PART A

STATE POLICY CONSIDERATIONS

A.1 IMPLEMENTATION OF STATE COASTAL POLICY

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

Common Seal of the Land Use Planning Review Panel has been hereto affixed pursuant to the resolution of 18 February 1997.

Executive Officer

Note that this amendment comes into operation on 10 October 1996 in accordance with s.13 of the State Policies and Projects Act 1993.
A.2 **IMPLEMENTATION OF THE STATE POLICY ON WATER QUALITY MANAGEMENT**

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

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

a) the capability of the land is sufficient to support the use or development without giving rise to sediment transport and

b) if there is a risk of sediment transport into surface waters, the measures proposed to reduce such risk are adequate.

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

For the purpose of this clause,

“surface waters” means all waters on the land surface, including both fresh and marine waters e.g. streams, lakes, estuaries and coastal waters.

(State Policy on Water Quality Management 1997)

“environmental harm” means any adverse effect on the environment (of whatever degree or duration) and includes an environmental nuisance.

(Environmental Management and Pollution Control Act 1994).

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

Note This amendment is made pursuant to s.13 of the *State policies and projects Act 1993*.

DERWENT VALLEY COUNCIL
NEW NORFOLK S.46 PLANNING SCHEME 1994
AMENDMENT SP-2

1. The planning scheme is amended by inserting the following in Part A after A2.

A.3 APPLICATION OF STATE POLICY ON THE PROTECTION OF AGRICULTURAL LAND 1998

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

A3.2 Interpretation
In this part, unless the contrary intention appears:

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

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

“non agricultural uses” has a corresponding meaning.

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


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

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

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

(a) there is an overriding need for the use or development in terms of community benefit and no other suitable sites are available; or

(b) in accordance with clause 6.13 of the State Policy on the Protection of Agricultural Land 1998, it is determined that the land is not prime agricultural land.

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

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

(a) relates to

   (i) the provision of public utilities or other infrastructure;

   (ii) heritage conservation;

   (iii) a proposal which will provide significant economic benefit to the region; and

(b) has the prior approval of the Resource Planning and Development Commission.

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

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

Date: 27 July 1999

Common Seal of the Resource Planning and Development Commission was hereunto duly affixed in the presence of:

COMMISSIONER

COMMISSIONER

Note that this amendment comes into operation on 28 April 1999 in accordance with s.13 of the *State Policies and Projects Act 1993*.
1. The ordinance is amended by inserting "Part B" after Part A:

**PART B**

**TELECOMMUNICATIONS INFRASTRUCTURE SCHEDULE**

B.1 Telecommunications Infrastructure Schedule

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

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

B2. The ordinance is amended by inserting the "Telecommunications Infrastructure Schedule" at the end of the scheme.

Resource Planning and Development Commission
Approved 18 March 1998
1.1 COMPOSITION OF SCHEME.

This Scheme consists of:

(a) the Ordinance, which is this document consisting of numbered Parts and Schedules; and
(b) the Plan, which shows by colours and/or markings the various Zones, designated areas and other details of the Planning Area.

1.2 PLANNING AREA.

The Planning Area to which this Scheme applies is the whole of the municipal area of New Norfolk.

1.3 APPROVAL REQUIRED.

A person shall not carry out any Development, Subdivide land or erect or display a Sign within the Planning Area without first obtaining the written approval of the Council issued in accordance with the provisions of this Scheme, unless such approval is not required under Clauses 1.5, 7.3, and S6.6.

1.4 REBUILDING AND EXTENSION OF NON-CONFORMING DEVELOPMENT.

1.4.1 Subject to the provisions of Section 20 of the Act and notwithstanding any other provision of this Scheme, an existing building lawfully erected at the Specified Date may be rebuilt following its destruction by fire, provided that such destruction was not the result of any willful act by the owner and provided the rebuilding is in similar materials and the external dimensions of the building are not increased.

1.4.2 Subject to the provisions of Section 20 of the Act and notwithstanding any other provision of this Scheme, the Council may at its discretion and subject to Clause 7.5, permit the extension of an existing building for the purposes of an Existing Non-conforming Use provided that such extension does not exceed 25% of the existing Gross Floor Area.

1.4.3 Subject to the provisions of Section 20 of the Act and notwithstanding any other provision of this Scheme, the Council may at its discretion and subject to Clause 7.5, permit an Existing Non-conforming Use to change to a new use provided that the new use has no greater impact on the Amenity of the locality than the existing use.

1.5 EXEMPTIONS FROM PLANNING APPROVAL.
Planning Approval shall not be required for any Development listed in Schedule 1 of the Scheme.

1.6 OTHER APPROVALS.

An approval granted, or an exemption from approval provided for by this Scheme, shall not affect any requirement to obtain any other licence, permit, approval, exemption or dispensation required by law.

i) has been granted Planning Approval with associated Development;

ii) is for the purpose of a ‘P1’ Development which has been granted a Building approval; or

iii) is for a minor Building or Structure only, the erection of which would be exempt under this Schedule.

1.7 PLANNING GOALS.

The Planning goals with respect of the use, development and management of resources within the municipal area are:

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;

(b) to provide for the fair, orderly and sustainable use and development of air, land and water;

(c) to facilitate economic development in accordance with the achievement of the planning goals (a), (b), (d) and (e);

(d) to maintain and upgrade a diversity of community facilities and services that cater for the existing and future needs of the local population; and

(e) to encourage greater participation by the local community in decisions about the future planning and development of the municipal area.
2.1 INTRODUCTION.

2.1.1 The Scheme places residential areas within the town of New Norfolk into a Residential Zone. The primary purpose of the Zone is to ensure that residential uses have priority. Industrial, commercial and other incompatible uses are generally prohibited in the Zone.

2.1.2 The Scheme uses a Future Residential Zone to set aside sufficient land in the town of New Norfolk which can be efficiently serviced for future residential development.

2.1.3 The Scheme has a Village Zone to provide for continued development of a range of compatible uses within the small settlements of Maydena, Bushy Park, National Park, Glenora, Strathgordon, Karanja and Westerway.

2.1.4 The Scheme has two Rural Residential Zones that provide a range of opportunities for living on smaller rural lots in Granton, Molesworth, Lachlan, Peppermint Hill and Magra.

2.2 INTENT OF THE RESIDENTIAL ZONE.

The intent of this Zone is:

(a) to ensure sufficient serviced residential land is available to meet the anticipated demand for the next 10 years;

(b) to ensure a high level of urban services such as water, sewerage, storm water and road access are available;

(c) to facilitate consolidation by encouraging the utilisation of existing serviced land;

(d) to protect residential amenity by reducing the potential for land use conflicts between residential use and other land use activities;

(e) to encourage a range of house lots sizes, housing types and housing designs to suit different needs within the community; and

(f) to retain and improve the existing streetscape.
2.3 INTENT OF THE FUTURE RESIDENTIAL ZONE.

The intent of this Zone is:
(a) to set aside land for residential development in the long term;
(b) to prevent premature subdivisions of the land that would frustrate an orderly and efficient conversion to residential use in the long term; and
(c) to prevent development that would lead to a premature demand for urban services.

2.4 INTENT OF THE VILLAGE ZONE.

The intent of this Zone is:
(a) to allow for the continued use and development of land within the small settlements of the municipal area;
(b) to allow for a broad range of uses that will not adversely affect the amenity of the settlement, nor place undue burden on the Council to provide services; and
(c) to retain the existing character of the settlements.

2.5 INTENT OF THE RURAL RESIDENTIAL A ZONE.

The intent of this Zone is:
(a) to continue to provide suitable areas for low density residential living within the municipal area where there is no intention to create residential densities or provide full urban services and facilities;
(b) to allow smaller sized lots where there is a good standard of road access, low environmental hazards, low bush fire risk, a reticulated water supply, and limited potential for conflict with other land use or land management activities;
(c) to minimise the number of access points to existing roads, resulting from future subdivisions; and
(d) to retain the rural residential character of the areas.

2.6 INTENT OF THE RURAL RESIDENTIAL B ZONE.

The intent of this Zone is:
(a) to define areas suitable for residential living on small rural lots;
(b) to restrict subdivision potential in areas where there is poor road access, potential environmental hazards, bush fire risk and land management concerns;
(c) to minimise the number of access points to existing roads resulting from future subdivisions; and
(d) to retain the rural character of the area.
2.7 DEVELOPMENT STATUS.

The Status of a Development of land in the Residential Zones is shown in Table 1.

Table 1: Development Status in Residential Zones

<table>
<thead>
<tr>
<th></th>
<th>Residential Zone</th>
<th>Future Residential Zone</th>
<th>Village Zone</th>
<th>Rural Residential A Zone</th>
<th>Rural Residential B Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>X</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>P</td>
</tr>
<tr>
<td>Animal Keeping</td>
<td>X</td>
<td>X</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Auxiliary Dwelling</td>
<td>P</td>
<td>D</td>
<td>P</td>
<td>P</td>
<td>D</td>
</tr>
<tr>
<td>Child Care Centre</td>
<td>D</td>
<td>D</td>
<td>P</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Civic Building</td>
<td>X</td>
<td>X</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Communal Dwelling</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Demolition</td>
<td>D(b)</td>
<td>D(b)</td>
<td>D(b)</td>
<td>D(b)</td>
<td>D(b)</td>
</tr>
<tr>
<td>Educational Establishment</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Guest House/Holiday Flat/Holiday Cabin</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Home Activity</td>
<td>P1</td>
<td>P1</td>
<td>P1</td>
<td>P1</td>
<td>P1</td>
</tr>
<tr>
<td>Home Business</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Home Child Care Centre</td>
<td>P1</td>
<td>D</td>
<td>P1</td>
<td>P1</td>
<td>D</td>
</tr>
<tr>
<td>Local Shop</td>
<td>X</td>
<td>X</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Motel</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Multiple Dwelling Units</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Multi-Storey Dwelling Units</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Place of Assembly</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Produce Stall</td>
<td>X</td>
<td>X</td>
<td>D</td>
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<tr>
<td>Plant Nursery</td>
<td>X</td>
<td>X</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Public Park</td>
<td>P1</td>
<td>P1</td>
<td>P1</td>
<td>P1</td>
<td>P1</td>
</tr>
<tr>
<td>Public Utility</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Retirement Village</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Single Dwelling</td>
<td>P</td>
<td>D</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Stable</td>
<td>X</td>
<td>X</td>
<td>D</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Subdivision</td>
<td>D(a)</td>
<td>D(a)</td>
<td>D(a)</td>
<td>D(a)</td>
<td>D(a)</td>
</tr>
<tr>
<td>Two Dwelling Units</td>
<td>P</td>
<td>D</td>
<td>P</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>X</td>
<td>X</td>
<td>X(a)</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

KEY:

P1 The Development of the Premises may take place without the application for Planning Approval, provided the Development complies with all relevant Development Standards of this Scheme (Refer clause 7.3).

P The Council will permit the Development of the Premises conditionally or otherwise provided it complies with all relevant Development Standards of this Scheme (Refer clause 7.4).

D The Council has the discretion to refuse or permit the Development of the Premises (Refer clause 7.5).

D(a) All Subdivision is discretionary except for variations approved under Section 7.12.
D(b) All Demolition is discretionary except where the provisions of Schedule 1 (g) apply.

X The Development of the Premises is prohibited (refer clause 7.6).

X(a) Except the following developments are discretionary within the Village Zone:
Consulting Room, Craft Timber Mill, Garden Centre, Liquor Licensed Establishment,
Market Stall, Restaurant, Mechanical-Repair Garage, Service Centre, Take-Away Food
Shop, Transport Depot, Tourism Facility, Outdoor Recreation Complexes, Storage Yard.

2.8 SETBACK AND BUILDING HEIGHT.

2.8.1 Aim and Objectives.

The aim of these provisions is to ensure that any new Buildings and Works relative to side, front and rear boundaries do not adversely impact on the residential character and Amenity of the area.

The objectives to satisfy this aim are:
(a) to maximise sunlight/daylight to Habitable Rooms;
(b) to minimise the loss of privacy and the effects of overshadowing and visual intrusion upon adjacent dwellings and outdoor spaces; and
(c) to preserve existing Streetscapes by requiring general consistency with prevailing front boundary Setbacks.
(d) Notwithstanding (b) the Council may allow walls to be built to side and rear boundaries where:
   i) any windows or openings comply with fire resistance levels of BCA 1990 as amended and are filled with translucent or opaque materials (other than roof lighting and ventilation);
   ii) the maximum wall length is 50 per cent of each of the abutting property boundaries, where there are no existing boundary walls; and
   iii) the maximum wall length matches existing boundary walls plus 50 per cent of the remainder of each abutting property boundary.

2.8.2 Setback from Boundary Standards.

Development shall be sited so that:
(a) Buildings and Structures shall be no closer than 4.5 metres from the Road Alignment but porches and open verandahs may project forward of the building line but to no less than 1.0 metre; and
(b) The wall of a Building or Structure greater than 2.1 metres in Height shall be Setback not less than one half of the Wall Height measured perpendicular to the boundary or 1.5 metres, whichever is the greater.
(c) Notwithstanding (b) the Council may allow walls to be built to side and rear boundaries where:
   i) any windows or openings comply with fire resistance levels of BCA 1990 as amended and are filled with translucent or opaque materials (other than roof lighting and ventilation);
ii) the maximum wall length is 50 per cent of each of the abutting property boundaries, where there are no existing boundary walls;

iii) the maximum wall length matches existing boundary walls;

2.8.3 Rural Residential Zone Setback Standards.

Notwithstanding Clause 2.8.2 Building and Structures in the Rural Residential Zone shall be no closer than 10 metres from the Road Alignment and 5 metres from the side and rear boundaries.

2.8.4 Setback from Other Building Standards.

The distance between Dwelling Units built on the same Lot shall be a distance equivalent to that required under Clause 2.8.2 as if the Buildings were separated by a boundary, provided all other provisions of the Scheme are met.

2.8.5 Height of Building Standards.

Buildings shall not exceed 8.0 metres in Height.

2.8.6 Variations.

Subject to Clause 7.5, the Council may relax the Development Standards in Clauses 2.8.2, 2.8.3, 2.8.4 and 2.8.5 after considering:

(a) the existing Setbacks on neighbouring Lots;
(b) the shape, size, contours or slope of the subject land, or of adjoining land;
(c) the adjoining land uses and/or zoning;
(d) the existing natural features or qualities of the location; and
(e) the design of an integrated residential development designed for a site;

if it is satisfied that such a relaxation would not conflict with the intent for that Zone and the aim and objectives set out in Clause 2.8.1.

In respect of a relaxation of the setback provisions specified in Clause 2.8.2, a wall of a Building or Structure may be built up to or on the boundary in accordance with Clause 2.8.2 (c).

2.9 RESIDENTIAL AMENITY.

2.9.1 Aim and Objectives.

The aim of these provisions is to ensure that Development does not detrimentally affect residential Amenity.

The objectives to satisfy this aim are:

(a) that Development does not detrimentally affect residential Amenity;
(b) that no Development unreasonably deprives any neighbouring property, dwelling or Private Outdoor Space of privacy, sunlight/daylight or views;
(c) that sufficient outdoor space is provided for each dwelling to meet the requirements of occupants for outdoor activities and use;
(d) that sufficient Landscaping is provided to assist with the provision of privacy and to compliment the Streetscape or townscape character;
(e) that existing Landscaping is retained where practicable;
(f) that Private Outdoor Space is capable of receiving reasonable levels of direct sunlight and has reasonable privacy; and
(g) that Communal Outdoor Space is located within reasonable proximity to the Dwelling Units and is capable of receiving reasonable levels of sunlight/daylight;
(h) all access and parking space shall be in accordance with Schedule 5; and
(i) no permanent sign over 0.2 m² in size shall be visible from the site unless the sign complies with approval by Schedule 6.

2.9.2 Dwelling Density Standards.

The maximum number of Dwelling Units approved by the Council in any Development shall not result in the Dwelling Unit Factor being less than 325 m² for the Residential, Village and Future Residential Zones.

2.9.3 Outdoor Space Standards.

Outdoor space shall be provided in accordance with Table 2.

<table>
<thead>
<tr>
<th>Development Category</th>
<th>Minimum Area (m²) Per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Dwelling Units</td>
<td>65 (a)</td>
</tr>
<tr>
<td>Multi-Storey Dwelling Units</td>
<td>30 (b)</td>
</tr>
<tr>
<td>Retirement Village</td>
<td>25 (c)</td>
</tr>
<tr>
<td>Single Dwelling</td>
<td>65 (a)</td>
</tr>
<tr>
<td>Two Dwelling Units</td>
<td>65 (a)</td>
</tr>
</tbody>
</table>

Notes
(a) forty (40) square metres of which shall be Private Outdoor Space.
(b) five (5) square metres of which shall be in the form of a balcony, roof deck and/or verandah with a minimum dimension of 1.5 metres.
(c) all of which shall be provided as Communal Outdoor Space.

2.9.4 Solar Efficiency.

A minimum of 70 per cent of all lots are to have appropriate solar orientation (except where significant constraints limit achievement of such a target) and are to be oriented to facilitate the siting of dwelling to take advantage of solar access by ensuring that:
(a) the dimensions are adequate to protect solar access on-site, taking into account likely dwelling size and the relationship of each lot to the street, and
(b) dwelling can be built on the lot(s) in which the living room will receive not less than 4 hours of sunshine between 9 am and 3 pm during midwinter.

Any new lot in an established residential area is to have, during midwinter, not more than one third of its area covered by the shadow of existing development and where any development on such a lot in turn will not cast a shadow covering more than one third of the area of an existing lot at midwinter.

On lots with appropriate solar orientation (as specified above), dwelling are sited and designed so that at least one main wall is north facing and windows located in the north walls to take advantage of solar energy by:
(a) setting the north wall sufficiently far back from the north boundary to provide on-site winter solar access protection; and
(b) providing a total window area oriented to the north of at least 10-15 per cent of the floor area of the dwelling.

Dwellings, structures or landscaping should not overshadow the north facing wall of another dwelling for more than 2 hours of available sunlight on any day. In the case of adjacent vacant lots, dwellings (or associated structures) which cause no overshadowing across the north oriented boundary/s or defined dwelling site/s between 11 am and 2 PM on 21 June.

2.9.5 Design And Appearance.

All buildings in the Residential Zones shall consider within their design, aspects of sunlight, daylight and privacy of the building being constructed and adjacent dwellings.

Development shall take into account, where appropriate, the landscape or aesthetic character of the area or streetscape.

2.9.6 Variations.

Subject to Clause 7.5, the Council may relax the Development Standards set out in Clause 2.9.2, 2.9.3, 2.9.4 and 2.9.5 if it is satisfied that such a relaxation would not conflict with the intent for that Zone and the aim and objectives set out in Clause 2.9.1.

2.10 CONSIDERATION OF APPLICATIONS FOR PLANNING APPROVAL.

2.10.1 In the determination of an application for Planning Approval the Council shall take into consideration:
(a) the intent of the Zone and any relevant aims, objectives and standards of the Scheme;
(b) any representation received in relation to an application which has been publicly notified;
(c) any relevant proposals, reports and requirements of any public authorities or any officer of the Council;
(d) whether any part of the land is subject to:
   i) landslip, soil instability, or erosion;
   ii) excessive slope;
   iii) ponding or flooding;
   iv) bush fire hazard;
   v) a Protected Catchment District under Section 26 of the Water Act 1957;
   vi) soil contamination; or
   vii) environmental or safety hazards or constraints;
(e) whether the proposed Development will be supplied with adequate potable water, sewage and sullage disposal, stormwater disposal, refuse disposal, and power to a standard which is adequate for the health of residents;
(f) whether the proposed Development is satisfactory in relation to:
   i) its siting, Height, scale and appearance with regard to surrounding land and Buildings;
   ii) protection of any important natural features on the Site or within the surrounding area;
   iii) protection of any important historic and architectural features on the Site or within the Streetscape;
   iv) its impact on adjacent properties caused by reduction of sunlight/daylight, privacy and views;
   v) any existing buffer areas, covenants shown on a sealed plan, or easements affecting the Site;
   vi) proposed hours of operation;
   vii) adequate water supply for fire fighting purposes; and
   viii) adequate refuse storage space;
(g) the provision of adequate Landscaping and private and/or Communal Outdoor Space;
(h) safe access and egress to and from the Site;
(i) the provision of parking; or
(j) adequacy and capacity of existing infrastructure and services to cater for the proposed Development including Roads, footpaths, water, sewerage and power.

2.11 OUTLINE DEVELOPMENT PLAN.

Where the Council considers that a proposed Subdivision or Development will restrict the further Development of land, it shall require the preparation of an outline development plan in accordance with Clause 7.9.2.

2.12 SUBDIVISION.

2.12.1 Minimum Subdivision Standards.

Subdivision of land shall be in accordance with Table 3.
Table 3: Minimum Subdivision Standards

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Lot Size (a) (m²)</th>
<th>Minimum Frontage (m)</th>
<th>Minimum Internal Rectangle (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>450</td>
<td>3.6</td>
<td>10 x 15</td>
</tr>
<tr>
<td>Village</td>
<td>450</td>
<td>3.6</td>
<td>10 x 15</td>
</tr>
<tr>
<td>Future Residential</td>
<td>450</td>
<td>3.6</td>
<td>10 x 15</td>
</tr>
<tr>
<td>Rural Residential A</td>
<td>Refer to Clause 2.12.2 for standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Residential B</td>
<td>Refer to Clause 2.12.3 for standards</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: (a) the minimum lot size excludes the area of any Access Strip.

