li> </ul>

### 10.4.2 Setbacks and building envelope for all dwellings

Objective:	The siting and scale of dwellings: <ul style="list-style-type: none"> <li>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</li> <li>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</li> <li>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</li> <li>(d) provides reasonable access to sunlight for existing solar energy installations.</li> </ul>	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b>	Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and	<p><b>P1</b></p> <p>A dwelling must:</p> <ul style="list-style-type: none"> <li>(a) have a setback from a frontage that is</li> </ul>

<p>protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> <li>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</li> <li>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</li> <li>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;</li> <li>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or</li> <li>(e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</li> </ul>	<p>compatible with the streetscape, having regard to any topographical constraints; and</p> <ul style="list-style-type: none"> <li>(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.</li> </ul>
<p><b>A2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> <li>(a) 5.5m, or alternatively 1m behind the building line;</li> <li>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</li> <li>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</li> </ul>	<p><b>P2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
<p><b>A3</b></p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p>	<p><b>P3</b></p> <p>The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> <li>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> <li>(i) reduction in sunlight to a habitable</li> </ul> </li> </ul>

<p>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:</p> <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</li> </ul> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</li> <li>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</li> </ul>	<ul style="list-style-type: none"> <li>(i) room (other than a bedroom) of a dwelling on an adjoining property;</li> <li>(ii) overshadowing the private open space of a dwelling on an adjoining property;</li> <li>(iii) overshadowing of an adjoining vacant property; and</li> <li>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</li> </ul> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <ul style="list-style-type: none"> <li>(i) an adjoining property; or</li> <li>(ii) another dwelling on the same site.</li> </ul>
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**Table 10.4.2**

<b>Road</b>	<b>Setback (m)</b>
Talbot Street, Fingal	6
Main Road, St Marys	6
Scamander Avenue	6
Tasman Highway (including streets through St Helens)	6
St Helens Point Road	6



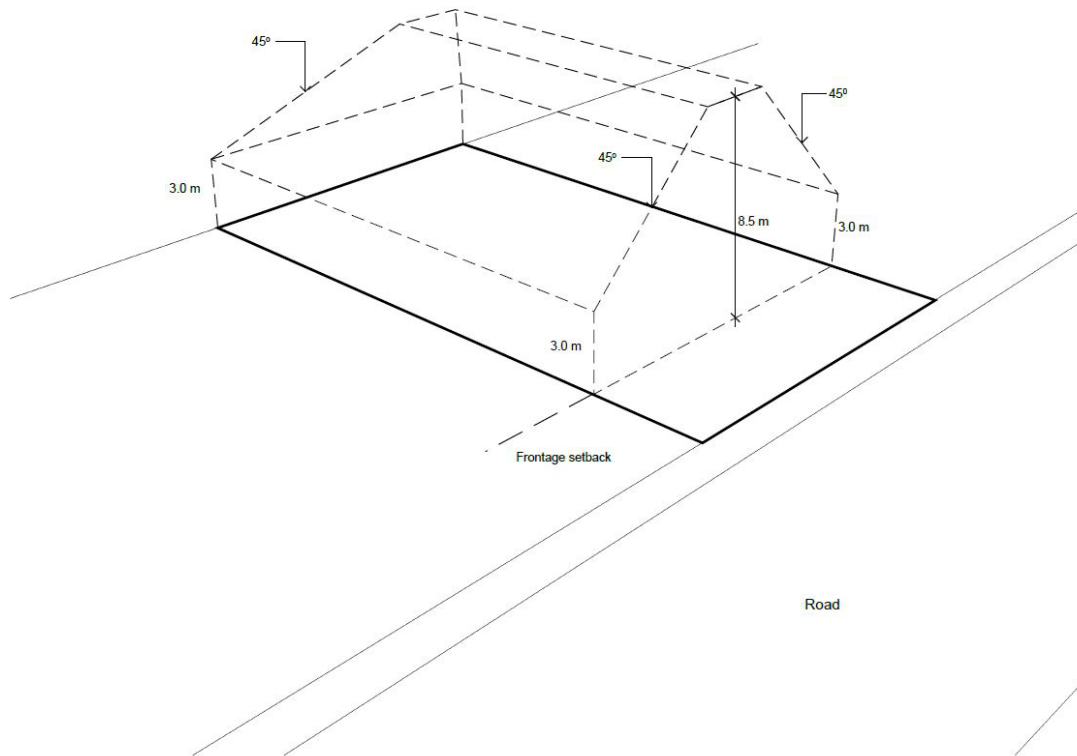


Figure 10.1 Building envelope as required by clause 10.4.2 A3(a)

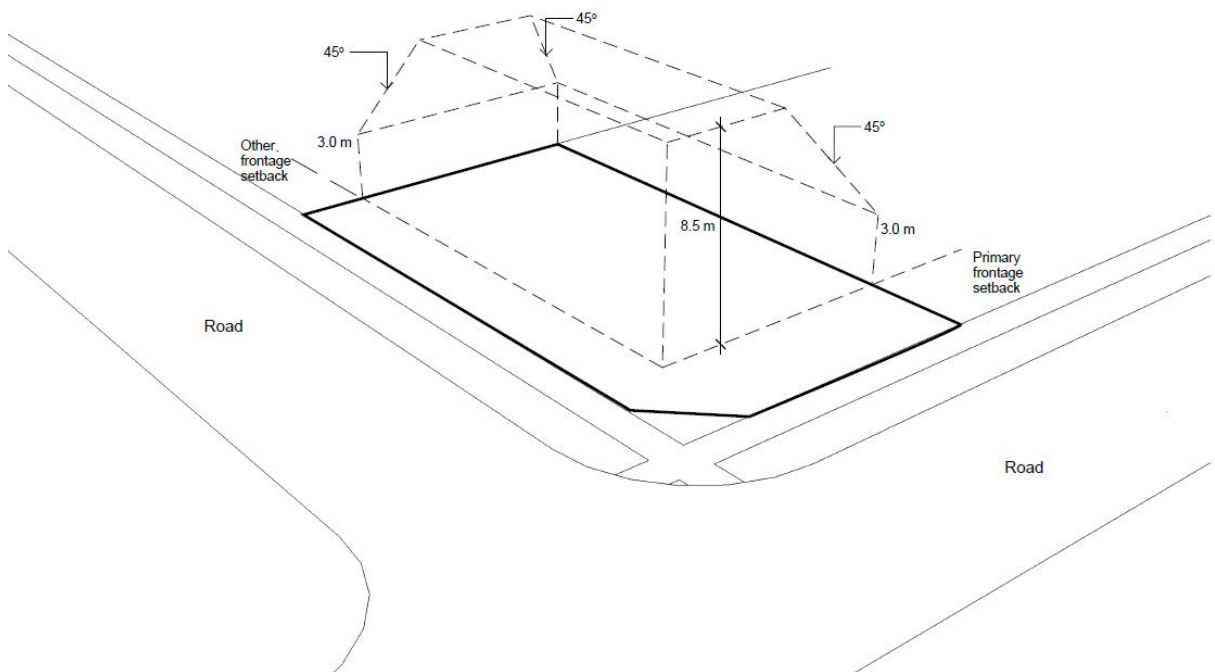


Figure 10.2 Building envelope for corner lots as required by clause 10.4.2 A3(a)

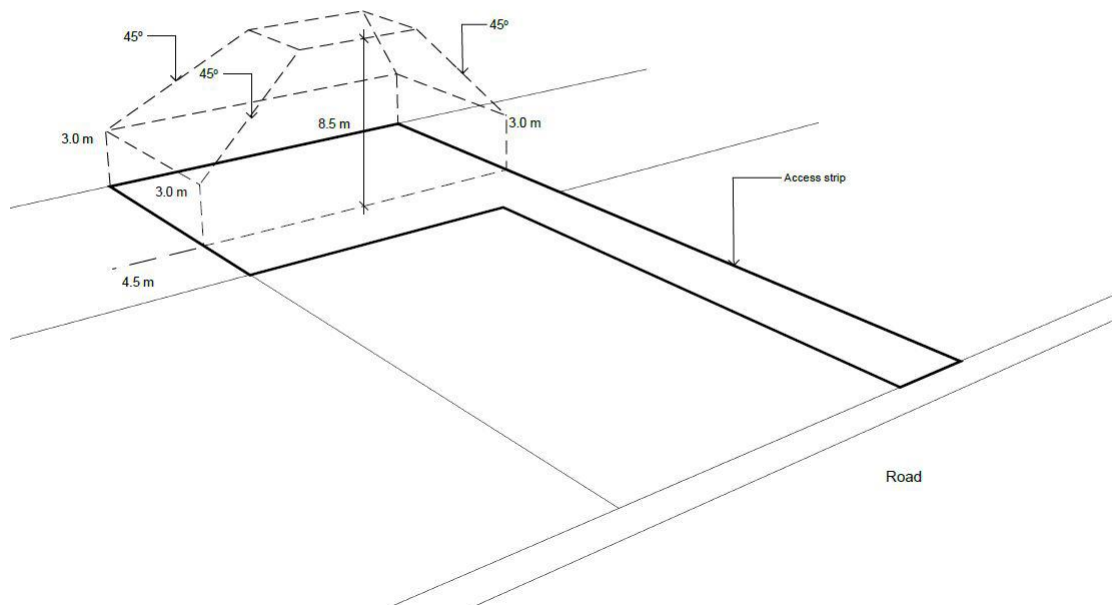


Figure 10.3 Building envelope for internal lots as required by clause 10.4.2 A3(a)

10.4.3 Site coverage and private open space for all dwellings

Objective:	<p>That dwellings are compatible with the amenity and character of the area and provide:</p> <ul style="list-style-type: none"> <li>(a) for outdoor recreation and the operational needs of the residents;</li> <li>(b) opportunities for the planting of gardens and landscaping; and</li> <li>(c) private open space that is conveniently located and has access to sunlight.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</li> </ul>	<p><b>P1</b></p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) site coverage consistent with that existing on established properties in the area;</li> <li>(b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: <ul style="list-style-type: none"> <li>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and</li> <li>(ii) operational needs, such as clothes</li> </ul> </li> </ul>

	<p>drying and storage; and</p> <p>(c) reasonable space for the planting of gardens and landscaping.</p>
<p><b>A2</b></p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p>(i) 24m<sup>2</sup>; or</p> <p>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north;</p> <p>(d) has a gradient not steeper than 1 in 10; and</p> <p>(e) is not used for vehicle access or parking.</p>	<p><b>P2</b></p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>

10.4.4 Sunlight to private open space of multiple dwellings

Objective:	That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 10.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 10.4):</p> <p>(i) at a distance of 3m from the northern edge of the private open space; and</p>	<p><b>P1</b></p> <p>A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 10.4.3 of this planning scheme.</p>

- (ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;
- (b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and
- (c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:
  - (i) an outbuilding with a building height not more than 2.4m; or
  - (ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.

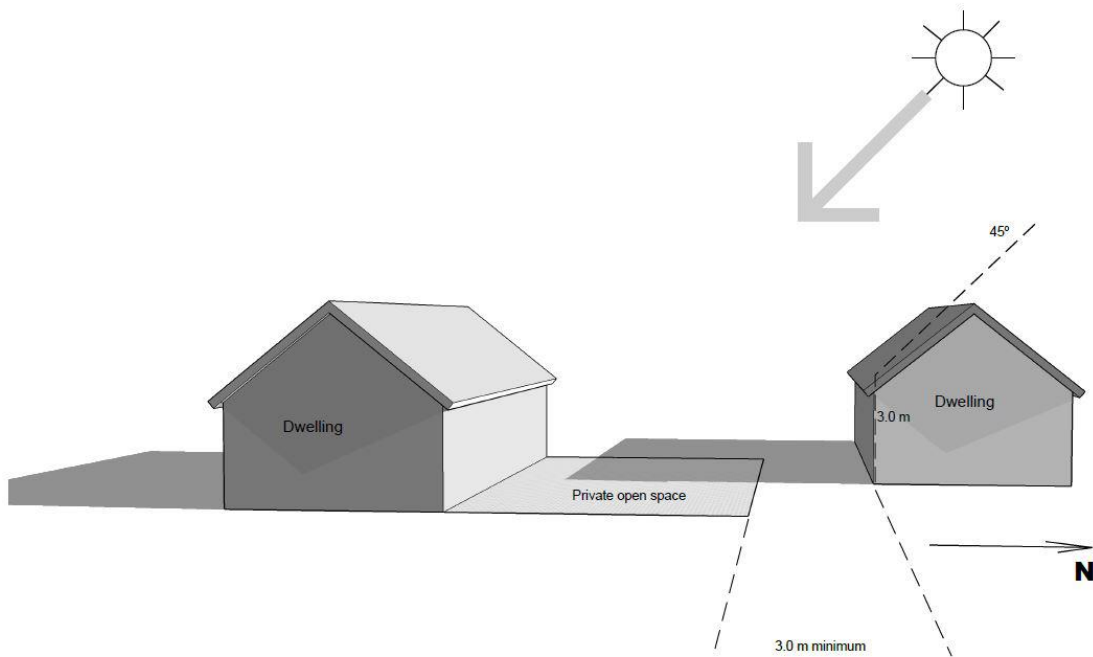


Figure 10.4 Separation from the private open space of another dwelling on the same site as required by clause 10.4.4 A1(a)

10.4.5 Width of openings for garages and carports for all dwellings

Objective:	To reduce the potential for garage or carport openings to dominate the primary frontage.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> A garage or carport for a dwelling within 12m	<b>P1</b> A garage or carport for a dwelling must be

of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.
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10.4.6 Privacy for all dwellings

Objective:	To provide a reasonable opportunity for privacy for dwellings.
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Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p>	<p><b>P1</b></p> <p>A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <p>(a) a dwelling on an adjoining property or its private open space; or</p> <p>(b) another dwelling on the same site or its private open space.</p>
<p><b>A2</b></p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <p>(i) is to have a setback of not less than</p>	<p><b>P2</b></p> <p>A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <p>(a) a window or glazed door, to a habitable room of another dwelling; and</p>

<p>3m from a side boundary;</p> <ul style="list-style-type: none"> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</li> <li>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</li> <li>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul>	<p>(b) the private open space of another dwelling.</p>
<p><b>A3</b></p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <ul style="list-style-type: none"> <li>(a) 2.5m; or</li> <li>(b) 1m if: <ul style="list-style-type: none"> <li>(i) it is separated by a screen of not less than 1.7m in height; or</li> <li>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</li> </ul> </li> </ul>	<p><b>P3</b></p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>

#### 10.4.7 Frontage fences for all dwellings

Objective:	The height and transparency of frontage fences: (a) provides adequate privacy and security for residents; (b) allows the potential for mutual passive surveillance between the road and the dwelling; and (c) is reasonably consistent with that on adjoining properties.	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> No Acceptable Solution <sup>1</sup> .	<b>P1</b> A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must: (a) provide for security and privacy while allowing for passive surveillance of the road; and (b) be compatible with the height and transparency of fences in the street, having regard to: (i) the topography of the site; and (ii) traffic volumes on the adjoining road.	

#### 10.4.8 Waste storage for multiple dwellings

Objective:	To provide for the storage of waste and recycling bins for multiple dwellings.	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m <sup>2</sup> per dwelling and is within one of the following locations: (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that: (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height not less	<b>P1</b> A multiple dwelling must have storage for waste and recycling bins that is: (a) capable of storing the number of bins required for the site; (b) screened from the frontage and any dwellings; and (c) if the storage area is a common storage area, separated from any dwellings to minimise impacts caused by odours and noise.	

<sup>1</sup> An exemption applies for fences in this zone – see Clause 5.0 - Exemptions

than 1.2m above the finished surface level of the storage area.	
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#### 10.4.9 Storage for multiple dwellings

Objective: To provide adequate storage facilities for each multiple dwelling.	
Acceptable Solutions	Performance Criteria
<b>A1</b> Each multiple dwelling must have access to at least 6 cubic metres of secure storage space.	<b>P1</b> Each multiple dwelling must provide storage suitable to the reasonable needs of residents.

#### 10.4.10 Common Property for multiple dwellings

Objective: To ensure that communal open space, car parking, access areas and site facilities for multiple dwellings are easily identified.	
Acceptable Solutions	Performance Criteria
<b>A1</b> Development for multiple dwellings must clearly delineate public, communal and private areas such as:  a) driveways; and  b) site services and any waste collection points.	<b>P1</b> No performance criteria.

#### 10.4.11 Outbuildings and ancillary structures for the Residential Use Class other than a single dwelling

Objective To ensure:  a) that outbuildings do not detract from the amenity or established neighbourhood character; and  b) that dwellings remain the dominant built form within an area; and  c) earthworks and the construction or installation of swimming pools are appropriate to the site and respect the amenity of neighbouring properties.	
Acceptable Solutions	Performance Criteria
<b>A1</b> Outbuildings for each multiple dwelling must have a combined gross floor area not exceeding 45m <sup>2</sup> .	<b>P1</b> Outbuildings for each multiple dwelling must be designed and located having regard to:  a) visual impact on the streetscape; and  b) compatibility with the size and



	location of outbuildings in the neighbourhood.
A2 A swimming pool for private use must be located: a) behind the setback from a primary frontage; or b) in the rear yard.	P2 A swimming pool for private use must be designed and located to: a) minimise any visual impact on the streetscape; and b) not unreasonably overlook or overshadow adjoining properties; and c) be compatible with the size and location of approved outbuildings in the neighbourhood.

10.4.12 Site Services for multiple dwellings

Objective:

To ensure that:

- a) site services for multiple dwellings can be installed and easily maintained; and
- b) site facilities for multiple dwellings are accessible, adequate and attractive.

Acceptable Solutions	Performance Criteria
<b>A1</b> Provision for mailboxes must be made at the frontage.	<b>P1</b> Sufficient space (including easements where required) for mail services must be provided for each multiple dwelling.
<b>A2</b> For multiple dwellings power supplies must be underground.	<b>P2</b> No Performance Criteria.

**Clauses 10.4.13.1 – 10.4.13.10 only apply to development within the Residential Use Class which is not a dwelling.**

10.4.13.1 Streetscape integration and appearance

Objective

- a) To integrate the layout of residential development with the streetscape; and
- b) To promote passive surveillance; and
- c) To provide each residential building with its own sense of identity.

Acceptable Solutions	Performance Criteria
<b>A1</b> Residential buildings (other than dwellings), must: a) have a front door and a window to a habitable room in the building wall that faces a road; or	<b>P1</b> Residential buildings (other than dwellings) must provide for the observation of roads, internal driveways and any abutting public open spaces.

	b) face an internal driveway or communal open space area.	
A2	Fences (other than for dwellings) on and within 4.5m of the frontage must be no higher than: a) 1.2m if solid; or b) 1.5m provided that the part of the fence above 1.2m has openings which provide at least 30% transparency.	P2 Fences (other than for dwellings) on and within 4.5m of the frontage must be designed to: a) provide for security and privacy of residents while allowing for passive surveillance of the road; or b) be consistent with the height, design and character of neighbouring fences and walls.

#### 10.4.13.2 Site coverage

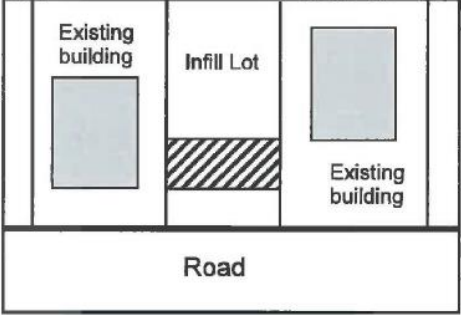
Objective	
<p>a) To ensure that the site coverage of residential development respects the existing neighbourhood character or desired future character statements, if any; and</p> <p>b) To reduce the impact of increased stormwater run-off on the drainage system; and</p> <p>c) To ensure sufficient area for landscaping and private open space.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1.1 Site coverage (other than for dwellings) must not exceed 50% of the total site; or</p> <p>A1.2 Development (other than for dwellings) must have a minimum of 25% of the site free from buildings, paving or other impervious surfaces.</p>	<p>P1 The proportion of the site covered by buildings or development (other than for dwellings) must have regard to:</p> <p>a) the existing site coverage and any constraints imposed by existing development or the features of the site; and</p> <p>b) the site coverage of adjacent properties; and</p> <p>c) the effect of the visual bulk of the building and whether it respects the neighbourhood character; and</p> <p>d) the capacity of the site to absorb run-off; and</p> <p>e) landscaping.</p>

#### 10.4.13.3 Building Height

Objective	
To ensure that the height of development (other than dwellings) respects the existing neighbourhood character or desired future character statements, if any	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Building height (other than for	P1 Building height (other than for dwellings) must be appropriate to the site and the

<p>dwelling) must not exceed 8m.</p>	<p>streetscape having regard to the:</p> <ul style="list-style-type: none"> <li>a) effect of the slope of the site on the height of the building; and</li> <li>b) relationship between the proposed building height and the height of existing adjacent buildings; and</li> <li>c) visual impact of the building when viewed from the road and from adjoining properties; and</li> <li>d) degree of overshadowing and overlooking of adjoining properties.</li> </ul>
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**10.4.13.4 Frontage Setbacks**

<p><b>Objective</b></p> <p>To ensure that the setbacks of buildings (other than dwellings) from the frontage respects the existing neighbourhood character or desired future character statements (if any) and makes efficient use of the site.</p>	
<p><b>Acceptable Solutions</b></p> <p>A1.1 The primary frontage setback (other than for dwellings) must be:</p> <ul style="list-style-type: none"> <li>a) a minimum of 5m; or</li> <li>b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 10.4.13.4 below; and</li> </ul>	<p><b>Performance Criteria</b></p> <p>P1 Frontage setbacks (other than for dwellings) must be appropriate to the location and the amenity of residents having regard to:</p> <ul style="list-style-type: none"> <li>a) the prevailing setbacks of existing buildings on nearby lots; and</li> <li>b) the visual impact of the building when viewed from the road; and</li> <li>c) retention of vegetation within the front setback; and</li> <li>d) the efficient use of the site.</li> </ul>
	
<p><b>Figure 10.4.13.4 - Primary Frontage Setback for Infill Lots</b></p>	
<p>A1.2 Other frontage setbacks (other than for dwellings) must be a minimum of 3m.</p>	

**10.4.13.5 Rear and Side Setbacks**

<p><b>Objective</b></p> <p>To ensure that the height and setback of buildings (other than dwellings) from a boundary respects the existing neighbourhood character and limits unreasonable adverse impacts on the amenity and solar access of adjoining dwellings.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Buildings (other than dwellings) must be set back from the rear boundary:</p> <ul style="list-style-type: none"> <li>a) 4m if the lot has an area less than 1000m<sup>2</sup>; or</li> <li>b) 5m if the lot has an area equal to or greater than 1000m<sup>2</sup></li> </ul>	<p>P1 Building setback to the rear boundary (other than for dwellings) must be appropriate to the location, having regard to the:</p> <ul style="list-style-type: none"> <li>a) ability to provide adequate private open space; and</li> <li>b) character of the area and location of dwellings on lots in the surrounding area; and</li> <li>c) impact on the amenity solar access and privacy of habitable room windows and private open space of existing dwellings; and</li> <li>d) size and proportions of the lot.</li> </ul>
<p>A2.1 Buildings (other than dwellings) must be set back from side boundaries:</p> <ul style="list-style-type: none"> <li>a) for lots less than 1000m<sup>2</sup>: 1m, plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m; or</li> <li>b) for lots equal to or greater than 1000m<sup>2</sup>: 2m, plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m; and</li> </ul>	<p>P2 Building setbacks to the side boundary (other than for dwellings) must be appropriate to the location, having regard to the:</p> <ul style="list-style-type: none"> <li>a) ability to provide adequate private open space; and</li> <li>b) character of the area and location of dwellings on lots in the surrounding area; and</li> <li>c) impact on the amenity, solar access and privacy of habitable room windows and private open space of existing dwellings; and</li> <li>d) size and proportions of the lot.</li> </ul>

#### 10.4.13.6 Location of Car Parking

<p><b>Objective</b></p> <ul style="list-style-type: none"> <li>a) To provide convenient parking for resident and visitor vehicles; and</li> <li>b) To avoid parking and traffic difficulties in the development and the neighbourhood; and</li> <li>c) To protect residents from vehicular noise within developments.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Acceptable Solutions</b>
<p>A1 Driveways or car parks of residential buildings (other than dwellings) must</p>	<p>P1 Driveways or car parking spaces (other than for dwellings) must be designed to</p>

<p>be located at least 1.5m from the windows of habitable rooms.</p>	<p>protect the amenity of the adjoining habitable rooms having regard to the:</p> <ul style="list-style-type: none"> <li>a) width of the driveway; and</li> <li>b) location of the existing dwellings; and</li> <li>c) number of car spaces served by the driveway; and</li> <li>d) need for physical screening and/or landscaping.</li> </ul>
<p>A2 A garage or carport (other than for dwellings) must be located at least 5.5m from a frontage.</p>	<p>P2 Car parking facilities (other than for dwellings) must be:</p> <ul style="list-style-type: none"> <li>a) reasonably close and convenient to the use it serves; and</li> <li>b) located to minimise visual impact to the streetscape.</li> </ul>
<p>A3 The total width of the door or doors on a garage facing a road frontage (other than for dwellings) must:</p> <ul style="list-style-type: none"> <li>a) be not more than 6m; or</li> <li>b) the garage must be located within the rear half of the lot when measured from the front boundary.</li> </ul>	<p>P3 The width of garage doors facing a road (other than for dwellings) should not be a visually dominant element in the streetscape and must be designed having regard to the:</p> <ul style="list-style-type: none"> <li>a) existing streetscape and the design and locations of garages in the area; and</li> <li>b) location of existing buildings on the site.</li> </ul>

#### 10.4.13.7 Overlooking

<p>Objective</p> <p>To minimise:</p> <ul style="list-style-type: none"> <li>a) overlooking into private open space and habitable room windows to provide a reasonable degree of privacy to the residents of the adjoining and the subject sites; and</li> <li>b) any adverse impact on the amenity of the adjoining and the subject site.</li> </ul>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 A habitable room window, balcony, terrace, deck or patio (other than for dwellings) with a direct view into a habitable room window or private open space of dwellings within a horizontal distance of 9m (measured at finished ground level) of the window, balcony, terrace, deck or patio must be:</p> <ul style="list-style-type: none"> <li>a) offset a minimum of 1.5m from the edge of one window to the</li> </ul>	<p>P1 Buildings (other than dwellings) must be designed to minimise the potential for loss of amenity caused by overlooking of adjacent dwellings having regard to the:</p> <ul style="list-style-type: none"> <li>a) setback of the existing and proposed building; and</li> <li>b) location of windows and private open spaces areas within the development and the adjoining sites; and</li> <li>c) level and effectiveness of physical</li> </ul>

<p>edge of the other; or</p> <ul style="list-style-type: none"> <li>b) have sill heights of at least 1.7m above floor level; or</li> <li>c) have fixed, obscure glazing in any part of the window below 1.7m above floor level; or</li> <li>d) have permanently fixed external screens to at least 1.8m above floor level; and</li> <li>e) obscure glazing and screens must be no more than 25% transparent.</li> </ul> <p>Views must be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7m above floor level, indicated in Figure 10.4.13.7.</p>	<ul style="list-style-type: none"> <li>d) screening by fences or vegetation; and</li> <li>e) topography of the site; and</li> <li>f) characteristics and design of houses in the immediate area.</li> </ul>
<p>A2 Screens used to obscure a view (other than from dwellings) must be:</p> <ul style="list-style-type: none"> <li>a) perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels; and</li> <li>b) permanent, fixed and durable</li> </ul>	<p>P2 No performance criteria.</p>

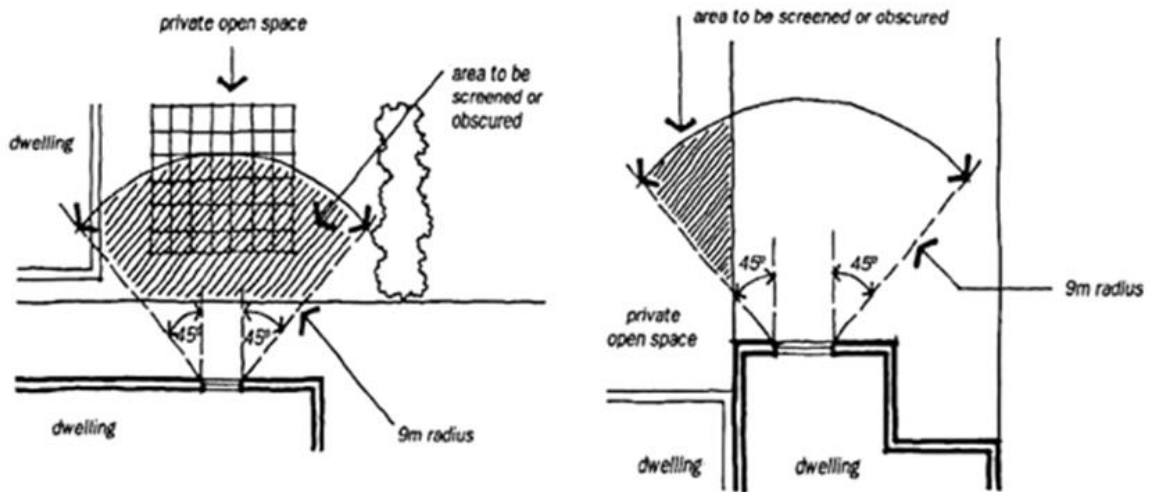


Figure 10.4.13.7

10.4.13.8 Landscaping

Objective
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<ul style="list-style-type: none"> <li>a) To provide appropriate landscaping that respects the landscape character of the neighbourhood; and</li> <li>b) To encourage the retention of mature vegetation on the site.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Landscaping (other than for dwellings) must be provided to the frontage and within the development including:</p> <ul style="list-style-type: none"> <li>a) the retention or planting of vegetation; and</li> <li>b) the protection of any predominant landscape features of the neighbourhood; and</li> <li>c) pathways, lawn area or landscape beds.</li> </ul>	<p>P1 Landscaping (other than for dwellings) must:</p> <ul style="list-style-type: none"> <li>a) provide a safe, attractive and functional environment for residents; and</li> <li>b) respond to the landscape character of the neighbourhood; and</li> <li>c) have regard to any mature vegetation.</li> </ul>

#### 10.4.13.9 Common Property

Objective To ensure that communal open space, car parking, access areas and site facilities are easily identified.	
Acceptable Solutions	Performance Criteria
A1 Development (other than for dwellings) must clearly delineate public, communal and private areas such as:  a) driveways; and b) landscaped areas; and c) site services, bin areas and any waste collection points	P1 No performance criteria.

#### 10.4.13.10 Solar Efficiency

Note: Clause A1 applies to the site and the adjoining sites.

Objective (a) To ensure that all dwellings have adequate access to sunlight	
Acceptable Solutions	Performance Criteria
A1 Buildings (other than dwellings) must not cause overshadowing and reduction of sunlight to habitable rooms and private open space to less than 3 hours between 9.00 am and 5.00 pm on June 21	P1 Buildings (other than dwellings) must not result in unreasonable loss of solar access to residential buildings.
A2 Where the adjoining lot is a vacant residential lot, buildings (other than dwellings) must not overshadow an area greater than 3m distance from any boundary that is oriented on a northeast to northwest axis on 21 June between 11.00am and 2.00pm.	P2 Buildings (other than dwellings) must not result in unreasonable loss solar access for adjoining residential lots.
A3 Building additions or outbuildings (other than for dwellings) must not be constructed so as to obstruct solar access to north and east facing windows of an existing dwelling on the site.	P3 No performance criteria

#### 10.4.14 Non Residential Development

Objective
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To ensure that all non residential development undertaken in the Residential Zone is sympathetic to the form and scale of residential development and does not affect the amenity of nearby residential properties.

Acceptable Solutions	Performance Criteria
<p>A1 If for permitted or no permit required uses.</p>	<p>P1 Development must be designed to protect the amenity of surrounding residential uses and must have regard to:</p> <ul style="list-style-type: none"> <li>a) the setback of the building to the boundaries to prevent unreasonable impacts on the amenity, solar access and privacy of habitable room windows and private open space of adjoining dwellings; and</li> <li>b) the setback of the building to a road frontage and if the distance is appropriate to the location and the character of the area, the efficient use of the site, the safe and efficient use of the road and the amenity of residents; and</li> <li>c) the height of development having regard to: <ul style="list-style-type: none"> <li>i) the effect of the slope of the site on the height of the building; and</li> <li>ii) the relationship between the proposed building height and the height of existing adjacent and buildings; and</li> <li>iii) the visual impact of the building when viewed from the road and from adjoining properties; and</li> <li>iv) the degree of overshadowing and overlooking of adjoining properties; and</li> </ul> </li> <li>d) the level and effectiveness of physical screening by fences or vegetation; and</li> <li>e) the location and impacts of traffic circulation and parking and the need to locate parking away from residential boundaries; and</li> <li>f) the location and impacts of illumination of the site; and</li> </ul>

	<p>g) passive surveillance of the site; and</p> <p>h) landscaping to integrate development with the streetscape.</p>
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10.4.15 Subdivision

**10.4.15.1 Lot Area, Building Envelopes and Frontage**

<p>Objective</p> <p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking, easements and site features.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Lots must:</p> <ul style="list-style-type: none"> <li>a) have a minimum area of at least 600m<sup>2</sup> which: <ul style="list-style-type: none"> <li>i) is capable of containing a rectangle measuring 10m by 15m; and</li> <li>ii) has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</li> </ul> </li> <li>b) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>c) be for the provision of utilities; or</li> <li>d) be for the consolidation of a lot with another lot with no additional titles created; or</li> <li>e) be to align existing titles with zone boundaries and no additional lots are created.</li> </ul>	<p>P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:</p> <ul style="list-style-type: none"> <li>a) a dwelling to be erected in a convenient and hazard-free location; and</li> <li>b) on-site parking and manoeuvrability; and</li> <li>c) adequate private open space.</li> </ul>
<p>A2 Each lot must have a frontage of at least 4m.</p>	<p>P2 No performance criteria.</p>

**10.4.15.2 Provision of Services**

<p>Objective</p>
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To provide lots with appropriate levels of utility services.	
Acceptable Solutions	Performance Criteria
<p>A1 Each lot must be connected to a reticulated:</p> <ul style="list-style-type: none"> <li>a) water supply; and</li> <li>b) sewerage system.</li> </ul>	<p>P1 Each lot created must be:</p> <ul style="list-style-type: none"> <li>a) in a locality for which reticulated services are not available or capable of being connected; and</li> <li>b) capable of accommodating an on-site wastewater management system.</li> </ul>
<p>A2 Each lot must be connected to a reticulated stormwater system.</p>	<p>P2 Stormwater must be discharged from the site in a manner that will not cause an environmental nuisance, and that prevents erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to:</p> <ul style="list-style-type: none"> <li>a) the intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); and</li> <li>b) how the additional runoff and intensity of runoff that will be created by the subdivision for a storm event of 1% Annual Exceedance Probability, will be released at levels that are the same as those identified at the pre-development levels of the subdivision; and</li> <li>c) whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; and</li> <li>d) overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.</li> </ul>
<p>A3 For subdivisions of 3 or more lots power</p>	<p>P1 No performance criteria.</p>

connections are to be provided underground.	
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#### 10.4.15.3 Solar Orientation of Lots

Objective	
To provide for solar orientation of lots and solar access for future dwellings.	
Acceptable Solutions	Performance Criteria
A1 At least 50% of lots must have a long axis within the range of: a) north 20 degrees west to north 30 degrees east; or b) east 20 degrees north to east 30 degrees south.	P1 Dimensions of lots must provide adequate solar access, having regard to the likely dwelling size and the relationship of each lot to the road.
A2 The long axis of residential lots less than 500m <sup>2</sup> , must be within 30 degrees east and 20 degrees west of north.	P2 Lots less than 500 m <sup>2</sup> must provide adequate solar access to future dwellings, having regard to the: a) size and shape of the development of the subject site; and b) topography; and c) location of access way(s) and roads.
A3 Any new lot which adjoins a lot which has buildings on it must have no more than one third of its area covered by the shadow of existing development on June 21.	P3 The dimensions of any lot must allow on site solar access to be maximised.

#### 10.4.15.4 Interaction, Safety and Security

Objective	
To provide a lot layout that contributes to community social interaction, personal safety and property security.	
Acceptable Solutions	Performance Criteria
A1 Subdivisions must not create any internal lots.	P1 Subdivisions that create internal lots must provide for adequate levels of visibility and surveillance.

<p>A2 Internal lots must be:</p> <ul style="list-style-type: none"> <li>a) for subdivisions of 10 lots or more; and</li> <li>b) less than 10% of the total lots created by the whole subdivision.</li> </ul>	<p>P2 No performance criteria.</p>
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#### 10.4.15.5 Integrated Urban Landscape

<p>Objective</p> <p>To provide attractive and continuous landscaping in roads and public open spaces that contribute to the:</p> <ul style="list-style-type: none"> <li>a) character and identity of new neighbourhoods and urban places; or</li> <li>b) to existing or preferred neighbourhood character, if any.</li> </ul>	
Acceptable Solutions	Performance Criteria
<p>A1 The subdivision must not create any new road, public open space or other reserves.</p>	<p>P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that:</p> <ul style="list-style-type: none"> <li>a) it has regard to existing, significant features; and</li> <li>b) accessibility and mobility through public spaces and roads are protected or enhanced; and</li> <li>c) connectivity through the urban environment is protected or enhanced; and</li> <li>d) the visual amenity and attractiveness of the urban environment is enhanced; and</li> <li>e) it furthers the local area objectives, if any.</li> </ul>

#### 10.4.15.6 Walking and Cycling Network

<p>Objective</p> <ul style="list-style-type: none"> <li>a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and</li> <li>b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well</li> </ul>
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constructed and accessible.	
c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, footpath or public open space.	<p>P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to:</p> <ul style="list-style-type: none"> <li>a) link to any existing pedestrian and cycling networks; and</li> <li>b) provide the most practicable direct access for cycling and walking to activity centres, community facilities, public transport stops and public open spaces; and</li> <li>c) provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood roads and regional public open spaces; and</li> <li>d) promote surveillance along roads and from abutting dwellings.</li> </ul>

#### 10.4.15.7 Neighbourhood Road Network

Objective	
<ul style="list-style-type: none"> <li>a) To provide for convenient, safe and efficient movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood road network; and</li> <li>b) To design and construct road carriageways and verges so that the road geometry and traffic speeds provide an accessible and safe neighbourhood road system for all users.</li> </ul>	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road.	<p>P1 The neighbourhood road network must:</p> <ul style="list-style-type: none"> <li>a) take account of the existing mobility network of arterial roads, neighbourhood roads, cycle paths, shared paths, footpaths and public</li> </ul>

	<p>transport routes; and</p> <p>b) provide clear hierarchy of roads and physical distinctions between arterial roads and neighbourhood road types; and</p> <p>c) provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport; and</p> <p>d) provide safe and efficient access to activity centres for commercial and freight vehicles; and</p> <p>e) ensure connector roads align between neighbourhoods for safe, direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles; and</p> <p>f) provide an interconnected and continuous network of roads within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles and minimise the provision of cul-de-sacs; and</p> <p>g) provide for service and emergency vehicles to safely turn at the end of a dead-end road; and</p> <p>h) take into account of any identified significant features.</p>
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10.4.16 Clauses 10.4.16.1 to 10.4.16.2 applies to all development other than subdivision

**10.4.16.1 Stormwater Disposal**

<p>Objective</p> <p>(a) To ensure that stormwater discharge from new development does not result in adverse impacts on surrounding land or the environment.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 All run off from buildings must be directed into on-site water storage tanks and the overflow from the tanks disposed of into the Council maintained roadside drain or the reticulated stormwater system.</p>	<p>P1 Stormwater must be managed on the site so that it does not cause pollution, soil erosion or flooding to adjacent lots.</p>

**10.4.16.2 Filling of sites**

Objective (a) To ensure that filling of sites does not create a nuisance to adjoining land owners.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Fill must be; a) No more than 50m <sup>3</sup> , and b) Clean fill, and c) Located more than 2m from any boundary.	P1 Larger amounts of fill must have regard to:- a) how stormwater overflows will be directed towards the reticulated stormwater collection points or where this is not possible, how storm water run off will be directed away from adjoining lots so as not to cause a nuisance, and b) how privacy of adjoining outdoor living areas will be maintained.



## **11 Inner Residential Zone**

*This zone was not used in this planning scheme.*

## 12 Low Density Residential Zone

### 12.1 Zone Purpose

#### 12.1.1 Zone Purpose Statements

12.1.1.1 To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.

12.1.1.2 To provide for non-residential uses that are compatible with residential amenity.

12.1.1.3 To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on public views.

#### 12.1.2 Local Area Objectives

There are no local area objectives

#### 12.1.3 Desired Future Character Statements

There are no desired character statements

### 12.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Natural and cultural values management	
Passive recreation	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Residential	
Utilities	If for minor utilities and not in the Landslip Hazard Area as shown on the overlay maps
Visitor Accommodation	Only for holiday letting of an existing dwelling
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Emergency services	Not in the Landslip Hazard Area as shown on the overlay maps
General retail and hire	If for a local shop and not in the Landslip Hazard Area as shown on the overlay maps
Visitor accommodation	If not for holiday letting of an existing dwelling and only within Binalong Bay or Falmouth
Utilities	If not for minor utilities
<b>Prohibited</b>	
All other uses	

## 12.3 Use Standards

### 12.3.1 Amenity

<b>Objective</b> To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 If for permitted or no permit required uses.	P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.
A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.
A3 If for permitted or no permit required uses.	P3 External lighting must demonstrate that: a) floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and b) all direct light will be contained within the boundaries of the site.

