



# FLINDERS PLANNING SCHEME

Operative date: 18 December 2000

## **PART 1**

### **PRELIMINARY**

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## **1.1 *Composition of Scheme***

This Planning Scheme consists of:

1. the Ordinance, which is this document; and
2. 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***

This Scheme applies to the lands and water under the jurisdiction of the Flinders Council and covers the whole of the Municipal Area of Flinders. Where such boundaries are inconsistent with State boundaries the jurisdiction shall extend three kilometres seaward of any land mass within the municipal boundary.

## **1.3 *Intent of Scheme***

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

## **1.4 *Other Approvals***

A Permit granted or exemption from Permit 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.

## **1.5 *Interpretation***

### **1.5.1 In this Ordinance:**

1. a reference to a Clause, Part or Schedule shall be a reference to a Clause, Part or Schedule of the Scheme; and
2. a reference to any Act, Regulation or By-law shall be a reference to such Act, Regulation or By-law as amended or replaced from time to time.

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

**Access**

means any place where vehicles enter and/or leave a *Road* from a *Lot* and includes private entrances, driveways, and farm gates.

**Act**

means the Land Use Planning and Approvals Act 1993.

**Amenity**

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

**Ancillary Use**

means any *Use* or *Development* of *Land* which is integral and subservient to another *Use* or *Development* of the same *Land*.

**Building Appearance**

means the combination of finishes, colours and window patterns on the exterior of the *Building* that contribute to its appearance.

**Building Regulations**

means the Building Regulations 1994 as amended or other building control measures by which these regulations may be replaced.

**Bushfire Prone Area**

means *Land* within standing vegetation one hectare or larger in extent, or within 100 metres of an area of standing vegetation of one hectare or larger in extent. Land slopes less than 5 degrees within grassland or pasture are excluded.

**Coastal Policy**

means the State Coastal Policy prepared under the provisions of the State Policies and Projects Act 1993.

**Conservation Areas**

means *Land* administered under the National Parks and Wildlife Act 1970. They may be called either Conservation Area or Wildlife Sanctuary depending on whether they are management areas or fulfil particular wildlife conservation objectives. These areas may be under joint management and do not exclude exploitative developments.

**Council**

means the Flinders Council.

**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.

**Demolition**

means the removal or destruction of all or part of an existing *Building* or *Structure*.

**Development**

includes

- b) the construction, exterior alteration or exterior decoration of a building; and
- and
- b) the demolition or removal of a building or works; and
- b) the construction or carrying out of works; and
- b) the subdivision or consolidation of land including buildings or airspace; and
- b) the placing or relocation of a building or works on land ; and
- b) the construction or putting up for display of sign or hoardings.

**Development Plan**

means a plan indicating a preferred layout and staging for the integrated use and development of land.

**Development Standard**

means any dimension, condition or other requirement, that unless relaxed or modified by Council under powers provided in the Scheme is to apply to a development.

**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.

**Environment**

means components of the earth and includes

- (a) land, air and water;
- (b) any organic matter and inorganic matter and any living organism; and
- (c) human made or modified structures and area and includes interacting natural ecosystems that include components referred to above.

**Existing Use**

means a lawful *Use* or *Development* in existence at the taking effect of this Scheme as provided for in Section 20(3) of the Act.

**Floor Area**

means the total area of floor (including attic and mezzanine) within the external walls of a building, but excludes any area of floor solely used for mechanical or electrical plant required for air conditioning, heating, power supply, fire control, lifts or similar services, or for lift wells.

**Frontage**

means the road alignment boundary at the front of the lot.

**Height (in respect of a building)**

means the vertical distance measured from the highest point of a building (not being a minor protrusion), to the natural ground 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**

includes

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

**Land Clearing (Clearing of Land)**

means the destruction or removal of trees or other vegetation.

**Landscaped Space**

means any area provided 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.

**Level 1 Activity**

means an activity which may cause environmental harm as defined within the Environmental Management and Pollution Control Act 1994.

**Level 2 Activity**

means an activity specified in Schedule 2 of the Environmental Management and Pollution Control Act 1994.

**Lot**

means a block of land created by subdivision of a larger block of which it was part.

**Minimum Internal Rectangle**

means rectangle drawn within the boundaries of a *Lot* where the dimensions of the rectangle are no smaller than those prescribed.

**Minimum Lot Size**

means the smallest area of a *Lot* (excluding the area of any access strip serving the *Lot*) as prescribed for each *Zone*.

**Minor Protrusion**

means a *Structure* which projects above the roofline or beyond the external walls of a *Building* or *Structure*. The term includes lift motors, air conditioning equipment, fire fighting equipment, aerials, antennae, water tanks, solar panels, chimneys, smoke stacks, telecommunication structures, vents and the like. The term does not include a *Structure* erected for the purpose of supporting *Signs*.

**National Parks**

means *Lands* administered under the National Parks and Wildlife Act 1970 that are areas for conservation of natural ecosystems, enjoyment and study of natural environments with the provision of community recreation.

**Nuisance**

means nuisance which

- (a) causes or is likely to cause danger or harm to the health, safety or welfare of any person; or



- (b) relates to unreasonable or excessive levels of noise or pollution.
- (c) an environmental nuisance pursuant to the Environmental Management and Pollution Control Act 1994. Am RZ 02/02 25/3/03

**Owner**

means any one or more of the following:—

- (a) in the case of a fee simple estate in land—the person in whom that estate vested;
- (b) in the case of land not registered under the Land Titles Act 1980 and subject to a mortgage—the person having, for the time being, the equity of redemption in that mortgage;
- (c) in the case of land held under a tenancy for life—the person who is the life tenant;
- (d) in the case of land held under a lease for a term of not less than 99 years or for a term of not less than such other prescribed period—the person who is the lessee of the land;
- (e) in the case of land in respect of which a person has a prescribed interest—that person;
- (f) in the case of Crown land within the meaning of the Crown Lands Act 1976, the Crown in right of the State of Tasmania.

**Parent Conveyance**

means the land contained in a Certificate of Title or Conveyance registered in the office of the Registrar General or the Recorder of Titles at the date when the Scheme took effect.

**Parent Holding**

means the land in one or more titles that is contained in one entry of the valuation roll as administered by the Valuer General at the date when this *Scheme* took effect.

**Permit**

means any permit, approval or consent required by a planning scheme or special planning order to be issued or given by a planning authority in respect of the *Use or Development* of any *Land*.

**Plan of Subdivision**

means a plan submitted to the *Council* for the purpose of a *Permit* in relation to the *Subdivision* of *Land*.

**Planning Area**

means the area in which the *Planning Scheme* has effect, as defined in Clause 1.2.

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#### **Private Open Space**

means any unroofed area adjoining a dwelling unit 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, for storage and services appurtenant to the dwelling unit, or which is part of another dwelling or building.

#### **Ports Corporation**

Means the Flinders Island Ports Corporation Pty. Ltd. or its successor.

#### **Public Authority**

means any Corporation, Board, Commission, Trust or other body corporate or unincorporated that is established or constituted by or under any Act for any public purpose, but does not include the Council.

#### **Rear Lot**

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

#### **Road**

means any land, Crown or otherwise, used for the passage and repassage of vehicles and pedestrians as defined under the Local Government (Highways) Act 1982, 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.

#### **Schedule**

means a Schedule contained in Part 8 of this Scheme.

#### **Scheme**

means this Planning Scheme as defined in Clause 1.1.

#### **Setback (in respect of a building)**

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

#### **Sign**

means any notice, banner, pole, panel, hoarding, board, bunting, decorative flag, light, portion of building or other structure used for advertising purposes, categorised as follows:

- (a) regulatory signs and devices which relate to the safe and effective use of the road system by motorists;

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- (b) directional signs which assist travellers to navigate their way to a desired destination; and
- (c) other signs including service, information and commercial advertising signs.

#### **Site**

means the *Land* on which a *Use* or *Development* is proposed to be carried out.

#### **Specified Date**

means the date upon which this *Scheme* takes effect or, wherever the context admits, means the date on which an alteration to this *Scheme* takes effect.

#### **State Road**

means any road that is proclaimed a State Highway or subsidiary road under the Roads and Jetties Act 1935.

#### **Streetscape**

means the aggregation of those things which together make up the view for an observer of the street.

#### **Storey**

means a portion of a building designed for living purposes that is located immediately above another level in the building that is also designed for living purposes and includes a mezzanine.

#### **Structure**

means a structure that is not a *Building* and includes but is not limited to a fountain, advertising sign, tower, spire or bridge.

#### **Subdivide**

has the same meaning as that in the Local Government ( Building and Miscellaneous Provisions) Act 1993

#### **Subdivision**

means the act of subdividing; or the block of land subject to an act of subdividing.

#### **Use**

in relation to *Land*, includes the manner of utilising *Land* but does not include the undertaking of *Development*.

#### **Unstable Land**

means land that is greater in slope than 1:4 or subject to movement (landslide, landslip, soil creep, accelerated erosion, etc).

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#### **Wall**

means the exterior of a *Building* or *Structure*, the height of which is measured from the natural ground surface (that existing prior to any earthworks being undertaken on the site) to the underside of the eaves (or, if the *Building* or *Structure* has no eaves, to the top of the parapet).

#### **Works**

means any change to the natural or existing topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil, but does not include forest practices, as defined in the *Forest Practices Act 1985*, carried out in State forests.

#### **Zone**

means a particular area delineated on the zoning maps (but does not include any buffers or overlays shown on the plan) within which land may only be used or developed in accordance with any relevant provisions of this *Scheme*.

1.5.3 A word or phrase used in this Scheme which is the same as a word or phrase used in:

**Am RZ 02/02 25/3/03**

- (a) Land Use Planning and Approvals Act 1993
- (b) Local Government Act 1993
- (c) Local Government (Building and Miscellaneous Provisions) Act 1993
- (d) Environmental Management and Pollution Control Act 1994 and/or
- (e) Historic Cultural Heritage Act 1995

shall have, unless the contrary intention appears, the same respective meanings as they have in those Acts, as amended from time to time.

**2.1 General**

2.1.1 This part sets out the intents of the Council with respect to the future use, development and management of land in the Planning Area. It provides the framework within which land use or development decision-making shall occur.

**2.2 Intent of the Scheme**

It is the intent of this Scheme to:

1. encourage the orderly and efficient use and management of resources within the Planning Area;
2. promote and safeguard the health, safety and welfare of the community;
3. maintain and diversify the economic base of the Planning Area;
4. foster the social and economic well-being of the community;
5. encourage the efficient and effective use of facilities and services;
6. protect and enhance the “pure environment” image of the Planning Area;
7. ensure that future changes and use or development respect the inherent qualities of the natural environment and avoid undesirable environmental and social impacts;
8. provide for the recreational and open space needs of residents and visitors;
9. ensure that appropriate use or development types are catered for and promote the opportunity for the development of recreation and tourist facilities;
10. encourage the proper use and maintenance of rural land, consistent with the purpose for which it is zoned;
11. protect elements of special value; and
12. ensure that the sustainable objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993* and the *Environmental Management and Pollution Control Act 1994* and relevant State Policies are addressed.

## **PART 3**

### **DEVELOPMENT APPLICATIONS, PERMITS AND EXEMPTIONS**

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#### **3.1 Regulation of Use or Development**

- 3.1.1 The provisions of this Part pertaining to the interpretation of use or developments, applications for and determinations of Planning Permits, exemptions from the requirement for a Planning Permit, and appeals and other matters provided for herein shall apply, where relevant, to all *Use or Development* unless specifically provided for otherwise under this Scheme.
- 3.1.2 A *Use or Development* shall comply with the relevant provisions of Parts 5, 6 and 7, and the relevant Schedules of Part 8.

#### **3.2 Use or Development of Land in Zones**

- 3.2.1 The *Use or Development* of land, or the proposed *Use or Development* of land, is categorised into one or more of the categories of use or development defined in Schedule 1: "Use and Development Definitions".
- 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 or development defined in Schedule 1, is shown in Section 5 under the Table of Use and Development for the relevant zone.

#### **3.3 Permitted (As Of Right) Uses or Developments**

- 3.3.1 No planning permit is required for the use or development listed in the Table of Use or Development as Permitted (as of right) or listed in Clause 3.15 (Exemptions from Planning Permits), provided that the use or development complies with all relevant standards without invoking the provisions of Clause 3.5 of this Scheme.

#### **3.4 Permitted (with Planning Permit) Uses or Developments**

- 3.4.1 A planning permit is required for a use or development listed in a *Table of Use or Development* as Permitted (with a planning permit). The Council is bound to grant a permit unconditionally or subject to such conditions or restrictions as it may impose, provided that the use or development complies with all relevant standards without invoking the provisions of Clause 3.5 of this Scheme.

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#### **3.5 Discretionary Uses or Developments**

- 3.5.1 A planning permit is required for use or development:
- (a) listed in the Table of Use or Development as Discretionary; or
  - (b) which may not proceed unless the Council waives, relaxes or modifies a requirement of the Scheme or otherwise in its discretion consents to the use or development proceeding.
- 3.5.2. A grant of a Planning Permit may be issued either conditionally or subject to such conditions or restrictions as the Council may impose.

#### **3.5A Implementation of Planning Directive – Standards for Single Dwellings in Current Planning Scheme**

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.

Planning Directive effective date 29/8/11

#### **3.6 Prohibited Uses or Developments**

A use or development shall be prohibited if:

- (a) listed in the Table of Use or Development as Prohibited; or
- (b) prohibited under any other provisions of the Scheme; or
- (c) it would be in contravention of any relevant standard of the Scheme, and there is no power under which Council may relax or modify that standard; or

#### **3.7 Interpretation of Use and Development**

##### **3.7.1 Single Use or Development**

Where *Use or Development* constitutes an integral and subservient part of an existing *Use or Development*, it shall be treated as part of that *Use or Development* and similarly categorised under Schedule 1 of this Scheme.

##### **3.7.2 Multiple Use or Development**

If any proposed use or development is not an integral and subservient part of an existing or proposed use of land, then each use or development shall be categorised separately under Schedule 1 and shall accord with the relevant development standard or other requirements where applicable under the Scheme.

#### **3.8 Applications for Planning Permit**

Where a use or development requires the granting of a Planning Permit under the provisions of this Scheme, an application shall be lodged with Council and shall contain such information as is

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necessary for Council to determine compliance with the Scheme, and shall include, where applicable, the following:

1. the name and address of the applicant, the location of the land and its postal address, a copy of the title to the land, the name and postal address of the owner.
2. the use or development of the land at the date of application;
3. the intended use or development of the land;
4. a plan or plans drawn to scale showing:
  - (a) the relationship of the land to lot boundaries, levels or contours, title boundaries and roads;
  - (b) rights of way, easements and covenants affecting the land;
  - (c) existing buildings and works;
  - (d) site preparation; including details of buildings and works to be demolished, areas to be cut and filled, existing vegetation and trees to be removed and other land clearing;
  - (e) 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;
  - (f) existing and proposed vehicular access points to roads from the land, the sight distances available to and from the proposed point(s) of access together with an estimate of the speed of passing traffic, and the areas set aside and other provisions made for vehicular passage, manoeuvring and parking;
  - (g) landscaping; including details of site beautification, tree planting and screening;
  - (h) the materials proposed for construction purposes, and the colour of such materials on all exterior surfaces;
  - (i) signs; including details of dimensions, wording, logos, colours, illumination, supporting structures, and positions on buildings and works and the methods of fixing thereto;
  - (j) floodlighting and other exterior lighting including the location and direction of light sources and the strength of illumination.



**3.9 Additional Information Required on Certain Applications**

3.9.1 Council may determine that information additional to that specified under Clause 3.8 is required in accordance with the Act.

**3.9.2 Environmental Report**

Where Council considers a proposed *Use or Development* will have a significant impact on the environment or is likely to be a source of pollution which may adversely affect the environment, Council shall require the applicant to submit a report setting forth the results of a study carried out by a suitably qualified independent person to determine as appropriate;

- (a) the characteristics or conditions of the environment prior to the proposed use or development;
- (b) the environmental impacts of construction activities;
- (c) the impacts on the environment of activities following completion of construction;
- (d) the measures to be undertaken to protect the environment.
- (e) the standards to be achieved at the boundary of the site and appropriate monitoring methods proposed or required; and
- (f) that there is no probability of pollution occurring to a degree which would be likely to adversely affect the proposed development or the environment.