2.12.2 Subdivision in the Rural Residential A Zone.

The minimum lot size in this Zone shall be 2.0 ha where it is satisfied that:
(a) there is a good standard of road access to the site;
(b) subdivision of the site and subsequent development would not cause adverse environmental or land management problems;
(c) there is a low risk of bush fire hazard in the area and good access in cases of emergency situations;
(d) there is a minimal number of new access points created to the existing road by virtue of the proposed subdivision.

The Council may allow subdivision of lots to a minimum of 1.0 ha in Magra and Granton where it is satisfied that a reticulated water supply is provided to the site.

2.12.3 Subdivision in the Rural Residential B Zone.

The minimum lot size in this Zone shall be 4.0 ha.

The exception shall be that land rezoned as Amendment N1 in the municipal area of the New Norfolk Planning Scheme 1985, where lots of a lesser than 4 ha in size may be allowed in accordance with the rezoning application approval, provided no more than 97 lots are created for the total land area that was rezoned.

2.12.4 Approved Residential Developments.

The Council may approve Subdivision Lots in accordance with Table 4, where:
(a) Planning Approval has been granted for the Development prior to the Council considering Subdivision approval for the land;
(b) Subdivision approval is conditional upon Development being in accordance with the Planning Approval; and
(c) where any subdivision involves three (3) or more lots, that no more than a third of these lots be 325 m².
Table 4: Minimum Subdivision for Approved Residential Developments

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Lot Size (a) (m²)</th>
<th>Minimum Frontage (m)</th>
<th>Minimum Internal Rectangle (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>325</td>
<td>3.6</td>
<td>10 x 15</td>
</tr>
<tr>
<td>Village</td>
<td>325</td>
<td>3.6</td>
<td>10 x 15</td>
</tr>
<tr>
<td>Future Residential</td>
<td>325</td>
<td>3.6</td>
<td>10 x 15</td>
</tr>
</tbody>
</table>

Note: (a) the minimum lot size excludes the area of any Access Strip.
PART 3
COMMERCIAL ZONES

3.1 INTRODUCTION.

3.1.1 The Scheme provides for a hierarchy of commercial activity within the municipal area, with the principal focus for retail, business, office and civic activities being within the existing town centre at New Norfolk.

3.1.2 The Scheme has a Residential Commercial Zone to accommodate future growth of commercial activities and a Local Business Zone to cater for small shopping centres and local shops. The Village Zone allows for some commercial activities within the smaller settlements.

3.1.3 Two special zones are used. The Enterprise Centre Zone allows for the continuance of the New Norfolk Business Enterprise Centre in New Norfolk. The Tourist Facility Zone provides for the integration of tourism development with other complementary uses. The identified sites include the Oast House, Valleyfield - Glen Derwent properties off the Lyell Highway and the entrance to Mt. Field National Park.

3.2 INTENT OF THE COMMERCIAL ZONE.

The intent of this Zone is:
(a) to maintain the existing town centre of New Norfolk as the principal focus for retail, business, office and civic activities within the municipal area;
(b) to consolidate commercial activity within the Zone through the efficient use of land and buildings;
(c) to encourage the adoption of a development style that contributes to the identity of the commercial precinct;
(d) to encourage improvements to the street and pedestrian environment that are attractive, safe and convenient; and
(e) to adequately cater for the parking requirements of a range of users.

3.3 INTENT OF THE RESIDENTIAL COMMERCIAL ZONE.

The intent of this Zone is:
(a) to allow for the possible expansion and development of some commercial activities into areas adjoining the Commercial Zone in an orderly manner;
(b) to manage the change from residential to commercial use so as to respect the likely continuance of some residential use; and
(c) to cater for some commercial activities not suited to location within the Commercial Zone.
3.4 INTENT OF THE LOCAL BUSINESS ZONE.

The intent of this Zone is:
(a) to provide for small shopping centres and local shops that primarily cater for the local area;
(b) to limit the range of commercial activities to those that do not conflict with the intent of the Commercial Zone within the town of New Norfolk; and
(c) to cater for some limited expansion of small shopping centres that would not adversely affect residential amenity.

3.5 INTENT OF THE TOURIST FACILITY ZONE.

The intent of this Zone is:
(a) to provide opportunities for tourist related operations in a manner which encourages concentration in an area without affecting the amenity of the surrounding area;
(b) to allow uses which compliment each other to be located in close proximity sharing joint facilities;
(c) to retain the historical character of any buildings or structures within the Site; and
(d) to allow those uses which, by their nature, attract a percentage of their turnover from tourists visiting the Site.

3.6 INTENT OF THE ENTERPRISE CENTRE ZONE.

The intent of this Zone is:
(a) to recognise the use of the former Tangara and Carrinya Hostels in Blair Street as a managed shared work space for supporting new or developing enterprises; and
(b) to allow some retail activity to occur within the Zone subject to some restrictions.
3.7 DEVELOPMENT STATUS.

The status of a Development of land in the Commercial Zones is shown in Table 5.

Table 5: Development Status in Commercial Zones

<table>
<thead>
<tr>
<th>Commercia l Zone</th>
<th>Residential Commercia l Zone</th>
<th>Local Business Zone</th>
<th>Enterprise Centre Zone</th>
<th>Tourist Facility Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Premises</td>
<td>P</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Car Park</td>
<td>P</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Child Care Centre</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Civic Building</td>
<td>P</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Communal Dwelling</td>
<td>D</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Consulting Room</td>
<td>P</td>
<td>P</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Craft Timber Mill</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>Demolition</td>
<td>D(b)</td>
<td>D(b)</td>
<td>D(b)</td>
<td>D(b)</td>
</tr>
<tr>
<td>Funeral Establishment</td>
<td>P</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Garden Centre</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Guest House/Holiday Flat/Holiday Cabin</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Home Activity</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home Business</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home Child Care Centre</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Liquor Licensed Establishment</td>
<td>P</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Local Shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>D</td>
</tr>
<tr>
<td>Major Business Premises</td>
<td>P</td>
<td>D</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Major Shop/Shopping Centre</td>
<td>P</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Market Stall</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Motel</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Multiple Dwelling Units</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Multi-Storey Dwelling Units</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Place of Assembly</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Public Park</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Utility</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Restaurant</td>
<td>P</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Sales and Hire Premises</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Service Centre</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Service Station</td>
<td>P</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Shop</td>
<td>P</td>
<td>D</td>
<td>P</td>
<td>D</td>
</tr>
<tr>
<td>Showroom</td>
<td>P</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Storage Yard</td>
<td>X</td>
<td>X</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Subdivision</td>
<td>D(a)</td>
<td>D(a)</td>
<td>D(a)</td>
<td>D(a)</td>
</tr>
<tr>
<td>Take-Away Food Shop</td>
<td>P</td>
<td>D</td>
<td>P</td>
<td>D</td>
</tr>
<tr>
<td>Tourism Facility</td>
<td>P</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Veterinary Establishment</td>
<td>P</td>
<td>P</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Winery</td>
<td>P</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

KEY:
The Development of the Premises may take place without the application for Planning Approval, provided the Development complies with all relevant Development Standards of this Scheme (Refer clause 7.3).

The Council will permit the Development of the Premises conditionally or otherwise provided it complies with all relevant Development Standards of this Scheme (Refer clause 7.4).

The Council has the discretion to refuse or permit the Development of the Premises (Refer clause 7.5).

The Development of the Premises is prohibited (refer clause 7.6)

All Subdivision is discretionary except for variations approved under Section 7.12.

All Demolition is discretionary except where the provisions of Schedule 1 (g) apply.

### 3.8 STREETSCAPE AND AMENITY.

#### 3.8.1 Aim and Objectives.

The aim of these provisions is to ensure that new Development will contribute to the quality of the Streetscape and improve the Amenity for users.

The objectives to satisfy this aim are:

(a) to encourage the design of Development that enhances and maintains the character of the Streetscape in terms of scale, proportions, treatment of parapets and openings and decoration;

(b) to encourage Development design and appearance that is capable of contributing to a modern identity for the New Norfolk Central Commercial Zone, whilst respecting inherent heritage values;

(c) to ensure that Development does not unreasonably deprive dwellings and their Private Outdoor Space of sunlight or privacy in adjacent residential Zones;

(d) to retain and conserve the existing streetscape character and to protect any features of historic and/or cultural interest.

(e) to ensure that Demolition of existing buildings and structures will not have a significant adverse impact upon the character of the streetscape.

(f) to provide pedestrian facilities and safe access within the commercial area;

(g) to provide where possible spaces for community interaction which incorporate street furniture, lighting, Landscaping and public facilities of cultural or civic value; and

(h) to provide Landscaping which creates visual links between Development, minimises conflicts of scale, softens hard or bleak areas and provides shelter, shade and screening.

#### 3.8.2 Setback Standards.

Development shall be sited so that:
(a) Buildings in the Commercial Zone shall align with the street boundary and address the traditional public thoroughfare;

(b) Buildings in the Residential Commercial and Local Business Zones shall be no closer than 4.5 metres from the Road Alignment;

(c) Buildings in the Enterprise Centre Zone and Tourist Facility Zone shall be in accordance with the general building line of the area, or existing buildings on the Site;

(d) Setbacks from side and rear boundaries shall be in accordance with the Building Code of Australia; and

(e) where Development is adjacent to a residential Zone the Setbacks shall be in accordance with the requirements of that Zone (refer Clause 2.8) or if more than one Zone the greater of those standards.

3.8.3 Height of Building Standards.

Buildings shall be no higher than 8 metres.

3.8.4 Design and Appearance Standards.

The design and appearance of Development shall ensure the:

(a) screening of all outdoor storage areas, outdoor work areas and rubbish receptacles from public view;

(b) placement and design of roof mounted air conditioning equipment, lift motor housings and similar equipment so as to reduce the visual impact on the Streetscape;

(c) concealment or painting to match the background, of exterior pipework, ducts, vents, Sign supports, fire escapes and similar structures so that these elements are not prominent in the Streetscape; and

(d) where appropriate the landscape, aesthetic character of the area and the relationship to existing historical buildings.

3.8.5 Landscaping Standards.

Council may require the preparation of a landscape plan in accordance with Schedule 8.

Landscaping shall not:

(a) reduce sight distance to any intersection; and

(b) restrict pedestrian movement or reduce safety.

3.8.6 Access and Parking Standards.

Access and parking requirements for any Development shall be in accordance with Schedule 5.

3.8.7 Signs Standards.
Any Sign not exempted in Schedule 1, which is greater than 0.2 m² in area or is illuminated, shall require approval in accordance with Schedule 6.

3.8.8 Variations.

Subject to Clause 7.5, the Council may relax the requirements set out in Clause 3.8.2, 3.8.3, 3.8.4, 3.8.5, 3.8.6 and 3.8.7 after considering:
(a) the existing Setback on neighbouring Lots;
(b) the particular shape, size, contours or slope of the subject land, or of adjoining land;
(c) the adjoining land uses and/or zoning; and
(d) the existing natural features or qualities of the location; and
(e) any variations permitted in Schedule 5 or Schedule 6;
if it is satisfied that such a relaxation would not conflict with the intent for that Zone and the aim and objectives set out in Clause 3.8.1.

3.9 CONSIDERATION OF APPLICATIONS FOR PLANNING APPROVAL

3.9.1 In the determination of an application for a Planning Permit the Council shall take into consideration:
(a) the intent of the Scheme and the Zone and any relevant aims, objectives and standards of the Scheme;
(b) any representation received in relation to an application which has been publicly notified;
(c) any relevant proposals, reports and requirements of any public authorities;
(d) whether the proposed Development is satisfactory in terms of its design in relation to:
   i) existing Site features;
   ii) minimising impact on adjacent properties;
   iii) maintaining important elements of the Streetscape including the scale, Setback and Height of existing Buildings;
   iv) the use of materials, colours and finishes on the exterior of the Buildings;
   v) any existing Buildings of heritage interest;
   vi) the provision of facilities and features for public use including pedestrian links, toilets, street furniture, plazas, public art, Landscaping and the like; and
   vii) siting, type and size of advertising signs;
(e) impact on traffic movement and pedestrian safety;
(f) provision and siting of parking and suitability of access for employees, customers and service vehicles;
(g) impact of likely hours of operation on other uses in the vicinity;
(h) whether any part of the land is subject to environmental hazards or constraints; and
(i) adequacy and capacity of existing infrastructure and services to cater for the proposed Development including Roads, footpaths, water, sewerage and power.

3.10 OUTLINE DEVELOPMENT PLAN.

Where the Council considers that a proposed Subdivision or Development will restrict the further Development of land, it shall require the preparation of an outline development plan in accordance with Clause 7.9.2.

3.11 SUBDIVISION.

3.11.1 Minimum Subdivision Standards.

Subdivision of land shall be in accordance with Table 6.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Lot Size (a) (m²)</th>
<th>Minimum Frontage(m)</th>
<th>Minimum Internal Rectangle(m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>200</td>
<td>5</td>
<td>10 x 10</td>
</tr>
<tr>
<td>Residential Commercial</td>
<td>450</td>
<td>3.6</td>
<td>10 x 10</td>
</tr>
<tr>
<td>Local Business</td>
<td>450</td>
<td>5</td>
<td>10 x 10</td>
</tr>
<tr>
<td>Enterprise Centre</td>
<td>450</td>
<td>10</td>
<td>10 x 10</td>
</tr>
<tr>
<td>Tourist Facility</td>
<td>600</td>
<td>10</td>
<td>10 x 15</td>
</tr>
</tbody>
</table>

Note: (a) the minimum lot size excludes the area of any Access Strip.

3.11.2 Variations.

The Council may approve Subdivision Lots of a smaller area than provided in Table 6, where:

(a) Planning Approval has been granted for a Development prior to the Council considering Subdivision approval for the land; and

(b) Subdivision approval is conditional upon Development being in accordance with the Planning Permit.
PART 4

INDUSTRIAL ZONES

4.1 INTRODUCTION

4.1.1 The Scheme seeks to provide the security for continued industrial activity within existing Zoned areas. Two Zones are used - Service Industry Zone and General Industry Zone.

4.1.2 The planning controls are aimed at accommodating future industrial development whilst reducing potential land use conflicts.

4.2 INTENT OF THE SERVICE INDUSTRY ZONE.

The intent of this Zone is:
(a) to provide areas for businesses that are predominantly industrial in nature but may incorporate some commercial functions such as service and repair activities, vehicle services, contractors yards, warehousing and the like;
(b) to allow for the development of uses and activities which depend on having visible and accessible locations;
(c) to encourage those service industrial operations which will not cause an adverse impact on nearby uses and will not detract from the general amenity of the area; and
(d) to encourage better utilisation of land for service industrial uses.

4.3 INTENT OF THE GENERAL INDUSTRY ZONE.

The intent of this Zone is:
(a) to allow for the continued use of A.N.M. as a major industrial operation within the municipal area;
(b) to allow for the development of industrial uses capable of causing impact with other land use activities and the local environment;
(c) to protect existing industrial sites with a Buffer Zone that restricts the potential for conflicting land use activities in close proximity; and
(d) to ensure the appropriate treatment of all industrial trade waste.
4.4 DEVELOPMENT STATUS.

The Status of a Development of land in the Industrial Zones is shown in Table 7.

Table 7 : Development Status in Industrial Zones

<table>
<thead>
<tr>
<th></th>
<th>General Industry</th>
<th>Service Industry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Park</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Commercial Garage</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Craft Timber Mill</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Demolition</td>
<td>D(b)</td>
<td>D(b)</td>
</tr>
<tr>
<td>Equipment Sales and Hire Premises</td>
<td>D</td>
<td>P</td>
</tr>
<tr>
<td>Extractive Industry</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Funeral Establishment</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>General Industry</td>
<td>P</td>
<td>D</td>
</tr>
<tr>
<td>Home Business</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Limited Impact Industry</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Major Impact Industry</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Mechanical Repair Garage</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Park</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Utility</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Refuse Disposal Site</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Sales and Hire Premises</td>
<td>D</td>
<td>P</td>
</tr>
<tr>
<td>Salvage Premises</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Service Centre</td>
<td>D</td>
<td>P</td>
</tr>
<tr>
<td>Scientific and Technological Industry</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Storage Yard</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Subdivision</td>
<td>D(a)</td>
<td>D(a)</td>
</tr>
<tr>
<td>Timber Mill</td>
<td>P</td>
<td>D</td>
</tr>
<tr>
<td>Toxic or Dangerous Goods Store</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Transport Depot</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Warehouse</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

KEY:

**P1** The Development of the Premises may take place without the application for Planning Approval, provided the Development complies with all relevant Development Standards of this Scheme (Refer clause 7.3)

**P** The Council will permit the Development of the Premises conditionally or otherwise provided it complies with all relevant Development Standards of this Scheme (Refer clause 7.4).

**D** The Council has the discretion to refuse or permit the Development of the Premises (Refer clause 7.5).

**X** The Development of the Premises is prohibited (refer clause 7.6)

**D(a)** All Subdivision is discretionary except for variations approved under Section 7.12.

**D(b)** All Demolition is discretionary except where the provisions of Schedule 1(g) apply.
4.5 IMPACT OF DEVELOPMENT.

4.5.1 Aim and Objectives.

The aim of these provisions is to ensure that Development will have a minimal impact on other land use activities.

The objectives to satisfy this aim are:

(a) to ensure that the design and Landscaping of Development enhances the appearance of the Site and its surroundings;

(b) to ensure that Development does not have an adverse effect on residential Amenity, particularly in locations where Development shares a common boundary with residential Zones; and

(c) to provide Landscaping which creates visual links between Development, minimises conflicts of scale, softens hard or bleak areas and provides shelter, shade and screening.

4.5.2 Setback from Boundary Standards.

The minimum Setback shall be in accordance with Table 8.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Front Boundary (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Industry</td>
<td>10.0</td>
</tr>
<tr>
<td>Service Industry</td>
<td>4.5</td>
</tr>
</tbody>
</table>

(a) where Development is adjacent to a residential Zone the Setbacks shall be in accordance with the requirements of that Zone or if more than one Zone the greater of those standards.

4.5.3 Height of Building Standards.

Buildings shall be no higher than 12m in the General Industry Zone and 8m in the Service Industry Zone.

4.5.4 Landscaping Standards.

Council may require the preparation of a Landscape Plan in accordance with Schedule 8.

Landscaping shall not:

(a) reduce sight distances to any intersections; and

(b) restrict pedestrian movement or reduce safety.

4.5.5 Access and Parking Standards.

Access and parking requirements for any Development shall be in accordance with Schedule 5.
4.5.6 Signs Standards.

Any Sign not exempted in Schedule 1, which is greater than 0.2 m² in area or is illuminated, shall require approval in accordance with Schedule 6.

4.5.7 Variations.

Subject to Clause 7.5, the Council may relax the Development Standards in Clauses 4.5.2, 4.5.3, 4.5.4, 4.5.5 and 4.5.6 after considering:
(a) the existing Setback on neighbouring Lots;
(b) the particular shape, size, contours or slope of the subject land, or of adjoining land;
(c) the adjoining land uses and/or zoning; and
(d) the existing natural features or qualities of the location;
(e) any variations allowed by Schedule 5 and Schedule 6; if it is satisfied that such a relaxation would not conflict with the intent for that Zone and the aim and objectives set out in Clause 4.5.1.

4.6 CONSIDERATION OF APPLICATIONS FOR PLANNING PERMITS.

In the determination of an application for a Planning Permit the Council shall take into consideration:
(a) the intent of the Zone and any relevant aims, objectives and standards of the Scheme;
(b) any representation(s) received in relation to an application which has been publicly notified;
(c) any relevant proposals, reports and requirements of any public authorities;
(d) whether any part of the land is subject to environmental hazards or constraints;
(e) whether the proposed Development is satisfactory in terms of its design in relation to:
   i) siting, size, design and appearance with respect to adjoining land and Buildings;
   ii) the adequate containment and treatment of noise, liquid effluent and air pollutants on the Site;
   iii) compatibility with other industrial uses in the vicinity;
   iv) impact on adjacent properties;
   v) any existing buffer area or easements on the Site;
   vi) Landscaping;
   vii) the materials used for Buildings and hard standing areas;
   viii) the screening of external storage areas; and
   ix) siting, type and size of advertising signs;
(f) adequacy and capacity of existing infrastructure and services to cater for the proposed Development including Roads, footpaths, water, sewerage and sullage disposal, trade waste treatment, refuse disposal, stormwater disposal and power;
(g) provision and siting of parking and suitability of access for employees, customers and service vehicles; and

(h) impact of likely hours of operation on other uses in the vicinity.

4.7 OUTLINE DEVELOPMENT PLAN.

Where the Council considers that a proposed Subdivision or Development will restrict the further Development of land, it shall require the preparation of an outline development plan in accordance with Clause 7.9.2.

4.8 SUBDIVISION.

4.8.1 Minimum Subdivision Standards.

Subdivision of land shall be in accordance with Table 9.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Lot Size (a) (m²)</th>
<th>Minimum Frontage (m)</th>
<th>Minimum Internal Rectangle (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Industry</td>
<td>1500</td>
<td>7</td>
<td>25 x 20</td>
</tr>
<tr>
<td>Service Industry</td>
<td>1000</td>
<td>7</td>
<td>20 x 20</td>
</tr>
</tbody>
</table>

Table 9: Minimum Subdivision Standards

Note: (a) the minimum lot size excludes the area of any Access Strip.

4.8.2 Variations.

The Council may approve Subdivision Lots of smaller area, than provided in Table 9, where:

(a) A Planning Permit has been granted for a Development prior to the Council considering Subdivision approval for the land; and

(b) Subdivision approval is conditional upon Development being in accordance with the Planning Permit.
PART 5
RURAL ZONES

5.1 INTRODUCTION.

5.1.1 The Scheme uses three zones to provide a range of planning controls in recognition of the varying agricultural potential of the rural lands within the municipal area.

5.1.2 The better quality farmland continues to be protected from development which would cause loss in agricultural productivity or create potential land use conflicts in the future.