12.3.2 Low Density Residential Character

Objective	
To ensure that discretionary uses support the:	
a) visual character of the area; and	
b) local area objectives, if any.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	P1 No performance criteria.
A2 Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public land.	P2 No performance criteria.
A3 Waste material storage for discretionary uses must:	P3 No performance criteria.
a) not be visible from the road to which the lot has frontage ; and	
b) use self-contained receptacles designed to ensure waste does not escape to the environment.	
A4 The Gross floor area for General Retail and Hire use does not exceed 100m <sup>2</sup> .	P4 No performance criteria

## 12.4 Development Standards

12.4.1 Clauses 12.4.1.1 – 12.4.1.7 only apply to development within the Residential Use Class.

12.4.1.1 Residential density for multiple dwellings

Objective	
To ensure that the density of multiple dwellings:	
<ul style="list-style-type: none"> <li>a) makes efficient use of low density residential land for housing; and</li> <li>b) optimises the use of infrastructure and community services.</li> </ul>	
Acceptable Solutions	Performance Criteria
<p>A1 Multiple dwellings must have a site area per dwelling of not less than:</p> <ul style="list-style-type: none"> <li>a) 1500m<sup>2</sup> if it has a connection or is capable of being connected to a reticulated sewerage, stormwater and potable water system; or</li> <li>b) 2500m<sup>2</sup> otherwise.</li> </ul>	<p>P1.1 For a site that has a connection or is capable of being connected to a reticulated sewerage, stormwater and potable water system, multiple dwellings must only have a site area per dwelling that is less than 1500m<sup>2</sup> if the number of dwellings:</p> <ul style="list-style-type: none"> <li>a) is not out of character with the pattern of development existing on established properties in the area;</li> <li>b) does not result in an unreasonable loss of natural or landscape values; and</li> <li>c) does not exceed the capacity of the current or intended infrastructure services in the area.</li> </ul> <p>P1.2 For a site that is not capable of being connected to a reticulated sewerage, stormwater and potable water system, multiple dwellings must only have a site area per dwelling that is less than 2500m<sup>2</sup> if the number of dwellings:</p> <ul style="list-style-type: none"> <li>a) is not out of character with the pattern of development existing on established properties in the area;</li> <li>b) does not result in an unreasonable loss of natural or landscape values; and</li> <li>c) can be provided with adequate on-site wastewater disposal and water supply.</li> </ul>

#### 12.4.1.2 Site Coverage

Objective	
<p>a) To ensure that the site coverage respects the existing or preferred neighbourhood character: and</p> <p>b) To reduce the impact of increased stormwater runoff on the drainage system; and</p> <p>c) To ensure sufficient area for landscaping and private open space.</p>	
Acceptable Solutions	Performance Criteria
A1 The site coverage must not exceed 20%, unless the existing lot is less than 1000m <sup>2</sup> , in which case maximum site coverage is 30%.	<p>P1 The site coverage must have regard to the:</p> <p>a) size and shape of the site; and</p> <p>b) existing buildings and any constraints imposed by existing development or the features of the site; and</p> <p>c) site coverage of adjacent properties; and</p> <p>d) effect of the visual bulk of the building and whether it respects the neighbourhood character; and</p> <p>e) capacity of the site to absorb runoff; and</p> <p>f) landscape character of the area and the need to remove vegetation to accommodate development.</p>

#### 12.4.1.3 Building Height

Objective	
To ensure that the height of dwellings respects the existing or desired future character statements.	
Acceptable Solutions	Performance Criteria
A1 Building height must not exceed 8 metres.	<p>P1 Building height must be appropriate to the site and the streetscape having regard to the:</p> <p>a) effect of the slope of the site on the height of the building; and</p> <p>b) relationship between the proposed building height and the height of existing adjacent buildings; and</p> <p>c) visual impact of the building when viewed from a road.</p>

12.4.1.4 Frontage Setbacks

<p><b>Objective</b></p> <p>To ensure that the setbacks of dwellings from the road respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	
<p><b>Acceptable Solutions</b></p> <p>A1.1 Primary frontage setbacks must be a minimum:</p> <p>a) of 5m; and</p> <p>b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 12.4.1.3 below; and</p>	<p><b>Performance Criteria</b></p> <p>P1 Buildings are set back from the primary frontage an appropriate distance having regard to:</p> <p>a) the efficient use of the site; and</p> <p>b) the safety of road users; and</p> <p>c) the prevailing setbacks of existing buildings on nearby lots; and</p> <p>d) the visual impact of the building when viewed from the road; and</p> <p>e) retention of vegetation within the front setback.</p>
<p><b>Figure 12.4.1.3 – Primary Frontage Setback for Infill Lots</b></p>	
<p>A1.2 Buildings must be set back a minimum of 3m from the any other frontage.</p>	

12.4.1.5 Rear and Side Setbacks

<p><b>Objective</b></p> <p>To ensure that the:</p> <p>a) height and setback of dwellings from a boundary respects the existing neighbourhood character and limits adverse impact on the amenity and solar access of adjoining dwellings; and</p> <p>b) separation of buildings is consistent with the preferred low density character and local area objectives, if any.</p>	
<p><b>Acceptable Solutions</b></p> <p>A1 Buildings must be set back 5m from the rear boundary.</p>	<p><b>Performance Criteria</b></p> <p>P1 Building setback to the rear boundary must be appropriate to the location, having regard to the:</p> <p>a) ability to provide adequate private open space for the dwelling; and</p> <p>b) character of the area and location of dwellings on lots in the surrounding area; and</p> <p>c) impact on the amenity and privacy of</p>

	<p>habitable room windows and private open space of existing and adjoining dwellings; and</p> <p>d) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and</p> <p>e) locations of existing buildings and private open space areas; and</p> <p>f) size and proportions of the lot.</p>
A2 Buildings must be set back from side boundaries 3m.	<p>P2 Building setback to the side boundary must be appropriate to the location, having regard to the:</p> <p>a) ability to provide adequate private open space for the dwelling; and</p> <p>b) character of the area and location of dwellings on lots in the surrounding area; and</p> <p>c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and</p> <p>d) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and</p> <p>e) locations of existing buildings and private open space areas; and</p> <p>f) size and proportions of the lot; and</p> <p>g) extent to which the slope and retaining walls or fences reduce or increase the impact of the proposed variation.</p>

#### 12.4.1.6 Location of Car Parking

Objective	
<p>a) To provide convenient parking for resident and visitor vehicles; and</p> <p>b) To minimise the impacts of garage doors to the neighbourhood.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 A garage or carport must be located:</p> <p>a) within 20 metres of the dwelling it serves; and</p> <p>b) with a setback equal to or greater than the setback of the dwelling from the primary road frontage.</p>	<p>P1 Car parking facilities must be:</p> <p>a) close and convenient to dwellings and residential buildings; and</p> <p>b) located to minimise visual impact to the streetscape; and</p> <p>c) provided in a form that is appropriate to the area and development.</p>



#### 12.4.1.7 Outbuildings and Ancillary Structures

Objective	
To ensure that:	
<ul style="list-style-type: none"> <li>a) outbuildings do not detract from the amenity or established neighbourhood character; and</li> <li>b) dwellings remain the dominant built form within an area.</li> </ul>	
Acceptable Solutions	Performance Criteria
<p>A1 Outbuildings must not have a:</p> <ul style="list-style-type: none"> <li>a) combined gross floor area of greater than 81m<sup>2</sup> and</li> <li>b) maximum wall height of greater than 4m; and</li> <li>c) maximum building height greater than 5m.</li> </ul>	<p>P1 Outbuildings must be designed and located having regard to:</p> <ul style="list-style-type: none"> <li>a) visual impact on the streetscape; and</li> <li>b) any adverse impacts on native vegetation; and</li> <li>c) overshadow adjoining properties; and</li> <li>d) compatibility with the size and location of outbuildings in the neighbourhood.</li> </ul>
<p>A2 A swimming pool for private use must be located:</p> <ul style="list-style-type: none"> <li>a) behind the primary frontage setback; or</li> <li>b) in the rear yard.</li> </ul>	<p>P2 A swimming pool for private use must be designed and located to:</p> <ul style="list-style-type: none"> <li>a) minimise any visual impact on the streetscape; and</li> <li>b) not unreasonably overlook or overshadow adjoining properties; and</li> <li>c) be compatible with the size and location of approved outbuildings in the neighbourhood.</li> </ul>

#### 12.4.1.8 Filling of sites

Objective	
<ul style="list-style-type: none"> <li>a) To ensure that filling of sites does not create a nuisance to adjoining land owners.</li> </ul>	
Acceptable Solutions	Performance Criteria
<p>A1 Fill must be;</p> <ul style="list-style-type: none"> <li>a) No more than 50m<sup>3</sup>, and</li> <li>b) Clean fill, uncontaminated by weeds, disease or toxic materials.</li> <li>c) Located more than 2m from any boundary.</li> </ul>	<p>P1 Larger amounts of fill must have regard to:-</p> <ul style="list-style-type: none"> <li>a) how stormwater overflows will be directed towards the reticulated stormwater collection points or where this is not possible, how storm water run off will be directed away from adjoining lots so as not to cause a nuisance, and</li> <li>b) how privacy of adjoining outdoor living areas will be maintained.</li> </ul>

12.4.2 Clause 12.4.2.1 only applies to development other than the Residential Use Class.

12.4.2.1 Non Residential Buildings

<p><b>Objective</b></p> <p>To ensure that all non residential development undertaken in the Low Density Residential Zone is sympathetic to the form and scale of residential development and does not affect the amenity of nearby residential properties.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 If for permitted or no permit required uses.</p>	<p>P1 Development must be designed to protect the amenity of surrounding residential uses and:</p> <p>a) the proportion of the site covered by buildings must have regard to the:</p> <ul style="list-style-type: none"> <li>i) size and shape of the site; and</li> <li>ii) site coverage of existing buildings and any constraints imposed by existing development or the features of the site; and</li> <li>iii) site coverage of adjacent properties; and</li> <li>iv) effect of the visual bulk of the building and whether it respects the neighbourhood character; and</li> <li>v) capacity of the site to absorb runoff; and</li> <li>vi) landscape character of the area and the need to remove vegetation to accommodate development; and</li> </ul> <p>b) the building height must have regard to the:</p> <ul style="list-style-type: none"> <li>i) effect of the slope of the site on the height of the building; and</li> <li>ii) relationship between the proposed building height and the height of existing adjacent buildings; and</li> <li>iii) visual impact of the building when viewed from the road and from adjoining properties; and</li> <li>iv) degree of overshadowing and overlooking of adjoining properties; and</li> </ul> <p>c) the setback of the building to a road frontage must be appropriate to the location and the character of the area having regard to:</p> <ul style="list-style-type: none"> <li>i) the prevailing setbacks of existing</li> </ul>

	<p>buildings on nearby lots; and</p> <p>ii) the visual impact of the building when viewed from the road; and</p> <p>iii) treatment of development within front setback; and</p> <p>d) the setback of the building to side and rear boundaries must prevent unreasonable impacts on the solar access and privacy of habitable room windows and private open space of adjoining dwellings; and</p> <p>e) traffic circulation and parking areas must be located away from residential boundaries; and</p> <p>f) landscaping must integrate development having regard to:</p> <p>i) the level and effectiveness of physical screening by fences or vegetation; and</p> <p>ii) the location and impacts of illumination of the site; and</p> <p>iii) passive surveillance of the site.</p>
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12.4.3 Subdivision

12.4.3.1 Lot Area, Building Envelopes and Frontage

<p>Objective</p> <p>To ensure:</p> <p>a) the area and dimensions of lots are appropriate for the zone; and</p> <p>b) the conservation of natural values, vegetation and faunal habitats; and</p> <p>c) the design of subdivision protects adjoining subdivision from adverse impacts; and</p> <p>d) each lot has road, access, and utility services appropriate for the zone.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Each lot must:</p> <p>a) have a minimum area of at least 2000m<sup>2</sup>; and</p> <p>b) be able to contain a 25m diameter circle with the centre of the circle not more than 40m from the frontage; and</p> <p>c) have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</p> <p>d) be required for public use by the Crown, a an agency, or a corporation all the shares of which are held by Councils or a</p>	<p>P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:</p> <p>a) a dwelling to be erected in a convenient and hazard free location; and</p> <p>b) on-site parking and manoeuvrability; and</p> <p>c) adequate private open space; and</p> <p>d) reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and</p> <p>e) development that would not adversely affect the amenity of, or be out of</p>

<p>e) municipality; or</p> <p>f) be for the provision of public utilities; or</p> <p>g) for the consolidation of a lot with another lot with no additional titles created; or</p> <p>h) to align existing titles with zone boundaries and no additional lots are created.</p>	<p>character with, surrounding development and the streetscape.</p>
<p>A2 Each lot must have a frontage of at least 4m.</p>	<p>P2 No performance criteria.</p>
<p>A3 Each lot must be connected to a reticulated:</p> <p>a) water supply; and</p> <p>b) sewerage system.</p>	<p>P3 Lots that are not provided with reticulated water and sewerage services must be:</p> <p>a) in a locality for which reticulated services are not available or capable of being connected; and</p> <p>b) capable of accommodating an on-site wastewater management system.</p>
<p>A4 Each lot must be connected to a reticulated stormwater system.</p>	<p>P4 Stormwater may only be discharged from the site in a manner that will not cause an environmental nuisance, and that prevents erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to:</p> <p>a) the intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); and</p> <p>b) how the additional runoff and intensity of runoff that will be created by the subdivision for a storm event of 1% Annual Exceedance Probability, will be released at levels that are the same as those identified at the pre-development levels of the subdivision; and</p> <p>c) whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; and</p> <p>d) overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.</p>
<p>A5 For subdivisions of 3 or more lots power connections must be provided</p>	<p>P5 No performance criteria</p>

underground.	
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12.4.4 Clauses 12.4.4.1 and 12.4.4.2 applies to all development other than subdivision

12.4.4.1 Frontage fences for single dwellings

<p><b>Objective</b></p> <p>To ensure that the height and design of frontage fences:</p> <p>(i) provides adequate privacy and security for residents while allowing for mutual passive surveillance of the road and dwelling; and</p> <p>(ii) enhances streetscapes or is consistent with the statements of desired future character.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 The maximum building height of fences on and within 4.5m of a frontage must be:</p> <p>a) 1.2m if solid; or</p> <p>b) 1.8m provided that the part of the fence above 1.2m has openings which provide a minimum 50% transparency.</p>	<p>P1 Fences on and within 4.5m of a frontage must be designed to:</p> <p>a) provide for security and privacy of residents while allowing for mutual passive surveillance of the road; and</p> <p>b) take account of the prevailing height, design and character of neighbouring fences; and</p> <p>c) attenuate noise from high volume traffic; and</p> <p>d) take account of steep slope or other topographical constraints; and</p> <p>e) have regard to streetscape qualities or be consistent with the statements of desired future character.</p>

12.4.4.2 Stormwater Disposal

<p><b>Objective</b></p> <p>(a) To ensure that stormwater discharge from new development does not result in adverse impacts on surrounding land or the environment.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 All run off from buildings must be directed into on-site water storage tanks and the overflow from the tanks disposed of into the Council maintained roadside drain or the reticulated stormwater system.</p>	<p>P1 Run off must be managed through integrated stormwater management techniques by means that will not cause soil erosion or flooding nuisance to adjoining lots.</p>

## 13 Rural Living Zone

### 13.1 Zone Purpose

#### 13.1.1 Zone Purpose Statements

13.1.1.1 To provide for residential use or development on large lots in a rural setting where services are limited.

13.1.1.2 To provide for compatible use and development that does not adversely impact on residential amenity.

13.1.1.3 To provide for rural lifestyle opportunities in strategic locations to maximise efficiencies for services and infrastructure.

13.1.1.4 To provide for a mix of residential and low impact rural uses.

#### 13.1.2 Local Area Objectives

There are no local area objectives

#### 13.1.3 Desired Future Character Statements

There are no desired future character statements

### 13.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Natural and cultural values management	
Passive recreation	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Residential	If for a single dwelling or home-based business
Resource development	If for grazing
Utilities	If for minor utilities
Visitor Accommodation	Only for holiday letting of an existing dwelling
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Domestic animal breeding, boarding or training	
Community meeting & entertainment	
Educational and occasional care	If for Child Care
Hotel industry	Only for alterations or additions to the Weldborough Hotel site on PID 3048341.
Resource development	If not for grazing

Resource processing	Only to process produce grown on the site
Sports and recreation	
Visitor accommodation	If not for holiday letting of an existing dwelling
Tourist operation	
Utilities	If not for minor utilities
<b>Prohibited</b>	
All other uses	

### 13.3 Use Standards

#### 13.3.1 Amenity

Objective To ensure that uses do not adversely impact upon the occupiers of adjoining and nearby residential uses.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise, smoke, odour, dust and illumination.
A2 Commercial vehicles for discretionary uses must only operate between 6.00am and 10.00pm.	P2 Commercial vehicle movements for non-residential uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.

#### 13.3.2 Rural Living Character

Objective To ensure that non-residential uses support the: a) visual character of the area; and b) local area objectives, if any.	
Acceptable Solutions	Performance Criteria
A1 Use must: a) If for permitted or no permit required uses; or. b) not exceed a combined gross floor area of 250m <sup>2</sup> over the site.	P1.1 Uses must not be for general retail and hire, and P1.2 The size and appearance of the use must not dominate the residential character of the area; and P1.3 The use must be consistent with the local area objectives for visual character, if any.
A2 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	P2 Commercial vehicles, including delivery vehicles, must not create a traffic hazard or compromise the function of the road.
A3 Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent	P3 Storage of materials or equipment must be consistent with the local area objectives for visual character.

Objective	
To ensure that non-residential uses support the:	
<ul style="list-style-type: none"> <li>a) visual character of the area; and</li> <li>b) local area objectives, if any.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
properties, the road or public land.	
<p>A4 Waste material storage for discretionary uses must:</p> <ul style="list-style-type: none"> <li>a) not be visible from the road to which the lot has frontage ; and</li> <li>b) use self-contained receptacles designed to ensure waste does not escape to the environment.</li> </ul>	<p>P4 Waste materials must be stored in a manner that is consistent with the local area objectives for visual character.</p>



## 13.4 Development Standards

### 13.4.1 Building Design and Siting

<p>Objective</p> <p>To ensure that siting and design:</p> <p>a) protects the amenity of adjoining lots; and</p> <p>b) is consistent with the local area objectives and desired future character statements for the area, if any.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Site coverage must not exceed 20%.</p>	<p>P1 Site coverage must have regard to:</p> <p>a) the size of the site; and</p> <p>b) existing buildings and any constraints imposed by existing development or the features of the site; and</p> <p>c) the site coverage of adjacent properties; and</p> <p>d) the effect of the visual bulk of the building and whether it respects the landscape character; and</p> <p>e) the capacity of the site to absorb runoff; and</p> <p>f) the landscape character of the area and the need to remove vegetation to accommodate development, and;</p> <p>g) the local area objectives, if any.</p>
<p>A2 Building height must not exceed 8m.</p>	<p>P2 Building height must be appropriate to the site and the streetscape having regard to the:</p> <p>a) effect of the slope on the height of the building; and</p> <p>b) the character of the surrounding landscape and height of adjoining buildings; and</p> <p>c) amenity of adjoining dwellings from unreasonable impacts of overshadowing and overlooking.</p>
<p>A3 Buildings must be set back a minimum distance of 20m from a frontage.</p>	<p>P3 Building frontage setbacks must have regard to:</p> <p>a) the prevailing setbacks of existing buildings on nearby lots and pattern of development in the surrounding area; and</p> <p>b) the visual impact of the building when</p>

		<p>viewed from the road; and</p> <p>c) retention of vegetation within the front setback; and</p> <p>d) consistency with the local area objectives, if any.</p>
<p>A4 Buildings must be set back a minimum of:</p> <p>a) 20m to side and rear boundaries; and</p> <p>b) 200m to the Rural Resource Zone where a sensitive use is proposed.</p>	P4	<p>Buildings must be sited so that side and rear setbacks:</p> <p>a) protect the amenity of adjoining dwellings by providing separation that is consistent with the character of the surrounding area having regard to the:</p> <p>i) impact on the amenity and privacy of habitable room windows and private open space; and</p> <p>ii) impact on the solar access of habitable room windows and private open space; and</p> <p>iii) locations of existing buildings and private open space areas; and</p> <p>iv) size and proportions of the lot; and</p> <p>v) extent to which the slope, retaining walls, fences or existing vegetation screening reduce or increase the impact of the proposed variation; and</p> <p>vi) local area objectives, if any; and</p> <p>b) protect agricultural uses on adjoining lots from constraints.</p>
<p>A5 The development is for permitted or no permit required uses.</p>	P5	<p>Development must not be obtrusive and must complement the character of the surrounding area having regard to:</p> <p>a) landscaping; and</p> <p>b) building form and materials; and</p> <p>c) local area objectives, if any.</p>
<p>A6 The combined gross floor area of all outbuildings on a lot must not exceed 81m<sup>2</sup> and a maximum height of 5m.</p>	P6	<p>Outbuildings must be designed and sited so that there will not be unacceptable loss of sunlight or privacy to adjoining residential lots or adverse effects on the amenity of the locality.</p>

13.4.2 Subdivision

<p>Objective</p> <p>To ensure that subdivision:</p> <p>a) Provides for appropriate wastewater disposal, and stormwater management in consideration of the characteristics or constraints of the land; and</p>
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b) Provides area and dimensions of lots that are appropriate for the zone; and c) Provides frontage to a road at a standard appropriate for the use; and d) Furthers the local area objectives and desired future character statements for the area, if any.	
Acceptable Solutions	Performance Criteria
<p>A1.1 Each lot must:</p> <ul style="list-style-type: none"> <li>a) have a minimum area of at least 3ha; or</li> <li>b) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>c) for the provision of utilities; or</li> <li>d) for the consolidation of a lot with another lot with no additional titles created; or</li> <li>e) to align existing titles with zone boundaries and no additional lots are created.</li> </ul> <p>A1.2 Each lot must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.</p>	<p>P1 Each lot must:</p> <ul style="list-style-type: none"> <li>a) be to facilitate protection of a place of Aboriginal, natural or cultural heritage; or</li> <li>b) provide for each lot, sufficient useable area and dimensions to allow for:             <ul style="list-style-type: none"> <li>i) a dwelling to be erected in a convenient, appropriate and hazard free location; and</li> <li>ii) appropriate disposal of wastewater and stormwater; and</li> <li>iii) on-site parking and manoeuvrability; and</li> <li>iv) adequate private open space; and</li> <li>v) vehicular access from the carriageway of the road to a building area on the lot, if any; or</li> </ul> </li> <li>c) be consistent with the local area having regard to:             <ul style="list-style-type: none"> <li>i) the topographical or natural features of the site; and</li> <li>ii) the ability of vegetation to provide buffering; and</li> <li>iii) any features of natural or cultural significance; and</li> <li>iv) the presence of any natural hazards; and</li> <li>v) local area objectives, if any; and</li> </ul> </li> <li>d) subdivision must not create lots less than 1.0ha; and</li> <li>e) any lot created by subdivision must not provide for development which will in any way restrain or hinder the use of land for lawful purposes on adjoining lots.</li> </ul>
<p>A2 Each lot must have a frontage of at least 6m.</p>	<p>P2 No performance criteria.</p>

13.4.3 Tourist Operations

Objective
a) To ensure that the development of tourist facilities enhances and supports the tourism resources of

the Municipality.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1 A tourist operation must have regard to:-</p> <ul style="list-style-type: none"> <li>a) The character of the area surrounding the site and the ability for the operation to fit within that character,</li> <li>b) Potential for conflict with other tourist operations in the vicinity of the site, and</li> <li>c) ensuring the values associated with those existing attractions that are located within the vicinity of the proposed tourism operation are maintained.</li> </ul>

## 14 Environmental Living Zone

### 14.1 Zone Purpose

#### 14.1.1 Zone Purpose Statements

14.1.1.1 To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterized by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities.

14.1.1.2 To provide for a mix of low impact activities that is sensitive to the natural environment.

#### 14.1.2 Local Area Objectives

There are no local area objectives

#### 14.1.3 Desired Future Character Statements

There are no desired future character statements

### 14.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Natural and cultural values management	
Passive recreation	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Residential	If for a single dwelling or home-based business
Utilities	If for minor utilities
Visitor Accommodation	Only for holiday letting of an existing dwelling
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Domestic animal breeding, boarding or training	If on existing cleared land
Tourist Operation	If on CT 131158/3
Visitor accommodation	If not for holiday letting of an existing dwelling
Utilities	If not for minor utilities
<b>Prohibited</b>	
All other uses	

## 14.3 Use Standards

### 14.3.1 Amenity

Objective	
To ensure that discretionary uses do not adversely impact upon the occupiers of adjoining and nearby residential uses.	
Acceptable Solutions	Performance Criteria
A1 Development must be for permitted or no permit required uses.	P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise, smoke, odour, dust and illumination.
A2 Operating hours for commercial vehicles for discretionary uses must be between 6.00am and 10.00pm.	P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.

### 14.3.2 Environmental Living Character

Objective	
To ensure that uses support the visual character of the area and local area objectives, if any.	
Acceptable Solutions	Performance Criteria
A1 Discretionary uses must not exceed a combined gross floor area of 200m <sup>2</sup> of the site.	P1 Discretionary uses must be of size and appearance that: <ul style="list-style-type: none"> <li>a) does not dominate the character of the area; and</li> <li>b) is consistent with the local area objectives for visual character, if any.</li> </ul>
A2 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	P2 Commercial vehicle parking for discretionary uses, including delivery vehicles, must not compromise the visual character or amenity of the local area.
A3 Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public land.	P3 Storage of materials or equipment must be consistent with the local area objectives for visual character.
A4 Waste material storage for discretionary uses must: <ul style="list-style-type: none"> <li>a) not be visible from the road to which the lot has frontage ; and</li> <li>b) use self-contained receptacles designed to ensure waste does not escape to the environment.</li> </ul>	P4 Waste materials must be stored in a manner that is consistent with the local area objectives for visual character.

## 14.4 Development Standards

### 14.4.1 Building Design and Siting

<p><b>Objective</b></p> <p>To ensure that the design and siting of buildings responds appropriately to the landscape and natural values of the site, causes minimal disturbance to the environment and provide solar access and privacy for residents.</p>	
<p><b>Acceptable Solutions</b></p>	
<p><b>Performance Criteria</b></p>	
<p>A1 No more than 4 hectares or 20% of the site, whichever is the lesser, is used for development.</p>	<p>P1 Site coverage and the proportion of the site used for development has regard to:</p> <ul style="list-style-type: none"> <li>a) the size of the site; and</li> <li>b) the need for driveways; and</li> <li>c) the management of natural hazards or environmental qualities of the site; and</li> <li>d) any constraints imposed by existing development or the features of the site; and</li> <li>e) the site coverage of adjacent properties; and</li> <li>f) the effect of the visual bulk of the building and whether it respects the landscape character; and</li> <li>g) the capacity of the site to absorb runoff; and</li> <li>h) the landscape character of the area and the need to remove vegetation to accommodate development; and</li> <li>i) consistency with the local area objectives, if any.</li> </ul>
<p>A2 Building height must not exceed 7m.</p>	<p>P2 Building height must:</p> <ul style="list-style-type: none"> <li>a) be unobtrusive and complement the character of the surrounding landscape; and</li> <li>b) protect the amenity of adjoining dwellings from unreasonable impacts of overshadowing and overlooking.</li> </ul>
<p>A3 Buildings must be set back a minimum distance of 10m from a frontage.</p>	<p>P3 Building frontage setbacks must have regard to:</p> <ul style="list-style-type: none"> <li>a) the prevailing setbacks of existing buildings on nearby lots and pattern of development in the surrounding area; and</li> <li>b) the visual impact of the building when</li> </ul>

		<p>viewed from the road; and</p> <p>c) retention of vegetation within the front setback; and</p> <p>d) consistency with the local area objectives, if any.</p>
<p>A4 Buildings must be set back a minimum of:</p> <p>a) 10m to side and rear boundaries; and</p> <p>b) 200m to the Rural Resource Zone where a sensitive use is proposed.</p>	<p>P4 Buildings must be set back adequately to protect:</p> <p>a) the amenity of adjoining dwellings by providing separation that is consistent with the character of the surrounding area having regard to:</p> <p>i) the impact on the amenity and privacy of habitable room windows and private open space; and</p> <p>ii) the impact on the solar access of habitable room windows and private open space; and</p> <p>iii) the locations of existing buildings and private open space areas; and</p> <p>iv) the size and proportions of the lot; and</p> <p>v) the extent to which the slope, retaining walls, fences or existing vegetation screening reduce or increase the impact of the proposed variation; and</p> <p>vi) local area objectives, if any; and</p> <p>b) agricultural uses on adjoining lots from likely constraint; and</p> <p>c) the impact of the proposal on environmental qualities of the site.</p>	
<p>A5 The combined gross floor area of all outbuildings on a lot must not exceed 81m<sup>2</sup> and a maximum height of 5m.</p>	<p>P5 Outbuildings must be designed and sited so that there will not be unacceptable loss of sunlight or privacy to adjoining residential lots or adverse effects on the amenity of the locality.</p>	
<p>A6 The colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements.</p>	<p>P6 No Performance criteria</p>	
<p>A7 Reflective materials, excluding windows, must not be used as visible external elements in buildings.</p>	<p>P7 Reflective materials, excluding windows, with a high initial reflectivity must become non reflective within a period of 12 months from the date of installation or that the reflective materials will not be visible from off the</p>	



		site.
A8	On sites with a slope greater than 1:10, site benching through cut and fill must be less than 20% of the site coverage of the proposed building(s).	P8 On sites with a slope greater than 1:10, site benching through cut and fill greater than 20% of the site coverage of the proposed building(s) must ensure the site works are appropriate to the physical and environmental capabilities of the site having regard to:-  a) The risk of erosion, and b) The stability of the land, and c) The visual impact of the building on adjoining sites.
A9	Rainwater runoff from roofs must be collected by means of roof guttering, downpipes and rainwater tanks.	P9 Alternative methods of dealing with rainwater runoff from roofs must avoid erosion, flooding, siltation, pollution or contamination of ground or surface waters.
A10	Exterior building lighting is limited to that necessary to allow safe and secure movement of pedestrians and to allow movement around the building at night. Lighting must not be used as a means of displaying the presence of buildings to be visible from outside the site.	P10 Additional lighting must be in a location and an amount that is appropriate to the needs of pedestrians and other building users and does not make the building visible from outside the site boundaries.
A11	Where a development is part of a larger complex, each component of the development must be connected by walking tracks.	P11 No performance criteria.
A12	Single unbroken walls are not to exceed 15m in length.	P12 The horizontal scale of elements must not dominate natural landscapes.
A13	Roofs must be:  a) pitched at an angle of less than 30 degrees and can be either hipped or gabled, or  b) curved at radius no greater than 12.5m.	P13 Rooves pitched at angles greater than 30 degrees or curved at a radius greater than 12.5m must have a roof form that is appropriate to the features of the site and surrounding landscape and is compatible with the overall design concept of the development.

#### 14.4.2 Landscaping

<b>Objective</b>	
To ensure that the natural values of the site are retained in a manner that contributes to the broader landscape of the area by directing new development to land that is already cleared.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Development must be located on land where the native vegetation cover has been removed or significantly disturbed.	P1 New development must be located in a manner that minimises vegetation removal.
A2 All new plantings must be undertaken with seeds or rootstock derived from	P3 Where seeds or rootstock derived from provenance taken within the boundaries

	provenance taken within the boundaries of the site, or the vicinity of the site		of the site is insufficient for the landscaping needs, seeds or rootstock may be used from other lots within the municipal area.
A3	Plants listed in Appendix 3 must not be used in landscaping.	P4	No performance criteria

#### 14.4.3 Subdivision

<b>Objective</b>	
To ensure that subdivision is appropriate to the intended use or development of the lots and that the natural values identified on the subject land are not diminished.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Each lot must:</p> <ul style="list-style-type: none"> <li>a) have a minimum area of at least 20ha; or</li> <li>b) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>c) for the provision of public utilities; or</li> <li>d) for the consolidation of a lot with another lot with no additional titles created; or</li> <li>e) to align existing titles with zone boundaries and no additional lots are created; and</li> </ul> <p>A1.2 Each lot must have new boundaries aligned from existing buildings that satisfy the relevant acceptable solutions for setbacks.</p>	<p>P1 Each lot must:</p> <ul style="list-style-type: none"> <li>a) be to facilitate protection of a place of Aboriginal, natural or cultural heritage; or</li> <li>b) provide for each lot, sufficient useable area and dimensions to allow for: <ul style="list-style-type: none"> <li>i) a dwelling to be erected in a convenient, appropriate and hazard free location; and</li> <li>ii) appropriate disposal of wastewater; and</li> <li>iii) on-site parking and manoeuvrability; and</li> <li>iv) adequate private open space; and</li> <li>v) reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and</li> </ul> </li> <li>c) be consistent with the local area having regard to: <ul style="list-style-type: none"> <li>i) the topographical or natural features of the site; and</li> <li>ii) the ability of vegetation to provide buffering; and</li> <li>iii) any features of natural or cultural significance; and</li> <li>iv) the presence of any natural hazards; and</li> <li>v) local area objectives, if any.</li> </ul> </li> </ul>
A2 Each lot must have a frontage of at least 4m.	<p>P2</p> <ul style="list-style-type: none"> <li>a) Subdivision must provide appropriate, permanent access by a Right of Carriageway registered over all relevant titles; and</li> <li>b) The maximum number of lots to be accessed by means of adjoining or</li> </ul>

	reciprocal rights of way is 2. Such rights of way to be no more than 50m in length.
A3 The maximum number of lots allowed of the parent title is in the ratio of 1 lot per 20 ha up to a maximum of 10 lots	P3 No Performance criteria
A4 All new lots must be located a minimum of 1km from High Water Mark	P4 No Performance criteria

#### 14.4.4 Tourist Operations

Objective	
a) To ensure that the development of tourist facilities enhances and supports the tourism resources of the Municipality.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 No acceptable solution.	<p>P1 A tourist operation must have regard to:-</p> <ul style="list-style-type: none"> <li>a) The character of the area surrounding the site and the ability for the operation to fit within that character,</li> <li>b) Potential for conflict with other tourist operations in the vicinity of the site, and</li> <li>c) ensuring the values associated with those existing attractions that are located within the vicinity of the proposed tourism operation are maintained.</li> </ul>

## **15      Urban Mixed Use Zone**

*This zone was not used in this planning scheme*

## 16 Village Zone

### 16.1 Zone Purpose

#### 16.1.1 Zone Purpose Statements

16.1.1.1 To provide for small rural centres with a mix of residential, community services and commercial activities.

16.1.1.2 To provide for low impact, non residential uses that support the function of the settlement.

16.1.1.3 To provide for the amenity of the residents in a manner appropriate to the mixed use characteristics and needs of a particular settlement.

#### 16.1.2 Local Area Objectives

There are no local area objectives

#### 16.1.3 Desired Future Character Statements

There are no desired future character statements

### 16.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Natural and cultural values management	
Passive recreation	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Business and professional services	
Community meeting & entertainment	
Educational and occasional care	
Emergency services	
Food services	
General retail and hire	
Hotel industry	
Hospital services	
Residential	
Service industry	Must incorporate a shopfront for customer service and must not be for panel beating
Sports and recreation	
Storage	

Vehicle fuel sales and service	
Visitor accommodation	
Utilities	If for minor utilities
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Bulky goods sales	
Tourist operation	
Utilities	If not for minor utilities
<b>Prohibited</b>	
All other uses	

### 16.3 Use Standards

#### 16.3.1 Amenity

Objective	
To ensure that all non-residential uses do not adversely impact upon the occupiers of adjoining and nearby residential uses.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 If for permitted or no permit required uses.	P1 Discretionary uses must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.
A2 Commercial vehicles must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	P2 Commercial vehicle operations must demonstrate that the amenity of residential uses within the surrounding area will not be unduly impacted upon by noise from operations or deliveries from the site.
A3 Commercial vehicles are parked within the boundary of the property.	P3 Parking of commercial vehicles, including delivery vehicles, are not to create a traffic hazard or compromise the mixed use functions of the road.

#### 16.3.2 Village Character

Objective	
To ensure that non-residential uses are of an appropriate scale and type to support the objectives for the settlement.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>

<p>A1 Non-residential use must not exceed a combined gross floor area of 250m<sup>2</sup> over the site.</p>	<p>P1.1 The use is not within the classes of Service Industry; and</p> <p>P1.2 The size and appearance of the use does not dominate the character of the area; and</p> <p>P1.3 The proposal is consistent with the local area objectives for visual character, if any.</p>
<p>A2 Goods or materials must not be stored outside in locations visible from adjacent properties, the road or public land.</p>	<p>P2 Storage of goods or materials is consistent with the local area objectives for visual character, if any.</p>
<p>A3 Waste materials must be stored in:</p> <p>a) a manner and location that is not visible from the road to which the lot has frontage; and</p> <p>b) fully self-contained receptacles designed to ensure waste does not escape to the environment.</p>	<p>P3 Waste materials are stored in a manner that is consistent with the local area objectives for visual character, if any.</p>

## 16.4 Development Standards

### 16.4.1 Building Design and Siting

<p>Objective</p> <p>a) To protect the residential amenity of adjoining lots by ensuring that the height, setbacks, siting and design of buildings provides adequate privacy, separation, open space and sunlight for residents; and</p> <p>b) To ensure that the siting and design of development furthers the local area objectives and desired future character statements for the area, if any.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 Site coverage must not exceed 50%.</p>	<p>P1 The proportion of the site covered by buildings must have regard to the:</p> <p>a) existing site coverage and any constraints imposed by existing development or the features of the site; and</p> <p>b) site coverage of adjacent properties; and</p> <p>c) effect of the visual bulk of the building and whether it respects the village character; and</p> <p>d) capacity of the site to absorb runoff; and</p> <p>e) landscape character of the area.</p>

<p>A2 Building height must:</p> <p>a) not exceed 7m;</p>	<p>P2 Building height must:</p> <p>a) be consistent with the local area objectives, if any; and</p> <p>b) protect the residential amenity of adjoining dwellings from the impacts of overshadowing and overlooking having regard to:</p> <ul style="list-style-type: none"> <li>i) the surrounding pattern of development; and</li> <li>ii) the existing degree of overlooking and overshadowing; and</li> <li>iii) the impact on the adjoining property of a reduction in sunlight to habitable rooms and private open space to less than 3 hours between 9.00 am and 5.00 pm on June 21 or no increase to existing overshadowing where greater than above; and</li> <li>iv) maintaining reasonable privacy to private open space and windows; and</li> <li>v) existing screening or the ability to implement screening to enhance privacy.</li> </ul>
<p>A3 Primary frontage setbacks must be:</p> <p>a) a minimum distance of 6m; or</p> <p>b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 16.4.1B below; and</p> <div data-bbox="252 1532 767 1883" data-label="Diagram"> </div> <p><b>Figure 16.4.1B – Primary Frontage Setback for Infill Lots</b></p> <p>c) for corner lots, side walls must be set back a minimum of 3m from the</p>	<p>P3 Buildings must be set back from the frontage an appropriate distance having regard to:</p> <ul style="list-style-type: none"> <li>a) the efficient use of the site; and</li> <li>b) the safety of road users; and</li> <li>c) the prevailing setbacks of existing buildings on nearby lots; and</li> <li>d) the visual impact of the building when viewed from the road; and</li> <li>e) retention of vegetation within the front setback.</li> </ul>



secondary frontage.	
<p>A4 Buildings must be set back from the side and rear boundaries a minimum distance of 3m.</p>	<p>P4 Buildings are sited so that side and rear setbacks:</p> <ul style="list-style-type: none"> <li>a) protect the residential amenity of adjoining dwellings from the impacts of overshadowing and overlooking having regard to: <ul style="list-style-type: none"> <li>i) the surrounding pattern of development; and</li> <li>ii) the existing degree of overlooking and overshadowing; and</li> <li>iii) the reduction of sunlight to habitable rooms and private open space to no less than 3 hours between 9.00 am and 5.00 pm on June 21 or no increase to existing overshadowing where greater than above; and</li> <li>iv) maintaining reasonable privacy to private open space and windows; and</li> <li>v) existing screening or the ability to implement screening to enhance privacy; and</li> </ul> </li> <li>b) further the objectives relating to the visual character of the village.</li> </ul>
<p>A5 Existing verandahs, awnings and other building elements located on or over roads must be retained.</p>	<p>P5 Removal of verandahs or awnings on or over a road must:</p> <ul style="list-style-type: none"> <li>a) establish there is a danger to public safety; or</li> <li>b) retention of the verandah or awning would not be in keeping with the streetscape.</li> </ul>
<p>A6 The height of front fences facing the road must not exceed 1.2m.</p>	<p>P6 Fences greater than 1.2m must not adversely affect the streetscape.</p>

### 16.4.1.2 Solar Efficiency

Objective (a) To ensure that all existing dwellings have adequate access to sunlight.	
Acceptable Solutions	Performance Criteria
A1 Buildings must not cause overshadowing and reduction of sunlight to habitable rooms and private open space to less than 3 hours between 9.00 am and 5.00 pm on June 21	P1 Buildings must not result in unreasonable loss of solar access to residential buildings.
A2 Where the adjoining lot is a vacant residential lot, buildings must not overshadow an area greater than 3m distance from any boundary that is oriented on a northeast to northwest axis on 21 June between 11.00am and 2.00pm.	P2 Buildings must not result in unreasonable loss of solar access to adjoining residential lots.
A3 Building additions or outbuildings must not be constructed so as to obstruct solar access to north and east facing windows of an existing dwelling.	P3 No performance criteria

**Note: Clause A1 applies to the site and the adjoining sites.**

### 16.4.1.3 Privacy

Objective: (a) To locate and design buildings so as to meet projected user requirements for visual privacy, and protect the visual privacy of nearby residents in their dwellings and private open spaces.	
Acceptable Solutions	Performance Criteria
A1 Direct views of windows of habitable rooms, external doorways and private open spaces (including balconies, decks and roof decks) of neighbouring houses must be screened or set apart a minimum distance 9m.	P1 Direct overlooking of main internal living areas and private open spaces of other dwellings must be minimised by appropriate building layout, location and design of windows and balconies and the use of screening devices and landscaping.