**3.9.3 Development Plan**

Where Council considers that a proposed use or development will determine, or constrain, the further use or development of the subject or adjacent land, it may require the preparation of a Development Plan. Any Development Plan prepared shall consider the effects on the environment of the proposed use or development and demonstrate how any effects can be mitigated against

**3.10 Consideration of Applications for Planning Permit**

Council shall take into consideration the following:

1. the objectives, the intent of the zone, use and development principles, any development plan affecting the land and any relevant development standards or other relevant requirements of the Scheme;
2. any relevant proposals, reports or requirements of any public authorities;
3. any representations received following public notification where required under the Act;
4. whether any part of the land is subject to:
  - (a) landslip, soil instability, or erosion;
  - (b) excessive slope;
  - (c) ponding or flooding;
  - (d) bush fire hazard;
  - (e) a Protected Catchment District under Water Management Act 1999;
  - (f) any Special Area Provisions in Part 7;
  - (g) pollution; and
  - (h) other hazards to safety or health.
5. whether the proposed use or development is satisfactory in terms of its siting, size or appearance and levels of emissions in relation to:
  - (a) existing site features;
  - (b) adjoining land;
  - (c) the streetscape and/or landscape;
  - (d) the natural environment;
  - (e) items of historic, architectural or scientific interest;
  - (f) buffer zones, attenuation areas,
  - (g) easements;
  - (h) a water supply for fire fighting purposes;
  - (i) any received pollution;
  - (j) the escape of pollutants into storm drains and watercourses: and

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- (k) isolation, separation from other lands.
  
- 6. whether the proposed use or development will be supplied with an adequate level of infrastructure and services, and if there is any necessity to improve deficient access, roads or road junctions, water, sewerage, electricity or transport services and the like, without detriment to existing users;
  
- 7. whether the proposed use or development would adversely effect the existing and possible future use or development of adjacent land, and vice versa;
  
- 8. the provision of adequate landscaping, amenity facilities and illumination, and the treatment of the site generally;
  
- 9. the sight distances available to and from proposed point(s) of access, together with an estimate of the speed of passing traffic;
  
- 10. the design and siting of the proposal to enable reduction in energy consumption through alternative energy use or reduction in demand; and
  
- 11. the safety and well-being of the general public.
  
- 12. any other matter which Council is of the opinion is relevant to the particular application. **Am. RZ 02/02 25/3/03**

#### **3.11 Consultation**

- 3.11.1 Council may seek the advice of any appropriate authority or organisation in its determination of a planning application.

#### **3.12 Planning Permits**

- 3.12.1 Having received sufficient information and determined an application for a Planning Permit, Council shall:
  - (a) issue a written Planning Permit specifying the conditions (if any) imposed upon the *Use or Development*, or
  - (b) issue a written refusal for the *Use or Development*, stating the grounds of the refusal.

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#### **3.13 Temporary Planning Permits**

3.13.1 For a use or development prohibited under Clause 3.6 Council may, at its discretion, subject to the provisions of Clause 3.5, grant a Temporary Planning Permit to enable that use or development to be established and undertaken for a limited period, provided that;

- (a) Council has not resolved to amend the Scheme in respect to the subject land;
- (b) the period of the permit is not in excess of 3 years;
- (c) the proposed building(s), works and activities are of a temporary nature only; and
- (d) the proposed use or development will not have or result in undue detrimental effect on the amenity of the neighbourhood or environs through the creation of visual intrusion, noise, offensive smell, dust or other pollution, excessive traffic, loss of convenience or hazard of any kind.

3.13.2 The grant of a Planning Permit pursuant to Clause 3.13.1 shall be subject to the condition that no later than 6 months after the date of expiry of that Permit (or such other period of days as is specified by Council therein), the restoration of the site subject to the Permit by, or on behalf of the person(s) to whom the Permit was issued shall have been completed to the satisfaction of Council, and such restoration shall include the removal from the site of all traces of any works, buildings, materials, plant or other equipment introduced and used for the purposes for which the Permit was granted.

#### **3.14 Lapse and Renewal of Planning Permits**

3.14.1 A Planning Permit issued pursuant to Clause 3.12.1 shall lapse in accordance with Section 53(5) of the Act.

3.14.2 Where a Planning Permit for a use or development has lapsed, an application for a renewal of a Planning Permit for that use or development shall be treated as a new application.

#### **3.15 Exemptions from Planning Permits**

Except where it may relate to a building, site or works listed in Schedule 2, or to visually or ecologically sensitive areas shown on the Plan or where the provisions of part 7 apply, a Planning Permit is not required in accordance with Clause 3.3.1 for the following Uses or Developments:

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- a) The painting of buildings and structures not listed as heritage items in the planning scheme or upon the Tasmanian Heritage Register.
- b) the mowing, slashing or burning of vegetation for fire management purposes or to maintain biodiversity, property or public safety.
- c) The removal or trimming of trees for reasons of safety and protection of property.
- d) The removal of environmental weeds.
- e) Vegetation planting and pruning.
- f) The restoration and rehabilitation of land associated with existing lawful use or development.
- g) Landscaping and gardening works including trellises, seating, lattice and garden arches associated with exiting lawful use or development.
- h) Maintenance of buildings where it does not involve the alteration of the external structure.
- i) Side and rear boundary fences and retaining walls not adjoining a road and not exceeding a combined height of 1.8m.
- j) Works carried out for the maintenance and repair of infrastructure including but not limited to roads, tracks, footpaths, drains, sewers, powerlines, pipelines and telecommunications facilities.
- k) Street furniture, fire hydrants and traffic control devices.
- l) A maximum of three aerials or antennae incidental to an approved use.
- m) Minor domestic buildings or structures within the rear curtilage of a residential development including non-commercial dog kennels, garden sheds, glass houses, rubbish receptacles or other such minor structures for the domestic needs of the occupants provided that:
  - (i) The gross floor area of the building or structure does not exceed 10 square metres;
  - (ii) No part of the building or structure is higher than 2.5m in the case of a flat or mono pitched roof construction and 3m in the case of a construction where the pitch is at least 15 degrees;
  - (iii) No part of the building or structure is sited within 1.5 metres of any property boundary; and
  - (iv) No part of the building or structure encroaches within any service easement or within one metre of any service easement or within one metre of any underground service.
- n) Minor agricultural buildings or structures (excluding signs) in the rural zone provided that:
  - (i) The buildings or structures are part of an existing lawful use or development;
  - (ii) The gross floor area of the building or structure does not exceed 75 square metres;

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- (iii) No part of the building or structure is higher than 5 metres in the case of a flat or mono pitched roof construction and 5.5m in the case of a construction where the pitch is at least 15 degrees;
  - (iv) The relevant setback requirements are met; and
  - (v) No part of the building or structure encroaches within any service easement or within one metre of any underground service.
- (o) The demolition in whole or in part of a building or structure, the erection of which would be exempt under this schedule.
- (p) Temporary sporting, social and cultural events.
- (q) The construction or putting up for display of a sign:
  - (i) On any land, provided it is not visible from outside the land;
  - (ii) Displaying a dwelling name or street number;
  - (iii) Relating to any building construction or works being carried out on the land, provided it is exhibited only for the duration of such building construction or works;
  - (iv) Relating to the letting or sale of the land on which it is erected, provided it is removed within 7 days following the lease or sale;
  - (v) Relating to any local event of an education, cultural, political, religious, social or recreation nature, provided it is exhibited for no more than 3 months; or
  - (iv) Required by statutory authority for the safety or guidance of people or traffic or for the protection of goods, structures or buildings.
- r) Emergency works required to protect public safety, property or the environment.
- s) Works required to release water from Cameron's inlet from time to time when the water level reaches or exceeds the established 'protocol mark', or otherwise in accordance with a management plan endorsed by Council.

#### **3.16 Certain Building Work which requires a Planning Permit in all Cases.**

Notwithstanding the provisions of Clause 3.15 or the *Table of Use and Development* for the relevant zones the following is subject to Clause 3.5 of the Scheme

1. the erection of bridges, piers, wharves, jetties, boat sheds, embankment walls and quay walls;
2. buildings or structures located on a mining lease; and

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3. the use or development or erection of structures supporting elevators, bins, tanks, machines or appliances used for or in connection with metal crushing, concrete batch mixing or other industrial processes. **Am. RZ 02/02 25/3/03**

#### **3.17 Demolition**

3.17.1 Demolition is development subject to Clause 3.5.

3.17.2 Notwithstanding clause 3.17.1 Planning Permit is not required for any demolition which:

- (a) has been granted a Planning Permit with other associated use or development;
- (b) is for the purpose of a Permitted (as of right) use or development which has been granted a building permit under the Building Regulations; or
- (c) is of a building or structure, the construction of which would not require a building permit.

provided that the building, site or works are not listed as an item of historic interest in Schedule 2.

#### **3.18 Right to Continue Existing Uses or Maintain Existing Buildings and Structures**

3.18.1 The right to continue or maintain existing lawful *Use or Development* shall be in accordance with Section 20(3) of the Land Use Planning and Approvals Act 1993

3.18.2 Notwithstanding any other provisions of this Scheme, the Council may, at its discretion and subject to Clause 3.5, permit a once only application for the extension of an existing building for the purposes of an existing Non-Conforming Use. Such an extension, however, must not exceed 25% of the existing gross floor area of a building existing at the date of taking effect of this Amendment (i.e. the 25<sup>th</sup> day of March 2003). **Am. RZ 02/02 25/3/03**

3.18.3 Notwithstanding any other provisions of this Scheme, the Council may at its discretion and subject to Clause 3.5, permit an existing Non-Conforming Use to change to a new use, provided that the new use is more in conformity with the intent of the Zone in which it is located. **Am. RZ 02/02 25/3/03**

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### **3.19 Buffer/Attenuation Areas**

- 3.19.1 Notwithstanding any other provision in this Scheme, within the Buffer/Attenuation Special Area a “*dwelling unit*” shall be prohibited in accordance with Clause 3.6.
- 3.19.2 In considering any application within a Buffer/Attenuation area Council shall take into consideration the potential interaction between existing Uses or Developments and the proposed *Use or Development* and may impose conditions to minimise the impact of that interaction.
- 3.19.3 Matters to be considered when determining an application include:
- (a) The siting and orientation of habitable buildings in relation to the topography and sources of emissions;
  - (b) The design of buildings, including the position of doors and windows and the noise absorbing properties of proposed building materials;
  - (c) the benefits of screening with earth mounds, walls, fences or landscaping.
- 3.19.4 Notwithstanding Clause 3.19.1, within the existing lots zoned Low Density Residential at Bluff Road and subject to the Buffer/Attenuation Special Area, a House or a House and Ancillary Apartment may be erected in accordance with Clause 3.5 of the Scheme.

### **3.20 Extent of Planning Control over Coastal Waters**

All Use and Development within the Planning Area between low water mark and either the extent of State Waters or the municipal boundary that is related to or affects the use of adjacent land shall be treated in accordance with Clause 3.5. Notwithstanding the above any Use or Development for Passive Recreation or the provision of navigation aids (provided by the relevant authority) shall be treated in accordance with Clause 3.3.

### **3.21 Land Deemed to be within the Road Zone**

Land that:

- (a) is a *Road* as defined in Clause 1.6 of this Scheme; or
- (b) will become a *Road* upon the sealing of a plan of Subdivision is deemed to be within a Road Zone and is subject to the provisions of Schedule 4.



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**3.22 Use and Development within a Road Zone**

The assessment of all *Use or Development* within the areas deemed to be within a Road Zone shall also take into consideration the provisions of Clause 3.10.

**3.23 Access to a Road**

All *Use or Development* requiring Access to a Road shall comply with Schedule 4.

**4.1 Plans of Subdivision**

4.1.1 In considering any application for the subdivision of land Council must:

- (a) give consideration to the matters listed in Clauses 3.9 & 3.10 as far as they be relevant to a subdivision;
- (b) in no case approve the subdivision of any lot or other block of land of a size, shape or dimension other than is provided for in Part 6 of this Scheme and required to enable all other relevant provisions of this Scheme to be met; and
- (c) have regard to any other relevant matters required under this Scheme and the provisions of the Local Government (Building and Miscellaneous Provisions) Act, 1993;

**4.2.1 Realignment of Existing Boundary(s)**

Notwithstanding the provisions for minimum lot dimensions specified in this Scheme, Council may subject to the provisions of Section 57 of the Act approve the application for a minor relocation of a boundary(s) between existing allotments, whether or not the allotments are wholly or partially within the same zone, provided that no additional lot(s) are created and such adjustment of boundary is consistent with the intent, objectives and policies for the zone(s)

**4.2.2 Reconfiguration of Existing lot(s)**

Notwithstanding the provisions for minimum lot dimensions specified in this scheme and the provisions of Sub-clause 4.3.1, Council may approve an application for subdivision, whether or not the lots are wholly or partially within the same zone to enable the relocation of a boundary(s) to allow the reorganisation or consolidation of lot(s) provided that:

- (a) no additional lots are created;
- (b) the reorganisation or consolidation is primarily to enable better management of the land for the purpose consistent with the intent, objectives and polices of the zone(s), and where the new boundaries give consideration to
  - (i) existing fencing;
  - (ii) topography;
  - (iii) perennial water courses and other bodies of water;
  - (iv) the provision of reasonable vehicular access to each lot;
  - (v) other natural and artificial features.

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- 4.2.3 It is the responsibility of the applicant to demonstrate to Council the degree to which the criteria specified in Sub-clause 4.3.2 are achieved.

**4.3 *Minor Subdivisions***

Council may grant a permit for a plan of subdivision which does not meet the standards or any provisions of this Scheme where the purpose of the proposed subdivision is:-

- (a) to provide for public services and utilities; and
- (b) to provide for public access or open space.

if it is satisfied that such a variation would not conflict with the intent of the zone.

## **5.1 General**

This section contains the zone intents and desired zone character and guidelines, subdivision requirements, use or development requirements and use or development table for each zone in this Scheme.

## **5.2 Residential Zone**

### **5.2.1 Zone Intent**

The Residential Zone is intended to be developed principally as an area of residential use. Other compatible uses, particularly those with a local service function (eg. local shop, doctors' surgery, church and hall) may be appropriate.

### **5.2.2 Desired Zone Character and Zone Guidelines**

- (a) A range of residential types is appropriate including single dwellings, unit developments and flats. Visitor accommodation may also be appropriate depending on impact.
- (b) Use or development should reflect a traditional character comprising a low to moderate scale, typically one or two storeys in height, broken form and pitched roofs. Dwellings should be individually identifiable, set apart and set back from the street boundary.
- (c) In areas of existing use or development where a more formal, traditional character is evident, landscaping should reflect this character, and use formally laid out front garden areas between the dwellings and the street. Other areas may be less formal with greater use of native plants and informal planting patterns.
- (d) Carparking spaces should be substantially screened from view from the street. Spaces should generally be located at the side, rear or underneath dwellings. Their location between the dwelling and the street is only appropriate where they are satisfactorily screened from view.
- (e) Ensure that on site disposal of effluent can be achieved for any development within the zone.

### **5.2.3 Subdivision Standards**

- (a) The minimum lot size is an area capable of containing a dwelling and sufficient area for satisfactory onsite effluent disposal from a dwelling that may be erected on the site. Evidence will need to be provided at the time of subdivision that the lot can accommodate the dwelling and effluent disposal. .

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- (b) Each lot shall be capable of containing a rectangle of 10 x 15 metres
- (c) The minimum lot frontage is 4.0 metres.

**5.2.4 Development Standards**

- (a) The maximum height of buildings is 8.0 metres.
- (b) Dwelling setbacks shall comply with the provisions of the Building Code of Australia and the Building Regulations 1994. Buildings shall be sited so as not to unduly interfere with the amenity of adjacent properties by any significant degree of overlooking or overshadowing. Outbuildings sited at the rear of the dwelling may extend to the side or rear boundary where no loss of amenity to adjacent properties would result.
- (c) Habitable buildings should be sited and designed to achieve the best solar gain or orientation that the site can provide. Where such design or orientation is not feasible other energy efficient practices, such as insulation, heat pumps or double glazing, should be considered.

**5.2.5 Table of Use or Development**

<b>Permitted (as of right)</b>	COMMERCIAL	Home Occupation
	PUBLIC RECREATION	Public Utility (minor) Passive Recreation
<b>Permitted (with Planning Permit)</b>	RESIDENTIAL	House House & Ancillary Apartment
<b>Discretionary</b>	COMMERCIAL	Consulting Rooms Health Centre Local Shop
	PUBLIC	Community Building Educational/Cultural Establishment Civic Building/Centre Telecommunication Structure
	RECREATION	Active Recreation
	RESIDENTIAL	Grouped Housing Shared Accommodation
	TOURISM	Guest House Holiday Cabin/Holiday Flat Motel Tourist Operation
<b>Prohibited</b>	All other <i>Uses</i> or <i>Developments</i> except as provided for under Clause 3.7 and Clause 3.15.	

