

MUNICIPALITY OF PORT CYGNET
PORT CYGNET PLANNING SCHEME 1988

This Ordinance is a working copy of the Port Cygnet Planning Scheme 1988 incorporating amendments, approved from time to time.

The Planning Scheme was signed and sealed on 8 January 1993. Copies of the Sealed Scheme, together with sealed copies of subsequent amendments are held in Council Offices, the Office of the Commissioner for Town and Country Planning and the Central Plan Register, Department of Environment and Planning.

A handwritten signature in black ink that reads "Keith Cyle." The signature is written in a cursive style with a period at the end.

COMMISSIONER FOR TOWN
AND COUNTRY PLANNING

PART A

STATE POLICY CONSIDERATIONS

A.1 IMPLEMENTATION OF STATE COASTAL POLICY

Where the planning authority determines that a proposed use or development would be inconsistent with the State Coastal Policy, that use or development is, unless prohibited by this scheme and notwithstanding any other provision of the scheme, a use or development which the planning authority has a discretion to refuse or permit.

Amendment SP-1 18/2/97

A.2 IMPLEMENTATION OF STATE POLICY ON WATER QUALITY MANAGEMENT

An application for a permit for the use or development of land shall be accompanied by sufficient information to demonstrate that it will **not** result in the transport of sediments into surface waters such that environmental harm might be caused either during the carrying out of works, or the subsequent use of the land.

Council shall consider the information supplied with the application and determine whether,

- a) the capability of the land is sufficient to support the use or development without giving rise to sediment transport and
- b) if there is a risk of sediment transport into surface waters, the measures proposed to reduce such risk are adequate

Council may impose conditions on any permit to minimise the potential for erosion or water quality degradation.

For the purpose of this clause,

“surface waters” means all waters on the land surface, including both fresh and marine waters e.g. streams, lakes, estuaries and coastal waters. (State Policy on Water Quality Management 1997).

“environmental harm” means any adverse effect on the environment (of whatever degree or duration) and includes an environmental nuisance. (Environmental management and Pollution Control Act 1994).

“capability of the land” means the capability of the land as determined by the geological stability and slope of the land, erodibility of the soil and extent and type of vegetation cover, to sustain use or development.

Amendment s13/1/98 26/8/98

A3. APPLICATION OF STATE POLICY ON THE PROTECTION OF AGRICULTURAL LAND 1998

A3.1 The provisions of this Part prevail over any provision of this planning scheme with which they are inconsistent to the extent of the inconsistency.

A3.2 Interpretation

In this part, unless the contrary intention appears:

“agricultural land” means all land which is being used for agricultural use or which has the potential to be used for an agricultural use.

“agricultural uses” means animal and crop production, including intensive tree farming and plantation forestry, but excludes intensive animal uses such as feedlots, piggeries and poultry farms and plant nurseries based on either hydroponics or imported growth media.

“non agricultural uses” has a corresponding meaning.

“land” includes:

- (a) buildings and structures permanently fixed to land; and
- (b) land covered with water; and
- (c) water covering land; and
- (d) any estate, interest, easement, servitude, privilege or right over land.

“Land Capability Classification System” means the land capability methodology described in Land Capability Survey of Tasmania, Land Capability Handbook, K.E. Noble, 1992, Department of Primary Industry, Tasmania.

“prime agricultural land” means agricultural land classified under the Land Capability Classification System as Class 1,2, or 3 land.

“development” includes:

- (a) the construction, exterior alteration or exterior decoration of a building; and
- (b) the demolition or removal of a building or works; and
- (c) the construction or carrying out of works; and
- (d) the subdivision or consolidation of land, including buildings or airspace; and
- (e) the placing or relocation of a building or works on land; and
- (f) the construction or putting up for display of signs or hoardings- but does not include any development of a class or description, including a class or description mentioned in paragraphs (a) to (f), prescribed by the Land Use Planning and Approvals Regulations 1993 for the purposes of this definition.

A3.3 Notwithstanding any provision in this scheme, any use or development of land classified as prime agricultural land under the Land Capability Classification System within the jurisdiction of this scheme is prohibited if that use or development would result in the conversion of prime agricultural land to non-agricultural uses unless:

- (a) there is an overriding need for the use or development in terms of community benefit and no other suitable sites are available; or
- (b) in accordance with clause 3.13 of the State Policy on the Protection of Agricultural Land 1998, it is determined that the land is not prime agricultural land.

Prime agricultural land may be identified as part of a complex with other land capability classes (eg. Class 3+4 or 4+3).

A3.4 For the purpose of A3.3(a), an overriding need for a use or development in terms of community benefit only arises where the use or development:

- (a) relates to
- (i) the provision of public utilities or other infrastructure;
 - (ii) heritage conservation;
 - (iii) a proposal which will provide significant economic benefit to the region; and
- (b) has the prior approval of the Resource Planning and Development Commission.

A3.5 Where a use or development of prime agricultural land is not a conversion to a non agricultural use, the provisions of the Scheme apply to that use or development.

A3.6 Applications for permits involving prime agricultural land, including where it occurs as a complex with other land capability classes (eg. Class 3+4 or 4+3), must include relevant land capability information at an appropriate scale for all land involved (clause 6.11 of the State Policy on the Protection of Agricultural Land 1998).

Amendment SP-2 27/07/99

PART B

B.1 TELECOMMUNICATIONS INFRASTRUCTURE SCHEDULE

Any use or development of telecommunications infrastructure must be in accordance with the Telecommunications Infrastructure Schedule.

To the extent that any statement contained in this schedule is inconsistent with any other provision of this scheme the provision of the schedule shall apply in relation to telecommunications infrastructure.

Amendment BS 18/03/98

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PART 1
PRELIMINARY

1.1 COMPOSITION OF SCHEME

1.1.1 This Planning Scheme consists of:

- (a) the Ordinance; which is this document; and
- (b) the Plan; which is the geographical plan or plans which show by colours and/or markings the various zones and other details of the planning area.

1.2 PLANNING AREA

1.2.1 This Scheme applies to the lands under the jurisdiction of the Municipality of Port Cygnet within the area wholly enclosed by a thick black line on the Plan, and covers the whole of the Municipality of Port Cygnet.

1.3 INTENT OF SCHEME

1.3.1 The objectives to be pursued within the planning area are set out in Part 5 of this Ordinance and where any question arises as to the interpretation or effect of any part of this Scheme those objectives should be referred to in order to provide the basic intent.

1.4 GENERAL DUTY OF COUNCIL

1.4.1 It is the duty of Council within the ambit of its powers to give effect to, and to observe and to enforce the observance of, the requirements of this Scheme.

Amendment BI-2 21/8/95

1.5 DELEGATION OF AUTHORITY

1.5.1 Council may by special resolution delegate to members or officers of Council such powers as it deems necessary for the administration of this Scheme.

Amendment BI-2 21/8/95

1.6 DEVELOPMENT PLAN

1.6.1 A Development Plan indicating a preferred layout and staging for the integrated subdivision and development of any land within the planning area may be incorporated within this Scheme

Amendment BI-2 21/8/95

1.7 (deleted)

Amendment BI-2 21/8/95

1.8 (deleted)

Amendment BI-2 21/8/95

1.9 (deleted)

Amendment BI-2 21/8/95

1.10 OTHER APPROVALS

1.10.1 An approval granted or exemption from approval provided under this Scheme shall not absolve any person from the need to obtain any licence, permit, approval or other sanction required by Council or a Public Authority under any applicable legislation or by-law.

1.11 INTERPRETATION

1.11.1 Any reference in this Scheme to any act or other statute shall be a reference to such act or statute as it may be amended from time to time and unless otherwise stated, the references in brackets contained in this Scheme shall be references to the relevant sections of the Land Use Planning and Approvals Act 1993.

Amendment BI-1 21/8/95 & Amendment BG-3 24/1/95

1.11.2 In this Scheme, unless inconsistent with the context or subject matter:

Act:

means the Land Use Planning and Approvals Act 1993;

Amendment BI-1 21/8/95 & Amendment BG-3 24/1/95

Advertising Sign:

means any notice, banner, pole, panel, hoarding, sign, portion of building, bunting, decorative flag; lights or other means used for advertising purposes;

Allotment or lot:

means any area of land separately defined in a Certificate of Title or Conveyance registered in the office of the Recorder of Titles, or any lot on an approved final plan of subdivision;

Amenity:

means in relation to a particular area; such qualities or values as contribute to the feeling of pleasantness, harmony and enjoyment therein;

Building:

As defined in the Act.

Amendment CH 11/05/2006

Building Area

means the area shown on a plan or plan of subdivision to indicate where all buildings will be located;

Amendment PSA-4/2013 28/11/13

Bushfire-Prone Area

means land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; and

Where there is no overlay on a planning scheme map; or where the land is outside the boundary of a bushfire-prone area shown on an overlay on such a map, land that is within 100 metres of an area of bushfire-prone vegetation equal to or greater than 1 hectare;

Amendment PSA-4/2013 28/11/13

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;

Amendment PSA-4/2013 28/11/13

Commissioner: (deleted)

Amendment BG-4 24/1/95

Council:

means the Huon Valley Council;

Amendment BI-2 21/8/95

Crown Land:

means as defined in Section 2 of the Crown Lands Act 1976;

Defined Site:

means the area within an allotment used or intended for Grouped Houses that is:

(a) shown on the plans and provided for a particular dwelling unit and its grounds;

(b) defined by fences or other structures;

and

(c) where the dwelling unit is subject to a Stratum Title; contained on that title;

Development:

As defined in the Act and includes making of any change in the use of the land.

Amendment 3-2007 21/11/2007

Development Plan:

means as defined in Clause 1.6 of this Scheme;

Development Standard:

means any dimension, condition or other restriction that, unless relaxed or modified by Corporation under the powers provided in this Scheme, is to apply to the use or development of any land;

Amendment PSA-4/2013 28/11/13

Amendment BG-1 24/1/95

Dwelling Unit:

means any building or portion of a building used as a self-contained unit for cooking, eating, sleeping, washing and other domestic purposes;

Existing Use:

means a lawful use of land in existence at the taking effect of this Scheme;

Frontage:

means that boundary or those boundaries of any lot or block which abuts a road;

Amendment BK-2 26/9/95 & Amendment BP-2 26/12/95

Floor Area:

means the area of floor within the external walls of a building, but excludes any area of floor used for mechanical or electrical services and plant;

Habitable Building

means a building of Class 1 - 9 of the Building Code of Australia;

Amendment PSA-4/2013 28/11/13

Hazardous Use

As defined in Schedule 10;

Amendment PSA-4/2013 28/11/13

Height (in respect of a building):

means the maximum vertical distance from any part of a building (not being a minor protrusion thereof,) to the natural ground surface level existing prior to the construction of that building directly below that point;

Industry:

means any one or more of the following operations:

- (a) the manufacture by whatever process of any product;
- (b) the breaking up, dismantling or separating into parts of any product;
- (c) the treatment of any waste product;
- (d) the mining or extraction of any substance;
- (e) the handling or packaging of any substance or product;
- or
- (f) the repairing, laundering or servicing of any article;

Land:

means the surface of the ground including any coverage of vegetation and water, and any buildings and works in, on, over or under the ground;

Land Clearing (Clearing of Land):

means the destruction of trees or other vegetation;

Landscaped Space:

means any area used for the enhancement of the appearance of the land, but does not include any area set aside for storage, vehicular passage, manoeuvring or parking, pedestrian access or circulation, or services appurtenant to any building or works;

Minimum Inscribed Circle:

means the minimum diameter of a circle than can be drawn within the boundaries of a lot so that its centre is not more than its diameter from the frontage of that lot;

Non-Conforming Use:

Means a use that is prohibited by this planning scheme but was lawfully established when this planning scheme, or the amendment that prohibited the use, came into operation.

Amendment CH 11/05/2006

Parent Lot:

means the land contained in a Certificate of Title or Conveyance registered in the office of the Registrar General at 5 November 1986;

Parent Holding:

means the land in one or more titles that is contained in one entry of the valuation roll as administered by the Valuation Division of the Lands Department at the 5 November 1986;

Planning Approval:

means any permit, approval or consent required by this Planning Scheme to be issued or given by Council in respect of a development of land (S.773A);

Planning Scheme/Scheme:

means the Municipality of Port Cygnet Planning Scheme 1988, which consists of this Ordinance and the Plan;

Plot Ratio:

means the ratio between the total floor area of a building or buildings and the area of the lot thereon;

Private Open Space:

means any unroofed area adjoining a dwelling unit but not forming part of that dwelling unit or any other structure, that could reasonably be used for domestic purposes by the residents of that dwelling unit as a yard, garden, recreation area or the like, but does not include any area used for vehicular passage manoeuvring or parking, storage, services appurtenant to the dwelling unit or access at the entrances thereof;

Public Authority:

means any Corporation, Board, Commission, Trust or other body corporate or unincorporate that is established or constituted by or under any act for any public purpose, but does not include the Council for the Municipality of Port Cygnet;

Rear Lot:

means a lot which lies behind a block fronting a road and has access to that road by a right-of-way or access strip;

Road:

means any land, Crown or otherwise, that is:

- (a) created as a highway under Section 6 or 7 of the Local Government (Highways) Act 1982 or Section 468 of the Local Government Act 1962;
- (b) declared a highway under Section 9B of the Roads and Jetties Act 1935; or
- (c) defined as a road under Section 4(1) of the Local Government Act, 1962, but does not include any road that is not a public road;

Road Alignment:

means the line or lines indicating the location of a road or proposed road;

Setback (in respect of a building):

means the shortest horizontal distance from a lot boundary to any part of a building on that lot;

State Road:

means any road, as defined elsewhere in this Clause, that is proclaimed a State Highway or subsidiary road under the Roads and Jetties Act 1935;

Storey:

means as defined in the Building Regulations 1978;

Subdivide and Subdivision:

means subdivide and subdivision as defined in Section 80(1) of the Local Government (Building and Miscellaneous Provisions) Act 1993, as amended or replaced;

Amendment BI-1 21/8/95 & Amendment BG-3 24/1/95

Use:

means the purpose for which land is used;

Vulnerable Use

As defined in Schedule 10;

Amendment PSA-4/2013 28/11/13

Works:

As defined in the Act.

Amendment CH 11/05/2006

Zone:

means a particular area delineated on the Plan within which land is to be used, developed and subdivided in accordance with any relevant provisions of this Scheme.

PART 2
EXISTING USE AND NON-CONFORMING USE

2.1 DAMAGED OR DESTROYED BUILDINGS OR WORKS

2.1.1 Notwithstanding any other provisions of this Scheme, Council may, at its discretion, approve with or without conditions, or refuse:

2.1.1.1 reconstruction of existing buildings or works that have been damaged or destroyed upon which an existing non-conforming use depends; or

2.1.1.2 reconstruction of existing non-conforming buildings or works that have been damaged or destroyed upon which an existing conforming use depends;

provided Council is satisfied that:

2.1.1.3 such damage or destruction was caused by fire, flood, other natural disasters or a human-induced accident; and

2.1.1.4 such damage or destruction was not the result of the wilful act of the owner; and

2.1.1.5 the buildings or works being rebuilt are of the same external dimensions, occupy the same footprint and are of similar materials; and

2.1.1.6 the risks posed by fire, flood including coastal inundation, erosion, landslip or other hazards, are acceptable.

2.2 EXTENSION OR TRANSFER OF BUILDINGS OR WORKS UPON WHICH A NON-CONFORMING USE DEPENDS

2.2.1 Notwithstanding any other provision of this Scheme, Council may, at its discretion, approve, with or without conditions, or refuse, the extension or transfer of an existing non-conforming use from part of a site to another, and any development necessary for that, if the extension or transfer and that development:

2.2.1.1 is necessary to the continued operation of the existing non-conforming use; and

2.2.1.2 will bring the use or development into greater conformity with this planning scheme, the objectives of the Act and any State Policy when taken together as a whole; and

2.2.1.3 will have a less detrimental impact on adjacent uses and the amenity of the locality; and

2.2.1.4 will not substantially intensify the existing non-conforming use.

AMENDMENT CH 11/05/2006

PART 3

PLANNING APPROVAL

3.1 REGULATION OF USE OR DEVELOPMENT

3.1.1 Use or development of land within the planning area shall comply with all relevant requirements of this Scheme.

Amendment PSA-4/2013 28/11/13

3.2 USE OR DEVELOPMENT OF LAND IN ZONES

3.2.1. Use or development shall be categorised into one or more of the categories of use as defined in Schedule 1 of this Scheme titled "Use Categories".

Amendment PSA-4/2013 28/11/13

3.2.2 The status in any designated zone within the planning area of a use or development of land for any category of use defined in Schedule 1, is shown in Schedule 2 of this Scheme; the "Table of Uses".

Amendment PSA-4/2013 28/11/13

3.3 PERMITTED USE OR DEVELOPMENT

3.3.1 Use or development of land in a zone which is depicted in the Table of Use by the letter 'P' shall not be undertaken without the application for and issue of a planning approval, and Council shall grant with or without conditions a planning approval thereto, provided that the use or development complies with all relevant development standards without invoking the provisions of Clause 3.4.1(b) of this Scheme.

Amendment PSA-4/2013 28/11/13

3.3.2 Where a planning approval granted under Clause 3.3.1 is conditional, the appeal provisions of the Act shall apply.

Amendment BI-2 21/8/95

Amendment PSA-4/2013 28/11/13

3.3A PERMITTED AS OF RIGHT USE OR DEVELOPMENT

3.3.1a Use or development of land in a zone which is depicted in the Table of Uses by the figure 'P1' may be undertaken without the application for an issue of a planning approval, provided that the use or development complies with all relevant development standards without invoking the provisions of Clause 3.4.1(b) of this Scheme and a permit is not required by Schedule 10 of this Scheme.

Amendment BG-1 24/1/95

Amendment PSA-4/2013 28/11/13

3.4 DISCRETIONARY USE OR DEVELOPMENT

3.4.1 Use or development of land in a zone:

(a) which is depicted in the Table of Uses by the letter "d"; or

(b) any aspect of which:

- i) makes use of a power conferred on Council to relax or modify any provision of the Scheme; or
- ii) under the Scheme Council has the discretion to refuse or permit,

shall not be undertaken without the application for and issue of a planning approval, which Council shall grant with or without conditions or refuse, subject to the notification, determination and appeal provisions of the Act.

Amendment BI-2 21/8/95
Amendment PSA-4/2013 28/11/13

3.5 PROHIBITED USE OR DEVELOPMENT

3.5.1 A development shall be prohibited, if that use or development:

- (a) is for a use of land in a zone depicted in the Table of Uses by the letter 'X';
- (b) is prohibited under any other provisions of the Scheme;
- (c) has not been granted a planning approval where required under the Scheme; or
- (d) would be in contravention of any relevant development standard, and there is no power under which Council may relax or modify that standard.

Amendment PSA-4/2013 28/11/13

3.5A Implementation of Planning Directive – Standards for Single Dwellings in Current Planning Schemes

If a development to which Planning Directive – Standards for Single Dwellings in Current Planning Schemes applies does not meet, in relation to a matter that could affect, or be affected by, the development, an Acceptable Solution specified in relation to that matter in the planning directive, the Council, acting as a planning authority, has the discretion to refuse the development if it is satisfied that the Performance Criteria specified in the planning directive in relation to the matter are not satisfied by the development.

Amended 29 August 2011

3.6 INTERPRETATION OF DEVELOPMENTS

3.6.1 Integral and Subservient Development:

Where any proposed development constitutes an integral and subservient part of an existing or proposed use, such development shall be treated as a development for that use and similarly categorized under schedule 1 of this Scheme.

3.6.2 Multiple Use: If any proposed development does not constitute an integral or subservient part of an existing or proposed use of land, such development shall be categorized separately under Schedule 1 of this Scheme.

3.7 INFORMATION TO BE SUBMITTED WITH APPLICATIONS FOR PLANNING APPROVAL

- 3.7.1 Where a development of land for any purpose requires the issue of a planning approval under the provisions of this Scheme, an application for that planning approval shall be lodged with Council and shall contain such information as is necessary for Council to determine compliance with the Scheme, and shall include, where applicable, the following:
- (a) the name and address of the applicant, the location of the land and its postal address, a copy of the title to the land and the name and postal address of the owner, and if the application is made by any person not the owner, the consent in writing of the owner to the making of the application;
 - (b) the use or uses of the land at the date of application;
 - (c) the intended use or uses of the land;
 - (d) a plan or plans showing:
 - i) the relationship of the land to lot boundaries and road frontages;
 - ii) rights of way, easements and covenants affecting the land;
 - iii) existing buildings and works;
 - iv) site preparation; including details of buildings and works to be demolished, areas to be cut and filled, and trees to be removed and other land clearing;
 - v) new buildings and works and alterations to existing buildings and works; including floor plans, elevations, dimensions, relative site levels, provisions for drainage and the purpose of rooms, other enclosed spaces and structures;
 - vi) existing and proposed vehicular access points to roads from the land, available sight distances in accordance with clause 7.5 and areas set aside and other provisions made for vehicular passage, manoeuvring and parking;
 - vii) landscaping; including details of site beautification, tree planting and screening;
 - viii) the materials proposed for construction purposes, and the colour of such materials on all exterior surfaces;
 - ix) advertising signs; including details of dimensions, wording, logos, colours, illumination, supporting structures, and positions on buildings and works and the methods of fixing thereto;
 - x) floodlighting and other exterior lighting; including the location and direction of light sources and the strength of illumination.