### 16.4.1.4 Outbuildings and Ancillary Structures

Objective (a) To ensure that outbuildings do not detract from the amenity or established neighbourhood character (b) To ensure that dwellings remain the dominant built form within an area.	
Acceptable solutions	Performance Criteria

<p>A1 Outbuildings must not have a:</p> <p>a) combined gross floor area of greater than 60m<sup>2</sup> and</p> <p>b) maximum wall height of greater than 3.5m; and</p> <p>c) maximum height greater than 4.5m.</p>	<p>P1 Outbuildings must be designed and located having regard to:</p> <p>a) visual impact on the streetscape; and</p> <p>b) any adverse impacts on native vegetation; and</p> <p>c) overshadow adjoining properties; and</p> <p>d) compatibility with the size and location of outbuildings in the neighbourhood.</p>
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**16.4.1.5 Filling of sites**

<p>Objective:</p> <p>(b) To ensure that filling of sites does not create a nuisance to adjoining land owners.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 All fill must be;</p> <p>a) No more than 50m<sup>3</sup>, and</p> <p>b) Clean fill, and</p> <p>c) Located more than 2m from any boundary.</p>	<p>P1 Larger amounts of fill must have regard to:-</p> <p>a) how stormwater overflows will be directed towards the reticulated stormwater collection points or where this is not possible, how storm water run off will be directed away from adjoining lots so as not to cause a nuisance, and</p> <p>b) how privacy of adjoining outdoor living areas will be maintained.</p>

**16.4.2 Subdivision**

<p>Objective</p> <p>a) Provides for appropriate wastewater disposal and stormwater management in consideration of the particular characteristics or constraints of the land; and</p> <p>b) To ensure the area and dimensions of lots are appropriate for the mixed use characteristics of the locality; and</p> <p>c) To encourage residential development that respects the village character; and</p> <p>d) Provides frontage to a road at a standard appropriate for the use; and</p> <p>e) To further the local area objectives and desired future character statements for the area, if any.</p>			
Acceptable Solutions	Performance Criteria		
<p>A1 Each lot must:</p> <p>a) have a minimum area in accordance with Table 16.4.2 below; and</p> <p style="text-align: center;"><b>Table 16.4.2 – Lot Size</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Fingal town centre</td> <td style="padding: 5px; text-align: center;">800m<sup>2</sup></td> </tr> </table>	Fingal town centre	800m <sup>2</sup>	<p>P1 Subdivision must:</p> <p>a) provide for each lot, sufficient useable area and dimensions to allow for:</p> <p>i) a dwelling to be erected in accordance with the setback standards; and</p>
Fingal town centre	800m <sup>2</sup>		

All other areas	2000m <sup>2</sup>	<ul style="list-style-type: none"> <li>ii) on-site parking and manoeuvrability for domestic vehicles; and</li> <li>iii) adequate private open space; and</li> <li>iv) vehicular access from the road to a building area on the lot, if any; and</li> </ul> <ul style="list-style-type: none"> <li>b) have regard to: <ul style="list-style-type: none"> <li>i) the topographical or natural features of the site; and</li> <li>ii) the pattern of existing development; and</li> <li>iii) the ability of vegetation to provide buffering; and</li> <li>iv) any features of natural, historical or cultural significance; and</li> <li>v) the presence of any natural hazards; and</li> </ul> </li> <li>c) have regard to the local area objectives and desired future character statements, if any.</li> </ul>
<ul style="list-style-type: none"> <li>b) be able to contain a 15m diameter circle with the centre of the circle not more than 20m from the frontage; or</li> <li>c) required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>d) for the provision of utilities; or</li> <li>e) for the consolidation of a lot with another lot with no additional titles created; or</li> <li>f) to align existing titles with zone boundaries and no additional lots are created; and</li> </ul> <p>A1.2 Lots must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.</p>		
A2	Each lot must have a frontage of at least 4m.	P2 No performance criteria.
A3	Each lot must be connected to a: <ul style="list-style-type: none"> <li>a) reticulated water supply; and</li> <li>b) reticulated sewerage system.</li> </ul>	P3 Each new lot created must be: <ul style="list-style-type: none"> <li>a) in a locality for which reticulated services are not available or capable of being connected; and</li> <li>b) capable of accommodating an on-site wastewater management system.</li> </ul>
A4	Each lot must be connected to a reticulated stormwater system.	P4 If the proposed site is unable to be connected to a reticulated stormwater system then all runoff from the subdivision can only be released from the site in a manner that will not cause an environmental nuisance, and that will prevent erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to: <ul style="list-style-type: none"> <li>i) the intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); and</li> <li>ii) how the additional runoff and intensity of runoff that will be created by the subdivision for a</li> </ul>

	<p>storm event of 1% Annual Exceedance Probability, will be released at levels that are the same as those identified at the pre-development levels of the subdivision; and</p> <p>iii) whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; and</p> <p>iv) overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.</p>
A5 Any new lot which adjoins a lot which has buildings on it must have no more than one third of its area covered by the shadow of existing development on June 21.	P5 The dimensions of any lot are to allow on site solar access to be maximised.
A6 For subdivisions of 3 or more lots power connections are to be provided underground.	P6 No performance criteria

16.4.3 Stormwater Disposal

Objective:	
(a) To ensure that stormwater discharge from new development does not result in adverse impacts on surrounding land or the environment.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 All run off from buildings must be directed into on-site water storage tanks and the overflow from the tanks disposed of into the Council maintained roadside drain or the reticulated stormwater system.	P1 Run off must be managed through integrated stormwater management techniques by means that will not cause soil erosion or flooding nuisance to adjoining lots.

## 17 Community Purpose Zone

### 17.1 Zone Purpose

#### 17.1.1 Zone Purposes Statements

17.1.1.1 To provide for key community facilities and services where those facilities and services are not appropriate for inclusion as an associated activity within another zone.

17.1.1.2 To provide for a range of health, educational, government, cultural and social facilities to serve the function of settlements and local communities.

#### 17.1.2 Local Area Objectives

There are no local area objectives

#### 17.1.3 Desired Future Character Statements

There are no desired future character statements

### 17.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Passive recreation	
Natural and cultural values management	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Emergency services	
Community meeting & entertainment	
Crematoria and cemeteries	
Educational and occasional care	
Hospital services	
Utilities	If for minor utilities
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Residential	If for residential aged care facility, respite centre or retirement village
Utilities	If not for minor utilities
<b>Prohibited</b>	
All other uses	

## 17.3 Use Standards

### 17.3.1 Zone Character

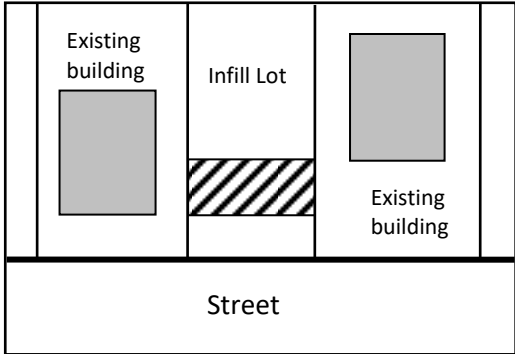
<b>Objective</b> To ensure that all uses accord with the objectives for the zone or a community facility.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Storage of materials or equipment external to a building must not be visible from the road to which the lot has frontage.	P1 Storage of materials or equipment does not visually detract from the character of the area.
A2 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	P2 No performance criteria.

### 17.3.2 Amenity

<b>Objective</b> To ensure that the use of land is not detrimental to the amenity of surrounding residential areas in terms of noise, emissions, operating hours or transport/traffic.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 For development within 20m of a residential zone, the operating hours of the use must be between 6am and 10pm.	P1 The operating hours must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement and illumination.

## 17.4 Development Standards

### 17.4.1 Building Design and Siting

<p><b>Objective</b></p> <p>To ensure that the siting and design of development;</p> <p>a) protects the amenity of surrounding uses; and</p> <p>b) furthers the local area objectives and desired future character statements, if any.</p>	
<p><b>Acceptable Solutions</b></p>	
<p><b>Performance Criteria</b></p>	
<p>A1 Building height must not exceed 8m.</p>	<p>P1.1 Building height must:</p> <p>a) be unobtrusive and must not dominate the character of the surrounding landscape and streetscape.</p> <p>P1.2 Building height must protect the amenity of adjoining sensitive uses from the impacts of unreasonable overshadowing and overlooking by providing separation that is appropriate for the use, having regard to:</p> <p>i) the form of the building; and</p> <p>ii) the contours or slope of the land; and</p> <p>iii) existing screening or the ability to implement/establish screening.</p>
<p>A2 Buildings must be set back from the frontage a minimum distance of 6m or for infill lots, within the range of the front setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 17.4.1 below.</p> <p><b>Figure 17.4.1 – Front Setback for Infill Lots</b></p>  <p>The diagram illustrates a street frontage with three lots. The left and right lots contain existing buildings. The middle lot is an infill lot. A hatched area between the front of the infill lot and the front of the existing buildings indicates the required setback for the infill lot. The street is labeled at the bottom.</p>	<p>P2 Building frontage setbacks must:</p> <p>a) be unobtrusive and must not dominate the character of the surrounding landscape and streetscape;</p>



<p>A3 Buildings must be set back from the side and rear boundaries a minimum distance of 3m.</p>	<p>P3 Side and rear building setbacks must:</p> <ul style="list-style-type: none"><li>a) protect the amenity of adjoining sensitive uses from the impacts of unreasonable overshadowing and overlooking by providing separation that is appropriate for the use; and</li><li>b) have regard to:<ul style="list-style-type: none"><li>i) the form of the building; and</li><li>ii) the contours or slope of the land; and</li><li>iii) existing screening or the ability to implement/establish screening.</li></ul></li></ul>
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17.4.2 Subdivision

Objectives	
<p>a) To facilitate the establishment and continued use of community facilities at a size and scale appropriate to the needs of the community; and</p> <p>b) To ensure that appropriate road access, wastewater, stormwater, energy and communication services are provided as appropriate for the use; and</p> <p>c) To further the local area objectives and desired future character statements for the area, if any.</p>	
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solutions;	<p>P1 The subdivision must:</p> <p>a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a Council, or</p> <p>b) be a combined application for subdivision and subsequent development and use of the land; and</p> <p>c) facilitate the provision or augmentation of public services, utilities or recreational use; and</p> <p>d) have regard to:</p> <p>i) the topographical or natural features of the site; and</p> <p>ii) the pattern of existing development; and</p> <p>iii) the ability of vegetation to provide buffering; and</p> <p>iv) any features of natural, historical or cultural significance; and</p> <p>v) the presence of any natural hazards; and</p> <p>e) provide sufficient area and dimension having regard to the:</p> <p>i) nature of the proposed use and development; and</p> <p>ii) need to accommodate vehicles on the lot; and</p> <p>iii) proximity of neighbouring residential development; and</p> <p>f) provide access and services appropriate to the intended use, and;</p> <p>g) have regard to the local area objectives and desired future character statements, if any.</p>

17.4.3 Stormwater Disposal

Objective: (a) To ensure that stormwater discharge from new development does not result in adverse impacts on surrounding land or the environment.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 All run off from buildings must be directed into on-site water storage tanks and the overflow from the tanks disposed of into the Council maintained roadside drain or the reticulated stormwater system.	P1 Stormwater must be managed on the site so that it does not cause pollution, soil erosion or flooding to adjacent lots.

## 18 Recreation Zone

### 18.1 Zone Purpose

#### 18.1.1 Zone Purpose Statements

18.1.1.1 To provide for a range of active and organised recreational use or development and complementary uses that do not impact adversely on the recreational use of the land.

#### 18.1.2 Local Area Objectives

There are no local area objectives

#### 18.1.3 Desired Future Character Statements

There are no desired future character statements

### 18.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Natural and cultural values management	
Passive recreation	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Sports and recreation	
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Community meeting and entertainment	
Crematoria and cemeteries	If for existing crematoria or cemeteries
Emergency services	
Tourist operation	
Utilities	
Visitor accommodation	
<b>Prohibited</b>	
All other uses	

## 18.3 Use Standards

### 18.3.1 Amenity

<p>Objective</p> <p>To ensure that uses do not adversely impact upon the occupiers of adjoining and nearby residential uses.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Operating hours must be between:</p> <p>a) 8.00 am and 10.00 pm where adjoining residential use; and</p> <p>b) 6.00 am and 12.00 am midnight where not adjoining residential use.</p>	<p>P1 The amenity of residential uses within the surrounding area must not be unduly impacted upon by operating hours and vehicle movements.</p>
<p>A2.1 The proposal must not include flood lighting where it adjoins the General Residential, Low Density Residential, Environmental Living, Rural Living, Environmental Management Zone and</p> <p>A2.2 External security lighting must be contained within the boundaries of the site.</p>	<p>P2 External lighting must demonstrate that:</p> <p>a) floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and</p> <p>b) all direct light will be contained within the boundaries of the site.</p>

### 18.3.2 Recreation Zone Character

<p>Objective</p> <p>To ensure that discretionary uses are of an appropriate scale and type for the zone, and to support the local area objectives, if any.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Commercial vehicles for discretionary uses must be parked within the boundary of the property in locations that are not visible from the road or public land.</p>	<p>P1 No performance criteria.</p>
<p>A2 Goods or materials storage for discretionary uses must not be outside in locations visible from adjacent properties, the road or public land.</p>	<p>P2 Storage of materials or equipment is consistent with the local area objectives for visual character, if any.</p>

## 18.4 Development Standards

### 18.4.1 Building Design and Siting

<p>Objective</p> <p>To ensure that the design and siting of buildings:</p> <p>a) conserves the recreation character of the area: and</p> <p>b) minimise disturbance to adjoining uses.</p>	
Acceptable Solutions	Performance Criteria
A1 Building height must not exceed 7m.	<p>P1 Building height must:</p> <p>a) not be a dominant feature in the streetscape or landscape when viewed from a road; and</p> <p>b) protect the amenity of adjoining dwellings from unreasonable impacts of overshadowing and overlooking.</p>
A2 Buildings must be set back 10m from all boundaries.	<p>P2 Building setbacks must:</p> <p>a) protect the amenity of adjoining dwellings from unreasonable impacts of overshadowing and overlooking; and</p> <p>b) conserve the recreation values of the area, having regard to existing uses and developments on the site and in the area.</p>

### 18.4.2 Landscaping

<p>Objective</p> <p>To ensure that the recreation values of the site are retained in a manner that contributes to the broader landscape of the area.</p>	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	<p>P1 Applications must demonstrate how the recreation and landscape values of the site and area will be managed by a landscape and site management plan that sets out:</p> <p>a) any retaining walls; and</p> <p>b) retention of any existing native vegetation where it is feasible to do so or required to be retained by another provision of this scheme; and</p> <p>c) the locations of any proposed buildings, driveways, car parking, storage areas, signage and utility services; and</p> <p>d) any fencing; and</p> <p>e) vegetation plantings to be used and where; and</p>

	f) any pedestrian movement paths; and g) ongoing treatment of the balance of the lot, if any, including maintenance of plantings, weed management and soil and water management.
A2 Plants listed in Appendix 3 must not be used in landscaping.	P2 No performance criteria

#### 18.4.3 Subdivision

Objective To ensure that subdivision is appropriate for the intended use of the lots.	
Acceptable Solutions	Performance Criteria
A1 Subdivision must be: a) to provide for development in the Utilities Use Class; or b) required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a Council; or c) for the consolidation of a lot with another lot with no additional titles created; or d) to align existing titles with zone boundaries and no additional lots are created.	P1 The subdivision is for the provision or augmentation of: a) passive recreation; or b) sports and recreation; or c) community services; or d) recreation-based tourist operation.
A2 If for utilities uses.	P2 All new lots must provide appropriate pedestrian links to the surrounding locality where appropriate.
A3 The lot must have a minimum frontage of 4.0m.	P3 No performance criteria.
A4 Each lot must be connected to a: a) reticulated water supply; and b) reticulated sewerage system; and c) reticulated stormwater system.	P4 Any lots created for building purposes are of sufficient size to allow for on-site disposal of any waste and storm water.

#### 18.4.4 Stormwater Disposal

Objective (a) To ensure that stormwater discharge from new development does not result in adverse impacts on surrounding land or the environment.	
Acceptable Solutions	Performance Criteria
A1 All run off from buildings must be directed into on-site water storage tanks and the overflow from the tanks disposed of into the Council maintained roadside drain or the reticulated	P1 Stormwater must be managed on the site so that it does not cause pollution, soil erosion or flooding to adjacent lots.

stormwater system.	
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## 19 Open Space Zone

### 19.1 Zone Purpose

#### 19.1.1 Zone Purpose Statements

19.1.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

#### 19.1.2 Local Area Objectives

There are no local area objectives

#### 19.1.3 Desired Future Character Statements

There are no desired future character statements

### 19.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Natural and cultural values management	
Passive recreation	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Not used in this zone	
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Community meeting & entertainment	
Emergency services	
Food services	
General retail and hire	
Pleasure boat facility	
Sports and recreation	
Tourist operation	
Utilities	
Vehicle Parking	
<b>Prohibited</b>	
All other uses	

## 19.3 Use Standards

### 19.3.1 Amenity

Objective	
To ensure that uses do not adversely impact upon the occupiers of adjoining and nearby uses.	
Acceptable Solutions	Performance Criteria
<p>A1 Operating hours must be between:</p> <p>a) 8.00 am and 10.00 pm where adjoining residential use; and</p> <p>b) 6.00 am and 12.00 am midnight where not adjoining residential use.</p>	<p>P1 The amenity of residential uses within the surrounding area must not be unduly impacted upon by operating hours and vehicle movements.</p>
<p>A2.1 The proposal must not include flood lighting where it adjoins the General Residential, Low Density Residential, Village Zone, Environmental Living Zone, Rural Living Zone, Environmental Management Zone and</p> <p>A2.2 External security lighting must be contained within the boundaries of the site.</p>	<p>P2 External lighting must demonstrate that:</p> <p>a) floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and</p> <p>b) all direct light will be contained within the boundaries of the site.</p>
<p>A3 If for permitted or no permit required uses.</p>	<p>P3 Discretionary uses must not cause or be likely to cause an environmental nuisance through emissions including noise, smoke, odour and dust.</p>

### 19.3.2 Open Space Character

<p><b>Objective</b></p> <p>To ensure that uses are of an appropriate scale and type for the zone, and to support the local area objectives, if any.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 The use must:</p> <p>a) be for natural and cultural values management or passive recreation; or</p> <p>b) not exceed a combined gross floor area of 250m<sup>2</sup> over the site.</p>	<p>P1.1 The size and appearance of the use must:</p> <p>a) not dominate the character of the area; and</p> <p>b) be consistent with the local area objectives for visual character, if any; and</p> <p>P1.2 The use is not within the classes of General retail and hire; Food Services or Tourist operation.</p>
<p>A2 Commercial vehicles for discretionary uses must be:</p> <p>a) parked within the boundary of the property; and</p> <p>b) in locations that are not visible from the road or public land.</p>	<p>P2 No performance criteria.</p>
<p>A3 Goods or materials storage for discretionary uses must not be outside in locations visible from adjacent properties, the road or public land.</p>	<p>P3 Storage of materials or equipment must be consistent with the local area objectives for visual character, if any.</p>

## 19.4 Development Standards

### 19.4.1 Building Design and Siting

<p>Objective</p> <p>To ensure that the design and siting of buildings:</p> <p>a) responds appropriately to the open space and natural values of the site; and</p> <p>b) has minimal disturbance to the environment and any adjoining sensitive uses.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Building height must not exceed 5m.</p>	<p>P1 Building height must:</p> <p>a) not be a dominant feature in the streetscape or landscape when viewed from a road; and</p> <p>b) protect the amenity of adjoining dwellings and sensitive uses are protected from unreasonable impacts of overshadowing and overlooking.</p>
<p>A2 Buildings must be set back 10m from all boundaries.</p>	<p>P2 Building setbacks must:</p> <p>a) protect the amenity of adjoining dwellings from unreasonable impacts of overshadowing and overlooking; and</p> <p>b) conserve the open space and natural values of the area, having regard to existing uses and developments on the site and in the area.</p>
<p>A3 The site coverage must not exceed 20%.</p>	<p>P3 No performance criteria.</p>

19.4.2 Landscaping

<p><b>Objective</b></p> <p>To ensure that the open space and natural values of the site are retained in a manner that contributes to the broader landscape of the area.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 If for natural and cultural values management or passive recreation.</p>	<p>P1 Applications must demonstrate how the open space, natural and landscape values of the site and area will be managed by a landscape and site management plan that sets out:</p> <ul style="list-style-type: none"> <li>a) any retaining walls; and</li> <li>b) retaining any existing native vegetation where it is feasible to do so or required to be retained by another provision of this scheme; and</li> <li>c) the locations of any proposed buildings, driveways, car parking, storage areas, signage and utility services; and</li> <li>d) any fencing; and</li> <li>e) vegetation plantings to be used and where; and</li> <li>f) any pedestrian movement paths; and</li> <li>g) ongoing treatment of the balance of the lot, if any, including maintenance of plantings, weed management and soil and water management.</li> </ul>
<p>A2 Plants listed in Appendix 3 must not be used in landscaping.</p>	<p>P2 No performance criteria</p>

19.4.3 Subdivision

<p><b>Objectives</b></p> <p>To ensure that subdivision is appropriate for the intended use of the lots.</p>	
<p><b>Acceptable Solutions</b></p>	
<p><b>Performance Criteria</b></p>	
<p>A1 Subdivision must be:</p> <p>a) required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a Council; or</p> <p>b) for the consolidation of a lot with another lot with no additional titles created; or</p> <p>c) to align existing titles with zone boundaries and no additional lots are created.</p>	<p>P1 The subdivision must:</p> <p>a) be a combined application for subdivision and subsequent development and use of the land; and</p> <p>b) facilitate the provision or augmentation of public services, utilities or recreational use; and</p> <p>c) respond to the local area objectives and desired future character for the zone, if any.</p>
<p>A2 If for utilities or emergency services.</p>	<p>P2 All new lots must provide appropriate pedestrian links to the surrounding locality.</p>
<p>A3 The lot must have a minimum frontage of 4.0m.</p>	<p>P3 No performance criteria.</p>
<p>A4 Each lot must be connected to a:</p> <p>a) reticulated water supply; and</p> <p>b) reticulated sewerage system; and</p> <p>c) reticulated stormwater system.</p>	<p>P4 Any lots created for building purposes are of sufficient size to allow for on-site disposal of any waste and storm water.</p>

## 20 Local Business Zone

### 20.1 Zone Purpose

#### 20.1.1 Zone Purpose Statements

20.1.1.1 To provide for business, professional and retail services which meet the convenience needs of a local area.

20.1.1.2 To limit use and development that would have the effect of elevating a centre to a higher level in the retail and business hierarchy. Limits are imposed on the sizes of premises to ensure that the established hierarchy is not distorted.

20.1.1.3 To maintain or improve the function, character, appearance and distinctive qualities of each of the identified local business centres and to ensure that the design of development is sympathetic to the setting and compatible with the character of each of the local business centres in terms of building scale, height and density.

20.1.1.4 To minimise conflict between adjoining commercial and residential activities.

20.1.1.5 To ensure that vehicular access and parking is designed so that the environmental quality of the local area is protected and enhanced.

20.1.1.6 To provide for community interaction by encouraging developments such as cafes, restaurants, parks and community meeting places.

#### 20.1.2 Local Area Objectives

There are no local area objectives

#### 20.1.3 Desired Future Character Statements

There are no desired future character statements

### 20.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Business and professional services	
Food services	
General retail and hire	
Natural and cultural values management	
Passive recreation	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Community meeting & entertainment	
Hotel industry	
Residential	If behind a shopfront that was existing at the date of commencement of this planning scheme or on the second

	storey.
Utilities	If for minor utilities
Visitor accommodation	
Vehicle fuel sales and service	
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Educational and occasional care	Only for Child Care
Emergency services	
Residential	If not for, behind a shopfront that was existing at the date of commencement of this planning scheme or on the second storey.
Service industry	Must incorporate a shopfront for customer service and must not be for panel beating
Tourist operation	Only for Visitor Centre
Transport depot and distribution	
Utilities	If not for minor utilities
Vehicle parking	
<b>Prohibited</b>	
All other uses	



## 20.3 Use Standards

### 20.3.1 Amenity

<p><b>Objective</b></p> <p>To ensure that the use of land is not detrimental to the amenity of the surrounding area in terms of noise, emissions, operating hours or transport.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Commercial vehicles (except for visitor accommodation and recreation) must only operate between 6.00am and 10.00pm Monday to Sunday.</p>	<p>P1 Commercial vehicles (except for visitor accommodation and recreation) must not unreasonably impact on the amenity of any adjoining General Residential and Urban Mixed Use zones, having regard to:</p> <p>a) traffic, the hours of delivery and despatch of goods and materials; and</p> <p>b) hours of operation; and</p> <p>c) light spill.</p>
<p>A2.1 Noise levels at the boundary of the site with any adjoining land must not exceed:</p> <p>a) 50dB(A) day time; and</p> <p>b) 40dB(A) night time; and</p> <p>A2.2 Noise levels in habitable rooms of nearby sensitive uses must not exceed 5dB(A) above background .</p>	<p>P2 Noise must not cause unreasonable loss of amenity to nearby sensitive uses.</p>
<p>A3 Use in the local business zone is not to rely on the provision of parking on roads within the General Residential Zone.</p>	<p>P3 No performance criteria.</p>
<p>A4 Use is not to result in an increase in traffic volumes on surrounding residential roads to more than 500 vehicles per day.</p>	<p>P4 If the use results in an increase in traffic levels on surrounding residential roads to more than 500 vehicles per day, residential amenity must not be lost.</p> <p>Note: a traffic impact assessment in accordance with Clause E4.4 of the scheme is required to meet this clause.</p>

## 20.4 Development Standards

### 20.4.1 Siting, Design and Built Form

<p><b>Objective</b></p> <p>To ensure that development is visually compatible with surrounding area.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 The entrance of a building must:</p> <p>a) be clearly visible from the road or publically accessible areas on the site;</p>	<p>P1 No performance criteria.</p>

<p>and</p> <p>b) provide a safe access for pedestrians.</p>	
<p>A2 Building height must not exceed:</p> <p>a) 8m; or</p> <p>b) 1m greater than the average of the heights of buildings on immediately adjoining lots.</p>	<p>P2 Building height must:</p> <p>a) be consistent with the local area objectives if any, and</p> <p>b) have regard to the streetscape and the desirability of a greater setback for upper floors from the frontage; and</p> <p>c) avoid unreasonable levels of overshadowing to public places or adjoining properties.</p>
<p>A3.1 Buildings must be:</p> <p>a) set back from all boundaries a minimum distance of 2m; or</p>	<p>P3 Building setbacks must:</p> <p>a) provide for enhanced levels of public interaction or public activity; and</p> <p>b) ensure the efficient use of the site; and</p> <p>c) be consistent with the established setbacks within the immediate area and the same zone; and</p> <p>d) be consistent with the local area objectives, if any; and</p> <p>e) provide for emergency vehicle access.</p>
<p>A4 Existing verandahs, awnings and other building elements located on or over roads must be retained.</p>	<p>P4 Removal of verandahs or awnings on or over a road must:</p> <p>a) establish there is a danger to public safety; or</p> <p>b) retention of the verandah or awning would not be in keeping with the streetscape.</p>
<p>A5 Existing building facades must not be covered with metal cladding.</p>	<p>P5 No performance criteria.</p>
<p>A6 Additions or alterations to existing buildings must be in the same style, materials and colours as the existing building.</p>	<p>P6 Alterations and additions to existing buildings must maintain the original appearance features of the original building or improve the streetscape within the vicinity of the site.</p>

**20.4.1.2 Provision of Infrastructure**

Objective	
(a) To ensure that development is provided with adequate and appropriate infrastructure and that the cost of providing infrastructure is not unnecessarily borne by the wider community.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 All development must be connected to the reticulated water supply.	A1 No performance criteria
A2 All development must be connected to the reticulated wastewater treatment system.	A2 No performance criteria
A3 All power supplies are to be underground.	A3 No performance criteria.
A4 All run off from buildings must be directed into on-site water storage tanks and the overflow from the tanks disposed of into the Council maintained roadside drain or the reticulated stormwater system.	A4 Run off must be managed through integrated stormwater management techniques by means that will not cause soil erosion or flooding nuisance to adjoining lots.

20.4.2 Subdivision

<p>Objective</p> <p>Subdivision must ensure:</p> <ul style="list-style-type: none"> <li>a) maintenance of the complexity and diversity of the built environment and pedestrian connectivity; and</li> <li>b) that new lots have sufficient land area for the physical demands of allowable uses; and</li> <li>c) the development of local business centres for retailing and other complementary commercial, entertainment, residential and community uses; and</li> <li>d) each lot has appropriate frontage, access and services; and</li> <li>e) appropriate transition to adjoining zones, especially residential areas.</li> </ul>	
Acceptable Solutions	Performance Criteria
<p>A1 Each lot must:</p> <ul style="list-style-type: none"> <li>a) have a minimum area of at least: <ul style="list-style-type: none"> <li>i) 270m<sup>2</sup>; or</li> <li>ii) the area specified in a table to this zone; and</li> </ul> </li> <li>b) be able to contain a 10.0m diameter circle with the centre of the circle not more than 5.0m from the frontage; or</li> <li>c) required for public use by the Crown, a an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>d) for the consolidation of a lot with another lot with no additional titles created; or</li> <li>e) to align existing titles with zone boundaries and no additional lots are created; or</li> <li>f) be for the provision of public utilities.</li> </ul>	<p>P1 Subdivision must:</p> <ul style="list-style-type: none"> <li>a) provide each lot with sufficient useable area and dimensions to allow for: <ul style="list-style-type: none"> <li>i) the siting and construction of allowable premises; and</li> <li>ii) vehicles providing for supplies, waste removal and emergency services and public transport; and</li> </ul> </li> <li>b) demonstrate that the layout would not unduly prejudice the future use or development of the subject or adjoining land; and</li> <li>c) respond to the existing neighbourhood character and integrate with the surrounding road network; and</li> <li>d) be consistent with the local area objectives, if any.</li> </ul>
<p>A2 Each lot must have a frontage of at least 5m.</p>	<p>P2 No performance criteria.</p>
<p>A3 Each lot must be connected to a:</p> <ul style="list-style-type: none"> <li>a) reticulated water supply; and</li> <li>b) reticulated sewerage system.</li> </ul>	<p>P4 Each new lot created must be:</p> <ul style="list-style-type: none"> <li>a) in a locality for which reticulated services are not available or capable of being connected; and</li> <li>b) capable of accommodating an on-site wastewater management system;</li> </ul>
<p>A4 Each lot must be connected to a reticulated stormwater system.</p>	<p>P4 Stormwater must be discharged from the site in a manner that will not cause an environmental nuisance, and that prevents erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas,</p>

	<p>having regard to:</p> <ul style="list-style-type: none"> <li>a) the intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); and</li> <li>b) how the additional runoff and intensity of runoff that will be created by the subdivision for a storm event of 1% Annual Exceedance Probability, will be released at levels that are the same as those identified at the pre-development levels of the subdivision, and</li> <li>c) whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; and</li> <li>d) overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.</li> </ul>
<p>A5 Subdivision must not be located on the boundary of the General Residential Zone.</p>	<p>P5 The subdivision layout must be designed to mitigate adverse environmental impacts and minimise potential for nuisance or loss of amenity having regard to:</p> <ul style="list-style-type: none"> <li>a) lot layout and design; and</li> <li>b) orientation; and</li> <li>c) access considerations; and</li> <li>d) topography or physical separation to surrounding sensitive land uses.</li> </ul>

## 21 General Business Zone

### 21.1 Zone Purpose

#### 21.1.1 Zone Purpose Statements

21.1.1.1 To provide for business, community, food, professional and retail facilities serving a town or group of suburbs.

21.1.1.2 To create through good urban design:

- a) an attractive and safe environment; and
- b) activity at pedestrian levels with active road frontages offering interest and engagement to shoppers and; and
- c) appropriate provision for car parking, pedestrian access and traffic circulation.

#### 21.1.2 Local Area Objectives

There are no local area objectives

#### 21.1.3 Desired Future Character Statements

There are no desired future character statements

### 21.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Business and professional services	
Food services	
General retail and hire	
Passive recreation	
Natural and cultural values management	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Bulky goods sales	Not for new garden and landscape suppliers or new timber yards
Hotel industry	
Research and development	
Residential	For buildings fronting onto Cecilia Street, Circassian, Quail Street and Pendrigh Place only on the second storey
Utilities	If for minor utilities
Visitor accommodation	

Vehicle fuel sales and service	
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Emergency services	
Community meeting & entertainment	
Educational and occasional care	
Residential	If for residential uses that were existing at the date of commencement of this planning scheme
Service industry	Must incorporate a shopfront for customer service and must not be for panel beating
Sport and recreation	
Transport depot and distribution	
Tourist operation	
Vehicle parking	
Utilities	If not for minor utilities
<b>Prohibited</b>	
All other uses	

## 21.3 Use Standards

### 21.3.1 Amenity

<p><b>Objective</b></p> <p>To ensure that the use of land is not detrimental to the amenity of the surrounding area in terms of noise, emissions, operating hours or transport.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Commercial vehicles (except for visitor accommodation and recreation) must only operate between 6.00am and 10.00pm Monday to Sunday.	P1 Commercial vehicles (except for visitor accommodation and recreation) must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, odour, dust and illumination.
A2 Noise levels at the boundary of the site with any adjoining land must not exceed: <ul style="list-style-type: none"> <li>a) 50dB(A) day time; and</li> <li>b) 40dB(A) night time; and</li> <li>c) 5dB(A) above background for intrusive noise.</li> </ul>	P2 Noise must not cause unreasonable loss of amenity to nearby sensitive uses.
A3 Use in the General Business Zone is not to rely on the provision of parking on roads within the General Residential Zone.	P3 No performance criteria.
A4 Use is not to result in an increase in traffic volumes on surrounding residential roads to more than 500 vehicles per day.	P4 If the use results in an increase in traffic levels on surrounding residential roads to more than 500 vehicles per day, residential amenity must not be lost.  Note: a traffic impact assessment in accordance with Clause E4.4 of the scheme is required to meet this clause.

## 21.4 Development Standards

### 21.4.1.1 Siting, Design and Built Form

<p><b>Objective</b></p> <p>To ensure that buildings are visually compatible with surrounding development.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 The entrance of a building must be: <ul style="list-style-type: none"> <li>a) clearly visible from the road or publically accessible areas on the site; and</li> <li>b) provide a safe access for pedestrians.</li> </ul>	P1 No performance criteria.
A2 Building height must not exceed: <ul style="list-style-type: none"> <li>a) 8m; or</li> <li>b) 1m greater than the average of the</li> </ul>	P2 Building height must: <ul style="list-style-type: none"> <li>a) be consistent with the local area objectives if any, and</li> </ul>



heights of buildings on immediately adjoining lots.	<p>b) have regard to the streetscape and the desirability of a greater setback for upper floors from the frontage; and</p> <p>c) avoid unreasonable levels of overshadowing to public places or adjoining properties.</p>				
<p>A3.1 Buildings must be:</p> <p>a) set back from the front boundary a minimum distance in accordance with Table 21.4.1 below; or</p> <p><b>Table 21.4.1 – front setback</b></p> <table border="1"> <tr> <td>Western side of Cecilia Street between Quail Street and Circassian Street</td> <td>8m</td> </tr> <tr> <td>All other areas</td> <td>2m</td> </tr> </table>	Western side of Cecilia Street between Quail Street and Circassian Street	8m	All other areas	2m	<p>P3 Building setbacks must:</p> <p>a) provide for enhanced levels of public interaction or public activity; and</p> <p>b) ensure the efficient use of the site; and</p> <p>c) be consistent with the established setbacks within the immediate area and the same zone; and</p> <p>d) be consistent with the local area objectives, if any; and</p> <p>e) provide for emergency vehicle access.</p>
Western side of Cecilia Street between Quail Street and Circassian Street	8m				
All other areas	2m				
A4 Existing verandahs, awnings and other building elements located on or over roads must be retained.	<p>P4 Removal of verandahs or awnings on or over a road must:</p> <p>a) establish there is a danger to public safety; or</p> <p>b) retention of the verandah or awning would not be in keeping with the streetscape.</p>				
A5 Existing building facades must not be covered with metal cladding.	P5 No performance criteria.				
A6 Additions or alterations to existing buildings must be in the same style, materials and colours as the existing building.	P6 Alterations and additions to existing buildings must maintain the original appearance features of the original building or improve the streetscape within the vicinity of the site.				
A7 The sale or display of goods must be within the boundaries of the site.	P7 The use of footpaths and roads for the sale or display of goods or the provision of services is not to interfere with pedestrian flow nor cause a safety hazard to pedestrians.				

#### 21.4.1.2 Provision of Infrastructure

Objective	
a) To ensure that development is provided with adequate and appropriate infrastructure and that the cost of providing infrastructure is not unnecessarily borne by the wider community.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 All development must be connected to the reticulated water supply.	P1 No performance criteria
A2 All development must be connected to the reticulated wastewater	P2 No performance criteria

	treatment system.		
A3	All power supplies are to be underground.	P3	No performance criteria.
A4	All run off from buildings must be directed into on-site water storage tanks and the overflow from the tanks disposed of into the Council maintained roadside drain or the reticulated stormwater system.	P4	Run off must be managed through integrated stormwater management techniques by means that will not cause soil erosion or flooding nuisance to adjoining lots.

21.4.2 Subdivision

<p><b>Objective</b></p> <p>Subdivision must ensure:</p> <ul style="list-style-type: none"> <li>a) maintenance of the complexity and diversity of the built environment and pedestrian connectivity; and</li> <li>b) that new lots have sufficient land area for the physical demands of allowable uses; and</li> <li>c) the intensive development of business centres for retailing and other complementary commercial, entertainment, residential and community uses; and</li> <li>d) each lot has appropriate frontage, access and services; and</li> <li>e) appropriate transition to adjoining zones, especially residential areas .</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1.1 Each lot must:</p> <ul style="list-style-type: none"> <li>a) have a minimum area of at least: <ul style="list-style-type: none"> <li>i) 270m<sup>2</sup>; and</li> </ul> </li> <li>b) be able to contain a 10.0m diameter circle with the centre of the circle not more than 5.0m from the frontage; or</li> <li>c) required for public use by the Crown, a an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>c) for the consolidation of a lot with another lot with no additional titles created; or</li> <li>d) to align existing titles with zone boundaries and no additional lots are created; or</li> <li>e) be for the provision of public utilities.</li> </ul>	<p>P1 Subdivision must:</p> <ul style="list-style-type: none"> <li>a) provide for each lot, sufficient useable area and dimensions to allow for: <ul style="list-style-type: none"> <li>i) the siting and construction of allowable premises; and</li> <li>ii) vehicles providing for supplies, waste removal and emergency services and public transport; and</li> </ul> </li> <li>b) demonstrate that the layout would not unduly prejudice the future use or development of the site or adjoining lots; and</li> <li>c) respect the existing neighbourhood character and respond to and integrate with the surrounding road network; and</li> <li>d) be consistent with the local area objectives, if any.</li> </ul>
<p>A2 Each lot must have a frontage of at least 5m.</p>	<p>P2 No performance criteria.</p>
<p>A3 Each lot must be connected to a:</p> <ul style="list-style-type: none"> <li>a) reticulated water supply; and</li> <li>b) reticulated sewerage system; and</li> <li>c) reticulated stormwater system.</li> </ul>	<p>P3 No performance criteria.</p>
<p>A4 Subdivision must not adjoin the general residential zone.</p>	<p>P4 The subdivision layout must be designed to mitigate environmental nuisance and loss of amenity having regard to:</p> <ul style="list-style-type: none"> <li>a) lot layout and design; and</li> <li>b) orientation; and</li> <li>c) access considerations; and</li> <li>d) topography or physical separation to surrounding sensitive land uses.</li> </ul>

## **22 Central Business Zone**

*This zone was not used in this planning scheme*

## **23 Commercial Zone**

*This zone was not used in this planning scheme*

## **24 Light Industrial Zone**

*This zone was not used in this planning scheme*

## 25 General Industrial Zone

### 25.1 Zone Purpose

#### 25.1.1 Zone Purpose Statements

25.1.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be impacts on neighbouring uses.

25.1.1.2 To focus industrial use and development into appropriate areas suitable for its needs.

25.1.1.3 To provide for 'non-industrial' uses that either support, supply or facilitate industrial development.

#### 25.1.2 Local Area Objectives

There are no local area objectives.

#### 25.1.3 Desired Future Character Statements

There are no desired future character statements

### 25.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Natural and cultural values management	If by an agency, or a corporation all the shares of which are held by Councils
Passive recreation	If by an agency, or a corporation all the shares of which are held by Councils
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Bulky goods sales	
Equipment and machinery sales and hire	
Recycling and waste disposal	
Resource processing	If not for animal saleyards or abattoir
Service industry	
Storage	
Manufacturing and processing	
Research and development	
Transport depot and distribution	
Utilities	If for minor utilities
Vehicle fuel sales and service	
Vehicle parking	

<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Crematoria and cemeteries	If for crematoria
Emergency services	
Food services	If for café or takeaway food premises
Motor racing facility	
Resource processing	If for animal saleyards or abattoir
Utilities	If not for minor utilities
<b>Prohibited</b>	
All other uses	

## 25.3 Use Standards

### 25.3.1 Emissions

<p><b>Objective</b></p> <p>To ensure that emissions to air, land and water are reduced to the greatest extent practicable in consideration of proximity to sensitive uses.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Use not listed in Table E11.1 Attenuation Distances or E11.2 Attenuation Distances for Sewerage Treatment Plants must be set back from sensitive uses a minimum distance of 100 metres.	P1 The use must not cause or be likely to cause an adverse impact to the amenity of sensitive uses through emissions including noise, smoke, odour, dust and illumination.
A2 All solid waste produced through processing or manufacturing operations on the site must be removed and disposed of:  (a) by a licensed waste removal operator; or  (b) in accordance with a management plan approved by the Environment Protection Authority.	P2 No performance criteria.

