



## **CITY OF CLARENCE**

### **EASTERN SHORE (AREA 2) PLANNING SCHEME 1986**

This Planning Scheme comprises the clauses, tables and schedules, hereinafter referred to as The Ordinance, and the plans annexed thereto, hereinafter referred to as the Plan.

### **PLANNING AREA**

This Scheme applies to the lands under the jurisdiction of the City of Clarence within the area wholly enclosed by a thick black line on the Plan, and covers the whole of the City of Clarence outside the area of the Eastern Shore Planning Scheme, 1963 and the Richmond Planning Scheme, 1993.








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## **SECTION 1: TENOR**

### **1.1 PRINCIPLE OBJECTIVE**

The objective of this Scheme is to provide a framework within which Council can make decisions regarding private and public use of land in the Planning Area, and to provide a basis on which to make decisions regarding investments in public services.

The achievement of this objective will facilitate development by providing certainty in the potential and use of land. At the same time, residential amenity and the general environmental quality within the area will be protected and enhanced.

### **1.2 DISTRICTS**

#### **Introduction**

For the purposes of this Scheme the Planning Area has been divided into Districts, with boundaries defined by physical features such as natural watercourses, roads and the like, and shown on the Plan.

The following is a brief description of each district and the features affecting land use. This forms a basis for the objectives for development and subdivision in each area. These objectives and the 'Principles of Development Control' which follow, shall be considered in conjunction with the general provisions of the Scheme.

#### **District 14: Richmond Valley**

The district comprises the area generally east of the Meehan Range and north of the Eastern Outlet/Tasman Highway.

This is the last major area within the City to maintain a viable agricultural base. With the proposed introduction of the South-East Irrigation Scheme (Stage 2) in the near future, there will be potential for development of intensive agricultural pursuits in the low lying areas of the valley. Land use in the district is already becoming diversified, changing from general farming to now include more specialised agriculture, oyster farming, low density residential development and an astronomical research station, as well as commercial and manufacturing uses in the Cambridge Village.

Infill residential development within Cambridge Village is to be encouraged concurrent with the containment of the township within the boundaries of the Urban Residential Zone. The land with potential for intensive agriculture is to be protected from incompatible developments such as low density residential use. Residential development in the balance of the District shall be permitted at a low density which shall not prejudice the continued primary production on suitable land or the possible expansion and diversification of agricultural production resulting from the proposed introduction of the South East Irrigation Scheme.

There are good prospects for the expansion of developments in light and service industry associated with Cambridge. Provision has been made for adequate serviced land to accommodate this potential growth. The longer term future for Cambridge Airport is being assessed along with a master plan for Hobart Airport. In the event of closure of Cambridge Airport then the option for future industrial expansion on the site will be explored.

To ensure that visual amenity is not diminished, landscaping will be required for all industrial and commercial development and 'clean' commercial uses will be encouraged to locate near the periphery of the industrial area.

Richmond and the Richmond Valley are important tourist destinations. All development and subdivision of land must therefore recognise the need to retain the scenic quality of the valley while providing for some visitor related activities.

Development shall acknowledge the constraints posed by the 20NEF noise contour surrounding the Hobart Airport and the restrictions on illumination in the vicinity of the Mount Canopus Observatory.

Colebrook Main Road, a state classified road, is a principle access road to Richmond and beyond. The road presently serves as a through route but this would be downgraded additional access points. Subdivisions with frontage to Colebrook Main Road shall therefore be designed to limit the number of new access points onto this road.

Water reticulation is to be confined to the Cambridge Water District. The disposal of liquid effluent is presently based on on-site treatment except for the Cambridge Industrial area which is serviced by a small treatment plant. A limited sewerage scheme with a maximum capacity of 100 houses is planned for residential development at Cambridge. Sewerage reticulation is to be provided for all Industrial development.