- 3.7.2 Notwithstanding the provisions of Clause 3.7.1, where Council considers a proposed development will have a significant impact on the environment or is controversial in nature and an Environmental Impact Statement for that development is not required by the Director of Environmental Control under the Environmental Protection Act or Regulations, Council may require the applicant to submit a report setting forth the results of a study carried out to determine:-
- (a) the characteristics or conditions of the environment prior to the proposed development;
 - (b) the environmental impacts of construction activities;
 - (c) the impacts on the environment of activities upon completion of construction; and
 - (d) the measures to be undertaken to protect the environment.
- 3.7.3 Where the development is a Scheduled Premises for the purposes of the Environmental Protection Act, Council should consult with the Department of Environment to co-ordinate the assessment of the likely impacts of the development.

3.8 CONSIDERATION OF APPLICATIONS FOR PLANNING APPROVAL

- 3.8.1 In its determination of an application for a planning approval Council shall take into consideration any representation received in relation to an application which has been publicly notified as required under the Act. **Amendment BI-2 21/8/95**
- 3.8.2 Before granting with or without conditions or refusing a planning approval for a development, Council shall take into consideration:
- (a) the objectives of the Scheme, the intent of the zoning, any development plan affecting the land and any relevant development standards or other relevant requirements of the Scheme;
 - (b) any relevant proposals, reports and requirements of any public authorities;
 - (c) whether any part of the land is subject to:
 - i) landslip, soil instability, or erosion;
 - ii) excessive slope;
 - iii) ponding or flooding; or
 - iv) bush fire hazard;
 - (d) whether the proposed development is satisfactory in terms of its siting, size and appearance in relation to:
 - i) existing site features;
 - ii) adjoining land;
 - iii) the streetscape and/or landscape;
 - iv) the natural environment;
 - v) any items of historic, architectural or scientific interest;
 - vi) any buffer zones;
 - vii) any powerline easements;
 - viii) adequate water supply for fire fighting purposes; and

- ix) skyline protection.
 - (e) whether the proposed development will be supplied with an adequate level of infrastructure and services (such as roads, including the necessity to improve deficient road junctions water, sewerage and electricity,) without detriment to existing users;
 - (f) whether the proposed development would adversely affect the existing and possible future use or uses of adjacent land, and vice versa; and
 - (g) the provision of adequate landscaping, amenity facilities and illumination, and the treatment of the site generally.
- 3.8.3 Council may, in its determination of an application for a planning approval, consult with or obtain the advice, opinion or recommendation of any authority, organization, persons or person as Council may deem appropriate.
- 3.8.4 Council shall, in respect to an application for planning approval for an extractive industry, consult with the Department of Mines and the Department of Environment before making a determination on that application.

3.9 ISSUING APPROVAL OR REFUSAL TO APPLICATIONS

- 3.9.1 Having determined an application for a planning approval, Council shall either;
- (a) issue a written approval specifying the conditions (if any) imposed upon the development; or
 - (b) issue a written refusal for the development, stating the grounds of the refusal, and shall publicly notify that determination where required under the Act.
- Amendment BI-2 21/8/95**
- 3.9.2 A planning approval issued pursuant to Clause 3.9.1 shall not be effective or acted upon until the expiration of the period for appeal as determined by the provisions of the Act, or, if an appeal has been instituted, until the determination of that appeal.

3.10 LAPSE AND RENEWAL OF PLANNING APPROVALS

- 3.10.1 A planning approval issued pursuant to Clause 3.9.1 shall lapse after a period of two years from the date of issue unless the development has been substantially commenced.
- 3.10.2 Where a planning approval for a development has lapsed, an application for a renewal of a planning approval for that development shall be treated as a new application.

3.11 EXEMPTIONS FROM PLANNING APPROVAL

- 3.11.1 Notwithstanding the provisions of Schedule 2 of this Scheme, a planning approval shall not be required for any of the following use or development:
- (a) the erection of, or external alteration to, any building, where a building approval under the *Building Act 2000* would not be required except where:
 - i) the provisions of Clause 3.13 apply;

- ii) a permit for the development is not required by Schedule 10;
Amendment PSA-4/2013 28/11/13
 - iii) the development is for an advertising sign, pursuant to Clause 7.2 of this Scheme; or
 - iv) the development relates to an item of historic interest or natural beauty, pursuant to Clause 7.3 of this Scheme;
- (b) an internal alteration of any building, irrespective of whether a building approval is required;
 - (c) demolition pursuant to Clause 3.12.2 hereunder; or
 - (d) the erection or placement of non-commercial garages, storage sheds, garden sheds, car ports or other such minor buildings;
 - (i) within the curtilage of dwelling, provided that:
 - a. no part of the building is sited within side boundary set back for the particular zone as defined in Schedule 6.
 - b. no part of the building encroaches within any service easement or within one metre of any underground service.
 - c. the building is for the domestic needs of the occupants of the dwelling.
 - (ii) not within the curtilage of a dwelling, provided that:
 - a. no part of the building is sited within side boundary set back for the particular zone as defined in Schedule 6.
 - b. no part of the building encroaches within any service easement or within one metre of any underground service.
 - c. the total floor area of the building does not exceed 20 square metres.
Amendment BG-2 24/1/95
 - (e) Tree planting, pruning of existing vegetation and the removal of vegetation in accordance with an approved bushfire management plan.
 - (f) Removal or destructions of noxious or environmental weeds.
 - (g) Emergency works required to protect public safety, property or the environment.
Amendment PSA-9/2008 20/03/08

3.12 DEMOLITION

- 3.12.1 Notwithstanding the provisions of clauses 3.3.1 and 3.4.1 the demolition in whole or in part of any building or works listed as an item of historic interest in Schedule 3 of this Scheme shall require the granting of a planning approval pursuant to clause 3.5.1 of this Scheme and Council shall take into consideration the views of the National Trust with regard to the application of this Clause.
- 3.12.2 Notwithstanding the provisions of clause 3.3.1 and 3.4.1 the demolition in whole or in part of any buildings or works not listed as an item of historic interest in Schedule 3 of this Scheme shall require the granting of a planning approval pursuant to clause 3.5.1 of this scheme unless demolition or partial demolition:
- (a) has been granted a planning approval with other associated development;
 - (b) is for the purposes of a 'P1' development which has been granted a building approval under the Building Regulations 1978;
 - (c) is of a minor structure only, the creation of which would not require a building approval were such to be erected within an outer building area; or
 - (d) is required pursuant to Part 3 of the Local Government (Building and Miscellaneous Provisions) Act 1993.

Amendment BI-1 21/8/95 & Amendment BG-3 24/1/95

3.13 CERTAIN BUILDING OPERATIONS WHICH REQUIRE A PLANNING APPROVAL IN ALL CASES.

- 3.13.1 Notwithstanding the provisions of Clause 3.11.1(a) or Schedule 2 of this Scheme, the following building operations in respect of any building or works listed in Schedule 3 shall be development which requires the application for and issue of a planning approval, in accordance with the provisions of Clause 7.3 of this Scheme.
- a) the painting of any previously unpainted exterior masonry surface of any existing building or works;
 - (b) the painting or otherwise permanent blanking out of any glass or similar external window or surface of any existing building or works;
 - (c) the sandblasting of any exterior masonry surface, of any existing building or works, or the removal by whatever method of any applied coating to an exterior masonry surface ; and
 - (d) the cladding of any exterior surface of any existing building or works.

3.14 ROADS

- 3.14.1 For the purposes of this Scheme, any land that is a road as defined in Clause 1.11 of this Scheme shall be deemed to be land within a road reserve, irrespective of whether such land is shown uncoloured or rural on the Plan or within any other area indicated thereon.
- 3.14.2 Any development of land within a road reserve shall be prohibited, except for:

- (a) the purposes of Utilities, which shall be permitted without the application for or issue of a planning approval;
- (b) a vehicular access point to a carriageway, which shall conform to any relevant requirements of this Scheme.

PART 4

SUBDIVISION APPLICATIONS

4.1 PLANNING REQUIREMENTS FOR SUBDIVISION APPLICATIONS

4.1.1 Unless for a adjustment of a boundary in accordance with S712, before granting with or without conditions or refusing an application for a subdivision, or in making any alteration to a subdivision when granting an approval thereto, Council shall:

- (a) give consideration to the matters listed in Clauses 3.8.2, 3.8.3 and 3.8.4 of this Scheme, as far as they may be relevant to a subdivision;
- (b) in no case approve the subdivision of any lot smaller than the minimum lot size for the zone specified Part 7 of this Scheme; and

Amendment PSA-5/2011 29 September 2011

- (c) have regard to any other relevant matter required under the provisions of this Scheme. **Amendment BG-3 24/1/95**

(Part 3 of the Local Government (Building and Miscellaneous Provisions) Act 1993) **Amendment BI-1 21/8/95 & Amendment BP-1 26/12/95**

4.2 DEMONSTRATION OF SUBDIVISION CONFORMITY

4.2.1 It will be the responsibility of the subdivider to demonstrate, to the satisfaction of Council that a proposed subdivision is in conformity with the relevant requirements of this Scheme.

PART 5

OBJECTIVES OF THE SCHEME

5.1 GENERAL

- 5.1.1 The Principal Objective and Enabling Objectives are contained in this Part whilst Zoning Objectives and statements of intent for each of the Zones are contained in Part 6.
- 5.1.2 The reference document to this Scheme is the "Municipality of Port Cygnet Planning Study 1988" which covers a range of physical and social topics relating to the provisions of this Scheme.

5.2 PRINCIPAL OBJECTIVE

- 5.2.1 To encourage residential, commercial and civic land uses in town and village centres and to retain rural areas for rural purposes and to ensure that all land is managed to maintain and enhance the landscape and conservation values of the Municipality.

5.3 ENABLING OBJECTIVES

- 5.3.1
- (a) To facilitate development that will enhance the economic base of the Municipality and will minimise conflict between competing land uses;
 - (b) To provide a high degree of certainty as to which types of development are intended in any locality;
 - (c) To permit development as deemed desirable to the locality concerned at a rate that allows adequate provision for an infrastructure of community facilities, transport and utility services;
 - (d) To indicate locations for the accommodation of commercial, industrial, residential and recreational areas;
 - (e) To protect and enhance areas of historic or architectural significance and places of recreational potential and natural beauty;
 - (f) To set standards for the development and use of land and to determine the shape and size of allotments into which land may be subdivided;
 - (g) To provide for rural and associated land uses in the non-urban areas of the Municipality;
 - (h) To ensure that the operational efficiency of the road network is not prejudiced by inappropriate land use development;
 - (i) To encourage the retention of the high scenic quality of the Municipality.

PART 6

ZONING OBJECTIVES AND STATEMENTS OF INTENT

6.1 ZONING INTENT AND OBJECTIVES

6.1.1 The Scheme defines areas of land to be known as zones which are delineated on the Plan and which are to be used exclusively or principally for specified purposes, and the objectives and/or intent of each type of zone are expressed hereunder.

6.2 RURAL A ZONE

6.2.2 The intent of this zone is to protect the rural environment and to aid the continuance of farming and other rural related activities.

6.3 RURAL B ZONE

6.3.1 The intent of this zone is to preserve scenic quality, to protect flora and fauna habitats, to maintain the stability of the soils especially on the steep slopes, to protect water quality in water catchment areas and to recognise existing or potential forestry resources.

6.4 CLOSED RESIDENTIAL ZONE

6.4.1 The intent of this zone is to provide areas where residential use and amenity are given priority. An objective of the zone is to maximise use of the existing infrastructure and opportunities for its logical and economical extension, and to ensure that only land uses which are compatible with a pleasant residential living environment are permitted.

6.4.2 Full utility services to Council's satisfaction are required within this zone including reticulated water supply, reticulated sewage disposal, electricity, sealed roads kerbed and guttered, footpaths, street lighting. Where considered appropriate Council may require underground electric power reticulation.

6.4.3 Within the Closed Residential Zone over UPI parcel numbers 0505, 0506, 0507, 0508 and 0509 between George Street and Lymington Road, Cygnet (as indicated on the plan by reference to this Clause) subdivision and development shall be subject to a Development Plan approved by Council pursuant to Clause 1.6.1 of this Scheme. The Development Plan shall provide for control over access and development such that there is no access from individual lots to Lymington Road/Mary Street.

Amendment BI-1 21/8/95 & Amendment BG-3 24/1/95

6.5 LOW DENSITY RESIDENTIAL A ZONE

6.5.1 The intent of this zone is to cater for the demands of people seeking a lot size sufficient to create an open environment whilst enjoying the benefit of urban services. Lot and house design, and access locations shall be sympathetic to the natural terrain.

6.5.2 Full utility services to Council's satisfaction are required within this zone including reticulated water supply, reticulated sewage disposal, electricity, sealed roads kerbed and guttered, street lighting. Where considered appropriate Council may require underground electric reticulation and/or footpaths.

6.5.3 **Deleted**

Amendment CF 13/06/05

6.6 LOW DENSITY RESIDENTIAL B ZONE

6.6.1 The intent of this zone is to provide for a mixture of hobby farming and low density living.

6.6.2 This zone emphasises the opportunity for living in a natural environment with an expectation of minimal disturbance to the setting. When considering development or subdivision applications Council will ensure that lot design, access locations and building materials shall be sympathetic to the natural terrain.

6.6.3 Electric power and sealed roads are required.

6.6.4 In respect of the Low Density Residential B Zone shown on Green Point, west of the Channel Highway (as indicated on the plan by reference to this Clause) the total number of houses shall be limited to two (2) houses.

6.7 BUSINESS ZONE

6.7.1 The primary intent of this zone is to provide for centres designed to service the business and shopping needs of the population. Wholesale business and selected commercial purposes which are not incompatible with the primary intent of the zone may be allowed at the discretion of Council. Utility services to the satisfaction of Council are required.

6.8 VILLAGE ZONE

6.8.1 The intent of this zone is to provide for mixed development in selected centres usually associated with natural recreational areas but which are of insufficient size to justify specialised commercial zones. Utility services to the satisfaction of Council are required but electric power and sealed roads shall be included.

6.9 INDUSTRIAL ZONE

6.9.1 This zone is intended primarily for industrial developments which generate low levels of effluents, trade wastes, air or noise pollution, and require relatively small industrial lot areas. Utility services to the satisfaction of Council are required.

6.9.2 Notwithstanding Clause 6.9.1 development likely to generate moderate levels of noise, air pollution and trade wastes may be allowed by Council subject to any requirements of the Department of Environment and Planning being met.

6.10 COMMUNITY SERVICES ZONE

6.10.1 This zone provides primarily for the civic, cultural, and institutional facilities required to meet community needs, including religious, health and educational institutions and administration facilities related to Government agencies. A range of associated service facilities is also allowed for, provided their presence in this zone is not detrimental to the amenity of adjacent land.

6.11 UTILITY SERVICES ZONE

6.11.1 This zone provides for the range of public utilities needed to support urban development. It also provides for ancillary and interim use of land required for these services.

6.12 OPEN SPACE ZONE

6.12.1 The intent of the Open Space Zone is:

- (a) To encourage appropriate public use of lands for recreational purposes;
- (b) To allow the development of both public and private land for open space purposes;
- (c) To ensure the adequate provision of public open space throughout the Municipality;
- (d) To protect the Municipality's open space resources.

6.13 AREA STATEMENTS OF INTENT

6.13.1 Cygnet has been provided with sufficient zoned land for urban development over the next five years although it is possible that some expansion of the Business Zone may become necessary. Zonings have been located to consolidate development within the Sewerage District and retain options for further expansion. Specifically:

- (a) As the administrative and business centre of the Municipality with diverse commercial development Cygnet has been provided with a Business Zone.
- (b) Low Density Residential development has been limited to areas not considered suitable for traditional residential development because of slope and terrain.
- (c) An area generally east of Mary Street, has been zoned Reserved Business/Open Space to provide land if necessary in the future for,
 - i) an extension of the Business Centre and
 - ii) a supplementary alternative route to Mary Street.
- (d) Areas adjacent to Toby's Hill Road and zoned for Industrial Purposes in the Municipality of Port Cygnet, Town of Cygnet and Environs, Planning Scheme 1966, have been retained as the industrial zone.

- (e) The sloping and high terrain to the west of Port Cygnet and adjacent to Clements and Marshalls forms an important scenic backdrop to the town. This land is presently used to legitimately dispose of effluent from Clements and Marshalls and for horticulture and agricultural pursuits. It has been zoned Rural A.
- (f) An Industrial Zone has been provided for Clements and Marshalls processing factory and for the adjacent saw mill.

6.13.2 Verona Sands is zoned Village providing for mixed development.

The area has almost reached its potential for development and if further development outside the present Village Zone is desired such development should be preceded by a Study into the level of utility services and road improvements required and how such development can be sympathetic to its environment.

6.13.3 Green Point an area of outstanding scenic significance is zoned Open Space.

6.17 Public Access to Beaches The promotion of public access to beaches and coastline by Council advocating and ensuring when competent to do so the right of such access.

6.18 All use or development within the Eggs and Bacon Bay Special Area shall be subject to Clause 8.5 *Eggs and Bacon Bay Development Plan*.

Amendment CA 29/03/2006

PART 7
STANDARDS FOR SUBDIVISION AND DEVELOPMENTS

7.1 SULLAGE DISPOSAL RESTRICTION ON SUBDIVISIONS AND DEVELOPMENTS

7.1.1 Notwithstanding the provisions of this Scheme, a subdivision or development shall be prohibited if the land subject thereto is not suitable for the disposal of sullage from the proposed development or use.

7.2 ADVERTISING SIGNS

7.2.1 Notwithstanding the provisions of Clause 3.3 and 3.4 of this Scheme, an advertising sign shall not be displayed within the planning area without the application for and issue of a planning approval, which at its discretion Council shall grant with or without conditions or refuse, subject to the notification, determination and appeal provisions of the Act. **Amendment BI-2 21/8/95**

7.2.2 An advertising sign shall not:

- (a) create a traffic hazard and/or resemble the flashing light(s) of a police or fire service vehicle, ambulance or other emergency service vehicle;
- (b) create a loss of sunlight and/or daylight within any dwelling unit;
- (c) intrude in terms of its:
 - i) size;
 - ii) colour;
 - iii) movement;
 - iv) illumination;
 - iv) position;
 - v) shape; or
 - vi) standard of design or construction, into the appearance of any area, so as to cause a reduction of visual amenity within that area;
- (d) diminish in any way the visibility or effectiveness of any information, direction, safety, warning, traffic control or other like sign of Council or a statutory authority; or
- (e) if illuminated with artificial lighting cause a nuisance to any resident in the vicinity.

7.2.3 Notwithstanding the provisions of Clause 7.2.1, an advertising sign shall not be displayed on land:

- (a) within a residential zone or
- (b) used solely for residential purposes,

except for the purposes of Home Occupation, as set out in Schedule 1 of this Scheme.

- 7.2.4 Notwithstanding the provisions of Clause 7.2.1, a planning approval shall not be required for:
- (a) any non-illuminated sign painted or attached to a premises and indicating the name of the business/trade/profession undertaken on site, provided the total area does not exceed 2 square metres in area.
 - (b) the display of any House name or street number on the external wall of a building or at the entrance to a lot;
 - (c) the display of any sign or notice wholly for the purpose of announcement or direction in relation to any of the statutory functions of a local authority or the operations of a statutory or public transport undertaking;
 - (d) the display of any sign or notice required to be displayed by any enactment or by-law;
 - (e) the display of any warning sign by Council or a Public Authority so far as expressly required by statute or reasonably required in the interest of public safety;
 - (f) the display of any sign relating specifically to a pending Federal, State or Municipal election, provided that such sign is not greater than 1m² in area, is not on display before 2 months prior to the day of polling and is removed within 14 days following the declaration of the poll;
 - (g) the display of any sign giving notice of a local event, activity or entertainment not promoted or carried on for commercial purposes, where the period of display is not more than 60 days; and
 - (h) the display of any sign erected for the purpose of advertising a property for sale, provided that such sign does not exceed 2m² in area and the period of display is not more than the period required for the sale of the property.