5.1.3 Some rural land of marginal agricultural value has been identified for possible subdivision into small rural size lots.

5.1.4 A large part of the municipal area, mostly that land undeveloped for agricultural use, has been zoned in the General Rural Zone. Subdivision of this land is limited.

5.1.5 State Forest land and large land areas principally owned by A.N.M. and developed for forestry purposes, have been zoned Forestry. This zone recognises the continuing use of this land and its resource for future forestry operations.

5.2 INTENT OF THE AGRICULTURE ZONE.

The intent of this Zone is:
(a) to maintain and maximise the agricultural potential of good quality farmland for the future;
(b) to encourage expansion and diversity of agricultural opportunities;
(c) to avoid potential conflict between residential use and agricultural operations by preventing small lot rural subdivision;
(d) to retain the prevailing rural character; and
(e) to allow for associated and compatible rural uses.

5.3 INTENT OF THE GENERAL RURAL ZONE.

The intent of this Zone is:
(a) to prevent marginal rural land from being subdivided and developed for smaller rural lots;
(b) to limit the environmental hazards and land management problems that could occur with further subdivisions and development; and
(c) to allow for associated and compatible rural uses, including forestry operations.
5.4 INTENT OF THE RURAL RETREAT ZONE.

The intent of this Zone is:
(a) to allow for the subdivision of the land into smaller rural lots for hobby farm and residential living;
(b) to ensure the development does not adversely affect the rural landscape character or create demand for urban services; and
(c) to allow for some associated and compatible rural uses.

5.5 INTENT OF THE FORESTRY ZONE.

The intent of this Zone is:
(a) to recognise that large areas within the municipal area are set aside as State Forest or have been developed for private forestry operations that will continue having use of the forest resource in the future;
(b) to reduce the potential land use conflict within these areas, particularly with residential living in isolated locations where forestry activity will occur; and
(c) to allow for some associated and compatible rural uses.

5.6 DEVELOPMENT STATUS.

The status of a Development of land in the Rural Zones is shown in Table 10.
<table>
<thead>
<tr>
<th>Agriculture Training/Research</th>
<th>Agriculture Zone</th>
<th>General Rural Zone</th>
<th>Rural Retreat Zone</th>
<th>Forestry Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>P1</td>
<td>P</td>
<td>D</td>
<td>D</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agriculture</th>
<th>P1</th>
<th>P1</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Keeping</td>
<td>D</td>
<td>P</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Animal Stockyard</td>
<td>P</td>
<td>P</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Auxiliary Dwelling</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Caravan Park /Camping Ground</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Communal Dwelling</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Craft Timber Mill</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Demolution</td>
<td>D(b)</td>
<td>D(b)</td>
<td>D(b)</td>
<td>D(b)</td>
</tr>
<tr>
<td>Extractive Industry</td>
<td>P</td>
<td>P</td>
<td>D</td>
<td>P</td>
</tr>
<tr>
<td>Forestry</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P1</td>
</tr>
<tr>
<td>Guest House/Holiday Flat/ Holiday Cabin</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Home Activity</td>
<td>P1</td>
<td>P1</td>
<td>P1</td>
<td>D</td>
</tr>
<tr>
<td>Home Business</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>D</td>
</tr>
<tr>
<td>Home Child Care Centre</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>D</td>
</tr>
<tr>
<td>Intensive Animal Farming</td>
<td>D</td>
<td>D</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>Outdoor Recreation Complex</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Places of Assembly</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Plant Nursery</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Produce Stall</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Public Park</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Utility</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Refuse Disposal Site</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Rural Industry</td>
<td>P</td>
<td>P</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Single Dwelling</td>
<td>Xa</td>
<td>D</td>
<td>P</td>
<td>Xa</td>
</tr>
<tr>
<td>Stable</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>D</td>
</tr>
<tr>
<td>Storage Yard</td>
<td>D</td>
<td>D</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>Subdivision</td>
<td>D(a)</td>
<td>D(a)</td>
<td>D(a)</td>
<td>D(a)</td>
</tr>
<tr>
<td>Tourism Facility</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Timber Mill</td>
<td>D</td>
<td>D</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Veterinary Establishment.</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Winery</td>
<td>P</td>
<td>P</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

**KEY:**

P1 The Development of the Premises may take place without the application for Planning Approval, provided the Development complies with all relevant Development Standards of this Scheme (Refer clause 7.3)

P The Council will permit the Development of the Premises conditionally or otherwise provided it complies with all relevant Development Standards of this Scheme (Refer clause 7.4).

D The Council has the discretion to refuse or permit the Development of the Premises (Refer clause 7.5).

X The Development of the Premises is prohibited (refer clause 7.6)

D(a) All Subdivision is discretionary except for variations approved under Section 7.12.
D(b) All Demolition is discretionary except where the provisions of Schedule 1 (g) apply.

Xa Prohibited except where: a new dwelling is replacing an existing one or a lot exists prior to the introduction of the scheme or a house is integral and necessary to the existing or proposed primary rural use.

5.7 SETBACK AND BUILDING HEIGHT.

5.7.1 Aim and Objectives.

The aim of these provisions is to ensure that Development will have a minimal impact on the landscape and other land uses.

The objectives to satisfy this aim are:
(a) to retain the rural character of the area and protect the natural skyline;
(b) to minimise the impact of Development on adjoining uses;
(c) to restrict the Development of land which is flood prone, subject to high bush fire risk or affected by other environmental or physical hazards; and
(d) to protect Watercourses and the natural landscape.

5.7.2 Setback Standards.

The minimum Setback from front, side and rear boundaries shall be in accordance with Table 11.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Dimension (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>20 (a)</td>
</tr>
<tr>
<td>General Rural</td>
<td>20</td>
</tr>
<tr>
<td>Rural Retreat</td>
<td>10</td>
</tr>
<tr>
<td>Forestry</td>
<td>20</td>
</tr>
</tbody>
</table>

(a) Council may require greater front setbacks to the Lyell Highway and the Gordon River Road, outside of town boundaries to maintain the scenic quality of these major tourist routes.

5.7.3 Height of Building Standards.

Buildings shall not exceed 10 metres in Height.

5.7.4 Access and Parking Standards.

Access and parking requirements for any Development shall be in accordance with Schedule 5.

All Development requiring access to a State Classified Road shall be referred to the Department of Transport and Works for comment.
5.7.5 Signs Standards.

Any Sign not exempted in Schedule 1, which is greater than 0.2 m² in area or is illuminated, shall require approval in accordance with Schedule 6.

5.7.6 Variations.

Subject to Clause 7.5, the Council may relax the Development Standards in Clauses 5.7.2, 5.7.3, 5.7.4 and 5.7.5 after considering:
(a) the particular shape, contours or slope of the subject land, or of adjoining land;
(b) the need to protect existing natural features or qualities of the locality;
(c) the adjoining land uses and/or zoning;
(d) the existing Setback in the vicinity;
(e) relevant professional advice on environmental hazards; and
(f) the provisions and any variations provided by Schedule 5 and Schedule 6;
if it is satisfied that such a relaxation would not conflict with the intent for that Zone and the aim and objectives set out in Clause 5.7.1

5.8 RURAL CHARACTER.

5.8.1 Aim and Objectives.

The aim of these provisions is to ensure that Development does not detract from the character of the Zoned areas.

The objectives to satisfy this aim are:
(a) that the design and appearance of Buildings respect the rural or natural setting;
(b) that Development has a minimal impact on the existing landscape character of the surrounding area; and
(c) that Development will not significantly alter or impact on the natural environment, flora and fauna habitats, Watercourses and skyline.

5.8.2 Design and Appearance Standards.

The buildings shall be of a scale and design that is not intrusive within the rural landscape. The construction materials, colour and finishes should be complimentary to existing rural buildings and the rural setting. Excavation for building sites and the construction of access roads should be minimised to avoid the unsightly appearance of major cut and fill works.
5.9 CONSIDERATION OF APPLICATIONS FOR PLANNING PERMITS.

In the determination of an application for A Planning Permit the Council shall take into consideration:
(a) the intent of the Zone and any relevant aims, objectives and standards of the Scheme;
(b) any representation received in relation to an application which has been publicly notified;
(c) any relevant proposals, reports and requirements of any public authorities;
(d) whether any part of the land is subject to:
   i) landslip, soil instability, or erosion;
   ii) excessive slope;
   iii) ponding or flooding
   iv) bush fire hazard;
   v) a Protected Catchment District under Section 26 of the Water Act 1957; or
   vi) soil contamination;
(e) whether the proposed Development will be supplied with adequate potable water, sewage and sullage disposal, stormwater disposal, refuse disposal, and power to a standard which is adequate for the health of residents;
(f) whether the proposed Development is satisfactory in relation to:
   i) its siting, scale and appearance with regard to surrounding land and Buildings;
   ii) protection of any important natural features on the Site or within the surrounding area;
   iii) protection of any important historic, archaeological and architectural features on the Site;
   iv) its impact on adjacent properties;
   v) any existing buffer areas, covenants on a sealed plan, or easements affecting the Site;
   vi) proposed hours of operation;
   vii) adequate water supply for fire fighting purposes; and
   viii) adequate refuse storage space;
(g) the provision of adequate Landscaping and private and/or Communal Outdoor Space;
(h) safe access and egress to and from the Site;
(i) the provision of parking; or
(j) adequacy and capacity of existing infrastructure and services to cater for the proposed Development including Roads, footpaths, water, sewerage and power.

5.10 OUTLINE DEVELOPMENT PLAN.

Where the Council considers that a proposed Subdivision or Development will restrict the further Development of land, it shall require the preparation of an outline development plan in accordance with Clause 7.9.2.
5.11 SUBDIVISION

5.11.1 Minimum Subdivision Standards

Subdivision of land shall be in accordance with Table 12.

Table 12: Minimum Subdivision Standards

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Lot Size (a) (hectares)</th>
<th>Minimum Frontage (m)</th>
<th>Minimum Internal Rectangle (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>80</td>
<td>40</td>
<td>100 x 100</td>
</tr>
<tr>
<td>General Rural</td>
<td>40</td>
<td>20</td>
<td>100 x 100</td>
</tr>
<tr>
<td>Forestry</td>
<td>40</td>
<td>20</td>
<td>100 x 100</td>
</tr>
<tr>
<td>Rural retreat</td>
<td>Subdivision of land in accordance with Clause 5.11.3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: (a) the minimum lot size excludes the area of any Access Strip.

Council may approve the Subdivision of a Lot between 1000 m² and 1 ha in the Agriculture Zone and General Rural Zone for the purpose of excising a dwelling which was in existence at the 15th August 1988, provided that the subdivision would not conflict with the intent of the Scheme or the requirements of the Zone.

5.11.2 Intensive Irrigation Farming

The Council may consider approval of lot(s) of a lesser size than that prescribed within Table 12 for Intensive Agriculture within the Agriculture Zone where the following provisions have been met:

(a) a detailed land capability assessment of the proposed land area to be utilised for Intensive Agriculture and the balance land has been undertaken by a suitably qualified person such as a Soil Scientist or Agricultural Consultant;

(b) the applicant specifies proposals for intensive irrigation farming and is able to demonstrate that the location, size and shape of the lots is adequate for the proposed use;

(c) the applicant can demonstrate that all the lots can be provided with an adequate and feasible water supply for irrigation purposes;

(d) there will be no adverse effect on the use of adjacent land, watercourses, natural features and the scenic quality of the area; and

(e) the minimum lot size is 30 hectares.

The Council shall refer all applications to the Department of Primary Industry and Fisheries and the Department of Environment and Land Management for comment and when considering the proposal shall take into account any reports received from these agencies.

5.11.3 Rural Retreat Subdivision Standards.

Subdivision in this Zone shall meet the following requirements:

(a) A maximum density of 1 lot per 8 hectares of land.
(b) A minimum lot size of 4 hectares.
(c) The allowable density shall be based on the area of land described in individual titles or conveyances at the Specified Date, and no further subdivision shall be permitted once the parent allotment has been subdivided to the density permitted.
PART 6
COMMUNITY USE AND OPEN SPACE ZONES

6.1 INTRODUCTION.

6.1.1 The Scheme adopts two Zones to recognise the existence of a range of facilities for the use and benefit of the community. The Zones allows for the continued use of these facilities.

6.1.2 The Community Use Zone principally identifies schools, Child Care Centres, community halls, churches and public transport facilities. Other community Development located within commercial areas is included within the appropriate commercial Zone.

6.1.3 The Public Utility Zone identifies Sites for railway lines, waste treatment plants, water reservoirs, electricity sub-stations, refuse areas and the like. In locations where these facilities have potential to impact on residential Amenity, they have been included in the adjoining Major Impact or Limited Impact Industrial Zones.

6.1.4 The Scheme also has two Zones to cover open space within the municipal area.

6.1.5 The Open Space Zone includes both public and private land that is used for private, club or community recreation.

6.1.6 The World Heritage Zone covers land in the World Heritage Area administered by the Department of Environment and Land Management.

6.2 INTENT FOR THE COMMUNITY USE ZONE.

The intent of this Zone is:
(a) to identify land that should primarily be used for public purposes such as schools, community centres, crèches, churches and the like;
(b) to ensure that locations required for future public uses are protected from inappropriate and premature Development; and
(c) to ensure that Development does not impact on the Amenity of neighbouring properties.
6.3 INTENT FOR THE PUBLIC UTILITY ZONE.

The intent of this Zone is:
(a) to identify public utilities such as water reservoirs, electricity substations, waste treatment plants, railways and other public Works that support urban Development; and
(b) to ensure that Development does not impact on the Amenity of neighbouring properties.

6.4 INTENT FOR THE OPEN SPACE ZONE.

The intent of this Zone is:
(a) to encourage Development of public and private land for recreational use;
(b) to set aside areas that are required for public recreation use in the future;
(c) to protect the scenic and environmental values of open space areas;
(d) to provide for safe and convenient access to open space areas;
(e) to provide facilities for a range of leisure activities; and
(f) to act as a buffer between potentially conflicting Development.

6.5 INTENT OF THE WORLD HERITAGE ZONE.

The intent of this Zone is:
(a) to recognise the management of the Zone as a World Heritage Area;
(b) to make provision for uses of such land to be in accordance with the provisions of the relevant statutory plan of Management or the policies of the Department of Environment and Land Management.
### 6.6 DEVELOPMENT STATUS.

The status of a Development of land in the Community Use and Open Space Zones is shown in Table 13.

**Table 13: Development Status in Community Use and Open Space Zones**

<table>
<thead>
<tr>
<th>Category</th>
<th>Community Use Zone</th>
<th>Public Utility Zone</th>
<th>Open Space Zone</th>
<th>World Heritage Zone (a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Park</td>
<td>P</td>
<td>D</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Caravan Park/Camping Ground</td>
<td>D</td>
<td>X</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Child Care Centre</td>
<td>P</td>
<td>X</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Civic Building</td>
<td>P</td>
<td>X</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Demolition</td>
<td>D(b)</td>
<td>D(b)</td>
<td>D(b)</td>
<td></td>
</tr>
<tr>
<td>Educational Establishment</td>
<td>P</td>
<td>X</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Institutional Building</td>
<td>D</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Outdoor Recreation Complex</td>
<td>D</td>
<td>X</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Place of Assembly</td>
<td>P</td>
<td>X</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Public Park</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P1</td>
</tr>
<tr>
<td>Public Utility</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Stables</td>
<td>X</td>
<td>X</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Subdivision</td>
<td>D(a)</td>
<td>D(a)</td>
<td>D(a)</td>
<td></td>
</tr>
<tr>
<td>Tourism Facility</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>All Other Uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

(a) Development status to be determined by the Department of Environment and Land Management in accordance with the relevant plan of management.

**KEY:**

- **P1** The Development of the Premises may take place without the application for Planning Approval, provided the Development complies with all relevant Development Standards of this Scheme (Refer clause 7.3).

- **P** The Council will permit the Development of the Premises conditionally or otherwise provided it complies with all relevant Development Standards of this Scheme (Refer clause 7.4).

- **D** The Council has the discretion to refuse or permit the Development of the Premises (Refer clause 7.5).

- **X** The Development of the Premises is prohibited (refer clause 7.6)

- **D(a)** All Subdivision is discretionary except for variations approved under Section 7.12.

- **D(b)** All Demolition is discretionary except where the provisions of Schedule 1 (g) apply.
6.7 SITING AND SETBACKS.

6.7.1 Aim.

The aim of these provisions is to ensure that any Development will have a minimal impact on other land uses.

6.7.2 Setback Standards.

The minimum Setback, Height, parking and access and signs standards shall be such as to satisfy the Council that the proposed development satisfies the intent of the relevant Zone.

6.8 CONSIDERATION OF APPLICATIONS FOR PLANNING PERMITS.

In the determination of an application for a Planning Permit the Council shall take into consideration:

(a) the intent of the Zone and any relevant aims, objectives and standards of the Scheme;

(b) any representation received in relation to an application which has been publicly notified;

(c) any relevant proposals, reports and requirements of any public authorities;

(d) whether any part of the land is subject to:
   i) landslide, soil instability, or erosion;
   ii) excessive slope;
   iii) ponding or flooding
   iv) bush fire hazard;
   v) a Protected Catchment District under Section 26 of the Water Act 1957; or
   vi) soil contamination;

(e) whether the proposed Development will be supplied with adequate potable water, sewage and sullage disposal, stormwater disposal, refuse disposal, and power to a standard which is adequate for the health of residents;

(f) whether the proposed Development is satisfactory in relation to :
   i) its siting, scale and appearance with regard to surrounding land and Buildings;
   ii) protection of any important natural features on the Site or within the surrounding area;
   iii) protection of any important historic and architectural features on the Site or within the Streetscape;
   iv) its impact on adjacent properties caused by reduction of sunlight/daylight, reduction of privacy, noise, illumination and obstruction of existing views;
   v) any existing buffer areas, covenants shown on a sealed plan, or easements affecting the Site;
   vi) proposed hours of operation;
   vii) adequate water supply for fire fighting purposes; and
   viii) adequate refuse storage space.

(g) the provision of adequate Landscaping and private and/or Communal Outdoor Space;
(h) safe access and egress to and from the Site;
(i) the provision of parking;
(j) adequacy and capacity of existing infrastructure and services to cater for the proposed Development including Roads, footpaths, water, sewerage and power; and
(k) adequately containment and treatment of noise, liquid, effluent and air pollutants on the Site.

6.9 OUTLINE DEVELOPMENT PLAN.

Where the Council considers that a proposed Subdivision or Development will restrict the further Development of land, it shall require the preparation of an outline development plan in accordance with Clause 7.9.2.

6.10 SUBDIVISION.

There shall be no minimum lot size in these Zones, however each Lot shall have sufficient area, suitable proportions, adequate services and reasonable vehicular access to satisfy its intended use.
PART 7
PLANNING APPLICATION AND APPROVAL

7.1 REGULATIONS OF USE AND DEVELOPMENT.

7.1.1 Subject to section 20 of the Act, a person shall not:
(a) erect, re-erect, alter, extend or demolish any Building or Works;
(b) allow, permit or suffer any Building or Works to be erected, re-erected, altered, extended or demolished;
(c) change the use of or extend the use of any Premises;
(d) allow, permit or suffer the continued use of any Premises; or
(e) do any other act of Development or allow, permit or suffer the result of any such act of Development to remain or continue on any Premises;
(f) subdivide land;

except pursuant to and in compliance with the provisions of the Scheme (or the written approval of the Council issued pursuant to the Scheme).

7.1.2 A Planning Permit shall not be required for any Development listed in Schedule 1 of the Scheme.

7.2 DEVELOPMENT OF LAND IN ZONES.

7.2.1 Development shall be categorised by the Council in accordance with the categories defined in Schedule 2: "Development Categories".

7.2.2 If a Development does not conform precisely with a particular defined category but conforms in substance with that category, it shall be categorised accordingly.

7.2.3 The status in any Zone within the Planning Area of a Development of land for any category defined in Schedule 2, is shown in the Development Status Tables 1, 5, 7, 10, and 13.

7.2.4 The provisions of Clause 7.2.1, 7.2.2 and 7.2.3 apply to proposed Development unless otherwise specified elsewhere in the Scheme.

7.3 DEVELOPMENTS PERMITTED AS OF RIGHT.

7.3.1 Subject to Part 8, Development which is depicted in a Development Status Table by the figure 'P1' may be undertaken without the application for and issue of a Planning Permit, provided that Development complies with all relevant Development Standards without invoking the provisions of Clause 7.5.1 of this Scheme.

7.4 PERMITTED DEVELOPMENTS.
7.4.1 Subject to Part 8, Development depicted in a Development Status Table by the letter 'P':
(a) where that Development complies with all relevant Development Standards without invoking the provisions of Clause 7.5.1 of this Scheme, the Council shall grant with or without conditions a Planning Permit thereto in accordance with Clause 58 of the Act; or
(b) where that Development is not in compliance with all relevant Development Standards and the Council has a power to relax or modify those standards, Clause 7.5 shall apply in accordance with Clause 57 of the Act.

7.5 DISCRETIONARY DEVELOPMENTS.

7.5.1 Subject to Part 8, for Development depicted in a Development Status Table by the letter 'D' or Development of which any aspect makes use of a power conferred on the Council to relax or modify any Development Standards of this Scheme, the Council shall grant with or without conditions, or refuse, a Planning Permit.

7.6 PROHIBITED DEVELOPMENTS.

7.6.1 For Development depicted in a Development Status Table by the letter 'X', the Council shall refuse to grant a Planning Permit.

7.7 INTERPRETATION OF DEVELOPMENTS.

7.7.1 Ancillary Development.

Where any Development constitutes an integral and subservient part of an existing or proposed Development and occupies not more than 25 percent of the Gross Floor Area, such Development shall be treated by the Council as a part of that Development and similarly categorised under Schedule 2.