## 25.4 Development Standards

### 25.4.1 Building Design and Siting

<p><b>Objective</b></p> <p>To ensure that the site and layout, building design and form is visually compatible with</p>
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surrounding development.											
Acceptable Solutions	Performance Criteria										
A1 Building height must not exceed: a) 10.0m.	P1 Building height must: a) be complementary to the streetscape immediately surrounding the site; and b) avoid unreasonable levels of shading to the road, public places or adjoining properties.										
A2 Buildings must be set back a minimum distance of 3m from a frontage.	P2 The proposal must be: a) in keeping with or enhances the streetscape character; and b) consistent with the local area objectives, if any.										
A3 Buildings must be set back from side and rear boundaries a minimum distance of 3m.	P3 The setback to the side and rear boundary must: a) provide adequate access to the site; and b) not result in unreasonable loss of amenity to the occupiers of adjoining uses having regard to the: a) bulk and form of the building; and b) impact on the solar access of habitable room windows and private open space; and c) size and proportions of the lot; and d) extent to which the slope, retaining walls, fences or existing vegetation screening reduce or increase the impact of the proposed variation.										
A4 Site coverage must be as follows  <table border="1"> <thead> <tr> <th>Lot Area m2</th> <th>Maximum site coverage %</th> </tr> </thead> <tbody> <tr> <td>&lt;1000</td> <td>50</td> </tr> <tr> <td>1001-1500</td> <td>55</td> </tr> <tr> <td>1501-2500</td> <td>60</td> </tr> <tr> <td>&gt;2501</td> <td>65</td> </tr> </tbody> </table>	Lot Area m2	Maximum site coverage %	<1000	50	1001-1500	55	1501-2500	60	>2501	65	P4 Where buildings must be sited so as to: a) provide sufficient space for all infrastructure and service needs, and b) avoid unnecessary visual intrusion into surrounding areas.
Lot Area m2	Maximum site coverage %										
<1000	50										
1001-1500	55										
1501-2500	60										
>2501	65										
A5 Storage areas must be at the rear of buildings or not visible from any road or public place.	P5 Where storage is provided at the side of buildings it must be screened from roads and from residents in adjoining zones.										
A6 Where walls of more than 8m in height are required for adequate internal clearance, a lower level office or veranda treatment must be used at the	P6 Buildings must have a solid appearance and present an attractive facade to the road.										

	frontage.		
A7	Metal, masonry, glazing or timber must be used on external walls facing roads or driveways. Natural earthy colours must be used on the exterior surfaces of buildings.	P7	Buildings must blend with the existing landscape and streetscape.

#### 25.4.1.2 Infrastructure Services

Objective			
(a) To ensure that appropriate arrangements are made for the disposal of effluent and stormwater from sites.			
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
A1	All development must be connected to the reticulated water supply.	P1	No performance criteria
A2	All development must be connected to the reticulated wastewater treatment system.	P2	In unserved areas all development must be connected to an accredited system under the Tasmanian Plumbing Code.
A3	All power supplies are to be underground.	P3	No performance criteria.
A4	All run off from buildings must be directed into on-site water storage tanks and the overflow from the tanks disposed of into the Council maintained roadside drain or the reticulated stormwater system.	P4	Run off must be managed through integrated stormwater management techniques by means that will not cause soil erosion or flooding nuisance to adjoining lots.

#### 25.4.1.3 Landscaping

Objective:			
Landscaping is intended to:			
(a) form an integral part of developments;			
(b) enhance the appearance of developments;			
(c) provide screening of developments;			
(d) separate incompatible activities;			
(e) assist in the control of run-off and erosion;			
(f) contribute to a reduction in noise levels; and			
(g) define pedestrian and vehicle circulation systems.			
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>	
A1	A minimum of 10% of the site must be landscaped.	P1	Landscaping must achieve the following; <ul style="list-style-type: none"> <li>a) The development is screened;</li> <li>b) incompatible activities are separated;</li> <li>c) pedestrian and vehicle circulation</li> </ul>

			systems are defined.
A2	Plants as listed in Appendix 3 must not be used in landscaping.	P2	No performance criteria.

25.4.2 Subdivision

<p>Objective</p> <p>To ensure that subdivision:</p> <p>a) provides appropriate lot area and dimensions; and</p> <p>b) provides each lot with appropriate access and services; and</p> <p>c) does not compromise the sustainable development of adjoining properties.</p>	
Acceptable Solutions	Performance Criteria
<p>A1.1 Each lot must:</p> <p>a) have a minimum area of at least:</p> <p>i) 1000m<sup>2</sup>; or</p> <p>ii) the area specified in a table to this zone; and</p> <p>b) be able to contain a 20m diameter circle; or</p> <p>c) be required for public use by the Crown, a an agency, or a corporation all the shares of which are held by Councils or a municipality; or</p> <p>c) be for the consolidation of a lot with another lot with no additional titles created; or</p> <p>d) be to align existing titles with zone boundaries and no additional lots are created; or</p> <p>e) be for the provision of public utilities; and</p> <p>A1.2 Lots must have new boundaries aligned from buildings that satisfy the relevant Acceptable Solutions for setbacks.</p>	<p>P1 Subdivision must:</p> <p>a) provide for each lot, sufficient useable area and dimensions to allow for:</p> <p>i) the likely parking demand for industrial premises; and</p> <p>ii) vehicles providing for supplies, waste removal, emergency services and public transport; and</p> <p>b) demonstrate that the layout would not unduly prejudice the future use or development of the subject or adjoining land; and</p> <p>c) have regard to:</p> <p>i) the topographical or natural features of the site; and</p> <p>ii) potential to provide buffering; and</p> <p>iii) any features of natural or cultural significance; and</p> <p>iv) the presence of any natural hazards; and</p> <p>v) the nature of surrounding development; and</p> <p>d) be consistent with the local area objectives, if any.</p>
<p>A2 Each lot must have a frontage of at least 20m.</p>	<p>P2 Subdivision must provide appropriate, permanent access by a Right of Carriageway registered over all relevant titles.</p>
<p>A3 Subdivision does not adjoin the general residential, village, low density residential, urban mixed use, environmental living and rural living zones.</p>	<p>P3 The subdivision layout must be designed to mitigate adverse environmental impacts and minimise potential for nuisance or loss of amenity having regard to:</p> <p>a) lot layout and design; and</p> <p>b) orientation; and</p> <p>c) access considerations; and</p> <p>d) topography; and</p>

	<ul style="list-style-type: none"> <li>e) the need for landscape buffers; and</li> <li>f) separation to surrounding sensitive land uses.</li> </ul>
<p>A4 Each lot must be connected to a reticulated:</p> <ul style="list-style-type: none"> <li>a) water supply; and</li> <li>b) sewerage system.</li> </ul>	<p>P4 Each new lot created must be:</p> <ul style="list-style-type: none"> <li>a) in a locality for which reticulated services are not available or capable of being connected; and</li> <li>b) capable of accommodating an on-site wastewater management system.</li> </ul>
<p>A5 Each lot must be connected to a reticulated stormwater system.</p>	<p>P5 Stormwater must be discharged from the site in a manner that will not cause an environmental nuisance, and that prevents erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to:</p> <ul style="list-style-type: none"> <li>a) the intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); and</li> <li>b) how the additional runoff and intensity of runoff that will be created by the subdivision for a storm event of 1% Annual Exceedance Probability, will be released at levels that are the same as those identified at the pre-development levels of the subdivision; and</li> <li>c) whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; and</li> <li>d) overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.</li> </ul>

## 26 Rural Resource Zone

### 26.1 Zone Purpose

#### 26.1.1 Zone Purpose Statements

- 26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.
- 26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.
- 26.1.1.3 To provide for economic development that is compatible with primary industry, environmental and landscape values.
- 26.1.1.4 To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.

#### 26.1.2 Local Area Objectives

<p>1) Primary Industries:</p> <p>Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.</p> <p>The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context.</p> <p>Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.</p> <p>2) Tourism</p> <p>Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.</p> <p>The rural zone provides for important regional and local tourist routes and destinations such as through the promotion of environmental features and values, cultural heritage and landscape. The continued enhancement of tourism facilities that capitalise on these attributes is supported where the long-term sustainability of primary industry resources is not unduly compromised.</p> <p>3) Rural Communities</p> <p>Services to the rural locality through provision for home-based business can enhance the sustainability of rural communities. Professional and other business services that meet the needs of rural populations are supported where they accompany a residential or other established use and are located appropriately in relation to settlement activity centres and surrounding primary industries such that the integrity of the activity centre is not undermined and primary industries are not unreasonably confined or restrained.</p>
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#### 26.1.3 Desired Future Character Statements

The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.	
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## 26.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Natural and cultural values management	
Passive recreation	
Resource development	If not for: a) plantation forestry on prime agricultural land; or b) controlled environment agriculture on prime agricultural land; or c) intensive animal husbandry on prime agricultural land; or d) a dwelling;
Utilities	If for existing uses and the curtilage does not increase by more than 30% as at the effective date and not located on prime agricultural land
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Business and professional services	If for a veterinary centre or similar specialist animal breeding or care services
Domestic animal breeding, boarding or training	If not on prime agricultural land
Community meeting & entertainment	If for existing premises used for public purposes
Crematoria and cemeteries	If for crematoria and not on prime agricultural land
Extractive industries	If not: a) located on prime agricultural land or; b) for a Level 2 Activity
Food services	If for existing uses and the curtilage does not increase by more than 30% as at the effective date
Hotel industry	If for existing uses and the curtilage does not increase by more than 30% as at the effective date
Residential	If for existing uses or home-based business in an existing dwelling
Resource development	If not for: a) plantation forestry on prime agricultural land; or b) controlled environment agriculture on prime agricultural land, unless dependent upon the soil as a growth medium; or c) intensive animal husbandry on prime agricultural land.

Resource processing	If directly associated with produce from the subject site
Sports and recreation	If for existing uses and the curtilage does not increase by more than 30% as at the effective date
Visitor accommodation	If for existing uses and the curtilage does not increase by more than 30% as at the effective date
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Educational and occasional care	If providing education services for the resource development use class
Emergency Services	
Extractive industries	If located on prime agricultural land, or If for a Level 2 Activity
Food services	If: a. not for existing uses or b. the curtilage increases by more than 30% as at the effective date
Hotel industry	If for: a) existing uses and the curtilage increases by more than 30% as at the effective date; or b) cellar door sales, micro-breweries or micro-distilleries
Motor racing facility	If not a new facility on prime agricultural land
Recycling and waste disposal	
Residential	If for single dwelling or home based business
Research and development	If directly associated with resource development
Resource development	If: a) for controlled environment agriculture or intensive animal husbandry on prime agricultural land; or b) not for plantation forestry on prime agricultural land.
Resource processing	If not directly associated with produce from the subject site
Service industry	
Sports and recreation	If: a) not for existing uses or b) the curtilage increases by more than 30% as at the effective date
Tourist operation	
Transport depot	
Utilities	If:



	<ul style="list-style-type: none"> <li>a) for existing uses on prime agricultural land; or</li> <li>b) not for existing uses; or</li> <li>c) the curtilage increases by more than 30% as at the effective date.</li> </ul>
Vehicle fuels sales and service	
Visitor accommodation	<ul style="list-style-type: none"> <li>If:</li> <li>a) not for existing uses or</li> <li>b) the curtilage increases by more than 30% as at the effective date</li> </ul>
<b>Prohibited</b>	
All other uses	

## 26.3 Use Standards

### 26.3.1 Discretionary Uses if not a single dwelling

Objective	
<ul style="list-style-type: none"> <li>a) To provide for an appropriate mix of uses that support the Local Area Objectives and the location of discretionary uses in the rural resources zone does not unnecessarily compromise the consolidation of commercial and industrial uses to identified nodes of settlement or purpose built precincts.</li> <li>b) To protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated.</li> <li>c) To minimise the conversion of non-prime land to a non-primary industry use except where that land cannot be practically utilised for primary industry purposes.</li> <li>d) Uses are located such that they do not unreasonably confine or restrain the operation of primary industry uses.</li> <li>e) Uses are suitable within the context of the locality and do not create an unreasonable adverse impact on existing sensitive uses or local infrastructure.</li> <li>f) The visual impacts of use are appropriately managed to integrate with the surrounding rural landscape.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 If for permitted or no permit required uses.	<p>P1.1 It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and</p> <p>P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m<sup>2</sup> over the site.</p>

<p>A2 If for permitted or no permit required uses.</p>	<p>P2.1 Utilities, extractive industries and controlled environment agriculture located on prime agricultural land must demonstrate that the:</p> <ul style="list-style-type: none"> <li>i) amount of land alienated/converted is minimised; and</li> <li>ii) location is reasonably required for operational efficiency; and</li> </ul> <p>P2.2 Uses other than utilities, extractive industries or controlled environment agriculture located on prime agricultural land, must demonstrate that the conversion of prime agricultural land to that use will result in a significant benefit to the region having regard to the economic, social and environmental costs and benefits.</p>
<p>A3 If for permitted or no permit requires uses.</p>	<p>P3 The conversion of non-prime agricultural to non-agricultural use must demonstrate that:</p> <ul style="list-style-type: none"> <li>a) the amount of land converted is minimised having regard to: <ul style="list-style-type: none"> <li>i) existing use and development on the land; and</li> <li>ii) surrounding use and development; and</li> <li>iii) topographical constraints; or</li> </ul> </li> <li>b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, due to factors such as: <ul style="list-style-type: none"> <li>i) limitations created by any existing use and/or development surrounding the site; and</li> <li>ii) topographical features; and</li> <li>iii) poor capability of the land for primary industry; or</li> </ul> </li> <li>c) the location of the use on the site is reasonably required for operational efficiency.</li> </ul>
<p>A4 If for permitted or no permit required uses.</p>	<p>P4 It must demonstrated that:</p> <ul style="list-style-type: none"> <li>a) emissions are not likely to cause an environmental nuisance; and</li> <li>b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and</li> <li>c) the capacity of the local road network can accommodate the traffic generated by the use.</li> </ul>

<p>A5 The use must:</p> <p>a) be permitted or no permit required; or</p> <p>b) be located in an existing building.</p>	<p>P5 It must be demonstrated that the visual appearance of the use is consistent with the local area having regard to:</p> <p>a) the impacts on skylines and ridgelines; and</p> <p>b) visibility from public roads; and</p> <p>c) the visual impacts of storage of materials or equipment; and</p> <p>d) the visual impacts of vegetation clearance or retention; and</p> <p>e) the desired future character statements.</p>
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26.3.2 Dwellings

<p><b>Objective</b></p> <p>To ensure that dwellings are:</p> <p>a) incidental to resource development; or</p> <p>b) located on land with limited rural potential where they do not constrain surrounding agricultural operations.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1.1 Development must be for the alteration, extension or replacement of existing dwellings; or</p> <p>A1.2 Ancillary dwellings must be located within the curtilage of the existing dwelling on the property; or</p> <p>A1.3 New dwellings must be within the resource development use class and on land that has a minimum current capital value of \$1 million as demonstrated by a valuation report or sale price less than two years old.</p>	<p>P1.1 A dwelling may be constructed where it is demonstrated that:</p> <p>a) it is integral and subservient to resource development, as demonstrated in a report prepared by a suitably qualified person, having regard to:</p> <p>i) scale; and</p> <p>ii) complexity of operation; and</p> <p>iii) requirement for personal attendance by the occupier; and</p> <p>iv) proximity to the activity; and</p> <p>v) any other matters as relevant to the particular activity; or</p> <p>b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, having regard to:</p> <p>i) limitations created by any existing use and/or development surrounding the site; and</p> <p>ii) topographical features; and</p> <p>iii) poor capability of the land for primary industry operations (including a lack of capability or other impediments); and</p> <p>P1.2 A dwelling may be constructed where it is</p>

	demonstrated that wastewater treatment for the proposed dwelling can be achieved within the lot boundaries, having regard to the rural operation of the property and provision of reasonable curtilage to the proposed dwelling.
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### 26.3.3 Irrigation Districts

<p><b>Objective</b></p> <p>To ensure that land within irrigation districts proclaimed under Part 9 of the <i>Water Management Act 1999</i> is not converted to uses that will compromise the utilisation of water resources.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Non-agricultural uses are not located within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i> .	P1 No performance criteria;

## 26.4 Development Standards

### 26.4.1 Building Location and Appearance

<p><b>Objective</b></p> <p>To ensure that the:</p> <p>a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and</p> <p>b) development of buildings is unobtrusive and complements the character of the landscape.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Building height must not exceed: <ul style="list-style-type: none"> <li>a) 8m for dwellings; or</li> <li>b) 12m for other purposes.</li> </ul>	P1 Building height must: <ul style="list-style-type: none"> <li>a) be unobtrusive and complement the character of the surrounding landscape; and</li> <li>b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal.</li> </ul>
A2 Buildings must be set back a minimum of: <ul style="list-style-type: none"> <li>a) 50m where a non sensitive use or extension to existing sensitive use buildings is proposed; or</li> <li>b) 200m where a sensitive use is proposed; or</li> <li>c) the same as existing for replacement of an existing dwelling.</li> </ul>	P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to: <ul style="list-style-type: none"> <li>a) the topography of the land; and</li> <li>b) buffers created by natural or other features; and</li> <li>c) the location of development on adjoining lots; and</li> <li>d) the nature of existing and potential</li> </ul>

	<p>adjoining uses; and</p> <p>e) the ability to accommodate a lesser setback to the road having regard to:</p> <p>i) the design of the development and landscaping; and</p> <p>ii) the potential for future upgrading of the road; and</p> <p>iii) potential traffic safety hazards; and</p> <p>iv) appropriate noise attenuation.</p>
A3 Where a development is part of a larger complex, each component of the development must be connected by walking tracks.	P3 No performance criteria.

26.4.2 Subdivision

<p>Objective</p> <p>To ensure that subdivision is only to:</p> <p>a) improve the productive capacity of land for resource development and extractive industries; or</p> <p>b) enable subdivision for environmental and cultural protection or resource processing where compatible with the zone; or</p> <p>c) facilitate use and development for allowable uses by enabling subdivision subsequent to appropriate development.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Lots must be:</p> <p>a) for the provision of utilities and is required for public use by the Crown, public authority or a municipality; or</p> <p>b) for the consolidation of a lot with another lot with no additional titles created; or</p> <p>c) to align existing titles with zone boundaries and no additional lots are created.</p>	<p>P1 Each lot must have:</p> <p>a) an area of at least 100ha; and</p> <p>b) frontage of at least 20m and a minimum inscribed circle of at least 20m metres diameter; and</p> <p>c) the ability to contain and treat waste water and stormwater onsite; or</p>
A2 Subdivision of prime agricultural land is not allowed.	P2 No performance criteria.
A3 All new lots must be located a minimum of 1km from High Water Mark, except for those lots that are required for the crown, public authority or a municipality.	P3 No performance criteria

26.4.3 Tourist Operations

<p>Objective</p> <p>a) To ensure that the development of tourist facilities enhances and supports the tourism</p>
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resources of the Municipality.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1 A tourist operation must have regard to:-</p> <ul style="list-style-type: none"> <li>a) The character of the area surrounding the site and the ability for the operation to fit within that character,</li> <li>b) Potential for conflict with other tourist operations in the vicinity of the site, and</li> <li>c) ensuring the values associated with those existing attractions that are located within the vicinity of the proposed tourism operation are maintained.</li> </ul>

## **27      Significant Agricultural Zone**

*This zone was not used in this planning scheme.*

## 28 Utilities Zone

### 28.1 Zone Purpose

#### 28.1.1 Zone Purpose Statements

28.1.1.1 To provide land for major utilities installations and corridors.

28.1.1.2 To provide for other compatible uses where they do not adversely impact on the utility.

#### 28.1.2 Local Area Objectives

There are no local area objectives.

#### 28.1.3 Desired Future Character Statements

There are no desired future character statements.

### 28.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Natural and cultural values management	
Utilities	If for minor utilities
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Recycling and waste disposal	Not at the St Helens airport
Transport depot and distribution	If a bus terminal or taxi depot/stand or railway station within the road/rail corridor If for an airport
Utilities	If not for minor utilities
Vehicle parking	If a 'park and ride' facility
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Passive recreation	
<b>Prohibited</b>	
All other uses	



## 28.3 Use Standards

### 28.3.1 Capacity of existing utilities

Objective	
To ensure that uses do not compromise the capacity of utility services.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	<p>P1 The proposal must not unreasonably compromise or reduce the operational efficiency of the utility having regard to:</p> <ul style="list-style-type: none"> <li>a) existing land use practices; and</li> <li>b) the location of the use in relation to the utility; and</li> <li>c) any required buffers or setbacks; and</li> <li>d) the management of access.</li> </ul>

## 28.4 Development Standards

### 28.4.1 Building Design and Siting

Objective	
To ensure that the siting and design of development:	
<ul style="list-style-type: none"> <li>a) considers the impacts to adjoining lots; and</li> <li>b) furthers the local area objectives and desired future character statements for the area, if any.</li> </ul>	
Acceptable Solutions	Performance Criteria
<p>A1 Height must not exceed:</p> <ul style="list-style-type: none"> <li>a) 10m; or</li> <li>b) 15 m for ancillary antenna and masts for communication devices,.</li> </ul>	<p>P1.1 Height must:</p> <ul style="list-style-type: none"> <li>a) minimise the visual impact having regard to: <ul style="list-style-type: none"> <li>i) prevailing character of the landscape or urban pattern of the surrounding area; and</li> <li>ii) form and materials; and</li> <li>iii) the contours or slope of the land; and</li> <li>iv) existing screening or the ability to implement/establish screening through works or landscaping; and</li> <li>v) The functional requirements of the proposed development or use; and</li> </ul> </li> <li>b) protect the amenity of residential uses in the area from unreasonable impacts having regard to: <ul style="list-style-type: none"> <li>i) the surrounding pattern of</li> </ul> </li> </ul>

	<p>development; and</p> <ul style="list-style-type: none"> <li>ii) the existing degree of overlooking and overshadowing; and</li> <li>iii) methods to reduce visual impact; or</li> </ul> <p>P1.2 Where development is unavoidably prominent in the landscape, it must provide a significant community benefit.</p>
<p>A2 Buildings must be set back from all boundaries a minimum distance of 3m.</p>	<p>P2 Building setbacks must:</p> <ul style="list-style-type: none"> <li>a) complement existing building setbacks in the immediate area; and</li> <li>b) minimise adverse impacts on adjoining land uses having regard to: <ul style="list-style-type: none"> <li>i) the form of the building; and</li> <li>ii) the contours or slope of the land; and</li> <li>iii) methods to reduce visual impact; and</li> </ul> </li> <li>c) protect the amenity of adjoining residential uses from unreasonable impacts of overshadowing and overlooking having regard to: <ul style="list-style-type: none"> <li>i) the surrounding pattern of development; and</li> <li>ii) the existing degree of overlooking and overshadowing; and</li> <li>iii) methods to reduce overlooking and overshadowing.</li> </ul> </li> </ul>

28.4.2 Subdivision

Objective	
<p>a) To ensure that land is available for public and private utility services; and</p> <p>b) To further the local area objectives and desired future character statements for the area, if any.</p>	
Acceptable Solutions	Performance Criteria
A1 Subdivision must be for a utility use.	<p>P1.1 Subdivision must:</p> <p>a) be required for public use by the Crown, public authority or a Council; or</p> <p>b) be a combined application for subdivision and subsequent development and use of the land; and</p> <p>P1.2 Subdivision must have regard to:</p> <p>a) the topographical or natural features of the site; and</p> <p>b) the pattern of existing development; and</p> <p>c) the ability of vegetation to provide buffering; and</p> <p>d) any features of natural, historical or cultural significance; and</p> <p>e) the presence of any natural hazards; and</p> <p>f) to the local area objectives and desired future character statements for the zone, if any; and</p> <p>P1.3 Subdivision must provide services appropriate to the intended use.</p>
A2 The lot must have a minimum frontage of 3.6m.	P2 Subdivision must provide appropriate, permanent access by a right of carriageway registered over all relevant titles.

## 29 Environmental Management Zone

### 29.1 Zone Purpose

#### 29.1.1 Zone Purpose Statements

29.1.1.1 To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.

29.1.1.2 To only allow for complementary use or development where consistent with any strategies for protection and management.

#### 29.1.2 Local Area Objectives

There are no local area objectives.

#### 29.1.3 Desired Future Character Statements

There are no desired future character statements.

### 29.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Natural and cultural values management	
Passive recreation	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Pleasure boat facility	If not for a marina
Utilities	If for minor utilities
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Emergency services	
Extractive industry	If for existing uses as at the date of commencement of this planning scheme or if located at CT 228670/1
Pleasure boat facility	If for a marina and only in Georges Bay
Residential	If for additions or alterations to existing buildings.
Resource development	If for existing uses and the curtilage does not increase by more than 30% as at the effective date
Sports and recreation	
Tourist operation	
Utilities	If not for minor utilities
Visitor accommodation	Only on land owned by the Crown or to convert existing an existing dwelling

<b>Prohibited</b>	
All other uses	

## 29.3 Use Standards

### 29.3.1 Reserved Land

Objective	
To ensure that development recognises and reflects relevant values of land reserved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i> .	
Acceptable Solutions	Performance Criteria
A1 Use on reserved land is in accordance with a Reserve Activities Assessment approved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i> .	P1 No performance criteria.

## 29.4 Development Standards

### 29.4.1 Building Design and Siting

Objective	
To ensure that the design and siting of buildings responds appropriately to the natural values of the site and causes minimal disturbance to the environment.	
Acceptable Solutions	Performance Criteria
A1 The curtilage for development must: <ul style="list-style-type: none"> <li>a) not exceed 20% of the site; or</li> <li>b) be in accordance with a Reserve Activities Assessment approved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i>..</li> </ul>	P1 An area greater than 20% of the site may be used where the development is for a driveway or for the management of natural hazards.
A2 Building height must: <ul style="list-style-type: none"> <li>a) not exceed 6m; or</li> <li>b) be in accordance with a Reserve Activities Assessment approved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i>..</li> </ul>	P2 Building height must blend with the surrounding landscape and not be individually prominent.
A3 Buildings must be set back <ul style="list-style-type: none"> <li>a) a minimum of 10m to all boundaries; or</li> <li>b) in accordance with a Reserve Activities Assessment approved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i>..</li> </ul>	P3 Building setback must protect the natural values of the site or reduce the risk from natural hazards.

<p>A4 Buildings for a sensitive use must be set back a minimum of 200m to the rural resource zone.</p>	<p>P4 Buildings for sensitive use must be designed and sited to protect uses in the rural resource zone from likely constraint, having regard to the:</p> <ul style="list-style-type: none"> <li>a) locations of existing buildings; and</li> <li>b) size and proportions of the lot; and</li> <li>c) nature of the rural resources that are, or may potentially be conducted; and</li> <li>d) extent to which the topography or existing vegetation screening may reduce or increase the impact of the proposed variation.</li> </ul>
<p>A5 The colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements.</p>	<p>P5 No Performance criteria</p>
<p>A6 Reflective materials, excluding windows, must not be used as visible external elements in buildings.</p>	<p>P6 Reflective materials, excluding windows, with a high initial reflectivity must become non reflective within a period of 12 months from the date of installation or that the reflective materials will not be visible from off the site.</p>
<p>A7 On sites with a slope greater than 1:10, site benching through cut and fill must be less than 20% of the site coverage of the proposed building(s).</p>	<p>P7 On sites with a slope greater than 1:10, site benching through cut and fill greater than 20% of the site coverage of the proposed building(s) must ensure the site works are appropriate to the physical and environmental capabilities of the site having regard to:-</p> <ul style="list-style-type: none"> <li>d) The risk of erosion, and</li> <li>e) The stability of the land, and</li> <li>f) The visual impact of the building on adjoining sites.</li> </ul>
<p>A8 Rainwater runoff from roofs must be collected by means of roof guttering, downpipes and rainwater tanks.</p>	<p>P8 Alternative methods of dealing with rainwater runoff from roofs must avoid erosion, flooding, siltation, pollution or contamination of ground or surface waters.</p>
<p>A9 Exterior building lighting is limited to that necessary to allow safe and secure movement of pedestrians and to allow movement around the building at night. Lighting must not be used as a means of displaying the presence of buildings to be visible from outside the site.</p>	<p>P6 Additional lighting must be in a location and an amount that is appropriate to the needs of pedestrians and other building users and does not make the building visible from outside the site boundaries.</p>

<p>A10 Where a development is part of a larger complex, each component of the development must be connected by walking tracks.</p>	<p>P7 No performance criteria.</p>
<p>A11 Single unbroken walls are not to exceed 15m in length.</p>	<p>P8 The horizontal scale of elements must not dominate natural landscapes.</p>
<p>A12 Roofs must be:</p> <ul style="list-style-type: none"> <li>c) pitched at an angle of less than 30 degrees and can be either hipped or gabled, or</li> <li>d) curved at radius no greater than 12.5m.</li> </ul>	<p>P9 Rooves pitched at angles greater than 30 degrees or curved at a radius greater than 12.5m must have a roof form that is appropriate to the features of the site and surrounding landscape and is compatible with the overall design concept of the development.</p>

29.4.2 Landscaping

<p><b>Objective</b></p> <p>To ensure that the natural values of the site are retained in a manner that contributes to the broader landscape of the area.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 If for permitted or no permit required uses.</p>	<p>P1 Development must be accompanied by a landscape and site management plan that sets out how the entire site will be managed having regard to:</p> <ul style="list-style-type: none"> <li>a) any retaining walls; and</li> <li>b) retaining any existing native vegetation where it is feasible to do so or required to be retained by another provision of this scheme; and</li> <li>c) the locations of any proposed buildings, driveways, car parking, storage areas, signage and utility services; and</li> <li>d) any fencing; and</li> <li>e) vegetation plantings to be used and where; and</li> <li>f) any pedestrian movement paths; and</li> <li>g) ongoing treatment of the balance of the lot, if any, including maintenance of plantings, weed management and soil and water management.</li> </ul>
<p>A2 Development must be located on land on which the natural vegetation cover has been removed or significantly disturbed.</p>	<p>P2 New development must be located in a manner that minimises vegetation removal.</p>
<p>A3 All new plantings must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site</p>	<p>P3 Where seeds or rootstock derived from provenance taken within the boundaries of the site is insufficient for the landscaping needs, seeds or rootstock may be used from other lots within the municipal area.</p>
<p>A4 Plants listed in Appendix 3 must not be used in landscaping.</p>	<p>P5 No performance criteria</p>



### 29.4.3 Subdivision

Objective	
To ensure that subdivision:	
a) is appropriate to the protection of the natural values identified on the subject land; and	
b) provides for the intended use of the lots.	
Acceptable Solutions	Performance Criteria
A1 Subdivision must be: a) for the consolidation of a lot with another lot with no additional titles created; or b) to align existing titles with zone boundaries and no additional lots are created.	P1 The lots must be used for: a) utilities; or b) in accordance with a Reserve Activities Assessment approved under the <i>National Parks and Reserves Management Act 2002</i> ; or c) use by the public under the <i>Crown Lands Act 1976</i> ; or d) a purpose that is consistent with the local area objectives , if any.
A2 The lot must have a minimum frontage of 3.6m.	P2 No performance criteria.
A3 No Acceptable Solutions.	P3 Any lot created for building purposes must be: a) of sufficient size to allow for on-site disposal of any waste water if reticulated services are unavailable to the lot; or b) connected to reticulated services where available and needed for the development.

### 29.4.4 Provision of Infrastructure

Objective	
a) To ensure that development is provided with adequate and appropriate infrastructure and that the cost of providing infrastructure is not unnecessarily borne by the wider community.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution	P1 New roads must be designed to ensure safe movement of vehicles and pedestrians and that native wildlife is protected.
A2 Footpaths and trails must be a minimum of:- a) 1m wide for walking trails. b) 1.5m wide where required for wheelchair access	P2 Footpaths and trails must be sensitively located to take advantage of landscape features without interfering with natural drainage patterns or water catchment areas.

29.4.5 Tourist Operations

Objective	
a) To ensure that the development of tourist facilities enhances and supports the tourism resources of the Municipality.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 No acceptable solution.	<p>P1 A tourist operation must have regard to:-</p> <ul style="list-style-type: none"> <li>a) The character of the area surrounding the site and the ability for the operation to fit within that character,</li> <li>b) Potential for conflict with other tourist operations in the vicinity of the site, and</li> <li>c) ensuring the values associated with those existing attractions that are located within the vicinity of the proposed tourism operation are maintained.</li> </ul>

## **30 Major Tourism Zone**

*This zone was not used in this planning scheme*

## 31 Port and Marine Zone

### 31.1 Zone Purpose

#### 31.1.1 Zone Purpose Statements

31.1.1.1 To provide for port and marine activity related to shipping and other associated transport facilities and supply and storage.

#### 31.1.2 Local Area Objectives

To provide for other uses that support, supply or facilitate port and/or marine activity.

To ensure that buildings are sympathetic to the existing character.

#### 31.1.3 Desired Future Character Statements

There are no desired future character statements.

### 31.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Utilities	If for minor utilities
Natural and cultural values management	
Passive recreation	
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Emergency services	If for additions to buildings existing as at the date of commencement of this planning scheme and not south of the Golden Fleece Bridge
Pleasure boat facility	
Port and shipping	
Tourist operation	If for marine, aquatic or aviation based operations and not south of the Golden Fleece Bridge
Utilities	If not for minor utilities
Vehicle parking	Not south of the Golden Fleece Bridge
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Food services	Not south of the Golden Fleece Bridge
Tourist operation	If not for marine, aquatic or aviation based operations and only for Visitor Information services and not south of the Golden Fleece Bridge
Utilities	
<b>Prohibited</b>	

All other uses	
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### 31.3 Use Standard

#### 31.3.1 Emissions

<p>Objective</p> <p>To ensure that emissions are contained within the site or are managed in such a way as to not cause a loss of amenity to surrounding sensitive uses or impact detrimentally on the environment.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 All waste materials and by-products produced through operations on the site must:</p> <p>a) where stored on site, be in a covered building with connection to reticulated waste and storm water services; or</p> <p>b) be removed and disposed of in accordance with a management plan approved by the Environment Protection Authority; or</p> <p>c) be removed and disposed of by a licensed waste removal operator or disposed of in an approved land fill.</p>	<p>P1 A waste management plan demonstrates how the storage and on-site handling of waste and by-products of the activity will be managed to:</p> <p>a) minimise impacts to the environment; and</p> <p>b) contain and treat emissions from the materials being held or stockpiled on the site (particularly waste and storm water); and</p> <p>c) prevent views of the subject materials from outside of the site.</p>

#### 31.3.2 Amenity

<p>Objective</p> <p>To ensure:</p> <p>(a) recognition is provided for the reasonable impacts of the allowed uses within the zone and to surrounding zones; and</p> <p>(b) use in the zone does not significantly impact on the amenity of sensitive uses in adjoining zones.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Use must be setback at least 50m from the boundary of the General Residential zone or a sensitive use in other zones.</p>	<p>P1 Use must not cause unreasonable disturbances or loss of amenity to sensitive uses in adjoining zones.</p>
<p>A2 Outside storage areas must be screened from adjacent roads and properties.</p>	<p>P2 Outside storage areas must not cause loss of amenity through unsightly appearance of storage areas.</p>

## 31.4 Development Standards

### 31.4.1 Building Appearance and Streetscape Character

<p><b>Objective</b></p> <p>To ensure that building appearance from roads is visually compatible with surrounding development and maintains amenity.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Building height must not exceed 10m.	P1 Building height must be consistent with the local area objectives, if any.
A2 All buildings and storage areas must be setback a minimum of 10m from the frontage.	P2 Buildings and storage areas must be setback to be consistent with the local area objectives, if any.
A4 Storage areas must not be located between the building and the frontage.	P4 Storage areas are sited and designed in a manner that will not have an adverse impact on visual amenity.

### 31.4.2 Environmental Impacts

<p><b>Objective</b></p> <p>To ensure that the environmental impacts are regulated to minimise off-site impacts to adjoining areas and they are managed in accordance with environmental best practice.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 All wastewater must be disposed of into a reticulated sewerage system.	P1 All wastewater is treated by an on-site system suitable to the nature and volume of the discharges generated by the activity.
A2 All stormwater from hardstand areas must be directed to Council's reticulated stormwater system.	P2 Surface water from hardstand areas (excluding pontoons, jetties and marinas) is treated to minimise pollution to receiving environments.
A3 If for permitted or no permit required uses.	P3 A plan for managing by-products and wastes demonstrates how impacts to the environment will be minimised.
A4 The development is for the redevelopment of an existing marina or slipway facility.	P4 The marina or slipway is: <ul style="list-style-type: none"> <li>a) located in an area characterised by other structures such as jetties, ramps and boatsheds; and</li> <li>b) consistent with the local area objectives, if any.</li> </ul>
A5 Non-domestic marinas provide at least one wastewater pump out facility.	P5 No performance criteria.

### 31.4.3 Subdivision

<p><b>Objective</b></p> <p>To ensure that the subdivision of land allows for the siting and design of development consistent with the intended function of the facility and its location.</p>
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Acceptable Solutions	Performance Criteria
<p>A1.1 Each lot must:</p> <ul style="list-style-type: none"> <li>a) have a minimum area of at least: <ul style="list-style-type: none"> <li>i) 2000m<sup>2</sup>; and</li> </ul> </li> <li>b) be able to contain a 20m diameter circle; and</li> </ul> <p>A1.2 Lots must have new boundaries aligned from buildings that satisfy the acceptable solutions of the relevant setback standards.</p>	<p>P1 Lots must have sufficient useable area and dimensions to allow for:</p> <ul style="list-style-type: none"> <li>a) the intended function for the relevant lot; and</li> <li>b) on-site parking and manoeuvrability; and</li> <li>c) waste disposal.</li> </ul>
<p>A2 Lots less than the requirements of A1 must be:</p> <ul style="list-style-type: none"> <li>a) required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>b) for the provision of utilities; or</li> <li>c) for the consolidation of a lot with another lot with no additional titles created; or</li> <li>d) to align existing titles with zone boundaries and no additional lots are created.</li> </ul>	<p>P2 No performance criteria.</p>
<p>A3 Each lot must have a frontage of at least 20m.</p>	<p>P3 Subdivision must provide appropriate, permanent access by a right of carriageway registered over all relevant titles.</p>
<p>A4 Each lot must be connected to a reticulated:</p> <ul style="list-style-type: none"> <li>a) water supply; and</li> <li>b) sewerage system.</li> </ul>	<p>P4 No performance criteria.</p>
<p>A5 Each lot must be connected to a reticulated stormwater system.</p>	<p>P5 Stormwater may only be discharged from the site in a manner that will not cause an environmental nuisance, and that prevents erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to:</p> <ul style="list-style-type: none"> <li>a) the intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); and</li> <li>b) how the additional runoff and intensity of runoff that will be created by the subdivision for a storm event of 1%</li> </ul>

	<p>Annual Exceedance Probability, will be released at levels that are the same as those identified at the pre-development levels of the subdivision, and</p> <ul style="list-style-type: none"><li>c) whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; and</li><li>d) overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.</li></ul>
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## 32 Particular Purpose Zone - Ansons Bay Small Lot Residential Zone

### 32.1 Zone Purpose

#### 32.1.1 Zone Purpose Statements

- 32.1.1.1 To provide for the amenity of residents in a manner that respects the unique historical character of the waterfront area.
- 32.1.1.2 To provide for low impact non-residential uses that fits within the unique character of the waterfront area.
- 32.1.1.3 To ensure that areas subject to natural hazards are managed in an appropriate way so as to protect private property with minimal impact to natural process

#### 32.1.2 Local Area Objectives

There are no local are objectives.

#### 32.1.3 Desired Future Character Statements:

1. The area will remain settled with small buildings that are predominantly residential use with a mixture of full time and part time occupation.
2. The area will remain unfenced and retain an openness welcome appearance.
3. Existing public access to the foreshore will be retained and enhanced where possible.
4. The number of jetties will be kept to a minimum so as not to dominate the view of the foreshore and there will be no new boatsheds.