7.3 BUILDINGS AND WORKS OF HISTORIC INTEREST

- 7.3.1 Any development of land which pertains to any building or works listed in Schedule 3 of this Scheme shall be in accordance with the provisions hereunder.
- 7.3.2 Notwithstanding the provisions of Clause 3.4 of the scheme any development which pertains to any building or works listed in Schedule 3, shall require the application for and issue of a planning approval, which at its discretion Council shall grant with or without conditions or refuse, subject to the notification, determination and appeal provisions of the Act (S.733B-f).
- 7.3.3 A planning approval pursuant to Clause 7.3.2 shall only be granted if that development is to preserve, reveal or enhance the particular character or qualities of historic interest of the building or works.
- 7.3.4 In its determination of an application for a planning approval under Clause 7.3.2 Council shall take into account the advice of the National trust of Australia (Tas) and obtain any other expert opinion it may deem to be relevant in forming an opinion on the application.

7.4 OFF-STREET PARKING AND VEHICULAR ACCESS

7.4.1 For a development:

- (a) the minimum number of parking spaces to be provided on the subject land shall be in accordance with Schedule 4 of this Scheme, and where prescribed by a ratio therein, shall be to the nearest whole number required under that ratio; (0.5 to be rounded upwards).
- (b) except as provided under clause 7.4.1(c) where the development is for more than one use of land, the minimum number of parking spaces to be provided on the subject land shall not be less than the sum of the requirements for each use.
- (c) where the development is for more than one use of land, but the separate uses operate at different times of the day, the minimum number of parking spaces to be provided on the subject land shall be not less than the use requiring the greater number of spaces.
- (d) where the developments for a use not listed in schedule 5 of this Scheme, the minimum number of parking spaces to be provided on the subject land shall be that determined by council.
- (e) any parking spaces for visitors to be provided under Schedule 4 shall be designated and reserved exclusively for that purpose;
- (f) the minimum dimension of every parking space to be provided shall be not less than 5.5 metres by 2.5 metres, except that the internal area of a garage or carport shall be not less than 5.5 metres by 2.75 metres;
- (g) the arrangement of individual parking spaces within an area to be used for parking shall be in accordance with Schedule 4 of this Scheme;
- (h) unless specified otherwise under the Scheme, the minimum width of a vehicular access point to a road shall be in accordance with the Table to this Clause, hereunder;

Table to Clause 7.4.1 (h)

Number of Parking Spaces to be Provided	Minimum Width of Vehicular access Point to a Road
1 to 4	-3.0 metres
5 to 20	-5.0 metres or two x 3.0 metres
21 and over	-6.0 metres or two x 3.0 metres

- (i) unless specified otherwise under the Scheme a vehicular access point to a road shall be:
 - i) located not closer than 6 metres from an intersecting road, nor within 6 metres of a break in a median strip;

- ii) located so that vehicles entering or leaving the land are clearly visible to traffic on the road, and vice versa; and
- iii) where the land has frontage with more than one road located on the road with the lowest traffic volume;
- (j) satisfactory provision shall be made for the ingress and egress of vehicles to each parking space, and for the manoeuvring and turning of vehicles on the land;
- (k) where applicable, satisfactory provision shall be made for the ingress and egress to the land of delivery or service vehicles normally associated with the proposed use, and for the manoeuvring, turning, parking, loading and unloading of such vehicles.

7.4.2 For a development for:

- (a) a residential use that requires four or more parking spaces under this Scheme; or
- (b) any other use of land that requires three or more parking spaces under the Scheme.

vehicles of a size normally associated with the use of the land shall be able to enter the land from a road and subsequently regain access to a road, whilst moving in a forward direction.

7.4.3 In a Rural or Rural Residential or Low Density Residential zone, in addition to the relevant requirements of Clause 7.5.1, vehicular access to a dwelling unit on a lot shall be by a formed all weather driveway, and such driveway shall have:

- i) a minimum width of 3.0 metres;
- ii) adequate shoulders and stormwater drainage;
- iii) any intersection(s) located so as to ensure adequate sight distances and traffic safety; and
- iv) an overall design that relates to the natural topography and drainage pattern.

7.4.4 Notwithstanding the provisions of Clauses 3.3 and 3.4 of this Scheme, a development which is not in conformity with the provisions of Clauses 7.4.1 to 7.4.3, due to:

- (a) the provision of the required parking space(s) being precluded by the location on or coverage of the lot by existing buildings to be retained; or
- (b) the required vehicular access being physically unpracticable or hazardous,

may be granted a planning approval at the discretion of Council, subject to the notification, determination and appeal provisions of the Act, provided that suitable provisions for off-street parking and vehicular access are to be provided on other land in the vicinity.

Amendment BI-2 21/8/95

7.5 VEHICULAR ACCESS

7.5.1 Vehicular Access to any road not restricted to a 60 km/h speed limit shall conform to the relevant requirements of Schedule 5 of this Scheme.

7.6 CLUSTER HOUSES

7.6.1 A Cluster House, as defined in Schedule 1 of this Scheme, shall have a lot with:

- (a) a minimum area of 300m²;
- (b) a minimum frontage of 9 metres; and
- (c) a shape able to contain a circle of 9 metres in diameter, with its centre located within 6 metres of the frontage of that lot.

7.6.2 A particular area of land may be subdivided to the size and dimensions prescribed in Clause 7.6.1, provided that:

- (a) a planning approval for the development of that land for the purposes of Cluster Houses has been granted and is effective; and
- (b) the layout of lots approved for subdivision is substantially in accordance with the layout of lots shown on the plan(s) granted a planning approval.

7.6.3 The sealing by Council of a final plan for a subdivision for Cluster Houses shall be at the completion of the development, or alternatively, to the terms of conditions applicable thereto, attached to the planning approval.

7.6.4 Notwithstanding the provision of Clause 7.11 for a development for Cluster Houses, a wall of a building without a window may be erected up to the side boundary of a lot.

7.7 GROUPED HOUSES

7.7.1 For the purposes of a Grouped House, private open space means any unroofed area adjoining the dwelling unit of that Grouped House that is provided for the use of the occupant(s) thereof as a yard, garden, recreation area or the like, provided that such area:

- (a) is directly accessible from the dwelling unit at a level not greater than 1.5 metres above or below the floor level of the dwelling unit;
- (b) is not used for storage, services appurtenant to the dwelling unit or vehicular passage or parking; and
- (c) has a minimum horizontal dimension of 4.5 metres.

7.7.2 Except as provided for in Clause 7.7.3 a development for Grouped Houses shall be in accordance with the development standards specified in the Table to this Clause hereunder.

Table to Clause 7.7.2

Development Standards - Dimensions & Conditions

A. Minimum Area of Private Open Space per Dwelling Unit:

(a)	Bed/Sitter	30m ²
(b)	One Bedroom	50m ²
(c)	Two Bedroom	70m ²
(d)	Three Bedroom	90m ²

B.	Minimum Separation	6 metres, plus
	Between Dwelling Units	3 metres for each
	Across a Court or Driveway	additional storey

7.7.3 A development for Group Houses in a zone shall be provided at a density of dwelling units to lot area not greater than that specified hereunder.

(a)	studio/bachelor	150m ²
(b)	one bedroom	200m ²
(c)	two bedroom	250m ²
(d)	three bedroom	300m ²

7.7.4 For a Development for Grouped Houses:

- (a) the design of buildings and the layout of the land generally, including the definition and means of separation of private and common entrances, footpaths, parking spaces, driveways and areas of common and private open space shall be such that the reasonable privacy of the occupants is ensured by the provision of remoteness from potential interference;
- (b) no pedestrian path or vehicle driveway giving access to a dwelling unit shall be closer than 1 metre from the wall of another dwelling unit, or 2 metres, if such wall contains a window with a sill height less than 2 metres above the level of the path or driveway;
- (c) in the preparation of the land for building construction purposes or when landscaping the land, every effort shall be made to retain existing trees and shrubs;
- (d) any common area(s) of open space shall be suitably landscaped, or developed in other appropriate ways for the enjoyment of the residents;
- (e) all areas of private open space shall be rendered suitable for the planting of a garden or a lawn (or planted as such,) or prepared in other suitable ways for the enjoyment of the occupant(s) of the associated dwelling unit;
- (f) suitably designed and screened areas shall be provided for the storage of waste materials and garbage materials free from foraging animals;

- (g) satisfactory provision shall be made for clothes drying facilities and mail and newspaper receptacles;
- (h) adequate storage for gardening and other tools and equipment shall be provided and suitably located for each dwelling unit;
- (i) in buildings of more than one storey, all pipes, ducts and vents servicing the building shall be concealed from public view; and
- (j) where practicable, a common TV antenna shall be provided in lieu of individual antennae for each dwelling unit.

7.7.5 Notwithstanding the provisions of Clauses 7.7.1 to 7.7.4, Council may, at its discretion, grant a planning approval for a development for Grouped Houses that is not in conformity with the requirements specified therein, subject to the notification, determination and appeal provisions of the Act. **Amendment BI-2 21/8/95**

7.7.6 For a development for Grouped Houses, in addition to the relevant requirements of Clause 7.4 of this Scheme:

- (a) at least one parking space per dwelling unit must be covered; and
- (b) the covered parking space required shall be located at a distance not greater than 30 metres from the dwelling unit which it serves.

7.7.7 With reference to Clause 7.7.6(a) Council may require the covered parking space to be constructed using materials and a design considered by Council to harmonise with the grouped housing development.

7.8 APARTMENTS

7.8.1 A development for Apartments shall be in accordance with the development standards specified in the Table to this Clause, hereunder,

Development Standards - Dimensions & Conditions

A. Minimum site area per Dwelling Unit

- (a) studio/Bachelor 120 m²
- (b) One Bedroom 150 m²
- (c) Two Bedroom 180 m²
- (d) Three Bedroom 210 m²

B. Minimum separation of Dwelling Units opposite Across a Court or Driveway 6 metres plus 3 metres each additional storey

7.8.2 For a development for Apartments, the provisions of Clauses 7.7.4(a)(b),(c),(d),(f),(g),(i) and (j), (for development of Grouped Houses), shall apply.

- 7.8.3 Notwithstanding the provisions of Clauses 7.8.1 and 7.8.2, Council may, at its discretion, grant a planning approval for a development for Apartments which is not in conformity with the requirements specified herein, subject to the notification, determination and appeal provision of the Act (S.733B-F).

7.9 DISTANCES BETWEEN DWELLING UNITS OR RESIDENTIAL ZONES AND SCHEDULED PREMISES OR SOURCES OF POLLUTION

- 7.9.1 Unless otherwise provided for in this Scheme and notwithstanding the provisions of clauses 3.3 and 3.4:
- (a) a development for a use of land that is a Scheduled Premises under the provisions of the Environment Protection Act 1973 (as amended) shall not be permitted within a lesser distance from a dwelling unit or residential zone than that recommended by the Director of Environmental Control.
 - (b) a development for a use of land that is not a Scheduled Premises, but which Council nonetheless considers will or has the potential to create pollution, shall not be permitted within a lesser distance from a dwelling unit or residential zone than that determined by Council after taking into account the advice of the Director of Environmental Control.
 - (c) a dwelling unit shall not be erected within a lesser distance of any established Scheduled Premises or other use of land which Council considers a source of pollution, than that determined by Council taking into account the advice of the Director of Environmental Control.

7.10 MAXIMUM HEIGHT OF BUILDINGS IN ZONES

7.10.1 Residential Purposes

Please note that under Planning Directive No. 4 the height standard does not apply to a single dwelling in the Closed Residential zone.
Please see www.planning.tas.gov.au for more information on Planning Directive No. 4.

No building used for residential purposes shall be more than two storeys or be over 8 metres in height.

7.10.2 All Other Buildings and Development

The maximum height shall be 8 metres except that Council may approve a greater height where Council is satisfied that evidence produced by the applicant meets the following criteria:

- (a) the sunlight, daylight and privacy of the occupiers of adjoining development will not be unduly restricted.
- (b) the appearance of the building or development will be in sympathy with surrounding buildings.

- (c) the building or development will not adversely affect the streetscape, skyline or character of the area.

7.10.3 Notwithstanding Clause 7.10.1 and Clause 7.10.2 Council will ensure that the Special Area Provisions or any other provisions of the Ordinance are adhered to and where applicable this may mean Council enforcing a lesser height than 8 metres for buildings and other development.

7.11 SITING & SETBACK OF BUILDINGS ON ALLOTMENTS

7.11.1 The siting of buildings on allotments shall be in accordance with Schedule 6.

7.12 SUBDIVISION OF LAND IN ZONES

7.12.1 A subdivision of land in a zone shall be in conformity with any relevant requirements of Schedule 7 of this Scheme.

7.13 NON-REFLECTIVE MATERIALS

7.13.1 Unless Council at its discretion approves otherwise, unpainted reflective surfaces excepting those made of glass shall not be used for external cladding of walls and roofs. External surfaces shall be painted or otherwise coloured to tone in with the landscape setting or natural appearance of the area.

7.14 COASTAL INUNDATION HAZARD PROTECTION

7.14.1 Any use or development (including subdivision) of land with a natural ground level below 3 metres Australian Height Datum (A.H.D) shall be in accordance with the provisions hereunder.

7.14.2 Any use or development, which would otherwise be Permitted as of Right (“P1”) or Permitted (“P”), shall be deemed to be discretionary (“d”) in accordance with Clause 3.4.

7.14.3 Development for subdivision shall be restricted to the adjustment of boundaries in accordance with Schedule S7.12.

7.14.4 The minimum habitable floor level is to be 3m AHD.

7.14.5 A planning approval shall only be granted if Council is satisfied that:

- (a) hazard risk will be mitigated through structural or siting methods to avoid damage to or loss of buildings and works and which ensures that lives will not be placed at risk; and
- (b) waste water can be effectively treated or disposal of and any storage or processing of dangerous goods and substances will not damage or pollute the environment in the event of inundation; and
- (c) works will not increase the level of risk or hazard elsewhere.

7.15 FLOOD PRONE AREAS

7.15.1 No development shall occur in an area designated as flood prone on the maps or considered by Council to be flood prone unless:-

- (a) the developer indemnifies Council against any claim that may arise from the loss of or damage to property as a result of flooding.
- (b) the developer is able to produce a certificate for a qualified engineer stating the foundations and other parts of the structure will not be subject to movement or instability as a result of the condition of the land on which the structure is to be built.

7.16 MINIMUM SIZE OF DWELLING UNITS

7.16.1 Unless otherwise reduced by Council at its discretion, the minimum floor area of a dwelling unit other than an ancillary apartment shall be 60 square metres.

Please note that under Planning Directive No. 4 the minimum floor area does not apply to a single dwelling in the Closed Residential zone.
Please see www.planning.tas.gov.au for more information on Planning Directive No. 4.

7.17 USE OF A LOT FOR LIVING PURPOSES PRIOR TO THE CONSTRUCTION OF A BUILDING

7.17.1 A lot shall not be used for living purposes unless building plans for a dwelling have been approved by Council or Council has approved the temporary use of an outbuilding for living purposes or licensed a caravan for occupation.

Amendment BI-1 21/8/95 & Amendment BG-3 24/1/95

7.18 HOUSE USE OR DEVELOPMENT IN THE BUSINESS ZONE

Amendment BY 6/3/02

7.18.1 House use or development must not adversely impact on the operation of surrounding non-residential uses and development in the Business zone.

7.18.2 Where it is proposed to use or develop land for House purposes, it must be demonstrated that existing non-residential development on surrounding sites will not adversely impact on residential amenity by way of:

- illumination (eg: light spill by virtue of lighting systems, signage or vehicle headlights),
- noise (with particular emphasis between the hours of 10pm and 7am),
- dust, smoke, fumes (e.g: due to proximity to outside storage areas, vehicle loading/unloading and refuse storage/collection facilities),
- other emissions likely to cause environmental nuisance.

7.18.3 House use or development must be provided with a satisfactory level of amenity and maintain streetscape in accordance with the following standards:

1. Front fences and walls must be of a height and design that takes into account the streetscape, surveillance and safety and the use of that area between the building and road.
2. Houses are to be sited and designed to maximise solar access to living areas having regard to adjoining development.
3. Private open space areas are to be of dimensions suitable for the projected requirements of the dwelling occupants and to accommodate some outdoor recreational needs (eg reasonably useable ground area, balcony or rooftop area directly accessible from a living area of the house) as well as providing space for service functions (eg: clothes drying facilities, rubbish receptacle storage).

7.19 USE OR DEVELOPMENT IN BUSHFIRE-PRONE AREAS

- 7.19.1 Use or development that is for the subdivision of land, the construction of habitable buildings, or is a vulnerable or hazardous use on land that is located within a bushfire-prone area shall be in accordance with the provisions of Schedule 10.
- 7.19.2 Where a use or development complies with a development standard without reliance on a Performance Criteria within Schedule 10, the Planning Authority shall grant with or without conditions a planning approval thereto, provided that the proposal complies with all relevant use or development standards contained elsewhere within the Planning Scheme and is depicted within Schedule 2 (Table of Uses) by the figure 'P1' or 'P'.
- 7.19.3 Where a use or development relies on a Performance Criteria within Schedule 10 to comply with a development standard, the Planning Authority shall consider the proposed use or development in accordance with Clause 3.4.1(b) of the Scheme.
- 7.19.4 Where a use or development does not comply with a development standard by not complying with an acceptable solution or performance criteria for that standard, or is otherwise depicted in Schedule 2 (Table of Uses) by the figure 'X', the Planning Authority shall not grant a permit for the use or development.

Amendment PSA-4/2013 28/11/13

7.20 USE OR DEVELOPMENT OF LAND FOR THE PURPOSES OF A GUEST HOUSE, HOLIDAY FLATS OR HOLIDAY CABINS IN THE RURAL B ZONE

- 7.20.1 Use or development that is for a Guest House, Holiday Flat or Holiday Cabin within the Rural B Zone must be no less than 200 metres from a boundary with adjoining or directly opposite land zoned Rural A and 100 metres from a boundary with adjoining or directly opposite land zoned Rural B.
- 7.20.2 Council may, at its discretion, grant a planning approval for a development which is not in conformity with the requirements of Clause 7.19.1 subject to the provisions of Clause 3.4, where it is demonstrated that the setback is sufficient to prevent the potential for land use conflict that would fetter non-residential use of adjoining land.

Amendment PSA-1/2013 27/12/2013

PART 8**SPECIAL AREA PROVISIONS****8.1 INTRODUCTION**

8.1.1 A Special Area delineated on the Plan is land of particular interest, value, sensitivity or hazard where, in order to ensure that subdivision or development is compatible with the nature of that Special Area, provisions additional to, in lieu of or varying those for the underlying zone are to apply.

8.2 BUFFER AREAS

8.2.1 The purpose of Buffer Areas is to indicate areas which may be detrimentally affected in terms of health, safety or amenity due to the influence of a particular use on surrounding land.

8.3 SPECIFIED DEPARTURES

8.3.1 Notwithstanding the provisions of this Scheme, the area of land identified on the Plan by reference to Clause 8.3.1 may be developed and used for cool room storage only. (Reference Conveyance No. 48/0083).

8.3.2 Transport Depot use and/or development on land at Golden Valley Road, Cygnet
Amendment BZ 16/9/02

1. Notwithstanding the provisions of this Scheme, a 'Transport Depot' is a discretionary use on the land at Golden Valley Road, Cygnet (C/T 3419/23), identified on the planning scheme map by reference to this clause.
2. For the purposes of this specified departure only, the following provisions apply for use and/or development for a "Transport Depot" on the land mentioned in clause 8.3.2(a):
 - (a) The use and/or development must protect the amenity of residents on surrounding sites by demonstrating compliance with the following standards:
 - (i) noise levels generated as a result of the use and/or development must not cause an environmental nuisance (as defined by the Environmental Management and Pollution Control Act 1994) to any residential premise; and
 - (ii) manufacturing, dismantling, processing, assembly or outdoor storage of any material must not occur on site; and
 - (iii) maintenance or repair other than minor day to day checks of oil, water and air levels, or similar must not occur on site; and
 - (iv) vehicle loading/unloading (whether passengers or goods) must not occur on site; and
 - (v) fuel or other hazardous materials must not be stored on site; and
 - (vi) except for occasional or exceptional circumstances, "light spill" onto adjacent dwellings through lighting systems, signage or vehicle headlights must not result from the use and/or development; and
 - (vii) hours of operation must be limited to the hours of 6.00am to 8.00pm Monday - Saturday; and

- (viii) all vehicles with a GVM of 3 tonne or greater associated with the development must not travel on Golden Valley Road or Elizabeth Street between the hours of 8pm and 6am; and
 - (ix) total combined traffic movements for all vehicles with a GVM of 3 tonne or greater must not exceed 24 per day; and
 - (x) all vehicles with a GVM of 3 tonne or greater associated with the development must be stored inside the building; and
 - (xi) all vehicles with a GVM of 3 tonne or greater associated with the development and/or use must be started and warmed up inside the building; and
 - (xii) generation of smoke, fumes, dust or other emissions which are likely to cause environmental harm and/or nuisance must not occur as a result of the use and/or development; and
 - (xiii) all goods and materials related to the use and/or development are to be kept within the building; and
 - (xiv) the site is to be kept tidy at all times to the satisfaction of the Council.
- (b) Landscaping for the use and/or development must be provided in accordance with the following standards:
- (i) the area forward of the building line not approved for other purposes must be landscaped; and
 - (ii) any area not used for buildings, vehicular access and parking or storage must be landscaped; and
 - (iii) landscaping is to be carried out in accordance with a landscaping plan submitted to Council for approval which shows areas to be landscaped, types of plants to be used, any paving areas to be developed and which sets out how the proposed landscaping is to be implemented and maintained; and
 - (iv) the landscaping plan must show how it is proposed to provide screening for development, separate incompatible activities, assist in the control of run off and erosion, contribute to a reduction in noise levels and define pedestrian and vehicle circulation systems; and
 - (v) environmental weeds are not to be used in landscaping.
- (c) The developer must demonstrate that the use and/or development comply with the relevant Australian standards in relation to traffic engineering practice.
- (d) The developer must demonstrate that access to the site is in accordance with Council's requirements.
- (e) Direct access to and from the site onto Golden Valley Road is prohibited.
3. For the purposes of this specified departure only, application for use and/or development of a "Transport Depot" on the land at Golden Valley Road, Cygnet (C/T 3419/23) identified on the planning scheme map by reference to this clause, where conflict occurs between the definition of Transport Depot contained elsewhere within this Scheme and the provisions contained within this specified departure, the provisions of this specified departure prevail."