### **5.3 *Low Density Residential Zone***

#### **5.3.1 Zone Intent**

Use or development is intended to be predominantly residential with some compatible non-residential uses or developments where they should not detract from the residential use, development and amenity of the zone.

#### **5.3.2 Desired Zone Character and Zone Guidelines**

- (a) The desired character is generally less formal than normal residential areas. Buildings should be spaced at greater distances from each other and from the street than in normal residential areas and the generous use of appropriate planting (particularly locally occurring species) is encouraged.
- (b) Buildings should be small to medium in scale while allowing for a variety of building styles and individual expression
- (c) Ensure that on site disposal of effluent can be achieved for any development within the zone.

#### **5.3.3 Subdivision Standards**

- (a) The minimum lot size is 4000m<sup>2</sup>.
- (b) Each lot shall be capable of containing a minimum rectangle of 15 x 20 metres.
- (c) Lots shall be dimensioned so that the average length does not exceed 4 times the average width.
- (d) The minimum lot frontage is 3.6 metres.

#### **5.3.4 Development Standards**

- (a) The maximum height of buildings is 8.0 metres.
- (b) Dwellings shall be setback not less than 10 metres from the front boundary, 5 metres from side boundaries and 15 metres from the rear boundary.
- (c) Council may relax the setback requirement of the above clause pursuant to the provisions of Clause 3.5 of this Scheme and after giving consideration to-
- (d) the particular size, shape, contours or slope of the land and the adjoining land;
  - (i) the adjoining land and uses and zones;
  - (ii) the position of existing buildings and the setbacks in the immediate area;

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- (iii) consideration of any representations received as a result of the notification under Section 57 of the Act.
- (vi) habitable buildings should be sited and designed to achieve the best solar gain or orientation that the site can provide. Where such design or orientation is not feasible other energy efficient practices, such as insulation, heat pumps or double-glazing, should be considered.

**5.3.5 Table of Use or Development**

<b>Permitted (as of right)</b>	COMMERCIAL	Home Occupation
	PUBLIC	Public Utility(minor)
	RECREATION	Passive Recreation
<b>Permitted (with Planning Permit)</b>	RESIDENTIAL	House House & Ancillary Apartment
<b>Discretionary</b>	COMMERCIAL	Consulting Rooms/Health Centre Local Shop
	PUBLIC	Community Building Educational/Cultural Establishment
	RECREATION	Active Recreation
	RESIDENTIAL	Shared Accommodation
	TOURISM	Guest House Holiday Cabin/ Holiday Flat Motel Tourist Operation
<b>Prohibited</b>	All other <i>Uses</i> or <i>Developments</i> except as provided for under Clause 3.7 and Clause 3.15.	

## **5.4 Rural Residential Zone**

### **5.4.1 Zone Intent**

- (a) *Use or Development* is intended to be predominantly residential in a rural or bushland setting. Some commercial activities serving the tourism industry may also be appropriate if the buildings are of a domestic scale and appearance.
- (b) Lots and subsequent *Use or Development* shall be designed to achieve an informal rural character. Regular sized lots fronting roads in a ribbon development pattern are inappropriate. Variations in lot size and the use of irregular spacing between buildings should be encouraged.
- (c) Buildings and effluent disposal systems shall be set back from foreshores, watercourses and wetlands as far as practicable, consistent with the purpose of the building, to minimise the impact of activities upon coastal scenery and water quality.
- (d) Planting around and between dwellings is appropriate and should be used to reduce the visual impact of development in the landscape and provide privacy for residents. Where existing trees or stands of trees are ecologically and/or visually sensitive they should be retained.
- (e) The creation of new lots in the zone will be dependent upon the adoption by Council of a Development Plan for the locality. The Development Plan shall demonstrate that *Subdivision, Development* and *Use* can be undertaken in accordance with the State Coastal Policy and the State Policy on Water Quality and will not impact on environmentally sensitive areas.

### **5.4.2 Subdivision Standards**

- (a) The minimum lot size is 5000m<sup>2</sup> ha provided that the overall density of lots to the parent holding is no greater than one lot for every 2ha.
- (b) Lots shall be appropriately dimensioned so that the average length does not exceed 4 times the average width.
- (c) The minimum lot frontage shall be 3.6 metres.

### **5.4.3 Development Standards**

- (a) The maximum height of buildings is 8.0 metres.
- (b) Buildings shall be setback not less than 20 metres from the front boundary, 10 metres from side boundaries and 30 metres from the rear boundary.



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- (c) Regardless of the foregoing minimum setbacks, buildings shall be set back not less than a horizontal distance of 100m from high water mark and 40m from a perennial watercourse.
- (d) The external walls, roof, paving and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or substantially screened by landscaping.
- (e) Council may relax the setback requirements of Clause 5.4.3 (b) and Clause 5.4.3 (c) pursuant to the provisions of Clause 3.5 of this Scheme and after giving consideration to:
  - (i) the particular size, shape, contours or slope of the land and the adjoining land;
  - (ii) the proposed use of the building
  - (iii) the proposed use of the building;
  - (iv) the position of existing buildings and the setbacks in the immediate area;
  - (v) any representations received as a result of the notification under Section 57 of the Act.
- (f) Habitable buildings should be sited and designed to achieve the best solar gain or orientation that the site can provide. Where such design or orientation is not feasible other energy efficient practices, such as insulation, heat pumps or double-glazing, should be considered.

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5.4.4 **Table of Use or Development**

<b>Permitted (as of right)</b>	RECREATION	Passive Recreation
<b>Permitted (with Planning Permit)</b>	COMMERCIAL	Garden Centre Home Occupation Roadside Stall
	PUBLIC	Public Utility (minor)
	RESIDENTIAL	House House & Ancillary Apartment
<b>Discretionary</b>	PUBLIC	Civic Building/Centre Telecommunication Structure
	RECREATION	Active Recreation
	RESIDENTIAL	Shared Accommodation
	RURAL	Agriculture Animal Keeping Aquaculture Kennels ( <b>Am RZ02/02 25/3/03</b> )
	TOURISM	Guest House Holiday Cabin (max. 3 per lot) Holiday Flat (max. 3 per lot)
<b>Prohibited</b>	All other <i>Uses</i> or <i>Developments</i> except as provided for under Clause 3.7 and Clause 3.15.	

**5.5 Commercial Zone**

**5.5.1 Zone Intent**

The zone is intended as the principal location for commercial, administrative and civil functions. Appropriate use or development include retailing (eg. shops, supermarkets, hotels), commercial service activities (eg. banks, consulting rooms, business and professional offices) and social support and development (eg. meeting rooms, libraries, galleries, government agencies) and other services that will support the services/economy of the Islands.

**5.5.2 Desired Zone Character and Zone Guidelines**

(a) In Whitemark, future commercial administrative and civil use or development will be focused in the designated area around Lagoon Road, Patrick Street and Walker Street. Within this area new buildings and alterations to existing buildings will reflect the generally commercial character and scale of existing buildings and will reinforce an image of intensive “main street” commercial activity. Buildings should be sited close to the street.

(b) In Lady Barron, future commercial, administrative and civil use or development will be concentrated in the designated areas of Main Street/Franklin Parade/West Street. Within this area development will be required to build a strong “town centre” image for the town. Buildings should be modest and commercial in character and scale and sited close to the street.

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(c) Carparking areas should be sited so that they do not dominate the streetscape. Parking on street and/or on site behind or between buildings is appropriate. Parking required for operational purposes (eg. service station) should be located to satisfy the operational purpose.

(d) Advertising signs in the zone may be colourful but should be restrained in their impact. Imposing sky signs, large billboards and tall free-standing signs which project above normal roof height will not be acceptable.

**5.5.3 Subdivision Standards**

There are no minimum lot size or dimension requirements. However the lot should be of sufficient size to accommodate onsite effluent disposal.

**5.5.4 Development Standards**

- (a) The maximum height of buildings is 8.0 metres.
- (b) Buildings may be erected up to any boundary.
- (c) Habitable buildings should be sited and designed to achieve the best solar gain or orientation that the site can provide. Where such design or orientation is not feasible other energy efficient practices, such as insulation, heat pumps or double glazing, should be considered.

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<b>Permitted (as of right)</b>	PUBLIC	Passive Recreation
<b>Permitted (with Planning Permit)</b>	COMMERCIAL	Home Occupation Licensed Establishment Local Shop Major Shop Market Place Marine Services, Sales & Hire Office Professional Offices Service Centre Shop Showroom Take-Away Food Shop Veterinary Establishment
	PUBLIC	Car Park Public Utility (minor)
	TOURISM	Motel Restaurant
<b>Discretionary</b>	COMMERCIAL	Consulting Rooms/Health Centre Education Establishment Funeral Parlour Garden Centre Hospital Plant Sales Rural Industry Saleyard Service Station Transport Depot <b>(Am RZ02/02 25/3/03)</b>
	INDUSTRIAL	Store
	PUBLIC	Civic Building/Centre Telecommunication Structure
	RESIDENTIAL	House House & Ancillary Apartment
	TOURISM	Tourist Operation
<b>Prohibited</b>	All other <i>Uses</i> or <i>Developments</i> except as provided for under Clause 3.7 and Clause 3.15	

## **5.6 Village Zone**

### **5.6.1 Zone Intent**

Village settlements are intended for use or development as small sized local servicing and residential centres. A range of uses may be appropriate including shops, service stations, public halls, agencies, hotels, visitor accommodation, single dwellings and the like.

### **5.6.2 Desired Zone Character and Zone Guidelines**

- (a) Village scale and type of use or development should be contained strictly within the zone with commercial, service and civil uses or developments located on principal roadways.
- (b) Buildings shall be modest in scale and impact .
- (c) Dwellings should be set distances apart and from the street. Other forms of use or development may extend to the street boundary and side boundaries where no loss of character or amenity for adjoining use or development would result.
- (d) On-site carparking should not be a dominant element in the streetscape. Except where appropriate for operational purposes parking should be located behind or beside buildings.
- (e) Advertising signs may be appropriate but should be restrained in their use and impact. Sky signs, large billboards and tall free-standing signs which project above normal roof height are not appropriate.

### **5.6.3 Subdivision Standards**

- (a) The minimum lot size for any *Use* or *Development* shall contain sufficient area for that *Use* or *Development* together with any additional area required for the satisfactory on-site treatment and disposal of effluent and any additional area required for Landscaped Space as a condition of a planning permit.
- (b) The minimum lot frontage is 3.6 metres.

### **5.6.4 Development Standards**

- (a) The maximum height of buildings is 8.0 metres.
- (b) Dwelling setbacks shall comply with the provisions of the Building Code of Australia and the Building Regulations 1994. Building shall be sited so as not to unduly interfere with the amenity of adjacent properties by any significant degree of overlooking or overshadowing. Outbuildings sited at the rear of the dwelling may extend to the side or rear boundary where no loss of amenity to adjacent properties would result.

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- (c) Habitable buildings should be sited and designed to achieve the best solar gain or orientation that the site can provide. Where such design or orientation is not feasible other energy efficient practices, such as insulation, heat pumps or double glazing, should be considered.

**5.6.5 Table of Use or Development**

<b>Permitted (as of right)</b>	PUBLIC	Passive Recreation Public Utility (minor)	
<b>Permitted (with Planning Permit)</b>	COMMERCIAL	Home Occupation Local Shop	
	RESIDENTIAL	House House and Ancillary Apartment	
<b>Discretionary</b>	COMMERCIAL	Consulting Room/Health Centre	
		Contractors Depot	
		Garden Centre	
		Licensed Establishment	
		Marine Services, Sales, Hire & Maintenance	
		Market Place	
		Restaurant	
		Roadside Stall	
		Shop	
		PUBLIC	Civic Building/Centre Community Building Telecommunication Structure
		RESIDENTIAL	Grouped Housing Shared Accommodation
		RURAL	Agriculture Animal Keeping Aquaculture
		TOURISM	Caravan Park or Camping Grounds Guest House Holiday Cabin Holiday Flat Tourist Operation
<b>Prohibited</b>	All other <i>Uses</i> or <i>Developments</i> except as provided for under Clause 3.7 and Clause 3.15.		

**5.7 Port Zone**

**5.7.1 Zone Intent**

The areas under this zone are intended for development of uses directly related to the operation of Whitemark and Lady Barron as ports. Appropriate use or development include storage, warehousing, marine-related office and sales outlets, marine maintenance and repair facilities and holding yards.

Use or development for tourism/hospitality related purposes is supported in association with Whitemark Wharf.

**5.7.2 Desired Zone Character and Zone Guidelines**

- (a) While acknowledging the design requirements of different port-related uses, development should nevertheless take all reasonable measures to limit conflict with the character of the surrounding area (including that under other zoning) and other uses.
- (b) Use or development should be of modest scale and use traditional design elements and orientation to the street, where appropriate. Pitched roofs and broken form are preferred and long, high and continuous walls are not appropriate.
- (c) Advertising signs may be colourful but should be restrained in their overall impact. Typically, signs should be located on the building face or fence or in a low position if free standing. Large signs and those which are out of scale with the area or the building or structure on which they are located or relate to, as well as those above roof height, are inappropriate.
- (d) Security fencing shall be kept to a minimum. Where required its visual impact should be minimised through such measures as use of dark coloured/finished wire mesh and screening vegetation, and where possible located behind the line of the building facade.

**5.7.3 Subdivision Standards**

- (a) The minimum lot size is as determined by the requirements of an approved *Use* or *Development* on the land or 550 m<sup>2</sup> where no *Use* or *Development* has been approved.
- (b) Unless required otherwise as part of an approved *Use* or *Development*, lots for port buildings shall be capable of containing a rectangle of 15 x 20 metres.
- (c) Unless required otherwise as part of an approved use or development, lots shall have a minimum road frontage of 15 metres.



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**5.7.4 Development Standards**

- (a) The maximum height of buildings is 8.0 metres.
- (b) There are no minimum setback requirements except those necessary to meet the zone intent, protect the character of the surrounding area and protect the amenity of neighbouring properties.

**5.7.5 Table of Use or Development**

<b>Permitted (as of right)</b>	PUBLIC	Public Utility (minor)
<b>Permitted (with Planning Permit)</b>	COMMERCIAL	Marine Sales, Hire and Maintenance Office (Am RZ02/02 25/3/03) Saleyard Timber Yard
	PUBLIC	Car Park
	INDUSTRIAL	Store Transport Depot Warehouse
<b>Discretionary (see Note (a))</b>	INDUSTRIAL	Animal Stockyard or Animal Saleyard (Am RZ02/02 25/3/03) Contractors Depot Fuel Depot General Industry Light Industry Industry Research and Development
	PUBLIC	Telecommunication Structure Civic Building/Centre
	RECREATION	Passive Recreation
<b>Prohibited</b>	All other <i>Uses</i> or <i>Developments</i> except as provided for under Clause 3.7 and Clause 3.15.	

Note (a): Notwithstanding the provisions of Clause 5.7.5 the use or development of a proclaimed wharf area for port and shipping purposes shall be permitted *Use* or *Development* within the Zone.

Note (b): Notwithstanding the provisions of Clause 5.7.5, on the land at 16 Esplanade, Whitemark (Certificate of Title Volume 1129006 Folio 1), to the extent shown on Figure 5.7.1, the following uses and development will be discretionary:

- Restaurant;
- Community Building;
- Local Shop; and
- Tourist Operation.