### 32.2 Use Table

<b>No Permit Required</b>	
Use Class	Qualification
Natural and Cultural Values Management	
Passive Recreation	
<b>Permitted</b>	
Use Class	Qualification
Residential	
<b>Discretionary</b>	
Use Class	Qualification

Visitor Accommodation	If to change the use of a building existing as at the date of commencement of this planning scheme
Utilities	
<b>Prohibited</b>	
All other uses	

### 32.3 Use Standards

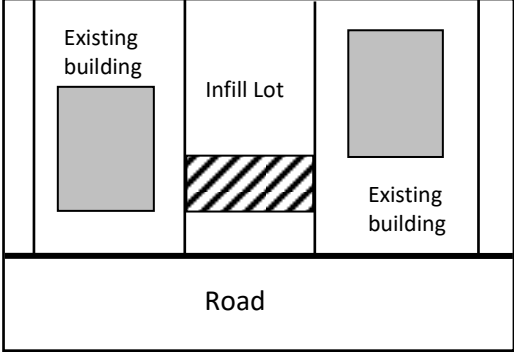
#### 32.3.1 Amenity

Objective To ensure that non-residential uses are of an appropriate scale and type.	
Acceptable Solutions	Performance Criteria
A1 Vehicles must be parked within the boundary of the lot.	P1 Vehicles, including delivery vehicles, must not create a traffic hazard or compromise the mixed use functions of the road.
A2 Goods or materials must not be stored outside or in locations visible from adjacent lots, the road or public land.	P2 No performance criteria
A3 Waste Materials must be: <ul style="list-style-type: none"> <li>a) stored in a manner and location that is not visible from the road to which the lot has frontage ; and</li> <li>b) stored in fully self contained receptacles designed to ensure waste does not escape to the environment.</li> </ul>	P3 No performance criteria

## 32.4 Development Standards

### 32.4.1 Building Design and Siting

<p><b>Objectives</b></p> <p>To ensure that the siting and design of development furthers the desired character for the area.</p> <p>To protect the residential amenity of adjoining lots by ensuring that the height, setbacks, siting and design of buildings provides adequate privacy, separation, open space and sunlight for residents.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 The site coverage must not exceed 50% of the lot and the lot must have a minimum of 25% of the site free from buildings, paving or other impervious surfaces.</p>	<p>P1 The proportion of site covered by buildings must have regard to:</p> <ul style="list-style-type: none"> <li>a) the existing site coverage and any constraints imposed by existing development or the features of the site; and</li> <li>b) the site coverage of adjacent lots; and</li> <li>c) the effect of the visual bulk of the building and whether it respects the neighbourhood character; and</li> <li>d) the capacity of the site to absorb run-off; and</li> <li>e) the landscape character of the area.</li> </ul>
<p>A2 The building height must not exceed 6.5m.</p>	<p>P2 Buildings must be designed and sited:</p> <ul style="list-style-type: none"> <li>a) to be consistent with the desired future character for the area; and</li> <li>b) to protect the residential amenity of adjoining dwellings from the impacts of overshadowing and overlooking having regard to: <ul style="list-style-type: none"> <li>i) the surrounding pattern of development;</li> <li>ii) the existing degree of overlooking and overshadowing;</li> <li>iii) maintaining a reasonable degree of solar access to secluded private open space and habitable room windows such that available sunlight is not reduced below 3 hours on the 21st of June, or where existing available sunlight is less than 3 hours, not reduce the existing levels of available sunlight;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>iv) maintaining reasonable privacy to secluded private open space and windows;</li> <li>v) existing screening or the ability to implement screening to enhance privacy.</li> </ul>
<p><b>A3</b> Buildings must be setback from the primary road frontage:</p> <ul style="list-style-type: none"> <li>a) a minimum distance of 2m; or</li> <li>b) within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Fig. A3.1 below; and</li> </ul> <p>Figure A3.1 – Primary Frontage Setback for Infill Lots</p>  <p>The diagram illustrates a road frontage with three lots. On the left and right are 'Existing building' lots, each with a grey rectangle representing a building. In the center is an 'Infill Lot'. A hatched area at the frontage of the infill lot indicates the setback for a new building. Below the lots is a 'Road'.</p>	<p><b>P3</b> Buildings setback to a road must have regard to:</p> <ul style="list-style-type: none"> <li>a) the prevailing setbacks of existing buildings on nearby lots; and</li> <li>b) the visual impact of the building when viewed from the road;</li> </ul>
<p><b>A4</b> Buildings must be setback from the side and rear boundaries a minimum distance of 1m.</p>	<p><b>P4</b> Buildings must be designed and sited:</p> <ul style="list-style-type: none"> <li>a) to further the objectives relating to the visual character of the settlement; and</li> <li>b) to protect the residential amenity of adjoining dwellings by providing appropriate separation having regard to: <ul style="list-style-type: none"> <li>i) the surrounding pattern of development;</li> <li>ii) the existing degree of overlooking and overshadowing;</li> <li>iii) maintaining a reasonable degree of solar access to secluded private open space and habitable room windows such that available sunlight is not reduced below 3 hours on the 21st of June, or where existing available sunlight is less than 3 hours, not reduce the</li> </ul> </li> </ul>

	<p>existing levels of available sunlight;</p> <p>iv) maintaining reasonable privacy to private open space and windows;</p> <p>v) existing screening or the ability to implement screening to enhance privacy.</p>
A5 Fences are not allowed on front or side or rear boundaries.	P5 Fences must be required for privacy.
A6 Outbuildings must not exceed a gross floor area of 80% of the gross floor area of the dwelling on the site.	P6 No Performance criteria

#### 32.4.2 Solar Efficiency

<p><b>Objective</b></p> <p>To ensure that all dwellings have adequate access to sunlight.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Buildings must not cause overshadowing and reduction of sunlight to habitable rooms and private open space to less than 3 hours between 9.00 am and 5.00 pm on June 21.	P1 Buildings must not result in unreasonable loss of solar access for adjoining residential buildings.
A2 Outbuildings must not be constructed so as to obstruct solar access to north and east facing windows of an existing dwelling on the same site as the outbuildings.	P2 No performance criteria

**Note: Clause A1 applies to the site and the adjoining sites.**

#### 32.4.3 Privacy

<p><b>Objective</b></p> <p>To site and design buildings so as to meet projected user requirements for visual privacy, and protect the visual privacy of nearby residents in their dwellings.</p>
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Acceptable Solutions	Performance Criteria
A1 Direct views of windows of habitable rooms, external doorways, balconies, decks or patios of neighbouring dwellings must be screened with vegetation or set apart a minimum distance of 9m.	P1 Direct views of windows of habitable rooms, external doorways, balconies, decks or patios of neighbouring dwellings must be minimised by appropriately designed and located screening that is consistent with the desired future character for the area.

32.4.4 Subdivision

<p><b>Objectives</b></p> <p>To minimise alterations to the existing pattern of subdivision along the foreshore</p> <p>To ensure frontage to a road is maintained.</p>	
Acceptable solutions	Performance Criteria
<p>A1 Lots must be:</p> <p>a) for the consolidation of a lot with another lot with no additional titles created; or</p> <p>b) to align existing titles with zone boundaries and no additional lots are created.</p>	P1 No performance criteria
A2 All lots must have a minimum of 4m frontage to a road or access via a 4m wide Right-of-way to a road.	P2 No Performance Criteria

### 32.4.5 Stormwater Disposal

<p><b>Objective</b></p> <p>To ensure that stormwater discharge from new development does not result in adverse impacts on surrounding land or the environment.</p>	
<p><b>Acceptable solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 All run off from buildings is to be detained by on-site water storage systems and the overflow released in a manner that will not cause erosion or flooding to adjoining lots.</p>	<p>P1 No Performance Criteria</p>

### 32.4.6 Development in areas at risk from natural hazards

<p><b>Objective</b></p> <p>To ensure that natural hazards are identified and addressed at the time of development.</p>	
<p><b>Acceptable solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 Buildings must be on land where the boundary is setback away from evidence of coastal erosion a distance equal to or greater than the vertical distance from the top of the cliff to the natural ground level at the bottom of the cliff, measured at the cliff top adjacent to the centre of the lot boundary.</p>	<p>P1 Buildings on land where the boundary is setback from evidence of coastal erosion less than the vertical distance from the top of the cliff to the natural ground level at the bottom of the cliff, measured at the cliff top adjacent to the centre of the lot boundary, must reduce the risk to life and property to a low or very low risk level in accordance with the Risk Assessment Table in E3.5.2 a) through the submission of a report from a suitably qualified engineer.</p>

### 32.4.7 Vegetation control

<p><b>Objective</b></p> <p>To ensure that vegetation along the foreshore remains and To ensure weeds are prevented from being planted</p>	
<p><b>Acceptable solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 Vegetation must not be removed unless it is within the building footprint.</p>	<p>P1 Vegetation removed outside the building footprint is required to minimize the impacts from natural hazards.</p>
<p>A2 Plants, as listed in appendix 3 must not be planted.</p>	<p>P2 No performance criteria</p>

# Part E

## Codes

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### E1.0 Bushfire-Prone Areas Code

#### E1.1 Purpose of the Bushfire-Prone Areas Code

E1.1.1 The purpose of this code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

#### E1.2 Application of this Code

E1.2.1 This code applies to:

- (a) subdivision of land that is located within, or partially within, a bushfire-prone area; and
- (b) a use, on land that is located within, or partially within, a bushfire-prone area, that is a vulnerable use or hazardous use.

E1.2.2 A permit is required for all use and development to which this code applies that is not exempt from this code under clause E1.4.

#### E1.3 Definition of terms in this Code

E1.3.1 In this code, unless the contrary intention appears:

Term	Definition
accredited person	means as defined in the Act.
bushfire attack level (BAL)	means the bushfire attack level as defined in <i>Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas</i> .
bushfire hazard management plan	means as defined in the Act.
bushfire protection measures	means the measures that might be used to reduce the risk of bushfire attack and the threat to life and property in the event of bushfire.
bushfire-prone area	means: <ul style="list-style-type: none"><li>(a) land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; or</li><li>(b) where there is no overlay on a planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.</li></ul>
bushfire-prone vegetation	means contiguous vegetation including grasses and shrubs but



	not including maintained lawns, parks and gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes.
carriageway	means the section of road formation which is used by traffic, and includes all the area of the traffic lane pavement together with the formed shoulders.
contiguous	means separated by less than 20 metres.
fire fighting water point	means the point where a fire appliance is able to connect to a water supply for fire fighting purposes. This includes a coupling in the case of a fire hydrant, offtake or outlet, or the minimum water level in the case of a static water body.
fire hydrant	means as defined in <i>Australian Standard AS 2419.1-2005 Fire hydrant installations, Part 1: System design, installation and commissioning</i> .
group home	means use of land for residential accommodation for people with disabilities.
hardstand	means as defined in <i>Australian Standard AS 2419.1-2005 Fire hydrant installations, Part 1: System design, installation and commissioning</i> .
hazard management area	means the area, between a habitable building or building area and bushfire-prone vegetation, which provides access to a fire front for fire fighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire.
hazardous use	means a use where: <ul style="list-style-type: none"> <li>(a) the amount of hazardous chemicals used, handled, generated or stored on a site exceeds the manifest quantity as specified in the <i>Work Health and Safety Regulations 2012</i>; or</li> <li>(b) explosives are stored on a site and where classified as an explosives location or large explosives location as specified in the <i>Explosives Act 2012</i>.</li> </ul>
hose lay	means the distance between two points established by a fire hose laid out on the ground, inclusive of obstructions.
property access	means the carriageway which provides vehicular access from the carriageway of a road onto land, measured along the centre line of the carriageway, from the edge of the road carriageway to the nearest point of the building area.
respite centre	means use of land for respite care for the sick, aged or persons with disabilities.
static water supply	means water stored in a tank, swimming pool, dam, or lake, that is available for fire fighting purposes at all times.

tolerable risk	means the lowest level of likely risk from the relevant hazard: (a) to secure the benefits of a use or development in a relevant hazard area; and (b) which can be managed through: (i) routine regulatory measures; or (ii) by specific hazard management measures for the intended life of each use or development.
TFS	means Tasmania Fire Service.
vulnerable use	means a use that is within one of the following Use Classes: (a) Custodial Facility; (b) Educational and Occasional Care; (c) Hospital Services; (d) Residential if for respite centre, residential aged care home, retirement home, and group home.
water corporation	means the corporation within the meaning of the <i>Water and Sewerage Corporation Act 2012</i> .

#### E1.4 Use or development exempt from this Code

The following use or development is exempt from this code:

- (a) any use or development that the TFS or an accredited person, having regard to the objective of all applicable standards in this code, certifies there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures; and
- (b) adjustment of a boundary in accordance with clause 9.3 of this planning scheme.

#### E1.5 Use Standards

##### E1.5.1 Vulnerable uses

<b>Objective:</b> Vulnerable uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the vulnerable use and the bushfire hazard.	
<b>Acceptable solutions</b>	<b>Performance criteria</b>
<b>A1</b> No Acceptable Solution.	<b>P1</b> A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to: (a) the location, characteristics, nature and scale of the use; (b) whether there is an overriding benefit to

	<p>the community;</p> <p>(c) whether there is no suitable alternative lower-risk site;</p> <p>(d) the emergency management strategy and bushfire hazard management plan; and</p> <p>(e) other advice, if any, from the TFS.</p>
<p><b>A2</b></p> <p>An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use considering:</p> <p>(a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(b) the ability of occupants of the vulnerable use to:</p> <p style="padding-left: 40px;">(i) protect themselves and defend property from bushfire attack;</p> <p style="padding-left: 40px;">(ii) evacuate in an emergency; and</p> <p style="padding-left: 40px;">(iii) understand and respond to instructions in the event of a bushfire; and</p> <p>(c) any bushfire protection measures available to reduce risk to emergency service personnel.</p>	<p><b>P2</b></p> <p>No Performance Criterion.</p>
<p><b>A3</b></p> <p>A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.</p>	<p><b>P3</b></p> <p>No Performance Criterion.</p>

#### E1.5.2 Hazardous uses

<p><b>Objective:</b> Hazardous uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the hazardous use and the bushfire hazard.</p>	
<b>Acceptable solutions</b>	<b>Performance criteria</b>
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<p><b>P1</b></p> <p>A hazardous use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:</p>

	<ul style="list-style-type: none"> <li>(a) the location, characteristics, nature and scale of the use;</li> <li>(b) whether there is an overriding benefit to the community;</li> <li>(c) whether there is no suitable alternative lower-risk site;</li> <li>(d) the emergency management strategy and bushfire hazard management plan as specified in A2 and A3 of this Standard; and</li> <li>(e) other advice, if any, from the TFS.</li> </ul>
<p><b>A2</b></p> <p>An emergency management strategy, endorsed by the TFS or an accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; and</li> <li>(b) available fire protection measures to: <ul style="list-style-type: none"> <li>(i) prevent the hazardous use from contributing to the spread or intensification of bushfire;</li> <li>(ii) limit the potential for bushfire to be ignited on the site;</li> <li>(iii) prevent exposure of people and the environment to the hazardous chemicals, explosive or emissions as a consequence of bushfire; and</li> <li>(iv) reduce risk to emergency service personnel.</li> </ul> </li> </ul>	<p><b>P2</b></p> <p>No Performance Criterion.</p>
<p><b>A3</b></p> <p>A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.</p>	<p><b>P3</b></p> <p>No Performance Criterion.</p>

## E1.6 Development Standards

### E1.6.1 Subdivision: Provision of hazard management areas

**Objective:** Subdivision provides for hazard management areas that:

- (a) facilitate an integrated approach between subdivision and subsequent building on a lot;

<p>(b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and</p> <p>(c) provide protection for lots at any stage of a staged subdivision.</p>	
<p><b>Acceptable solutions</b></p>	<p><b>Performance criteria</b></p>
<p><b>A1</b></p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of <i>Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas</i>; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of <i>Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas</i>; and</p> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p><b>P1</b></p> <p>A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:</p> <p>(a) the dimensions of hazard management areas;</p> <p>(b) a bushfire risk assessment of each lot at any stage of staged subdivision;</p> <p>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(d) the topography, including site slope;</p> <p>(e) any other potential forms of fuel and ignition sources;</p> <p>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p> <p>(g) an instrument that will facilitate management of fuels located on land external to the subdivision; and</p> <p>(h) any advice from the TFS.</p>

E1.6.2 Subdivision: Public and fire fighting access

<p><b>Objective:</b> Access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <ul style="list-style-type: none"> <li>(a) allow safe access and egress for residents, fire fighters and emergency service personnel;</li> <li>(b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;</li> <li>(c) are designed and constructed to allow for fire appliances to be manoeuvred;</li> <li>(d) provide access to water supplies for fire appliances; and</li> <li>(e) are designed to allow connectivity, and where needed, offering multiple evacuation points.</li> </ul>	
<b>Acceptable solutions</b>	<b>Performance criteria</b>
<p><b>A1</b></p> <ul style="list-style-type: none"> <li>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</li> <li>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas, is included in a bushfire hazard management plan that: <ul style="list-style-type: none"> <li>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</li> <li>(ii) is certified by the TFS or accredited person.</li> </ul> </li> </ul>	<p><b>P1</b></p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <ul style="list-style-type: none"> <li>(a) appropriate design measures, including: <ul style="list-style-type: none"> <li>(i) two way traffic;</li> <li>(ii) all weather surfaces;</li> <li>(iii) height and width of any vegetation clearances;</li> <li>(iv) load capacity;</li> <li>(v) provision of passing bays;</li> <li>(vi) traffic control devices;</li> <li>(vii) geometry, alignment and slope of roads, tracks and trails;</li> <li>(viii) use of through roads to provide for connectivity;</li> <li>(ix) limits on the length of cul-de-sacs and dead-end roads;</li> <li>(x) provision of turning areas;</li> <li>(xi) provision for parking areas;</li> <li>(xii) perimeter access; and</li> <li>(xiii) fire trails;</li> </ul> </li> <li>(b) the provision of access to: <ul style="list-style-type: none"> <li>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</li> <li>(ii) fire fighting water supplies; and</li> </ul> </li> <li>(c) any advice from the TFS.</li> </ul>

**Table E1: Standards for roads**

Element		Requirement
A.	Roads	<p>Unless the development standards in the zone require a higher standard, the following apply:</p> <ul style="list-style-type: none"> <li>(a) two-wheel drive, all-weather construction;</li> <li>(b) load capacity of at least 20t, including for bridges and culverts;</li> <li>(c) minimum carriageway width is 7m for a through road, or 5.5m for a dead-end or cul-de-sac road;</li> <li>(d) minimum vertical clearance of 4m;</li> <li>(e) minimum horizontal clearance of 2m from the edge of the carriageway;</li> <li>(f) cross falls of less than 3 degrees (1:20 or 5%);</li> <li>(g) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads;</li> <li>(h) curves have a minimum inner radius of 10m;</li> <li>(i) dead-end or cul-de-sac roads are not more than 200m in length unless the carriageway is 7 metres in width;</li> <li>(j) dead-end or cul-de-sac roads have a turning circle with a minimum 12m outer radius; and</li> <li>(k) carriageways less than 7m wide have 'No Parking' zones on one side, indicated by a road sign that complies with <i>Australian Standard AS1743:2018 Road signs-Specifications</i>.</li> </ul>

**Table E2 Standards for property access**

Element		Requirement
A.	Property access length is less than 30m; or access is not required for a fire appliance to access a fire fighting water point.	There are no specified design and construction requirements.
B.	Property access length is 30m or greater; or access is required for a fire appliance to a fire fighting water point.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> <li>(a) all-weather construction;</li> <li>(b) load capacity of at least 20t, including for bridges and culverts;</li> <li>(c) minimum carriageway width of 4m;</li> <li>(d) minimum vertical clearance of 4m;</li> <li>(e) minimum horizontal clearance of 0.5m from the edge of the carriageway;</li> <li>(f) cross falls of less than 3 degrees (1:20 or 5%);</li> <li>(g) dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;</li> <li>(h) curves with a minimum inner radius of 10m;</li> <li>(i) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and</li> <li>(j) terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> <li>(i) a turning circle with a minimum outer radius of 10m; or</li> <li>(ii) a property access encircling the building; or</li> <li>(iii) a hammerhead “T” or “Y” turning head 4m wide and 8m long.</li> </ul> </li> </ul>
C.	Property access length is 200m or greater.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> <li>(a) the requirements for B above; and</li> <li>(b) passing bays of 2m additional carriageway width and 20m length provided every 200m.</li> </ul>
D.	Property access length is greater than 30m, and access	The following design and construction requirements apply to property access:



	is provided to 3 or more properties.	(a) complies with requirements for B above; and (b) passing bays of 2m additional carriageway width and 20m length must be provided every 100m.
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**Table E3 Standards for fire trails**

Element		Requirement
A.	All fire trails	<p>The following design and construction requirements apply:</p> <ul style="list-style-type: none"> <li>(a) all-weather, 4-wheel drive construction;</li> <li>(b) load capacity of at least 20t, including for bridges and culverts;</li> <li>(c) minimum carriageway width of 4m;</li> <li>(d) minimum vertical clearance of 4m;</li> <li>(e) minimum horizontal clearance of 2m from the edge of the carriageway;</li> <li>(f) cross falls of less than 3 degrees (1:20 or 5%);</li> <li>(g) dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;</li> <li>(h) curves with a minimum inner radius of 10m;</li> <li>(i) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed fire trails, and 10 degrees (1:5.5 or 18%) for unsealed fire trails;</li> <li>(j) gates if installed at fire trail entry, have a minimum width of 3.6m, and if locked, keys are provided to TFS; and</li> <li>(k) terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> <li>(i) a turning circle with a minimum outer radius of 10m; or</li> <li>(ii) A hammerhead "T" or "Y" turning head 4m wide and 8m long.</li> </ul> </li> </ul>
B.	Fire trail length is 200m or greater.	<p>The following design and construction requirements apply:</p> <ul style="list-style-type: none"> <li>(a) the requirements for A above; and</li> <li>(b) passing bays of 2m additional carriageway width and 20m length provided every 200m.</li> </ul>

E1.6.3 Subdivision: Provision of water supply for fire fighting purposes

<p><b>Objective:</b> Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.</p>	
<p><b>Acceptable solutions</b></p>	<p><b>Performance criteria</b></p>
<p><b>A1</b> In areas serviced with reticulated water by the water corporation:</p> <ul style="list-style-type: none"> <li>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</li> <li>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</li> <li>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</li> </ul>	<p><b>P1</b> No Performance Criterion.</p>
<p><b>A2</b> In areas that are not serviced by reticulated water by the water corporation:</p> <ul style="list-style-type: none"> <li>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</li> <li>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or</li> <li>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</li> </ul>	<p><b>P2</b> No Performance Criterion.</p>

**Table E4 Reticulated water supply for fire fighting**

Element		Requirement
A.	Distance between building area to be protected and water supply.	The following requirements apply: (a) the building area to be protected must be located within 120m of a fire hydrant; and (b) the distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.
B.	Design criteria for fire hydrants	The following requirements apply: (a) fire hydrant system must be designed and constructed in accordance with <i>TasWater Supplement to Water Supply Code of Australia WSA 03 – 2011-3.1 MRWA 2<sup>nd</sup> Edition</i> ; and (b) fire hydrants are not installed in parking areas.
C.	Hardstand	A hardstand area for fire appliances must be: (a) no more than 3m from the hydrant, measured as a hose lay; (b) no closer than 6m from the building area to be protected; (c) a minimum width of 3m constructed to the same standard as the carriageway; and (d) connected to the property access by a carriageway equivalent to the standard of the property access.

**Table E5 Static water supply for fire fighting**

Element		Requirement
A.	Distance between building area to be protected and water supply.	<p>The following requirements apply:</p> <ul style="list-style-type: none"> <li>(a) the building area to be protected must be located within 90m of the fire fighting water point of a static water supply; and</li> <li>(b) the distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.</li> </ul>
B.	Static Water Supplies	<p>A static water supply:</p> <ul style="list-style-type: none"> <li>(a) may have a remotely located offtake connected to the static water supply;</li> <li>(b) may be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times;</li> <li>(c) must be a minimum of 10,000l per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems;</li> <li>(d) must be metal, concrete or lagged by non-combustible materials if above ground; and</li> <li>(e) if a tank can be located so it is shielded in all directions in compliance with section 3.5 of <i>Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas</i>, the tank may be constructed of any material provided that the lowest 400mm of the tank exterior is protected by: <ul style="list-style-type: none"> <li>(i) metal;</li> <li>(ii) non-combustible material; or</li> <li>(iii) fibre-cement a minimum of 6mm thickness.</li> </ul> </li> </ul>

C.	Fittings, pipework and accessories (including stands and tank supports)	<p>Fittings and pipework associated with a fire fighting water point for a static water supply must:</p> <ul style="list-style-type: none"> <li>(a) have a minimum nominal internal diameter of 50mm;</li> <li>(b) be fitted with a valve with a minimum nominal internal diameter of 50mm;</li> <li>(c) be metal or lagged by non-combustible materials if above ground;</li> <li>(d) if buried, have a minimum depth of 300mm;</li> <li>(e) provide a DIN or NEN standard forged Storz 65mm coupling fitted with a suction washer for connection to fire fighting equipment;</li> <li>(f) ensure the coupling is accessible and available for connection at all times;</li> <li>(g) ensure the coupling is fitted with a blank cap and securing chain (minimum 220mm length);</li> <li>(h) ensure underground tanks have either an opening at the top of not less than 250mm diameter or a coupling compliant with this Table; and</li> <li>(i) if a remote offtake is installed, ensure the offtake is in a position that is: <ul style="list-style-type: none"> <li>(i) visible;</li> <li>(ii) accessible to allow connection by fire fighting equipment;</li> <li>(iii) at a working height of 450 – 600mm above ground level; and</li> <li>(iv) protected from possible damage, including damage by vehicles.</li> </ul> </li> </ul>
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D.	Signage for static water connections.	<p>The fire fighting water point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must:</p> <ul style="list-style-type: none"> <li>(a) comply with water tank signage requirements within <i>Australian Standard AS 2304:2019 Water storage tanks for fire protection systems</i>; or</li> <li>(b) comply with the Tasmania Fire Service Water Supply Guideline published by the Tasmania Fire Service.</li> </ul>
E.	Hardstand	<p>A hardstand area for fire appliances must be:</p> <ul style="list-style-type: none"> <li>(a) no more than 3m from the fire fighting water point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like);</li> <li>(b) no closer than 6m from the building area to be protected;</li> <li>(c) a minimum width of 3m constructed to the same standard as the carriageway; and</li> <li>(d) connected to the property access by a carriageway equivalent to the standard of the property access.</li> </ul>

## **E2 Potentially Contaminated Land Code**

### **E2.1 Purpose of the Code**

E2.1.1 The purpose of this provision is to:

- a) ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.

### **E2.2 Application of this Code**

E2.2.1 This code applies to use or development of land for a sensitive use to be undertaken on a site previously used for an activity listed in Table E2.1 Potentially Contaminating Activities.

### **E2.3 Definition of Terms**

Contaminated land	means the condition of land where any chemical substance or waste has been added at or above background level and represents, or potentially represents, an adverse health or environmental impact.
Contaminant management plan	means a plan prepared by an appropriately qualified person that details how contaminated soil and water will be managed during development works to ensure negligible risk of adverse affects on human health and the environment.
Remediation action plan	means a report prepared by an appropriately qualified person following the completion of assessment work and detailing the remediation work proposed and the expected outcomes of this work in relation to the proposed use of the site.
Site investigation report	means a report prepared by an appropriately qualified person on the investigation of contaminated land and includes detailed information on the nature and distribution of contaminants on the land and decontamination methods to be undertaken.
Potentially contaminated land	land that has been used by an activity listed in Table E2.1 Potentially Contaminating Activities.

### **E2.4 Use or Development Exempt from this Code**

E2.4.1 Intensification of existing use or development listed in Table E2.1 Potentially Contaminating Activities that do not involve sensitive uses.

### **E2.5 Use Standards**

#### **E2.5.1 Use of Potentially Contaminated Land**



<p>Objective</p> <p>To ensure that the use of contaminated land does not adversely impact on human health.</p>	
Acceptable Solution	Performance Criteria
<p>A1.1 Use must not be located on potentially contaminated land; or</p> <p>A1.2 Use of potentially contaminated land must be accompanied by sign off of the Environment Protection Authority pursuant to EPA Bulletin 112, that the land:</p> <p>a) is not contaminated; or</p> <p>b) has been remediated appropriate to the use.</p>	<p>P1 Use of potentially contaminated land must demonstrate that human health and safety and the environment are not at risk as a result of the use through:</p> <p>a) a site investigation report by a person who meets the competencies established under Schedule B (10) of the <i>National Environment Protection (Assessment of Site Contamination) Measure 1999</i>; and</p> <p>b) where the site investigation report indicates the presence of contaminants that require management a:</p> <p>i) contaminant Management plan; and</p> <p>ii) remediation action plan;</p> <p>by a person who meets the competencies established under Schedule B (10) of the <i>National Environment Protection (Assessment of Site Contamination) Measure 1999</i>; and</p> <p>c) completion of the decontamination process prior to the commencement of the use.</p>

## E2.6 Development Standards

### E2.6.1 Development of Potentially Contaminated Land

<p>Objective</p> <p>To ensure that the development of contaminated land does not adversely impact on human health, safety or the environment.</p>	
Acceptable Solution	Performance Criteria
<p>A1.1 Development must not be located on potentially contaminated land; or</p> <p>A1.2 Development of potentially contaminated land must be accompanied by advice of the Environment Protection Authority that the land:</p> <p>a) is not contaminated; or</p> <p>b) has been remediated appropriate to the use.</p>	<p>P1 Development of potentially contaminated land that has not been decontaminated must demonstrate that human health and safety and the environment are not at risk as a result of the development through:</p> <p>a) a site investigation report by a person who meets the competencies established under Schedule B (10) of the <i>National Environment Protection (Assessment of Site Contamination) Measure 1999</i>; and</p> <p>b) where the site investigation report indicates the presence of contaminants that require management, a:</p> <p>i) contaminant Management plan; and</p> <p>ii) remediation action plan;</p> <p>by a person who meets the competencies established under <i>Schedule B (10) of the National Environment Protection (Assessment of Site Contamination) Measure 1999</i>; and</p> <p>c) completion of the decontamination process prior to the commencement of the development.</p>

**Table E2.1 Potentially Contaminating Activities**

Acid/alkali plant and formulation landfill sites	Horticulture
Airports	Intensive agriculture
Asbestos production or disposal	Iron and steel works
Battery recycling and manufacture	Laboratories
Bottling works	Lime works
Breweries	Marinas and associated boat yards
Brickworks	Metal treatment
Cement Works	Mining and extractive industries
Cemeteries	Orchards and vineyards
Ceramic works	Petroleum product or oil storage
Chemical manufacture and formulation	Paint formulation and manufacture
Pharmaceutical manufacture and formulation	Pesticide disposal sites
Chemical storage	Pesticide manufacture and formulation
Coal handling and storage	Power stations
Defence works	Railway yards
Drum reconditioning works	Rifle ranges
Dry cleaning establishments	Rubber or plastic works
Electroplating and heat treatment premises	Sawmills and joinery works
Electrical transformers	Scrap yards
Ethanol production plants	Service stations
Engine works	Sheep and cattle dips
Explosives industries	Sites of incidents involving spillage of hazardous material
Sites of fires involving hazardous materials	Spray mixing sites
Fertiliser manufacturing plants	Smelting and refining
Foundry operations	Transport/storage depots
Gas works	Tyre manufacturing and retreading works
Tanning and associated trades	Waste treatment plants
Glass manufacturing works	Wood storage and treatment
Golf courses	Wood preservation
Herbicide manufacture	

## E3 Landslip Code

### E3.1 Purpose of the Code

E3.1.1 The purpose of this provision is to:

- a) ensure that use and development subject to risk from land instability is appropriately located and that adequate measures are taken to protect human life and property; and
- b) ensure that use and development does not cause, or have the cumulative potential to cause an increased risk of land instability.

### E3.2 Application of this Code

E3.2.1 This code applies to use or development of land:

- a) mapped as landslip hazard area on the planning scheme maps; or
- b) even if not mapped under subparagraph (a) if:
  - i) it is potentially subject to a landslip hazard; or
  - ii) it is identified in a report prepared by a suitably qualified person in accordance with the development application which is lodged or required in response to a request under Section 54 of the Act as actually or potentially subject to a landslip hazard.

### E3.3 Definition of Terms

Landslip risk management assessment

means an assessment and report prepared by a suitably qualified person, in accordance with the *Australian Geomechanics Society – Practice Note Guidelines for Landslide Risk Management 2007*.

### E3.4 Use or Development Exempt from this Code

E3.4.1 The following use or development is exempt from this code:

- a) use without development;
- b) development for forestry in accordance with a certified *Forest Practices Plan*.

### E3.5 Use Standards

Not used in this scheme.

## E3.6 Development Standards

### E3.6.1 Development on Land Subject to Risk of Landslip

Objective	
To ensure that development is appropriately located through avoidance of areas of landslip risk, or where avoidance is not practicable, suitable measures are available to protect life and property.	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
A1 No acceptable solution.	P1 Development must demonstrate that the risk to life and property is mitigated to a low or very low risk level in accordance with the risk assessment in E3.6.2 through submission of a landslip risk management assessment.

### E3.6.2 Risk Assessment

- (a) Where an assessment of risk under the risk assessment table for a development is required under E3.6.1, it is to be classified through the determination of consequence contained in the criteria in (b) together with the likelihood of landslip occurrence contained in (c).

**Table E3.1 Risk Assessment**

Likelihood	Consequence				
	Catastrophic	Major	Moderate	Minor	Insignificant
<b>Almost certain</b>	Very high	Very high	Very high	High	Medium or low*
<b>Likely</b>	Very high	Very high	High	Medium	Low
<b>Possible</b>	Very high	High	Medium	Medium	Very low
<b>Unlikely</b>	High	Medium	Low	Low	Very Low
<b>Rare</b>	Medium	Low	Low	Very Low	Very Low
<b>Barely credible</b>	Low	Very Low	Very Low	Very Low	Very Low

#### ***AGS Practice Note Guidelines for Landslide Risk Management 2007***

\* May be subdivided such that a consequence of less than 0.1% is Low Risk.

#### **Risk Level Implications**

Very high risk	Unacceptable without treatment. Extensive detailed investigation and research, planning and implementation of treatment options essential to reduce risk to Low. May be too expensive and not practical. Work likely to cost more than the value of the property.
High risk	Unacceptable without treatment. Detailed investigation, planning and implementation of treatment options required to reduce risk to low. Work would cost a substantial sum in relation to the value of the property.
Medium risk	May be tolerated in certain circumstances (subject to Council's approval on tolerable risk) But requires investigation, planning and implementation of treatment options to reduce the risk to low. Treatment options to reduce risk to low should be implemented as soon as practicable.
Low risk	Usually acceptable to regulators. Where treatment has been required to reduce the risk to this level, ongoing maintenance is required.
Very low risk	Acceptable. Manage by normal slope maintenance procedures.

**(b) Consequence Criteria**

Catastrophic	Structure completely destroyed and/or large scale damage requiring major engineering works for stabilisation. Could cause at least one adjacent property major consequence damage.
Major	Extensive damage to most of structure, and /or extending beyond site boundaries requiring significant stabilisation works. Could cause at least one adjacent property medium consequence damage.
Moderate	Moderate damage to some of structure and/or significant part of site requiring large stabilisation works. Could cause at least one adjacent property minor consequence damage.
Minor	Limited damage to part of structure, and/or part of site requiring some reinstatement stabilisation works.
Insignificant	Little damage.

**(c) Likelihood – Annual Probability**

Almost certain	The event is expected to occur over the design life.
Likely	The event will probably occur under adverse conditions over the design life.
Possible	The event could occur under adverse conditions over the design life.
Unlikely	The event might occur under very adverse circumstances over the design life.
Rare	The event is conceivable but only under exceptional circumstances over the design life.
Barely credible	The event is inconceivable or fanciful over the design life.

## E4 Road and Railway Assets Code

### E4.1 Purpose of the Code

E4.1.1 The purpose of this provision is to:

- a) ensure that use or development on or adjacent to a road or railway will not compromise the safety and efficiency of the road or rail network; and
- b) maintain opportunities for future development of road and rail infrastructure; and
- c) reduce amenity conflicts between roads and railways and other use or development.

### E4.2 Application of this Code

E4.2.1 This code applies to use or development of land that:

- a) requires a new access, junction or level crossing; or
- b) intensifies the use of an existing access, junction or level crossing; or
- c) involves a sensitive use, a building, works or subdivision on or within 50 metres of a railway or land shown in this planning scheme as:
  - i) a future road or railway; or
  - ii) a category 1 or 2 road where such road is subject to a speed limit of more than 60 kilometres per hour.

### E4.3. Definition of Terms

E4.3.1 In this code, unless the contrary intention appears:

Category 1 – Trunk Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 2 – Regional Freight Route means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 3 – Regional Access Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 4 – Feeder Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 5 – Other Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Future road or railway means a future road or railway shown on the plans of this planning scheme.

Junction means an intersection of two or more roads at a common level, including intersections of on and off ramps and grade-separated roads.

Limited access road means a road proclaimed as limited access under Section 52A of the *Roads and Jetties Act 1935*.

## E4.4 Use or development exempt from this Code

E4.4.1 There are no exemptions from this Code.

## E4.5 Requirements for a Traffic Impact Assessment (TIA)

E4.5.1 A TIA is required to demonstrate compliance with performance criteria.

E4.5.2 A TIA for roads must be undertaken in accordance with *Traffic Impact Assessment Guidelines*, Department of Infrastructure, Energy and Resources September 2007. Australian Guidelines and Australian Standards are to be used as the basis for any required road or junction design.

E4.5.3 A TIA must be accompanied by written advice as to the adequacy of the TIA from the:

- a) road authority in respect of a road; and
- b) rail authority in respect of a railway.

E4.5.4 The Council must consider the written advice of the relevant authority when assessing an application which relies on performance criteria to meet an applicable standard

## E4.6 Use Standards

### E4.6.1 Use and road or rail infrastructure

Objective	
To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway, must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT)	P3 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited



<p>movements at the existing access or junction by more than 10%.</p>	<p>access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and</p> <p>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and</p> <p>c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</p>
<p>A4</p> <p>se serviced by a side road from a deficient junction (refer E4 Table 2) is not to create an increase to the annual average daily traffic (AADT) movements on the side road at the deficient junction by more than 10%.</p>	<p>P4</p> <p>se serviced by a side road from a deficient junction (refer E4 Table 2) must ensure the safety and performance of the road junction will not be reduced.</p>

## E4.7 Development Standards

### E4.7.1 Development on and adjacent to Existing and Future Arterial Roads and Railways

<p>Objective</p> <p>To ensure that development on or adjacent to category 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:</p> <p>a) ensure the safe and efficient operation of roads and railways; and</p> <p>b) allow for future road and rail widening, realignment and upgrading; and</p> <p>c) avoid undesirable interaction between roads and railways and other use or development.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to</p>	<p>P1 Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a</p>

<p>a speed limit of more than 60km/h:</p> <p>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and</p> <p>b) building areas on new lots; and</p> <p>c) outdoor sitting, entertainment and children’s play areas</p>	<p>category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:</p> <p>a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and</p> <p>b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and</p> <p>c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and</p> <p>d) ensure that temporary buildings and works are removed at the applicant’s expense within three years or as otherwise agreed by the road or rail authority.</p>
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#### E4.7.2 Management of Road Accesses and Junctions

<p>Objective</p> <p>To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.</p>	<p>P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.</p>
<p>A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.</p>	<p>P2 For limited access roads and roads with a speed limit of more than 60km/h:</p> <p>a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region;</p>

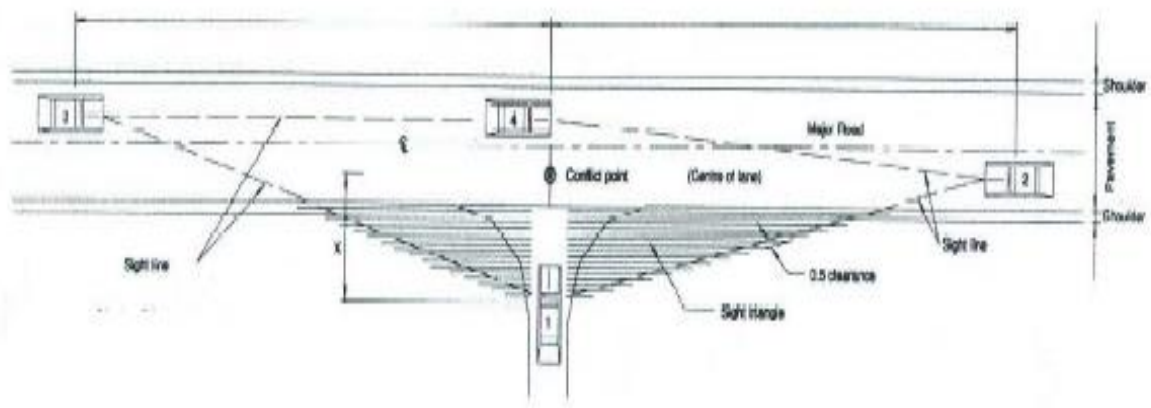
	<p>and</p> <p>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and</p> <p>c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</p>
A3	<p>Accesses must not be located closer than 6m from an intersection, nor within 6m of a break in a median strip.</p>
P3	<p>Accesses must not be located so as to reduce the safety or efficiency of the road.</p>

#### E4.7.3 Management of Rail Level Crossings

<p>Objective</p> <p>To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Where land has access across a railway:</p> <p>a) development does not include a level crossing; or</p> <p>b) development does not result in a material change onto an existing level crossing.</p>	<p>P1 Where land has access across a railway:</p> <p>a) the number, location, layout and design of level crossings maintain or improve the safety and efficiency of the railway; and</p> <p>b) the proposal is dependent upon the site due to unique resources, characteristics or location attributes and the use or development will have social and economic benefits that are of State or regional significance; or</p> <p>c) it is uneconomic to relocate an existing use to a site that does not require a level crossing; and</p> <p>d) an alternative access or junction is not practicable.</p>

#### E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings

Objective	
To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.	
Acceptable Solutions	Performance Criteria
<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i>, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>



**Figure E4.7.4 Sight Lines for Accesses and Junctions**

X is the distance of the driver from the conflict point. For category 1, 2 and 3 roads X = 7m minimum and for other roads X = 5m minimum.

**Table E4.7.4 Safe Intersection Sight Distance (SISD)**

<i>Vehicle Speed</i>	<i>Safe Intersection Sight Distance (SISD)</i>	
	<i>Metres, for speed limit of:</i>	
<i>km/h</i>	<i>60 km/h or less</i>	<i>Greater than 60 km/h</i>
50	80	90
60	105	115
70	130	140
80	165	175
90		210
100		250
110		290

**Notes:**

- (a) Vehicle speed is the actual or recorded speed of traffic passing along the road and is the speed at or below which 85% of passing vehicles travel.
- (b) For safe intersection sight distance (SISD):
  - (i) All sight lines (driver to object vehicle) are to be between points 1.2 metres above the road and access surface at the respective vehicle positions with a clearance to any sight obstruction of 0.5 metres to the side and below, and 2.0 metres above all sight lines;
  - (ii) These sight line requirements are to be maintained over the full sight triangle for vehicles at any point between positions 1, 2 and 3 in Figure E4.5.4 and the access junction;
  - (iii) A driver at position 1 must have sight lines to see cars at any point between the access and positions 3 and 2 in Figure E4.5.4;
  - (iv) A driver at any point between position 3 and the access must have sight lines to see a car at position 4; and
  - (v) A driver at position 4 must have sight lines to see a car at any point between position 2 and the access.

**E4 Table 2 - Deficient Junctions**

**a) Tasman Highway**

Old Highway – south (Seymour)

Reedy Road (Beaumaris)

Atlas Drive (St Helens)

Long Hill Place (St Helens)

Reservoir Road 160m further north (St Helens)

Musk Scrub Road (Goshen) further 2.04km (north)

Nicklasons Road further 1.50km west of Pyengana intersection

Groses Road approx 300m east Weld River bridge (Welborough)

**b) Elephant Pass Road**

Hills Road (720m south of Lightwood Bridge)

Dakins Road (MG Road) (forestry road) (4.11km south of St Marys)

## E5 Flood Prone Areas Code

### E5.1 Purpose of the Code

E5.1.1 The purpose of this provision is to:

- a) ensure that use or development subject to risk from flooding is appropriately located and that adequate measures are taken to protect human life and property and to prevent adverse effects on the environment.
- b) determine the potential impacts of flooding through the assessment of risk in accordance with the Australian Standard.

### E5.2 Application of this Code

E5.2.1 This code applies to use or development of land:

- a) mapped as flood risk on the planning scheme maps; or
- b) even if not mapped under subparagraph (a) if it is:
  - i) potentially subject to flooding at a 1% annual exceedance probability; or
  - ii) less than the height indicated on the coastal inundation risk height map; or
  - iii) identified in a report prepared by a suitably qualified person in accordance with the development application which is lodged or required in response to a request under Section 54 of the Act as actually or potentially subject to flooding at a 1% annual exceedance probability.