- 8.3.3 Notwithstanding any other provisions of this Scheme, a primary school is to be dealt with in accordance with Clause 3.4 on land known as The Deepings, 1118 Nicholls Rivulet Road, Nicholls Rivulet and contained within Certificate of Title Volume 238943 Folio 1 (identified on the plan by reference to this Clause).

Amendment BT - 28/12/99

- 8.3.4 Notwithstanding the provisions of Clause 3.2.2 and Schedule 2 (Table of Uses), a glazing business is a permitted use or development on the land at 43 Mary Street, Cygnet (CT 33651-5), identified on the planning scheme map by reference to this clause.

For the purposes of this specified departure only, use or development must protect the amenity of residents on adjoining land by demonstrating compliance with the following standards:

- (a) noise levels generated as a result of the use or development must not cause an environmental harm (as defined by the *Environmental Management and Pollution Control Act 1994*) to any residential property; and
- (b) generation of smoke, fumes, dust or other emissions which are likely to cause environmental harm/or nuisance must not occur as a result of the use or development; and
- (c) the site is to be kept tidy at all times to the satisfaction of Council.

Amendment CG 12/05/05

- 8.3.5 Notwithstanding the provisions of Clause 3.2.2 and Schedule 2 (Table of Uses), the use class of Consulting Rooms/Health Centre, as defined within the planning scheme, is a permitted use or development on the land at 7393 Channel Highway Cygnet (CT 30242/15), identified on the planning scheme map by this reference to this clause.

For the purpose of this specified departure only, use or development must protect the amenity of nearby residents by demonstrating compliance with the following standards:

- (a) noise levels generated as a result of the use or development must not cause an environmental harm (as defined by the *Environmental Management and Pollution Control Act 1994*) to any residential property; and
- (b) sufficient car parking must be provided on the subject land to adequately cater for all expected needs generated by any normal activity occurring on that land; and
- (c) the operation of any lighting on the subject land must not to cause any unreasonable disturbance to neighboring residential areas; and
- (d) the operating hours of any activity on the subject land a must not occur between 7pm and 7am on any particular day

Amendment PSA 8-2007

- 8.3.6 Notwithstanding any other provisions of this scheme, the land described as CT 35308/2 may be used, subject to Clause 3.4, for an art and craft Gallery/Workshop, and a dwelling to be occupied only by the occupant of the Gallery/Workshop. The display and sale of articles in the Gallery shall be limited to articles produced on the premises.

**Amendment PSA 1/2008
16 December 2008**

8.4 VEGETATION PROTECTION AREAS

- 8.4.1 Notwithstanding any other provisions of this Scheme, the removal or destruction of the vegetation within the Vegetation Protection Area shown on the plan by reference to this Clause, except for that which is reasonably necessary for house construction and fire safety, shall be prohibited.
- 8.4.2 The minimum setback of any building within this Vegetation Protection Area from the Crown Foreshore Reserve shall be 50m.

8.5 EGGS AND BACON BAY DEVELOPMENT PLAN

- 8.5.1 The *Eggs and Bacon Bay Development Plan* shall apply to all land contained within the dashed line on the map which forms part of this Plan.
- 8.5.2 All applications for use or development must be in accordance with this Development Plan and the provisions of the Planning Scheme. In the event of any inconsistency, the provisions contained in this Development Plan will prevail over the general provisions of the Planning Scheme.

8.5.3 DESIRED FUTURE CHARACTER OF THE EGGS AND BACON BAY AREA

The desired future character of the Eggs and Bacon Bay settlement is for mostly holiday shacks located amongst low lying coastal land. The shacks are traditional, detached, built between 1949 and 1969 and are of modest design using simple forms and light construction.

The area should remain as a small-scale residential settlement with modest single storey shacks.

The native vegetation on the site is predominated by large white gums, silver peppermint gums and black gums, located on the northern side of the *Eggs and Bacon Bay Development Plan* area where it abuts the coastal reserve. Introduced grasses, shrubs and lilies dominate the understorey vegetation.

8.5.4 OBJECTIVES

Use or development within the bounds of the Eggs and Bacon Bay Development Plan must meet the following objectives:

- i. To ensure that the special environmental and scenic values within the area and surrounding lands or waters (as listed below), are protected.
 - The Aboriginal site (TASI 1748) located to the west of the shack sites;

- The remaining native vegetation where it abuts the coastal reserve, including large white gums, silver peppermint gums and black gums;
 - Coastal landscape, which provides scenic views into and from the settlement;
 - The beach and near shore coastal and marine environment, which is used by the community and visitors for recreation;
 - The predominant residential character with buildings of modest scale and form.
- ii. To ensure continued public access to the beach and shore of Eggs and Bacon Bay.
 - iii. To provide for public recreation on the Council owned Lot 21.
 - iv. To ensure that any future use or development respects the natural environment with respect to siting, design and access.

8.5.5 DEVELOPMENT STANDARDS

The following development standards apply for this Development Plan.

a) Maximum Height of Buildings

All buildings shall be one storey and less than 5 metres in height.

b) Buildings Appearance

- i. Buildings and other structures are to be sited and designed to minimise their visual impact.
- ii. Notwithstanding Clause 3.11.1 (a) all external surfaces excepting those made of glass are to consist of materials and colours that blend with the surrounding natural environment and no external unpainted metal surfaces shall be permitted.

c) Siting and Setbacks

- i. All new houses, and all extensions to existing shacks, excluding outbuildings, shall be located within the building envelopes shown on the Development Plan map. New outbuildings shall comply with the setbacks stated in (ii) and (iii).
- ii. The minimum setback for new outbuildings shall be 8 metres from the coastal boundary.
- iii. The minimum setback for new outbuildings from all boundaries other than the coastal boundary shall be 3 metres.**d) Maximum Size of Buildings**

The maximum total floor area of all buildings (including outbuildings) for each lot is defined in the table below.

Table to Clause 8.5.5 d)

Site No.	Property Title	Max. Floor Area of Building (m ²)
2	138460/2	130
3	138460/3	130
4	138460/4	81
5	138460/5	102

6	138460/6	130
7	138460/7	125
8	138460/8	130
9	138460/9	115
10	138460/10	130

e) Vegetation Retention

No native vegetation shall be removed without approval from the Manager Environment and Development Services.

f) Subdivision of Land

No subdivision shall be permitted.

g) Stormwater and drainage

The management of stormwater and drainage from the lots shall be sensitive to the coastal and environmental values of the area.

8.5.6 STATUS OF USE OR DEVELOPMENT

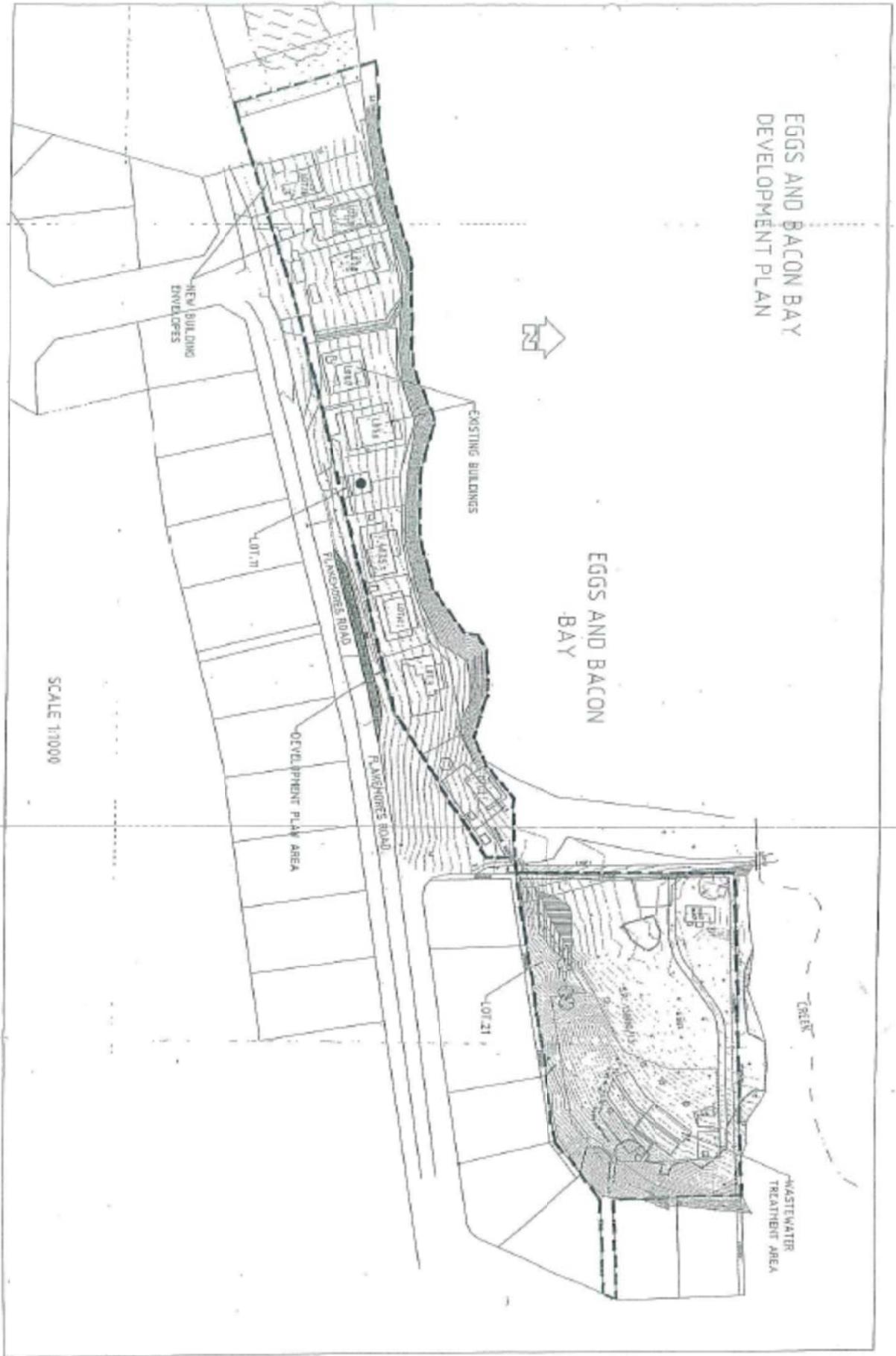
- i. The following table specifies use or development categories within the Eggs and Bacon Bay Special Area.

	LOT 21	Lots 2-10	Lot 11	Open Space Zone on foreshore
House	X	P	X	X
Public Utility	P	X	d	X
Passive Recreation	P	P	P	P
Active Recreation	d	X	X	X
Outbuilding*	X	d	X	X

***Outbuilding** means the use or development of a non-habitable building such as a non-commercial garage, storage shed, garden shed, carport or other such minor building.

- ii. Notwithstanding Clause 3.11.1(d) the erection or placement of an outbuilding as defined in this Development Plan will require planning approval.
- iii. The total roof area of all outbuildings shall not exceed 15 m².

Amendment CA 29/3/2006





EGGS AND BACON BAY SPECIAL AREA

PORT CYGNET PLANNING SCHEME 1988
AMENDMENT CA
AMEND THE PLANS TO SHOW EGGS AND BACON BAY
SPECIAL AREA AS FOLLOWS:

EGGS AND BACON
BAY



FLAMENHORES ROAD

FLAMENHORES ROAD

REFER TO CLAUSE 8.5

EGGS AND BACON CREEK

SCHEDULE 1 USE CATEGORIES

SCHEDULE TO CLAUSE 3.2.1

S1.1 INTRODUCTION

S1.1.1 The use or uses of land for which development is proposed shall be categorized in accordance with the definitions contained in this Schedule.

S1.1.2 In the definitions contained herein, the word "used" shall also mean "intended to be used".

S1.2 DEFINITIONS

S1.2.1 In this Scheme unless inconsistent with the context or subject matter:-

Abattoir:

means any land used for a:

- (a) slaughtering works;
- (b) game meat processing works;
- (c) pet food works; or
- (d) poultry abattoir;

as defined under Section 3(1) of the Meat Hygiene Act 1985, and includes any associated holding yards, but does not include boiling down or rendering operations or the manufacture of by-products;

Active Recreation:

means any land used for a recreational purpose not elsewhere defined in this Schedule, but does not include a speedway, track or circuit of any kind used for motorised vehicle sport;

Agriculture:

means any land used for farming operations, but does not include the processing of the produce of such operations other than the handling or packing of such, and does not include Intensive Animal Husbandry, Forestry, Afforestation, Aquaculture, Garden Centre or other farming or forestry operations defined elsewhere in this Schedule;

Animal Stockyard or Animal Saleyard:

means any land used for the holding and/or sale of livestock;

Apartment(s):

means any land used for one or more dwelling units not elsewhere defined in this Schedule;

Aquaculture:

means any land used for operations involved in farming in a water based environment, but does not include any processing of the produce thereof, other than the handling or packing of such;

Caravan Park or Camping Ground:

means any land used to provide sites and ancillary facilities for the temporary accommodation of people using caravans, campervans, tents and the like, as defined by either of the following:

- (a) Tourism (Caravan Park) Determination, S.R. No.247 of 1978; or
- (b) Tourism (Camping Grounds) Determination S.R. No 248 of 1978;

Car Park:

means any land used primarily for the parking of motor vehicles as a public or private car park, but does not include part of any road used for parking, a Transport Depot or a Saleyard;

Civic Building/Centre:

means any land used by Council or a Public Authority for an office, post office, police station, ambulance depot, courthouse, assembly room, meeting hall or the like;

Cluster House:

means any land used for a dwelling unit on its own allotment, which is one of two or more dwelling units each on separate lots created in the tied subdivision and development of a particular area of land where undertaken as set out in Clause 7.6 of this Ordinance;

Community Building:

means any land (not being a dwelling unit) used as a place in which people gather for the purpose of recreation, entertainment, religious or social activity, including a church, cinema, theatre, dance or concert hall, non-residential club, reception room, venue for indoor sports or games or the like, with or without a bar or drinking booth as an ancillary facility, and may include a licensed club (Licensing (Club License) Standard Conditions S.R. No. 88 of 1982), but does not include Active Recreation, Licensed Establishment, Educational/Cultural Establishment or a Civic Building;

Consulting Rooms/Health Centre:

means any land used by one or more persons engaged in the practice of their professions as medical, dental practitioners or registered practitioners of other therapeutic arts or sciences, and includes the activities of any other persons(s) ordinarily associated therewith, a maternal or child welfare centre, x-ray centre, medical clinic or community health centre, but does not include a Hospital or Veterinary Establishment;

Contractors Depot:

means any land used as a depot for the storage of any equipment and or materials used in the building, construction or related industries, and include the lease or hiring out of such equipment;

Educational/Cultural Establishment;

mean any land used for a preschool, nursery, day care centre, creche, kindergarten, primary or secondary school, tertiary education institution (inclusive of any recreational facility provided principally for the students therein), or a library, art gallery or museum;

Extractive Industry:

means any land used for the excavation of any resource(s) such as sand, earth, soil, clay, turf, gravel, rock, stone, minerals or the like, or any treatment or processing of products from any of the foregoing substances, whether on the land from which the same was extracted or on adjacent land;

Forestry:

means any land used for the establishment, management and harvesting of trees, together with other ancillary works and the provision of reserves and amenities normally associated with the practice;

Fuel Depot:

means any land used as a depot for the storage and/ or bulk sale of fuel(s) of any type, but does not include a Service Station or Wood Yard;

Funeral Parlour:

means any land used for an undertaker's establishment;

Garden Centre:

means any land used for the cultivation and wholesale or retail sale of plants, trees or shrubs, and other garden supplies;

General Industry:

means any land used for an industry not defined elsewhere in this Schedule;

Grouped House:

means any land used for one of two or more dwelling units on the same lot, where each dwelling unit has:

- (a) its own defined site;
- (b) individual access to ground level; and
- (c) appurtenant private open space,

and where the density of dwelling units, the provisions for private open space and the type of buildings and other requirements of development are as prescribed in Clause 7.7 of this Scheme;

Guest House:

means any land used to provide temporary, accommodation as defined by the Tourism (Guest Houses) Determination 1978, S.R. 244 of 1978;

Hazardous Industry:

means any land used for an industry, the carrying on or presence of which does or might injure the mental or physical well-being of any person whether engaged in the carrying on of such industry or not, or does or might damage or endanger the property of any person not engaged or employed in such industry or may damage the environment due to any substance or thing kept for use or used or produced therein, or any process or method of manufacture employed therein;

Holiday Cabin:

means any land used to provide temporary accommodation as defined by the Tourism (Holiday Cabins) Determination 1978, S. R. No. 246 of 1978;

Holiday Flat:

means any land used to provide temporary accommodation as defined by the Tourism (Holiday Flats) determination 1978, S.R. No. 245 of 1978;

Home Occupation:

means the use of any land for a non-domestic operation carried on in association with an existing dwelling unit, provided such use has no greater impact on the amenity of the environs than could be reasonably expected were the land to be used solely for the dwelling unit, but does not include any non-domestic operation which at any time for that purpose involves: **Amendment 3-2007 12/11/2007**

- (a) the assistance of any person a non-resident of that dwelling unit;
- (b) the use of more than 30 m² of floor area;
- (c) the use of motive power, except for any electric motor supplied from a single phase general purpose outlet of 10 amp rating;
- (d) the use of a commercial oven or boiler;
- (e) the enlargement of or extension to any public utility service to the land;
- (f) the visibility from adjacent land of materials, equipment or articles used or produced on the land, except during their actual transfer to or from the land;
- (g) the advertising in any place or way of the sale of goods or services from the land, except for the display on the land of one only non-illuminated sign not greater than 0.1 m² in area;
- (h) the unsightly appearance of the land, or noise, air or other pollution, electrical interference or waste product emanating therefrom;
- (i) the use of the land by more than one commercial vehicle;
- (j) the refuelling, servicing or repair of any motor vehicle on the land;
- (k) visits to or trips from the land by any vehicle which requires other than a Class I licence to drive;
- (l) more than the occasional caller; or
- (m) the generation of any traffic or on-street parking problem;

Hospital:

means any land used for a private medical establishment or public hospital as defined in the Hospital Act 1918;

Hostels or Residential Camps:

means any land used to provide temporary accommodation as defined by the Tourism (Hostels and Residential Camps) Determination;

House:

means any land used for a single dwelling unit on its own allotment, and includes any outbuilding(s) ordinarily appurtenant thereto;

House and Ancillary Apartment:

means any land used for a House, as defined above, and an additional dwelling unit that is appurtenant to that House, provided that the floor area of the additional dwelling unit is not greater than 80 m², or 50% of the floor area of the dwelling unit of the House, whichever is the lesser;

Institutional Building:

means any land used for the purposes of:

- (a) a hospital or sanitarium for the treatment of infectious or contagious diseases; or
- (b) a penal or reformatory institution;

Intensive Animal Husbandry:

means any land used for the farming of animals when their feeding is undertaken primarily by hand and/or machinery based practices, but does not include Aquaculture;

Kennels:

means any land used for the boarding or keeping of dogs and/or cats on a commercial basis, but does not include the keeping of working farm dogs;

Amendment BK-1 26/9/95

Licensed Establishment:

means any land used for a purpose in respect of which a General Licence is issued under the Licensing Act 1976, as defined by any of the following Determinations:

- (a) Licensing (General Licenses)(Taverns) Standard Conditions, S.R. No. 91 of 1982;
- (b) Licensing (General Licenses)(Hotels) Standard Conditions, S.R. No. 92 of 1982;
- (c) Licensing (General Licenses)(Tourist Hotels) Standard Conditions, S.R. No. 93 of 1982;
- (d) Licensing (General Licenses)(International Hotels) Standards Conditions, S.R. No. 94 of 1982; or
- (e) Licensing (Off Licenses) Standard Conditions S.R. No. 90 of 1982;

Light Industry:

means any land used for an industry that does not or will not:

- (a) impose any undue load on any existing or projected utility service or supply; or

- (b) have a detrimental effect on the amenity of the environs by reason of air, noise or other pollution or waste product emanating from the land, the presence of vermin therein or through the creation of electrical interference, but does not include a Scheduled Premises under the Environment Protection Act;

Local Shop:

means any land with unrestricted access to the general public (including minors) during trading hours that is used primarily for the retailing of food and/or convenience goods for the residents of a neighbourhood, the gross floor area of which is not in excess of 250 m²;

Major Shop (or Shopping Complex):

means any land with unrestricted access to the general public (including minors) during trading hours that is used for one or more retail goods and/ or personal services premises, the gross floor area of which is in excess of 250 m²;

Miscellaneous:

means any use of land not specifically defined elsewhere in this Schedule;

Motel:

means any land used for the temporary accommodation of the motoring public and wherein the provision for the parking of vehicles is made, as defined by the Tourism (Motels) Determination 1978 S.R. No. 266 of 1978;

Noxious Industry:

means any land used for an activity or industry which, by reason of the processes involved or the method of manufacture or the nature of the materials or goods used, produced or stored is likely to cause or causes effluvia, smoke, fumes or vapours or gases or discharges of dust or foul liquids or blood or other impurities or matters liable to become foul so as to be injurious, revolting or disgusting to other persons;

Office:

means any land used for the administration of a business or the carrying on of an agency, including an estate agent, bank, typist/secretarial service or the like, but does not include a Home Occupation, Consulting Rooms or a Professional Office;

Passive Recreation:

means any land with unrestricted public access, (or unrestricted public access during hours when open), used for recreational activities which, by their nature, do not alter or damage the environmental qualities of the land or have a detrimental effect on the amenity of the land or its environs, and includes a park, garden, playground, foreshore or riparian reserve, or other like area, but does not include an Active Recreation;

Professional Office:

means any land used by one or more persons engaged in the practice of their professions as accountants, architects, artists, authors, barristers, consular officials, draftspersons, engineers, opticians, landscape architects, quantity surveyors, surveyors, solicitors, town planners or the like, and includes the activities of any other person(s) ordinarily associated therewith;

Public Utility:

Deleted by Amendment PSA-7/2010 19 January 2011

Residential Building:

means any land used for the permanent accommodation of two or more households, sharing in common, for living purposes, part(s) of a building, and includes a boarding house, hostel, lodging house, residential club or residential college, but does not include a Guest House or Apartment;

Restaurant:

means any land used for the sale of meals and/or refreshments for consumption on that land;

Roadside Stall:

means any land not exceeding 20 m² in floor area or ground area that is used for the sale of the produce of Agriculture, Intensive Animal Husbandry or Aquaculture operations on adjoining or nearby land in the same ownership;

Rural Industry:

means any land used for any operation conforming to the requirements for a Light Industry, where the produce of farming or forestry land uses in the immediate area is processed, or where equipment used for farming or forestry land uses in the locality is fabricated or serviced;

Saleyard:

means any land used for an unroofed area where motor vehicles, boats, caravans, machinery or the like are offered for sale, and includes any building(s) normally appurtenant thereto and minor servicing and repairs, but does not include a Showroom;

Scrap Yard:

means any land used for the salvage and or storage of redundant metals, containers, papers, rags, bottles, building materials, motor vehicles or machinery (or parts thereof) or other used materials or goods, and includes the purchase or sale of such articles;

Serviced Apartments:

means any land used to provide temporary accommodation as defined by the Tourism (Serviced Apartments) Determination;

Service Centre:

means any land used for the servicing and/or repair of domestic goods, and includes the sale of spare parts or the like associated with the goods serviced therein, but does not include a Service Industry;

Service Industry:

means any land used for the servicing and/or repair of vehicles, boats, machinery or other equipment, but does not include any operation that does not comply with the requirements for a Light Industry;

Service Station:

means any land used for the fuelling of motor vehicles or boats the supply of lubricants and other requirements, the carrying out of servicing such as oil-changing, greasing, cleaning or minor repairs, and includes the sale of associated accessories, parts or the like, but does not include a Fuel Depot or a Shop;

Shop:

means any land, stall, stand or vehicle with unrestricted access to the general public (including minors) during trading hours where retail goods and or personal services are offered for sale, the gross floor area of which does not exceed 250 m², but does not include a Roadside Stall;

Showroom:

means any land used for a building wherein motor vehicles, boats, caravans, machinery, equipment, furniture or other goods or products of a bulky nature are offered for sale, but does not include a Saleyard;

Store:

means any land used for the storage of goods, where no trade (whether retail or wholesale) or industry is carried on, but does not include a Warehouse or a Scrap Yard;

Take-Away-Food Shop:

means any land used for the sale of food for consumption exclusively or primarily off the premises;

Timber Mill:

means any land used for the sawing, chipping, or pulping of logs or large pieces of timber, but does not include a joinery works unless logs or large pieces of timber are processed therein;

Timberyard:

means any land used for the storage and sale of timber, but not for the breaking down of logs or baulks or for the carrying on of any operation not conforming to the requirements for Light Industry;

Tourist Operation:

means any land used specifically for tourist purposes, including a wildlife park, country club, theme park, indoor or outdoor display of historical, natural or other interest, or any other similar attraction;

Transport Depot:

means any land used for the garaging, parking, maintenance or minor repairs of any motor vehicle or vehicles used for carrying persons and/or goods for hire, reward or other considerations, or as a depot for the transfer of persons and/or goods from such motor vehicle(s);

Utilities:

Means use of land for:

- (a) telecommunications; or
- (b) transmitting or distributing gas, oil, or power; or
- (c) transport networks; or
- (d) collecting, treating, transmitting, storing or distributing water; or
- (e) collecting, treating, or disposing of storm or floodwater, sewage, or sullage.

Examples are a gas, water or sewerage main; electrical substation; power line; pumping station; retarding basin; road; railway line' sewage treatment plan' water storage dam; storm or flood water drain and weir.

Amendment PSA-7/2010 19 January 2011

Veterinary Establishment:

means any land used by a veterinary surgeon for or in connection with the treatment of sick animals, and includes the accommodation of sick animals;

Warehouse:

means any land used for the storage of goods and the carrying out of commercial transactions involving the sale of goods by wholesale, but does not include a Store;

Wood Yard:

means any land used for the storage, cutting, sawing or sale of domestic firewood, or any combination of such operations, but does not include the carrying on of any process not conforming to the requirements for Light Industry.

SCHEDULE 2
TABLE OF USES

SCHEDULE TO CLAUSE 3.2.2

In the Table of Uses, where:

'P' appears, see Clause 3.3 of this Scheme

'd' appears, see Clause 3.4 of this Scheme

'X' appears, see Clause 3.5 of this Scheme

	RURAL A	RURAL B	CLOSED RESIDENTIAL	LOW DENSITY RESIDENTIAL A	LOW DENSITY RESIDENTIAL B	BUSINESS	VILLAGE	INDUSTRIAL	COMMUNITY SERVICES	UTILITY SERVICES	OPEN SPACE	RESERVED BUSINESS/OPEN SPACE
RESIDENTIAL												
Apartment	X	X	d	X	X	X	d	X	X	X	X	X
Cluster House	X	X	d	X	X	X	d	X	X	X	X	X
Grouped House	X	X	d	X	X	X	d	X	X	X	X	X
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P
House	d*(5)	d*(5)	P1 (3)	P1 (3)	P1 (3)	d**	P1 (3)	X	X	X	X	X
House & Ancillary Apartment	d*(4)	d*(4)	P	d	d	X	P	X	X	X	X	X
Residential Building	X	X	d	X	X	d	P	X	X	X	X	X
COMMUNITY AND RECREATION												
Active Recreation	d	d	X	X	X	X	d	d	d	X	d	X
Caravan Park/Camping Ground	d	X	X	X	d	X	d	X	X	X	d	X
Civic Building/Centre	X	X	X	X	X	d	d	X	d	X	X	X
Community Building	d	X	X	d	d	d	d	X	P	X	d	X
Consulting Rooms/Health Centre	X	X	X	X	X	P	d	X	d	X	X	X
Educational/Cultural Establishment	X	X	X	X	X	X	d	X	d	X	X	X
Hospital	X	X	X	X	X	X	X	X	d	X	X	X
Institutional Building	X	X	X	X	X	X	X	X	d	X	X	X
Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P
COMMERCIAL												
Car Park	X	X	X	X	X	d	d	d	X	X	X	d
Funeral Parlour	X	X	X	X	X	d	X	X	X	X	X	X
Garden Centre	d	d	X	X	X	d	d	X	X	X	X	X
Guest House	d	d *** **** **** *	d	d	d	d	d	X	X	X	X	X
Holiday Cabin	d	d *** **** ****	d	d	d	d	d	X	X	X	X	X

		*										
Holiday Flat	d	d *** **** **** *	d	d	d	d	d	X	X	X	X	X
Hostels & Residential Camps	d	X	d	d	d	X	d	X	X	X	X	X
Licensed Establishment	d	X	X	X	X	d	d	X	X	X	X	X

TABLE OF USES (continued)

	RURAL A	RURAL B	CLOSED RESIDENTIAL	LOW DENSITY RESIDENTIAL A	LOW DENSITY RESIDENTIAL B	BUSINESS	VILLAGE	INDUSTRIAL	COMMUNITY SERVICES	UTILITY SERVICES	OPEN SPACE	RESERVED BUSINESS/OPEN SPACE
COMMERCIAL (continued)												
Local Shop	X	X	d	X	X	P	P	X	X	X	X	X
Major Shop (Shopping Complex)	X	X	X	X	X	d	X	X	X	X	X	X
Motel	d	X	X	X	X	d	d	X	X	X	X	X
Office	X	X	X	X	X	P	d	X	X	X	X	X
Professional Office	X	X	X	X	X	P	d	X	X	X	X	X
Restaurant	d	X	X	X	X	P	d	X	X	X	X	X
Roadside Stall	d	X	X	X	d	X	X	X	X	X	X	X
Saleyard	X	X	X	X	X	d	d	X	X	X	X	X
Serviced Apartments	X	X	d	d	X	d	X	X	X	X	X	X
Service Centre	X	X	X	X	X	d	d	d	X	X	X	X
Service Station	X	X	X	X	X	d	d	d	X	X	X	X
Shop	X	X	X	X	X	P	d	X	X	X	X	X
Showroom	X	X	X	X	X	P	d	X	X	X	X	X
Store	d	d	X	X	X	d	d	d	X	X	X	X
Take Away Food Shop	X	X	X	X	X	P	d	d	X	X	X	X
Timberyard	X	X	X	X	X	d	X	d	X	X	X	X
Tourist Operation	d	d	X	X	X	d	d	X	X	X	X	X
Transport Depot	A(2)	X	X	X	X	d	X	d	X	X	X	X
Veterinary Establishment	d	X	X	X	X	d	X	X	X	X	X	X
Warehouse	X	X	X	X	X	X	X	P	X	X	X	X
INDUSTRIAL												
Abattoir	d	X	X	X	X	X	X	d	X	X	X	X
Contractor's Depot	d	X	X	X	X	X	X	P	X	X	X	X
Extractive Industry	d	d	X	X	X	X	X	X	X	X	X	X
Fuel Depot	d	X	X	X	X	X	X	P	X	X	X	X
General Industry	X	X	X	X	X	X	X	d	X	X	X	X
Hazardous Industry	X	X	X	X	X	X	X	d	X	X	X	X
Light Industry	X	X	X	X	X	X	X	P	X	X	X	X
Noxious Industry	X	X	X	X	X	X	X	d	X	X	X	X

Rural Industry	d	d	X	X	X	X	X	P	X	X	X	X
Scrap Yard	d	X	X	X	X	X	X	P	X	X	X	X
Service Industry	X	X	X	X	X	X	X	P	X	X	X	X
Timber Mill	d	d	X	X	X	X	X	P	X	X	X	X
Woodyard	d	d	X	X	X	X	X	P	X	X	X	X

TABLE OF USES (continued)

	RURAL A	RURAL B	CLOSED RESIDENTIAL	LOW DENSITY RESIDENTIAL A	LOW DENSITY RESIDENTIAL B	BUSINESS	VILLAGE	INDUSTRIAL	COMMUNITY SERVICES	UTILITY SERVICES	OPEN SPACE	RESERVED BUSINESS/OPEN SPACE
FARMING AND FORESTRY												
Agriculture	P1 (3)	d	X	X	P	X	X	X	X	X	X	P
Aquaculture	d	d	X	X	X	X	X	X	X	X	d	X
Forestry	P1 (3)	P	X	X	d	X	X	X	X	X	X	X
Intensive Animal Husbandry	d	d	X	X	X	X	X	X	X	X	X	X
OTHER												
Animal Saleyard or Stockyard	d	X	X	X	X	X	X	X	X	X	X	X
Kennels	d	d	X	X	X	X	X	X	X	X	X	X
Miscellaneous	X	X	X	X	X	d	d	d	d	d	X	X
Utilities	d	d	X	X	X	X	X	X	X	P	X	d

NOTES: (i) See also Clause 7.14 for a use below a level of 3m A.H.D.

(1) Except that where an application is for a house on a lot which existed prior to the commencement of this Scheme, such use shall be a 'P' use.

(2) **Amendment BH-1 28/3/95**

(3) **Amendment BG-1 24/1/95**

(4) **Amendment BG-5 24/1/95**

(5) **Amendment BR 28/4/97**

* Except that where the application is for a 'House' or 'House and Ancillary Apartment' on a lot which existed as a separate title prior to the coming into effect of this Scheme or a lot created by a subsequent boundary adjustment of a lot which existed as a separate title prior to the coming into effect of this Scheme such use shall be a 'P' use. **Amendment BR 28/4/97**

** Refer to Clause 7.18

Amendment BY 6/3/02

*** Except that where the application is for more than one (1) of either a 'Holiday Flat', 'Holiday Cabin' or 'Guest House' on a single title at any given time, such use shall be 'X' use.
Amendment PSA-1/2013 27/12/2013

**** Except where the application is for more than six (6) guests at any given time, such use shall be 'X' use.
Amendment PSA-1/2013 27/12/2013

***** Refer to Clause 7.20.
Amendment PSA-1/2013 27/12/2013

SCHEDULE 3 BUILDINGS AND WORKS OF HISTORIC INTEREST

SCHEDULE TO CLAUSE 7.3

NATIONAL TRUST OF AUSTRALIA (TASMANIA)

CYGNET

- C St. Marks Church
- R Cygnet Hotel, Mary Street c.1920, brick, two storey.
- C Huon Hotel, Mary Street c.1910, two storey, cast iron lace balustrade and trim.
- R A.N.Z. Bank, Mary Street c.1920-1930, two storey brick.
- C Convent and Presbytery houses either side of St. James Catholic Church Mary Street c.1890-1 1910 Federation, brick two storey.
- C Commercial Hotel, Mary Street, c.1900, two storey, painted.

GLAZIERS BAY

- R House, Cygnet Coast Road c.1850-1860, timber, single storey.

LYMINGTON

- R House, c.1900, Federation, timber, single storey.

WATTLE GROVE

- R 'Glenthorn', Cygnet Road, c.1900 timber, two storey, barge boards.

WHEATLEYS BAY

- R House, Cygnet Coast Road 1890, timber, single storey, timber frieze
- R Garden Island Creek School House.

C = CLASSIFIED LIST: Consisting of those parts of the physical environment both natural and man made, which in the Trust's view are essential to the heritage of Australia and must be preserved.

R = RECORDED LIST: Consisting of those parts of the physical environment, both natural and man made, which contribute to the heritage of Australia and which should be recorded and whose preservation is encouraged.

SCHEDULE 4 PARKING SPACE REQUIREMENTS

SCHEDULE TO CLAUSE 7.4.1

S4.1 NUMBER OF PARKING SPACES REQUIRED

S4.1.1 The minimum number of parking spaces to be provided on the land subject to a development shall be in accordance with this Schedule.

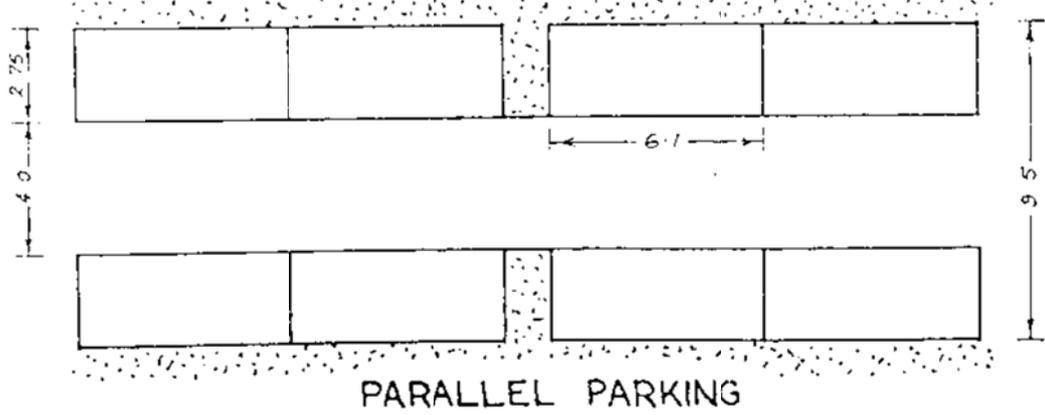
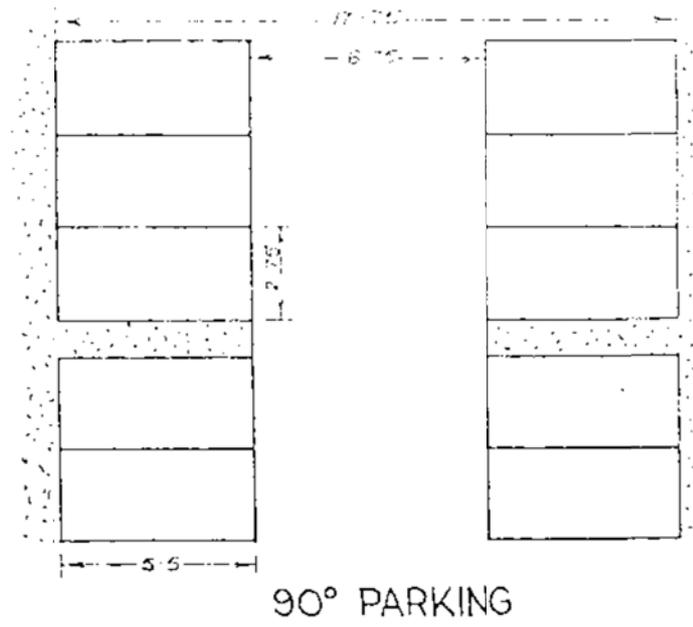
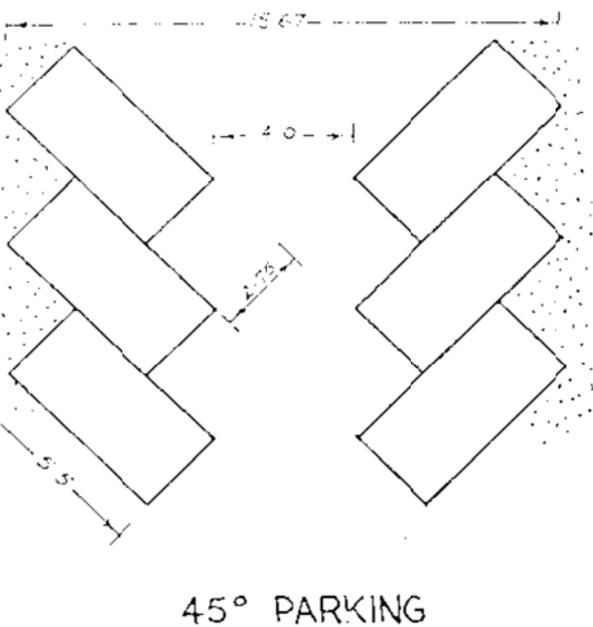
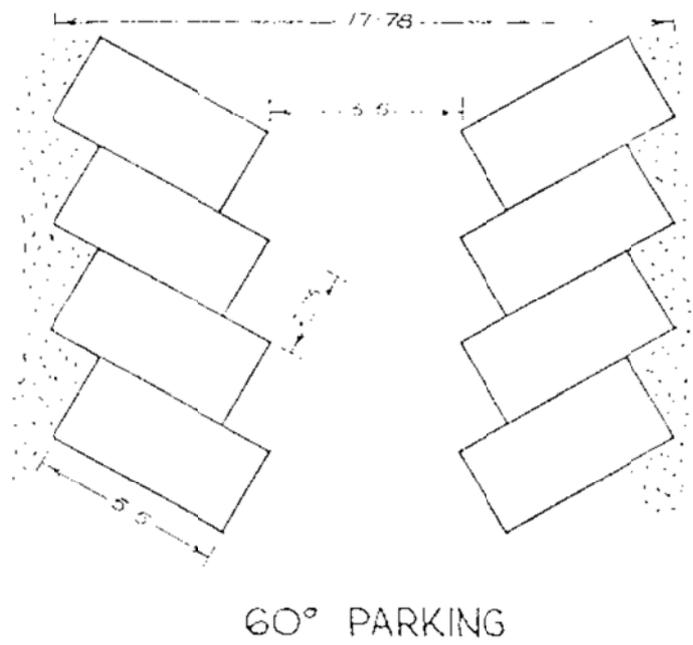
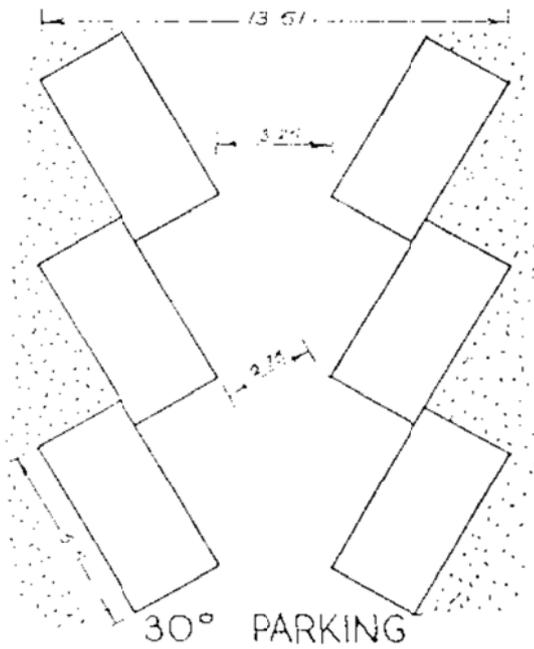
Use of Land	Minimum number of Car Parking Spaces to be Provided
Apartment	
– Studio/Bachelor Unit	1.2 spaces per unit
– Two or more Bedroom Unit	1.4 spaces per unit, with all in excess of one per dwelling unit to be provided as visitor spaces
Cluster House	1 space
Community Building	1 space per 15m ² of main hall or 1 space per 5 seats, which-ever is greater.
Consulting Rooms	4 spaces per consulting room, with a minimum of 5 spaces
Educational/ Cultural Establishment	As determined by Council
Funeral Parlour	1 space per 4 seats or persons that the building is designed to accommodate
General Industry	1 space per 50m ² of floor area or 2 spaces per 3 persons employed on the premises, whichever is the greater
Grouped House	1 space
Guest House	2 spaces per 3 bedrooms
Holiday Cabins	1 space per dwelling unit plus 2 spaces for each 3 persons employed on the site.
Holiday Flats	as for "Holiday Cabins"
Home Occupation	2 spaces
Hospital	1 space per 2 beds available to patients plus 1 space per 2 people employed.
Hostels & Residential Camps	1 space per two persons the Camp is designed to accommodate
House	1 space
House & Ancillary Apartment	2 spaces
Institutional	1 space per 150m ² of Building floor area, or 1 space per 8 beds, whichever is greater.
Licensed Establishment	1 space per 3m ² of bar floor area available to the public, plus 1 car space per 6m ² of lounge and beer garden floor area available to the public, plus 1 space per 6 seats available in the dining room, plus 1 space per bedroom
Light Industry	as for General Industry
Major Shop	1 space per 15m ² of floor area
Motel	1 space per motel unit plus, if applicable, 1 space per 6m ² of dining room available to the public.
Office	1 space per 50m ² of floor area.