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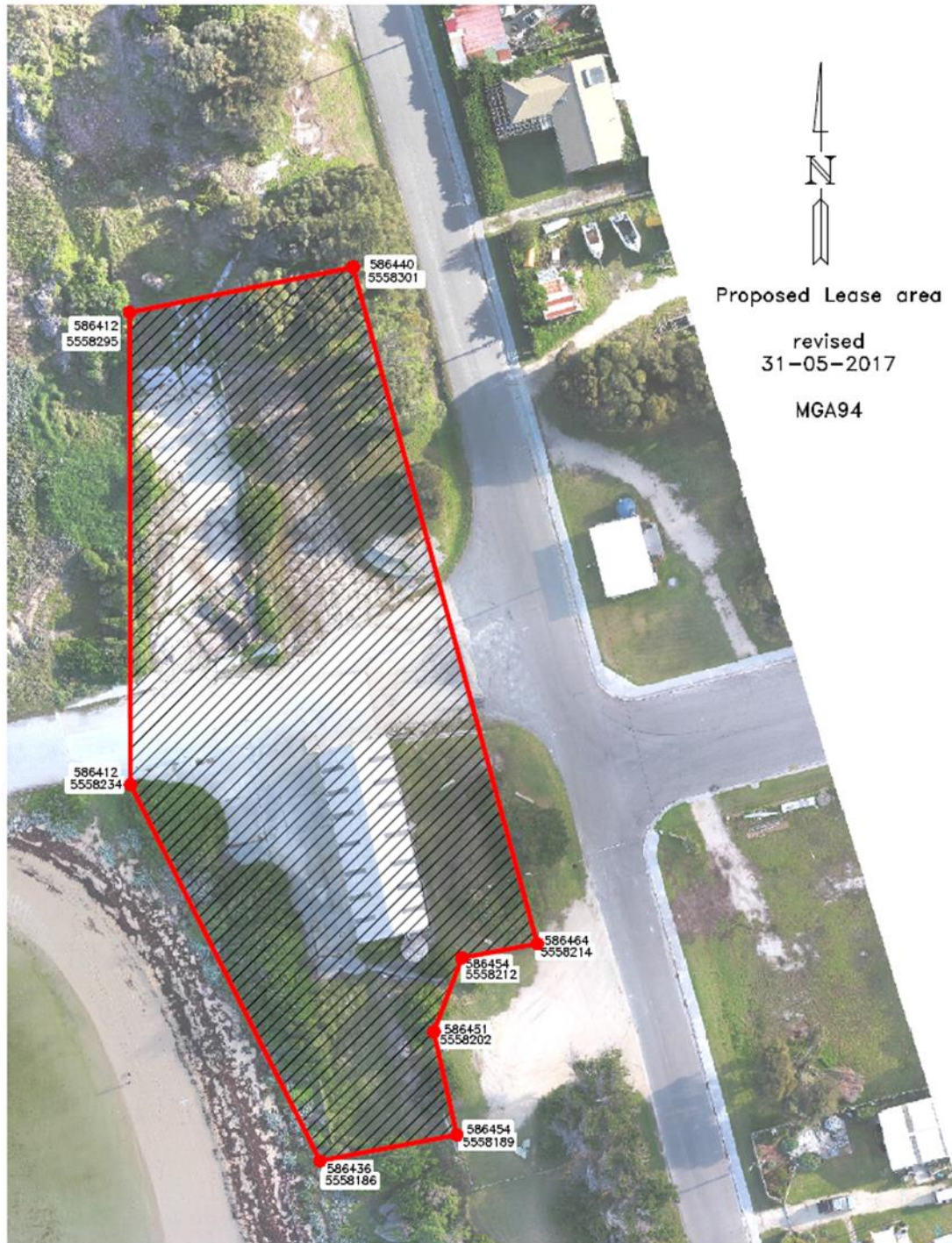


Figure 5.7.1

Amendment AMD 01-17 27/12/17

## **5.8 Rural Zone**

### **5.8.1 Zone Intent**

- (a) The Rural Zone on Flinders Island is intended to maintain the existing rural character of the island which is typified by a pattern of areas of open farmland, typically with shelter belts of remnant vegetation, interspersed with irregular areas of native vegetation and substantial unspoiled landform. On other islands within the Planning Area the zone is intended to preserve the existing character which displays minimal signs of European occupation.
- (b) Use and development in the Rural Zone is intended to accommodate agricultural uses and development predominantly, with some compatible non-agricultural uses and development in appropriate circumstances, including tourist operation and rural industries. Forest plantations may be appropriate where they do not adversely affect the character of an area or detract from important views.

### **5.8.2 Desired Zone Character and Zone Guidelines**

- (a) The use or development of small existing rural lots for the purpose of residential living shall only be approved where such use or development is compatible with any existing or potential agricultural use of that land or surrounding lands.  
**Amendment RZ02/01A 19/11/01**
- (b) Use or development should enhance the rural character of the zone. Buildings should be substantial distances from the road frontage and apart, unless inappropriate for operational or topographical reasons. Where land clearance is undertaken it should be visually sympathetic; important trees (or stands of trees) should be retained, important hilltop locations should not be cleared and location of trees and shrubs along fence lines, property boundaries, watercourses and at property entrances is encouraged. Buildings and structures for aquaculture should be sited with regard to the protection of coastal scenery and compatibility with recreational use of the coastline.
- (c) Land use or development and management practices shall be environmentally appropriate and shall avoid contamination or despoliation of the land, ground water, water courses, shore-lines, lagoons and marshes. Sand-dunes and coastal vegetation and ecologically important areas shall be protected from degradation.
- (d) Forestry activities in the zone shall be in accordance with the Forest Practices Code.

**5.8.3 Subdivision Standards**

- (a) The minimum lot size is 40 ha
- (b) A lot less than 40 hectares may be approved at Council's discretion for the following purposes;
  - (i) For an intensive agricultural use;
  - (ii) For a use, other than agriculture, that is consistent with the zone intent, desired zone character and zone guidelines;
  - (iii) For an aquaculture use;
  - (iv) For a servicing facility, infrastructure or recreational use;
  - (v) For boundary alterations where no additional titles are created and the resultant lots will comply with the intent of the zone.
- (c) In considering an application under Clause 5.8.3(b) Council shall require a detailed assessment of the proposal prepared by a suitably qualified, independent, agricultural consultant that demonstrates:
  - (i) In the case of lots for intensive agricultural use, the capacity of the proposed lot(s)
  - (ii) other cases, the agricultural capacity of the proposed lot(s) (including any balance lot) and methods which will be employed to safeguard their agricultural capacity;
- (d) Before accepting an application under Clause 5.9.3(b) Council may require the applicant to submit a Development Plan for the land to which the application relates. The Development Plan should show that:
  - (i) Subdivision will not fragment or diminish the agricultural potential of the land;
  - (ii) Subdivision will not result in ribbon development along roads and coastlines;
  - (iii) Development will not cause significant adverse impact on the natural environment, flora and fauna, coastal waters, watercourses or skylines;
  - (iv) Development or use will not be likely to result in land use conflict with existing land uses in the vicinity.

**5.8.4 Development Standards**

- (a) The maximum height of buildings is 8.0 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographic or other justified purposes.
- (b) Habitable buildings should be sited and designed to achieve the best solar gain or orientation that the site can provide. Where such design or orientation is not feasible other energy efficient

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practices, such as insulation, heat pumps or double glazing, should be considered.

- (c) Buildings shall be setback a minimum distance of 20 metres from all boundaries.
- (d) Regardless of the foregoing minimum setbacks, buildings shall be set back not less than a horizontal distance of 100m from high water mark and 40 m from a perennial watercourse.
- (e) Council may relax the setback requirement of the above clause pursuant to the provisions of Clause 3.5 of this Scheme and after giving consideration to:
  - (i) The particular size, shape, contours or slope of the land and the adjoining land;
  - (ii) The adjoining land and uses and zones
  - (iii) The position of existing buildings and setbacks in the immediate area;
  - (iv) Consideration of any representations received as a result of the notification under Section 57 of the Act.
- (f) The external walls, roof, paving and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially screened by landscaping.
- (g) A house on any lot which contains only class 4, 5, 6 or 7 land is discretionary and may only be approved if any existing or potential development and use of agricultural land in the vicinity is likely to receive no impact, or only minor impact from the establishment of the residence taking into account:
  - (a) the topography of the land
  - (b) the location of water catchments
  - (c) the location of neighbouring agricultural pursuits
  - (d) buffers created by natural features
  - (e) resource sustainability given the objective of the State Protection of Agricultural Land Policy.

**Amendment RZ02/01A 19/11/01**

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5.8.5 Table of Use or Development

Permitted (as of right)	RURAL	Agriculture
Permitted (with Planning Permit)	RESIDENTIAL	Passive Recreation Home Occupation
	PUBLIC	Public Utility (minor)
Discretionary	COMMERCIAL	Abattoir Animal Stockyard or Animal Saleyard Consulting Rooms/Health Centre <b>(Amend RZ03/01 24/10/01)</b> Fuel Depot Garden Centre Hospital Plant Sales Restaurant Timber Yard Veterinary Establishment <b>(Am RZ02/02 25/3/03)</b>
	INDUSTRIAL	Contractor's Depot Extractive Industry General Industry Rural Industry Timber Mill Transport Depot Warehouse Woodyard
	PUBLIC	Community Building/Centre Civic Building Public Utility (major) Telecommunication Structure
	RECREATION	Active Recreation Motor Sport
	RESIDENTIAL	House <b>Amendment RZ02/01A 19/11/01</b>
	RURAL	Agro-Forestry Animal Keeping Aquaculture Forestry Horticulture Kennels Private Landing Ground Intensive Animal Husbandry
	TOURISM	Guest House Holiday Cabin Holiday Flat Tourism Operation
	Prohibited:	All other <i>Uses</i> or <i>Developments</i> except as provided under Clause 3.7 and Clause 3.15.

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**5.9 Public Purpose Zone**

**5.9.1 Zone Intent**

The zone is intended to accommodate existing and future public areas, facilities and services, including schools, hospitals, government offices, nursing homes, airports and the like.

**5.9.2 Subdivision standards**

Lot size and dimension to be determined by the intended function.

**5.9.3 Development Standards**

There are no minimum height or setback requirements for development, except to maintain a reasonable level of amenity of neighbouring land and development.

**5.9.4 Table of Use or Development**

<b>Permitted (as of right)</b>	Nil
<b>Permitted (with Planning Permit)</b>	Use or Development identified on the Plan
<b>Discretionary</b>	Nil
<b>Prohibited</b>	All use or development not indicated on the zoning plan.

**5.10 Environment Management and Recreation Zone**

**5.10.1 Zone Intent**

The Intent of the Environmental Management and Recreation zone is to provide for the sustainable management of the natural and physical resources found on Crown lands and other lands whilst providing opportunities for public recreation at suitable sites. This intent recognises that on Crown lands that are leased, various use rights have been established and may continue with appropriate management under the terms and conditions of those leases. The Environmental Management and Recreation zone also contains places of special importance for the conservation of species and for their cultural heritage value; the intention is that those places be identified, documented and protected from inappropriate Use or Development.

**5.10.2 Desired Zone Character and Zone Guidelines**

The zone should be characterised by:

Landforms, landscapes, places, places and habitats in which natural processes, native vegetation, indigenous fauna and items of cultural heritage are protected from inappropriate Use or Development;

- (a) Management goals that identify and protect the environmental values and heritage values of particular sites, including (but not limited to) scenic amenity, water quality, water quantity, soil structure, biodiversity, evidence of human occupation and historic use, the presence of rare or endangered species and the absence of exotic species, diseases and weeds;
- (b) The provision on public land of recreational facilities in a manner which minimises impacts upon identified environmental and heritage values;
- (c) The restrained and careful application of management practices such as the clearing, burning or grazing of vegetation, the use of herbicides or pesticides, or the construction of tracks and firebreaks and then only after adequate investigation and where it can be demonstrated that such practices are in support of management goals;
- (d) The careful siting and design of Buildings, Structures, Works and Landscaped Space in order to minimise adverse impacts on the identified values of the locality.

#### **5.10.3 Subdivision Standards**

There will be no further subdivision within the zone except in accordance with Clause 4.5 or to allow a lot of which the purpose is to give effect to the intended use or development of the land in accordance with a permit granted by Council.

#### **5.10.4 Development Standards**

There are no minimum height or setback requirements except those necessary to meet the zone intent.



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5.10.5 Table of Use or Development

<b>Permitted (as of right)</b>	RECREATION	Passive Recreation
<b>Permitted (with Planning Permit)</b>	PUBLIC	Public Utility (minor)
<b>Discretionary</b>	PUBLIC	Car Park Public Utility (major) <b>Am RZ02/02 25/3/03</b> Telecommunication Structure
	RECREATION	Active Recreation
	RURAL	Agriculture Aquaculture
	TOURISM	Tourism Operation
<b>Prohibited</b>	All other <i>Uses</i> or <i>Developments</i> except as provided for under Clause 3.7 and Clause 3.15.	

Note

- (a) Notwithstanding the provisions of Clauses 5.10.5, 7.5.2 and S3.1, use and development of land at Thunder and Lightning Road, Cape Barren Island (Certificate of Title Volume 241492 Folio 1) for a Civic Building/Centre (Fire Station) is permitted in accordance with Permit DA2012/0018. **Amendment 1/2012 16/10/12**

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### **USE AND DEVELOPMENT PRINCIPLES**

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6.0 Use and development shall be consistent with the following principles:

#### **6.1 Use**

- (a) Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land.
- (b) Subdivision of land shall be carried out in accordance with the subdivision provisions for the zone within which the land is located or where that is not appropriate in accordance with:
  - (i) the requirements of the intended use, and
  - (ii) the Zone Intent, or alternatively by
  - (iii) an approved Development Plan that has been adopted by Council and inserted as a provision in the Scheme.
- (c) Residential Zones shall be protected from encroachment by incompatible use or development.
- (d) Rural Industrial operations shall be appropriately located and designed to avoid any detrimental effects on neighbouring land use or development, particularly in respect of atmospheric emissions, solid waste disposal and water pollution, soil erosion, noise or visual quality.
- (e) Mining and quarrying operations shall be located and carried out in a form which does not conflict with surrounding land use or development, scenic values and the environment.

#### **6.2 Character**

- (a) Use and development shall adequately respect the character of, and future intentions for the area in which it is to be located.
- (b) Subdivision layout, particularly roads, shall take adequate account of land contours and the need to avoid visual scarring.
- (c) Use or development (including public facilities and services) should adequately respect the surrounding streetscape and neighbouring use or development, particularly in relation to scale, setbacks, form (including roof shape), landscaping, materials, colours and fencing.

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### **USE AND DEVELOPMENT PRINCIPLES**

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- (d) Landscaping of use or development shall be of a type, form, variety(s) and character which is suited to the intention of the zone, the area and the nature of the use or development.
- (e) Where trees are an important element in the character of an area they should be retained.
- (f) Signs shall be consistent in type, scale and location, with the intention of the zone, the streetscape and the building or structure on which they are positioned or to which they otherwise relate.
- (g) Forestry use or development, particularly plantations, shall be appropriately sited and planned to protect the visual quality and character of the countryside generally, and from important viewing locations in particular.

#### **6.3 Amenity**

- (a) Adequate public open space shall be provided in areas of new subdivision, to meet the recreational and open space requirements of the community generally and particularly the new owners of the lots created by subdivision.
- (b) Use or development shall accord all existing and/or future occupiers with adequate and reasonable levels of amenity, especially in relation to privacy, sunlight, aspect, views and noise disturbance.
- (c) Dwellings shall provide an adequate amount and appropriate type of private open space, to meet the expected lifestyle requirements of occupants. Such private open space shall provide adequate privacy, be exposed to reasonable levels of sunshine and directly accessible from the dwelling to which it belongs.

#### **6.4 Environment**

- (a) Use or development shall not be allowed to detrimentally affect the environment. All areas, and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.

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### **USE AND DEVELOPMENT PRINCIPLES**

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- (b) Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.
- (c) Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslip). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.
  - (i) Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and
  - (ii) Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and
  - (iii) Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.
- (d) Potentially incompatible Uses or Developments shall be adequately and appropriately located, sited and designed to avoid conflict. Level 2 activities or sources of pollution shall be sited in accordance with the following:
  - (i) Use or Development for a use of land that is a Level 2 activity under the provisions of the Environment Management and Pollution Control Act 1994 shall not be allowed within the lesser distance from a residential zone than that recommended by the Director of Environmental Management.
  - (ii) Use or Development of land that is not a Level 2 activity, but which Council nonetheless considers will or has the potential for environmental harm, shall not be allowed within a lesser distance from a residential zone than that determined by Council after taking into account the advice from the Director of Environmental Management.
  - (iii) A dwelling unit shall not be erected within a lesser distance of any established Level 2 activity or other use of land

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### **USE AND DEVELOPMENT PRINCIPLES**

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which Council considers a source of pollution, than that determined by Council taking into account the advice from the Director of Environmental Management.

- (e) Activities involving extensive site works, such as quarrying, shall be suitably sited, screened, and rehabilitated where appropriate, to protect the ecological and visual qualities of the area.
- (f) Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or such distance as is required, from a watercourse to avoid degradation of water quality.
- (g) Use of land in the vicinity of those watercourses identified in Schedule 3 shall provide Riparian Reserves in an appropriate location and form.