7.7.2 Multiple Development.

Where any Development is not an integral or subservient part of an existing or proposed Development (or occupies more than 25 percent of the Gross Floor Area), each Development shall be categorised separately under Schedule 2.

7.8 INFORMATION TO BE SUBMITTED WITH APPLICATIONS FOR PLANNING PERMITS.

7.8.1 Where Development of land for any purpose requires the issue of a Planning Permit under the provisions of this Scheme, an application for that Planning Permit shall be lodged with the Council and shall include the following information:
(a) the name and address of the applicant, the location of the land and its postal address, a full copy of the relevant title or conveyance and any plan referred to therein and the name and postal address of the owner, and if the application is made by any person not the owner the consent in writing of the owner;

(b) the existing use of the land;

(c) the proposed Development;

(d) the impact on existing public utilities and community services or requirements for additional public utilities and community services;

(e) a plan showing:
   i) Lot boundaries, contours and Road Frontages;
   ii) rights of way and easements including any telephone or electric power lines running over or under the land;
   iii) existing Buildings and Works, and vehicular access to Roads;
   iv) Site preparation; including details of Buildings and Works to be demolished, areas to be cut and filled and trees to be removed, other land clearing and measures to prevent site erosion and pollution;
   v) existing trees and natural water courses;
   vi) location of any Buildings on the land or Lots adjoining it;
   vii) the provision of open space, if any, including gradients, dimensions, means of access and relationship to any natural features or adjoining open space;
   viii) new Buildings and Works, and alterations to existing Buildings and Works, (including floor plans, elevations, dimensions, floor areas, relative Site and floor levels, provisions for drainage, and the purpose of rooms, other enclosed spaces and Structures);
   ix) vehicular access points and provisions made for vehicular passage, manoeuvring and parking;
   x) a Landscaping Plan as may be required by the Council in accordance with Schedule 8;
   xi) the construction materials proposed, and the colour of such materials on all exterior surfaces; and
   xii) floodlighting and other exterior lighting, including the location and direction of light sources and the strength of illumination.

7.8.2 For the purposes of an application for a Planning Permit for the Subdivision of land, in addition to the relevant matters listed above, the plan shall show:

(a) the boundaries of the land to be Subdivided and its general levels and contours;

(b) the proposed Subdivision into Lots and other parcels showing:
   i) their distinguishing numbers, and
   ii) their area and measurements to such a degree of accuracy as will allow the proposed Subdivision to be checked;
(c) the streets, Roads, footpaths and other ways public and private, existing and to be opened or constructed on the land, including the widths of any such Roads, footpaths and other ways;

(d) a north directional arrow.

7.8.3 The Council may require the applicant to provide such information in addition to that prescribed in Clause 7.8.1 as it considers necessary to determine an application.

7.9 ADDITIONAL INFORMATION REQUIRED ON CERTAIN APPLICATIONS FOR PLANNING APPROVAL

The Council may determine that the following additional information is required:

7.9.1 Environmental Impact Assessment.

Where the Council considers a proposed Development will have a significant impact on the environment requiring investigation of a specialised nature, it may require the applicant to submit a report detailing:

(a) the characteristics or conditions of the environment prior to the proposed Development;

(b) the environmental impacts of construction activities;

(c) the impacts on the environment of activities upon completion of construction;

(d) the measures to be undertaken to protect the environment; and

(e) alternatives to the proposed Development and the impact on the environment of those alternatives.

7.9.2 Outline Development Plan.

Where the Council considers that a proposed Subdivision or Development will restrict the further Development of land, it shall require the applicant to prepare and submit an outline development plan that provides information as to:

(a) the location of the subject land with regard to other adjoining vacant or under-utilised land;

(b) the hierarchy of the Road system in the locality and any future Road links;

(c) public transport routes and facilities;

(d) the location and role of open space areas in relation to those existing in the locality;

(e) provisions for pedestrian and cyclist facilities;

(f) the capacity of the present public utilities, sewerage, Roads, water supply, electricity, telephone and street lighting to cater for the proposed Development and any upgrading that may be required;
(g) the overall stormwater drainage network of Watercourses, floodways and piping to cater for the ultimate Development capability of the catchment area; and

(h) the need to set aside areas for community facilities and services including schools, local shopping facilities and public utilities.

The Council may adopt, with or without modification, an Outline Development Plan prepared under Clause 7.9.2 if it is satisfied that the Outline Development Plan will provide for the effective future Development of the land and any adjoining property for its ultimate purpose.

The Development or Subdivision of land subject to an Outline Development Plan adopted by the Council pursuant to Clause 7.9.2 shall be carried out in accordance with that plan.

7.10 CONSIDERATION OF APPLICATIONS FOR A PLANNING PERMIT

7.10.1 The Council shall consider a proposal lodged under Clause 7.8 in accordance with the specific requirements for each Zone and consideration of the following matters:

(a) any State Policy or interim State Policy;

(b) any draft planning scheme that is or has been placed on public exhibition pursuant to Section 25 of the Act;

(c) any draft amendment to a planning scheme that is or has been placed on public exhibition pursuant to Section 38 of the Act; and

(d) the provisions of any management plan in force under the Act.

7.10.2 The Council shall approve a proposal plan lodged under Clause 8.1 unless the proposal plan is not in conformity with the intent or provisions of the Zone or it is of the opinion that it should be refused because the Subdivision or any Lot contained therein:

(a) is swampy or subject to inundation;

(b) requires access to or fronts onto a State Road, whereupon the approval of the Department of Transport and Works to such access has not been granted;

(c) requires that a reservation or esplanade be considered as a Road for the purposes of Frontage;

(d) will be unsewered and will not be suitable for the installation of a septic tank or other waste treatment system approved under the Public Health Act 1962 as amended;

(e) will be unsewered and drains onto a waterway;

(f) is subject to landslip, soil instability or erosion;

(g) is in an area of high fire risk;

(h) is in the vicinity of a Scheduled Premises;

(i) is substantially occupied by a high voltage transmission line;

(j) would have a detrimental effect on a water catchment area;
(k) is likely to significantly increase traffic movements, create traffic management problems or cause access or safety problems for pedestrians;
(l) is likely to generate significantly increased requirements for public transport or any other public service to the area;
(m) will have an adverse impact on agricultural activities in the locality;
(n) does not protect existing landscape, townscape or Streetscape features; or
(o) is contrary to any outline development plan prepared or adopted by the Council pursuant to Clause 7.9.2 in respect of or affecting the subject land.

7.11 ISSUING APPROVAL OR REFUSAL FOR APPLICATIONS.

7.11.1 Having determined an application for a Planning Permit, the Council shall either;
(a) issue to the applicant a written permit specifying the conditions (if any) imposed upon the Development; or
(b) issue to the applicant a written refusal for the Development, stating the grounds of refusal.

7.12 SUBDIVISION VARIATIONS.

7.12.1 The Council may approve an application for Subdivision which does not meet the standards or any provision of this Scheme where the purpose of the proposed Subdivision is to:
(a) adjust boundaries between existing Lots provided that no additional Lots are created;
(b) make provision for public utilities; or
(c) make provision for public open space or access to public open space;
if it is satisfied that such a variation would not conflict with the intent of the Zone.

7.13 LAPSE OF PLANNING PERMITS.

7.13.1 Any Planning Permit given under this Scheme shall lapse at the expiration of two (2) years from the date of the issue of the Planning Permit if the Development for which the approval was given has not been substantially commenced or in the case of Subdivision, if the final plan of the Subdivision has not been sealed by the Council.

7.13.2 Where a Planning Permit for a Development has lapsed, an application for renewal of a Planning Permit for that Development shall be treated as a new application.

7.14 ROADS.
7.14.1 For the purposes of this Scheme, any land that is a Road defined in this Scheme shall be deemed to be land within a Road reserve, irrespective of whether such land is shown coloured or rural on the Plan.

7.14.2 Any Development of land within a Road reserve shall be prohibited, except for:
(a) the provision of public utilities, which shall be permitted without the application for or issue of a Planning Permit; or
(b) a vehicular access point to a carriageway, where it conforms to all relevant sight distance and location requirements of this Scheme, which shall be permitted without the application for or issue of a Planning Permit.
(c) Roadside vending, which shall be discretionary (Refer clause 7.5) in the Agricultural, General Rural, Rural Residential A, Rural Residential B and Village zones unless the site directly adjoins any other zone not listed here whereupon it shall be prohibited.

7.14.3 Notwithstanding the provisions of this Scheme nothing shall prevent the use of a Road reserve for the occasional cultural and/or community activity.
8.1 UNSTABLE LAND.

8.1.1 The Council shall not approve any application for planning or Subdivision approval if the land to which the proposed Development or Subdivision applies:
(a) is located on soils of known or potential instability;
(b) has a gradient greater than one in four; or
(c) is substantially comprised of filled or reclaimed land;
unless the Council is satisfied that:
   i) the Development (or likely Development of land proposed to be Subdivided) will not cause, contribute or be subject to erosion, land slip or subsidence; and
   ii) the Development (or likely Development of land proposed to be Subdivided) will not cause any undue risk to the occupants or users of the Site, their property or the public.

8.1.2 For Development or Subdivision to which Clause 8.1.1 applies the Council shall require the applicant to provide the advice of a suitably qualified engineer, the Department of Mines, or any other relevant authority or organisation as to the suitability and safety of the proposed Development or Subdivision.

8.2 FLOOD PRONE AREAS.

8.2.1 The Council shall not approve any application for planning or Subdivision approval if in its opinion the land to which the application relates is prone to flooding more than once in every one hundred years, unless it is satisfied that:
(a) the Development (or likely Development of land proposed to be Subdivided) will not unduly restrict the free flow of a Watercourse in flood;
(b) a Dwelling Unit will not be subject to inundation above the floor level of the lowest floor of a habitable room; and
(c) the Development (or likely Development of land proposed to be Subdivided) will not cause any undue risk to the occupants or users of the Site or to property.

8.2.2 For Development or Subdivision to which Clause 8.2.1 applies the Council may require the applicant to provide:
(a) a certificate from a suitably qualified engineer stating that the foundation and other parts of any Building will not be subject to movement or instability as a result of any flood that is likely to occur more than once in every one hundred years; and/or
(b) the advice of the Department of Primary Industry and Fisheries, Hydro Electric Commission, Hobart Regional Water Board or any other relevant authority or organisation.
8.3  FIRE HAZARD AREAS

8.3.1 The Council shall not approve any application for planning or Subdivision approval if in its opinion the land to which the application relates is an area of high fire risk unless it is satisfied that:
(a) the Development (or likely Development of land proposed to be Subdivided) will not contribute to the fire risk; and
(b) fire prevention and protection measures will be taken to reduce the fire risk.

8.3.2 For Development or Subdivision to which Clause 8.3.1 applies the Council may require the applicant to provide the advice of the Tasmania Fire Service or any other relevant authority or organisation.

8.4  HISTORIC BUILDINGS, STRUCTURES AND OBJECTS.

8.4.1 This Section applies to all buildings and structures listed in Schedule 4 of the Scheme and recorded or classified by the National Trust and the National Estate.

8.4.2 No person shall carry out any works or development with respect to a building or structure listed in Schedule 4 without first applying to Council in accordance with clause 7.5 of the Scheme.

8.4.3 Prior to determination of any application for a planning approval pertaining to a building or structure listed in Schedule 4, Council shall confer with the National Trust of Australia (Tasmania), and obtain any other expert opinion it may deem to be relevant.

8.4.4 In considering an application for development in accordance with clause 8.4.2, Council shall have regard to the following requirements:
(a) the need to retain and protect the heritage of the municipal area;
(b) the need to ensure that elements of the heritage are not adversely affected by new development.

8.4.5 Council shall refuse any applications for development that will result in the demolition of any building, structure or object listed in Schedule 4 or which will significantly detract from its historic character.

8.4.6 Nothing in this Scheme prevents the Council from granting a permit for the development or use for any purpose of a building or structure referred to in Section 8.4.1 where the Council is satisfied that:
(a) the development or use would have little or no adverse effect on the amenity of the area, and
(b) the conservation of the relevant building or structure depends on the Council granting consent pursuant to this section, and
(c) the new development or use would not unduly affect the heritage, stylistic, horticultural or archaeological significance of the building or structure, and
(d) the colour, texture, style, size and type of finish of any exterior materials are appropriate, and
(e) the styles size, proportion and position of openings for any windows and doors are appropriate, and
(f) the pitch, form and materials of any roof are appropriate.

8.5 BUFFER AREAS.

8.5.1 Notwithstanding Schedule 2 and clause 7.3 a dwelling unit shall not be approved closer to the operations described in column 1 of the following table, than the distances stated in column 2, without the Council first obtaining and taking into account the advice of the Director of Environmental Control.

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sand pit or gravel pit</td>
<td>300m</td>
</tr>
<tr>
<td>Quarry without blasting or crushing</td>
<td>300m</td>
</tr>
<tr>
<td>Quarry with blasting or crushing</td>
<td>1,000m</td>
</tr>
<tr>
<td>Refuse disposal area</td>
<td>500m</td>
</tr>
<tr>
<td>Timber mill</td>
<td>300m</td>
</tr>
<tr>
<td>Noxious or hazardous industry</td>
<td>1,000m</td>
</tr>
<tr>
<td>Any other licensed scheduled premises</td>
<td>500m</td>
</tr>
</tbody>
</table>

8.5.2 No subdivision or development shall be approved within 500m of a State Forest zone without the Council first obtaining and taking into account the advice of the Forestry Commission in relation to bush fire protection.

8.6 RIVERSIDE, WETLAND AND SHORELINE AREAS.

8.6.1 The purpose of this provision is to control erosion, pollution, undesirable changes in stream hydrology and to protect the natural drainage functions and botanical, zoological and landscape values of streams, rivers or wetlands in the municipal area.

8.6.2 Except for the purposes of providing a littoral or riparian reserve, the subdivision of any riverside, wetland or shoreline listed in Schedule 10 of this Scheme shall be prohibited.

8.6.3 Notwithstanding the provisions of clause 8.6.2 the Council may approve:
(a) the excision of an allotment for the purpose of:
   i) providing access across the watercourse to adjoining lands, if no other access is available.
   ii) providing a site for a minor utility installation; or
   iii) providing an area for road purposes or other public purposes.
8.6.4 A development of land within any riverside, wetland or shoreline area listed in Schedule 10 shall require the granting of a planning approval pursuant to clause 7.5.

8.6.5 In its determination of an application for a planning approval the Council shall take into account the advice of any relevant statutory authority.

8.6.6 Notwithstanding the provisions of clauses 8.6.4 nothing shall be construed as preventing the carrying out of:
(a) a development including:
   i) a fence, gate, or track relating to farming;
   ii) a water pump and associated works;
   iii) a dam;
(b) any work or maintenance of any road or access track and associated bridge or culvert;
(c) any work or maintenance which in the opinion of the Council or other public authority responsible for drainage in the area is necessary to prevent or alleviate flood damage to property;
(d) the carrying out of any stream improvement, drainage or water supply works; or
(e) the carrying out of any soil erosion, soil conservation or reclamation works.

8.6.7 In determining whether or not to approve an application to subdivide or develop land adjacent to any riverside, wetland or shoreline area listed in Schedule 10, the Council shall have regard to the impact of the proposal on the stability of the land, the minimisation of the clearing of vegetation, the environmental and recreational values, the earthworks to be carried out and the means of waste disposal.

8.7 TREE PRESERVATION.

8.7.1 For the purpose of securing or of preserving the amenity in any Residential or Commercial zone, and the Landscape Protection Areas, no person shall ring bark, cut down, lop, remove, injure or wilfully destroy any tree or trees, except with the consent of Council given with or without conditions as Council deems necessary.

8.7.2 Sub-clause 8.7.1 shall only apply to trees having one or more of the following characteristics:-
(a) height greater than 3 metres;
(b) spread of branches (diameter) greater than 2 metres;
(c) circumference of trunk greater than 40cm measured 1 metre above adjacent ground level.

8.7.3 Notwithstanding sub-clause 8.7.1 above, nothing in this Section shall prevent tree removal for the following purposes:-
(a) safety purposes;
(b) the removal of any dead tree or branch;
(c) the pruning and general maintenance of a garden;
(d) the carrying out of any maintenance work of a road or building;
(e) removal of any tree or branch which impairs the access of vehicles along a track or driveway;
(f) within 3 metres of a dwelling unit.

8.8 LANDSCAPE PROTECTION AREAS.

The purpose of this provision is to ensure the management and conservation of areas of landscape significance delineated on the Plan. These include forested and wooded areas, skylines, prominent ridge lines and hills which contribute to important vistas.

8.8.1 Development within a 'Landscape Protection Area' shown on the Plan shall require a planning approval with the exception of development which is exempt from planning approval under Clause 1.5.

8.8.2 An application for a planning approval within a 'Landscape Protection Area' shall include a report indicating:
(a) the reasons for the proposed development;
(b) a plan of any area(s) to be cleared, and the proposed use of the land so cleared; and
(c) measures to be taken to ensure:
   i) protection of scenic and recreation values in the area;
   ii) screening of any buildings;
   iii) conservation of existing native fauna and flora; and
   iv) control of soil losses due to wind and water erosion.

8.8.3 The clearing of land and any site works shall be limited to the area approved by Council for a particular development.

8.9 MAYDENA TOWN WATER SUPPLY CATCHMENT AREA.

8.9.1 All Development within the Maydena Water Supply Catchment Area, as shown on the Plan shall be require an application to Council in accordance with clause 7.5 of the Scheme.

8.10 SPECIFIED DEPARTURES.

8.10.1 Specified Departures provide for particular areas of land identified on the Plan and listed in Schedule 11 to be developed and in ways that are not otherwise provided for under the Scheme.
PART 9

SPECIAL DEVELOPMENT ZONE

9.1 INTRODUCTION.

The campuses of the previous Royal Derwent Hospital and Willow Court Centre are identified as sites of strategic importance for the economic development of the Municipal area. With the cessation of the traditional uses on these sites there is a unique opportunity for redevelopment which capitalises upon the existing facilities and infrastructure.

The objective for this Zone is to facilitate an integrated redevelopment of the site. Many uses may be appropriate for the site providing they will result in satisfactory economic, cultural heritage and environmental outcomes. The Development Standards in this part of the Scheme are performance based, establishing the required levels of performance for Development relative to a range of identified issues, whilst not limiting the range of potential uses that may be appropriate.

9.2 INTENT OF THE ZONE

The intent of this Zone is to:

(a) Facilitate the re-development and re-use of the former Royal Derwent Hospital and Willow Court Centre sites.

(b) Protect the cultural heritage values of the significant Structures and spaces within the Zone.

(c) Protect the natural landscape values of the Zone.

(d) Integrate any new Development with the existing open space, access and any reticulated service networks.

(e) Ensure new Development addresses the identified potential environmental hazards.

(f) Limit any potential land use conflicts and other environmental impacts for established uses in the Zone and in adjoining Zones.

9.3 INTEGRATION OF DEVELOPMENT

9.3.1 In addition to the application information requirements specified in Clause 7.8 or that required by Council in Clause 7.9, a Development Impact Statement will be required to demonstrate that all Development or use of land will integrate with, or enhance, existing infrastructure, open space and access networks and promote efficient use of the land within the Zone and adjacent Zones.

9.3.2 A Development Impact Statement shall be compiled to the satisfaction of Council and shall include, but not necessarily be limited to, the following:

- Site context and environmental assessment
Determine the impact on the environment, heritage and cultural values (e.g. statement of heritage significance) and identify actions to be undertaken to address these issues (e.g. undertaking 'conservation plans', contamination remediation strategy etc.)

- **Land Use Impact**
  Describe envisaged future use of the *Site* and assess its possible environmental impacts, economic and social benefits, use conflicts or opportunities for use of the balance of land outside of the subject *Site*, within the *Zone*. Identify measures to address impacts for use of adjacent land within the *Zone* and in adjoining *Zones* as required.

- **Movement Connections**
  Describe the *Road* hierarchy and major local movement systems (motor vehicle, pedestrian and cycle) to and within the *Site*. Establish the impact of the proposed use and/or *Development* upon the local *Road* hierarchy and needs for upgrading and extension of access provisions.

- **Reticulated Service Connections**
  Estimate the demand for infrastructure that will be generated and identify the most appropriate means for its provision.

- **Open Space Connections**
  Assess any potential demand for open space or recreation provisions generated by the ultimate envisaged use and/or *Development*. Identify means to extend and promote connectivity of open space provisions within the *Zone* as relevant.

- **Infrastructure Provision Costs**
  Estimate the degree of costs to be born by the public and private sectors arising from the use and/or *Development* and where appropriate, establish terms for any agreements regarding infrastructure pricing policy and provision.

9.3.3 Where the *Council* is satisfied that any of the above information is not relevant to the assessment of the proposal, such information may be omitted from the Development Impact Statement.

9.3.4 A Development Impact Statement prepared for any particular *Site* shall have regard to the provisions of any existing Development Impact Statement/s which relate to *Site/s* within the *Zone* and shall demonstrate the integration of the various *Developments* within the *Zone*.

9.4 **STATUS OF USE OR DEVELOPMENT**

9.4.1 All use and/or *Development* within the Special Development Zone shall accord with the provisions of this Part. In the event of any consistency with any standard other requirement of the *Scheme* the provisions of this Part take precedence.
9.4.2 Within the Special Development Zone, a use and/or Development of land is permitted if it is a use and/or Development that can demonstrate compliance with the applicable Acceptable Solutions contained in Clause 9.5 of this Scheme.

9.4.3 Within the Special Development Zone, a use and/or Development of land is discretionary if it is a use and/or Development that relies wholly or in part on the use of applicable Performance Criteria contained in Clause 9.5 of this Scheme.