Professional Office	1 space per 30m ² of floor area.
Residential Building	1 space per dwelling unit
Restaurant	1 space per 4 persons the building can accommodate.
Scrap Yard	1 space per 150m ² of site area
Serviced Apartments	1 space per unit and 2 spaces for each 3 persons employed on the site.
Service Industry	1 space per 50m ² of floor area or 2 car spaces per 3 persons employed.
Service Station	4 spaces per service bay but not less than 10 spaces.
Shop	1 space per 45m ² of floor area.
Showroom	1 space per 100m ² of the floor area of the building(s) used for retail sales and display.
Store	1 space per 200m ² of floor area.
Take Away Food shop	1 space per 15m ² of floor space available to the public.
Transport Depot	As for General Industry
Veterinary Establishment	as for 'Consulting Rooms'.
Warehouse	as for Store.
Other Uses	As determined by Council

S5.2 PARKING AREA LAYOUT

S5.2.1 In accordance with Clause 7.4.1(g) of this Scheme, the layout of parking areas shall be as shown on the following attachment.

All dimensions are in metres



SCHEDULE 5
VEHICULAR ACCESS TO ROADS

SCHEDULE TO CLAUSE 7.5

S5.1 INTRODUCTION

S5.1.1 For the purposes of this Schedule:

- (a) an access is the junction of a driveway, road or private road with a public road.
- (b) a minor access is any access at which the combined total of vehicle movements using that access does not normally exceed 40 per day, i.e, the equivalent of four (4) houses.
- (c) a major access is any access at which the combined total of vehicle movements using that access is in excess of 40 per day.

S5.2 SIGHT DISTANCE AND ACCESS DESIGN

S5.2.1 Vehicular access to any section of road not restricted to a 60 km/h speed limit shall comply with the sight distance and design requirements in Attachment 1 to this Schedule.

S5.3 ACCESS SPACING ON CERTAIN ROADS

S5.3.1 This clause shall apply to the following roads outside a 60 km/h speed limit:

Channel Highway
Nichols Rivulet Main Road

S5.3.2 An access to a road listed in S5.3.1 shall be located such that the distance between that access and any other access on the same side of that road is not less than that specified in the Table hereunder.

TABLE TO CLAUSE 5.3.2

Road	Minor Access	Major Access
Channel Highway	500m	2000m
Nichols Rivulet Main Road	500m	2000m

S.5.3.3 An access to a road listed in S5.3.1 shall be located not less than 50 metres from an access located on the opposite side of that road, when measured between the centrelines of those access points along the centreline of the road.

S5.4 MAJOR ACCESSES

S5.4.1 Where the vehicular access proposed for a subdivision or development involves a major access to a road listed in Clause S5.3.2 or onto another road within 50 metres of a junction with such a road, the application shall be referred to the Department of Roads and Transport.

S5.5 WORKS ON A PROCLAIMED STATE ROAD RESERVATION

S5.5.1 No works are to be commenced with respect to vehicular access to or from a Proclaimed State Road unless the Department of Main Roads' District Engineer has been notified at least seven (7) days prior to the commencement of such works, and written consent has been obtained from the said District Engineer.

S5.6 REFERRALS TO THE DEPARTMENT OF MAIN ROADS

S5.6.1 A subdivision or development referred to the Department of Roads and Transport pursuant to Clause S5.4 shall include:

- (a) a copy of the application;
- (b) a report from Council providing details of:
 - (i) the zoning of the land;
 - (ii) the permitted and discretionary uses under that zoning;
 - (iii) the sight distance at the proposed access or accesses; and
 - (iv) the intended use of the land.
- (c) a locality plan that will enable the land to be identified and inspected;
- (d) where required by Council, a request for joint inspection of the land;
- (e) any policy or directive affecting the proposal; and
- (f) any other matters which Council considers should be addressed by the Department.

S5.6.2 The Department of Main Roads shall provide a report to Council which may include:

- (a) advice that the Department does not wish to make any comment with respect to the application;
- (b) advice on matters which should be considered by Council when making a determination on the application; or
- (c) conditions which Council should attach to any approval of the application.

S5.6 If Council receives no advice from the Department of Main Roads within a period of 28 days from the date of forwarding the application, then the Department shall be deemed to have no report to make on the proposed subdivision or development. Nevertheless any approval of the subdivision or development shall comply with the access spacing sight distances and design details of Attachment 1.

S5.7 DEFICIENT JUNCTIONS:

S 5.7.1 In considering applications for subdivision or development of land with access to the following roads, Council shall have regard to the deficiency of the junctions of these roads in terms of sight distance and/or constructions:-

Name of Road	Approx Location Description/Comments	Sight Distance		Min. Sight Distance Required
		South	North	
Channel Highway				
Rowes Road	Could be increased to 150m by vegetation removal	100m	-	160m
Cowmeadow Road		90m	-	160m
Harrisons Road		80m	-	160m
Slaters Road		-	50m	150m
Autumn Road	Only 50m rear visibility available	100m	-	150m
Sandhill Road		60m	40m	150m
Surplices Road		-	90m	160m
Connors Road	Sight benching required	100m	100m	150m
Woodbridge Road		-	130m	160m
Gospel Hills Road	135m	-	150m	
Helms Bay Road	Only 90m rear visibility available	-	-	150m
Rocky Bay Road	Only 130m forward visibility available	-	140m	160m
Deep Jetty Bay Road	Only 60m rear visibility available	-	120m	160m

NOTE:

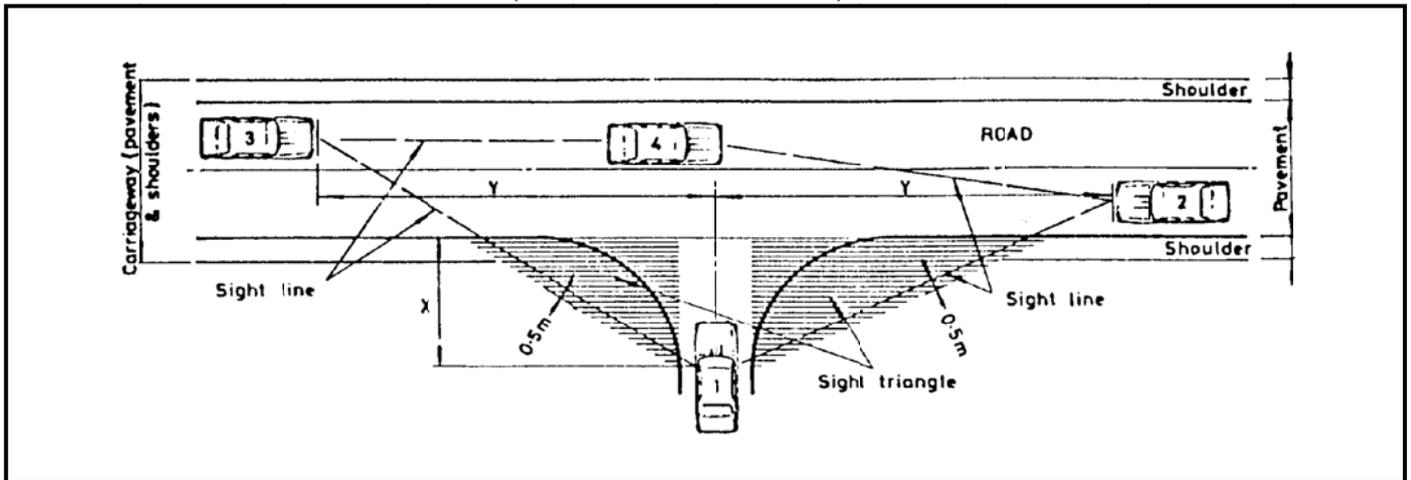
This junction should be closed and Glovers Road used in lieu. If vegetation clearing occurred at Glovers Road junction this access would be satisfactory.

Sky Farm Road		120m	-	160m
Randalls Bay Road	125m	-	160m	
Lowes Road		-	120m	160m
Shadforth Road	Only 50m forward and 60m rear visibility available	90m	150m	150m
Garden Island Creek Road	Only 90m rear visibility available	-	-	160m
West Ward Avenue	Could be increased to 130 - 150m by shrub clearing	-	80m	150m
Scarrs Road	Only 70m rear visibility available	120m	-	150m
Doyle Road		100m		160m
Caldwell Road		80m	-	150m
Nicholls Rivulet MR	West	East		
Abbotts Road		150m	-	180m
Batchelors Road		-	130m	160m
Sculthorpes Road	Shrub clearing will eliminate problem	150m	-	180m
Unnamed Track on South side of Main Road	150m east of Sculthorpes Road	100m	140m	180m

Note 1 - = satisfactory.

S 5.7.2 Where it is determined that a junction should and can be upgraded prior to subdivision or development proceeding, a condition shall be imposed to the effect that the approval shall not take effect, or be operated upon until such time as the junction is upgraded to the satisfaction of the Department of Roads and Transport.

**SIGHT DISTANCES
(2 LANE ROAD ONLY)**



X is distance from edge of pavement to driver for
National Highway X = 5m
for other State Roads X = 3 m
Y is the sight distance in accordance with Table 1

TABLE 1
Recommended minimum sight
distances for various traffic speeds

85 percentile speed (km/h)	Sight Distance Y (m)
40	80
50	100
60	120
70	140
80	160
90	190
100	210
110	230
120	260

85th percentile speed: The speed at or below which 85 percent of vehicles travel approaching the access.

NOTES

SIGHT LINE REQUIREMENTS

All sight lines (driver to object vehicle) are to be between points 1.2m above the road and access surface at the respective vehicle positions with a clearance to any sight obstruction of 0.5m to the side and below, and 2.0m above all sight lines.

These sight line requirements are to be maintained over the full sight triangles for vehicles at any point between positions 1, 2 and 3 and the access junction.

- A driver at position 1 must have sight lines to see cars at any point between the access and positions 3 and 2.
- A driver at any point between position 3 and the access must have sight lines to see a car at position 4.
- A driver at position 4 must have sight lines to see a car at any point between position 2 and the access.

SCHEDULE 6 SETBACKS OF BUILDING ON ALLOTMENTS

SCHEDULE TO CLAUSE 7.11

S6.1 INTRODUCTION

S6.1.1 The siting of buildings on allotments shall conform to the relevant requirements of this schedule:

Please note that under Planning Directive No. 4 the setback standards in the following table do not apply to a single dwelling in the Closed Residential zone.
Please see www.planning.tas.gov.au for more information on Planning Directive No. 4.

Zone	Siting & Setbacks			Exemptions/ Qualifications
	front,	side,	rear	
Rural A ZONE	20m	5m	5m	i) See Note 1 ii) See Note 2
Rural B ZONE	20m	5m	5m	i) See Note 1 ii) See Note 2
CLOSED RESIDENTIAL ZONE	5m	2.5m	2.5m	i) See Note 2
LOW DENSITY RESIDENTIAL A ZONE	10m	3m	3m	i) See Note 2
LOW DENSITY RESIDENTIAL B ZONE	20m	5m	5m	i) See Note 1 ii) See Note 2
BUSINESS ZONE	NIL	NIL	NIL	i) The minimum setback from a boundary with a house or another zone shall be 2.5m
VILLAGE ZONE	5m	2.5m	2.5m	i) Council may relax the front setback requirement for a Commercial Use ii) See Note 2
INDUSTRIAL, COMMUNITY SERVICES UTILITY SERVICES OPEN SPACE ZONES	5m	3m	3m	i) See Note 1 ii) See Note 2

NOTE 1 The minimum setback from a State Road listed shall be 50 metres, unless otherwise approved at the discretion of the Council in accordance with Clause 3.4, following referral to the Department of Roads and Transport in accordance with Clause S.5.6.1 of Schedule 5 (a) to (f).

NOTE 2 Minimum setback requirements may be relaxed at the discretion of the Council in accordance with Clause 3.4.

SCHEDULE 7 SUBDIVISION OF LAND

S7.1 INTRODUCTION

Subdivision of land shall be in conformity with the relevant requirements of this Schedule.

S7.2 SUBDIVISION IN THE CLOSED RESIDENTIAL ZONE.

- S7.2.1 (a) Minimum lot size: 550m²
(b) Minimum frontage: 6m
(c) Minimum Inscribed Circle: 18m diameter

S7.3 SUBDIVISION IN THE LOW DENSITY RESIDENTIAL A ZONE.

- S7.3.1 (a) Minimum lot size: 2000m²
(b) Minimum frontage: 6m
(c) Minimum Inscribed Circle: 25m diameter.

S7.4 SUBDIVISION IN THE LOW DENSITY RESIDENTIAL B ZONE.

- S7.4.1 (a) Minimum lot size: 2 ha
(b) Minimum frontage: 6m
(c) Minimum Inscribed Circle: 60m diameter

S7.5 SUBDIVISION IN THE BUSINESS ZONE.

- S7.5.1 (a) Minimum lot size: 270m²
(b) Minimum frontage: 5m

S7.6 SUBDIVISION IN THE INDUSTRIAL ZONE.

S7.6.1 Subdivision in the Industrial Zone shall be to the satisfaction of the Council, subject to the requirements and circumstances of the case and any relative requirements of this Scheme.

S7.7 SUBDIVISION IN THE COMMUNITY SERVICES, UTILITY SERVICES, OPEN SPACE, AND RESERVED BUSINESS/OPEN SPACE ZONES.

S7.7.1 Subdivision is not normally applicable in these zones, but a subdivision may be approved in order to accommodate an existing use or a land use which has been approved under the provisions of this Scheme, and the details of the subdivision shall be to the satisfaction of the Council subject to the circumstances of the case and any relative requirements of this Scheme.

S7.8 SUBDIVISION IN THE VILLAGE ZONE.

- S7.8.1 (a) Minimum Lot Size: 800m²
(b) Minimum frontage: 6m
(c) Minimum inscribed circle: 18m

S7.9 SUBDIVISION IN THE RURAL A ZONE.

S7.9.1	Minimum lot size:	12 ha
	Minimum frontage:	20m
	Minimum Inscribed Circle:	160m diameter

S7.10 SUBDIVISION IN THE RURAL B ZONE.

S7.10.1	Minimum lot size:	40 ha
	Minimum frontage:	20m
	Minimum Inscribed Circle:	300m diameter

S7.11 REAR LOT SUBDIVISIONS

S7.11.1 The Council may approve a lot in the Residential, Village and Low Density Residential A zones if it complies with the provisions of this Schedule except in respect of frontage, if that lot either:

- (a) has frontage to a road via an access strip at least 3.6 metres wide, or
- (b) has frontage to a road via a right of way at least 3.6 metres wide and not required to give any other lot of which it is part the qualities of a minimum lot.

S7.11.2 The provisions of Clause S7.11.1 also apply to other zones, except that the width of the access strip or right of way shall be 6 metres.

S7.12 Adjustment of a boundary

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.

Amendment PSA 5-2011 29 September 2011

SCHEDULE 8
PLANNING AGREEMENTS

S8.1

Amendment BJ-2 22/11/95

In accordance with Part 5 of the Land Use Planning and Approvals Act 1993, Council has entered into a Planning Agreement with the owner of the property comprised in Certificate of Title 3968 folio 89 to prohibit the subdivision of the Rural A portion of the aforementioned property.

TELECOMMUNICATIONS INFRASTRUCTURE SCHEDULE

1. PRINCIPLES

- i. To accommodate the provision of telecommunications infrastructure to allow equitable access by all residents, whilst minimising the impact of such infrastructure on community values in accordance with the objectives of the Resource Management and Planning System.
- ii. To encourage co-location and sharing of facilities, where such capacity exists, and where doing so will not compromise the objectives as stated in Appendix 1.
- iii. To ensure proposals for the installation of telecommunications infrastructure form part of a local or regional network plan to enable consideration of the proposal on a broader and potentially regional basis.

2. USE OR DEVELOPMENT

- i. Any development in compliance with Section 3 of this Schedule is deemed to be exempt and does not require planning approval.
- ii. All other development requires planning approval and is required to demonstrate compliance with the objectives as specified in Appendix 1 of this Schedule and to which the provisions of section 57 of the *Land Use Planning & Approvals Act 1993* apply.

2.1 Relationship To The Scheme

To the extent that any statement contained in this Schedule is inconsistent with any other provision of this Scheme the provisions of the Schedule shall apply in relation to telecommunications infrastructure.

2.2 Matters For Consideration

In determining any application for issue of a planning permit, the planning authority must be satisfied the proposal has demonstrated that the objectives and performance criteria in Appendix 1 will be achieved during the installation and operation of the proposed telecommunications infrastructure.

2.3 Definitions

Areas of environmental significance are as defined in *Telecommunications (Low-impact Facilities) Determination 1997*.

Line means a wire, cable, optical fibre, tube, conduit, waveguide or other physical medium used, or for use, as a continuous artificial guide for, or in connection with, carrying communications by means of guided electromagnetic energy. (This adopts the *Telecommunications Act 1997* definition).