### E5.3 Definition of Terms

Flooding means the situation that results when land that is usually dry is covered with water as a result of watercourses overflowing, significant overland flows or water flowing into land associated with a rising tide and/or storms, and may include a combination of these factors.

1% Annual Exceedance Probability (AEP) Flood Level means the level which has a 1% probability of being exceeded in any year.

### E5.4 Use or Development Exempt from this Code

E5.4.1 The following use or development is exempt from this code:

- a) use and development for agriculture (not including development for dairies and controlled environment agriculture) and agricultural infrastructure such as farm tracks, culverts and the like.
- b) use and development for Forestry.

- c) extensions to existing development where floor area does not increase by more than 10% over the floor area which existed as at the effective date.

## E5.5 Use Standards

### E5.5.1 Use and flooding

<p>Objective</p> <p>To ensure that use does not compromise risk to human life, and that property and environmental risks are responsibly managed.</p>	
Acceptable Solutions	Performance Criteria
A1 The use must not include habitable rooms.	P1 Use including habitable rooms subject to flooding must demonstrate that the risk to life and property is mitigated to a low risk level in accordance with the risk assessment in E5.7.
A2 Use must not be located in an area subject to a medium or high risk in accordance with the risk assessment in E5.7.	P2 Use must demonstrate that the risk to life, property and the environment will be mitigated to a low risk level in accordance with the risk assessment in E5.7.

## E5.6 Development Standards

### E5.6.1 Flooding and Coastal Inundation

<p>Objective</p> <p>To protect human life, property and the environment by avoiding areas subject to flooding where practicable or mitigating the adverse impacts of inundation such that risk is reduced to a low level.</p>	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1.1 It must be demonstrated that development:</p> <ul style="list-style-type: none"> <li>a) where direct access to the water is not necessary to the function of the use, is located where it is subject to a low risk, in accordance with the risk assessment in E5.7 a); or</li> <li>b) where direct access to the water is</li> </ul>



	<p>necessary to the function of the use, that the risk to life, property and the environment is mitigated to a medium risk level in accordance with the risk assessment in E5.7.</p> <p>P1.2 development subject to medium risk in accordance with the risk assessment in E5.7 must demonstrate that the risk to life, property and the environment is mitigated through structural methods or site works to a low risk level in accordance with the risk assessment in E5.7.</p> <p>P1.3 Where mitigation of flood impacts is proposed or required, the application must demonstrate that:</p> <p>a) the works will not unduly interfere with natural coastal or water course processes through restriction or changes to flow; and</p> <p>b) the works will not result in an increase in the extent of flooding on other land or increase the risk to other structures;</p> <p>c) inundation will not result in pollution of the watercourse or coast through appropriate location of effluent disposal or the storage of materials; and</p> <p>d) where mitigation works are proposed to be carried out outside the boundaries of the site, such works are part of an approved hazard reduction plan covering the area in which the works are proposed.</p>
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## E5.7 Risk Assessment

- (a) Where an assessment of risk under the Risk Consequence and Likelihood Matrix Table for a use or development is required, it is to be classified through the determination of consequence contained in the criteria in b) together with the likelihood of flood occurrence contained in c).

**Table E5.1 AS/NZS 4360:2004 Risk Consequence and Likelihood Matrix Table**

Likelihood	Consequences				
	Catastrophic	Major	Moderate	Minor	Insignificant

<b>Moderate</b>	High	High	High	Medium	Low
<b>Unlikely</b>	High	Medium	Medium	Low	Low
<b>Rare</b>	High	Medium	Medium	Low	Low

**b) Consequence Criteria**

Catastrophic loss of life, loss of significant environmental values due to a pollution event where there is not likely to be recovery in the foreseeable future.

Major extensive injuries, complete structural failure of development, destruction of significant property and infrastructure, significant environmental damage requiring remediation with a long-term recovery time.

Moderate Treatment required, significant building or infrastructure damage i.e. loss of minor outbuildings such as car ports, public park shelters and the like. Replacement of significant property components such as cladding, flooring, linings, hard paved surfaces. Moderate environmental damage with a short-term natural or remedial recovery time.

Minor Medium loss – seepage, replacement of floor/window coverings, some furniture, repair of building components of outbuildings and repair and minor replacement of building components of buildings where direct access to the water is required. Minor environmental damage easily remediated.

Insignificant No injury, low loss – cleaning but no replacement of habitable building components, some repair of garden beds, gravel driveways etc. Environment can naturally withstand and recover without remediation.

Inundation of the site, but ground based access is still readily available and habitable buildings are not inundated, including incorporated garages.

**c) Likelihood – Annual Exceedance Probability**

1:25 (4%) Moderate

1:50 (2%) Unlikely

1:100 (1%) Rare

## **E6 Car Parking and Sustainable Transport Code**

### **E6.1 Purpose of the Code**

E6.1.1 The purpose of this provision is to:

- (a) ensure that an appropriate level of car parking facilities are provided to service new land use and development having regard to the operations on the land and the nature of the locality; and
- (b) ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas; and
- (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; and
- (d) ensure that parking does not adversely impact on the amenity of a locality and achieves high standards of urban design; and
- (e) ensure that the design of car and bicycle parking space and access meet appropriate design standards; and
- (f) provide for the implementation of parking precinct plans.

### **E6.2 Application of this Code**

E6.2.1 This code applies to all use and development of land.

### **E6.3 Required Application Information**

E6.3.1 In addition to the normal requirements of development applications and where car parking or sustainable transport facilities are required to be provided, a plan drawn to scale and dimensioned must be provided as part of the application showing:

- (a) all car spaces to be provided on the site (or being relied on as part of the development); and
- (b) access strips and manoeuvring and circulation spaces; and
- (c) all access strips onto the site from roads; and
- (d) details of the existing and proposed surface treatments for all car parking access strips and manoeuvring and circulation spaces; and
- (e) all facilities proposed for cycling or public transport users.

E6.3.2 Council may also require a Traffic Impact Assessment from a suitably qualified person to accompany a development application where it is assessed as having the potential to adversely impact on the traffic circulation, safety or network efficiency in the surrounding area.

## E6.4 Definition of Terms

Category 1 – Trunk Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 2 – Regional Freight Route means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 3 – Regional Access Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 4 – Feeder Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Category 5 – Other Road means as defined in *Tasmania State Road Hierarchy (DIER, 2007)*

Parking Precinct Plan means a strategic plan relating to the parking of cars, bicycles and other vehicles within a defined area which is incorporated into the planning scheme and listed as additional component to this Code. A Parking Precinct Plan must include the following information:

- a) the purpose of the plan; and
- b) the area to which the plan applies; and
- c) the parking outcomes to be achieved by the plan; and
- d) an assessment of car parking demand and supply in the precinct area; and
- e) the locational, financial, landscape and other actions or requirements necessary to implement the parking precinct plan.

Parking Precinct Plans are contained in Table E6.6 to this code.

## E6.5 Use or Development Exempt from this Code

E6.5.1 There are no exemptions to this code.

## E6.6 Use Standards

### E6.6.1 Car Parking Numbers

Objective	
To ensure that an appropriate level of car parking is provided to service use.	
Acceptable Solutions	Performance Criteria
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <ol style="list-style-type: none"> <li>a) Table E6.1; or</li> <li>b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential</li> </ol>	<p>P1 The number of car parking spaces provided must have regard to:</p> <ol style="list-style-type: none"> <li>a) the provisions of any relevant location specific car parking plan; and</li> <li>b) the availability of public car parking spaces within reasonable walking</li> </ol>

Zone).	<p>distance; and</p> <ul style="list-style-type: none"> <li>c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and</li> <li>d) the availability and frequency of public transport within reasonable walking distance of the site; and</li> <li>e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</li> <li>f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and</li> <li>g) an empirical assessment of the car parking demand; and</li> <li>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</li> <li>i) the recommendations of a traffic impact assessment prepared for the proposal; and</li> <li>j) any heritage values of the site; and</li> <li>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to: <ul style="list-style-type: none"> <li>i) the size of the dwelling and the number of bedrooms; and</li> <li>ii) the pattern of parking in the locality; and</li> <li>iii) any existing structure on the land.</li> </ul> </li> </ul>
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## 6.7 Development Standards

### E6.7.1 Construction of Car Parking Spaces and Access Strips

#### Objective

To ensure that car parking spaces and access strips are constructed to an appropriate standard.

Acceptable Solutions	Performance Criteria
<p>A1 All car parking, access strips manoeuvring and circulation spaces must be:</p> <p>a) formed to an adequate level and drained; and</p> <p>b) except for a single dwelling, provided with an impervious all weather seal; and</p> <p>c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</p>	<p>P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.</p>

### E6.7.2 Design and Layout of Car Parking

<p>Objective</p> <p>To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.</p>	
Acceptable Solutions	Performance Criteria
<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for a dwelling in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	<p>P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <p>a) the layout of the site and the location of existing buildings; and</p> <p>b) views into the site from the road and adjoining public spaces; and</p> <p>c) the ability to access the site and the rear of buildings; and</p> <p>d) the layout of car parking in the vicinity; and</p> <p>e) the level of landscaping proposed for the car parking.</p>
<p>A2.1 Car parking and manoeuvring space must:</p> <p>a) have a gradient of 10% or less; and</p>	<p>P2 Car parking and manoeuvring space must:</p> <p>a) be convenient, safe and efficient to use having regard to matters such as slope,</p>

<p>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</p> <p>c) have a width of vehicular access no less than prescribed in Table E6.2; and</p> <p>d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply:</p> <ul style="list-style-type: none"> <li>i) there are three or more car parking spaces; and</li> <li>ii) where parking is more than 30m driving distance from the road; or</li> <li>iii) where the sole vehicle access is to a category 1, 2, 3 or 4 road; and</li> </ul> <p>A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i>.</p>	<p>dimensions, layout and the expected number and type of vehicles; and</p> <p>b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.</p>
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### E6.7.3 Parking for Persons with a Disability

<p>Objective</p> <p>To ensure adequate parking for persons with a disability.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</p>	<p>P1 No performance criteria.</p>
<p>A2 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities.</p>	<p>P2 No performance criteria.</p>

### E6.7.4 Loading and Unloading of Vehicles, Drop-off and Pickup

<p>Objective</p>
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To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.	
Acceptable Solutions	Performance Criteria
<p>A1 For retail, commercial, industrial, service industry or warehouse or storage uses:</p> <p>a) at least one loading bay must be provided in accordance with Table E6.4; and</p> <p>b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.</p>	<p>P1 For retail, commercial, industrial, service industry or warehouse or storage uses, adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.</p>

## E6.8 Provisions for Sustainable Transport

### E6.8.5 Pedestrian Walkways

Objective	
To ensure pedestrian safety is considered in development	
Acceptable Solutions	Performance Criteria
<p>A1 Pedestrian access must be provided for in accordance with Table E6.5.</p>	<p>P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.</p>



**Table E6.1: Parking Space Requirements**

Use	Parking Requirement	
	Vehicle	Bicycle
<b>Bulky goods sales</b>	1 space per employee + 1 space per 100m <sup>2</sup> net floor area	No requirement set
<b>Business and professional services:</b>		
bank, office, real estate agency, travel agent	1 space per employee + 1 space per 50m <sup>2</sup> net floor area	No requirement set
funeral parlour	1 space per employee + 1 visitor space + 1 space per 4 chapel seats	No requirement set
call centre	1 space per employee	No requirement set
Doctors' surgery, clinic, consulting room, veterinary surgery	4 spaces per professional practitioner	No requirement set
<b>Emergency services</b>		
<b>Community meeting and entertainment:</b>		
fire/ambulance station	1 space per employee	No requirement set
art gallery, church, conference centre, dancing school, exhibition centre, library, cinema, theatre, function centre, hall, indoor recreation, gymnasium, cemetery, crematorium	1 space per 20m <sup>2</sup> of public area or 1 space per 4 seats whichever is greater	No requirement set
<b>Corrective institution</b>	1 space per 2 employees + 1 space per 5 inmates	No requirement set
<b>Crematoria and cemetery</b>	1 space per employee + 1 visitor space + 1 space per 4 chapel seats	No requirement set

<b>Domestic animal breeding, boarding or training</b>	1 space per staff member + 2 visitor spaces	No requirement set
<b>Educational and occasional care</b>	1 space per employee + 1 space per 6 tertiary or training students	No requirement set
<b>Equipment and machinery sales and hire</b>	1 space per 50m <sup>2</sup> net floor area	No requirement
<b>Extractive industry</b>	1 space per 2 employees	No requirement set
<b>Food services</b> (restaurant, cafe, take-away)	1 space per 15m <sup>2</sup> net floor area + 6 queuing spaces for drive-through	No requirement set
<b>Retail and hire</b> (amusement centre, betting agency, department store, market, supermarket, video shop)	1 space per 30m <sup>2</sup> net floor area	No requirement set
<b>Hospital services</b>	1 space per 4 beds + 1 space per doctor + 1 space per 2 employees	No requirement set
<b>Hotel industry</b> (hotel, bottle shop, tavern)	1 space per 20m <sup>2</sup> of net public area + 1 space per bedroom + 6 spaces for drive-in bottle shop	No requirement set
<b>Manufacturing and processing</b> (boat-building, brick, cement works, furniture, glass, metal, wood and textile making)	1 space per 200m <sup>2</sup> net floor area or 2 spaces per 3 employees (whichever is greater)	No requirement set
<b>Minor utilities</b>	No requirements set	No requirements set
<b>Motor racing facility</b>	1 space per 5 visitor seats	No requirement set
<b>Natural and cultural values management</b>	No requirements set	No requirements set
<b>Passive recreation</b>	No requirements set	No requirements set

<b>Recycling and waste disposal</b> (scrap, car wrecking yard, refuse disposal/transfer station)	1 space per 500 m <sup>2</sup> of the site + 1 space per employee	No requirement set
<b>Research and development</b>	1 space per 100m <sup>2</sup> or 2 spaces per 3 staff whichever is greater	No requirement set
<b>Residential:</b>		
If a 1 bedroom or studio dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)	1 space per dwelling	No requirement set
If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)	2 spaces per dwelling	
visitor parking for multiple dwellings in the General Residential Zone	1 dedicated space per 4 dwellings (rounded up to the nearest whole number); or  If on an internal lot or located at the head of a cul-de-sac, 1 dedicated space per 3 dwellings (rounded up to the nearest whole number)	
Residential use in any other zone or any other residential use in the General Residential Zone	1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 dwellings	
<b>Resource development:</b>		
Aquaculture	2 spaces per 3 employees	No requirement set
Other	No requirement	No requirement set

Resource processing <b>(abattoir, fish/cheese/milk processing)</b>	2 spaces per 3 employees	No requirement set
<b>Service industry</b> (car wash, commercial laundry, repair garage, panel beater)	1 space per 80m <sup>2</sup> or 2 spaces per 3 employees whichever is greater	No requirement set
<b>Sports and Recreation:</b>		
golf course	4 spaces per golf hole	No requirement set
bowling green,	6 spaces per bowling rink	
tennis courts (if not associated with a single dwelling)	4 spaces per tennis court + 1 space per 5 spectator places	
swimming pool (if not associated with a single dwelling)	1 space per 20m <sup>2</sup> of pool + 1 space per 5 spectator places	
marina	2 spaces for 3 berths	
race course, firing range and other outdoor recreation	No requirements	No requirements
Sportsground, showground	1 space per 5 spectator places and a drop-off and pickup area	No requirement set
<b>Storage</b> (vehicle/caravan/boat store, cold store, wood yard / fuel depot, warehouse)	1 space per 200m <sup>2</sup> of the site or 1 space per 2 employees; whichever is greater	No requirement set
<b>Tourist operation</b> (winery, theme/wildlife park, zoo)	1 space per 200 m <sup>2</sup> gross floor area or 1 space per 500m <sup>2</sup> of the site; whichever is greater	No requirement set
<b>Transport depot and distribution</b>	10% of the site to be set aside for car spaces and access strips (excluding driveways)	No requirement set

<b>Utilities</b>	No requirement set	No requirement set
<b>Vehicle fuel sales and servicing</b>	4 spaces per service bay	No requirement set
<b>Visitor accommodation</b> (bed and breakfast, camping, caravan park, unit/cabin, backpacker hostel, motel, serviced apartments)	1 space per unit or 1 space per 4 beds whichever is greater	No requirement set

**Notes:**

1. The number of parking spaces required is to be calculated on the basis of the area of each new or expanded use on the application site and/or the additional number of people capable<sup>2</sup> of using the site, where indicated.
2. Each space is to be individually accessible (not jockey or tandem), except for single dwellings.
3. Fractions of a space are to be rounded to the nearest whole number, so that a full number of spaces is provided for any fraction of a quota of floor area or number of employees.
4. Where a proposal contains multiple use classes, the car parking requirements must be calculated as the sum of the requirements for each individual use component.

**Table E6.2: Access Widths for Vehicles**

<b>Number of parking spaces served</b>	<b>Access width (see note 1)</b>	<b>Passing bay (2.0m wide by 5.0m long plus entry and exit tapers) (see note 2)</b>
1 to 5	3.0m	Every 30m
6 to 20	4.5m* for initial 7m from road carriageway and 3.0m thereafter	Every 30m
21 and over	5.5m	Not applicable

**\*Note 1**

1. Carriageways must have an internal radius of at least 4.0 metres at changes of direction or intersections or be wider than 4.2 metres.

**Note 2**

1. Passing bay area is additional to the required carriageway width.

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<sup>2</sup>By statute where appropriate

- For one-way operation the minimum access width is 3 metres and there is no passing bay requirement.

**Table E6.3: Width of Access and Manoeuvring Space adjacent to Parking Spaces**

Angle of Car Spaces to Access Strip	Access Strips Widths	Car Park Widths	Car parking length
Parallel	3.6m	2.3m	6.7m
45 degrees	3.5m	2.6m	5.4m
60 degrees	4.9m	2.6m	5.4m
90 degrees	6.4m	2.6m	5.4m
	5.8m	2.8m	5.4m
	5.2m	3.0m	5.4m
	4.8m	3.2m	5.4m

**Notes:**

- A building may project into a parking space provided it is at least 2.1 metres above the parking surface level.
- If entry to the car space is from a road then the width of the access strips may include the road

**Table E6.4: Loading bays**

Floor area of the Building	Minimum Loading Bay Dimensions	
2600m <sup>2</sup> or less in a single occupation	Required Area	27.4m <sup>2</sup>
	Required Length	7.6m
	Required Width	3.6m
	Required Height Clearance	4.0m
For every additional 1,800m <sup>2</sup> or part thereof of building floor area	An additional 18m <sup>2</sup> of area	

**Table E6.5: Pedestrian Access**

Number of Parking Spaces Required	Pedestrian Facility

1–10	No separate access required (i.e. pedestrians may share the driveway). [Note (a) applies].
11 or more	A 1m wide footpath separated from the driveway and parking aisles except at crossing points. [Notes (a) and (b) apply].

**Notes**

- a) In parking areas containing spaces allocated for disabled persons, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the principal building.
- b) Separation is deemed to be achieved by:
  - i) a horizontal distance of 2.5m between the edge of the driveway and the footpath; or
  - ii) protective devices such as bollards, guard rails or planters between the driveway and the footpath; and
  - iii) signs and line marking at points where pedestrians are intended to cross driveways or parking aisles.

**Table E6.6 - Parking Precinct Plans**

Nil

## **E7 Scenic Management Code**

### **E7.1 Purpose of the Code**

E7.1.1 The purpose of this provision is to:

- a) ensure that siting and design of development protects and complements the visual amenity of defined tourist road corridors; and
- b) ensure that siting and design of development in designated scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape.

### **E7.2 Application of this Code**

E7.2.1 This code applies to use or development of land within the scenic management – tourist road corridor and local scenic management areas.

### **E7.3 Definition of Terms**

scenic management – tourist road corridor	means the area of land within 100 metres measured from each frontage to the scenic management tourist road corridor indicated on the planning scheme maps.
local scenic management area	means those areas listed in Table E7.1 – local scenic management areas and indicated on the planning scheme maps.

### **E7.4 Use or Development Exempt from this Code**

E7.4.1 The following use or development is exempt from this code:

- a) Use without development, not including plantation forestry; and
- b) Subdivision for a boundary adjustment; and
- c) Road widening.

### **E7.5 Use Standards**

Not used in this Scheme.



## E7.6 Development Standards

### E7.6.1 Scenic Management – Tourist Road Corridor

Objective	
<p>(a) To enhance the visual amenity of the identified tourist road corridors through appropriate:</p> <ul style="list-style-type: none"> <li>i) setbacks of development to the road to provide for views that are significant to the traveller experience and to mitigate the bulk of development; and</li> <li>ii) location of development to avoid obtrusive visual impacts on skylines, ridgelines and prominent locations within the corridor; and</li> <li>iii) design and/or treatment of the form of buildings and earthworks to minimise the visual impact of development in its surroundings; and</li> <li>iv) retention or establishment of vegetation (native or exotic) that mitigates the bulk or form of use or development; and</li> <li>v) retention of vegetation (native or exotic) that provides amenity value to the road corridor due to being in a natural condition, such as native forest, or of cultural landscape interest such as hedgerows and significant, exotic feature trees; and</li> </ul> <p>(b) To ensure subdivision provides for a pattern of development that is consistent with the visual amenity objectives described in (a).</p>	
Acceptable Solutions	Performance Criteria
A1 Development (not including subdivision) must be fully screened by existing vegetation or other features when viewed from the road within the tourist road corridor.	<p>P1 Development (not including subdivision) must be screened when viewed from the road within the tourist road corridor having regard to:</p> <ul style="list-style-type: none"> <li>a) the impact on skylines, ridgelines and prominent locations; and</li> <li>b) the proximity to the road and the impact on views from the road; and</li> <li>c) the need for the development to be prominent to the road; and</li> <li>d) the specific requirements of a resource development use; and</li> <li>e) the retention or establishment of vegetation to provide screening in combination with other requirements for hazard management; and</li> <li>f) whether existing native or significant exotic vegetation within the tourist road corridor is managed to retain the visual</li> </ul>

	<p>values of a touring route; and</p> <p>g) whether development for forestry or plantation forestry is in accordance with the 'Conservation of Natural and Cultural Values – Landscape' section of the <i>Forest Practices Code</i>; and</p> <p>h) the design and/or treatment of development including:</p> <ul style="list-style-type: none"> <li>i) the bulk and form of buildings including materials and finishes;</li> <li>ii) earthworks for cut or fill;</li> <li>iii) complementing the physical (built or natural) characteristics of the site.</li> </ul>
<p>A2 Subdivision must not alter any boundaries within the areas designated as scenic management – tourist road corridor.</p>	<p>P2 Subdivision that alters any boundaries within the areas designated as 'scenic management – tourist road corridor' must be consistent with the scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas, having regard to:</p> <ul style="list-style-type: none"> <li>a) site size; and</li> <li>b) density of potential development on sites created; and</li> <li>c) the clearance or retention of vegetation in combination with requirements for hazard management; and</li> <li>d) the extent of works required for roads or to gain access to sites including cut and fill; and</li> <li>e) the physical characteristics of the site and locality; and</li> <li>f) the scenic qualities of the land that require management.</li> </ul>

## E7.6.2 Local Scenic Management Areas

Objective	
<p>a) To site and design buildings, works and associated access strips to be unobtrusive to the skyline and hillsides and complement the character of the local scenic management area; and</p> <p>b) To ensure subdivision and the subsequent development of land does not compromise the scenic management objectives of the local scenic management area.</p>	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1 Development (not including subdivision) must have regard to the:</p> <p>a) character statement and scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas; and</p> <p>b) impact on skylines, ridgelines and prominent locations; and</p> <p>c) retention or establishment of vegetation to provide screening in combination with other requirements for hazard management; and</p> <p>d) design or treatment of development including:</p> <p>i) the bulk and form of buildings including materials and finishes; and</p> <p>ii) earthworks for cut or fill; and</p> <p>iii) complementing the physical (built or natural) characteristics of the site or area.</p>
A2 No acceptable solution.	<p>P2 Subdivision must be consistent with the scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas, having regard to:</p> <p>a) the local scenic management area – character statement; and</p> <p>b) site size; and</p>

	<ul style="list-style-type: none"> <li>c) density of subsequent development; and</li> <li>d) the clearance or retention of vegetation in combination with requirements for hazard management; and</li> <li>e) the extent of works required for roads and to gain access to sites including cut and fill; and</li> <li>f) the physical characteristics of the site and locality;</li> <li>g) any plan over the land through an agreement under S71 of the Act.</li> </ul>
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Table E7.1 – Local Scenic Management Areas

Nil

## **E8 Biodiversity Code**

### **E8.1 Purpose of the Code**

E8.1.1 The purpose of this provision is to:

- a) protect, conserve and enhance the region's biodiversity in consideration of the extent, condition and connectivity of critical habitats and priority vegetation communities, and the number and status of vulnerable and threatened species; and
- b) ensure that development is carried out in a manner that assists the protection of biodiversity by:
  - i) minimising vegetation and habitat loss or degradation; and
  - ii) appropriately locating buildings and works; and
  - iii) offsetting the loss of vegetation through protection of other areas where appropriate.

### **E8.2 Application of this Code**

E8.2.1 This code applies to use or development of land:

- a) within the area identified as priority habitat on the planning scheme maps; or
- b) for the removal of native vegetation.

### **E8.3 Definition of Terms**

Priority habitat	means the areas identified on the planning scheme maps as priority habitat.
Flora and fauna report	means a report prepared by a suitably qualified person that must include: <ul style="list-style-type: none"><li>a) a survey of the site identifying the extent, condition and connectivity of the habitat; and</li><li>b) an assessment of the value of the habitat to contribute to the conservation and protection of species of significance in the bioregion; and</li><li>c) an assessment of the full range of the impact that the proposed use or development will have on those values; and any mitigation or additional measures that should be incorporated to protect or enhance the values of the habitat.</li></ul>

### **E8.4 Use or Development Exempt from this Code**

E8.4.1 The following use or development is exempt from this code:

- a) Level 2 activities assessed by the Environment Protection Authority.

### **E8.5 Use Standards**

Not used in this Scheme.

## E8.6 Development Standards

### E8.6.1 Habitat and Vegetation Management

<p>Objective</p> <p>To ensure that:</p> <p>a) vegetation identified as having conservation value as habitat has priority for protection and is appropriately managed to protect those values; and</p> <p>b) the representation and connectivity of vegetation communities is given appropriate protection when considering the impacts of use and development.</p>	
Acceptable Solutions	Performance Criteria
<p>A1.1 Clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan or;</p> <p>A1.2 Development does not clear or disturb native vegetation within areas identified as priority habitat.</p>	<p>P1 Clearance or disturbance of native vegetation within priority habitat may be allowed where a flora and fauna report prepared by a suitably qualified person demonstrates that development does not unduly compromise the representation of species or vegetation communities in the bioregion having regard to the:</p> <p>a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and</p> <p>b) means of removal; and</p> <p>c) value of riparian vegetation in protecting habitat values; and</p> <p>d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and</p> <p>e) need for and adequacy of proposed vegetation or habitat management; and</p> <p>f) conservation outcomes and long-term security of any offset in accordance with the <i>General Offset Principles</i> for the RMPS, Department of Primary Industries, Parks, Water and Environment.</p>
<p>A2 Clearance or disturbance of native</p>	<p>P2.1 Clearance or disturbance of native</p>

<p>vegetation is in accordance with a certified Forest Practices Plan.</p>	<p>vegetation must be consistent with the purpose of this Code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the:</p> <ul style="list-style-type: none"> <li>a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and</li> <li>b) means of removal; and</li> <li>c) value of riparian vegetation in protecting habitat values; and</li> <li>d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and</li> <li>e) need for and adequacy of proposed vegetation or habitat management; and</li> <li>f) conservation outcomes and long-term security of any offset in accordance with the <i>General Offset Principles</i> for the RMPS, Department of Primary Industries, Parks, Water and Environment.</li> </ul>
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## E9 Water Quality Code

### E9.1 Purpose of the Code

E9.1.1 The purpose of this provision is to:

- a) consider the impacts of development to limit adverse effects on the following:
  - i) wetland and watercourse ecosystems; and
  - ii) flow regimes, water levels, biological activity and physical characteristics; and
  - iii) the variety of flora and fauna; and
  - iv) the role of wetlands and watercourses for water supply, flood mitigation, environmental protection, water regulation and nutrient filtering, as resources for recreational activities and as attractive features in the landscape; and
- b) improve the sustainable management of surface water through development.

### E9.2 Application of this Code

E9.2.1 This code applies to use or development of land:

- a) within 50 metres of a wetland or watercourse; or
- b) within a Water catchment area – inner or outer buffer.

### E9.3 Definition of Terms

Water Company	means the Tasmanian Water and Sewerage Corporation Pty Ltd
Water catchment area - inner buffer	means the area defined at Figure E9.5.1.
Water catchment area - outer buffer	means the area defined at Figure E9.5.2.
Soil and water management plan	means a site-specific plan or drawing that details sediment and erosion control measures on a site.

### E9.4 Use or Development Exempt from this Code

E9.4.1 The following use or development is exempt from this code:

- a) forestry subject to a certified forest practices plan;
- b) use for agriculture;
- c) private tracks on agricultural properties that are used for agricultural purposes;
- d) use and development for natural and cultural values management within parks, reserves and State Forest under State Government or Council ownership.
- e) use and development that is connected to reticulated sewer and stormwater.
- f) Level 2 activities assessed by the Environmental Protection Authority.



## E9.5 Use Standards

Not used in this Scheme.

## E9.6 Development Standards

### E9.6.1 Development and Construction Practices and Riparian Vegetation

<b>Objective</b> To protect the hydrological and biological roles of wetlands and watercourses from the effects of development.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Native vegetation is retained within: a) 40m of a wetland, watercourse or mean high water mark; and b) a Water catchment area - inner buffer.	P1 Native vegetation removal must submit a soil and water management plan to demonstrate: a) revegetation and weed control of areas of bare soil; and b) the management of runoff so that impacts from storm events up to at least the 1 in 5 year storm are not increased; and c) that disturbance to vegetation and the ecological values of riparian vegetation will not detrimentally affect hydrological features and functions.
A2 A wetland must not be filled, drained, piped or channelled.	P2 Disturbance of wetlands must minimise loss of hydrological and biological values, having regard to:  (i) natural flow regimes, water quality and biological diversity of any waterway or wetland;  (ii) design and operation of any buildings, works or structures on or near the wetland or waterway;  (iii) opportunities to establish or retain native riparian vegetation;  (iv) sources and types of potential contamination of the wetland or waterway.

<p>A3 A watercourse must not be filled, piped or channelled except to provide a culvert for access purposes.</p>	<p>P3 A watercourse may be filled, piped, or channelled:</p> <ul style="list-style-type: none"> <li>a) within an urban environment for the extension of an existing reticulated stormwater network; or</li> <li>b) for the construction of a new road where retention of the watercourse is not feasible.</li> </ul>
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### E9.6.2 Water Quality Management

<p>Objective</p> <p>To maintain water quality at a level which will not affect aquatic habitats, recreational assets, or sources of supply for domestic, industrial and agricultural uses.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 All stormwater must be:</p> <ul style="list-style-type: none"> <li>a) connected to a reticulated stormwater system; or</li> <li>b) where ground surface runoff is collected, diverted through a sediment and grease trap or artificial wetlands prior to being discharged into a natural wetland or watercourse; or</li> <li>c) diverted to an on-site system that contains stormwater within the site.</li> </ul>	<p>P1 Stormwater discharges to watercourses and wetlands must minimise loss of hydrological and biological values, having regard to:</p> <ul style="list-style-type: none"> <li>(i) natural flow regimes, water quality and biological diversity of any waterway or wetland;</li> <li>(ii) design and operation of any buildings, works or structures, on or near the wetland or waterway;</li> <li>(iii) sources and types of potential contamination of the wetland or waterway;</li> <li>(iv) devices or works to intercept and treat waterborne contaminants;</li> <li>(v) opportunities to establish or retain native riparian vegetation or continuity of aquatic habitat.</li> </ul>
<p>A2.1 No new point source discharge directly into a wetland or watercourse.</p> <p>A2.2 For existing point source discharges into a wetland or watercourse there is to be no more than 10% increase over the discharge which existed at the</p>	<p>P2.1 New and existing point source discharges to wetlands or watercourses must implement appropriate methods of treatment or management to ensure point sources of discharge:</p> <ul style="list-style-type: none"> <li>a) do not give rise to pollution as defined</li> </ul>

<p>effective date.</p>	<p>under the <i>Environmental Management and Pollution Control Act 1994</i>; and</p> <p>b) are reduced to the maximum extent that is reasonable and practical having regard to:</p> <p>i) best practice environmental management; and</p> <p>ii) accepted modern technology; and</p> <p>c) meet emission limit guidelines from the Board of the Environment Protection Authority in accordance with the <i>State Policy for Water Quality Management 1997</i>.</p> <p>P2.2 Where it is proposed to discharge pollutants into a wetland or watercourse, the application must demonstrate that it is not practicable to recycle or reuse the material.</p>
<p>A3 No acceptable solution.</p>	<p>P3 Quarries and borrow pits must not have a detrimental effect on water quality or natural processes.</p>

### E9.6.3 Construction of Roads

<p>Objective</p> <p>To ensure that roads, private roads or private tracks do not result in erosion, siltation or affect water quality.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1 A road or track does not cross, enter or drain to a watercourse or wetland.</p>	<p>P1 Road and private tracks constructed within 50m of a wetland or watercourse must comply with the requirements of the <i>Wetlands and Waterways Works Manual</i>, particularly the guidelines for siting and designing stream crossings.</p>

### E9.6.4 Access

<p>Objective</p> <p>To facilitate appropriate access at suitable locations whilst maintaining the ecological, scenic and</p>
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hydrological values of watercourses and wetlands.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 No acceptable solution.	<p>P1 New access points to wetlands and watercourses are provided in a way that minimises:</p> <ul style="list-style-type: none"> <li>a) their occurrence; and</li> <li>b) the disturbance to vegetation and hydrological features from use or development.</li> </ul>
A2 No acceptable solution.	<p>P2 Accesses and pathways are constructed to prevent erosion, sedimentation and siltation as a result of runoff or degradation of path materials.</p>

#### **E9.6.5 Sediment and Erosion Control**

<p>Objective</p> <p>To minimise the environmental effects of erosion and sedimentation associated with the subdivision of land.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 The subdivision does not involve any works.	<p>P1 For subdivision involving works, a soil and water management plan must demonstrate the:</p> <ul style="list-style-type: none"> <li>i) minimisation of dust generation from susceptible areas on site; and</li> <li>ii) management of areas of exposed earth to reduce erosion and sediment loss from the site.</li> </ul>

#### **E9.6.6 Water Catchment Areas**

<p>Objective</p> <p>To address the effects of use and development within defined buffer areas for water catchments.</p>
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Acceptable Solutions	Performance Criteria
<p>A1 Development located within a Water catchment area - outer buffer must be developed and managed in accordance with a soil and water management plan approved by the Water Company.</p>	<p>P1 No performance criteria.</p>
<p>A2 Development located within a Water catchment area - inner buffer must not involve disturbance of the ground surface.</p>	<p>P2 Development located within a Water catchment area - inner buffer that involves disturbance of the ground surface must not have a detrimental effect on water quality for the reticulated water intakes.</p>

*Note: This section will only be applied when the Water Company define their catchment areas and the buffer areas that they require in accordance with the Water Sewer Industries Act.*

**Figure E9.6.1 –Water catchment area – inner buffer**

Nil

**Figure E9.6.2 –Water catchment area – outer buffer**

Nil

## **E10 Recreation and Open Space Code**

### **E10.1 Purpose of the Code**

E10.1.1 The purpose of this provision is to:

- a) consider the requirements of open space and recreation in the assessment of use or development with emphasis upon:
  - i) the acquisition of land and facilities through the subdivision process; and
  - ii) implementation of local open space strategies and plans to create quality open spaces; and
  - iii) the creation of a diverse range of recreational opportunities via an integrated network of public open space commensurate with the needs of urban communities and rural areas; and
  - iv) achieving an integrated open space network which provides for a diversity of experiences; and
  - v) providing for appropriate conservation and natural values within recreation and open space.

### **E10.2 Application of this Code**

E10.2.1 This code applies to development of land for subdivision in the General Residential, Low Density Residential, and Village zones.

### **E10.3 Definition of Terms**

E10.3.1 Not applicable.

### **E10.4 Use or Development Exempt from this Code**

E10.4.1 There are no exemptions to this code.

### **E10.5 Use Standards**

Not used in this Scheme.

## E10.6 Development Standards

### E10.6.1 Provision of Public Open Space

Objective	
<p>a) To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and</p> <p>b) To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The application must:</p> <p>a) include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu;</p>	<p>P1 Provision of public open space, unless in accordance with Table E10.1, must:</p> <p>a) not pose a risk to health due to contamination; and</p> <p>b) not unreasonably restrict public use of the land as a result of:</p> <p>i) services, easements or utilities; and</p> <p>ii) stormwater detention basins; and</p> <p>iii) drainage or wetland areas; and</p> <p>iv) vehicular access; and</p> <p>c) be designed to:</p> <p>i) provide a range of recreational settings and accommodate adequate facilities to meet the needs of the community, including car parking; and</p> <p>ii) reasonably contribute to the pedestrian connectivity of the broader area; and</p> <p>iii) be cost effective to maintain; and</p> <p>iv) respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and</p> <p>v) provide for public safety through <i>Crime Prevention Through</i></p>

	<p><i>Environmental Design</i> principles; and</p> <ul style="list-style-type: none"> <li>vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and</li> <li>vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and</li> <li>ix) create attractive environments and focal points that contribute to the existing or desired future character statements, if any.</li> </ul>
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**Table E10.1 Open Space Plans**

Nil



## E11 Environmental Impacts and Attenuation Code

### E11.1 Purpose of the Code

E11.1.1 The purpose of this provision is to:

- a) ensure appropriate consideration of the potential for environmental harm or environmental nuisance in the location of new sensitive uses; or
- b) ensure the environmental impacts of new development are considered to eliminate, reduce or mitigate potential for environmental harm or environmental nuisance.

### E11.2 Application of this code

E11.2.1 The code applies to use or development of land for:

- a) sensitive use located within the attenuation distance of existing or approved uses with the potential to create environmental harm and environmental nuisance or within a buffer area shown on the planning scheme map; and
- b) uses listed in E11.6.2.

### E11.3 Definition of Terms

Site specific study	means an environmental impact assessment carried out by a suitably qualified person in accordance with s.74 <i>Environmental Management and Pollution Control Act 1994</i> .
Attenuation distance	means the distance listed in Tables E11.1 and E11.2.

### E11.4 Use or Development Exempt from this Code

E11.4.1 The following use or development is exempt from this code:

- a) Level 2 activities assessed by the Environment Protection Authority.

### E11.5 Required Application Information

In addition to the requirements of Clause 8.1, all applications for uses listed in Tables E11.1 and E11.2 must provide the following:

A locality plan showing:

- a) the boundaries of the property; and
- b) routes used for transport of goods and materials into and out of the site; and
- c) the locations of any sensitive uses within the relevant attenuation distance as set out in Tables E11.1 and E11.2; and

- d) any water courses within the relevant attenuation distance as set out in Tables E11.1 and E11.2; and

A site plan showing:

- a) areas for storage internally or externally of materials, waste or finished products; and
- b) location of equipment that may produce noise, smoke or odour; and
- c) the location of any equipment for containing, treating or disposing of liquid wastes; and
- d) the location of any points of emissions from the site, e.g. chimneys, exhaust points, storm water drains; and

Description of the development including:

- a) types and quantities of raw materials of the raw materials and the quantities of finished products; and
- b) the stages of development; and
- c) the type and processes of any machinery used as part of the production process; and
- d) the hours of operation; and
- e) the number and frequency of vehicle movements; and
- f) the type and quantities of any hazardous or flammable materials; and
- g) details of process that may give rise to emissions to air, ground and water and details of how these emissions are to be dealt with; and
- h) details of any solid waste created and details of how this is proposed to be dealt with; and
- i) the plans or measures to deal with any accidental spills.

## E11.6 Use Standards

### E11.6.1 Attenuation Distances

Objective	
To ensure that potentially incompatible use or development is separated by a distance sufficient to ameliorate any adverse effects.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1 Sensitive use or subdivision for sensitive use within an attenuation area to an existing activity listed in Tables E11.1 and E11.2 must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm, having regard to the:</p> <ul style="list-style-type: none"> <li>a) degree of encroachment; and</li> <li>b) nature of the emitting operation being protected by the attenuation area; and</li> <li>c) degree of hazard or pollution that may emanate from the emitting operation; and</li> <li>d) the measures within the proposal to mitigate impacts of the emitting activity to the sensitive use.</li> </ul>
A2 Uses listed in Tables E11.1 and E11.2 must be set back from any existing sensitive use, or a boundary to the General Residential, Low Density Residential, Rural Living, Environmental Living, Village, Local Business, General Business, Community Purpose, Recreation, Open Space, Particular Purpose Zone – Ansons bay Small Lot Residential zones, the minimum attenuation distance listed in Tables E11.1 and E11.2 for that activity.	<p>P2 Uses with the potential to create environmental harm and environmental nuisance must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm having regard to:</p> <ul style="list-style-type: none"> <li>a) the degree of encroachment; and</li> <li>b) the nature of the emitting operation being protected by the attenuation area; and</li> <li>c) the degree of hazard or pollution that may emanate from the emitting operation; and</li> <li>d) use of land irrigated by effluent must comply with <i>National Health and Medical</i></li> </ul>

**E11.7 Development Standards**

Not used in this Code.

**Table E11.1 Attenuation Distances**

The attenuation distances in Table E11.1 and Table E11.2 must be measured between the outer edge of the area used by the listed activity and the property boundary of the sensitive use or development, except for extractive industry the attenuation distance must be measured from the boundary of any applicable mining or quarry lease.