Important plant communities have been identified in the district, located near the Tasmanian golf Course, Barilla and at the northern end of Pittwater. Pittwater itself is the most important water fowl - seabird habitat in southern Tasmania. These areas are to be protected from development and subdivision and new land use in adjoining areas shall have regard to the conservation value of these areas. The visual effect of treed ridge lines on the Meehan Range is to be preserved. A scenic corridor will be maintained along the Eastern Outlet (including its future alignment) to the Hobart Airport. This will provide a buffer between this important tourist route and the visual impact of any development.

### *Principles of Development Control*

1. The township of Cambridge is to be contained within the boundaries of the Urban Residential Zone designated in this Scheme.
2. Agricultural production shall be given priority over all other forms of development in the area between Colebrook Main Road and Pittwater.
3. Industrial and commercial development may be sited in appropriate areas having regard to its impact upon the visual amenity of the district.

Amendt  
F1  
22/3/93

4. Where required by Council, new development shall provide landscaping and planting appropriate for the maintenance of visual amenity. When necessary, developers shall be required to provide approved security to the Council to ensure that landscaping is provided in accordance with approved plans.
5. The provision of a reticulated sewerage system or other approved waste disposal system shall be a prerequisite for all industrial and commercial development within the district.
6. In considering applications for development or subdivision, Council shall have regard to the protection of the on-going viability of Hobart Airport. Within the boundaries of the 20NEF contour, designated on the plan, subdivision densities and land use shall be in accordance with the 'Special Provisions' (Section 4.6) of the Scheme.
7. Within the area designated on the map as the 'Observatory Limit', Council shall have regard to the effect of all new subdivision and developments upon the on-going viability of the Mount Canopus Observatory. The installation of outdoor and upward projecting lights within this area shall be restricted in accordance with 'Special Area Provisions' (Section 4.5) of the Scheme.
8. Approval shall not be given to applications for subdivision or development where it is determined that the proposal would cause a degradation of water quality or contribute to any pollution of Barilla Bay or Pittwater in general.
9. Subdivision and development shall be designed to minimise impact upon the wooded areas of the Meehan Range. In those areas designated as 'Skyline Protection or Woodland Area' development shall comply with the 'Special Area Provisions' (Section 4.2) of the Scheme.
10. Notwithstanding the provisions of the 'Special Area Provisions' (Section 4.3) and the Siting Schedule new development shall be located a minimum of 100m from the high water mark of Pittwater or a greater distance if required by any Schedule or for the containment of effluent from a septic tank within the curtilage of the lot.

Amendment  
7B/962  
19/8/96

11. Approval will not be given for any development which is likely to increase the number of traffic movements onto that part of the land at 1300 and 1388 Tasman Highway, Cambridge rezoned to Active Recreation by Amendment No. ESPS86 - 7A/96, until the applicant enters into an agreement under Part 5 of the Land Use Planning and Approvals Act 1993 which provides for the upgrading of the site access and the Tasman Highway to the satisfaction of the Department of Transport.

#### District 16: Acton

The district is bounded by the Meehan Range (Mount Rumney) to the west, the Eastern Outlet/Tasman Highway to the north, and Single Hill to the south. The district extends to the east to encompass the whole of Seven Mile Beach Peninsula.

Land use is diverse, comprising a range of residential densities, major recreational facilities, forestry, tourist facilities, horticultural business, the Hobart Airport and associated facilities, and a declining agricultural base. The district contains the principal rural residential area in the City.

Inserted by  
Amendment  
A-2006/ 11  
27/6/2007

The Seven Mile Beach Peninsula contains southern Tasmania's largest on-shore deposit of sand suitable for use in concrete manufacture and its identification and protection for future extraction is of strategic importance.

The Seven Mile Beach Peninsula has potential for a comprehensive tourist resort development based on its recreational resources and its location with respect to the Hobart Airport and tourist destinations in South Eastern Tasmania. Any subdivision or development in the area including pine harvesting, should not conflict with this potential.