Low Impact Facilities

- i. A facility described in Part 3 and the Schedule of the *Telecommunications (Low-impact Facilities) Determination 1997*, is a low-impact facility only if it is installed, or to be installed, in the areas described in Part 2 of the *Telecommunications (Low-impact Facilities) Determination 1997*.
- ii. However, the facility is not a low-impact facility if the area is also an area of *environmental significance*.

Performance criteria are statements identifying the means or achieving the stated objectives.

Telecommunications infrastructure means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network.

Telecommunications network means a system, or series of systems, that carries or is capable of carrying communications by means of guided and/or unguided electromagnetic energy. (This adopts the *Telecommunications Act 1997* definition).

Tower means a tower, pole, mast or similar structure used to supply a carriage service by means of Telecommunication.

To assist clarification of definitions arising from the implementation of this Schedule, reference is also to be made to the following Commonwealth Government documents:

- *Getting the Message: Guidelines for the Management of Telecommunications Infrastructure June 1997*
- *Telecommunications Code of Practice 1997*
- *Telecommunications (Low-impact Facilities) Determination 1997.*

3. EXEMPTIONS

The following development is exempt from requiring a planning permit:

- i. the installation and development of *low-impact facilities*;
- ii. works involved in the inspection of land by a carrier to identify suitability for its purposes;
- iii. the installation and development of a facility granted a facility installation permit by the Australian Communication Authority;
- iv. works involved in the maintenance of telecommunication facilities; and
- v. works meeting the transitional arrangements defined in Part 2 of Schedule 3 of the *Telecommunications Act 1997*

4. INFORMATION REQUIRED

4.1 Application requirements

An application for a permit must be submitted to the Council. The application shall include the following:

- (a) a completed application for development in a form prescribed by the Council;
- (b) sufficient information to demonstrate to the satisfaction of the Council that the objectives and performance criteria in Appendix 1 will be achieved during the installation and operation of the proposed telecommunications infrastructure;
- (c) a complete copy of the certificate of title of the land on which the development is proposed;
- (d) where the applicant is not the owner, the application must be signed by the owner or be accompanied by an authorisation in writing from the owner for submission of the application;

- (e) details of the proposed telecommunications network proposed within the local area and its relationship to the proposed development;
- (f) any plans or other information prescribed for development in 4.2; and
- (g) any fees prescribed by the Council.

4.2 Plans To Accompany Applications

4.2.1 A site plan for the proposed development at a scale of not less than 1:200, which includes a north point and shows:

- (a) the boundaries and dimensions of the site or the area affected by the development;
- (b) the location of any existing buildings on the site indicating those to be retained or demolished;
- (c) location of any proposed buildings on the site, and their relationship to buildings on adjacent sites, streets and accessways;
- (d) the use of adjoining properties;
- (e) Australian Height Datum Levels;
- (f) natural drainage lines, watercourses, coastal dunes, beach systems and wetlands; and
- (g) any proposals for the rehabilitation of the land on which the development is to occur.

4.2.2 A detailed layout plan with dimensions at a scale of not less than 1:100 showing:

- (a) plans and elevations of proposed and existing buildings showing the materials to be used on external walls and roofs;
- (b) trees and vegetation to be retained and removed;
- (c) the dimensions, layout and surfacing materials of all access roads, turning areas and parking areas;
- (d) the relationship of the elevations to natural ground level, showing any proposed cut or fill;
- (e) the location and capacity of any existing services or easements on the site or connected to the site; and
- (f) a plan of the proposed landscaping of the site.

4.2.3 Where the Council is satisfied that any of the above information is not relevant to the assessment of the proposal, that information may be omitted from the application.

4.2.4 In accordance with section 54 of the Act, the Council may require the applicant to provide additional information including an Environmental Impact Report prepared in accordance with Appendix 2 of this Schedule, before it considers the application.

OBJECTIVES

PERFORMANCE CRITERIA

OBJECTIVES	PERFORMANCE CRITERIA
<p>Visual amenity</p> <p>To minimise any detrimental impact upon the visual amenity of a locality by reducing prominence of telecommunications infrastructure.</p>	<p>The location of infrastructure is within existing utility corridors and sites and uses existing infrastructure, unless a need to do otherwise is demonstrated.</p> <p>Aerial telecommunication lines or additional supporting structures are erected and operated in residential and commercial areas only where overhead cables operated by other utilities are in existence.</p> <p>Best practice methods are used to reduce the visual impact of infrastructure or to conceal infrastructure within the surrounding natural or built environment.</p> <p>Clearing for infrastructure corridors and facilities is minimised to limit visible prominence while responding to functional and safety requirements.</p> <p>Infrastructure:</p> <ul style="list-style-type: none"> • avoids skyline positions (ie. where a structure would be seen in silhouette); • crosses hills diagonal to the principal slope or crosses at the low point of a saddle between hills; or • is located around the base of hills or along the edge of existing clearings. <p>Unless a need to do otherwise is demonstrated.</p> <p>Equipment housing and other visually intrusive infrastructure is screened or concealed from public areas.</p> <p>The height of freestanding aerials, towers and masts is within the following limits:</p> <ul style="list-style-type: none"> • rural areas 60 metres • industrial areas 45 metres • commercial areas 40 metres • residential areas 20 metres <p>Telecommunications infrastructure may only exceed specified height limits if:</p> <ul style="list-style-type: none"> • a pattern of infrastructure or vegetation above the specified height limit exists in a particular location; and • it has no adverse impact on heritage or ecological values or visual amenity.
<p>To protect important public views such as vistas to significant public</p>	<p>Telecommunications infrastructure does not intrude into identified important public views or measures are taken to</p>

buildings, streetscapes and heritage areas.	minimise intrusion.
To avoid obstruction of private views from the building line/principal windows by telecommunication lines.	Placement of telecommunication lines avoids or minimises obstruction of private views.

Residential amenity	
To protect residential amenity	Infrastructure servicing a network (facilities not requiring installation on an individual street basis) is not located in residential areas unless a need to do otherwise is demonstrated.

Environmental values	
To protect threatened species or species at risk of becoming a threatened species (as defined in the <i>Threatened Species Protection Act 1995</i>) and the habitats, ecological communities or access essential to their continuing existence.	The proposed infrastructure does not adversely impact on identified threatened species or species at risk of becoming a threatened species.
To protect areas identified as having significant natural values.	The proposed infrastructure does not adversely affect areas identified as having significant natural values.
To protect flora and fauna, habitats and ecological communities.	The proposed infrastructure uses best practice environmental management to minimise harm to the environment.

Land stability	
To ensure that telecommunications infrastructure does not causes land instability.	Telecommunications infrastructure (including specific access routes) does not cause erosion or cause land instability during installation and operation. Telecommunications infrastructure is not located in areas of known unstable land where the risk is identified as unacceptable for development or installation of infrastructure.

Agricultural land	
To protect the productive capacity and sufficient farm operations of agricultural land.	Infrastructure installation and operation does not degrade or restrict the productive capacity of agricultural land. Infrastructure is placed on property boundaries or fence lines (not including road alignment boundaries).

Heritage values	
To protect items, places or areas identified as having aboriginal, natural, cultural, or maritime heritage significance.	Proposals for construction and operation of telecommunications infrastructure are approved by the Tasmanian Heritage Council in accordance with the requirements of the <i>Historic Cultural Heritage Act 1995</i> and/or are consistent with recommendations by the

	Aboriginal Heritage Section of DELM.
Access	
To ensure that telecommunications infrastructure does not impede movement of vehicular and other modes of transport.	The location of aerial telecommunications infrastructure allows adequate clearance for vehicular traffic and will not pose a danger or encumbrance to other land users or aircraft.

Table 1 Checklist for Environmental Impact Report by Carriers

Item:	Comment:
1. Type of Facility and location	<ul style="list-style-type: none"> • Location of the facility (antenna and ground installation).
2. Purpose and need for the proposed facility.	<ul style="list-style-type: none"> • The need for the facility and its role within a network. • The anticipated need for, and likely locations of, further installations to provide an overall appreciation of the impact • Liaison with other Carriers. • The feasibility of co-location, etc. • Siting options. • Installation option.
3. Design	<ul style="list-style-type: none"> • Design drawings of the facility: antenna(s), towers, ground installation, etc. • Explain choice of structure. • Details of adjacent landuses. • Details of any adjacent structures. • Details of access (roads, etc). • Description of materials and finishes. • Details of existing vegetation to be removed or damaged in the vicinity, including identification of any trees to be removed. • Details of revegetation and site stabilisation. • Arrangement for provision of power to site. • Details of any external lighting.
4. Description of the physical environment and possible physical impacts.	<ul style="list-style-type: none"> • Address potential impacts arising from the construction and maintenance of the facility, (eg. Flora, fauna, noise, erosion and runoff control, construction of access and power supply, areas of special significance. • Focal on aspects which are particular to the site. • Details of measures to protect local environment (including flora and fauna) during construction (eg. Erosion and runoff control, vehicle management, stockpiling and storage). • Projected EME levels for proposed sites.
5. EME	<ul style="list-style-type: none"> • Assessment of the impact of their proposal in visual terms. Refer to separate checklist.
6. Visual Assessment	<ul style="list-style-type: none"> • Discussion of community concerns. • Impact on areas of special significance. • Details of consultations with the land owners/occupants.

<p>7. Social Issues (if appropriate)</p> <p>8. Consultations</p> <p>9. Conclusion and Recommendations</p> <p>10. Plans</p>	<ul style="list-style-type: none"> • Carriers must consult with owners before lodging application. • Summary of the relevant issues. • Alternative technical and design options. • Alternative locations including co-masting options. • Discussion of cumulative impacts. • Recommend actions to mitigate or minimise impacts. • Justification of the proposal. • Conclusions. • Location Plan. • Site Plan/Landscape Plan. • Design of facility (plan and elevations of antenna and ground installation).
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SCHEDULE 10 USE OR DEVELOPMENT IN BUSHFIRE-PRONE AREAS

S10.1 Purpose of the Bushfire-Prone Areas Schedule

S10.1.1 The purpose of this Schedule is to ensure that use or 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.

S10.2 Application of this Schedule

S10.2.1 This Schedule applies to:

- (a) development, on land that is located within a bushfire-prone area, consisting of the subdivision of land or the construction of habitable buildings; and
- (b) a use, on land that is located within a bushfire-prone area, that is a vulnerable use or hazardous use.

S10.2.2 A permit is required for all use or development to which this Schedule applies that is not exempt from this Schedule under clause S10.4.

S10.3 Definition of terms in this Schedule

S10.3.1 In this Schedule, unless the contrary intention appears:

Term	Definition
accredited person	means as defined in the Act.
approved lot	means a lot that is marked on a plan of subdivision that has been approved by the granting of a permit in accordance with this Schedule.
BAL	means the bushfire attack level as defined in <i>AS3959 – 2009 Construction of Buildings in Bushfire Prone Areas</i> ¹ as ‘a means of measuring the severity of a building’s potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared, and the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire’.
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.
contiguous	means separated by less than 20m.
dangerous substance	means a substance that has the potential to cause harm to persons, property, or the environment, because of one or more of the following; <ul style="list-style-type: none"> - the chemical properties of the substance; - the physical properties of the substance; - the biological properties of the substance. Without limiting this definition, all dangerous goods, combustible liquids, hazardous substances, and agvet chemicals, each as defined in the <i>Dangerous Substances (Safe Handling) Act 2005</i> , are dangerous

¹ A reference in this Code to "BAL" followed by a number is a reference to a bushfire attack level of that number contained in the *AS3959 – 2009 Construction of Buildings in Bushfire Prone Areas*.

	substances.
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.
hose lay	means the distance between two points established by a fire hose laid out on the ground.
Part 5 agreement	means as defined in the Act.
pre-existing habitable building	means a habitable building that exists, or in relation to which a permit was granted, when this Schedule commences as part of this planning scheme.
pre-existing lot	means a lot that is marked on a plan of subdivision that has been approved by the granting of a permit when this Schedule commences as part of this planning scheme.
Regional Corporation	means as defined in the Act.
static water supply	means water stored in a tank, swimming pool, dam, or lake, that is available for fire fighting purposes at all times.
TFS	means the Tasmania Fire Service.

S10.4 Use or development exempt from this Schedule

The following use or development is exempt from this Schedule:

- (a) any development that the TFS or an accredited person, having regard to the objective of all applicable standards in this Schedule, certifies there is an insufficient increase in risk to the development from bushfire to warrant any specific bushfire protection measures;
- (b) a structure, or building, which is not a habitable building;
- (c) extensions, to habitable buildings, not exceeding a 20m² increase in gross floor area provided that:
 - i) the extension is located within a building area approved in accordance with this Schedule; or
 - ii) the extension is located within a building area which has been approved by the TFS, before this Schedule commenced as part of the planning scheme, as complying with bushfire requirements, if:
 - a. the extension is not within an area required as a hazard management area; and
 - b. the water supply for fire fighting purposes is provided from a fire hydrant and all external parts of the extension that are at ground level are within reach of 120m long hose connected to the hydrant, measured as a hose lay;
 - c. extensions, to habitable buildings, not exceeding a 20m² increase in gross floor area, where the habitable buildings are not within a defined building area for the purpose of bushfire protection, provided that no part of the extension extends towards the bushfire-prone vegetation;
 - d. demolition of buildings or structures not marked on a hazard management plan as being required for bushfire protection;
 - e. habitable buildings that are integral to the agricultural use of the land and are not normally occupied;
 - f. habitable buildings located on land reserved under *Nature Conservation Act 2002*, *Crown Land Act 1976* or the *Forestry Act 1920* where bushfire protection measures are included in a bushfire hazard management plan certified by the TFS or accredited person as being appropriate for the purpose and location of the use or development; and

g. adjustment of a boundary in accordance with Clause S7.12 of this planning scheme.

S10.5 Development Standards

S10.5.1 Vulnerable uses¹

For the purpose of this Schedule, a use is a vulnerable use if it is listed in a use class in Table 1 and, in the case of a residential use, is one of the uses specified as a qualification.

Table 1. Vulnerable uses

Use class	Qualification
Caravan Park or Camping Ground	
Educational/Cultural Establishment	If for a preschool, nursery, day care centre, crèche, kindergarten, primary or secondary school, tertiary education institution, or employment training centre
Guest House	
Holiday Cabins	
Holiday Flats	
Motel	
Hospital	
Institutional Building	
Licensed Establishment	If for providing short or medium term accommodation for persons away from their normal place of residence
Residential Building	If for: <ul style="list-style-type: none"> - respite centre; - retirement village; - residential aged care or accommodation for people with disabilities, where the use would provide accommodation for six people or less; - providing short or medium term accommodation for persons away from their normal place of residence
Welfare Building	If for residential aged care or accommodation for people with disabilities, where the use would provide accommodation for more than six people

S10.5.1.1 Standards for vulnerable use

<p>Objective:</p> <ul style="list-style-type: none"> - protect themselves and defend property from bushfire attack; - evacuate in an emergency; and 	<p>Vulnerable uses, other than visitor accommodation, should only be in exceptional circumstances located on land which is in bushfire-prone areas. If a vulnerable use is proposed to be located on land which is in a bushfire-prone area, bushfire protection measures shall reflect the risk arising from the bushfire-prone vegetation and the characteristics, nature and scale of the use taking into consideration the specific circumstances of the occupants including their ability to:</p>
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¹ Development Standards for Vulnerable uses are at S10.5.7.

<p>- understand and respond to instructions in the event of a bushfire. Bushfire protection measures shall also reduce the risk to fire fighters.</p>	
Acceptable solutions	Performance criteria
A1. No acceptable solution	P1. Vulnerable uses, other than visitor accommodation, shall demonstrate that they are of an overriding benefit to the community and that there is no suitable alternative site.
A2. Vulnerable uses shall demonstrate bushfire protection measures, addressing the characteristic, nature and scale of the vulnerable use, the characteristics of its occupants and the bushfire-prone vegetation, which are incorporated into a bushfire hazard management plan, certified by an accredited person or the TFS, that any risks associated with the use are tolerable, and that the plan provides for: <ul style="list-style-type: none"> - emergency evacuation plans including designated emergency meeting points, which provide protection to fire fighters and evacuees; and - information to staff, occupants and visitors on bushfire safety and evacuation procedures. 	P2. No performance criteria

S10.5.2 Hazardous Uses

For the purpose of this Schedule, a use is a hazardous use if it listed in a use class in Table 2 and is a use specified opposite as a qualification, except where the quantity of dangerous substances is less than that of a ‘dangerous substance location’, or ‘large dangerous substances location’, each within the meaning of the *Dangerous Substances (Safe Handling) Act 2005*.

Table 2. Hazardous uses

Use class	Qualification
Boat Building and Repair	If involving dangerous substances
Contractors Depot	If involving dangerous substances
Extractive Industry	If involving dangerous substances
Fuel Depot	If involving dangerous substances
General Industry	If involving dangerous substances
Hazardous Industry	If involving dangerous substances
Hospital	If involving dangerous substances
Light Industry	If involving dangerous substances
Noxious Industry	If involving dangerous substances

Rural Industry	If involving dangerous substances
Service Industry	If involving dangerous substances
Service Station	If involving dangerous substances
Store	If involving dangerous substances
Transport Depot	If involving dangerous substances
Utilities	If involving dangerous substances
Wood Yard	If involving dangerous substances

S10.5.2.1 Standards for hazardous use

<p>Objective: Hazardous uses should only be located in bushfire-prone areas in exceptional circumstances. Where a hazardous use is to be located in a bushfire-prone area, bushfire protection measures shall reflect the risk arising from the bushfire-prone vegetation and take into consideration the characteristics, nature and scale of the use to:</p> <ul style="list-style-type: none"> - prevent the hazardous use from contributing to the spread or intensification of bushfire; - limit the potential for bushfire to be ignited on the site; - prevent the exposure of people and the environment to dangerous substances as a consequence of bushfire; and - reduce the risk to fire fighters. 	
Acceptable solutions	Performance criteria
A1. No acceptable solution	P1. Hazardous uses shall demonstrate that they are of an overriding benefit to the community and that there is no suitable alternative site.
A2. Hazardous uses shall demonstrate bushfire protection measures, addressing the characteristics, nature and scale of the hazardous use and the bushfire-prone vegetation, which are incorporated into a bushfire hazard management plan, certified by an accredited person or the TFS, that any risks associated with the use are tolerable, taking into consideration: <ul style="list-style-type: none"> (a) exposure to dangerous substances; and (b) ignition potential from the site; and (c) flammable material contributing to the intensification of a fire. 	P2. No performance criteria

S10.5.3 Development standards for subdivision

This standard applies to a development consisting of a subdivision where any part of that subdivision is in a bushfire-prone area.

S10.5.3.1 Subdivision: Provision of hazard management areas

<p>Objective: Subdivision provides, where appropriate, for hazard management areas that:</p> <ul style="list-style-type: none"> - facilitate an integrated approach between subdivision and subsequent building on a lot;

<ul style="list-style-type: none"> - 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 site; - provide protection for lots at any stage of a staged subdivision. 	
Acceptable solutions	Performance criteria
<p>A1.</p> <ul style="list-style-type: none"> (a) The TFS or an accredited person certifies, having regard to the objective, that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or (b) The proposed plan of subdivision- <ul style="list-style-type: none"> i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivisions; and ii) shows the building area for each lot; and 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 2.4.4 of <i>AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas</i>. The proposed plan of subdivision shall be accompanied by a bushfire hazard management plan certified by the TFS or accredited person demonstrating that hazard management areas can be provided ; and iv) applications for subdivision requiring hazard management areas to be located on land that is external to the proposed subdivision shall be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement 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>P1. A proposed plan of subdivision shall show that there are adequate hazard management areas in relation to the building areas shown on all lots within or partly within a bushfire-prone area. In determining the dimensions of hazard management areas, it shall be demonstrated that the following have been taken into consideration:</p> <ul style="list-style-type: none"> (a)the nature of the bushfire-prone vegetation including the type, structure and flammability; (b)topography, including slope; (c)other potential forms of fuel and ignition sources; (d)the risk of bushfire to lots at any stage of staged subdivision; (e)separation distance from the bushfire-prone vegetation does not unreasonably restrict subsequent development. <p>Applications shall demonstrate that hazard management areas can be provided.</p>

S10.5.3.2 Subdivision: Public access

<p>Objective: Access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <ul style="list-style-type: none"> - allow safe access for occupants, fire fighters and emergency service personnel; - provide access to the bushfire-prone vegetation that enables both property to be defended when under attack and hazard management procedures to be undertaken; - are designed and constructed to allow for fire fighting vehicles to be manoeuvred; - provide access to water supplies for fire-fighting vehicles; and - are designed to allow connectivity, and where needed, offering multiple evacuation points. 	
Acceptable solutions	Performance criteria
<p>A1.</p> <ul style="list-style-type: none"> (a) The TFS or an accredited person certifies, having regard to the objective, that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in subdivision for the purposes of fire fighting; or (b) A proposed plan of subdivision showing the layout of roads and fire trails, and the location of private access to building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being consistent with the objective; or (c) A proposed plan of subdivision: <ul style="list-style-type: none"> i) shows that, at any stage of a staged subdivision, all building areas are within 200m of a road that is a through road; and ii) shows a perimeter road, private access or fire trail between the lots and bushfire-prone vegetation, which road, access or trail is linked to an internal road system; and iii) shows all roads as through roads unless: <ul style="list-style-type: none"> a. they are not more than 200m in length and incorporate a minimum 12m outer radius turning area; or b. the road is located within an area of vegetation that is not bushfire-prone vegetation; and iv) shows vehicular access to any water supply point identified for fire fighting. 	<p>P1. A proposed plan of subdivision shall show the road layout and demonstrate that safe access and egress for occupants, fire-fighting vehicles and emergency service personnel is achieved through the use of appropriate design measures, including:</p> <ul style="list-style-type: none"> (a) two way traffic; (b) provision of passing bays; (c) geometry, alignment and slope; (d) use of through roads to provide for connectivity; (e) limits on the length of cul-de-sacs and provision of turning areas; (f) access to water supply points for fire fighting vehicles; (g) perimeter access; (h) fire trails.