9.4.4 An application must be made to Council for a permitted use and/or Development. Council is bound to grant a permit for a permitted use and/or Development but may impose conditions or restrictions to ensure compliance with the intent of the planning scheme, the values and intent of the Special Development Zone and the objectives of any applicable Development standard.

9.4.5 An application must be made to Council for a discretionary use and/or Development. The Council must:
(a) grant a permit, with or without conditions that ensure compliance with the intent of the planning scheme, the values and intent of the Special Development Zone and the objectives of any applicable Development standard; or
(b) refuse to grant a permit, where the application is unable to demonstrate compliance with the Development standards applicable to that use and/or Development.
Figure One(b)  
Areas of Potential Aboriginal Heritage Significance
### Cultural Heritage
To ensure that the values of places, relics, objects and Structures of Aboriginal and historic cultural significance are conserved.

#### Note
- Conservation Plans shall be prepared to the satisfaction of the Tasmanian Heritage Council.

** A heritage assessment of areas of aboriginal significance shall be prepared to the satisfaction of the Secretary of the Department of Environment and Land Management.

<table>
<thead>
<tr>
<th>ISSUE AND OBJECTIVE</th>
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<td>1. The use and/or Development of land within the area identified as being of 'potential Aboriginal heritage significance' identified in Figure 1 (b) which involves modification of the existing landscape shall comply with the principles and provisions of a heritage assessment.</td>
<td><strong>1.</strong> The use and/or Development of land which is outside the 'core' or 'peripheral' site areas identified in Figure One (a), or the area of 'potential Aboriginal heritage significance' in Figure One (b).**</td>
<td>2. The use and/or Development of land does not involve modification of the existing landscape within the area identified as being of 'potential Aboriginal heritage significance in Figure One (b).**</td>
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<td>2. The use and/or Development within the 'core or peripheral site areas' identified in Figure One (a) shall comply with the principles and provisions of a heritage assessment to the satisfaction of the Tasmanian Heritage Council.</td>
<td><strong>2.</strong> The use and/or Development of land does not involve modification of the existing landscape within the area identified as being of 'potential Aboriginal heritage significance in Figure One (b).**</td>
<td>3. The use and/or Development of land involves modification of the existing landscape within the area identified as being of ‘potential Aboriginal heritage significance in Figure One (b) where a heritage assessment** states that there are no sites or relics of Aboriginal heritage. **</td>
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<td>3. The use and/or Development within the 'core' or 'peripheral' site areas identified in Figure One (a), that is specifically provided for by the principles and provisions or a</td>
<td>4. The use and/or Development of land which is outside the 'core' or 'peripheral' site areas identified in Figure One (a), or the area of 'potential Aboriginal heritage significance' in Figure One (b).**</td>
<td><strong>4.</strong> The use and/or Development within the 'core' or 'peripheral' site areas identified in Figure One (a), that is specifically provided for by the principles and provisions or a</td>
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“Conservation Plan”* for the Site.

5. Signs located within the ‘core’ or ‘peripheral’ site areas as identified in Figure One (a) and which are in accordance with a provision in a Conservation Plan.
### ISSUE AND OBJECTIVE

- **Lot Location and Size**
  To provide *Lot* sizes to suit a variety of uses with areas and dimensions that meet user requirements.

Note
* the minimum lot size excludes the area of any Access Strip.

### PERFORMANCE CRITERIA

1. *Lots* have the appropriate location, area and dimensions for the siting and construction of *Buildings* suitable for uses and their associated *Site* facilities such as parking and access and *Landscaping*.

### ACCEPTABLE SOLUTIONS

1. All *Lots* shall be designed so as to contain *Development* between the 10 and 100 metre elevation contours.

2. *Lots* for Business and Civic use class shall have a minimum size* of 200 m², a minimum *Frontage* of 5 metres, with a *Minimum Internal Rectangle* of 10 metres X 10 metres.

3. *Lots* for the industrial use shall have a minimum size* of 1000 m², a minimum *Frontage* of 7 metres with a *Minimum Internal Rectangle* of 20 metres X 20 metres.

4. *Lots* for residential use shall have a minimum size* of 450 m², a minimum *Frontage* of 3.6 metres with a *Minimum Internal Rectangle* of 10 metres X 15 metres.

5. *Lot* sizes for residential development shall be sufficient to accommodate the provisions of Clause 2.9.4 of the *Scheme*.
### ISSUE AND OBJECTIVE

- **Building Siting**
  To enable flexibility in building siting while achieving appropriate visual bulk, adequate daylight to *Dwellings* and sunlight to *Private Open Space* and to address potential conflicts between uses.

To *Setback Buildings* from the street to provide for *Landscaping* or open space, visual and acoustic privacy and car parking, while assisting in establishing an attractive *Streetscape*.

### PERFORMANCE CRITERIA

1. Building siting is related to land form and is designed to minimise cut and fill.
2. Siting of residential *Developments* or *Developments* adjacent to residential *Developments* are sufficient to ensure:-
   - adequate levels of daylight reach *Habitable Rooms*.
   - that there is no unreasonable loss of privacy or overshadowing of adjacent *Dwellings* and their principle areas of *Private Outdoor Space*.
3. *Setbacks* are progressively increased as *Wall Height* increases to reduce bulk.
4. The *Setback of Buildings* from the street is to contribute to the *Streetscape* character, assists the integration of new *Development* into the public *Streetscape* and makes efficient use of the Site.
5. The siting of Buildings are sufficient to accommodate necessary attenuation distances to address

### ACCEPTABLE SOLUTIONS

1. In areas of established *Development*, front *Setbacks* shall accord with the prevailing building line. Where no prevailing setback exists, *Buildings* are to be *Setback* a minimum of 4.5 metres from the Road alignment.
2. *Setbacks* for residential and commercial *Development* shall accord with the provisions of Clause 2.8.2 (a) and (b) of the *Scheme*.
3. *Setbacks* for residential *Development* on any *Site* shall be sufficient to accommodate the provisions of Clause 2.9.3 of the *Scheme*.
4. Industrial *Development* shall be setback not less than 50 metres from a *Dwelling*.
potential conflicts between uses.

6. The siting of residential Development is to provide sufficient areas to accommodate adequate Private Outdoor Space and Communal Open Space.
• **Building Height and Form**
To ensure that the Height and form of Buildings and Structures is of a compatible scale with existing Development to limit the visual impact, to protect cultural heritage values and impact upon residential Amenity.

Note
* Building Height Areas are shown in Figure Two.

1. **Building Height** is related to land form.
2. **Building form** is generally distributed to reduce impact on neighbours, established viewscapes and on the public street.
3. Buildings are designed to minimise their impact upon the natural skyline and any relevant cultural heritage values.
4. **Building Heights** are similar to those existing in the vicinity, with higher Buildings sited so as to minimise adverse impacts on neighbours and on the Streetscape.

1. The maximum Height of any Building or Structure does not exceed the Height limit. For the relevant Building Height Area* which are as follows:
   - Area A - No Buildings or Structures shall exceed 8 metres in Height.
   - Area B - No buildings or Structures shall exceed 10 metres in Height.
   - Area C - No buildings or Structures shall exceed 12 metres in Height.

2. Buildings have a maximum unarticulated length of 15 metres to the public street frontage. Punctuation by elements such as verandahs, wall offsets or other structural features is considered to be adequate articulation.
ISSUE AND OBJECTIVE

- **Landscaping**
  To ensure adequate *Landscaping* in order to minimise conflicts of scale, provide shelter and screening, and improve visual *Amenity*, microclimate and public safety and *Amenity*.

PERFORMANCE CRITERIA

1. Landscaping shall, as appropriate:
   - define a theme for new streets, or compliments existing streets, and integrates new *Development*;
   - be sensitive to *Site* attributes;
   - complement the functions of the street;
   - reinforce desired traffic speed and behaviour;
   - minimise conflicts between differing uses;
   - improve the privacy of Private *Outdoor Space* and *Habitable Rooms* of residences;
   - incorporate existing vegetation, where possible;
   - compliment *Streetscapes* and landscapes of heritage significance;
   - assist in microclimate management;
   - maximise absorptive *Landscaped Areas* for on-*Site* infiltration of stormwater;
   - achieve adequate lines of sight for pedestrians, cyclists and vehicles;

ACCEPTABLE SOLUTIONS

1. *Landscaping* shall be carried out in accordance with a Landscape Plan approved by the Council.
• provide adequate lighting for pedestrians, cyclists and vehicles;
• satisfy maintenance and utility requirements and minimises the visual impact of above ground utilities and on-Site facilities and parking areas.
• integrates with existing open space provisions and forms linkages with parks, reserves and transport corridors;
• enhances pedestrian comfort.
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<td><strong>Access and Parking</strong>&lt;br&gt;To ensure adequate provision of secure, safe and accessible on-Site parking for residents, workers and visitors.</td>
<td>1. Car parking is provided according to projected needs which are determined by:&lt;br&gt;- the size and type of the proposed Development and its parking demand generation characteristics;&lt;br&gt;- the availability of on-street car parking;&lt;br&gt;- the possible demand for car parking space from adjoining localities;&lt;br&gt;- the occasional need for overflow parking;&lt;br&gt;- the Streetscape impact of parking provisions;&lt;br&gt;- the car parking requirements of people with disabilities.</td>
<td>1. Access and parking requirements for any Development in accordance with the following Clauses of Schedule 5* of this Scheme – S5.2, S5.3, S5.4, S5.5 &amp; S5.7.</td>
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<tr>
<td><strong>Note:</strong>&lt;br&gt;Council shall determine the most appropriate use category to determine car parking requirements under Schedule 5</td>
<td>2. Car parking facilities are designed and located to:&lt;br&gt;- conveniently and safely serve users, including pedestrians, cyclists and vehicles;&lt;br&gt;- enable efficient use of car spaces and accessways, including adequate manoeuvrability for vehicles between the street and the Development Site;&lt;br&gt;- limit the visual impact of</td>
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*Schedule 5* refers to the specific clauses in the Planning Scheme that govern access and parking requirements.
provisions upon the Streetscape;

3. Open car parking areas and accessways are suitably Landscaped to enhance amenity while providing for security needs.

4. Accessways and manoeuvring areas ensure safe and efficient access for the envisaged vehicle types operating on the Site.
## Schedules

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SCHEDULE 1

EXEMPTIONS FROM PLANNING APPROVAL

A Planning Approval shall not be required for the following Development unless it is on a heritage Site listed in Schedule 4 (refer Clause 8.4):

(a) Maintenance or Repair of Buildings

The carrying out of maintenance or repair of any Building which does not materially alter the external appearance of the Building.

(b) Interior Alterations

The carrying out of alterations to the interior of a Building, provided such alterations are not associated with a change of use constituting Development under the Scheme.

(c) Minor Domestic Buildings and Structures

The Demolition, removal, erection or placement within the rear curtilage of a Dwelling Unit of non-commercial dog kennels, garden sheds, glass houses, rubbish receptacles, or such other minor Structures for the domestic needs of the occupants of the Dwelling Unit, provided that:

i) the total floor area of the Buildings or Structures does not exceed 10 square metres;

ii) no part of the Building or Structure is sited within 1.5 metres of any property boundary;

iii) no part of the Building or Structure is to be higher than 2.5 metres in the case of a flat roofed or monopitched roofed construction and 3 metres in the case of a construction where the pitch is at least 15 degrees; and

iv) no part of the Building or Structure encroaches within any service easement or within one metre of any underground service.

(d) Tree Planting

The planting of trees, shrubs or other vegetation on any land, provided such operations do not involve a change of use constituting Development under this Scheme.

(e) Fences and Walls

The construction of fences and walls, not more than 2.1 metres high, provided the Council and other statutory authorities can retain access to any service easements.
(f) Temporary Buildings or Structures

The erection of Buildings or Structures needed temporarily in connection with and during the construction of any Development approved under this Scheme.

(g) Demolition

The Demolition in whole or in part of any Building, which:

i) has been granted a Planning Permit with associated Development;

ii) is for a minor Building or Structure only, the erection of which would be exempt under this Schedule.

provided that the Building is not listed in Schedule 4.

h) Public Works

The carrying out by the Council or any public authority of works for maintenance and repair purposes, including the repair and reconstruction of roads or footpaths and renewal of drains, sewers, pipes or cables.

i) Subdivision

The following subdivisions are exempt:

i) boundary adjustment;

ii) adhesion;

iii) road widening.
SCHEDULE 2

DEVELOPMENT CATEGORIES

In this Planning Scheme, a Development shall be defined in terms of one of the following development categories.

Agriculture
Agricultural Training/Research
Animal Keeping
Animal Stockyard
Auxiliary Dwelling
Business Premises
Caravan Park or Camping Ground
Car Park
Child Care Centre
Civic Building
Commercial Garage
Communal Dwelling
Consulting Rooms
Craft Timber Mill
Demolition
Educational Establishment
Equipment Sales and Hire Premises
Extractive Industry
Forestry
Funeral Establishment
Garden Centre
General Industry
Guest House
Holiday Cabin
Holiday Flat
Home Activity
Home Business
Home Child Care Centre
Hospital
Institutional Building
Intensive Animal Farming
Limited Impact Industry
Liquor Licensed Establishment
Local Shop
Major Business Premises
Major Impact Industry
Major Shop/Shopping Centre
Marine Industry
Market Stall
Mechanical Repair Garage
Motel
Multi-Storey Dwelling Unit
Multiple Dwelling Units
Outdoor Recreation Complex
Place of Assembly
Plant Nursery
Produce Stall
Public Park
Public Utility
Restaurant
Refuse Disposal Site  
Retirement Village  
Rural Industry  
Sales and Hire Premises  
Salvage Premises  
Scientific and Technological Industry  
Service Centre  
Service Station  
Shop  
Showroom  
Single Dwelling  
Stables  
Storage Yard  
Subdivision  
Take-Away Food Shop  
Timber Mill  
Tourism Facility  
Toxic or Dangerous Goods Store  
Transport Depot  
Two Dwelling Units  
Veterinary Establishment  
Warehouse  
Winery
Agriculture:

means the Development of any Premises for commercial and other non-domestic farming operations involving the cultivation of plants and/or the raising of animals.

The term does not include the processing and packing of the produce derived from other Premises, Agricultural Training/Research, Aquaculture, Forestry, Intensive Animal Husbandry, Plant Nursery, or Rural Industry.

Agricultural Training/Research:

means the Development of any Premises for education and research purposes associated with the cultivation of plants and/or the raising of animals where additional Buildings, services or facilities are necessary to cater for the non-agricultural aspects of the use.

The term does not include Agriculture, Aquaculture, Educational Establishment, Forestry, Plant Nursery, or Rural Industry.

Animal Keeping:

means the Development of any Premises for the boarding or keeping of animals on a commercial basis, but does not include the keeping of working farm dogs.

Animal Stockyard:

means the Development of any Premises for the sale of livestock and/or the temporary holding of livestock pending its transportation.

Auxiliary Dwelling:

means the Development of a separate Dwelling Unit on the Site of an existing Single Dwelling whether or not attached to such Single Dwelling where:

(a) water and electricity supplies to the Single Dwelling and Auxiliary Dwelling are commonly metered; and

(b) the Auxiliary Dwelling:

i) has a Floor Area not exceeding 60m2;

ii) is designed to be relocatable or demountable if a separate Building or able to be incorporated as part of the existing Single Dwelling; and

iii) is occupied by a person that is a dependent of, or related to the occupants of the Single Dwelling.
Business Premises:

means the Development of any Premises which has a Gross Floor Area not exceeding 200m², for an office providing professional advice or services, or for business or commercial purposes including a bank, Building society or the like.

The term does not include a Shop, Consulting Rooms, Showroom or Major Business Premises.

Caravan Park or Camping Ground:

means the Development of any Premises to provide temporary accommodation so defined by the Accommodation Standards made under Section 109 of the Liquor and Accommodation Act 1990.

Car Park:

means the Development of any Premises for the parking of motor vehicles if that parking is not ancillary to the use of the Premises for some other purpose.

The term does not include a Transport Depot or Sales and Hire Premises.

Child Care Centre:

means the Development of any Premises for the minding or care, but not residence, of children for monetary reward. The term includes the use of a kindergarten, creche or pre-school centre.

The term does not include a Home Child Care Centre.

Civic Building:

means the Development of any Premises for an office, police station, courthouse, assembly room, public library, museum, art gallery, meeting hall or the like by the Council or a Public Authority.

Communal Dwelling:

means the Development of any Premises for residential purposes by a number of unrelated persons who share in common part or parts of the Premises, if the number of persons exceeds eight. The term includes a boarding house, hostel, convent, monastery, or residential college.

Commercial Garage:

means the Development of any Premises for the parking and/or garaging of vehicles used for the carrying of goods or persons for hire or reward.

The term includes:

(a) the use of any Premises for a taxi depot, small courier and the like; and
(b) the ancillary use of facilities on the Premises for the servicing and maintenance of vehicles operating from the Premises.

The term does not include a Transport Depot.

**Consulting Room:**

means the Development of any Premises by medical or dental practitioners, or registered practitioners of other therapeutic arts or sciences, including a maternal or child welfare centre, x-ray centre, medical centre or community health centre, but does not include a Hospital or Veterinary Establishment.

**Craft Timber Mill:**

means the Development of any Premises for the sawing of timber on a small scale basis for craft, woodworking or artistic purposes, where such an activity conforms with the definition of a Limited Impact Industry.

**Demolition:**

has the meaning attributed to it by the Building Regulations, as amended.

**Educational Establishment:**

means the Development of any Premises for:

(a) a primary school;
(b) a high school or other college providing secondary education;
(c) a college, university or other institution providing tertiary, technical or further education; or
(d) a special school for children who have physical or intellectual disabilities.

**Equipment Sales and Hire Premises:**

means the Development of any Premises for the display, sale, hire and/or leasing of plant, equipment or machinery associated with but not limited to the following activities:

(a) cargo-handling;
(b) construction;
(c) earth moving;
(d) farming;
(e) Industry; and
(f) mining.

The term includes the ancillary use of any facilities on the Premises for the servicing and repair of plant, equipment or machinery.

**Extractive Industry:**
means the Development of any Premises for the extraction of minerals, sand, gravel, clay, soil, rock, turf, stone or any similar substance from land.

The term includes:

(a) the extraction of any overburden;

(b) any treatment including crushing or screening of that substance on the same Premises;

(c) the associated storage of goods or materials used in connection with or resulting from that Extractive Industry;

(d) the sale of goods or materials resulting from that Extractive Industry; and

(e) the repair and maintenance of vehicles and machinery used in connection with that Extractive Industry.

Forestry:

means the Development of any Premises for the establishment, management and harvesting of trees.

Funeral Establishment:

means the Development of any Premises for an undertaking business. The term includes the Development of a funeral chapel and mortuary.

Garden Centre:

means the Development of any Premises for:

(a) the sale of plants, shrubs or trees; and

(b) sale or display, of plants and/or materials for use in gardening or Landscaping.

The term includes the sale, or display of any one or more of the following:

(a) seeds;

(b) goods used for the cultivation of plants;

(c) Landscaping materials;

(d) garden ornamentation, furniture or Structures; and

(e) garden tools or equipment.

General Industry:

means the Development of any Premises for an Industry not defined elsewhere in this Schedule.

Guest House:
means the Development of any Premises to provide temporary accommodation so defined by the Accommodation Standards made under Section 109 of the Liquor and Accommodation Act 1990.

**Holiday Cabin:**

means the Development of any Premises to provide temporary accommodation so defined by the Accommodation Standards made under Section 109 of the Liquor and Accommodation Act 1990.

**Holiday Flat:**

means the Development of any Premises to provide temporary accommodation so defined by the Accommodation Standards made under Section 109 of the Liquor and Accommodation Act 1990.

**Home Activity:**

means the use of a Dwelling Unit by one or more of its permanent residents for a purpose which when conducted:

(a) does not involve the employment or assistance of any person other than permanent residents of the Dwelling Unit;

(b) does not involve more than 30m² of the Dwelling Unit and its curtilage;

(c) does not impose a load on a Public Utility greater than that which is reasonably required for the predominant use;

(d) does not interfere with the Amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, smoke, ash, dust, grit, oil, waste water, waste products, radio or electrical interference or otherwise;

(e) does not involve the display of goods visible from outside the Dwelling Unit and its curtilage;

(f) does not involve signs that exceed a total area of 0.2 square metres;

(g) does not involve the refuelling, servicing or repair of any vehicles not owned by permanent residents of the Dwelling Unit; and

(h) not more than one commercial vehicle is on the land on which the activity is carried out at any one time and no facilities are provided nor provision made nor goods kept on such land for or in connection with the refuelling, servicing or repairing of any motor vehicle.

**Home Business:**
means the use of any Dwelling unit and/or a separate Building or Structure within the curtilage of the Dwelling Unit by one or more of its permanent residents for a purpose which when conducted:

(a) does not constitute a Shop;

(b) does not involve the employment and/or assistance of more than one person other than permanent residents of the Dwelling Unit;

(c) unless carried out in the Rural A, Rural B, Rural Residential or Landscape and Conservation Zone, does not use more than 50m² of the Dwelling Unit or its curtilage and does not involve the refuelling, servicing, repair or storage of any vehicles;

(d) does not impose a load on a Public Utility greater than that which is reasonably required for the predominant uses in the immediate locality;

(e) does not interfere with the Amenity of the neighbourhood by reason of the traffic movements, emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, waste products, radio or electrical interference or otherwise;

(f) does not involve the display of goods where they may be visible from outside the Dwelling Unit or separate Building or Structure, as the case may be; and

(g) does not involve signs that exceed a total area of 0.2 square metres.