ACTIVITY	DIST (M)	ACTIVITY	DIST (m)
<b>Abattoirs (primary)</b>		<b>Disposal sites</b>	
- Large animals, greater than 100 tonnes/ year production (odours, noise)	500	spray irrigation of liquid wastes of animal or vegetative origin (odours, disease vectors)	
- Large animals, less than 100 tonnes/year production (odours, noise).	300	• primary treated	500
- Small animals (e.g. poultry) (odours, noise)	300	• secondary treated	200
<b>Abattoirs (secondary)</b>		<b>Feedlot and holding yard</b>	
- rendering etc (odours)	1000	- cattle and sheep (odours)	3000
<b>Pre-mix bitumen plants (e.g. batching)</b>		<b>Fibreglass manufacturing</b>	
- mobile and static (odours)	500	(odours)	200
<b>Brickworks</b>		<b>Fish processing (primary)</b>	
- (dust, noise)	200	- fish filleting etc.	
<b>Composting (vegetation only)</b>		(odours, noise, lights)	100
- with or without turning (odours)	500	<b>Fish processing (secondary)</b>	
<b>Composting (animal wastes)</b>		- fish meal production etc.	1000
- incorporating human and animal wastes without turning (odours)	500	<b>Flour Mills</b>	
<b>Composting (animal wastes)</b>		- (particulates, noise).	300
- incorporating human and animal wastes, with turning, (odours)	1000	<b>Foundry</b>	
<b>Concrete batching plants</b>		- (odours, particulates, noise)	1000
- (noise, dust)	100	<b>Liquid waste treatment</b>	
<b>Concrete or stone articles</b>		- e.g. treatment lagoons for wash down, processing effluent etc. (odours).	200
- (not pipe extrusion) (noise, dust)	100	<b>Metal fabrication</b>	
		- (noise, odours).	500
		<b>Organic waste treatment</b>	

ACTIVITY	DIST (M)	ACTIVITY	DIST (m)
		- e.g. cattle and pig slurry (odours)	500
<b>Crematoria</b>		<b>Piggery</b>	
- (odours, particulates)	300	- intensive husbandry (odours)	500
<b>Dairy Products</b>		<b>Sawmill</b>	
- (odours)	100	- including wood waste burnt in approved incinerator, wood chipper or use of internal combustion powered chainsaw. (noise, particulates)	300
<b>Disposal Site</b>		<b>Poultry</b>	
- (odours, dust, disease, vectors, visual)	500	- intensive husbandry (odours).	500
- transfer station (except very large stations) (odours, disease, vectors, noise, visual).	150	<b>Smallgoods manufacture</b>	100
- non putrescible wastes (odours, noise)	50	<b>Storage</b>	
<b>Quarry/pit etc.</b>		- petroleum products and crude oil (odours, noise)	
- no blasting, crushing or vibratory screening (noise, dust)	300	• with fixed roofs	300
- blasting (noise, vibration, dust)		• with floating roofs	100
• hard rock.	1000	- wet salted or unprocessed hides (odours)	300
• material other than hard rock.	300	<b>Wood preservation</b>	
- crushing (noise, dust)	750	(odours, noise)	100
- vibratory screening (noise, dust)	500	<b>Wood chipper</b>	
<b>Saleyard</b>		(noise)	300
- stock (odours, noise).	500		

**Table E11.2 Attenuation Distances for Sewage Treatment Plants**

TYPE OF INSTALLATION	DISTANCE IN METRES			
	Designed capacity dry weather flow			
KL/Day	<275	<1,375	< 5,500	<13,750
Person equivalent	<1,000	<5,000	<20,000	<50,000
Aerobic pondage (septic effluent)	100	-	-	-
Mechanical/biological treatment	100	200	300	400
Sludge drying beds/sludge digesters not within enclosed premises	150	250	300	400
Aerobic ponds	150	350	700	1000
Anaerobic ponds	400	550	700	850
Facultative ponds	300	700	1400	2200
Land disposal of secondary treatment Effluent (iv):				
Spray irrigation	200	200	200	200
Flood irrigation	50	50	50	50

## E12 Airports Impact Management Code

### E12.1 Purpose of the Code

E12.1.1 The purpose of this provision is to:

- (a) ensure that use or development within identified areas surrounding airports does not unduly restrict the ongoing security, development and use of airport infrastructure; and
- (b) provide for management of the land use implications of those areas relevant to use and development under the scheme.

### E12.2 Application of this Code

E12.2.1 This code applies to use or development of land:

- (a) within Australian noise exposure forecast contours on the maps; and
- (b) within prescribed air space.

### E12.3 Definition of Terms

ANEF

Australian noise exposure forecast (ANEF) contours are the official forecasts of future noise exposure patterns around an airport that have been endorsed by Airservices Australia.

Prescribed air space

means any airspace above Obstacle Limitation Surfaces (OLS) or Procedure for Air Navigational Services – Aircraft Operation (PANS-OPS) as established by the airport operator.

### E12.4 Use or Development Exempt from this Code

E12.4.1 There are no exemptions to this code.



## E12.5 Use Standards

### E12.5.1 Noise Impacts

Objective To ensure that noise impacts on use within the ANEF contours from aircraft and airports are appropriately managed.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 All new buildings must comply with the <i>Australian Standard 2021-2000 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction</i> .
A2 Sensitive use (whether ancillary to other use or development or not) must not occur within the 25 ANEF contour.	P2 No performance criteria.

## E12.6 Development Standards

### E12.6.1 Obstacles to Aircraft

Objective To ensure that development does not impact on the safety of prescribed airspace.	
Acceptable Solutions	Performance Criteria
A1 Development must be approved pursuant to the <i>Airports Act 1996</i> and the <i>Airport (Protection of Airspace) Regulations 1996</i> and the Manual of Standards.	P1 No performance criteria.

## E13 Local Historic Heritage Code

### E13.1 Purpose of the Code

E13.1.1 The purpose of this provision is to:

- a) protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts; and
- b) encourage and facilitate the continued use of these items for beneficial purposes; and
- c) discourage the deterioration, demolition or removal of buildings and items of assessed heritage significance; and
- d) ensure that new use and development is undertaken in a manner that is sympathetic to, and does not detract from, the cultural significance of the land, buildings and items and their settings; and
- e) conserve specifically identified heritage places by allowing a use that otherwise may be prohibited if this will demonstratively assist in conserving that place

### E13.2 Application of this Code

E13.2.1 This code applies to use or development of land that is:

- a) within a Heritage Precinct;
- b) a local heritage place;
- c) a place of identified archaeological significance.

### E13.3 Use or Development Exempt from this Code

E13.3.1 The following use or development is exempt from this code:

- a) works required to comply with an Emergency Order issued under Section 162 of the *Building Act 2000*;
- b) electricity, optic fibre and telecommunication cables and gas lines to individual buildings which connect above ground or utilise existing service trenches;
- c) internal alterations to buildings if the interior is not included in the historic heritage significance of the place or precinct;

### E13.4 Definition of Terms

Acceptable development criteria

means a precinct specific measure that demonstrates an acceptable solution for that design element in that specific precinct.

Conservation plan	means a plan prepared by a heritage professional in accordance with: Kerr, J. S. & National Trust of Australia (New South Wales) 1990, <i>The conservation plan: a guide to the preparation of conservation plans for places of European cultural significance</i> / James Semple Kerr, National Trust New South Wales, Sydney.
Existing character	means the existing character statement set out in Table E 13.1 Local Heritage Precincts which is intended to describe each of the management units. The existing character consists of the units unique or important public view corridors, vistas or natural or built features.
Heritage precinct	means an area described in Table E13.1 Local Heritage Precincts to this code as an area of special aesthetic, historic, scientific (including archaeological), spiritual or social value in which it is desirable to preserve or enhance the streetscape, townscape and/or notable character and significant features of the area.
Heritage professional	means a person with tertiary qualifications in a recognised field of direct relevance to the matter under consideration.
Historic heritage significance	means in relation to a local heritage place or heritage precinct, and its aesthetic, historic, scientific (including archaeological), social or spiritual value.
Local heritage place	means a place entered on the Local Heritage List contained in Table E13.2: Local Heritage Places outside precincts to this code.
Place of archaeological significance	means a place entered on the local archaeological heritage list contained in Table E13.3: Archaeologically significant sites.
Precinct management objective	means a precinct-specific statement of objective used to assist in decision making for discretionary use and development within a precinct.

## E13.5 Use Standards

### E13.5.1 Alternative Use of heritage buildings

Objective	
To ensure that the use of heritage buildings provides for their conservation.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1 Notwithstanding Clause 8.9, a permit may be granted for any use of a locally listed heritage place where:</p> <p>a) it can be demonstrated that the proposed use will not adversely impact on the significance of a heritage place; and</p> <p>b) the amenity impacts of both the proposed use on the surrounding areas and from the surrounding area on the proposed use are considered acceptable; and</p> <p>c) a report by heritage professional states that it is necessary for conservation purposes or the continued maintenance of the building or where there is an overriding public benefit.</p>

## E13.6 Development Standards

### E13.6.1 Demolition

Objective	
To ensure that the demolition or removal of buildings and structures does not impact on the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1.1 Existing buildings, parts of buildings and structures must be retained except:</p> <p>a) where the physical condition of place makes restoration inconsistent with maintaining the cultural significance of a place in the long term; or</p>

	<p>b) the demolition is necessary to secure the long-term future of a building or structure through renovation, reconstruction or rebuilding; or</p> <p>c) there are overriding environmental, economic considerations in terms of the building or practical considerations for its removal, either wholly or in part; or</p> <p>d) the building is identified as non-contributory within a precinct identified in Table E13.1: Heritage Precincts, if any; and</p> <p>P1.2 Demolition must not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>
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**E13.6.2 Subdivision and development density**

<p>Objective</p> <p>To ensure that subdivision and development density does not impact on the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 No acceptable solution.</p>	<p>P1 Subdivision must:</p> <p>a) be consistent with and reflect the historic development pattern of the precinct or area; and</p> <p>b) not facilitate buildings or a building pattern unsympathetic to the character or layout of buildings and lots in the area; and</p> <p>c) not result in the separation of building or structures from their original context where this leads to a loss of historic heritage significance; and</p> <p>d) not require the removal of vegetation, significant trees or garden settings where this is assessed as detrimental to conserving the historic heritage significance of a place or heritage</p>

	<p>precinct; and</p> <p>e) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>
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### E13.6.3 Site Cover

<p>Objective</p> <p>To ensure that site coverage is consistent with historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts, if any.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Site coverage must be in accordance with the acceptable development criterion for site coverage within a precinct identified in Table E13.1: Heritage Precincts, if any.</p>	<p>P1 The site coverage must:</p> <p>a) be appropriate to maintaining the character and appearance of the building or place, and the appearance of adjacent buildings and the area; and</p> <p>b) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

### E13.6.4 Height and Bulk of Buildings

<p>Objective</p> <p>To ensure that the height and bulk of buildings are consistent with historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 New building must be in accordance with the acceptable development criteria for heights of buildings or structures within a precinct identified in Table E13.1: Heritage Precincts, if any.</p>	<p>P1.1 The height and bulk of any proposed buildings must not adversely affect the importance, character and appearance of the building or place, and the appearance of adjacent buildings; and</p> <p>P1.2 Extensions proposed to the front or sides of an existing building must not detract from the historic heritage significance of</p>

	<p>the building; and</p> <p>P1.3 The height and bulk of any proposed buildings must not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>
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### E13.6.5 Fences

<p>Objective</p> <p>To ensure that fences are designed to be sympathetic to, and not detract from the historic heritage significance of, local heritage places and the ability to achieve management objectives within identified heritage precincts.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 New fences must be in accordance with the acceptable development criteria for fence type and materials within a precinct identified in Table E13.1: Heritage Precincts, if any.</p>	<p>P1 New fences must:</p> <ul style="list-style-type: none"> <li>a) be designed to be complementary to the architectural style of the dominant buildings on the site or</li> <li>b) be consistent with the dominant fencing style in the heritage precinct; and</li> <li>c) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</li> </ul>

### E13.6.6 Roof Form and Materials

<p>Objective</p> <p>To ensure that roof form and materials are designed to be sympathetic to, and not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Roof form and materials must be in accordance with the acceptable development criteria for roof form and materials within a precinct identified in Table E13.1: Heritage Precincts, if any.</p>	<p>P1 Roof form and materials for new buildings and structures must:</p> <ul style="list-style-type: none"> <li>a) be sympathetic to the historic heritage significance, design and period of construction of the dominant existing</li> </ul>

	<p>buildings on the site; and</p> <p>b) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>
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### E13.6.7 Wall materials

<p>Objective</p> <p>To ensure that wall materials are designed to be sympathetic to, and not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Wall materials must be in accordance with the acceptable development criteria for wall materials within a precinct identified in Table E13.1: Heritage Precincts, if any.</p>	<p>P1 Wall material for new buildings and structures must:</p> <p>a) be complementary to wall materials of the dominant buildings on the site or in the precinct; and</p> <p>b) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

### E13.6.8 Siting of Buildings and Structures

<p>Objective</p> <p>To ensure that the siting of buildings, does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1.1 New buildings and structures must be in accordance with the acceptable development criteria for setbacks of buildings and structures to the road within a precinct identified in Table E13.1: Heritage Precincts, if any.</p>	<p>P1 The front setback for new buildings or structure must:</p> <p>a) be consistent with the setback of surrounding buildings; and</p> <p>b) be set at a distance that does not detract from the historic heritage significance of</p>



	<p>the place; and</p> <p>c) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>
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### E13.6.9 Outbuildings and Structures

<p>Objective</p> <p>To ensure that the siting of outbuildings and structures does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Outbuildings and structures must be:</p> <p>a) set back an equal or greater distance from the principal frontage than the principal buildings on the site; and</p> <p>b) in accordance with the acceptable development criteria for roof form, wall material and site coverage within a precinct identified in Table E13.1: Heritage Precincts, if any.</p>	<p>P1 New outbuildings and structures must be designed and located ;</p> <p>a) to be subservient to the primary buildings on the site; and</p> <p>b) to not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

### E13.6.10 Access Strips and Parking

<p>Objective</p> <p>To ensure that access and parking does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Car parking areas for non-residential purposes must be:</p> <p>a) located behind the primary buildings on the site; or</p> <p>b) in accordance with the acceptable development criteria for access and parking as within a precinct identified in</p>	<p>P1 Car parking areas for non-residential purposes must not:</p> <p>a) result in the loss of building fabric or the removal of gardens or vegetated areas where this would be detrimental to the setting of a building or its historic heritage significance; and</p>

Table 1: Heritage Precincts, if any.	b) detract from meeting the management objectives of an precinct identified in Table E13.1: Heritage Precincts, if any.
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### E13.6.11 Places of Archaeological Significance

<p>Objective</p> <p>To ensure that places identified in Table E13.3 as having archaeological significance are appropriately managed.</p>	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1 For works impacting on places listed in Table E13.3:</p> <p>a) it must be demonstrated that all identified archaeological remains will be identified, recorded and conserved; and</p> <p>b) details of survey, sampling and recording techniques technique be provided; and</p> <p>c) that places of identified historic heritage significance will not be destroyed unless there is no prudent and feasible alternative.</p>

### E13.6.12 Tree and Vegetation Removal

<p>Objective</p> <p>To ensure that the removal, destruction or lopping of trees or the removal of vegetation does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</p>	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1 The removal of vegetation must not:</p> <p>a) unreasonably impact on the historic cultural significance of the place; and</p>

	<p>b) detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any; and</p> <p>c) be a tree on the significant tree register.</p>
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**E13.6.13 Signage**

<p>Objective</p> <p>To ensure that signage is appropriate to conserve the historic heritage significance of local heritage places and precincts.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Must be a sign identifying the number, use, heritage significance, name or occupation of the owners of the property not greater than 0.2m<sup>2</sup>.</p>	<p>P1 New signs must be of a size and location to ensure that:</p> <p>a) period details, windows, doors and other architectural details are not covered or removed; and</p> <p>b) heritage fabric is not removed or destroyed through attaching signage; and</p> <p>c) the signage does not detract from the setting of a heritage place or does not unreasonably impact on the view of the place from public viewpoints; and</p> <p>d) signage does not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

**Table E13.1: Local Heritage Precincts**

Nil

**Table E13.2: Local Heritage Places Outside Precincts**

THR ID	NAME	ADDRESS	TOWN	LISTING	PID
	Bayley Rocks	3km NE of town - 30ha Area	ANSONS BAY	Local, A	
	Bay of Fires Area	6kmSSE of town – 17ha Area	ANSONS BAY	Local, A	
	Chintok Battery Complex		BLUE TIER	Local	
	Blue Tier Rainforest		BLUE TIER	Local	
	Bartholomew Griffiths Tunnel		BLUE TIER	Local	
599	Eddystone Lighthouse	Eddystone Point Road	EDDYSTONE PT	CHL, THR	6804536
	Stone Cottages	Eddystone Point Road	EDDYSTONE PT	Local	6804536
	Georges Rock Nature Reserve	8km S of town	EDDYSTONE PT	Local	
	Falmouth Cemetery	Legge Street	FALMOUTH	Local	1474275
554	Glencoe	22464 Tasman Highway	FALMOUTH	THR	2751369
553	Enstone Park	22746 Tasman Highway	FALMOUTH	THR	2507024
	St Patrick's Foreland	11km SSE of town	FALMOUTH	Local, A	
561	St Josephs Catholic Church	Victoria Street	FINGAL	THR	6412890
560	St Andrews Uniting Church	Seymour Street	FINGAL	THR	6412006
565	Schoolmasters House & Primary School	Seymour Street	FINGAL	THR	6411900
571	Talbot Arms – Fingal Hotel	4 Talbot Street	FINGAL	THR	6412583
5903	Railway Station	3 Short Street	FINGAL	THR	6412049
573	St Peters Anglican Church	2 Talbot Street	FINGAL	THR	1837101
574	Stables	57 Talbot Street	FINGAL	THR	2623711

5898	Shop (Sarich) Kaths Milk Bar	11 Talbot Street	FINGAL	THR	6412508
5893	Council Chambers (Town Hall)	4 Short Street	FINGAL	THR	6412022
5894	Fingal Post Office	9 Talbot Street	FINGAL	THR	6412516
	Yates Clog Factory	22 Legge Street	FINGAL	REC, L	6411433
566	Convict Cells	Stieglitz Street	FINGAL	THR	6412073
567	Police Magistrates House	2 Short Street	FINGAL	THR	6412014
5918	Fingal Probation Station – Former Hospital	10-12 Legge Street	FINGAL	THR	6411396
1025 4	Fingal Probation Station - 2 Houses	14-16 Stieglitz Street	FINGAL	THR	6412145
1025 5	Fingal Probation Station - House	18-20 Stieglitz Street	FINGAL	THR	6412153
1025 6	Fingal Probation Station - Part	17 Russell Street	FINGAL	THR	6411847
559	Fingal Probation Station – Superintendants Quarters	13 Russell Street	FINGAL	THR	6411855
570	Former Tasmanian Hotel	20 Talbot Street	FINGAL	THR	6412663
576	Holders Store (2 Storey)	31 Talbot Street	FINGAL	THR	2594148
577	Holders Store (Shop Section)	33 Talbot Street	FINGAL	THR	2594148
556	Ormley	3635 Esk Main Road	FINGAL	THR	2867898
557	Rostrevor	3837 Esk Main Road	FINGAL	THR	2867812
558	Malahide	Mathinna Road	FINGAL	THR	1995732
582	Council Chambers (Former) c1900	317 Lottah Road	GOULDS COUNTRY	THR	
584	School House (Former) c1890	20 Church Hill Road	GOULDS COUNTRY	THR	6805643
585	St Gabriel's	320 Lottah Road	GOULDS COUNTRY	THR	6805635

	Anglican Church				
587	Union Church and Cemetery	165 Lottah Road	GOULDS COUNTRY	THR	6805467
	House Former Post Office/Bakery	316 Lottah Road	GOULDS COUNTRY	Local	1902460
5912	Mangana Catholic Church	26 Elizabeth Street	MANGANA	THR	6413463
5914	Mangana School (Former)	13 Henry Street	MANGANA	THR	1973015
5913	Mining Shop and Residence	25 Elizabeth Street	MANGANA	THR	6413885
5908	General Store & Post Office	104 High Street	MATHINNA	THR	6415020
7957	St Georges Anglican Church	4 Dunn Street	MATHINNA	THR	6414634
8347	Mathinna Catholic Church	King Street	MATHINNA	THR	6415784
	Mt Victoria Rock Shelters	14km NNW of town	MATHINNA	Local, A	
	Evercreech Forest Reserve	11km NE of town	MATHINNA	Local	
588	Pyengana Hotel	250 St Columba Falls Road	PYENGANA	THR	6806275
	Shelley Point	2km NW of town	SCAMANDER	Local, A	
	Chimney Lagoon		ST HELENS POINT	Local	
	Jocks Lagoon – Ramsar Wetland		ST HELENS POINT	Local	
590	Black Swan Inn	291 Binalong Bay Road	ST HELENS	THR	1788987
597	Fairlea Homestead	12-14 Tasman Highway	ST HELENS	THR	7510935
593	Former Post Office	44 Cecilia Street	ST HELENS	THR	7484845
598	Queechy	2 Tasman Highway	ST HELENS	THR	7731332

	Homestead				
594	St Paul's Anglican Church	58 Cecilia Street	ST HELENS	THR	6793742
595	Shop/Gallery	60 Cecilia Street	ST HELENS	THR	2838245
	Church of England Cemetery	Tully Street	ST HELENS	Local	6800754
602	Cullenswood Estate	6870 Esk Main Road	ST MARYS	THR	6408349
602	Christ Church and Cemetery	6870 Esk Main Road	ST MARYS	THR	6408349
5905	Tullochgorum Railway Station	4529 Esk Main Road	ST MARYS	THR	6413260
605	Harefield	365 Harefield Road	ST MARYS	THR	2697227
604	Killymoon	6332 Esk Main Road	ST MARYS	THR	6413156
606	Bakery	52 Main Street	ST MARYS	THR	6403978
607	Bakery Residence	50 Main Street	ST MARYS	THR	6403951
613	Railway Station	Main Street	ST MARYS	THR	2554912
1074 0	Rail yard tank, platform, ramp	Main Street	ST MARYS	THR	2554912
612	St Marys Hotel	48 Main Street	ST MARYS	THR	6403943
5906	Slab Slaughter House	58-76 Gray Road	ST MARYS	THR	6402924
610	Valley Trading Company	38 Main Street	ST MARYS	THR	6403898
616	Weldborough Hotel	12 Main Road	WELDBOROUGH	THR	3048341
615	Cottages (Bakker)	Lot 10 Main Road	WELDBOROUGH	THR	6801044

*KEY TO TABLE*

*THR – Permanent Registration on the Tasmanian Heritage Register*

*Local – Local Heritage Significance*

*A – Aboriginal Significance*

*REC – Recorded of interest on the Tasmanian Heritage Register*

*CHL – Commonwealth Heritage List (EPBC Act)*

**Table E13.3: Archeologically Significant Sites**

Nil



## E14 Coastal Code

### E14.1 Purpose of the Code

E14.1.1 The purpose of this provision is to:

- a) consider the impacts of use and development within the coastal environment and limit:
- b) the risk to human life and the built environment as a result of sea level rise, storm surge, shoreline recession and coastal inundation; and
- c) the adverse effects of use and development on the coastal environment; and
- d) the adverse impacts of vegetation removal.

### E14.2 Application of this Code

E14.2.1 This code applies to use or development of land:

- a) on land located at or below the height indicated on the coastal inundation height reference map; or
- b) on, within or adjoining the coastal dune system; or
- c) on land adjacent to or on landforms defined as vulnerable to erosion or recession in the *Indicative Mapping of Tasmanian Coastal Vulnerability to Climate Change and Sea Level Rise: Explanatory Report* (Sharpley 2006); or
- d) on land, even if not mapped, if it is identified in a report prepared by a suitably qualified person in accordance with the development application which is lodged or required in response to a request under Section 54 of the Act as actual or potential landforms vulnerable to erosion or recession.

### E14.3 Definition of Terms

Coastal dune system	See Figure E14.1 below.
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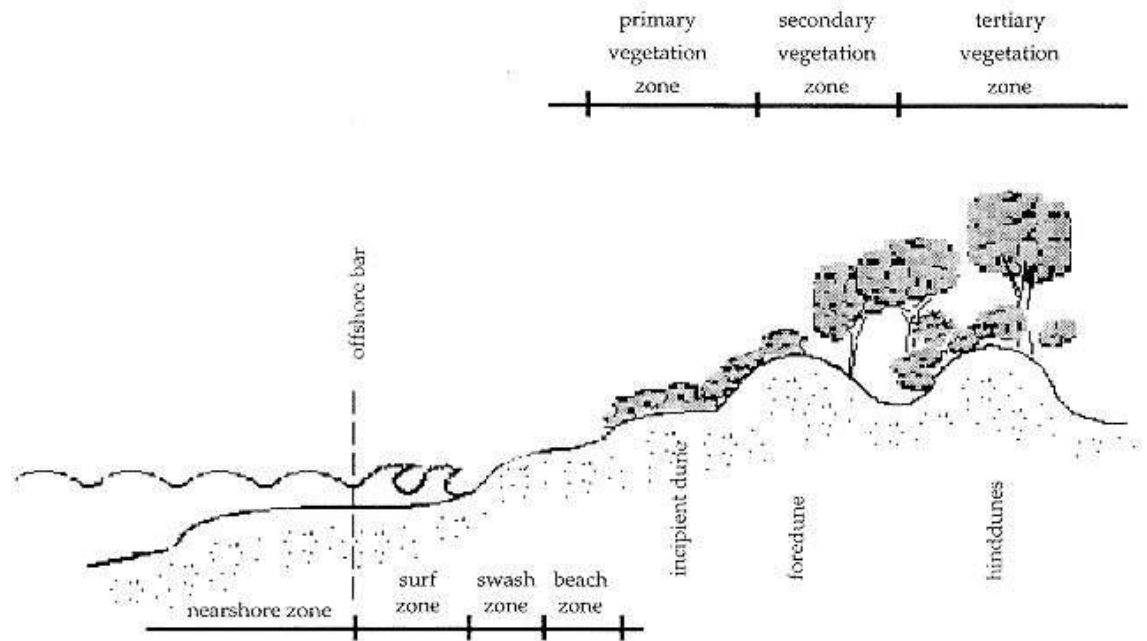


Figure E14.1 – Coastal Dune System

### E14.4 Use or Development Exempt from this Code

E14.4.1 The following use or development is exempt from this code:

- a) Remediation works.
- b) Development undertaken by or on behalf of public authorities to provide infrastructure for unrestricted general public use.

## E14.5 Use Standards

### E14.5.1 Risk to sensitive use

<p>Objective</p> <p>To minimise risk of unnecessary loss of life or damage within the coastal environment as a result of natural coastal processes and hazards such as storm surge, erosion, landslip, littoral drift, dune mobility and sea-level rise.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Sensitive use must not occur:</p> <p>a) within the surf zone, swash zone, beach berm, incipient dune or fore dune of a coastal dune system as shown in Figure E14.1; or</p> <p>b) on land identified as vulnerable or prone to recession.</p>	<p>P1.1 Sensitive use that does not require access to the coast must not be located where it is subject to a high risk, in accordance with the risk assessment in E14.7.1; and</p> <p>P1.2 Sensitive use must mitigate the risk to life, property and the environment to a low risk level in accordance with the risk assessment in E14.7.1.</p>
<p>A2 Non-sensitive use must be for:</p> <p>a) allowing public access to the coast, especially beaches; or</p> <p>b) conservation, maintenance of scenic amenity, to allow natural coastal processes to operate or conserve habitat for coastal species.</p>	<p>P2 Non-sensitive use must:</p> <p>a) not be located in an area subject to a high risk in accordance with the risk assessment in E14.7.1; and</p> <p>b) mitigate the risk to a low level in accordance with the risk assessment in E.14.7.1.</p>
<p>A3 Boat sheds must not be used for any purpose other than the storage of boats and associated equipment.</p>	<p>P3 No performance criteria.</p>

## E14.6 Development Standards

### E14.6.1 Coastal Hazards

<p>Objective</p> <p>To protect life and property from unnecessary risk of loss of life or damage within the coastal environment as a result of natural coastal processes and hazards such as storm surge, erosion, landslip, littoral drift, dune mobility and sea-level rise.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Development must not occur:</p> <p>a) within the surf zone, swash zone, beach berm, incipient dune or fore dune of a coastal dune system as shown in Figure E14.1; or</p> <p>b) on land identified as vulnerable or prone to recession.</p>	<p>P1.1 Development that does not require access to the coast must not be located where it is subject to a high risk, in accordance with the risk assessment in E14.7.1; and</p> <p>P1.2 All development must mitigate the risk to life, property and the environment to a low risk level in accordance with the risk assessment in E14.7.1</p>
<p>A2 Development must not occur on hind dunes or within 30m of the seaward edge of any coastal cliff or bluff.</p>	<p>P2 Development on hind dunes or within 30m of the seaward edge of any coastal cliff or bluff must avoid areas subject to natural hazards such as erosion, dune mobility, flooding and slumping, that may result from storm surge, wave action, human intervention or any other causes.</p>

### E14.6.2 Coastal Reserves

<p>Objective</p> <p>To maintain the integrity of coastal reserves and ensure that development does not dominate the natural values of foreshore areas.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Development within coastal reserves must be for public infrastructure or public facilities that are reliant on a coastal location.</p>	<p>P1 Development for private infrastructure within coastal reserves:</p> <p>a) are incidental to infrastructure located on adjoining private land; and</p> <p>b) do not restrict access to the reserve land</p>

<p>Objective</p> <p>To maintain the integrity of coastal reserves and ensure that development does not dominate the natural values of foreshore areas.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
	<p>that they cross; and</p> <p>c) must not unreasonably impact on views from adjoining public land or public facilities to the coast.</p>
<p>A2 Development in coastal reserves must not be located on any coastal headland, bluff or on a ridgeline or skyline that is visible from public beaches or public open spaces accessible to the general public.</p>	<p>P2 Development must blend with the natural landscape to minimise visual impact through the use of appropriate building design (location form, materials, colours and other design mechanisms) and appropriate vegetation screening.</p>

#### E14.6.3 Public Access

<p>Objective</p> <p>To ensure that development does not restrict public access to coastal and foreshore reserves.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Existing public access points must not be removed.</p>	<p>P1 Public access to the coast and foreshore must not be reduced.</p>
<p>A2 Infrastructure must not impede public access to and along the coastal environment.</p>	<p>P2 No performance criteria.</p>

#### E14.6.4 Landscaping and Vegetation

Objective	
To manage the detrimental impacts on coastal vegetation.	
Acceptable Solutions	Performance Criteria
A1 Vegetation removal must not occur within 10m of the landward edge of the cliff or bluff.	P1 No performance criteria.
A2 Landscaping must not use: a) plants as listed in appendix 3; and b) plants with highly invasive reproductive qualities that are not native to the area.	P2 No performance criteria.

#### E14.6.5 Development of the intertidal area

Objective	
To manage the impacts of development within the marine environment.	
Acceptable Solutions	Performance Criteria
A1 Development must not occur at or below the mean high water mark.	P1 Where development is proposed at or below the mean high water mark, an assessment report prepared by a suitably qualified person must demonstrate how the preparation works, design and siting of structures will allow full tidal flushing and minimise changes to coastal processes including: a) the natural patterns of movement; and b) supply of marine sediments; and c) sand movement; and d) wave action.
A2 Development must not disturb any intertidal area.	P2 Where development involves disturbance to any intertidal area or seabed, an assessment report prepared by a suitably

	<p>qualified person must demonstrate that:</p> <ul style="list-style-type: none"> <li>a) public access to and use of the intertidal area or seabed is maintained once the proposal is completed; and</li> <li>b) any adverse effects on fauna or flora or their habitat is of a temporary nature and does not occur during a critical stage of their lifecycle; and</li> <li>c) the proposal does not result in any significant detriment in terms of: <ul style="list-style-type: none"> <li>i) water turbidity, nutrients or shading; or</li> <li>ii) the achievement of water quality objectives; or</li> <li>iii) adverse off-site effects; or</li> <li>iv) shoreline stability; or</li> <li>v) the amenity values of the inter-tidal area or foreshore.</li> </ul> </li> </ul>
<p>A3 Dredging, channelling or other similar actions must not impact on the foreshore or intertidal area.</p>	<p>P3 Dredging, channelling or other similar disturbance is undertaken in accordance with a plan of management prepared by a suitably qualified person that details:</p> <ul style="list-style-type: none"> <li>a) the methods of disposal of extracted material which adequately explains the processes and procedures to be followed in winning, transporting and disposing of all extracted materials obtained; and</li> <li>b) the treatment of the land and water interface including design of batters if reclamation is to occur; and</li> <li>c) how the impacts to coastal flora and fauna will be minimised.</li> </ul>
<p>A4 Deposition of sand, shingle or other natural material must not be used to combat beach or shoreline erosion or improve the amenity value of the foreshore.</p>	<p>P4 Where the deposition of sand, shingle or other natural material is required to combat beach or shoreline erosion or improve the amenity value of the foreshore, a report by a suitably qualified person must demonstrate that the works ensure:</p>

	<ul style="list-style-type: none"> <li>a) there is no detrimental impact on any existing drainage systems; and</li> <li>b) the deposited material is uncontaminated; and</li> <li>c) the composition of the material is <ul style="list-style-type: none"> <li>i) suitable for the site, will remain on the intertidal area for a reasonable period of time; and</li> <li>ii) will not result in increased ongoing water turbidity or wind borne sediment transport; and</li> </ul> </li> <li>d) the deposition will not adversely affect the amenity value of the foreshore or intertidal area through significant changes in beach slope or texture; and</li> <li>e) the deposition will not cause permanent adverse effects on marine fauna or flora or recognised cultural values or uses of the area.</li> </ul>
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#### E14.6.6 Specific Development Provisions

Objective	
To consider the impacts of development associated with the marine environment.	
Acceptable Solutions	Performance Criteria
A1 Boat sheds must not impede public access to and along Crown land.	P1 No performance criteria.
A2 Boat sheds are designed with a maximum: <ul style="list-style-type: none"> <li>a) height of 3m for a skillion roof or 3.5m for a gabled or hip roof; and</li> <li>b) gross floor area of less than 30m<sup>2</sup>.</li> </ul>	P2 No performance criteria.
A3 No acceptable solution.	P3 Jetties must: <ul style="list-style-type: none"> <li>a) be constructed to allow full tidal flushing;</li> </ul>



	<p>and</p> <p>b) not result in significant disturbance of wetlands, seagrasses or other significant habitats; and</p> <p>c) not adversely impact on visual landscape values; and</p> <p>d) not impede public access to and along Crown land; and</p> <p>e) not create a navigational hazard; and</p> <p>f) not cause significant adverse impacts on the coastal environment or coastal process, including changes in wave action or behaviour.</p>
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**E14.7.1 Risk Assessment**

- a) Where an assessment of risk under the risk assessment table for a use or development is required under E14.5.1 and/or E14.6.1, it is to be classified through the determination of consequence contained in the criteria in b) together with the likelihood of occurrence contained in c).

Table E14.1 AS/NZS 4360:2004 Risk Consequence and Likelihood

Likelihood	Consequences				
	Catastrophic	Major	Moderate	Minor	Insignificant
Moderate	High	High	High	Medium	Low
Unlikely	High	Medium	Medium	Low	Low
Rare	High	Medium	Medium	Low	Low

**b) Consequence Criteria**

- Catastrophic** loss of life, loss of significant environmental values due to a pollution event where there is not likely to be recovery in the foreseeable future.
- Major** extensive injuries, complete structural failure of development, destruction of significant property and infrastructure, significant environmental damage requiring remediation with a long-term recovery time.

Moderate	Treatment required, significant building or infrastructure damage i.e. loss of minor outbuildings such as car ports, garages and the like. Replacement of significant property components. Moderate environmental damage with a short-term natural or remedial recovery time.
Minor	Medium loss – repair of outbuildings and repair and minor replacement of building components of buildings where direct access to the coast is required. Minor environmental damage easily remediated.
Insignificant	No injury, low loss – no replacement of habitable building components, some remediation of garden beds, gravel driveways etc. Environment can naturally withstand and recover without remediation.

**c) Likelihood – Annual Exceedance Probability**

1:25 (4%) Moderate

1:50(2%) Unlikely

1:100 (1%) Rare

## E15 Signs Code

### E15.1 Purpose of the Code

E15.1.1 The purpose of this Code is to:

- a) allow adequate and effective signs appropriate to each locality;
- b) provide for the orderly display of signs;
- c) ensure signs do not cause loss of amenity or adversely affect the natural or built environment
- d) ensure that signs do not adversely affect the safety, appearance or efficiency of a road or pedestrian path; and
- e) promote the economic growth of the municipal area by creating community images which are conducive to attracting new business and industrial development.

### E15.2 Application of this Code

E15.2.1 This Code applies to:




- a) a new sign; and
- b) the renewal or replacements of an existing sign where:
  - i) the sign is enlarged;
  - ii) the advertisement will be animated or internally illuminated; or
  - iii) the renewal or replacement is for a different type of sign.

E15.2.2 Each sign must be categorised into one of the definitions listed and described in Clauses E15.3 or E15.4





E15.2.3 If a sign fits a definition of more than one defined sign, the most specific defined sign applies.

E15.2.4 If a sign does not readily fit any defined sign, it must be categorised as the most similar defined sign.

### E15.3 Definition of Terms

<p>Advertising</p>	<p>means any form of publicity which is visible from any road or public way, directing attention to an individual, business, commodity, service, activity, or product.</p>
<p>Sign</p>	<p>means any device, fixture, placard, structure or other medium, including its structure and component parts, which uses any colour, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.</p>
<p>Animated Signs</p> 	<p>means a sign which can move, contains moving parts, changes its message, flashes or has a moving or flashing border.</p>
<p>Awning Signs:</p>  	<p>means a sign attached, painted or otherwise affixed to an awning. It includes the following types:</p> <p><b>Above Awning Sign</b> means a sign attached to the roof of an awning.</p> <p><b>Below awning Sign</b> means a sign attached to the underside of an awning.</p>

	<p><b>Awning Fascia Sign</b> means a sign painted or attached to the front or side face of an awning.</p>
<p><b>Banner Signs</b></p> 	<p>means a temporary sign of non-rigid material fixed either to a building or structures projecting from a building. It may be attached to supports which are independent of a building.</p>
<p><b>Bunting Signs</b></p> 	<p>means a series of small flags or pennants suspended from a rope or cable, or a long suspended ribbon of cloth or similar non-rigid material.</p>
<p><b>Community Sponsorship Signs</b></p> 	<p>means a sign sponsoring a community group or sporting and recreation club, which is not facing the street front; and is affixed to a building or structure associated with the use of the site.</p>
<p><b>Construction Signs</b></p> 	<p>means a temporary sign less than 2 square metres in area which identifies architects, engineers, contractors and other individuals or firms involved with construction on the premises, the name of the building or development, the intended purpose of the building or development, and/or the expected completion date and is.</p>

<p><b>Directory Signs</b></p> 	<p>means a sign listing the names and/or uses, or locations of more than one business, activity, or professional office conducted within a building, group of buildings, or shopping centre. Such a sign contains no other identifying advertising message than that listed above and does not exceed 0.3 metres x 0.3 metres.</p>
<p><b>Election Signs</b></p> 	<p>means a temporary sign for a political candidate(s) or registered political party(s) for a Federal, State or Municipal election that does not exceed 1.5 square metres, and is removed 7 days after the date of polling and is not on public land or affixed to trees.</p>
<p><b>Flag Signs</b></p> 	<p>means a fabric sign hung from a pole. It does not include the flying of a flag representing any nation, state, municipality, culture or people. Nor does it include the flying of a flag for a sporting club or community event provided such flag is only displayed during the course of the event.</p>
<p><b>Ground Signs</b></p> 	<p>means a low-level sign on a structure which is not part of any building and which is not a pole sign.</p>



<p><b>Identification Sign</b></p> 	<p>means a sign on the premises bearing the name of a subdivision, group housing project, educational institution, park, church, government funded project, or other public or quasi-public facility, bearing information pertaining only to the premises on which such sign is located and carrying no advertising message.</p>
<p><b>Incidental Signs</b></p> 	<p>means a sign which carries no advertising message and is clearly incidental to other signs on the site and is used to direct certain activities to a particular use (e.g. disabled parking, traffic direction, freight entrance etc.), prohibit the parking of unauthorised vehicles or provide other incidental information.</p>
<p><b>Off-Premises Signs</b></p> 	<p>means a sign which does not relate to the premises on which it is located, primarily used for the purposes of directing attention to an activity on another premises that is erected by a State or Local Government body. It includes the following:</p> <p><b>Directional Sign</b> means a sign which identifies the location of a community facility such as a church, public hall, school, public oval or an approved commercial or tourism related facility.</p> <p><b>Informational Sign</b> means a sign which identifies street and location names, public conveniences, public telephones, walkways or geographical features.</p>
<p><b>Pole Signs</b></p> 	<p>means a sign which is independent of a building and supported by one or more vertical columns and its height is greater than its width. The display area may consist of multiple panels which can be replaced.</p>
<p><b>Portable Signs</b></p>	<p>means a sign not permanently attached to a building or structure or to the ground. It includes the following types:</p>



**A Frame sign** means a sandwich board, usually fronting business premises.



**T Frame Sign** means a board secured to a base, usually fronting business premises.









**Menu Board Sign** means a sign (usually comprising a blackboard or casing in which posters or flyers can be displayed) designed to allow the advertising message to be readily changed.




**Seasonal Produce Sign** means a sign displayed at the entrance of a site, or intersection of the road to the business site; offering primary produce farm gate sales with seasonal availability.