<p>A2. Unless the development standards in the zone require a higher standard, construction of roads shall meet the requirements of Table 3.</p>	<p>P2. No performance criteria</p>
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Table 3: Standards for roads, private access and fire trails in bushfire-prone areas.

Road type	Standard
Roads	Not less than a Class 4A or Class 4B road under Australian Road and Research Board (ARRB) <i>Unsealed Roads Manual – Guidelines to Good Practice 3rd Edition</i>
Private access	Not less than a modified 4C access road under ARRB <i>Unsealed Roads Manual – Guidelines to Good Practice 3rd Edition</i> as specified in the <i>Building Code of Australia</i>
Fire trails	Not less than a modified 4C access road under ARRB <i>Unsealed Roads Manual – Guidelines to Good Practice 3rd Edition</i> as specified in the <i>Building Code of Australia</i>

S10.5.3.3 Subdivision: Provision of water supply for fire fighting purposes

<p>Objective: 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 or development of bushfire-prone areas.</p>	
Acceptable solutions	Performance criteria
<p>A1. In areas serviced with reticulated water by a Regional Corporation:</p> <ul style="list-style-type: none"> (a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures; or (b) a proposed plan of subdivision shows that all parts of a building area are within reach of a 120m long hose (measured as a hose lay) connected to a fire hydrant with a minimum flow rate of 600 litres per minute and minimum pressure of 200 kPa in accordance with Table 2.2 and clause 2.3.3 of <i>AS 2419.1 2005 - Fire hydrant installations</i>. 	<p>P No performance criteria</p>
<p>A2. In areas that are not serviced by reticulated water by a Regional Corporation or where the requirements of A1 (b) cannot be met:</p> <ul style="list-style-type: none"> (a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures being provided; or 	<p>P No performance criteria</p>

<p>(b) 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, consistent with the objective, to manage the risks to property and lives in the event of a bushfire; or</p> <p>(c) it can be demonstrated that:</p> <ul style="list-style-type: none"> i) a static water supply, dedicated to fire fighting, will be provided and that the water supply has a minimum capacity of 10 000 litres per building area and is connected to fire hydrants; and ii) a proposed plan of subdivision shows all building areas to be within reach of a 120m long hose connected to a fire hydrant, measured as a hose lay, with a minimum flow rate of 600 litres per minute and minimum pressure of 200 kPa; or <p>(d) it can be demonstrated that each building area can have, or have access to, a minimum static water supply of 10 000 litres that is:</p> <ul style="list-style-type: none"> i) dedicated solely for the purposes of fire fighting; and ii) accessible by fire fighting vehicles; and iii) is within 3m of a hardstand area. 	
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S10.5.4 Development Standards for habitable buildings on approved lots

These standards apply to habitable buildings located within a bushfire-prone area on approved lots.

S10.5.4.1 Approved Lots: Provision of hazard management areas for habitable buildings

<p>Objective: Hazard management areas, where appropriate, for habitable buildings on approved lots:</p> <ul style="list-style-type: none"> - provide sufficient separation from bushfire-prone vegetation, taking into consideration the nature and scale of the vegetation; - reduce the radiant heat levels, direct flame attack and ember attack likely to be experienced at the site of habitable buildings in the event of a bushfire; - provide an area which offers protection to fire fighters and occupants exposed to bushfire while defending property; and - are maintained in a minimum fuel condition. 	
Acceptable solutions	Performance criteria
<p>A1. (a) The TFS or an accredited person certifies that, having regard to the objective, there is an insufficient</p>	<p>P1. There shall be hazard management areas, in relation to habitable buildings, that provide adequate separation from</p>

<p>increase in risk from bushfire to a habitable building to warrant the provision of hazard management areas; or</p> <p>(b) Habitable buildings are within a building area on an approved lot-</p> <p>i) that is on a plan of subdivision that has been approved by the granting of a permit in accordance with this Schedule; and</p> <p>ii) that satisfies the requirements of 1.6.1.1 A1(b); or</p> <p>(c) There are hazard management areas, in relation to habitable buildings, that:</p> <p>i) have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of AS 3959 – 2009 <i>Construction of Buildings in Bushfire Prone Areas</i> ; and</p> <p>(ii) will be managed in accordance with a bushfire hazard management plan that is certified by the TFS or an accredited person and that demonstrates how hazard management areas will be managed consistent with the objective; and</p> <p>(iii) if the hazard management areas are to be located on land external to the lot where the habitable building is located, the application is accompanied by the written consent of the owner of that land to enter into a Part 5 agreement 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>the bushfire-prone vegetation. In determining the dimension of hazard management areas, it shall be demonstrated that the nature of the hazard has been considered, including:</p> <p>(a) vegetation type, structure and flammability;</p> <p>(b) other potential forms of fuel and ignition sources;</p> <p>(c) slope;</p> <p>(d) any fire shielding structures or features</p> <p>and that the dimensions, given the nature of the construction, provide adequate protection for the building and to fire fighters and occupants defending property from bushfire.</p> <p>Applications shall demonstrate how hazard management areas will be maintained in a minimum fuel condition.</p>
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S10.5.4.2 Approved Lots: Private access

<p>Objective: Private access on approved lots:</p> <ul style="list-style-type: none"> - allows safe access to and from the road network for occupants, fire fighters, and emergency service personnel; - provides access to ensure that fire fighting equipment can reach all parts of habitable buildings; - are designed and constructed to allow for fire fighting vehicles to be manoeuvred; and - provides access to water supply points, including hardstand areas for fire fighting vehicles.

Acceptable solutions	Performance criteria
<p>A1. It shall be demonstrated in one of the following ways that private access provides safe access to habitable buildings:</p> <ul style="list-style-type: none"> (a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant specific measures for private access for the purposes of fire fighting; or (b) private access is in accordance with a plan of subdivision, showing the layout of roads and fire trails and showing the location of private access to building areas, that is included in a bushfire hazard management plan approved by the TFS or an accredited person as being consistent with the objective in 1.6.1.2; or (c) plans showing private access to habitable buildings are included in a bushfire hazard management plan certified by the TFS or accredited person as being consistent with the objective; or (d) plans demonstrate that private access will be provided to within 30m of the furthest part of a habitable building measured as a hose lay. 	<p>P1. Private access to habitable buildings shall demonstrate:</p> <ul style="list-style-type: none"> (a) that the private access will enable fire fighting vehicles to access the buildings safely and efficiently (including by providing access to through roads or alternative access), and to be manoeuvred safely and efficiently; and (b) that the private access is in close proximity to habitable buildings to allow access by fire fighting equipment to all parts of such buildings.
<p>A2. Private access shall be provided to all static water supply points:</p> <ul style="list-style-type: none"> (a) in accordance with private access shown to such points in a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or (b) by providing private access to a hardstand area within 3m of the static water supply point. 	<p>P2. No performance criteria</p>
<p>A3. Construction of a private access, if required to provide access to habitable buildings and static water supply points, shall as appropriate to the circumstances meet the requirements of Table 3 as follows:</p> <ul style="list-style-type: none"> (a) single lane private access roads less than 6m carriageway width shall have 	<p>P3. Construction of private access required to access habitable buildings and any water supply point, shall be an all weather road sufficient to carry fully loaded fire fighting vehicles, including consideration of:</p> <ul style="list-style-type: none"> (a) slope, gradient and cross-fall;

<p>20m long passing bays of 6m carriageway width, not more than 100m apart;</p> <p>(b) a private access road longer than 100m shall be provided with a driveway encircling the building or a hammerhead “T” or “Y” turning head 4m wide and 8m long, or a trafficable circular turning area of 10m radius;</p> <p>(c) culverts and bridges shall be designed for a minimum vehicle load of 20 tonnes;</p> <p>(d) vegetation shall be cleared for a height of 4m, above the carriageway, and 2m each side of the carriageway.</p>	<p>(b) geometry and alignment;</p> <p>(c) culverts and bridges;</p> <p>(d) height and width of any vegetation clearance;</p> <p>(e) travel speed, sight lines and passing bays;</p> <p>(f) turning areas.</p>
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S10.5.4.3 Approved Lots: Provision of water supply for fire fighting purposes

<p>Objective: Adequate, accessible and reliable water supply for fire fighting purposes on approved lots is available to allow for the protection of life and property.</p>	
<p>Acceptable solutions</p>	<p>Performance criteria</p>
<p>A1. It shall be demonstrated in one of the following ways that there is adequate access to a water supply for fire fighting purposes in relation to habitable buildings:</p> <p>(a) the TFS or accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures; or</p> <p>(b) a bushfire hazard management plan, certified by the TFS or an accredited person, demonstrates that the provision of the water supply is consistent with the objective; or</p> <p>(c) all external parts, of the habitable buildings, that are at ground level are within reach of a 120m long hose (measured as a hose lay) connected to a fire hydrant with a minimum flow rate of 600 litres per minute and minimum pressure of 200 kPa; or</p> <p>(d) a minimum static water supply of 10 000 litres per habitable building is provided and that connections for fire fighting purposes are included.</p>	<p>P1. There shall be, in relation to habitable buildings, a water supply for fire fighting purposes that:</p> <p>(a) may be accessed by fire fighting equipment, fire fighters and occupants of the habitable buildings; and</p> <p>(b) contains water that may be delivered in a quantity, and at a pressure, sufficient to manage the risk of bushfire, depending on the nature of the surrounding bushfire-prone vegetation; and</p> <p>(c) stores water in a manner that ensures adequate and reliable quantities may be provided for fire-fighting purposes if there is a bushfire; and</p> <p>(d) enables effective delivery of water if there is a bushfire.</p>

S10.5.5 Development standards for new habitable buildings on pre-existing lots

These standards apply to habitable buildings located within a bushfire-prone area on a pre-existing lot.

S10.5.5.1 Pre-existing lots: Provision of hazard management areas for habitable buildings

<p>Objective: Hazard management areas, as appropriate, for new habitable buildings on pre-existing lots:</p> <ul style="list-style-type: none"> - provide sufficient separation from bushfire-prone vegetation, taking into consideration the nature and scale of the hazard; - reduce the radiant heat levels, direct flame attack and ember attack likely to be experienced at the site of habitable buildings in the event of a bushfire; - provide an area which offers protection to fire fighters and occupants exposed to bushfire while defending property; and - are maintained in a minimum fuel condition. 	
Acceptable solutions	Performance criteria
<p>A1.</p> <ul style="list-style-type: none"> (a) The TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to habitable buildings to warrant the provision of hazard management areas; or (b) Plans for habitable buildings, showing the location of hazard management areas, are accompanied by a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or (c) There are, in relation to habitable buildings, hazard management areas that- <ul style="list-style-type: none"> (i) have widths equal to, or greater than, the separation distances required for BAL 29 in Table 2.4.4 of AS 3959 – 2009 <i>Construction of Buildings in Bushfire Prone Areas</i> ; and (ii) will be managed in accordance with a bushfire hazard management plan that is certified by the TFS or an accredited person and that demonstrates how hazard management areas will be managed consistent with the objective. 	<p>P1. There shall be, in relation to habitable buildings, hazard management areas that provide adequate separation from the bushfire-prone vegetation. In determining the dimension of hazard management areas, it shall be demonstrated that the nature of the hazard has been considered, including:</p> <ul style="list-style-type: none"> (a) vegetation type, structure and flammability; (b) other potential forms of fuel and ignition sources; (c) slope; (d) any fire shielding structures or features <p>and that the dimensions, given the nature of the construction, provide adequate protection for the building and to fire fighters and occupants defending property from bushfire.</p>
<p>A2.</p> <p>If hazard management areas in relation to a habitable building are to be on land external to the lot where the building is located, the application shall be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with a bushfire hazard management plan certified by the</p>	<p>P2. Applications shall demonstrate how hazard management areas will be maintained in a minimum fuel condition.</p>

TFS or an accredited person.	
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S10.5.5.2 Pre-existing lots: Private access

<p>Objective: Private access on pre-existing lots:</p> <ul style="list-style-type: none"> - allows safe access to and from the road network for occupants, fire fighters, and emergency service personnel; - provides access to ensure that fire fighting equipment can reach all parts of habitable buildings; - is designed and constructed to allow for fire fighting vehicles to be manoeuvred; and - provides access to water supply points, including hardstand areas for fire fighting vehicles. 	
Acceptable solutions	Performance criteria
<p>A1. It shall be demonstrated in one of the following ways that private access provides safe access to habitable buildings:</p> <ul style="list-style-type: none"> (a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant specific measures for private access for the purposes of fire fighting; or (b) plans showing private access to habitable buildings are included in a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or (c) plans demonstrate that private access will be provided to within 30m of the furthest part of a habitable building measured as a hose lay. 	<p>P1. Private access to habitable buildings shall demonstrate that:</p> <ul style="list-style-type: none"> (a) private access will enable firefighting vehicles to access the buildings safely and efficiently (including by providing access to through roads or alternative access), and to be manoeuvred safely and efficiently; and, (b) private access is in close proximity to habitable buildings to allow access by fire fighting equipment to all parts of the building.
<p>A2. Private access to all static water supply points shall be provided:</p> <ul style="list-style-type: none"> (a) as included in a bushfire hazard management plan certified by the TFS or an accredited person as being in accordance with the objective of the standard; or (b) to a hardstand area within 3m of the static water supply point. 	<p>P2. No performance criteria</p>
<p>A3. Construction of private access, if required to provide access to habitable buildings and static water supply points, shall as appropriate to the circumstances meet the requirements of Table 3 as follows:</p> <ul style="list-style-type: none"> (a) single lane private access roads less than 6m carriageway width shall have 20m long passing bays of 6m 	<p>P3. Construction of private access required to access habitable buildings and any water supply point shall be an all weather road sufficient to carry fully loaded fire fighting vehicles, including consideration of:</p> <ul style="list-style-type: none"> (a) slope, gradient and cross-fall;

<p>carriageway width, not more than 100m apart;</p> <p>(b) a private access road longer than 100m shall be provided with a driveway encircling the building or a hammerhead “T” or “Y” turning head 4m wide and 8m long, or a trafficable circular turning area of 10m radius;</p> <p>(c) culverts and bridges shall be designed for a minimum vehicle load of 20 tonnes;</p> <p>(d) vegetation shall be cleared for a height of 4m, above the carriageway, and 2m each side of the carriageway.</p>	<p>(b) geometry and alignment;</p> <p>(c) culverts and bridges;</p> <p>(d) height and width of any vegetation clearance;</p> <p>(e) travel speed, sight lines and passing bays;</p> <p>(f) turning areas.</p>
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S10.5.5.3 Pre-existing lots: Provision of water supply for fire fighting purposes

<p>Objective: Adequate, accessible and reliable water supply for fire fighting purposes on pre-existing lots is available to allow for the protection of life and property from the risks associated with bushfire.</p>	
<p>Acceptable solutions</p>	<p>Performance criteria</p>
<p>A1. It shall be demonstrated in one of the following ways that access to a water supply for fire fighting purposes is provided:</p> <p>(a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures; or</p> <p>(b) a bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of the water supply is consistent with the objective; or</p> <p>(c) all external parts of habitable buildings that are at ground level, are within reach of a 120m long hose (measured as a hose lay) connected to a fire hydrant with a minimum flow rate of 600 litres per minute and minimum pressure of 200kPa; or</p> <p>(d) a minimum static water supply of 10 000 litres per habitable building is provided and that connections for fire fighting purposes are included.</p>	<p>P1. There shall be, in relation to habitable buildings, a water supply for fire fighting purposes that:</p> <p>(a) may be accessed by fire fighting equipment, fire fighters and occupants of the habitable buildings; and</p> <p>(b) contains water that may be delivered in a quantity, and at a pressure, sufficient to manage the risk of bushfire, depending on the nature of the surrounding bushfire-prone vegetation; and;</p> <p>(c) stores water in a manner that ensures adequate and reliable quantities may be provided for fire-fighting purposes if there is a bushfire; and</p> <p>(d) enables effective delivery of water if there is a bushfire.</p>

S10.5.6 Development standards for extensions to pre-existing habitable buildings

S10.5.6.1 Bushfire protection measures for extensions to pre-existing habitable buildings

<p>Objective: Extensions to pre-existing habitable buildings do not increase the risk of harm to life and property</p>

caused by bushfire.	
Acceptable solutions	Performance criteria
<p>A1.</p> <ul style="list-style-type: none"> (a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of any specific bushfire protection measures; or (b) Applications for extensions to habitable buildings are accompanied by a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or (c) Extensions to habitable buildings have hazard management areas that- <ul style="list-style-type: none"> i) are of dimensions equal to, or greater than, the separation distances required for BAL 29 prescribed in Table 2.4.4 of AS 3959 – 2009 <i>Construction of Buildings in Bushfire Prone Areas</i>; and ii) will be managed in accordance with a bushfire hazard management plan, that is certified by the TFS or an accredited person, that demonstrates how hazard management areas will be managed consistent with the objective; and iii) where hazard management areas in relation to a habitable building are to be on land external to the lot where the building is located, the application shall be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement 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; or (d) Extensions to habitable buildings: <ul style="list-style-type: none"> i) are no closer to the bushfire-prone vegetation than the existing building footprint; and 	<p>P1.</p> <p>Extensions to habitable buildings shall demonstrate that bushfire protection measures, including the following, can be used to avoid increasing the risk from bushfire:</p> <ul style="list-style-type: none"> (a) the design and siting of the building; (b) provision and management of hazard management areas; (c) access for fire fighting vehicles; (d) availability of water for fire fighting purposes.

<ul style="list-style-type: none"> ii) do not exceed a 15% increase in the vertical surface area of the building facing and closest to the bushfire-prone vegetation; and iii) do not restrict any existing vehicular access to any part of the habitable building. 	
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S10.5.7 Development Standards for vulnerable uses

In addition to the development standards contained in S1.5.1, S1.5.2, S1.5.3 and 1.5.4, the following provisions apply to development associated with vulnerable uses. Where there is an inconsistency between the standards, the following standard will apply to the extent of the inconsistency.

S10.5.7.1 Vulnerable uses: Provision of hazard management areas for habitable buildings

<p>Objective: Habitable buildings associated with vulnerable uses have, as appropriate, hazard management areas that:</p> <ul style="list-style-type: none"> - provide sufficient separation from bushfire-prone vegetation, taking into consideration the nature and scale of both the hazard and the vulnerable use; and - provide adequate space to reduce the impact of radiant heat exposure to occupants being evacuated, and those assisting them, in the event of a bushfire; and - reduce the radiant heat levels, direct flame attack and ember attack likely to be experienced at the site of the building. 	
Acceptable solutions	Performance criteria
<p>A1.</p> <ul style="list-style-type: none"> (a) The TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to the habitable building to warrant the provision of hazard management areas; or (b) Plans for habitable buildings, showing the location of hazard management areas, are accompanied by a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or (c) Habitable buildings have hazard 	<p>P1. No performance criteria</p>

<p>management areas that:</p> <ul style="list-style-type: none"> i) have dimensions equal to, or greater than, the separation distances required for BAL 12.5 in Table 2.4.4 of AS 3959 – 2009 <i>Construction of Buildings in Bushfire Prone Areas</i>; and ii) will be managed in accordance with a bushfire hazard management plan, that is certified by the TFS or an accredited person, that demonstrates how hazard management areas will be managed consistent with the objective. 	
<p>A2. If hazard management areas in relation to a habitable building are to be located on land that is external to the lot where the building is located, the application shall be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with a bushfire hazard management plan certified by the TFS or an accredited person.</p>	<p>P2. No performance criteria</p>