#### **6.5 Heritage**

- (a) Use or Development shall be undertaken in areas and in a manner which conserves items, sites, areas and customs of historic and cultural value.
- (b) Any Use or Development carried out on or in the vicinity of an item, site, area, feature or customary activity (including Aboriginal sites and shipwrecks) or conservation value, shall adequately respect its historic and cultural integrity.
- (c) The protection and conservation of items, sites, areas, features and customary activities of historic and cultural importance applies to those previously identified and listed in the Scheme, and those which subsequently become known to Council.
- (d) Where an item, site, area, feature or customary activity has or may have historic or cultural importance, Council may require a Statement of Cultural Significance to be prepared.
- (e) Use or development shall be carried out in accordance with the principles and practices of the *Burra Charter*.
- (f) Use or Development involving any historic building or group of buildings shall adequately respect the design and construction elements of the building(s) and particularly the relationship of spaces, orientation, form, mass, scale, fenestration, detailing, style, materials and colour.

- (g) Areas of identified conservation value, including National Parks and Nature Reserves, shall be protected from inappropriate use or development and detrimental land management practices including land clearance, within such areas and adjacent areas outside them.

## **6.6 Access and Parking**

- (a) All new lots must be provided with satisfactory pedestrian and vehicular access to a public street.
- (b) All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.
- (c) Buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled; the requirements of the Building Regulations in relation to AS1428.1-1988 shall be met.
- (d) Road widths shall be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land.
- (e) Footpaths shall normally be required in areas of new subdivision except where low vehicle traffic volumes are anticipated, in which case a footpath one side only or no footpath may be appropriate.
- (f) Road intersections shall be kept to a minimum with the use of existing roads, service roads and/or shared driveways being encouraged where appropriate.
- (g) Intersections of roads, footpaths and foot crossings and driveways shall provide adequate safety for all users and shall satisfy the relevant requirements of Schedule 4.
- (h) New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development
- (i) New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.

- (j) On site turning shall be provided for development involving significant traffic volumes, heavy vehicle types and/or on roads which carry significant amounts of traffic.
- (k) New Use or Development in Bushfire Prone Areas will require access that complies with the provisions of Schedule 7, Development in Bushfire Prone Areas.

## **6.7 Services**

- (a) Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.
- (b) Lot size and arrangement shall be adequate and appropriate to ensure an acceptable level of servicing, particularly in relation to waste disposal.
- (c) In areas not serviced with water use or development shall provide adequate water supply and effluent disposal systems. Each dwelling shall provide a potable water storage facility (minimum capacity of 40kl) to provide for the anticipated number of occupants, and a wastewater disposal system approved by the Council's Environmental Health Officer
- (d) Use or Development in the bushfire prone areas will provide fire protection features and water supplies which comply with Schedule 7.
- (e) Use or Development shall be appropriately sited, designed and constructed to avoid conflict with service mains (including telephone, power, sewer, water and irrigation channels/pipelines). Buildings shall not be erected over any service main or within any easement providing for same whether utilised or not.
- (f) Servicing systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.
- (g) Use or Development shall optimise efficiency in the use of energy and resources. In particular, land should be subdivided on a generally sequential basis (ie. one area is substantially developed before the next is subdivided), common trenching should be used for different services where appropriate, and solar access maximised.

**6.8 Social Interest**

1. Use or Development should demonstrate how it suits the community interest.
2. Use or Development shall have adequate and appropriate types and levels of access to social facilities and services (eg. shops, government agencies, telecommunication, health services and educational facilities).

**6.9 Administration**

- (a) In considering subdivision and/or rezoning proposals, an appropriate balance shall be maintained between current demand and stock available for use or development, and the number of new lots that would be created.
- (b) Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.
- (c) In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.
- (d) A Development Plan for an integrated development may be prepared and adopted by Council for any area in this Scheme,

A Development Plan shall include:

- (i) The intended use for the land for which the Development Plan has been created;
- (ii) The reason(s) for selection of the area;
- (iii) A map showing clearly the area subject to the Development Plan showing principal physical features, including existing use or development, hills/slopes, trees, watercourses and existing services buildings and improvements;
- (iv) The nature, form and capacity of proposed services including water, sewerage disposal, power, telephone, roads, footways and reserves;



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- (v) A plan of subdivision with proposed staging showing lot sizes and layouts, building envelopes where appropriate, and physical features intended to be conserved;
- (vi) Any special provisions to be used to control land use and development in the area (eg. height, form, character, materials, colours etc.);
- (vii) Any other provisions intended to secure the intention of the Plan.

A Development Plan shall be incorporated into the Scheme by way of a Scheme amendment in accordance with the Act.

**7.1 Introduction**

A Special Area delineated on the Plan is land of special interest, value or sensitivity. Within Special Areas the provisions of the Scheme may be varied, added to or substituted, to ensure that use or development is appropriate to and compatible with its qualities and values.

**7.2 Visually Sensitive Areas** (Am RZ02/02 25/3/03)

7.2.1 These areas have been identified in recognition of their contribution to the landscape character and scenic values of the Planning Area. Important elements in their selection are:

- (a) Visual prominence when seen from public roads, foreshores and coastal waters;
- (b) Undisturbed landforms and natural vegetation;
- (c) Minimal visible evidence of human activity in the form of buildings, structures or works.

7.2.2 The objectives of the Visually Sensitive Areas are:

- (a) To retain the natural appearance of each Area;
- (b) To minimise the visual impact of Use or Development;
- (c) To retain and restore where possible the natural vegetation cover.

7.2.3 Notwithstanding any other provision in this Scheme, within the Visually Sensitive Areas any application for Use or Development (other than those prohibited within the zone) shall be considered as a discretionary Use or Development in accordance with Clause 3.5.

**Am RZ02/02 25/3/03**

7.2.4 In considering an application for Use or Development within the Visually Sensitive Areas and whether to impose conditions Council shall consider the following matters:

- (a) The objectives listed in Clause 7.2.2
- (b) The siting, orientation, setbacks, bulk, form, height, scale and external finishes of buildings and structures.
- (c) The visual impact of buildings, clearing, excavation, access, construction, fences, firebreaks or the deposition of fill.
- (d) The adequacy of proposed landscaping and whether any special works or practices are required to protect the scenic values of the site.
- (e) Whether development is proposed to be located on skylines or ridgelines.

**Am RZ02/02 25/3/03**

**7.3 Ecologically Sensitive Areas**

**Am RZ02/02 25/3/03**

7.3.1 These areas have been identified as important for the maintenance of natural processes, for the conservation of rare, endangered or threatened species, as refuges for migratory bird species or as reservoirs of biodiversity.

7.3.2 The objectives of the Ecologically Sensitive Areas are:

- (a) to promote the maintenance of ecological processes and genetic diversity;
- (b) to protect and enhance ecosystems, habitats and biological communities which enable the survival of indigenous flora and fauna and assist to maintain biodiversity;
- (c) to identify and protect habitats which support threatened, rare or endangered species;
- (d) to ensure that planning decisions incorporate consideration of the ecological impacts of Use or Development.
- (e) to encourage land management practices, based on expert advice, that will sustain the natural and ecological values of the land.

7.3.3 Notwithstanding any other provision in this Scheme, within the Ecologically Sensitive Area any application for Use or Development (other than those prohibited within the zone) shall be considered as a discretionary Use or Development in accordance with Clause 3.5.

**Am RZ02/02 25/3/03**

7.3.4 In considering an application for Use or Development within the Ecologically Sensitive Areas and whether to impose conditions Council shall consider the following matters:

- (a) The objectives listed in Clause 7.3.2;
- (b) The effect of the proposed Use on the natural values of the land;
- (c) The siting of buildings, structures, works and effluent disposal systems in relation to natural vegetation, watercourses and wetlands;
- (d) The likely ecological impact of building, clearing, excavation, drainage works, access construction, vehicular traffic, fences, firebreaks or the deposition of fill;
- (e) The adequacy of proposed management and whether any special works or practices are required to protect the ecological values of the site;
- (f) Whether access to particular sites should be restricted on a seasonal or more frequent basis in order to conserve the reproductive potential of species;
- (g) The identification of natural values, including the presence of any rare, threatened or endangered species and what management requirements may be necessary;

- (h) The need for management approaches to prevent the importation of weeds, soil diseases or toxic substances that may contaminate the land. **Am RZ02/02 25/3/03**

#### **7.4 Heritage Places**

7.4.1 The Places that are listed in Schedule 2 have been identified as contributing to an appreciation of the history and cultural heritage of the Planning Area. Decisions relating to the conservation and management of these Places shall be guided by the principles and recommended practices of the Burra Charter.

7.4.2 Notwithstanding any other provision in this Scheme, all Use or Development (other than that prohibited within the zone) which pertains to a Heritage Place listed in Schedule 2 shall be considered as a discretionary Use or Development in accordance with Clause 3.5.

**Am RZ02/02 25/3/03**

7.4.3 Before considering an application pursuant to Clause 7.4.2 Council may require an archaeological survey or a statement of cultural significance or both to be prepared and submitted for Council's consideration by a suitably qualified person. **Am RZ02/02 25/3/03**

7.4.4 In considering an application for Use or Development related to Heritage Places and whether to impose conditions Council shall consider the following matters:

- (a) The cultural significance and physical integrity of the Heritage Places described in Part 7 and Schedule 2;
- (b) Any advice received from any authority consulted, including the Tasmanian Heritage Council;
- (c) The siting, orientation, setback, bulk, form, height, scale, materials and external finishes of buildings and structures;
- (d) The impact upon the heritage values of the place or building, clearing, excavation, access construction, fences, firebreaks or the deposition of fill;
- (e) Whether any special works or practices are required to protect the heritage values of the place;
- (f) The design, content and location of signage and interpretative displays.

**Am RZ02/02 25/3/03**

#### **7.5 Shorelines, Water Bodies and Watercourses**

7.5.1 The shorelines, water bodies and watercourses identified in Schedule 3 shall be sustainably managed for the protection of water quality, the conservation of aquatic and shoreline habitat and the enhancement of recreational opportunities. **Am RZ02/02 25/3/03**

## **PART 7**

### **SPECIAL AREA PROVISIONS**

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- 7.5.2 Development (other than that prohibited within the zone) which pertains to a Shoreline, Water Body or Watercourse listed in Schedule 3 shall be considered as a Discretionary Use or Development in accordance with Clause 3.5. **Am RZ02/02 25/3/03**
- 7.5.3 Before considering an application pursuant to Clause 7.5.2 Council may require additional information, prepared and submitted for Council's consideration by a suitably qualified person(s) to ensure that the proposal is adequately described in terms of:
- (a) Contours and levels of the natural surfaces in relation to the range of water levels likely to occur in the vicinity of the proposed Use or Development.
  - (b) Existing water quality, including seasonal variations;
  - (c) Quantities and qualities of water that are proposed to be abstracted from or discharged to the sea, a water body or a watercourse listed in Schedule 3;
  - (d) The likely impact of the proposed Use or Development on the quality of waters by reason of off-site effects such as erosion, siltation, salination chemical spray drift, nutrient seepage, seed dispersal, or other emissions;
  - (e) The natural, ecological, cultural, recreational and aesthetic qualities of the site. **Am RZ02/02 25/3/03**
- 7.5.4 In considering an application for Use or Development in Shorelines, Water Bodies and Watercourses and whether to impose Conditions Council shall consider the following matters:
- (a) The siting, orientation, setbacks, bulk, form, height, scale, materials and external finishes of buildings and structures;
  - (b) The impact upon water quality, foreshore or streamside vegetation and wildlife habitat of building, clearing, excavation, effluent disposal, access construction, fences, firebreaks or the deposition of fill;
  - (c) Whether land should be acquired by Council, as a condition of subdivision or otherwise, to protect the items listed in Schedule 3.
  - (d) Whether additional fencing or any other special works or practices are required to protect the items listed in Schedule 3;
  - (e) The design, content and location of signage and interpretative displays. **Am RZ02/02 25/3/03**

## **SCHEDULE 1**

### **USE DEFINITIONS**

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## **PART 8 – SCHEDULES**

### **Schedule 1 USE AND DEVELOPMENT DEFINITIONS (PURSUANT TO CLAUSE 3.2.1)**

#### **S1.1 General**

S1.1.1 The use or development of land shall be categorised in accordance with the definitions contained in this Schedule.

#### **S1.2 Definitions**

S.1.2.1 Unless inconsistent with the context or subject matter:-

##### **Abattoir**

means the use or development of land 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 the use or development of land for a recreational purpose not elsewhere defined in this Schedule, but does not include motorsport.

##### **Agriculture**

means the use or development of land for farming operations, but does not include the processing of the produce of such operations other than the handling or packing nor the retailing of produce whether produced on the site or elsewhere, and does not include Intensive Animal Husbandry, Forestry, Aquaculture, Garden Centre or other farming or forestry operations defined elsewhere in this Schedule.

**Amendment RZ02/01A 19/11/01**

##### **Agro-Forestry**

means the use or development of land for a system of forestry enabling simultaneous and substantial production of wood and agricultural products from the same land.

##### **Animal Keeping**

means the use or development of land for the breeding, boarding or keeping of animals if the animals are kept in pens, cages or other small enclosures, including the use of premises for a cattery, or stable.

## **SCHEDULE 1**

### **USE DEFINITIONS**

---

#### **Animal Stockyard or Animal Saleyard**

means the use or development of land for the holding and/or sale of livestock, but does not include land used for the breeding or long term growing or fattening of livestock.

#### **Aquaculture**

means the use or development of any land for water-based farming or harvesting of plants or animals, but does not include any processing of the produce, other than its handling or packing.

#### **Caravan Park or Camping Ground**

means the use or development of land used to provide sited and ancillary facilities for the temporary accommodation of people using caravans, campervans, tents and the like, as defined by the Accommodation Standards (No 2) of the Liquor and Accommodation Act 1990 Part 3 Section 109.

#### **Car Park**

means the use or development of 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 the use or development of land by Council or a Public Authority for an office, post office, police station, ambulance depot, fire station, courthouse, or the like.

#### **Community Building**

means the use or development of land (not being a dwelling unit) as a place in which people gather for the purpose of recreation, entertainment, religious or social activity, including an assembly room, meeting hall 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 as defined by the Liquor and Accommodation Act 1990 but does not include Active Recreation, Licensed Establishment, Educational/Cultural Establishment or a Civic Building/Centre.

#### **Consulting Rooms/Health Centre**

means the use or development of land by one or more persons engaged in the practice of their professions as medical, veterinary or dental practitioners, or registered practitioners of other therapeutic arts or sciences, and includes the activities of any other person(s) ordinarily associated therewith, a maternal or child welfare centre, x-ray centre, medical clinic or community health centre.

## **SCHEDULE 1**

### **USE DEFINITIONS**

---

#### **Contractors Depot**

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

#### **Educational/Cultural Establishment**

means the use or development of land for a pre-school, nursery, day care centre, crèche, 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.

#### **Forestry**

means the use or development of land for the establishment, management and harvesting of trees.

#### **Funeral Establishment**

means the use or development of any Land by an undertaking business and includes the display, sale of goods associated with the interment of human bodies and a chapel for the conduct of services associated with an interment.

#### **Garden Centre**

means the use or development of land used for the cultivation and wholesale or retail sale of plants, trees or shrubs, and other garden supplies.

#### **Grouped Housing:**

means the use or development of land for one or 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 provision for private open space and the type of buildings and other requirements of development are as prescribed in Part 5.

#### **Guest House**

means the use or development of land used to provide temporary accommodation as defined by the Accommodation Standards (No 4) of the Liquor and Accommodation Act 1990 Part 3 Section 109.

#### **Holiday Cabin or Holiday Flat**

means the use or development of land to provide temporary accommodation as defined by the Accommodation Standards (No 4) of the Liquor and Accommodation Act 1990 Part 3 Section 109.



## **SCHEDULE 1**

### **USE DEFINITIONS**

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#### **Home Occupation**

means the use or development of land for a dwelling unit and a non-domestic operation, provided such use has no greater impact on the amenity of the environs than could be reasonably expected where the land is to be used solely for the dwelling unit, but does not include any non-domestic operation which at any time for that purpose involves:

- (a) the assistance of any person who is not a resident of the dwelling unit;
- (b) the use of more than 30 m<sup>2</sup> of floor area;
- (c) the use of motive power, except for any electric motor supplied from a general purpose outlet;
- (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 0.1m<sup>2</sup> in area;
- (h) the advertising of the activity by any way or means which is not commensurate with the scale of an activity which is intended to be subservient to the principal use of the land as a dwelling unit;
- (i) the unsightly appearance of the land, or noise, air or other pollution, electrical interference or waste product emanating therefrom;
- (j) the use of the land by more than one commercial vehicle;
- (k) the refueling, servicing or repair of any motor vehicle on the land;
- (l) visits to or trips from the land by any vehicle which requires other than a Class I licence to drive;
- (m) more than the occasional caller; or
- (n) the generation of any traffic or on-street parking problem.