The term does not include a Home Child Care Centre or Home Activity.

**Home Child Care Centre:**

means the use of a Dwelling Unit and/or its curtilage for the minding or care of children for monetary reward, by one or more persons residing in the Dwelling Unit where the total number of children being cared for at any time, including resident children, does not exceed six.

The term includes the use of Premises licensed for Family Day Care or Boarding-Home Care under a Family Day Care System conducted in accordance with the Child Welfare Act 1960.

**Hospital:**

means the Development of any Premises for a public or private medical establishment for in-patient treatment.

The term does not include Consulting Rooms.

**Institutional Building:**
means the Development of any Premises for the purpose of a penal or reformative institution, or a home for the care of state wards or orphans;

**Intensive Animal Farming:**

means the Development of any Premises for the farming of animals where their feeding is undertaken primarily by hand and/or machinery-based practices. The term does not include Agriculture, Aquaculture or Animal Keeping.

**Limited Impact Industry:**

means the Development of any Premises for Industry which has a limited adverse impact on other uses in the vicinity by reason of:

(a) the appearance of Buildings and unscreened storage areas;
(b) the emission of noise, odours, steam, smoke, vapour, or any other form of pollution;
(c) the escape of any liquid or solid wastes from the Premises;
(d) the emission of electro-magnetic radiation or potentially damaging vibration, whether audible or inaudible; and
(e) the generation of vehicular traffic which exceeds the design capacity of the Roads required to provide access to the Premises;
(f) the hours of operation; and
(g) a potential industrial accident.

**Liquor Licensed Establishment:**

means the Development of any Premises to which general liquor license is issued under the Liquor and Accommodation Act 1990 for a Tavern, Hotel, Tourist Hotel, International Hotel or Off Licence Premises.

**Local Shop:**

means the Development of any Premises for the sale, by Retail, of foodstuffs and general merchandise for the day to day needs of the surrounding neighbourhood, where the Gross Floor Area does not exceed 100m².

The term includes the ancillary Development of the Premises for a Take-Away Food Shop or Restaurant.

The term does not include a Shop, Produce Stall or any part of a Major Shop/Shopping Centre.

**Major Business Premises:**
means the Development of any Premises having a Gross Floor Area exceeding 200m² for business or commercial purposes including a bank, building society or similar institution, or for an office providing professional advice or services, but not retailing of goods.

The term does not include a Shop, Consulting Rooms or Showroom.

Major Impact Industry:

means the Development of any Premises for Industry which may have a significant adverse impact on other uses in the vicinity by reason of:

(a) the appearance of Buildings and unscreened storage areas;
(b) the emission of noise, odours, steam, smoke, vapour, or any other form of pollution;
(c) the escape of any liquid or solid wastes from the Premises;
(d) the emission of electro-magnetic radiation or potentially damaging vibration, whether audible or inaudible;
(e) the generation of vehicular traffic which exceeds the design capacity of the Roads required to provide access to the Premises;
(f) the hours of operation; and
(g) a potential industrial accident.

Major Shop/Shopping Centre:

means the Development of any Premises having a Gross Floor Area exceeding 200m² and consisting of one or more Buildings used for the sale of goods by Retail and which:

i) forms an integrated unit;
ii) has a co-ordinated layout;
iii) is built as part of a single complex or in stages with each succeeding stage complementing any earlier stage or stages; and
iv) maintains separate areas of occupation which in isolation would be otherwise classified.

Marine Industry:

means the Development of any Premises for the manufacturing, storage, servicing, repair or other similar treatment of boats or other marine equipment and includes ship yards, boat servicing workshops, boat manufacture, marinas, ships chandlers, sail makers and the like.

Market Stall:
means the Development of any Premises for the sale of goods by Retail, where vendors temporarily occupy an area or stall for a fee. The term includes the sale of food for human consumption.

**Mechanical Repair Garage:**

means the Development of any Premises for repairing or servicing of motor vehicles, boats, caravans or agricultural machinery. The term does not include body works, panel beating or spray painting.

The term includes any ancillary sale of lubricating oils and greases, batteries, tyres, spare parts and accessories.

The term does not include a Limited Impact Industry or Service Station.

**Motel:**

means the Development of any Premises to provide temporary accommodation so defined by the Accommodation Standards made under Section 109 of the Liquor and Accommodation Act 1990.

The term includes the ancillary Development of dining and recreational facilities where they are available only to occupants of the Motel.

The term does not include a Home Business, Tourism Facility, Guest House, Holiday Cabin or Holiday Flat.

**Multiple Dwelling Units:**

means the Development of any Premises consisting of individual Dwelling Units occupied by separate households, where:

(a) the Development consists of three or more Dwelling Units;

(b) each Dwelling Unit has its own defined curtilage; and

(c) each Dwelling Unit has an area of Private Outdoor Space directly accessible from that Dwelling Unit.

**Multi-Storey Dwelling Unit(s):**

means the Development of any Premises consisting of individual Dwelling Units occupied by separate households, where:

(a) the Development consists of one or more Buildings consisting of one or more Dwelling Units;

(b) the Dwelling Units are located one above the other or above a non-residential Development; and

(c) one or more of the Dwelling Unit(s) does not have direct access to Private Outdoor Space.

**Outdoor Recreation Complex:**
means the Development of any Premises for the conduct of sports or the provision of entertainment not predominantly conducted within a permanent Building.

The terms includes a circus, shooting gallery, side show, mechanical rides, open-air theatre, drive-in theatre and the like.

**Place of Assembly:**

means the Development of any Premises for recreational, social, entertainment, cultural or religious purposes conducted predominantly in a permanent Building and includes:

(a) a public hall, theatre, cinema, music hall, concert hall, dance hall or church;

(b) the conduct of trade fairs, exhibitions or conventions;

(c) a club house; and

(d) a function room.

**Plant Nursery:**

means the Development of any Premises for the propagation of plants, shrubs or trees not being Agriculture. The term includes the storage of articles or products used in connection with or resulting from that Plant Nursery, and the sale by Retail or Wholesale of products derived from those Premises.

The term does not include a Garden Centre.

**Produce Stall:**

means the Development of any Premises occupying not more than 20m² for the sale of goods by Retail if those goods are produced elsewhere on the Premises.

**Public Park:**

means the Development of any Premises for non-organised recreational activities including a park, garden, playground, foreshore or riparian reserve, or other like area.

**Public Utility:**

means the Development of any Premises by the Council or any Public Authority as may be required to provide a water, sewerage, electricity, gas, drainage, communication or other similar service.

**Refuse Disposal Site:**

means the Development of any Premises for the disposal of waste by landfill or other approved means and includes garbage tips and waste transfer stations.

**Restaurant:**
means the Development of any Premises for the sale to the public of refreshments and meals for consumption by persons seated at the Premises.

The term includes:

(a) the ancillary Development of the Premises for the sale of refreshments or take-away meals to the public for consumption elsewhere; and

(b) where the whole or part of the Premises is licensed under the Liquor and Accommodation Act 1990, its use for any activity authorised under that Act.

Retirement Village:

means the Development of any Premises for residential purposes where:

(a) the Premises are managed as an integrated complex;

(b) any non-residential activity is carried out predominantly in connection with the residential Buildings; and

(c) the persons residing on the Premises are generally retired persons.

Rural Industry:

means the Development of any Premises for the handling, treating, processing, and/or packing of agricultural products produced in the locality.

The term includes the ancillary sale of articles resulting from that Rural Industry.

Sales and Hire Premises:

means the Development of any Premises for the display, sale, hire or leasing of any one or more of the following: motor vehicles, motor cycles, boats, caravans, trailers, relocatable homes and the like.

The term includes the ancillary Development of:

(a) any facilities on the Premises for the servicing and repairing of the above items; and

(b) the ancillary sale of associated spare parts and accessories.

The term does not include a Mechanical Repair Garage, Salvage Premises or an Equipment Sales and Hire Premises.

Salvage Premises:

means the Development of any Premises for the dismantling, preparation or storage of salvaged goods or materials, including scrap.
metals, containers, paper, rags, bottles, Building materials, whole or parts of motor vehicles or machinery, or the like.

The term includes the purchase or sale of these goods or materials.

**Scientific and Technological Industry**

means the Development of any Premises for Industry of a scientific or technological nature that would have no impact on other uses in the vicinity by reason of:

a) the emission of noise, odour, steam, smoke, vapour or any other form of air pollution; or

b) the escape of any liquid or solid wastes from the Premises.

**Service Centre:**

means the Development of any Premises which has a Gross Floor Area of not more than 200m² for:

(a) repairing, restoring or cleaning services;

(b) minor manufacturing;

(c) assembly of small goods where component parts have been manufactured elsewhere;

(d) printing and photographic services;

(e) art and craft production; and

(f) other like activities;

where the use does not adversely affect the Amenity of the locality by:

i) the appearance of Buildings and unscreened storage areas;

ii) the emission of noise, odours, steam, smoke, vapour or any other form of pollution; and

iii) the escape of any liquid or solid waste from the Premises.

**Service Station:**

means the Development of any Premises for the sale by Retail of fuel for motor vehicles. The term includes any of the following ancillary uses:

(a) the sale by Retail of fuel for boats or motor mowers, lubricating oils and greases, gases and liquid gases, batteries, tyres, spare parts and accessories for motor vehicles, boats or motor mowers, and power and lighting kerosene;
(b) the removal, repair, exchange or fitting of tyres or tubes, the supply of air, the charging of batteries, the cleaning and servicing of vehicles or the receipt and return of tyres deposited for repair elsewhere;

(c) the hiring out of trailers or utilities;

(d) the sale of tobacco, confectionery, soft drinks, light snacks, maps, auto accessories and the like; and

(e) the sale of ice from a vending machine.

The term does not include a Limited Impact Industry or Mechanical Repair Garage.

**Shop:**

means the *Development* of any *Premises* for the sale of goods by *Retail*, or for the rendering of personal services to the public, if the *Gross Floor Area* does not exceed 200m².

The term includes:

(a) a coin-operated laundry;

(b) a betting or ticket agency;

(c) a pet shop;

(d) a hairdresser’s shop or beauty salon;

(e) the hiring out of clothing and portable domestic goods; and

(f) depositing and collecting of clothing and portable domestic goods for washing, cleaning or repairing elsewhere.

The term does not include a Business Premises, Local Shop, Major Shop/Shopping Centre, Market Stall, Produce Stall or Showroom.

**Showroom:**

means the *Development* of any *Premises* for the storage, display and *Retail* sale of goods of a bulky character where:

(a) a minimum of 50% of the *Gross Floor Area* is used for display; and

(b) a maximum of 25% of the *Gross Floor Area* is used for storage other than display.

The term does not include a Major Shop/Shopping Centre, Salvage Premises, Shop, Warehouse or Sales and Hire Premises.

**Single Dwelling:**

means the *Development* of any *Premises* consisting of a single *Dwelling Unit* which is:
(a) in a separate Building on its own Allotment; and

(b) occupied by a single household consisting of a single person, a family, or up to eight persons who do not comprise a single family.

Stables:

means the Development of a Building or Structure for the lodging and feeding of animals such as horses, donkeys, cattle and the like. The term does not include Animal Stockyard or Intensive Animal Husbandry.

Storage Yard:

means the Development of any Premises for the storage, predominantly in the open, of goods of any nature, except any toxic or dangerous goods.

The term includes:

(a) the Development of Premises for a timber yard, wood yard, builder's yard, or construction contractor's yard; and

(b) the ancillary sale of goods by Retail or Wholesale.

The term does not include a Salvage Premises, Toxic or Dangerous Goods Store, Transport Depot or Warehouse.

Subdivision:

means:

a) the act of Subdividing; or

b) the block of land subject to an act of Subdividing,

according to the context.

Take-Away Food Shop:

means the Development of any Premises for the preparation of light refreshments and meals where these are supplied to the public for consumption primarily off the Premises.

Timber Mill:

means the Development of any Premises for the sawing or chipping of timber.

Tourism Facility:

means the Development of any Premises specifically for use by or to attract tourists, other than for the provision of overnight accommodation.
Toxic or Dangerous Goods Store:

means the Development of any Premises for the storage of toxic or dangerous goods.

Transport Depot:

means the Development of any Premises for the temporary accommodation of passengers or goods in transit including their transfer between motor vehicles, water craft or trains.

The term includes facilities on those Premises for parking, garaging, servicing and maintenance of motor vehicles, water craft or trains associated with and operating from the Premises.

The term does not include a Commercial Garage.

Two Dwelling Units:

means the Development of any Premises consisting of two Dwelling Units occupied by separate households where:

(a) each Dwelling Unit has its own defined curtilage; and
(b) each Dwelling Unit has an area of Private Outdoor Space directly accessible from that Dwelling Unit.

Veterinary Establishment:

means the Development of any Premises for the medical or surgical treatment of animals.

Warehouse:

means the Development of any Premises for the storage of goods predominantly in a Building.

The term includes the ancillary Development of facilities for parking, garaging, servicing and maintenance of vehicles associated with and operating from those Premises.

The term does not include a Showroom, Salvage Premises, Storage Yard, or Toxic or Dangerous Goods Store.

Winery:

means the Development of any Premises for the production of wine together with associated facilities for visitors such as a visitors centre, function room or Restaurant.
SCHEDULE 3

PLANNING TERMINOLOGY

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

Access Strip:

means a portion of a Lot less than twelve (12) metres in width which provides access between the main body of that Lot and a Road.

Act:

means the Land Use Planning and Approval Act 1993 as amended.

Allotment or Lot:

means a block of land created for building purposes by Subdivision of a larger block of which it was part.

Amenity:

means such qualities, features, or advantages that contribute to the feeling of pleasantness, harmony and enjoyment in a particular area.

Building:

means any Structure that is wholly or partly enclosed by walls and has a roof.

Communal Outdoor Space:

means an area at ground level that is:

(a) located in reasonable proximity to one or more Dwelling Units;

(b) provided for the exclusive shared use of the occupant(s) of the Dwelling Units located on the Premises;

(c) not used for vehicular passage or parking;

(d) on land with a gradient no greater than 1 in 4; and

(e) not less than 2.5 metres in width.

Council:

means the Mayor, Councillors and electors of the New Norfolk Council and/or any delegate, Committee or Officer acting on the Council's behalf.

Development:

means, in relation to any land:
(a) the carrying out of building, engineering, mining or other operations in, on, over, or under the land; or

(b) the Demolition in whole or in part, of any Building or other Works on the land; or

(c) the making of any material change in the use of the land or any Buildings or Works thereon; or

(d) the use of the land for any Buildings or Works thereon, or

(e) the subdivision of land.

Development Standard

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

Dwelling:

means any Building used principally for residential purposes.

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.

Dwelling Unit Factor:

means the Site area of a Premises (excluding any Access Strip) divided by the number of Dwelling Units proposed thereon.

Existing Non-Conforming Use:

means a lawful Use of land in existence on the Specified Date where that Use is prohibited by the provisions of this Scheme.

Frontage:

means that boundary or those boundaries of any Lot which abut a Road.

Gross Floor Area:

means the total area of floor including attic and mezzanine within the external walls of a Building, and includes any outside area used in association with the Premises, but excludes any area used solely for mechanical or electrical services, lift wells, stairs, Carparks, driveways and amenities.

Habitable Room:

means a room used for domestic activities and includes a bedroom, living room, lounge room, music room, television room, kitchen,
dining room, sewing room, study, playroom, family room and sun room.

The term does not include spaces occupied neither frequently nor for extended periods.

**Height:**

means the maximum vertical distance from any part of a Building or Structure (not being a Minor Protrusion) to the natural ground surface level existing prior to the construction of that Building.

**Industry:**

means any one or more of the following operations:

a) the manufacture by whatever process of any product;

b) the breaking up dismantling and separating into parts of any articles, machinery, goods or vehicles;

c) the treatment of waste materials of any description;

d) the mining or extraction of any substance;

e) the handling or packaging of any substance or product; or

f) the repairing, laundering and servicing of any article.

**Landscaping or Landscaped Area:**

means the treatment of land for the purpose of enhancing or protecting the Amenity of a Lot and/or the locality in which it is situated by:

(a) screening by fences, walls or other means;

(b) planting of trees, hedges, shrubs or grass;

(c) formation of banks, terraces or other earthworks;

(d) laying out of garden or courts;

(e) paving; or

(f) other Amenity features.

**Lot or Allotment:**

means a block of land created for building purposes by Subdivision of a larger block of which it was part.

**Minimum Internal Rectangle:**

means the minimum rectangle that can be drawn within the boundaries of a Lot.

**Minor Protrusion:**
means a non-habitable room or *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, aerals, antennae, water tanks, solar panels, chimneys, smoke stacks, vents and the like.

The term does not include a *Structure* erected for the purpose of supporting a roof sign or sky sign.

**Parent Conveyance:**

means the land separately described in a Certificate of Title or Conveyance registered in the office of the Registrar General on the Specified Date.

**Planning Permit:**

means any permit, approval or consent required by a planning scheme or interim order to be issued or given by a council or marine board constituted under the Marine Act 1976 in respect of the use or development of any land.

**Planning Area:**

means *Planning Area* as referred to in Part 1.

**Premises:**

means any *Land* together with any *Building*, *Structure* or *Works* thereon.

**Private Outdoor Space:**

means an unroofed area apart from minor eaves overhang that is:

(a) appurtenant to and directly accessible from a *Dwelling Unit*;

(b) provided for the exclusive use of the occupant(s) of that *Dwelling Unit*;

(c) capable of receiving reasonable levels of direct sunlight;

(d) enclosed by fences, *Structures* or *Landscaping*;

(e) not steeper than a slope of 1 in 6;

(f) not used for vehicular passage or parking;

(g) where the *Dwelling Unit* is subject to a Stratum Title, contained on that title; and

(h) not less than 5 metres in width.

**Public Authority:**
means any body, whether incorporated or not that is established or constituted by or under any Act for public purposes, but does not include the Council.

Retail:

means the sale or resale of goods to the final consumers of those goods.

Road:

means any land subject to a right of way by wheeled vehicles together with any adjoining path or nature strip provided such land is subject to use by the public as of right.

Road Alignment:

means the title boundary between a Lot and a Road.

Rural Resource

means the resource of rural land for the use, potential use or protection of Agriculture, mineral exploration or extraction, Forestry, aquaculture, landscape, environment waste disposal, Rural Industry and the like.

Scheme:

means this Planning Scheme as defined in Clause 1.1.

Scheduled Premises:

means Scheduled Premises as defined by the Environment Protection Act 1973 as amended.

Setback:

means the shortest horizontal distance from a boundary of a Lot to any part of a Building on that Lot.

Sign:

means an Advertisement and any Structure built specifically to support it.

Site:

means the land an which Development is proposed to be carried out.

Specified Date:

means the date upon which this Scheme, when sealed, takes effect, or whenever the context admits, means the date upon 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;

**Storey:**

means *Storey* as defined in the Building Regulations 1978 as amended or the Local Government (Building and Miscellaneous Provisions) Act 1993 as applicable.

**Streetscape:**

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

**Structure:**

includes a *Structure* which is not a *Building* including a fence, wall, fountain, advertising sign, carport, pergola, tower, garden arch, spire, trellis or bridge.

**Subdivide:**

means to divide the surface of a block of land by creating estates or interests giving separate rights of occupation but does not apply to such division of a building or of the land belonging and contiguous to a building between the occupiers of that building -

a) physically

   i) by walls, fences, hedges or ditches for the purpose of separate occupation of the parts; or

   ii) by the erection of *Buildings* designed for separate occupation; or

b) legally by creating estates or interests giving separate rights of occupation,

but does not apply to any such division of a single *Building* or of the land belonging to or contiguous to a single *Building* between the occupiers of the *Building*.

**Wall Height:**

means the maximum vertical distance between the top of a wall and the adjacent ground level at any point.

**Watercourse:**

means a river, stream or drainage line, whether flowing perennially or intermittently.

**Wholesale:**

means the sale or resale of goods to retailers or other wholesalers or, if such goods are used as intermediate goods in the production of other goods and services, to institutional, professional or other
business users, but does not include the sale or resale of goods to final consumers.

**Works:**

includes:

(a) construction such as a dam, weir, canal or the like; and

(b) the alteration in the condition of *Land*, including clearing land, excavating, infilling, *Landscaping* or the like;

(c) provision of lighting, power, heating, water, telephone, or similar utility service or supply;

(d) provision of a drainage or sewerage system or other similar installation;

(e) provision of *Roads*, footpaths, kerbing and channelling, or paving;

and includes the product of doing any of the above.