<p><b>Public Signs</b></p> 	<p>means a sign erected by or on behalf of a government body to post a legal notice identifying public property, conveying public information or directing or regulating pedestrian or vehicular traffic.</p> <p>(Exempt - If in accordance with the above)</p>
<p><b>Real Estate Sign</b></p> 	<p>means a temporary sign placed upon or adjacent to a building, lot subdivision or parcel of land advertising the lease, rent or sale of the said building, lot or parcel of land and has a maximum display area of 1.5 square metres (residential or rural property) or 3 square metres (commercial or industrial property) .</p>
<p><b>Roof Signs</b></p>  	<p>means a sign erected on or above a roof or a parapet of a building and includes the following types:</p> <p><b>Sky Sign</b> means a sign positioned on the top of a building so that when it is viewed from the ground the sign has the sky as a backdrop.</p> <p><b>Written Roof Sign</b> means a sign that is painted or otherwise affixed to the roof cladding of a building.</p>

<p><b>Structure Signs</b></p> 	<p>means a sign painted on or otherwise affixed to any structure, such as a storage tank, wind mill, tower or similar, which is not a habitable building.</p>
<p><b>Vehicle Signs</b></p> 	<p>means a sign displayed on a vehicle while in use in the normal conduct of business (i.e. a pizza delivery vehicle, or for sale sign for the sale of that vehicle) that does not include a stationary trailer or vehicle for the purpose or use as a temporary or portable advertising sign.</p> <p>(Exempt - If in accordance with the above)</p>
<p><b>Wall Sign</b></p> 	<p>means a sign painted or otherwise attached flat to the wall of a building and either located on the side or rear wall of a building.</p>
<p><b>Window Signs</b></p> 	<p>means a sign displayed on or in a window.</p> <p>(Exempt - If in accordance with the above)</p>
<p><b>Xmas Light Signs</b></p>	<p>means lighting used on commercial sites during</p>

	<p>December for the display of Christmas decorations and/or messages that does not include advertising. (Exempt - If in accordance with the above)</p>
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## E15.4 Use or Development exempt from this Code

E15.4.1 Bunting Signs, Construction Signs, Directory Signs, Election Signs, Historical or Memorial Signs, Identification Signs, Incidental Signs; Off-Premises signs, Portable signs, Public Signs, Real Estate Signs, Vehicle Signs, Window Signs and Xmas Light Signs, provided they meet the standards as described in E15.3.

E15.4.2 Portable signs meet the standards in E15.3 and the following:

All portable signs must:

- a) not be animated or illuminated; and
- c) not obstruct openings intended as a means of entrance or exit; and
- d) be located out of the principal pedestrian flows, and does not otherwise impede pedestrian movement; and
- e) not obscure or interfere with any persons line of sight on roads and at intersections of roads; and

A frame and T signs must:

- a) have a maximum height of 1.2 metres and width of 0.5 metres;
- b) can be located in the road reserve;
- c) are limited to one frame per business;
- d) are removed when the business is closed;
- e) are located within one metre of the property boundary;
- g) allow a minimum of 1.5 metres for pedestrian traffic; and
- h) are secured to prevent danger to pedestrians and traffic.
- i) be covered by a current public liability risk insurance policy of \$10,000,000.00, including a gross liability clause.

Seasonal Produce Signs Must:

- a) have a maximum height of 1.2 metres and width of 0.5 metres;
- b) can be located in the road reserve;

- c) are limited to one frame per business;
- d) are removed when the business is closed;
- h) are secured to prevent danger to pedestrians and traffic.
- i) be covered by a current public liability risk insurance policy of \$10,000,000.00, including a gross liability clause.

Menu board signs must:

- a) not exceed 1.0 square metre in area;
- b) be attached to the building façade or fence it relates to; and
- c) displays newspaper or magazine headlines or daily specials available from the premises it relates to.
- d) be no more than two (2) menu board signs per business.

E15.4.4 A Pole Sign in the General Residential Zone where it is for an Education and Occasional Care use.

E15.4.5 Bunting signs associated with an occasional use.

E15.4.6 Signs for occasional use under 5.1.1, that:

- a) are located within the road; and
- b) do not obscure or interfere with any persons line of sight on roads and at intersections of roads; and
- c) have a maximum of 5 signs per occasional use; and
- d) are erected within 2 weeks prior to the occasional use and removed with 1 week after the occasional use.

E 15.4.7 Real Estate signs must be:

- a) removed within 60 days following the lease or a contract of sale being placed on the property unless property settlement occurs prior.
- b) Other than for intersection pointer signs less than 300mm in area, all real estate signs must be located within the property boundary of which it relates.
- c) Not affixed to trees or other vegetation.

## **E15.5 Use Standards**

Not used in this scheme.

## **E15.6 Development Standards**

Development must be undertaken in accordance with the following standards:

### **15.6.1 Design, Character and Form**

## Objective

To ensure that the design and siting of signs do not detract from the appearance of the locality or unreasonably compromise the characteristics of the natural and built environment in which they are located and are constructed and maintained to essential standards of public safety.

Acceptable Solutions	Performance Criteria
<b>All signs</b>	
A1 All signs must be on the site to which the sign relates.	P1 No performance criteria.
A2 Illuminated signs must not spill light over the site boundary.	P2 No performance criteria.
<b>Animated Signs</b>	
A3 Animated signs must be located in the Village Zone, Local Business or General Business Zones.	P3 No performance criteria.
A4 No Acceptable Solution.	P4 Animated signs must: <ul style="list-style-type: none"> <li>a) be compatible with the visual character of the area; and</li> <li>b) not be visually intrusive; and</li> <li>c) not adversely affect traffic safety; and</li> <li>d) only be animated when the business is open for trade.</li> </ul>
<b>Awning Signs</b>	
A5 Awning signs must be erected in the Village Zone, Local Business, General Industrial, Port and Marine, Open Space, and General Business Zones.	P5 No performance criteria.
A6 Awning Signs must not have any visible supporting structure or electricity supply.	P6 Supporting structures or electricity supplies to awning signs must not be visually intrusive, having regard to the appearance of the building or structure

	it is located on.
A7 The sign must not be illuminated.	P7 Illumination for Awning signs must be baffled to restrict light spill beyond the sign.
A8 Awning fascia signs must be contained within the outline of the fascia and project not more than 0.2 metres from the fascia.	P8 No performance criteria
A9 An above awning sign must be the only awning sign for the tenancy.	P9 No performance criteria
A10 Above awning signs must not exceed a height of 0.5 metres above the top of the awning.	P10 The sign must: <ul style="list-style-type: none"> <li>a) be compatible with the architectural features of the building; and</li> <li>b) not be visually intrusive; and</li> <li>c) not unreasonably reduce sunlight to the window or private open space of the adjoining property.</li> </ul>
A11 Below awning Signs must: <ul style="list-style-type: none"> <li>a) be the only Below awning sign for the tenancy; and</li> <li>b) be no closer than 2.4 metres to the pavement; and</li> <li>c) be securely fixed by supports to the underside of the awning.</li> </ul>	P11 No performance criteria
A12 Below awning signs must: <ul style="list-style-type: none"> <li>a) not project beyond the awning or within 1.5 metres of a side boundary; and</li> <li>b) be no more than 2.5 metres in length and 0.5 metres in height.</li> </ul>	P12 The sign must: <ul style="list-style-type: none"> <li>a) be compatible with the architectural features of the building; and</li> <li>b) not be visually intrusive; and</li> <li>c) not unreasonably reduce sunlight to the window or private open space of the adjoining property.</li> </ul>
<b>Bunting Signs</b>	

<p>A13 Bunting signs must be located in the Village, Local Business, General Business, Open Space, Community Purpose, or Recreation Zones.</p>	<p>P13 No performance criteria.</p>
<p>A14 Bunting signs must:</p> <ul style="list-style-type: none"> <li>a) only be displayed once for a single period not exceeding 2 months in any one year; and</li> <li>c) not include advertising of a commercial nature (except for the names(s) of an event's sponsor).</li> </ul>	<p>P14 No performance criteria.</p>
<p><b>Flag/Banner Signs</b></p>	
<p>A15 Flag/Banner signs must be located in the Village, General Industrial, Local Business or General Business Zones.</p>	<p>P15 No performance criteria.</p>
<p>A16 Signs must:</p> <ul style="list-style-type: none"> <li>a) not be illuminated; and</li> <li>b) have a maximum area of 8 m<sup>2</sup>.</li> </ul>	<p>P16 No performance criteria.</p>
<p>A17 A Flag Sign must:</p> <ul style="list-style-type: none"> <li>a) be limited to one Flag Sign per: <ul style="list-style-type: none"> <li>i) 30 metres of road frontage for Vehicle Sales and Hire; or</li> <li>i) street frontage; and</li> </ul> </li> <li>b) have a maximum area of 2 m<sup>2</sup>; and</li> <li>c) have a minimum clearance of 2.4 metres from the pavement level and a maximum height of 6.5 metres.</li> </ul>	<p>P17 No performance criteria.</p>
<p>A18 Banner Sign must:</p> <ul style="list-style-type: none"> <li>a) be a minimum of 5.5 metres above the pavement level if suspended over any road or public space; and</li> <li>b) not project above the gutter line of the</li> </ul>	<p>P18 No performance criteria.</p>

<p>building; or</p> <p>c) if horizontal, have a maximum area of 8 square metres; and</p> <p>d) if vertical have a maximum area of 2 square metres; and</p> <p>e) be securely attached to the support structure; and</p> <p>f) be removed within eight weeks from the time it was erected.</p>	
<p><b>Ground Signs</b></p>	
<p>A19 Ground signs must:</p> <p>a) be the only type of ground sign located on the site; and</p> <p>b) be displayed with a landscaped environment; and</p> <p>c) have a maximum structure area of 4 square metres; and</p> <p>d) be less than 1.5 metres above ground level; and</p> <p>e) have a sign area not exceeding 75 percent of the face of the structure; and</p> <p>f) not be closer than 1 metre to the frontage; and</p> <p>g) not be illuminated other than by baffled lights.</p>	<p>P19 Ground signs must be:</p> <p>a) compatible with the visual character of the area; and</p> <p>b) not be visually intrusive; and</p> <p>c) complementary to the design of the site to which it relates.</p>
<p><b>Identification Sign</b></p>	
<p>A20 Identification signs must:</p> <p>a) not exceed an area of 1 square metre in a residential zone or 2 square metres otherwise; and</p> <p>b) be affixed to a wall or fence; and</p> <p>c) not be illuminated other than by baffled lights; and</p>	<p>P20 No performance criteria.</p>



<p>d) not project more than 0.1 metre from the wall or fence.</p>	
<p><b>Pole Signs</b></p>	
<p>A21 Pole signs must;</p> <p>a) be the only type of pole sign on the site; and</p> <p>b) not be illuminated other than internally or by baffled lights; and</p> <p>c) be double sided or erected so the back of the sign is not visible from a public space; and</p> <p>d) not obstruct openings intended as a means of entrance or exit, or obstruct light or air from any room or building; and</p> <p>e) have a maximum area of 2 square metres per side with no more than 2 sides in the General Residential, and Low Density Residential Zones; or 4 square metres per side with no more than 2 sides in other zones; and</p> <p>f) a maximum height of 2 metres.</p>	<p>P21 The sign must:</p> <p>a) not unreasonably reduce sunlight to the window or private open space of an adjoining property; and</p> <p>b) not unreasonably spill light over the site boundary; and</p> <p>c) have a display area and height that are not visually intrusive.</p>
<p><b>Projecting Wall Sign</b></p>	
<p>A22 Projecting wall signs must be located in the Village, Local Business, General Business or General Industrial Zones.</p>	<p>P22 No performance criteria.</p>
<p>A23 Projecting wall signs must:</p> <p>a) be the only Projecting Wall Sign on the tenancy;</p> <p>b) not project above the gutter line of the building;</p> <p>c) have a minimum clearance of 2.4 metres to the pavement;</p> <p>d) not be animated or internally</p>	<p>P23 The sign must:</p> <p>a) be compatible with the visual character of the area;</p> <p>b) not be visually intrusive; and</p> <p>c) not obstruct pedestrian traffic or cause a safety hazard.</p>

<p>illuminated;</p> <p>e) not cover or hide any architectural features of a building;</p> <p>f) be 3 metres apart (shopfront length) from any projecting wall sign on an adjoining tenancy; and</p> <p>g) not have a supporting structure or electricity supply (if required) which is visually intrusive; and</p> <p>h) not exceed a vertical (maximum display area of 2 square metres, and maximum width of 0.5 metres) or horizontal (maximum display area of 1 square metre projecting not more than 2.5 metres from the building).</p>	
<p><b>Roof Signs</b></p>	
<p>A24 Roof signs must be located in the Village, Local Business, General Business or General Industrial Zones.</p>	<p>P24 No performance criteria.</p>
<p>A25 Roof signs must:</p> <p>a) be the only roof sign on the site; and</p> <p>b) not be animated or internally illuminated.</p>	<p>P25 The sign must:</p> <p>a) have a display area and height that are not visually intrusive; and</p> <p>b) be compatible with the visual character of the area.</p>
<p>A26 Sky roof signs must:</p> <p>a) not protrude above the roof more than 0.5 metre; and</p> <p>b) have an area not greater than 4m<sup>2</sup> ; and</p> <p>c) not obstruct light or air from any room or building.</p>	<p>P26 The sign must:</p> <p>a) not unreasonably reduce sunlight to the window or private open space of an adjoining residential property; and</p> <p>b) have a display area and height that are not visually intrusive.</p>
<p>A27 Written roof signs must:</p> <p>a) be the lesser of 10 square metres or 50 percent of the area of the roof; and</p> <p>b) not obstruct light or air from any room</p>	<p>P27 The sign must:</p> <p>a) not unreasonably reduce sunlight to the window or private open space of an adjoining residential property; and</p>

or building.	<ul style="list-style-type: none"> <li>b) have a display area and height that are not visually intrusive; and</li> <li>c) be compatible with the visual character of the area.</li> </ul>
<b>Structure Signs</b>	
A28 Structure signs must be located in the Village, Local Business, General Business, or General Industrial Zones.	P28 No performance criteria.
<p>A29 Signs must:</p> <ul style="list-style-type: none"> <li>a) not cover more than 10% of the area of the structure; and</li> <li>b) be the only Structure Sign on the site; and</li> <li>c) be enclosed within the frame of the structure and does not protrude beyond the structure's framework; and</li> <li>d) not be illuminated.</li> </ul>	P29 No performance criteria.
<b>Wall Sign</b>	
A30 Wall signs must be located in the Village, Local Business, General Business or General Industrial Zones.	P30 No performance criteria.
<p>A31 Wall signs must:</p> <ul style="list-style-type: none"> <li>a) not extend further than the height of the building; and</li> <li>b) not be illuminated by other than baffled lights; and</li> <li>c) not project further than 0.4 metres from the wall to which it is affixed; and</li> <li>d) have a maximum display area 25% of the area of the wall.</li> </ul>	P31 No performance criteria.

## **E.16 On-Site Wastewater Management Code**

### **E16.1 Purpose of the Code**

E16.1.1 The purpose of this provision is to ensure that use and development provides appropriate consideration of onsite wastewater management issues.

### **E16.2 Application of this Code**

E16.2.1 This Code applies to use and development for which reticulated sewerage services are not available or capable of being connected.

### **E16.3 Definition of Terms**

E16.3.1 In this Code, unless the contrary intention appears:

Bedroom means a habitable room used primarily for sleeping, studying or office purposes.

Limiting Layer means a layer such as hardpan, bedrock or medium to heavy clay that restricts the movement of effluent vertically through the soil profile.

Onsite Wastewater Management Infrastructure means components of an onsite wastewater management system such as tanks, drains, evaporative transpiration beds and any area of land used to apply effluent from a wastewater treatment unit and 100% reserved area for future application. It does not include pipes.

### **E16.4 Use or Development Exempt from this Code**

E16.4.1 The following use or development is exempt from this code:

- a) development where wastewater is disposed of by connection to a reticulated system managed by a regulated sewer and water entity or a Council; or
- b) development for subdivision in any zone; or
- c) development within the Port and Marine zone.

### **E16.5 Application Requirements**

E16.5.1 In addition to any other application requirements, the planning authority may require the applicant to provide the following information to determine compliance with development standards:

- a) a Site and Soil Evaluation of the site and proposed development prepared by a suitably qualified person in accordance with *AS/NZS1547 Onsite Domestic Wastewater Management*; or
- b) certification from a structural engineer that the risk of effluent reducing the bearing capacity of a building's foundations is acceptably low; or

- c) certification from a structural engineer for the design of a barrier that ensures that the risk of effluent reducing the bearing capacity of a building's foundation is acceptably low

## E16.6 Use Standards

### E16.6.1 Use and lot size

Objective	
To ensure that use occurs in a manner that accommodates onsite water management.	
Acceptable Solutions	Performance Criteria
<p>A1 Residential uses that rely on onsite wastewater management must:</p> <p>a) be on a site with minimum area of 2,000m<sup>2</sup>; and</p> <p>b) have four bedrooms or less.</p>	<p>P1 Residential use on sites less than 2,000m<sup>2</sup> or with more than four bedrooms that rely on onsite wastewater management must be able to accommodate:</p> <p>a) the proposed residence and associated buildings and structures;</p> <p>b) private open space;</p> <p>c) vehicle manoeuvring and car parking;</p> <p>d) hardstand and paved areas; and</p> <p>e) onsite wastewater management infrastructure</p>
<p>A2 Non-residential uses that rely on onsite water management must be on a site with minimum area of 5,000m<sup>2</sup>.</p>	<p>P2 Non-residential use on sites less than 5,000m<sup>2</sup> that rely on onsite wastewater management must be able to accommodate:</p> <p>a) the proposed use and associated buildings and structures;</p> <p>b) any required private open spaces or other outdoor spaces;</p> <p>c) vehicle manoeuvring and car parking;</p> <p>d) hardstand and paved areas; and</p> <p>e) onsite wastewater management infrastructure (if required);</p>

## E16.7 Development Standards

### E16.7.1 Onsite Wastewater Management

Objective	
To ensure that development does not conflict with onsite wastewater management.	
Acceptable Solutions	Performance Criteria
<p>A1 A minimum horizontal separation of 3m must be provided between onsite wastewater management infrastructure and buildings and structures.</p>	<p>P1.1 Buildings and structures must not be placed over onsite wastewater infrastructure; and</p> <p>P1.2 Buildings and structures within 3m of onsite wastewater infrastructure must not have a detrimental impact on the operation or integrity of the onsite wastewater management infrastructure; and</p> <p>P1.3 Onsite wastewater management must not have a detrimental impact on the foundations or footings of buildings or structures.</p>
<p>A2 A minimum horizontal separation of 3m must be provided between onsite wastewater management infrastructure and the following:</p> <p>a) hardstand and paved areas;</p> <p>b) car parking and vehicle manoeuvring areas; and</p> <p>c) title or lot boundaries;</p>	<p>P2 Hardstand, paved areas car parking and vehicle manoeuvring areas must:</p> <p>a) not be located above or below each other; and</p> <p>b) have no detrimental impact on the operation or integrity of the onsite waste water management infrastructure.</p>
<p>A3 Private Open Space must not be used for surface irrigation of treated wastewater.</p>	<p>P3 No performance criteria.</p>
<p>A4 Onsite waste water management infrastructure must be on lots with an average slope of 10% percent or less.</p>	<p>P4 Onsite waste water management infrastructure located on lots with an average slope of more than 10% must have no detrimental impacts:</p> <p>a) through waste water seepage, or soil</p>

	<p>erosion; and</p> <p>b) on the foundations or footings of buildings or structures.</p>
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**E16.7.2 Surface and ground water impacts**

<p>Objective</p> <p>To ensure that onsite wastewater management has no detriment to surface or ground waters.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Onsite wastewater management infrastructure must have a minimum separation distance of 100m from a wetland or watercourse or coastal marine area.</p>	<p>P1 Onsite wastewater management infrastructure within 100m of a wetland or watercourse or coastal marine area must have no detrimental impacts on the water quality or integrity of the wetland or watercourse or coastal marine area.</p>
<p>A2 Onsite wastewater management infrastructure must have a minimum separation distance of 50m from a downslope bore, well or other artificial water supply.</p>	<p>P2 Onsite wastewater management infrastructure within 50m of a downslope bore, well or other artificial water supply must have no detrimental impacts on the water quality of the water supply.</p>
<p>A3 Vertical separation between groundwater and the land used to apply effluent, including reserved areas, must be no less than 1.5m.</p>	<p>P3 Onsite wastewater management infrastructure separated from groundwater by less than 1.5m must have no detrimental impacts on the water quality of the groundwater.</p>
<p>A4 Vertical separation between a limiting layer and the land used to apply effluent, including reserved areas, must be no less than 1.5m.</p>	<p>P4 Onsite wastewater management infrastructure separated from the limiting layer by less than 1.5m must have no detrimental impacts on groundwater.</p>

## **PART F**

# **Specific Area Plans**

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Nil



# Appendices

## Appendix 1 – Referenced and Incorporated Documents

<b>Incorporated Documents</b>		
Document Title	Description	Date
AS2021:2000 Acoustics-Aircraft noise intrusion-building, siting and construction	Australian Standard	2000
National Health and Medical Council Guidelines	National Health and Medical Council Australia	2012
AS/ NZS 1158:2005 Lighting for roads and public spaces	Australian Standard	2005
AS/ NZS 2890.1:2004 Parking facilities: Off-street car parking	Australian Standard	2004
Practical Note Guidelines for Landslide Risk Management 2007	Extract from Journal and News of the Australian Geomechanics Society, Volume 42 No. 1, March 2007.	2007
AS/ NZS 4360:2004 Risk Management: Risk consequence and likelihood	Australian Standard	2004
Traffic Impact Assessment Guidelines	Road & Traffic Division, Department of Infrastructure, Energy and Resources, State of Tasmania	September 2007
Wetlands and Waterways Works Manual	Department of Primary Industries, Parks, Water and Environment, State of Tasmania	2011

<b>Incorporated Documents</b>		
General Offset Principles for the RMPS	Department of Primary Industries, Parks, Water and Environment, State of Tasmania	As at effective date
Crime Prevention Through Environmental Design: Guidelines for Queensland	Queensland Police, State of Queensland	2007
Australian Noise Exposure Forecast (ANEF)	Airservices Australia	As at effective date
Obstacle Limitation Surfaces (OLS)	Manual of Standards Part 139 – Aerodromes (F2012C00280), Australian Government ComLaw	April 2012
Procedure for Air Navigational Services – Aircraft Operation (PANS-OPS)	Manual of Standards Part 139 – Aerodromes (F2012C00280), Australian Government ComLaw	April 2012
The conservation plan: a guide to the preparation of conservation plans for places of European cultural significance (James Kerr)	National Trust of Australia, New South Wales	1990
Indicative Mapping of Tasmanian Coastal Vulnerability to Climate Change and Sea-Level Rise: Explanatory Report (Chris Sharples, 2 <sup>nd</sup> Edition)	Department of Primary Industries, Parks, Water and Environment, State of Tasmania	May 2006

<b>Referenced Documents</b>		
Document Title	Description	Date

## **Appendix 2 – Planning Scheme Amendments**

Number	Description	Effective Date
BRE UA1/2013	Amend Resource Development Qualification in Clause 26.2 Rural Resource Zone	11 December 2013
	PD1 modifications	8 January 2014
	PD4.1 modifications	28 February 2014
	PD1 and PD4.1 modifications	18 June 2014
BRE UA1/2014	Rezone PID 6413703 Elizabeth Street, Mangana from Open Space to Rural Living	26 September 2014
BRE UA2/2014	Rezone PID 6410916 17 Grant Street, Fingal from Recreation to General Residential	26 September 2014
BRE UA1/2015	Amend Extractive Industry Qualification in Clause 29.2 Use Table for the Environmental Management zone to insert 'or if located at CT 228670/1'.	28 December 2015
01/2015	Rezone Lot 2 Sunhaven Drive, St Helens from General Residential to Community Purpose and insert Qualification in Clause 17.2 Use Table to allow for a residential aged care home, respite centre or retirement village.	31 December 2015
	PD 1 minor modifications	17 February 2016
	Interim Planning Directive No. 1	22 February 2016
01/2016	Tourist Operation CT 131158/3 at 5 West Street, St Helens	19 July 2016
	Interim Planning Directive No. 1.1 Bushfire-Prone Areas Code	23 February 2017
BRE UA2-2017	Urgent Amendments – Break O'day Interim Planning Scheme 2013	4 August 2017
	Planning Directive No. 5.1 modifications – Bushfire-Prone Areas Code	1 September 2017

BRE UA3-2017	Amend Clause 9.5 - Access Over Land in Another Zone	25 January 2018
02-2019	Insert Bushfire-Prone Areas Overlay maps	8 November 2019
	Interim Planning Directive No. 4 – Exemptions, Application Requirements, Special Provisions and Zone Provisions	22 February 2021
	Planning Directive No. 8 - Exemptions, Application Requirements, Special Provisions and Zone Provisions	22 February 2022
	Modified Planning Directive No. 8 - Exemptions, Application Requirements, Special Provisions and Zone Provisions And PD5.1 - Bushfire-Prone Areas Code	20 July 2022
	Interim Planning Directive No. 6 - Container Refund Scheme – Exemptions and Special Provisions	10 May 2023

## **Appendix 3 – Environmental Weeds**

D - Weeds declared under the *Weed Management Act, 1999*

L – Weeds declared locally

L	Acacia pycnantha	Golden Wattle
L	Acacia baileyana	Cootamundra wattle
D	Acacia nilotica ssp. Indica	Prickly Acacia
L	Acer pseudoplatanus	Sycamore Maple
L	Achillea millefolium	Yarrow
D	Acroptilon repens	Creeping Knapweed
L	Allium triquetrum	Three-cornered garlic
D	Allium vineale	Crow Garlic
L	Aloe spp.	Aloe
D	Alternanthera philoxeroides	Alligator Weed
D	Amaranthus albus	Tumbleweed
D	Amelichloa caudata (=achnatherum caudatum)	Espartillo
D	Amsinckia species	Amsinckia Species
D	Annona glabra	Pond Apple
D	Anthemis cotula	Stinking Mayweed
L	Arctotheca calendula	Capeweed
D	Asparagus asparagoides (=Myrsiphyllum asparagoides)	Bridal Creeper
D	Asparagus scandens	Asparagus Fern
D	Asphodelus fistulosus	Onion Weed
D	Bassia scoparia (=Kochia scoparia)	Kochia
D	Berberis darwinii	Darwins Barberry
D	Berkheya rigida	African Thistle
D	Bifora testiculata	Bifora
L	Briza maxima	Large Quaking Grass
D	Cabomba caroliniana	Fanwort
D	Calluna vulgaris	Heather
D	Cardaria draba	White Weed (Hoary Cress)
D	Carduus nutans	Nodding Thistle
D	Carduus pycnocephalus	Slender Thistle
D	Carduus tenuiflorus	Slender Thistle

D	<i>Carex albula</i>	New Zealand Sedge
D	<i>Carex buchananii</i>	Leather Leaf Sedge
D	<i>Carex flagellifera</i>	New Zealand Sedge
D	<i>Carex testacea</i>	New Zealand Sedge
D	<i>Carthamus lanatus</i> L.	Saffron Thistle
D	<i>Cenchrus incertus</i> (= <i>Cenchrus pauciflorus</i> )	Spiny Burrgrass
D	<i>Cenchrus longispinus</i>	Spiny Burrgrass
D	<i>Centaurea calcitrapa</i>	Star Thistle
D	<i>Centaurea eriophora</i>	Mallee cockspur
D	<i>Ceratophyllum demersum</i>	Hornwort
D	<i>Chamaecytisus palmensis</i>	Tree Lucerne
D	<i>Chondrilla juncea</i>	Skeleton Weed
D	<i>Chrysanthemoides monilifera</i> (including subspecies)	Boneseed, Bitou Bush
D	<i>Cirsium arvense</i>	Californian Thistle
L	<i>Conium maculatum</i>	Hemlock
L	<i>Coprosma repens</i>	Mirror Bush
D	<i>Coprosma robusta</i>	Karamu
D	<i>Cortaderia</i> species	Pampas Grasses
L	<i>Cotoneaster</i>	<i>Cotoneaster</i> spp.
L	<i>Crataegus monogyna</i>	Hawthorn
L	<i>Crocosmia x crocosmiiflora</i>	Montbretia
D	<i>Crupina vulgaris</i>	Common crupina
D	<i>Cryptostegia grandiflora</i>	Rubber Vine
D	<i>Cuscuta</i> species (excluding <i>Cuscuta tasmanica</i> )	Dodder
D	<i>Cynara cardunculus</i>	Artichoke Thistle
D	<i>Cyperus rotundus</i>	Purple Nut Grass
D	<i>Cyperus esculentus</i>	Yellow nut grass/Yellow nut sedge
D	<i>Cytisus scoparius</i>	English Broom
D	<i>Cytisus multiflorus</i>	White Spanish Broom
D	<i>Datura</i> species	Datura
L	<i>Delairea odorata</i>	Cape Ivy
L	<i>Digitalis purpurea</i>	Foxglove
D	<i>Dittrichia viscosa</i>	False Yellowhead
D	<i>Echium plantagineum</i>	Paterson's Curse
D	<i>Echium vulgare</i> L.	Viper's Bugloss

D	<i>Egeria densa</i> (= <i>Elodea densa</i> )	Egeria, Dense Water Weed Water
D	<i>Eichhornia crassipes</i>	Hyacinth
D	<i>Eleocharis parodii</i>	Parodi
D	<i>Elodea canadensis</i>	Canadian Pondweed, Elodea
D	<i>Emex australis</i>	Spiny Emex
D	<i>Equisetum</i> species	Horsetail
D	<i>Eragrostis curvula</i>	African Lovegrass
D	<i>Erica lusitanica</i>	Spanish Heath
L	<i>Euphorbia paralias</i>	Sea Spurge
D	<i>Fallopia japonica</i>	Japanese Knotweed
D	<i>Festuca Gautieri</i>	Bear Skin Fescue
D	<i>Foeniculum vulgare</i>	Fennel
L	<i>Fuchsia magellanica</i>	Fuchsia
L	<i>Gazania</i> spp.	Gazania
D	<i>Galium spurium</i>	False Cleavers
D	<i>Galium tricornutum</i>	Three-horned Bedstraw
D	<i>Genista monspessulana</i>	Montpellier Broom
D	<i>Gymnocoronis spilanthoides</i>	Senegal Tea Plant, Temple Plant
L	<i>Hedera helix</i>	English Ivy
D	<i>Heliotropium europaeum</i>	Common Heliotrope
D	<i>Heracleum mantegazzianum</i>	Giant Hogweed
D	<i>Hieracium</i> species	Hawkweed
D	<i>Hydrilla verticillata</i>	Hydrilla
D	<i>Hymenachne amplexicaulis</i>	Hymenachne
D	<i>Hypericum perforatum</i>	St John's Wort
D	<i>Hypericum tetrapterum</i>	Square stemmed St Johns Wort
L	<i>Ilex aquifolium</i>	Holly
D	<i>Lagarosiphon major</i>	Lagarosiphon, Oxygen Weed
D	<i>Lantana camara</i>	Lantana
D	<i>Leptospermum laevigatum</i>	Coast tea tree
D	<i>Leycesteria formosa</i>	Elisha's Tears
L	<i>Lonicera japonica</i>	Japanese Honeysuckle
L	<i>Lupinus arboreus</i>	Tree Lupin
D	<i>Lycium ferocissimum</i>	African Boxthorn
D	<i>Marrubium vulgare</i>	Horehound



D	Miconia Species	Miconia
D	Moraea species	Cape Tulips
D	Myriophyllum aquaticum (= M. brasiliense).	Parrot's Feather
D	Nassella neesiana	Chilean Needle Grass
D	Nassella trichotoma	Serrated Tussock
D	Oenanthe pimpinelloides	Meadow Parsley
D	Onopordum species	Onopordum Thistles
D	Orobanche species (except O. minor and O. cernua var.australiana)	Broomrape
L	Paraserianthes lophantha	Cape Wattle
D	Parkinsonia Species	Parkinsonia
D	Parthenium hysterophorus	Parthenium
L	Passiflora mollissima	Banana Passionfruit
D	Pennisetum macrourum	African Feathergrass
D	Pennisetum villosum	Feathertop
L	Polygala myrtifolia	Polygala
L	Pinus radiata	Radiata Pine
L	Pittosporum undulatum	Sweet Pittosporum
D	Prosopis Species	Mesquite
L	Psoralea pinnata	Blue Butterfly-bush
D	Rorippa sylvestris	Creeping Yellowcress
L	Rosa rubiginosa	Briar Rose
D	Rubus fruticosus aggregate	Blackberry
D	Sagittaria graminea	Sagittaria
D	Sagittaria montevidensis	Arrowhead
D	Salix fragilis	Crack Willow
D	Salpichroa organifolia	Pampas Lily-of-the-Valley
D	Salvinia molesta	Salvinia
D	Senecio glastifolius	Holly-leave Senecio
D	Senecio jacobaea	Ragwort
D	Solanum elaeagnifolium	Silver-leaf Nightshade
D	Solanum marginatum	White-edged Nightshade
D	Solanum sodomaeum	Apple-of-Sodom
D	Solanum triflorum	Cut-leaf Nightshade
L	Sollya heterophylla	Bluebell Creeper

L	<i>Spartina anglica</i>	Rice Grass
D	<i>Striga</i> species (all non-indigenous species)	Witchweed
D	<i>Tamarix aphylla</i>	Athel Pine
L	<i>Tradescantia albiflora</i>	Wandering Jew
D	<i>Trapa</i> species	Floating Water Chestnut
D	<i>Tribulus terrestris</i>	Caltrop
D	<i>Ulex europaeus</i>	Gorse
D	<i>Urospermum dalechampii</i>	Mediterranean Daisy
L	<i>Vinca major</i>	Blue Periwinkle
L	<i>Watsonia meriana</i>	Watsonia
D	<i>Xanthium</i>	Burrs, Bathurst Burr
L	<i>Zantedeschia aethiopica</i>	Arum Lily
D	<i>Zizania</i> Species	Wild Rice

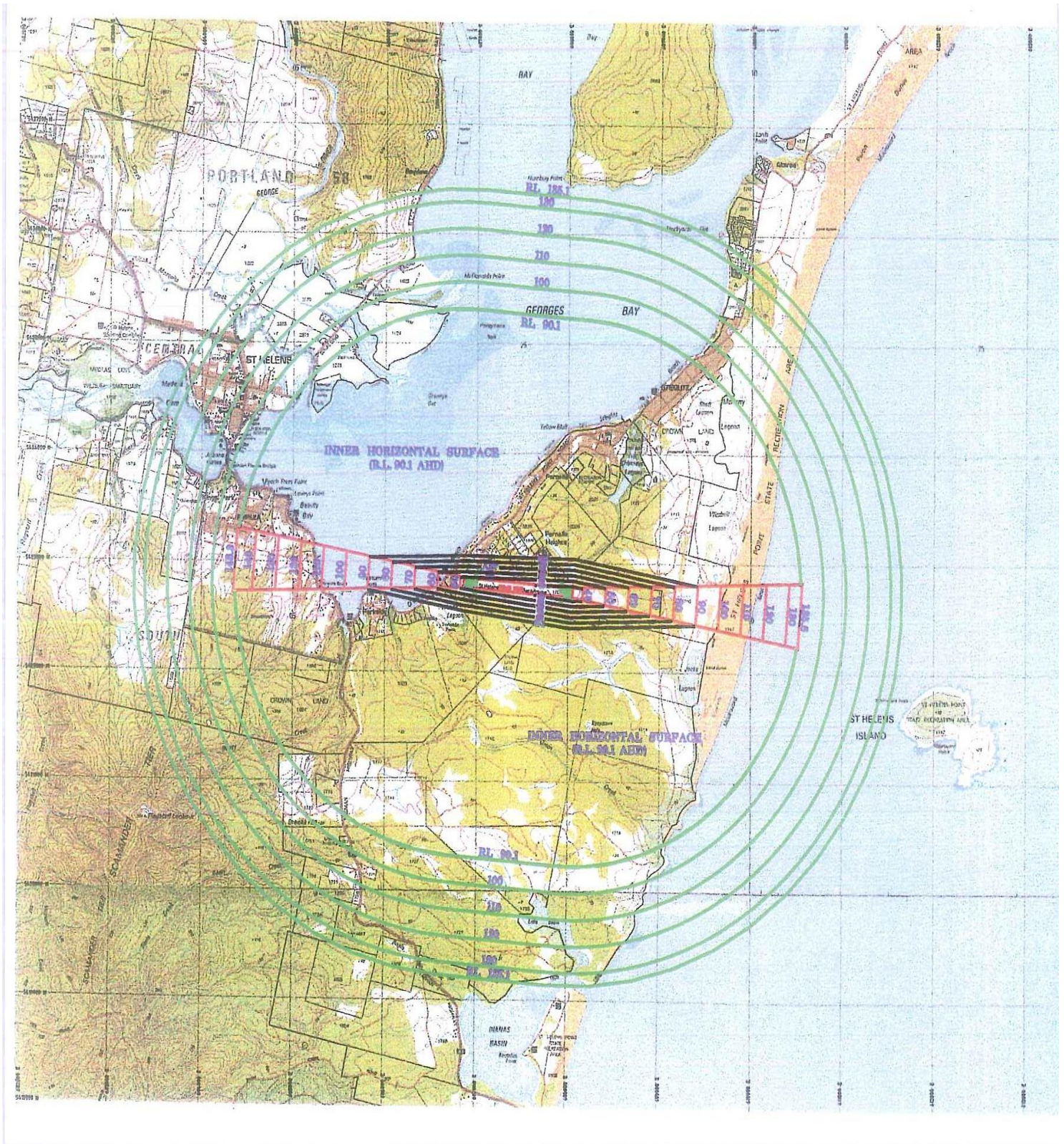
## Appendix 4 – Significant Tree Register

<b>SIGNIFICANT TREE REGISTER</b>			
TREES	LOCATION	SPECIES	REASON
Tea Tree & Blue Gums	Binalong Bay Gulch (Crown Land)	Melaleuca ericifolia Eucalyptus globulus	<ul style="list-style-type: none"> <li>• Blue swift parrot breeding area</li> <li>• Tea trees act as filter for storm water</li> <li>• Final stand of gums on foreshore</li> </ul>
Flowering Gums Oak Tree	Cameron Street, St Helens (Council)	Eucalyptus ficifolia Quercus robur	<ul style="list-style-type: none"> <li>• Avenue thought to have been planted by children during the 1930's</li> </ul>
Flowering Gums	Scamander Avenue, Scamander (Council)	Eucalyptus ficifolia	<ul style="list-style-type: none"> <li>• Main avenue through Scamander</li> </ul>
Pine Trees	Union Church, Goulds Country (Private)	Cypress	<ul style="list-style-type: none"> <li>• Planted in memory of Gordon &amp; Norman Steel, killed in WW1. Sons of Percival Steel</li> </ul>
Oak Tree	Beauty Bay, St Helens (Council)	Quercus robur	<ul style="list-style-type: none"> <li>• Prime example of unpruned species</li> </ul>
Horizontal Gum Tree	Parkside Jetty, St Helens (Crown Land)	Eucalyptus spp	<ul style="list-style-type: none"> <li>• Listed with National Trust – fell over and has stub in water</li> </ul>
Avenue Trees	Cecilia Street, St Helens (Council)	Ulmus procera	<ul style="list-style-type: none"> <li>• Main avenue of trees in various stages</li> </ul>
Avenue Trees	Tully Street, St Helens (Council)	Ulmus procera	<ul style="list-style-type: none"> <li>• Long continuous avenue of trees on both sides of road</li> </ul>
Avenue Trees	Main Street, St Marys (Council)	Tillias and Quercus	<ul style="list-style-type: none"> <li>• Main avenue of trees I two stages of life</li> </ul>
Palm Trees	Memorial Park, St Helens (Council)	Phoenix spp	<ul style="list-style-type: none"> <li>• Planted to commemorate WW1 battles</li> </ul>
Magnolia	Medea Park, St Helens (Private)	Magnolia grandiflora	<ul style="list-style-type: none"> <li>• One of three large magnolias</li> <li>• Covenant on title protecting tree from removal or lopping</li> </ul>

Magnolia	St Helens Secretariat (Private)	Magnolia grandiflora	<ul style="list-style-type: none"> <li>• One of three large magnolias</li> </ul>
Oak Tree	Catholic Church, St Helens (Private)	Quercus robur	<ul style="list-style-type: none"> <li>• Best example of species</li> </ul>
Bunya Pine Tree	Tully Street Cemetery, St Helens (Private)	Araucaria bidwillii	<ul style="list-style-type: none"> <li>• Good example of species – oddity</li> </ul>
Walnut Tree	Enstone Park, Falmouth(Private)	Juglans spp	<ul style="list-style-type: none"> <li>• Believed to be largest walnut tree in southern hemisphere</li> </ul>



# Appendix 5 - St Helens Airport Obstacle Limitation Surfaces





## **Appendix 6 – Planning Purpose Notices**

### ***Land Use Planning and Approvals Act 1993***

#### **PLANNING PURPOSES NOTICE**

#### **BREAK O'DAY INTERIM PLANNING SCHEME 2013**

I, ROGER CHARLES JAENSCH, the Minister for Planning, in pursuance of section 30EA(9) of the *Land Use Planning and Approvals Act 1993* (the Act) and on the recommendation of the Tasmanian Planning Commission, revoke the planning purposes notice issued on 28 February 2014; and further, in pursuance of section 30EA(2) of the Act and on the recommendation of the Tasmanian Planning Commission, issue the following planning purposes notice:

- (a) a local provision contained within a code or specific area plan specified in Part 1 of Schedule 1 is, if included in a relevant scheme in relation to the municipal area for the Break O'Day Council, an overriding local provision where there is a conflict with any common mandatory provision in E1.0 Bushfire Prone Areas Code in the relevant scheme;
- (b) a local provision contained within a code or specific area plan specified in Part 2 of Schedule 1 is, if included in a relevant scheme in relation to the municipal area for the Break O'Day Council, an overriding local provision where there is a conflict with any common mandatory provision in Clause 10.0 General Residential Zone in the relevant scheme;
- (c) A local provision that:
  - (i) consists of a provision containing the wording set out in Part 3 of Schedule 1; or
  - (ii) is a provision specified in Part 3 of Schedule 1;is, if included in a relevant scheme in relation to the municipal area for the Break O'Day Council, a conflicting local provision.

Dated this 22nd day of February 2021

ROGER CHARLES JAENSCH

Minister for Planning

## **Schedule 1**

### Part 1 – Overriding local provisions – E1.0 Bushfire Prone Areas Code

E7 Scenic Management Code

E8 Biodiversity Code

E9 Water Quality Code

E13 Heritage Code

### Part 2 – Overriding local provisions – Clause 10.0 General Residential Zone

E2 Potentially Contaminated Land Code

E3 Landslip Code

E4 Road and Railway Code

E5 Flood Prone Areas Code

E7 Scenic Management Code

E8 Biodiversity Code

E9 Water Quality Code

E11 Environmental Impacts and Attenuation Code

E13 Heritage Code

E14 Coastal Code

### Part 3 – Conflicting local provisions

Nil