#### **Horticulture**

means the use or development of land for the intensive production and wholesale or retail sale of fruit, vegetable or flower crops grown in small plots or under cover.

## **SCHEDULE 1**

### **USE DEFINITIONS**

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#### **Hospital**

means the use or development of land for a private medical establishment, a public hospital as defined in the Hospital Act 1918 or a hospital as defined in the Mental Health Act 1963.

#### **House**

means the use or development of land for a single dwelling unit on its own allotment, and includes any outbuilding(s) ordinarily appurtenant thereto.

#### **House and Ancillary Apartment**

means the use or development of land 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 is not greater than 80 m<sup>2</sup>, or 50% of the floor area of the dwelling unit of the house, whichever is the lesser.

#### **Industry Extractive**

means the use or development of land for the excavation of any resource(s) such as sand, earth, soil, clay, turf, gravel, rock, stone, minerals or the like.

#### **Industry General**

means the use or development of land for an industry not defined elsewhere in this Schedule.

#### **Industry Light**

means the use or development of land for an industry that does not or will not:

- (a) impose any undue load on any existing or projected utility service; or
- (b) have a detrimental effect on the amenity of the environs by causing environmental harm 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.

#### **Industry Research and Development**

means the use or development of land for the development of electronic technology, biotechnology or other scientific discipline for application to commerce, industry, government or rural pursuits. The use may include administration, promotion, conference, display, laboratory, assembly and manufacturing conforming to the requirements for a light industry.

## **SCHEDULE 1**

### **USE DEFINITIONS**

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#### **Intensive Animal Husbandry**

means the use or development of land 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 the use or development of land for the keeping of three or more dogs over the age of three months, but does not include the keeping of working farm dogs.

#### **Licensed Establishment**

means the use or development of land for a purpose in respect of which a General Licence is issued pursuant to the Liquor and Accommodation Act 1990 and may provide accommodation that complies with Accommodation Standards (No 4) of the Liquor and Accommodation Act 1990 Part 3 Section 109

#### **Local Shop**

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 or personal services, the gross floor area of which is not in excess of 250m<sup>2</sup>. **Am RZ02/02 25/3/03**

#### **Major Shop (or Shopping Complex)**

means the use or development of land for the provision of premises with unrestricted access to the general public (including minors) during trading hours where retail goods and/or provision of personal services are offered for sale, the gross floor area of which is in excess of 250m<sup>2</sup>.

#### **Marine Sales, Hire and Maintenance**

means the use or development of land for the provision of facilities for the sale, hire or servicing of boats, boating accessories, or other marine equipment.

#### **Market Place**

means the use or development of land for the sale or displaying or offering for sale of goods by retail, where vendors temporarily occupy an area or stall for a fee.

#### **Motor Sport**

means the use or development of land for the conduct of a sport or form of recreation which primarily involves the use of motorised vehicles.

## **SCHEDULE 1**

### **USE DEFINITIONS**

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#### **Motel**

means the use or development of land for the temporary accommodation of the motoring public and wherein the provision for the parking of vehicles is made, and meets the Accommodation Standards (No 4) of the Liquor and Accommodation Act 1990 Part 3 Section 109.

#### **Office**

means the use or development of land 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 or Consulting Rooms.

#### **Passive Recreation**

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

#### **Plant Sales and Hire Yard:**

means the use or development of land for the display and/or sale, hire or leasing of plant, equipment and machinery associated with but not limited to the following activities: cargo handling, construction, industry, earth moving and mining.

#### **Private Landing Ground**

means the use or development of any privately owned land for the provision of facilities for landing, taking-off or storage of aircraft.

#### **Professional Offices**

any land used by one or more persons engaged in the practice of their professions and includes the activities of any other person(s) ordinarily, associated therewith but does not encompass any similar use or development defined elsewhere in this scheme.

**Am RZ02/02 25/3/03**

#### **Public Utility (major)**

means the use or development of land for a utility installation that is a generating works, electrical sub-station of more than 66 Kilowatts, maintenance depot, sewerage or refuse treatment or disposal works (including sanitary land fill), pumping station, wind turbine or public transport workshop.

**Am RZ02/02 25/3/03**

## **SCHEDULE 1**

### **USE DEFINITIONS**

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#### **Public Utility (minor)**

means the use or development of land by Council, or Public Authority or other body as may be required to provide a water, sewerage, electricity, gas, drainage, communication or other similar service.

#### **Restaurant**

means the use or development of land for the sale of meals and/or refreshments for consumption on that land.

#### **Roadside Stall**

means the use or development of land to provide premises not exceeding 20m<sup>2</sup> in floor area or ground area 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 the use or development of land for any operation conforming to the requirements for a Light Industry, where the produce of farming or forestry activities in the immediate area is processed, or where equipment used for farming or forestry purposes in the locality is fabricated or serviced.

#### **Saleyard**

means the use or development of land to provide 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.

#### **Scrapyard**

means the use or development of land 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 material or goods, and includes the purchase or sale of such articles.

#### **Service Centre**

means the use or development of land 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.

#### **Service Station**

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

## **SCHEDULE 1**

### **USE DEFINITIONS**

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#### **Shared Accommodation**

means the use or development of land 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, lodging house, hostel, residential institution, residential club or residential college.

#### **Shop**

means the use or development of 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 250m<sup>2</sup>, but does not include a Roadside Stall.

#### **Showroom**

means the use or development of land for a building wherein motor vehicles, boats, caravans, machinery, equipment, furniture or other goods or products that are offered for sale, but does not include a Saleyard.

#### **Store**

**Am RZ02/02 25/3/03**

means the use or development of land for the storage of goods predominantly in the open where no trade (whether retail or wholesale) or industry is carried on, but does not include a Fuel Depot, Warehouse or a Scrap Yard.

#### **Take-Away-Food Shop**

means the use or development of land to provide premises for the preparation and sale of food for consumption exclusively or primarily off the premises.

#### **Telecommunication Structure**

means the use or development of land for any structure, tower, mast, satellite dish or aerial and ancillary buildings used for the purpose of receiving or transmitting telecommunications data except those exempt under the Telecommunications National Code 1996.

#### **Timber Mill**

means the use or development of land for the sawing, chipping, or pulping of logs or large pieces of timber.

#### **Timber-yard**

means the use or development of land 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.

## **SCHEDULE 1**

### **USE DEFINITIONS**

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#### **Tourist Operation**

means the use or development of land specifically for integrated tourist purposes, providing accommodation, recreation and/or entertainment, indoor or outdoor display of historical, natural or other interest, or any other similar attraction. The definition does not include any specific type of recreational use or form of tourist accommodation elsewhere defined.

#### **Toxic/Dangerous Goods Store**

means the use or development of land for the storage of toxic or dangerous goods and includes the storage and/or bulk sale of fuel(s) of any type, but does not include a Service Station or Wood Yard.

#### **Transport Depot**

means the use or development of land 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).

#### **Veterinary Establishment**

means the use or development of land by a veterinary surgeon for or in connection with the treatment of sick animals, and includes the accommodation of sick animals.

#### **Warehouse**

means the use or development of land for the provision of premises, the storage of goods and the carrying out of commercial transactions involving the sale of goods by wholesale, but does not include a Store Yard or Toxic/Dangerous Goods Store.

#### **Wood Yard**

means the use or development of land 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**

### **BUILDINGS AND WORKS OF HISTORIC INTEREST**

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#### **S2.1 General**

Use or Development of a Heritage Place must comply with Part 7 of this ordinance.

#### **TABLE TO SCHEDULE 2 - Heritage Places**

##### Babel Island

Muttonbird Reserve

##### Badger Island

Cave, northern point of Badger Is. – prehistoric archaeological site.

Grave and headstone of Lucy Beedon

Site of Lucy Beedon's cottage, 1860-18880's.

Stone hut for Goose Island lightkeepers (ruin), Western Beach, 1840's.

##### Big Dog Island

Site and ways of S.S. Linda, Linda Beach, 1885-87.

Water-rock, south of farm house.

William Taylor's muttonbird digester and its bed of stones, foreshore in front of farmhouse, 1890's.

##### Cape Barren Island

Miss Madge Mansell's cottage, probably 1860's

Old Township Boatharbour, Old Township Cove, probably pre-1860's .

Site of Capt. Charles Bishop's sealing camp, Kents Bay, 1798.

Site of victualling office, south-eastern inlet of Whittling Office Point,

Probably 1820's.

##### Chappell Island

Shag Boatharbour anchorage and birding sites

Water-rock, north of Shag Boatharbour.

##### Clarke Island

Grave and headstone of Maclaine

Maclaine's Boatharbour, Jetty Inlet, Maclaines Bay, pre 1908.

Maclaine's farmhouse, 1870's

Site of Dr. James & Maria Allen's cottage, 1847-early 1860's

##### Curtis Island

Sealer William Day's hut (ruin), 1820's

##### Deal Island

Browns Bay whim, 1891

Barn site, Barn Hill, 1840's

Convict lightkeeper's quarters (ruin), 1846-47



## **SCHEDULE 2**

### **BUILDINGS AND WORKS OF HISTORIC INTEREST**

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Grave site of Aboriginal woman Murrernighge, garden of Farm Cove, murdered in 1820's  
Lighthouse, Lighthouse Hill, 1847-48 and 1891  
Lighthouse Store  
Lighthouse keeper's house  
Married Quarters, (stone foundations), 1875  
Married Quarters, (foundations), 1885  
Oilstore, 1846 and 1890's  
Superintendent's cottage with two stores and privy, 1846-47  
Site of grave of J. Steward (ship's passenger), 1839  
Site of sealing settlement, 1820's and 1830's  
Top Whim (ruin), 1891

#### **Flinders Island**

Aboriginal Settlement, The Lagoons  
Badger Corner (Mr. W. Riddle)  
Cottage, (A. Eden)  
Cottage, (Miss M. Eden)  
Cottage, "The Hermitage", Blyth's Bay, pre-1898  
George Blyth's Boatharbour, western end Blyth Bay, 1935  
Homestead "Palana"  
Wybalenna Historic Site, Settlement Point, including –  
    Burial Ground, 1830's  
    Burial Ground, 1830's & 40's  
    Chapel, 1836, 1970's & 1980's  
    Commandants House  
    Farmhouse, 1920's & 1920's  
    Foundations of –  
        Aborigine's Terrace  
        Chaplain's Residence  
        Convict quarters  
        Coxswain's Residence  
        Gaol  
        Guardhouse  
        Hospital  
        Military Quarters  
        Storekeeper's Residence  
        Superintendents Residence  
        Surgeon's House  
    Site of original Aborigine's huts  
    T. Morton's House

#### **Goose Island**

Cemetery  
Convict lightkeeper's quarters (probable), (ruin)  
Lighthouse, 1846  
Oilstore  
Sites of assistant lightkeeper's cottages

## **SCHEDULE 2**

### **BUILDINGS AND WORKS OF HISTORIC INTEREST**

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Superintendent's cottage (ruin) circa 1851

#### Kangaroo Island

Grave site of three murdered Aboriginal women, behind eastern inlet, probably 1820's

#### Long Island

Cottage, 1853-63

#### Outer Sister Island

Water-rock, western side of Hut Point's knoll, probably 1920's

#### Preservation Island

Site of James Munro's settlement

#### Prime Seal Island

Mannalargenna Cave – prehistoric archaeological site

#### 'Sydney Cove' Historic Site

#### South West Island

Hut (of outcrops and boulders), probably 1820's

#### Tin Kettle Island

Site of birders/graziers settlement, behind main northern inlet

#### Vansittart Island

Graves with headstones of graziers

Keepers residence

Shearing shed

Site of Aboriginal settlement

Site of sealing settlement, behind western end of Guncarriage Bay, 1820's-1860's

unmarked Aboriginal graves (about nine)

#### Woody Island

Gravesite of Worethmaleyerpodeyer (Aboriginal woman murdered by sealer James Everett), 1820's

#### Wybalenna Island

## **SCHEDULE 3**

### ***Shorelines, Water Bodies and Watercourses Areas***

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#### **S3.1 General**

*Use or Development* which pertains to land within 100 metres of a coastal shoreline, or 40 metres of a lagoon, marsh, river, creek or other water body or watercourse listed in the Table to Schedule 3 shall require the granting of a Planning Permit pursuant to Clause 3.5.

Use or Development of an area to which Schedule 3 applies must comply with Part 7 of this ordinance.

**TABLE S3/1**  
***Shorelines, Water Bodies and Watercourses***

Areas adjacent to:

Any shoreline beyond the town boundaries of Whitemark and Lady Barron	Leventhorpe Creek
Boat Harbour Creek	Lughrata Holes
Bowmans Creek	Mines Creek
Brodies Lagoon	Modder River
Centre Creek	Nalinga Creek
Chew Tobacco Creek	Officers' Creek
Clears Lagoon	Patriarch River
Cronleys Creek	Pats River
Curves Lagoons	Pot Boil Creek
Dyas Creek	Red Creek
Edens Creek	Reedy Lagoon
Fairest Gully Creek	Rocky Head Rivulet
Far Gully Creek	Samphire River
Fergusons Creek	Scotts Lagoon
Fotheringate Creek	Snake Lagoon
Green Lagoon	South Pats River
Hardluck Creek	Unavale Creek
Hays Creek	Walters Lagoon
Holloways Lagoon	West End Beach Creek
Killiecrankie Creek	White Lagoon
	Whitewash Lagoon

## **SCHEDULE 4**

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### **Roads**

#### **S4.1 General**

S4.1.1 Any land that is a road as defined in Clause 1.6.4 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 zone or area.

S4.1.2 Any Use or Development within a road reserve shall be prohibited, except for:

- (a) the purposes of that road for underground Public Utilities, which shall be a Permitted (as of right) Use or Development in accordance with Clause 3.3;
- (b) above ground Public Utilities, which shall be a Permitted (with Planning Permit) Use or Development in accordance with Clause 3.4; or
- (c) a vehicular access point to a carriageway, which shall conform to all relevant requirements of this Scheme.
- (d) where the 'Road' is shown as being zoned Port, in which case all use and development will be subject to the standards of the Port Zone.

**Amendment 1/2014 5/6/2014**

#### **S4.2 Collector Roads**

S4.2.1 Collector Roads are:

Lady Barron Road from its junction with Lagoon Road to the town of Lady Barron.

#### **S4.2.2 Access Requirements**

The number of individual access points shall be minimised wherever possible by directing access to existing or new side roads or sharing access points between adjacent lots.

#### **S4.3 Sight Distance**

Access to all new Use or Development shall comply with the sight distance and design details of Attachment 1 to this Schedule.

#### **S4.4 Referrals to the Department of Transport**

S4.4.1 Where a Use or Development requires access to a State Road the application shall be referred to the Department of Infrastructure and Energy Resources.

**Amendment RZ02/02 25/3/03**

## **SCHEDULE 4**

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### **Roads**

- S4.4.2 The Department of Transport shall provide a report to the Council which may include:
- (a) advice that the Department of Transport does not wish to make any representation with respect to the application
  - (b) advice on matters which should be considered by the Council when making a determination on the application; or
  - (c) conditions which the Council should attach to any approval of the application.
- S4.4.3 If the Council receives no advice from the Department of Transport within a period of fourteen (14) days, then the Department shall be deemed to have no report to make on the proposed Use or Development. Nevertheless any approval of the Use or Development shall comply with the access spacing and sight distances of this Schedule. **Am RZ02/02 25/3/03**

## **SCHEDULE 5**

### **SIGNS**

#### **S5.1 General**

All signs shall be subject to the provisions of Clauses S5.2 to S5.5.