**Zone:**

means a particular area delineated on the *Plan* within which *Land* may only be used, developed and *Subdivided* in accordance with any relevant provisions of this *Scheme*. 
SCHEDULE 4

BUILDINGS AND STRUCTURES OF HERITAGE SIGNIFICANCE

BUSHY PARK (DISTRICT)
Bushy Park Estate (group of hop kilns and buildings), Glenora Road
Bushy Park Estate (water mill), Glenora Road
Bushy Park Uniting Church, Kenmore Road
Red Hills Cemetery, off Uxbridge Road
"Hawthorn Lodge", cnr. Uxbridge and Glenora Roads
House, Ruin, Sunbury Lane (Bushy Park Estate)
"Roslyn", Uxbridge Road, 2.5 km from Glenora Road
Kiln (old red colour), Bushy Park Estate
Oast House (by Kentdale), Bushy Park Estate
Macquarie Plains Church (Anglican - 1910)

GLENORA
"Fenton Forest" (house), Gordon River Road
"Fenton Forest" (farm cottages), Gordon River Road
"Fenton Forest" (hop kiln), Gordon River Road
"Fenton Forest" (millrace, sluice gate and water wheel), Gordon River Road
"Forest Lodge" (incl mature trees), Glenora Road
House, (40m N.W. of Styx River Bridge)

GRANTON
Commandant's Cottage, Cnr. Tarrants Road and Lyell Highway
House, Cnr. Turners Road and Lyell Highway
Lime kiln (opposite side of highway to Mount Nassau), Lyell Highway
"Mount Nassau" (2 houses), Lyell Highway approx 3.5 kms west of Granton

HAYES
"Mayfair" (incl former apple shed), Lyell Highway
"Rosendale" (random rubble house) next to "Mayfair", Lyell Highway
"Slateford", north side Lyell Highway
"Sunnybanks" and remains of mud walls, opposite "Apple Pip", Lyell Highway
"Shooters Hill", house and hop kiln, 8.6 kms N.W. of New Norfolk bridge, Lyell Highway

LACHLAN
Old School House, Lachlan Road
"Bournbank" (incl coach house), Lachlan Road approx 1.5 kms from Lachlan Bridge
"Ringwood" (1860), weatherboard house, Ringwood Road
"Forrest Hill" (1905), weatherboard house, Lachlan Road approx 4.5 kms from Lachlan Bridge
House (freestone construction), Ironstone Gully Road
"Cottswold", Lachlan Road (incl barn)
"Hilcot", Hop Kiln, Lachlan Road
St George of Ease graveyard, off Lachlan Road

LAWITTA
Barn, including ruins, Lawitta Road
2 conjoined cottages close to "The Priory", Lyell Highway
Cottage and barn, Cnr. Lawitta Road and Lyell Highway
House, Lyell Highway, (before Lawitta/Valleyfield railway crossing), painted brick

New Norfolk Council
Planning Scheme 1993
S27
"The Priory", Lyell Highway

MACQUARIE PLAINS

Hop kiln at "Arundel", turn off Lyell Highway at "Derwent View"  
Railway Bridge No 3  
Water tower (cast iron water tank) where railway station was located

MAGRA

"Denmark Hill" House, Cnr Black Hills Road and Daniels Road  
Methodist Church & grave (Elizabeth King - nee Thackerly) reputedly first white woman to land in Australia, Lawitta Road, Back River  
"Stanton" (house and ruin), Back River Road  
School and conjoined house (1890), Cnr Saddle & Back River Roads  
Church of St John, Saddle Road

MOLESWORTH

"The Hermitage" (incl hop kiln and outbuildings), Molesworth Road, approx 3 kms from Lyell Highway  
"Glen Dhu", off Glen Dhu Road

MOUNT LLOYD

"Leesons Hill", off Crosswells Road

NATIONAL PARK

"Belchers" (steel & timber construction) now part of golf course facility, Gordon River Rd

NEW NORFOLK (DISTRICT)

Lyell Highway

"Glen Derwent" (originally "King of Prussia Inn"), Lyell Highway, New Norfolk (including coach house, cooling cellar and outbuildings)  
Oast House (near Tynwald), including water mill, ruins and race. Originally Lachlan River Mill  
"Tynwald", originally part of Lachlan River Mills (incl flour mill ruins)  
Turiff Lodge Hop Kiln (formerly Government Farm)  
"Valleyfield", house, cottages, kiln and convict prison (1822), coach house and gardens  
Water Mill (later Woodwool Factory) and mill race, Lyell Highway  
Peg Factory (including chimney), Lyell Highway prior to Lawitta  
Hop fields cottage, RMB 1004, Lyell Highway prior to Lawitta  
Hop fields cottage - "Rosedown", Lyell Highway prior to Lawitta

Royal Derwent Hospital Complex

"Frescati"  
Ward C  
Ward J  
Ward O  
Iron Gates (Royal Derwent)  
Perimeter Wall (Royal Derwent)  
Wooden Hall (Industrial Therapy)  
"Willow Court" (1830)
NEW NORFOLK (TOWNSHIP)

Bathurst Street

St. Matthew's Church (1823), the oldest church in Tasmania
Sunday School "The Close" (1866) and Rectory (1892) also the oldest Church in Australia still in use.
Millstones (Terry's), in front of "The Close"

Boyer/Rocks Road

Toll House, adjacent to old New Norfolk bridge
"Chatsworth", (house, store and garden wall), 85 Boyer Road, New Norfolk
"The Grange", formerly "Kilburn Grange", near Boyer

Bridge Street

"Woodbridge" (circa 1825), 6 Bridge Street, New Norfolk
Old Bridge Foundations (Remnants), Bridge Street

Burnett Street

Methodist Church (1836) - now St Pauls Uniting Church
House, 45 Burnett Street
Conjoined cottages, 49-51 Burnett Street

Blair Street

House, 42 Blair Street

Charles Street

Gray's Cottages, 6 Charles Street
Gray's Cottages, 20 Charles Street

Circle Street

Oddfellows Hall (1891), Circle Street

Hill Street

House (1826), Cnr. Hill Street and Hillside Crescent (1 Hill Street)

Hillside Crescent

St. Peter's Roman Catholic Church (1887)

Humphrey Street

Sweetwater Farm, first house on right after Lachlan bridge
House, 21 Humphrey Street

George Street

Conjoined cottages, 12-14 George Street
Cottages, 16-22 George Street
Conjoined cottages, 44&46 George Street
House, 56 George Street
House, 58 George Street
Montagu Street

Old Colony Inn, 21 Montagu Street,
House, 25 Montagu Street,
"Bush Inn" (1815), the oldest continually licensed hotel in Australia (from 1825), (first telephone installation in Tasmania, possible Australia), 51 Montagu Street,
"Hallgreen", 59 Montagu Street
"Corrumbene", 41 Montagu Street
"Corrumbene" Convent, Cnr Montagu Street & Lyell Highway

Pioneer Avenue

House and stable, 32 Pioneer Avenue
"Montagu Court", Cnr. Pioneer Avenue and Stephens Street

Stephens Street

Graveyard, many early graves and family vaults

Tank Street

Weatherboard cottage, 15 Tank Street
Brick cottage, 14 Tank Street

PLENTY

"Atherfield", Glenora Road
"Bryn Estyn" (incl outbuildings), Glenfern Road
Sandstone piers of old bridge over Plenty River, Glenora Road
Barn, Plenty Valley Road
Cluan, off Glenora Road
"Glenleith", house, Glenora Road
"Glenleith", hop kiln, Glenora Road
"Glenleith", stables, Glenora Road
"Brightsides", house, Plenty Valley Road
House, Whites Road, Plenty
Railway Bridge No 1, off Glenora Road
Railway Bridge No 2
"Redlands", homestead and outbuildings, including hop kilns, Glenora Road
St. John the Evangelist Church and cemetery, Glenora Road, Plenty
Salmon Ponds complex (first rainbow and brown trout in southern hemisphere, raised here in 1864)
"Kinvarra", house, barn and dome, off Glenora Road

ROSEGARLAND

"Askrigg", stone and brick house, and outbuildings, Lyell Highway/Gordon River Road intersection
Hop kiln, "Belmont", 2.3 km south east of Rosegarland, Lyell Highway
House and stable, Lyell Highway
"Rosegarland House" (ruin), Gordon River Road
School, Lyell Highway, near Gretna
School House, Lyell Highway, near Gretna

SORELL CREEK

"Scottsdale", Lyell Highway

WESTERWAY

Railway Station
House (2 storey timber), opposite Railway Station on other side of line
S5.1 AIM AND OBJECTIVES

The aim of these provisions is to ensure that Development has safe and adequate access for pedestrian, cyclist and vehicular traffic, and appropriate parking arrangements.

The objectives to satisfy this aim are:

(a) to ensure that access to Development is located and designed to enable vehicles, cyclists and pedestrians to enter and leave the Site safely;

(b) to ensure on-site vehicle areas, including driveways, parking aisles, parking spaces, loading and unloading areas, are designed and marked out to provide for the safe, efficient and convenient movement of vehicles, pedestrians and cyclists;

(c) to ensure that Development is provided with adequate permanent parking to cater conveniently and safely for the expected demand generated by use of the Site;

(d) to ensure that access and parking areas are designed and constructed to minimise the visual impact of Development and to maintain existing Streetscapes;

(e) to ensure that Landscaping is provided to enhance and soften the appearance of hard paved areas;

(f) to ensure that design and location of access and parking areas has a minimal impact on Amenity;

(g) to ensure that adequate parking space is provided for exclusive use of disabled persons, visitors and employees where appropriate; and

(h) to ensure that the design and construction of access and parking areas meet minimum standards.

S5.2 LOCATION STANDARDS FOR VEHICULAR ACCESS

S5.2.1 Vehicular access shall:

(a) be located so that adequate sight distance in relation to the speed of through traffic is available; and

(b) be a minimum of 9 metres from a street intersection.

S5.2.2 For any Premises, a maximum of 1 vehicular access shall be permitted per Road Frontage except where separate entry and exit points are required.
S5.3 DESIGN AND CONSTRUCTION STANDARDS FOR VEHICULAR ACCESS

S5.3.1 Vehicular access shall be designed and constructed so that:

(a) for development other than Single Dwelling, Home Activity, Home Business and Auxiliary Dwelling, provision of space for turning and manoeuvring of vehicles on-site enables them to enter and leave the Site in a forward direction; and

(b) a gradient not exceeding 1 in 5 is achieved.

S5.3.2 Notwithstanding Clause S5.3.1, on-site turning shall not be required for residential Development where the product of the existing or predicted peak hour traffic vehicle movements on the Road and the number of dwellings in the development does not exceed 450, unless the internal driveway length exceeds 35 metres.

S5.3.3 Vehicular access areas shall be sealed with an impervious dust-free surface and drained to the stormwater system.

S5.4 DIMENSION STANDARDS FOR VEHICULAR ACCESS

S5.4.1 For residential Development other than Single Dwelling, Home Activity, Home Business and Auxiliary Dwelling, Vehicular access shall be designed and constructed so that:

(a) the minimum internal width is 3 metres for Two Dwelling Units and 3.5 metres for three or more Dwelling Units;

(b) a passing bay with dimensions of 5.5 metres wide by 6 metres deep is provided at the Road Alignment;

(c) passing bays with dimensions of 5.5 metres wide by 6 metres deep are provided at intervals of not more than 45 metres; and

S5.4.2 Notwithstanding Clause S5.4.1, a passing bay at the Road Alignment shall not be required for residential Development where the product of the existing or predicted peak hour traffic vehicle movements on the Road and the number of dwellings does not exceed 300.

S5.4.3 For commercial and industrial Development vehicular access shall be designed and constructed so that:

(a) the minimum internal width is 3 metres or 3.6 metres if used by trucks or heavy vehicles;

(b) where a single entry/exit point is provided a passing bay with dimensions of 6 metres wide by 6 metres deep shall be provided adjacent to the Road Alignment, unless such access is to be used by trucks or heavy vehicles, then the dimensions shall be 7 metres wide by 6 metres deep.
### S5.5 NUMBER OF PARKING SPACES STANDARDS

The provision of parking spaces shall be in accordance with Table S5.1.

**TABLE S5.1**

**NUMBER OF PARKING SPACES STANDARDS**

<table>
<thead>
<tr>
<th>Development Category</th>
<th>Unit</th>
<th>Minimum No of Parking Spaces Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Agricultural Training/ Research</td>
<td>As determined by the Council</td>
<td></td>
</tr>
<tr>
<td>Animal Keeping</td>
<td>As determined by the Council</td>
<td></td>
</tr>
<tr>
<td>Animal Stockyard</td>
<td>As determined by the Council</td>
<td></td>
</tr>
<tr>
<td>Auxiliary Dwelling</td>
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<td></td>
</tr>
<tr>
<td>Business Premises</td>
<td>Gross floor area</td>
<td>1 per 30m$^2$</td>
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<tr>
<td>Caravan Park/ Camping Ground</td>
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<td></td>
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<tr>
<td>Child Care Centre</td>
<td>Employee Licensed places</td>
<td>1 per 1.5, 1 per 6</td>
</tr>
<tr>
<td>Civic Building</td>
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<td></td>
</tr>
<tr>
<td>Commercial Garage</td>
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</tr>
<tr>
<td>Communal Dwelling</td>
<td>Bedroom Employee</td>
<td>2 per 3, 1 per 1.5</td>
</tr>
<tr>
<td>Consulting Rooms</td>
<td>Consulting Room</td>
<td>3</td>
</tr>
<tr>
<td>Craft Timber Mill</td>
<td>Gross Floor Area or Employee</td>
<td>1 per 50m$^2$ or 1 per 1.5 (whichever is the greater)</td>
</tr>
<tr>
<td>Educational Establishment</td>
<td>Employee Student Number</td>
<td>1 per 1.5, A pick up and set down area containing 1 space per 30 students plus 1 per 10 students aged over 17 plus 1 Bus space per 200 students</td>
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<tr>
<td>Equipment Sales and Hire Premises</td>
<td>Gross floor or Employee</td>
<td>1 per 100m$^2$ area or 1 per 1.5 (whichever is greater)</td>
</tr>
<tr>
<td>Extractive Industry</td>
<td>Employee</td>
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</tr>
<tr>
<td>Forestry</td>
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<tr>
<td>Funeral Establishment</td>
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</tr>
<tr>
<td>Category</td>
<td>Description</td>
<td>Calculation</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Garden Centre</td>
<td>Gross floor area</td>
<td>1 per 50m²</td>
</tr>
<tr>
<td>General Industry</td>
<td>Gross floor area or Employee</td>
<td>1 per 100m² or 1 per 1.5 (whichever is greater)</td>
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<tr>
<td>Guest House/ Holiday Flat, Holiday Cabin</td>
<td>Bedroom, Cabin, Employee</td>
<td>2 per 3, 1, 1 per 1.5</td>
</tr>
<tr>
<td>Home Activity</td>
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<td>Nil</td>
</tr>
<tr>
<td>Home Business</td>
<td>Non resident employee</td>
<td>1</td>
</tr>
<tr>
<td>Home Child Care Centre</td>
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<td>1</td>
</tr>
<tr>
<td>Hospital</td>
<td>Patient beds, Employee</td>
<td>1 per 3, 1 per 3</td>
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<td>Institutional Building</td>
<td></td>
<td>As determined by the Council</td>
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<tr>
<td>Intensive Animal Husbandry</td>
<td></td>
<td>As determined by the Council</td>
</tr>
<tr>
<td>Liquor Licensed Establishment</td>
<td>Resident employee, Non resident employee, Bar room floor area, Lounge and Beer Garden public area, Dining room area, Bottle shop spaces, Bedroom, Motel unit, Conference room seats</td>
<td>1, 1 per 3, 1 per 3m², 1 per 6m², 1 per 6m², minimum 6, 1 per 2, 1, 1 per 5</td>
</tr>
<tr>
<td>Limited Impact Industry</td>
<td>Gross floor area or Employee</td>
<td>1 per 50m² or 1 per 1.5 (whichever is greater)</td>
</tr>
<tr>
<td>Local Shop</td>
<td>Gross floor area</td>
<td>1 per 25m²</td>
</tr>
<tr>
<td>Major Business Premises</td>
<td>Gross floor area</td>
<td>1 per 40m²</td>
</tr>
<tr>
<td>Major Impact Industry</td>
<td>Gross floor area or Employee</td>
<td>1 per 100m² or 1 per 1.5 (whichever is greater)</td>
</tr>
<tr>
<td>Major Shop/ Shopping Centre</td>
<td>Gross floor area</td>
<td>1 per 15m²</td>
</tr>
<tr>
<td>Marine Industry</td>
<td>Gross floor area or Employee</td>
<td>1 per 100m² or 1 per 1.5 (whichever is greater)</td>
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<tr>
<td>Market Stall</td>
<td></td>
<td>As determined by the Council</td>
</tr>
<tr>
<td>Mechanical Repair Garage</td>
<td>Service bay</td>
<td>3</td>
</tr>
<tr>
<td>Motel</td>
<td></td>
<td>As for Liquor Licensed Establishment</td>
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</tbody>
</table>

*New Norfolk Council*

*Planning Scheme 1993*

*S35*
<table>
<thead>
<tr>
<th>Activity</th>
<th>Permitted Type</th>
<th>Density</th>
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<tbody>
<tr>
<td>Multi-Storey Dwelling Unit</td>
<td>Dwelling</td>
<td>1.5</td>
</tr>
<tr>
<td>Multiple Dwelling Units</td>
<td>Dwelling</td>
<td>1.5</td>
</tr>
<tr>
<td>Outdoor Recreation Complexes</td>
<td></td>
<td>As determined by the Council</td>
</tr>
<tr>
<td>Place of Assembly</td>
<td>Gross Floor area or Seats</td>
<td>1 per 15m² or 1 per 3 seats (whichever is greater)</td>
</tr>
<tr>
<td>Plant Nursery</td>
<td>Gross floor area or Employee</td>
<td>1 per 100m² or 1 per 1.5 (whichever is the greater)</td>
</tr>
<tr>
<td>Produce Stall</td>
<td></td>
<td>As determined by the Council</td>
</tr>
<tr>
<td>Public Park</td>
<td></td>
<td>As determined by the Council</td>
</tr>
<tr>
<td>Public Utility</td>
<td></td>
<td>As determined by the Council</td>
</tr>
<tr>
<td>Refuse Disposal Site</td>
<td></td>
<td>As determined by the Council</td>
</tr>
<tr>
<td>Restaurant</td>
<td>Resident employee Non resident employee Dining room area</td>
<td>1 1 per 3 employed at peak periods 1 per 6m²</td>
</tr>
<tr>
<td>Retirement Village</td>
<td></td>
<td>As determined by the Council</td>
</tr>
<tr>
<td>Rural Industry</td>
<td>Employee</td>
<td>1</td>
</tr>
<tr>
<td>Sales and Hire Premises</td>
<td>Gross floor area or Employee</td>
<td>1 per 100m² or 1 per 1.5 (whichever is the greater)</td>
</tr>
<tr>
<td>Salvage Premises</td>
<td>Gross floor area or Employee</td>
<td>1 per 100m² or 1 per 1.5 (whichever is the greater)</td>
</tr>
<tr>
<td>Scientific and Technological Industries</td>
<td>Gross floor area or Employee</td>
<td>1 per 100m² or 1 per 1.5 (whichever is greater)</td>
</tr>
<tr>
<td>Service Centre</td>
<td>Gross floor area or Employee</td>
<td>1 per 50m² or 1 per 1.5 (whichever is greater)</td>
</tr>
<tr>
<td>Service Station</td>
<td>Service bay Dining room area</td>
<td>4 per bay 1 per 6m²</td>
</tr>
<tr>
<td>Shop</td>
<td>Gross floor area</td>
<td>1 per 25m²</td>
</tr>
<tr>
<td>Showroom</td>
<td>Gross floor area</td>
<td>1 per 50m²</td>
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<tr>
<td>Single Dwelling</td>
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<td>1</td>
</tr>
<tr>
<td>Stables</td>
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</tr>
<tr>
<td>Storage Yard</td>
<td>Gross floor area or Employee</td>
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</tr>
<tr>
<td>Take-Away Food Shop</td>
<td>Gross floor area</td>
<td>1 per 15m²</td>
</tr>
<tr>
<td>Development</td>
<td>Uses of parking space</td>
<td>Ratio or number per 100m² or Employee</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----------------------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Timber Mill</td>
<td>Gross floor area or Employee</td>
<td>1 per 100m² or 1 per 1.5 (whichever is greater)</td>
</tr>
<tr>
<td>Tourism Facility</td>
<td></td>
<td>As determined by the Council</td>
</tr>
<tr>
<td>Toxic or Dangerous Goods Store</td>
<td>Gross floor area or Employee</td>
<td>1 per 50m² or 1 per 1.5 (whichever is greater)</td>
</tr>
<tr>
<td>Transport Depot</td>
<td>Gross floor area or Employee</td>
<td>1 per 100m² or 1 per 1.5 (whichever is greater)</td>
</tr>
<tr>
<td>Two Dwelling Units</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Veterinary Establishment</td>
<td>Consulting room</td>
<td>3</td>
</tr>
<tr>
<td>Warehouse</td>
<td>Gross floor area or Employee</td>
<td>1 per 100m² or 1 per 1.5 (whichever is greater)</td>
</tr>
<tr>
<td>Winery</td>
<td></td>
<td>As determined by the Council</td>
</tr>
</tbody>
</table>

**S5.5.1** The Council may, because of the characteristics of a particular Development or the surrounding locality, require parking additional to that prescribed in Table S5.1.

**S5.5.2** Where a Development involves only a change of use of land or alterations and additions to existing Buildings, the additional parking requirement shall be assessed as the difference between the parking requirement for the proposed Development and the parking requirement for the existing Development, calculated in accordance with this Scheme.

**S5.5.3** Where a Development involves more than one development category, the parking requirements shall be the sum of the requirements for each of those categories.

**S5.5.4** Where the parking requirement is prescribed by ratio, the total number of spaces required shall be determined as the next higher whole number.

**S5.6 CASH IN LIEU OF PARKING SPACES**

**S5.6.1** In respect of any Development the Council may require or accept a cash payment in lieu of any or all of the parking spaces required pursuant to Table S5.1 where complete compliance is not practicable or not desirable.

**S5.6.2** The difference between the number of required parking spaces for any Development, as determined by the Council and the number provided, shall be used as the basis for the calculation of cash-in-lieu payment for parking spaces not provided by the Development.
S5.6.3 The amount required pursuant to Clauses S5.6.1 and S5.6.2 shall be determined by the Council and shall be spent on the purchase, establishment and/or maintenance of land for public parking purposes.

S5.7 DESIGN STANDARDS FOR CONSTRUCTION AND LOCATION OF PARKING AREAS

S5.7.1 Parking spaces, manoeuvring areas and aisle widths shall be:

(a) provided in accordance with the applicable Australian Standard as amended;

(b) for residential Development, located behind the front boundary Setback; and

(c) sealed with an impervious dust-free surface and drained to the stormwater system.