#### **S5.2 Permitted (as of right) Signs**

In accordance with Clause 3.3 the following signs are deemed to be Permitted (as of right) Use or Developments:

<b>SIGN</b>	<b>CONDITIONS</b>
1. Regulatory Signs and Devices: Signs relating to the safe and effective use of the road system by a public authority or Council.	
2. Direction Signs: signs which assist travellers to navigate their way to a desired destination where erected by a public authority or Council.	
3. Other Signs: including advertising signs on any lot for the purpose of giving notice of local events, elections, activities other than entertainment not promoted or carried out for commercial purposes.	a. The display period is not more than 60 days. b. The sign is not illuminated.
4. Signs relating to the statutory functions of authorities eg. Fire Permit and Fire Danger signs.	as for 5.2.1(3) a. and b. above
5. Other signs on a lot to which the sign relates, for the purpose of: a. The sale or letting of the land; b. Any building or works being undertaken; c. Any institution of a religious, educational, cultural or recreational character.	
6. Name and Property Identification plates: small signs identifying the name of occupants of a property used for professional offices or consulting rooms or the name of a property	a. Attach to a fence or wall of the building. b. Does not measure greater than 0.2m <sup>2</sup> in area.

## SCHEDULE 5

### SIGNS

#### S5.3 **Permitted (with Planning Permit) Signs**

In accordance with Clause 3.4 the following signs are deemed to be Permitted (with Planning Permit) Use or Developments:

SIGN	CONDITIONS
1. Flats: other than those which contain national, state or local cultural or community symbols being essentially of a non-commercial nature.	In Commercial, Mixed Use, Port, Industrial and Village Zones
2. Ground Based Sign: a sign on its own supportive structure located close to the ground (illuminated and non-illuminated)	In Commercial, Mixed Use, Port, Industrial and Village Zones only.
3. Horizontal under awning and Vertical projecting wall signs (illuminated and non-illuminated).	a. In Commercial, Mixed Use, Port, Industrial and Village Zones only. b. Not projecting above roof height.
4. Sun blinds: a sign incorporated into the fabric of a sun blind or canopy.	

#### S5.4 **Discretionary Signs**

In accordance with Clause 3.5, the following signs are deemed to be Discretionary Use or Developments:

SIGN	CONDITION
All signs other than those specified in Clauses S5.2, S5.3, S5.5	A sign shall not: a. create a loss of sunlight and/or daylight within any dwelling unit; b. intrude in term of its: <ul style="list-style-type: none"><li>• size;</li><li>• colour;</li><li>• movement;</li><li>• illumination;</li><li>• position;</li><li>• shape; or</li><li>• standard of design or construction</li></ul> into the appearance of any area so as to cause a reduction of visual

## SCHEDULE 5

### SIGNS

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	<p>amenity within that area.</p> <p>c. diminish in any way the visibility or effectiveness of any information, direction, safety warning, traffic control or other like sign erected by Council or a statutory authority; or</p> <p>d. if illuminated with artificial lighting, cause a nuisance to any resident in the vicinity.</p>
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#### S5.5 ***Prohibited Signs***

In accordance with Clause 3.6 the following signs are deemed to be Prohibited Use or Developments:

1. Service and information signs on a road reserve other than signs in accordance with Clauses S5.2.1(1) and (2).
2. Signs that create a traffic hazard and/or resemble the flashing light(s) of a police or fire service vehicle, ambulance or other emergency service vehicle.
3. Signs that are unrelated to the use of the particular land on which they are proposed to be erected in the Rural Residential, Low Density Residential, and Open Space Zones.

**For the purpose of identifying the different types of signs described in this schedule the attached diagram should be used as a general guideline.**



## **SCHEDULE 6**

### ***Telecommunications Infrastructure Schedule***

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#### **S6.1. *Principles***

- (a) 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.
- (b) 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.
- (c) 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.

#### **S6.2. *Use or Development***

- (a) Any development in compliance with Section 6.3 of this Schedule is deemed to be exempt and does not require planning approval.
- (b) 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.

##### **S6.2.1. 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.

##### **S6.2.2 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.

## **SCHEDULE 6**

### **Telecommunications Infrastructure Schedule**

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#### **S6.2.3. Definitions**

##### **Areas of environmental significance**

are as defined in Telecommunications (Low-impact Facilities) Determination 1997.

##### **Infrastructure development**

means, in relation to telecommunications infrastructure, the planning, design, construction, maintenance and use of telecommunications infrastructure.

##### **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**

- (a) 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.
- (b) 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 of 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).

## **SCHEDULE 6**

### ***Telecommunications Infrastructure Schedule***

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#### **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.*

#### **S6.3 Exemptions**

The following development is exempt from requiring a planning permit:

- (a) the installation and development of low-impact facilities;
- (b) works involved in the inspection of land by a carrier to identify suitability for its purposes;
- (c) the installation and development of a facility granted a facility installation permit by the Australian Communication Authority;
- (d) works involved in the maintenance of telecommunication facilities; and
- (e) works meeting the transitional arrangements defined in Part 2 of Schedule 3 of the Telecommunications Act 1997

#### **S6.4. Information Required**

##### **S6.4.1 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;

## **SCHEDULE 6**

### ***Telecommunications Infrastructure Schedule***

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- (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 S6.4.2; and
- (g) any fees prescribed by the Council.

#### **S6.4.2. Plans To Accompany Applications**

- (a) A site plan for the proposed development at a scale of not less than 1:200, which includes a north point and shows:
  - the boundaries and dimensions of the site or the area affected by the development;
  - the location of any existing buildings on the site indicating those to be retained or demolished;
  - location of any proposed buildings on the site, and their relationship to buildings on adjacent sites, streets and access ways;
  - the use of adjoining properties;
  - Australian Height Datum Levels;
  - natural drainage lines, watercourses, coastal dunes, beach systems and wetlands; and
  - any proposals for the rehabilitation of the land on which the development is to occur.
- (b) A detailed layout plan with dimensions at a scale of not less than 1: 100 showing;
  - plans and elevations of proposed and existing buildings showing the materials to be used on external walls and roofs;
  - trees and vegetation to be retained and removed;
  - the dimensions, layout and surfacing materials of all access roads, turning areas and parking areas;
  - the relationship of the elevations to natural ground level, showing any proposed cut or fill;
  - the location and capacity of any existing services or easements on the site or connected to the site; and
  - a plan of the proposed landscaping of the site.

## **SCHEDULE 6**

### ***Telecommunications Infrastructure Schedule***

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- (c) 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.
  
- (d) 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.

## SCHEDULE 6

### Telecommunications Infrastructure Schedule

#### Appendix 1

#### OBJECTIVES

#### PERFORMANCE CRITERIA

visual amenity	
<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"><li>• avoids skyline positions (ie. where a structure would be seen in silhouette);</li><li>• crosses hills diagonal to the principal slope or crosses at the low point of a saddle between hills; or</li><li>• is located around the base of hills or along the edge of existing clearings unless a need to do otherwise is demonstrated.</li></ul> <p>Equipment housing and other visually intrusive infrastructure is screened or concealed from public areas.</p>

## **SCHEDULE 6**

### **Telecommunications Infrastructure Schedule**

<b>visual amenity continued</b>	
	<p>The height of freestanding aerials, towers and masts is within the following limits:</p> <ul style="list-style-type: none"><li>• rural areas 60 metres</li><li>• industrial areas 45 metres</li><li>• commercial areas 40 metres</li><li>• residential areas 20 metres</li></ul> <p>Telecommunications infrastructure may only exceed specified height limits if:</p> <ul style="list-style-type: none"><li>• a pattern of infrastructure or vegetation above the specified height limit exists in a particular location; and</li><li>• it has no adverse impact on heritage or ecological values or visual amenity.</li></ul>
To protect important public views such as vistas to significant public buildings, streetscapes and heritage areas.	Telecommunications infrastructure does not intrude into identified important public views or measures are taken to 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.
<b>Residential amenity</b>	
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.

## **SCHEDULE 6**

### **Telecommunications Infrastructure Schedule**

<b>Environmental values</b>	
To protect threatened species or species at risk of becoming a threatened species (as defined in the Threatened Species Protection Act 1995) and the habitats, ecological communities or places 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 practise environmental management to minimise harm to the environment.

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

<b>agricultural land</b>	
To protect the productive capacity and efficient farming operations of agricultural land.	<p>Infrastructure installation and operation does not degrade or restrict the productive capacity of agricultural land.</p> <p>Infrastructure is placed on property boundaries or fence lines (not including road alignment boundaries).</p>



## **SCHEDULE 6**

### **Telecommunications Infrastructure Schedule**

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<b>heritage values</b>	
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 Historic Cultural Heritage Act 1995 and/or are consistent with recommendations by the Aboriginal Heritage Section of DELM.

<b>Access</b>	
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.

## **SCHEDULE 6**

### **Telecommunications Infrastructure Schedule**

#### **Appendix 2**

**Table 1 Checklist for Environmental Impact Report by Carriers**

<b>Item:</b>	<b>Comment:</b>
1. Type of Facility and location	<ul style="list-style-type: none"><li>• Location of the facility (antenna and ground installation).</li></ul>
2. Purpose and need for the proposed facility	<ul style="list-style-type: none"><li>• The need for the facility and its role within a network.</li><li>• The anticipated need for, and likely locations of, further installations to provide an overall appreciation of the impact.</li><li>• Liaison with other Carriers.</li><li>• The feasibility of co-location, etc.</li><li>• Siting options.</li><li>• Installation option.</li></ul>
3. Design	<ul style="list-style-type: none"><li>• Design drawings of the facility: antenna(s), towers, ground installation, etc.</li><li>• Explain choice of structure.</li><li>• Details of adjacent land uses.</li><li>• Details of any adjacent structures.</li><li>• Details of access (roads, etc).</li><li>• Description of materials and finishes.</li><li>• Details of existing vegetation to be removed or damaged in the vicinity, including identification of any trees to be removed.</li><li>• Details of revegetation and site stabilisation.</li><li>• Arrangement for provision of power to site.</li><li>• Details of any external lighting.</li></ul>

## **SCHEDULE 6**

### **Telecommunications Infrastructure Schedule**

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4. Description of the physical environment and possible physical impacts.	<ul style="list-style-type: none"><li>• 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.</li><li>• Focus on aspects which are particular to the site.</li><li>• Details of measures to protect local environment (including flora and fauna) during construction (eg. erosion and runoff control, vehicle management, stockpiling and storage).</li></ul>
5. EME	<ul style="list-style-type: none"><li>• Projected EME levels for proposed sites.</li></ul>
6. Visual Assessment	<ul style="list-style-type: none"><li>• Assessment of the impact of the proposal in visual terms. Refer to separate checklist.</li></ul>
7. Social Issues (if appropriate)	<ul style="list-style-type: none"><li>• Discussion of community concerns.</li><li>• Impact on areas of special significance.</li></ul>
8. Consultations	<ul style="list-style-type: none"><li>• Details of consultations with the land owners/occupants.</li><li>• Carriers must consult with owners before lodging application.</li></ul>
9. Conclusion and Recommendations	<ul style="list-style-type: none"><li>• Summary of the relevant issues.</li><li>• Alternative technical and design options.</li><li>• Alternative locations including co-masting options.</li><li>• Discussion of cumulative impacts.</li><li>• Recommend actions to mitigate or minimise impacts.</li><li>• Justification of the proposal.</li><li>• Conclusions.</li></ul>
10. Plans	<ul style="list-style-type: none"><li>• Location Plan.</li><li>• Site Plan/Landscape Plan.</li><li>• Design of facility (plan and elevations of antenna and ground installation).</li></ul>

## SCHEDULE 6

### Telecommunications Infrastructure Schedule

Table 2 Visual Assessment Checklist

<b>Context:</b>	<ul style="list-style-type: none"><li>• The visual catchment of the site (and installation).</li><li>• The elements that go to make up the landscape or townscape context, including slope, cover, colour, vegetation or built environment, and major features.</li><li>• The physical scale of the proposed telecommunication infrastructure.</li><li>• Presence of other antennas and vertical elements.</li><li>• Any special landscape value of the site.</li><li>• Cumulative impact of this and further antennas.</li><li>• Relationship to existing vegetation and the potential intrusiveness of the installation.</li><li>• Relationship to buildings/structures.</li></ul>
<b>Siting:</b>	<ul style="list-style-type: none"><li>• Height of the antenna in relation to the surrounding landform.</li><li>• Topographical features and natural vegetation.</li><li>• Impact on skyline or treeline.</li><li>• Distance from sensitive receptors.</li></ul>
<b>Appearance:</b>	<ul style="list-style-type: none"><li>• Materials (particularly relevant for ground installations).</li><li>• Colour.</li><li>• Reflectivity.</li><li>• Design.</li><li>• Height.</li><li>• Antenna type and bulk.</li><li>• Plant and room.</li><li>• Proposed landscape work.</li></ul>
<b>Plans and Photos</b>	<ul style="list-style-type: none"><li>• A plan is to be prepared indicating the viewshed of the antenna, the location of any key viewing points. The scale of the plan will depend on the extent of visual impact.</li></ul>

## SCHEDULE 7

### Development in Bushfire Prone Areas

<p><b>S7.1.0 ISSUE</b></p> <p><b>Subdivision design and layout</b></p>	<p><b>INTENT</b> - The design, siting and layout of subdivisions in bushfire prone areas should minimise fire risks and the potential for loss of life.</p>
<p>ACCEPTABLE SOLUTIONS</p>	<p><b>PERFORMANCE CRITERIA</b></p>
<p><b>S7.1.1a</b> Subdivisions are designed so that buildings are separated from the bushfire hazard by Building Protection Zones (BPZ) and Fuel Modified Buffer Zones (FMBZ) and</p> <p><b>S7.1.1b</b> A BPZ surrounds a building and is separated from the fire hazard by a FMBZ and</p> <p><b>S7.1.1c</b> BPZ and FMBZ can be constructed to the width measured along the ground as shown in Table 7.1 and</p> <p><b>S7.1.1d</b> If the required width of the BPZ is exceeded, the width of the FMBZ may be reduced by that additional width, thus maintaining the same total width of fuel reduced areas. (Note the width of the BPZ cannot be reduced).</p>	<p>Subdivisions are designed to have lots of sufficient size and appropriate shapes to provide building envelopes located within sufficient fuel reduced areas so buildings are not subject to threatening levels of flames and radiation during a bushfire.</p>
<p><b>S7.1.2a</b> FMBZ are within the boundaries of the subdivision and BPZ are within the boundaries of each lot or</p> <p><b>S7.1.2b</b> In reticulated water supply areas, the width of the FMBZ may be reduced if it can be shown that other fire protection measures acceptable to the Tasmania Fire Service and Council are to be incorporated into the development or</p> <p><b>S7.1.2c</b> Where the subdivision does not provide either sufficient BPZ or FMBZ for individual lots, a multi-lot solution may be proposed which may be acceptable to the Tasmania Fire Service and Council.</p>	<p>Subdivisions provide all lots with sufficient fuel reduced areas around building envelopes so buildings are not subject to threatening levels of flames and radiation during a bushfire.</p>

**SCHEDULE 7****Development in Bushfire Prone Areas**

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**TABLE S7.1 – WIDTH OF BUSHFIRE PROTECTION BUFFER ZONES**

<b>Slope</b>	<b>Building Protection Zone (In Metres Along Ground)</b>
<b>Flat to 5 degrees</b>	20
<b>10 degrees</b>	25
<b>15 degrees</b>	30
<b>20 degrees</b>	40

**AND**

<b>Slope</b>	<b>Fuel Modified Buffer Zone (In Metres Along Ground)</b>	
	<b>Grassland</b>	<b>Forest</b>
<b>Flat</b>	10	15
<b>5 degrees</b>	15	25
<b>10 degrees</b>	20	30
<b>15 degrees</b>	30	45
<b>20 degrees</b>	40	50

## SCHEDULE 7

### Development in Bushfire Prone Areas

<p><b>S7.2.0 ISSUE</b> <b>Access in subdivisions</b></p>	<p><b>INTENT</b> – Subdivisions are designed to provide safe access for emergency and other vehicles to all lots and buildings.</p>	
<p><b>ACCEPTABLE SOLUTIONS</b></p>		<p><b>PERFORMANCE CRITERIA</b></p>
<p><b>S7.2.1a</b> Subdivisions have two access roads to low bushfire hazard areas or</p> <p><b>7.2.1b</b> Dead end roads must not exceed 200 metres in length or service more than 8 lots or</p> <p><b>S7.2.1c</b> Where only one road is available, the Tasmania Fire Service and Council may approve a local area development plan which provides for the eventual linking of a dead end road to a connective road network or</p> <p><b>S7.2.1d</b> The Tasmania Fire Service and Council may approve a non through road provided it is linked to a formed fire trail to the requirements of the Tasmania Fire Service and Council.</p>		<p>Subdivisions should have safe alternative routes to low bushfire hazard areas for emergency and other vehicles.</p>
<p><b>S7.2.2a</b> Access must be of all-weather construction and</p> <p><b>S7.2.2b</b> Road structures (including bridges) must have a minimum load limit of 20 tonnes and</p> <p><b>S7.2.2c</b> There must be vertical clearance to a height of 4 metres above the trafficable width of the access and</p> <p><b>S7.2.2d</b> There must be horizontal clearance from 4 metres of the centre line of any trafficable road for a height of 4 metres above the trafficable width.</p>		<p>Safe access roads shall be provided at all times.</p>

## SCHEDULE 7

### Development in Bushfire Prone Areas

<p><b>S7.2.3a</b> A maximum gradient of 1 in 8 (12.5%) is specified. However, where a topographic difficulty occurs, an absolute maximum grade of 1 in 5 (20%) for a distance no greater than 50 metres may be approved by the Tasmania Fire Service and Council. The average maximum grade must therefore not exceed 1 in 7 (14.4%) and</p> <p><b>S7.2.3b</b> Curves must have a minimum inner radius of 10 metres and</p> <p><b>S7.2.3c</b> Dips must have no more than a 1 in 8 (12.5%) entry and exit angle and</p> <p><b>S7.2.3d</b> All roads must have a maximum cross fall alignment of 1 in 33 (3%).</p>	<p>The horizontal and vertical alignments, crossfall and turning areas reflect physical characteristics and major drainage functions for the site as well as satisfying design requirements for emergency vehicles.</p>
<p><b>S7.2.4a</b> At the end of all roads or access ways there must be a courtbowl or cul de sac of a minimum trafficable radius of 10 metres (shoulders, seal or other consolidated edges may be acceptable) or</p> <p><b>S7.2.4b</b> At the end of all roads or access ways there must be hammerhead "T" or "Y" turnarounds with minimum 4 metres width and total length of 16 metres.</p>	<p>Suitable turning areas for fire suppression and other vehicles must be provided at the end of all roads and access ways.</p>
<p><b>S7.2.5a</b> The minimum trafficable width for access is 6 metres which may include consolidated, formed, surfaced and drained shoulders or</p> <p><b>S7.2.5b</b> Where 8 or less lots are being serviced, an access with trafficable width of 4 metres for a maximum of 90 metres length may be provided or</p> <p><b>S7.2.5c</b> Where the access is less than 6 metres trafficable width, passing bays of a minimum length of 20 metres must be provided every 200 metres along the access. The combined width of the access and the passing bay must be a minimum 6 metres.</p>	<p>Access should be of sufficient width to allow simultaneous access and egress for emergency and other vehicles.</p>



## **SCHEDULE 7**

### **Development in Bushfire Prone Areas**

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<p><b>S7.2.6a</b> An access road forms the perimeter of the development or</p> <p><b>S7.2.6b</b> A fire trail connected to an access road forms the perimeter of the development.</p>	<p>Access to the perimeter of the development must be provided.</p>
<p><b>S7.2.7a</b> Fire trails are constructed to 4WD standard and</p> <p><b>S7.2.7b</b> Fire trails have a formed width of 4 metres and</p> <p><b>S7.2.7c</b> Fire trails must have vertical clearance to a height of 4 metres above the trafficable and</p> <p><b>S7.2.7d</b> Fire trails must have horizontal clearance from 3 metres of the centre line for a height of 4 metres above the trafficable width and</p> <p><b>S7.2.7e</b> Fire trails will have a maximum gradient of 1 in 6 (17%).</p>	<p>Fire trails must be safe for use fire suppression.</p>

## SCHEDULE 7

### Development in Bushfire Prone Areas

<p><b>S7.3.0 ISSUE</b></p> <p><b>Water supplies for fire suppression in subdivisions</b></p>	<p><b>INTENT</b> – To ensure adequate water supplies are available in a subdivision for landowners or emergency services to defend properties from bushfire</p>	
<p><b>ACCEPTABLE SOLUTIONS</b></p>		<p><b>PERFORMANCE CRITERIA</b></p>
<p><b>S7.3.1a</b> Subdivisions have a reticulated water supply with a minimum flow rate as specified by Australian Standard AS 2419 for the intended class of development as required under the Building Code of Australia or 600 litres per minute (which ever is greater) or</p> <p><b>S7.3.1b</b> Subdivisions have a static water supply to comply with AS 2419 for the intended class of development as required under the Building Code of Australia for fire suppression or</p> <p><b>S7.3.1c</b> For developments not specified in the Building Code of Australia in S7.3.1 b), subdivisions for lots less than 2500 square metres will have 10 000 litres of stored water for fire suppression and for lots 2500 square metres or larger, 20 000 litres of stored water for fire suppression.</p>		<p>Subdivisions have an adequate size of water supply.</p>
<p><b>S7.3.2a</b> In areas where the water supply complies with S7.3.1 a), the building envelope must not be more than 130 metres from the nearest fire hydrant. The hydrant must comply with Tasmania Fire Service and Council requirements or</p> <p><b>S7.3.2b</b> In areas where the water supply does not comply with S7.3.1 a), a static supply complying with S7.3.1 b) or c) will be located within the subdivision to be accessible by emergency vehicles at all times. The supply may be from a single source or a combination of storages for either individual lots or for the entire subdivision. Storages must be accessible from all the lots they are intended to serve.</p>		<p>The water supply for fire suppression will be available at all times.</p>

## **SCHEDULE 7**

### **Development in Bushfire Prone Areas**

<p><b>S7.3.3a</b> All water storage tanks are constructed of non-combustible and non-rust materials such as galvanised steel and concrete and</p> <p><b>S7.3.3b</b> All above ground pipelines and fittings are either constructed of non-combustible and non-rust materials such as galvanised steel and copper, or protected from the effects of heat and flame by lagging or other means and</p> <p><b>S7.3.3c</b> All below-ground water pipelines are installed to a depth as specified in the National Plumbing Code AS 3500 (generally 300 mm).</p>	<p>The water supply pipelines, fittings and storages are designed, located and fitted to ensure reliability of the water supply during a fire.</p>
<p><b>S7.3.4a</b> If the storage is accessible and above ground, a male 64 mm 5V thread coupling to Tasmania Fire Service specifications must be installed on the storage to supply water or</p> <p><b>S7.3.4b</b> If the storage is accessible and below ground, there must be sufficient hard standing beside or adjacent to the storage to allow an emergency vehicle access for draughting from the storage or</p> <p><b>S7.3.4c</b> If the storage is not directly accessible, a remote access point may be provided which must deliver water at a minimum flow rate of 270 litres per minute at the delivery point through a male 64 mm 5V thread coupling to Tasmania Fire Service specifications.</p>	<p>Access to static supplies will be suitable for emergency vehicles.</p>

## **SCHEDULE 8**

### **Development Plan, North East River**

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#### S8.1 Application of Schedule

A Planning Permit is required pursuant to clause 3.5 for the Use or Development of the land for a dwelling unit or any alterations/extensions to that dwelling unit where compliance with the following development standards are met. **Am RZ02/02 25/3/03**

Any other Use or Development of the site or non compliance with the use and development standards deems such use or development as prohibited pursuant to clause 3.6. **Am RZ02/02 25/3/03**

In the event of any inconsistency with any standard or other requirement of the Scheme the requirements of this schedule shall apply.

#### S8.2 General Intent of the Development Plan

The intent of the Development Plan is to:

- Protect the environmental values of the coastal and estuarine environs.
- Minimise the impact of use of the North East River environs by containing short term accommodation associated with recreational use of the estuary within a single site where suitable development standards can be applied.
- Provide for the staged development of dwelling units for short term occupation which shall be limited to no more than 25 dwellings units.
- Provide an alternative location for short term accommodation for current occupants of campsites within the North East River Game Reserve and a limited number of other recreational users of the North East River area.
- Provide for Use and Development that is of low impact and which is not reliant on a high level of supporting infrastructure (power, water etc.).

#### S8.3 Planning Objectives & Development Standards for the Use and Development of the Area Subject to the Development Plan.

##### S83.1 Land Use:

###### Objectives

To ensure that the land use is low intensity and low impact.

###### Development Standards

1. The dwelling unit is only to be used in association with the recreational use of the area and occupied on a temporary basis at intermittent periods throughout the year.
2. A subdivision or stratum of land or a lease in excess of 10 years will not be permitted.

## **SCHEDULE 8**

### ***Development Plan, North East River***

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3. The area to be licensed be in the order of 600m<sup>2</sup>-700m<sup>2</sup> with an automatic clearing permit of 200m<sup>2</sup>-250m<sup>2</sup> plus a 3m wide access way.
4. Location and staging of development will occur in accordance with the attached plan.

#### **S8.3.2 Built Form:**

##### **Objectives**

To maintain the natural values of the area by using site design and finishes, including colour, that is sympathetic with those values.

To maintain the character and natural setting of the area by constructing buildings that are small in scale and of simple form.

##### **Development Standards**

1. Buildings are to be generally rectangular with simple gable or hipped roof forms.
2. The buildings shall not be in the form of caravans or “ unregistered relocatable dwellings”.
3. External colour schemes shall complement the natural colours of the area. Colours that reflect light strongly and contrast with the surrounding environment shall not be used. Dark muted tones should be used as much as possible.
4. Water storage tanks shall be of a colour that shall complement the natural colours of the area. Size of tanks shall be such that they do not become become a dominant element in the landscape. The top of the tank shall not be any higher than the top of the adjacent dwelling unit Access to the contents of the tank must be possible via a suitable coupling or the top of the tank for fire fighting purposes.
5. The building is to have a maximum floor area of 40 square metres exclusive of verandah, carport and outbuilding.
6. Each building may contain an enclosed porch of up to 5 square metres in size.
7. Each building may have an attached deck or verandah up to a total of 10 square metres in area (inclusive of porch area) but not exceeding the width of the building. A verandah shall not be enclosed wholly or partly on more than one side but may be roofed.
8. Each site may have a total area of 18 square metres of shed space for storage of equipment, toilets and the like. This may be in one or more buildings but the total area shall be 18 square metres.
9. A single carport may be erected adjacent to the main building.
10. No concrete slabs to be constructed on site other than for ablution facilities or cooking facilities.
11. Metal wall cladding if used shall be fixed in vertical orientation.

#### **S8.3.3 Infrastructure:**

## **SCHEDULE 8**

### ***Development Plan, North East River***

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#### Objectives

Not to provide reticulated power and allow for each site to generate its own power by means that have minimal impact on the amenity of the adjacent and nearby sites.

To maintain the character of the area as one of a “traditional” recreational area for people of the island with little or no infrastructure.

To harvest water on site from rainfall, not to use groundwater resources and for each site to provide water for emergency purposes (e.g. fire fighting).

To dispose of effluent from amenities is to be undertaken in a manner that will not impact on the groundwater or water quality in North East River.

To provide access to the sites that is of a standard that caters for users, visitors and emergency vehicles.

Ensuring that the development is capable of withstanding extreme weather conditions and mitigating the effects of fire hazard.

To retain natural stormwater systems and continue to use them for stormwater disposal without significantly increasing the amount of stormwater that occurs naturally.

#### Development Standards

1. Development of the site will not occur prior to construction of infrastructure (roads, fire trails etc.).
2. All buildings are to be connected to the Council approved communal effluent disposal system for the disposal of all sullage wastewater.
3. All dwellings are to have an approved toilet system and all sewerage waste is to be drained to one of the communal effluent disposal area.
4. A water supply of 10,000 litres reserved for fire suppression use shall be provided for each dwelling unit. Access to the water supply is to be via a suitable coupling approved by Tas Fire Service.

## **SCHEDULE 8**

### ***Development Plan, North East River***

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#### S8.3.4 Natural Values:

##### Objectives

To ensure that activities on the site do not adversely affect the natural water cycle and preserve the quantity of surface and ground water.

To minimise disturbance to ecosystems within or adjacent to the site by minimising physical disturbance to the area.

To protect natural vegetation by minimising site clearance and keeping development clear of foreshore habitats and erosion prone areas.

##### Development Standards

1. Each dwelling shall have and maintain a building protection zone for a distance of 20 metres from the dwelling. The building protection zone shall be maintained to minimise fire hazards. The building protection zone requires fuel load reduction not total vegetation removal.
2. Trees with one or more of the following criteria, 3 metres in height, spread of branches (or diameter) greater than 2 metres or a circumference of trunk greater than 40cm when measured 1 metre above the adjacent ground level may only be removed with the permission of Council. Where a tree is considered dangerous Council may require the lessee to remove it to reduce the hazard.

#### S8.3.5 Cultural Values:

##### Objectives

To protect any identified heritage places or things in accordance with relevant legislation and best practices.

##### Development Standards

1. Any Aboriginal artefacts are to be treated in accordance with the Aboriginal Relics Act 1976.

## **SCHEDULE 9**

### ***Lady Barron Commercial Zone Development Plan***

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#### **S.9.1 Application of Schedule**

Am RZ02/01 14/4/03

A Planning Permit is required pursuant to Clause 3.1.1 of the Planning Scheme for any use or development within the area of the Development Plan. Such use or development shall comply with the necessary provisions of the Commercial Zone and the Planning Scheme generally.

In the event of any inconsistency with any standard or other requirement of the Scheme and this Development Plan the requirements of this Schedule shall apply.

#### **S.9.2 General Intent of the Development Plan**

The intent of the Development Plan is to:

- Provide for the integrated development with surrounding residential land use of applications in the Lady Barron Commercial Zone.
- Provide for use or development that satisfies sustainable objectives relative to their location and contribution to the Lady Barron township.
- Minimise environmental impacts of development on the sites relative to surroundings houses, streets and business activities.

#### **S.9.3 Land Use**

##### **Objectives**

To ensure that the land use integrates with the surrounding uses and environment.

##### **Development Standards**

1. Uses are to be consistent with the requirement of Clauses 5.5.1 – 5.5.5 of the Scheme.
2. A subdivision or stratum of land within the Development Plan shall require a minimum area of 800m<sup>2</sup>.

#### **S.9.4 Built Form**

##### **Objectives**

To maintain the scale and form of development in the local area by using site design and finishes which complement those values.

##### **Development Standards**

1. Buildings are to be generally of compact and regular form of maximum two (2) storeys (maximum height of 8 metres).
2. External colour schemes shall complement the natural colours of the area. Dark muted tones should be used where possible.



## **SCHEDULE 9**

### ***Lady Barron Commercial Zone Development Plan***

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3. Each site is to respect and integrate with uses surrounding them to ensure sustainable outcomes are achieved.
4. Where possible view lines to the coastal areas should be preserved and maintained within development envelopes.
5. A minimum setback of 3 metres from all boundaries shall apply to all buildings within the Development Plan unless such setback is permitted by way of the Building Code of Australia. Any reduction in setback shall be considered as a discretion under Clause 3.5 of the Planning Scheme.
6. All signage shall be required to satisfy the standards and requirements of schedule 5 of the Planning Scheme.

#### **S.9.5 Infrastructure**

##### **Objectives**

To maintain the character of the area using existing reticulated infrastructure. To dispose of effluent and stormwater in a manner that will be contained within lot boundaries and not impact on ground water or water quality.

##### **Development Standards**

1. All buildings are to be connected to an approved effluent disposal system for the disposal of all sullage and stormwater drainage.
2. All storage of goods shall be maintained in a manner approved by Council so as to not cause a nuisance.
3. Access to lots having frontage to Main Street will preferably be by way of left hand ingress movement. Site exits will be restricted to West Street.
4. Access to frontages will be constructed to Council standards for the uses/development applied for. Where possible access points shall be rationalized to avoid duplication and overlap of sight distance requirements.
5. Where possible provision should be made to incorporate pedestrian linkages between the port area as well as the surrounding commercial activities.

#### **S.9.6 Landscape Values**

##### **Objectives**

To ensure that activities in the Development Plan do not adversely effect the landscape setting of the area.

##### **Development Standards**

1. Where possible mature trees on the sites should be retained within the development proposal.
2. Landscape of sites with frontage to Main Street will be encouraged to provide a visual screen to the streetscape.
3. All development shall be required as part of the approval process to demonstrate the integrated landscaping of the site. A minimum of 30% of the site shall be required to be landscaped.

## **SCHEDULE 9**

### ***Lady Barron Commercial Zone Development Plan***

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4. A landscape plan shall accompany each application for approval by Council; and shall demonstrate the degree of landscaping to sensitive boundary frontages and the site and is to include species, location, height of all vegetation.