S5.8 VARIATIONS

Subject to Clause 7.5, the Council may relax the standards in Clause S5.2, S5.3, S5.4, S5.5 and S5.7 where:

(a) access to the Site is impracticable;

(b) the existing Development precludes compliance with the access and parking standards;

(c) the provision of on-site parking would adversely affect the appearance of a Site or Building which is deemed to be of historic, cultural or Streetscape significance; or

(d) alternative parking is available in proximity to the Site.

if it is satisfied that a relaxation would not conflict with the aim and objectives set out in Clause S5.1.
SCHEDULE 6

SIGNS SCHEDULE

S6.1 APPLICATION OF SCHEDULE

Any sign of greater than 0.2 square metres in area and intended to be read from off the site from any public place shall be subject to Council approval.

For the purposes of this Schedule sign incudes:

any sign which is fixed to any building, free standing or mounted;

any sign or display painted on or fixed to a building;

any lighted sign;

billboards;

bunting;

flags;

advertising displays; and

hoardings;

but does not include temporary signs that are displayed for a period of less than one calendar month nor signs which are exempted from planning approval under clause S6.6 of the Scheme.

S6.2 APPLICATION REQUIREMENTS

Any application for a sign under this Schedule shall show:

the location of the sign;

the method of construction;

dimensions;

intended design of the sign including colours and size of any lettering; and

method of lighting (if applicable).

S6.3 APPROVAL

Council shall not approve any sign that:

creates a traffic hazard;

creates a loss of sunlight or daylight to adjoining residential properties;
is fixed, painted or in any way attached to a residential building;

intrudes in terms of its size; design; colour; location or shape; into the appearance of any area so as to cause a reduction of visual amenity in that area;

is not of a high standard of design or construction;

significantly interferes with the visibility of other signs and/or advertising material affixed to any property in the locality;

is not permanently erected on the site or properly affixed to any building on the site.

S6.4 LIGHTED SIGNS

No sign with artificial lighting shall be allowed to operate so as to cause a nuisance to residents in the vicinity or to affect the visibility of any traffic control device.

S.6.5 MAINTENANCE

All signs shall be kept in good order and appearance failing which Council may require such signs as are not so maintained to be removed at the cost of the owner.

S6.6 EXEMPTIONS

This section shall not apply to the following:

(a) any notice or display of a temporary nature, i.e. to be in position for a period of one month or less indicating a sale, a concert or show, an auction or similar activity;

(b) any wording or lettering or fixing of a sign indicating the name of the business or profession, trade, etc., and indicating the nature or the business or profession providing the lettering thereon does not exceed .3 metres in height painted on or attached to the premises;

(c) a notice erected on a construction site for the duration of the works providing such notice only indicated matters relating to the operation;

(d) any sign to be fixed under a canopy or awning at the front of retail premises.

S6.7 APPROVAL OF TOURISM SIGNS

Notwithstanding the provisions of S6.1 any planning approval issued by Council for an advertising sign shall be subject, wherever applicable, to the approval of The Director of Tourism, Sport and Recreation in accordance with the Defacement of Property Act, 1898.
SCHEDULE 7

SALE YARDS

S7.1 The development requirements for sale yards shall be:

(a) no car sale yard shall be established upon a block having an area less than 550 square metres and a road frontage less than 18 metres;

(b) an area of 20 square metres shall be allowed for each vehicle to be displayed. The layout of the display shall be designed to ensure manoeuvrability and shall ensure that all vehicles whether for display or otherwise shall be able to turn around within the site;

(c) the site shall be used solely for the purpose of sales and service cars. No other operations such as panel beating or vehicle modification, shall be carried out unless otherwise approved by Council;

(d) all display areas shall be either concreted or sealed with hot mix bitumen and shall be drained to the requirements of the Municipal Engineer;

(e) showrooms, offices, etc., shall be of substantial construction and comply with the requirements of the Building Regulations, 1978 as amended. Staff rooms and toilets shall be provided. No buildings for ancillary services shall exceed 50 per cent of the site area.

(f) sites shall be established only when there is good visibility for entrance and exit to and from the site. All sites must have an entrance not less than 6 metres in width;

(g) provision shall be made for off street parking for staff cars to the standard determined in Schedule 5;

(h) all notices, signs, hoardings, advertisements to be erected upon the site shall be approved by the Council, as required by Schedule 6;

(i) provision shall be made to ensure that washing and hosing down of cars does not create a nuisance to footpath users or adjacent properties;

(j) landscaping of the site shall be carried out in accordance with Schedule 8.

S7.2 Council may vary any of the requirements of this Schedule if it can be shown that their imposition would be unreasonable but so as to maintain conformity with the tenor of the Scheme.
SCHEDULE 8
LANDSCAPING

S8.1 The purpose of this Schedule is to provide for Landscaping and planting so as to minimise the visual intrusion of Development.

S8.2 The Council may require the submission of a landscape plan as a condition of approval for Development. Such a plan shall include:

(a) those areas to be landscaped;
(b) the form of landscaping; and
(c) species of plants to be included in the Landscaping, and estimates of costs of the work.

S8.3 Council may withhold approval for the development until such time as a landscaping plan is submitted in accordance with clause S8.2.

S8.4 Before building approval is granted by Council the developer shall lodge with Council a bond or bank guarantee equal to the amount of the estimated cost of the works.

S8.5 All Landscaping work shall be completed and maintained in accordance with the submitted plan, within six (6) months of the final building inspection for the development.

S8.6 Upon completion of the work the developer may redeem the bond or bank guarantee.

S8.7 If the work is not completed to their satisfaction, Council shall realise upon the bond or bank guarantee and complete the work with the available funds.

S8.8 Council may accept a variation of the provision of Clause S8.1 to S8.7 where it can be shown that:

(a) any vegetation is in a diseased or dangerous condition;
(b) the removal of vegetation is necessary for access or easement purposes;
(c) vegetation is likely to affect underground services; or
(d) completion of landscaping actions could not be undertaken within a six (6) month period.
## SCHEDULE 9

### CONSULTATION

<table>
<thead>
<tr>
<th><strong>Subject</strong></th>
<th><strong>Situations</strong></th>
<th><strong>Referral Agencies</strong></th>
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</thead>
<tbody>
<tr>
<td>Littoral/Riparian Reserves</td>
<td>Coastal/Rivers</td>
<td>Department of Environment and Land Management</td>
</tr>
<tr>
<td>Sewerage Disposal</td>
<td>Unsewered Areas</td>
<td>Department of Health Delegated Health Surveyor</td>
</tr>
<tr>
<td>Road Access</td>
<td>Proclaimed State Roads</td>
<td>Department of Transport and Works</td>
</tr>
<tr>
<td>Access, Crown Reservations</td>
<td>Approval to regard reservation or esplanade as road for purpose of frontage</td>
<td>Department of Environment and Land Management</td>
</tr>
<tr>
<td>or Esplanades</td>
<td></td>
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<tr>
<td>Fisheries, Inland</td>
<td>Lands drain in to a water way subject to Aquaculture fish farming, recreational fishing</td>
<td>Department of Environment and Land Management</td>
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<tr>
<td>Land Suitability</td>
<td>Landslip, instability soil erosion</td>
<td>Department of Tasmania Development and Resources</td>
</tr>
<tr>
<td>Traffic Management</td>
<td>Significant traffic generation or traffic management problems</td>
<td>Department of Transport and Works</td>
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<tr>
<td>Bus or Community Services</td>
<td>Demands for bus service or other Community Service or facility</td>
<td>Any operators of such services</td>
</tr>
<tr>
<td>Urban Services</td>
<td>Requirements for services such as electricity, water, sewerage and telephone</td>
<td>The relevant authority</td>
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<td>Land Use Conflict</td>
<td>Land in the vicinity of any industrial use, industrial zoning, noise source or Licensed Scheduled Premises</td>
<td>Department of Environment and Land Management</td>
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<tr>
<td>Fire Protection</td>
<td>Land in areas of high bush fire risk</td>
<td>Tas Fire Service</td>
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<td>Description</td>
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<tr>
<td>------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------------------------------------------------------------</td>
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<td>Agricultural Lands</td>
<td>Adverse impact on agricultural land or activities</td>
<td>Department of Primary Industry and Fisheries</td>
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<tr>
<td>Transmission Lines</td>
<td>Land affected by transmission line easements</td>
<td>Hydro Electric Commission</td>
</tr>
<tr>
<td>Forests</td>
<td>Land adjoining State or Private Forests</td>
<td>Department of Forests</td>
</tr>
<tr>
<td>Mining</td>
<td>Whether land contains or adjoins mineral resources</td>
<td>Department of Tasmania Development and Resources</td>
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<tr>
<td>Water Resources</td>
<td>Land lying within a Protected Catchment District, or would adversely affect town water supply</td>
<td>Department of Primary Industry and Fisheries</td>
</tr>
<tr>
<td>Natural Environment</td>
<td>Effect on flora, fauna, watercourses or wetlands adjoins any resources or parks</td>
<td>Department of Environment and Land Management</td>
</tr>
<tr>
<td>Built Environment</td>
<td>Effect on buildings or works of architectural or historical interest</td>
<td>National Trust/Estate</td>
</tr>
</tbody>
</table>
SCHEDULE 10

RIVERSIDE, WETLAND AND SHORELINE AREAS

Derwent River
Lachlan River
Sorell Creek
Junee River
Plenty River
Styx River
Tyenna River
Back River
Florentine River
Weld River
Lake Gordon
Lake Peddar
SCHEDULE 11

SPECIFIED DEPARTURES
SCHEDULE `12

TELECOMMUNICATIONS INFRASTRUCTURE

S12.1 PRINCIPLES

i. To accommodate the provision of telecommunications infrastructure to allow equitable access by all residents, whilst minimising the impact of such infrastructure on community values in accordance with the objectives of the Resource Management and Planning System.

ii. To encourage co-location and sharing of facilities, where such capacity exists, and where doing so will not compromise the objectives as stated in Appendix 1.

iii. To ensure proposals for the installation of telecommunications infrastructure form part of a local or regional network plan to enable consideration of the proposal on a broader and potentially regional basis.

S12.2 USE OR DEVELOPMENT

i. Any development in compliance with Section 3 of this Schedule is deemed to be exempt and does not require planning approval.

ii. All other development requires planning approval and is required to demonstrate compliance with the objectives as specified in Appendix 1 of this Schedule and to which the provisions of section 57 of the Land Use Planning & Approvals Act 1993 apply.

S12.3 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.

S12.4 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.

S12.5 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**

i. A facility described in Part 3 and the Schedule of the *Telecommunications (Low-impact Facilities) Determination 1997*, is a low-impact facility only if it is installed, or to be installed, in the areas described in Part 2 of the *Telecommunications (Low-impact Facilities) Determination 1997*.

ii. However, the facility is not a low-impact facility if the area is also an area of environmental significance.

**Performance criteria** are statements identifying the means 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).

**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*

**S12.6 EXEMPTIONS**

The following development is exempt from requiring a planning permit:

i. the installation and development of *low-impact facilities*;

ii. works involved in the inspection of land by a carrier to identify suitability for its purposes;
iii. the installation and development of a facility granted a facility installation permit by the Australian Communication Authority;

iv. works involved in the maintenance of telecommunication facilities; and

v. works meeting the transitional arrangements defined in Part 2 of Schedule 3 of the *Telecommunications Act 1997*

### S12.7 INFORMATION REQUIRED

### S12.8 APPLICATION REQUIREMENTS

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

(a) a completed application for development in a form prescribed by the Council;

(b) sufficient information to demonstrate to the satisfaction of the Council that the objectives and performance criteria in Appendix 1 will be achieved during the installation and operation of the proposed telecommunications infrastructure;

(c) a complete copy of the certificate of title of the land on which the development is proposed;

(d) where the applicant is not the owner, the application must be signed by the owner or be accompanied by an authorisation in writing from the owner for submission of the application;

(e) details of the proposed telecommunications network proposed within the local area and its relationship to the proposed development;

(f) any plans or other information prescribed for development in 4.2; and

(g) any fees prescribed by the Council.

### PLANS TO ACCOMPANY APPLICATIONS

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

(a) the boundaries and dimensions of the site or the area affected by the development;

(b) the location of any existing buildings on the site indicating those to be retained or demolished;
(c) location of any proposed buildings on the site, and their relationship to buildings on adjacent sites, streets and accessways;

(d) the use of adjoining properties;

(e) Australian Height Datum Levels;

(f) natural drainage lines, watercourses, coastal dunes, beach systems and wetlands; and

(g) any proposals for the rehabilitation of the land on which the development is to occur.

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

(a) plans and elevations of proposed and existing buildings showing the materials to be used on external walls and roofs;

(b) trees and vegetation to be retained and removed;

(c) the dimensions, layout and surfacing materials of all access roads, turning areas and parking areas;

(d) the relationship of the elevations to natural ground level, showing any proposed cut or fill;

(e) the location and capacity of any existing services or easements on the site or connected to the site; and

(f) a plan of the proposed landscaping of the site.

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.

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.
### Appendix 1

<table>
<thead>
<tr>
<th><strong>OBJECTIVES</strong></th>
<th><strong>PERFORMANCE CRITERIA</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Visual Amenity</td>
<td>The location of infrastructure is within existing utility corridors and sites and uses existing infrastructure, unless a need to do otherwise is demonstrated.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>Best practice methods are used to reduce the visual impact of infrastructure or to conceal infrastructure within the surrounding natural or built environment.</td>
</tr>
<tr>
<td></td>
<td>Clearing for infrastructure corridors and facilities is minimised to limit visible prominence while responding to functional and safety requirements.</td>
</tr>
<tr>
<td></td>
<td>Infrastructure:</td>
</tr>
<tr>
<td></td>
<td>• avoids skyline positions (ie. where a structure would be seen in silhouette);</td>
</tr>
<tr>
<td></td>
<td>• crosses hills diagonal to the principal slope or crosses at the low point of a saddle between hills; or</td>
</tr>
<tr>
<td></td>
<td>• is located around the base of hills or along the edge of existing clearings unless a need to do otherwise is demonstrated.</td>
</tr>
<tr>
<td></td>
<td>Equipment housing and other visually intrusive infrastructure is screened or concealed from public areas.</td>
</tr>
</tbody>
</table>
The height of freestanding aerials, towers and masts is within the following limits:

<table>
<thead>
<tr>
<th>Area</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>rural areas</td>
<td>60 metres</td>
</tr>
<tr>
<td>industrial areas</td>
<td>45 metres</td>
</tr>
<tr>
<td>commercial areas</td>
<td>40 metres</td>
</tr>
<tr>
<td>residential areas</td>
<td>20 metres</td>
</tr>
</tbody>
</table>

Telecommunications infrastructure may only exceed specified height limits if:

- a pattern of infrastructure or vegetation above the specified height limit exists in a particular location; and
- it has no adverse impact on heritage or ecological values or visual amenity.

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.

**Residential Amenity**

To protect residential amenity

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

**Environmental Values**

To protect threatened species or species at risk of becoming a threatened species (as defined in the *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.
<table>
<thead>
<tr>
<th>Section</th>
<th>Purpose</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>To protect flora and fauna, habitats and ecological communities.</td>
<td>The proposed infrastructure uses best practise environmental management to minimise harm to the environment.</td>
<td></td>
</tr>
<tr>
<td><strong>Land Stability</strong></td>
<td>To ensure that telecommunications infrastructure does not cause land instability.</td>
<td>Telecommunications infrastructure (including specific access routes) does not cause erosion or cause land instability during installation and operation. Telecommunications infrastructure is not located in areas of known unstable land where the risk is identified as unacceptable for development or installation of infrastructure.</td>
</tr>
<tr>
<td><strong>Agricultural Land</strong></td>
<td>To protect the productive capacity and efficient farming operations of agricultural land.</td>
<td>Infrastructure installation and operation does not degrade or restrict the productive capacity of agricultural land. Infrastructure is placed on property boundaries or fence lines (not including road alignment boundaries).</td>
</tr>
<tr>
<td><strong>Heritage Values</strong></td>
<td>To protect items, places or areas identified as having aboriginal, natural, cultural, or maritime heritage significance.</td>
<td>Proposals for construction and operation of telecommunications infrastructure are approved by the Tasmanian Heritage Council in accordance with the requirements of the <em>Historic Cultural Heritage Act 1995</em> and/or are consistent with recommendations by the Aboriginal Heritage Section of DELM.</td>
</tr>
<tr>
<td>Access</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>To ensure that telecommunications infrastructure does not impede movement of vehicular and other modes of transport.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Table 1 Checklist for Environmental Impact Report by Carriers

<table>
<thead>
<tr>
<th>Item:</th>
<th>Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Type of Facility and location</td>
<td>• Location of the facility (antenna and ground installation).</td>
</tr>
<tr>
<td>2. Purpose and need for the proposed facility</td>
<td>• The need for the facility and its role within a network.</td>
</tr>
<tr>
<td></td>
<td>• The anticipated need for, and likely locations of, further installations to provide an overall appreciation of the impact.</td>
</tr>
<tr>
<td></td>
<td>• Liaison with other Carriers.</td>
</tr>
<tr>
<td></td>
<td>• The feasibility of co-location, etc.</td>
</tr>
<tr>
<td></td>
<td>• Siting options.</td>
</tr>
<tr>
<td></td>
<td>• Installation option.</td>
</tr>
<tr>
<td>3. Design</td>
<td>• Design drawings of the facility: antenna(s), towers, ground installation, etc.</td>
</tr>
<tr>
<td></td>
<td>• Explain choice of structure.</td>
</tr>
<tr>
<td></td>
<td>• Details of adjacent landuses.</td>
</tr>
<tr>
<td></td>
<td>• Details of any adjacent structures.</td>
</tr>
<tr>
<td></td>
<td>• Details of access (roads, etc).</td>
</tr>
<tr>
<td></td>
<td>• Description of materials and finishes.</td>
</tr>
<tr>
<td></td>
<td>• Details of existing vegetation to be removed or damaged in the vicinity, including identification of any trees to be removed.</td>
</tr>
<tr>
<td></td>
<td>• Details of revegetation and site stabilisation.</td>
</tr>
<tr>
<td></td>
<td>• Arrangement for provision of power to site.</td>
</tr>
<tr>
<td></td>
<td>• Details of any external lighting.</td>
</tr>
<tr>
<td>4. Description of the physical environment and possible physical impacts</td>
<td>• 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.</td>
</tr>
<tr>
<td></td>
<td>• Focus on aspects which are particular to the site.</td>
</tr>
<tr>
<td></td>
<td>• Details of measures to protect local environment (including flora and fauna) during construction (eg. erosion and runoff control, vehicle management, stockpiling and storage).</td>
</tr>
<tr>
<td>5. EME</td>
<td>• Projected EME levels for proposed sites.</td>
</tr>
<tr>
<td>6. Visual Assessment</td>
<td>• Assessment of the impact of the proposal in visual terms. Refer to separate checklist.</td>
</tr>
<tr>
<td>7. Social Issues (if appropriate)</td>
<td>• Discussion of community concerns.</td>
</tr>
<tr>
<td>8. Consultations</td>
<td>• Impact on areas of special significance.</td>
</tr>
<tr>
<td></td>
<td>• Details of consultations with the land owners/occupants.</td>
</tr>
<tr>
<td></td>
<td>• Carriers must consult with owners before lodging application.</td>
</tr>
</tbody>
</table>
9. Conclusion and Recommendations

- Summary of the relevant issues.
- Alternative technical and design options.
- Alternative locations including co-masting options.
- Discussion of cumulative impacts.
- Recommend actions to mitigate or minimise impacts.
- Justification of the proposal.
- Conclusions.

10. Plans

- Location Plan.
- Site Plan/Landscape Plan.
- Design of facility (plan and elevations of antenna and ground installation).
<table>
<thead>
<tr>
<th><strong>Table 2 Visual Assessment Checklist</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Context:</strong></td>
</tr>
<tr>
<td>• The visual catchment of the site (and installation).</td>
</tr>
<tr>
<td>• The elements that go to make up the landscape or townscape context, including slope, cover, colour, vegetation or built environment, and major features.</td>
</tr>
<tr>
<td>• The physical scale of the proposed telecommunication infrastructure.</td>
</tr>
<tr>
<td>• Presence of other antennas and vertical elements.</td>
</tr>
<tr>
<td>• Any special landscape value of the site.</td>
</tr>
<tr>
<td>• Cumulative impact of this and further antennas.</td>
</tr>
<tr>
<td>• Relationship to existing vegetation and the potential intrusiveness of the installation.</td>
</tr>
<tr>
<td>• Relationship to buildings/structures.</td>
</tr>
<tr>
<td><strong>Siting:</strong></td>
</tr>
<tr>
<td>• Height of the antenna in relation to the surrounding landform.</td>
</tr>
<tr>
<td>• Topographical features and natural vegetation.</td>
</tr>
<tr>
<td>• Impact on skyline or tree line.</td>
</tr>
<tr>
<td>• Distance from sensitive receptors.</td>
</tr>
<tr>
<td><strong>Appearance:</strong></td>
</tr>
<tr>
<td>• Materials (particularly relevant for ground installations).</td>
</tr>
<tr>
<td>• Colour.</td>
</tr>
<tr>
<td>• Reflectivity.</td>
</tr>
<tr>
<td>• Design.</td>
</tr>
<tr>
<td>• Height.</td>
</tr>
<tr>
<td>• Antenna type and bulk.</td>
</tr>
<tr>
<td>• Plant and room.</td>
</tr>
<tr>
<td>• Proposed landscape work.</td>
</tr>
<tr>
<td><strong>Plans and Photos</strong></td>
</tr>
<tr>
<td>• 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.</td>
</tr>
</tbody>
</table>