Rural residential development is planned to continue. However, this must acknowledge the constraints for such development posed by the 20NEF Noise Contour surrounding the Hobart Airport, restrictions on illumination in the vicinity of Mount Canopus Observatory, the availability of services particularly reticulated water and the amenity of existing development afforded by the rural character of the district.

Similarly, areas identified as suitable for industrial activities associated with the Airport and the areas of potential urban growth near Lauderdale and Seven Mile Beach shall be reserved from rural residential development.

A corridor to contain an alternative alignment of the Eastern Outlet to the Airport has been identified, and all new development and subdivision shall have regard to this corridor. Pittwater Road now provides a popular through route to Seven Mile Beach. The eventual sealing of this road and the upgrading of its junction with the Tasman Highway is planned.

Reticulated water is presently available to the 67m contour within the district. An extension of supply to the 135m contour is planned. To enable an orderly expansion of services, access to reticulated water shall be a prerequisite for subdivision in the district. Future urban residential development will also require reticulated sewerage. To avoid problems of run-off to low lying areas, development on the upper slopes of the water catchment, with a slope in excess of 1 in 4, shall be limited.

The visual effect of treed ridge lines on the Meehan Range is to be preserved by the designation of a 'Skyline Reserve'. A scenic corridor will be maintained along the Eastern Outlet (including its future alignment) to the Hobart Airport, this will provide a buffer between this important tourist route and the visual impact of any development.

The release of land for development in the Reserved Rural Residential Zone shall be dependent on availability of a water supply and the preparation of a Local Plan which addresses the need for upgrading of Acton Road.

### *Principles of Development Control*

1. Access to a reticulated water supply is required for all subdivisions in which new lots are to be created.
2. The small settlement of Seven Mile Beach is to be contained within the boundaries of the Village Zone, designated on the plan.

3. The area identified on the plan in Schedule 8 – Seven Mile Beach Site Plan, contains scarce sand resources that shall be available for long term sand extraction as a priority in accordance with best practice environmental management. Permit applications for sand extraction shall have regard to the values for which the land is reserved under the *Crown Lands Act 1976* and any required mitigation measures including maintaining the quality and future beneficial use of groundwater.
4. Use of development on the Seven Mile Beach Peninsula shall make provision for the rehabilitation of the land, particularly in the area of the pine plantation.
5. The Seven Mile Beach Peninsula shall continue to provide for recreational activities on a regional basis. In addition, provision is made for consideration of a comprehensive tourist resort and supporting residential development in accordance with the 'Special Area Provisions' (Section 4.8).
6. In considering applications for development or subdivision, Council shall have regard to the protection of the on-going viability of Hobart Airport. Within the boundaries of the 20NEF contour, designated on the plan, subdivision and land use shall be in accordance with the 'Special Area Provisions' (Section 4.6) of the Scheme.
7. Industrial and commercial development may be sited in appropriate areas having regard to the protection of the existing level of amenity for residential, recreational and other land uses. The area to the west of Hobart Airport and within the 20NEF Contour shall be protected from any development which would conflict with its future use for light industrial purposes.
8. Where required by Council new development shall provide landscaping and planting appropriate for the maintenance of visual amenity. When necessary, developers shall be required to provide approved security to the Council to ensure that landscaping is provided in accordance with approved plans.

9. New residential development shall not detract from the level of general amenity and environmental character existing for residential development in the district. Accordingly, the construction materials, design, scale and location of new development shall be sympathetic to the existing building styles and environment.
10. Within the area designated on the map as the 'Mt. Canopus Observatory Limit' Council shall have regard to the effect of all new developments upon the on-going viability of the Mount Canopus Observatory. The installation of outdoor and upward projecting lights within this area shall be restricted in accordance with 'Special Area Provisions' (Section 4.5) of the Scheme.
11. Subdivision and development shall be designed to minimise impact upon the wooded areas of the Meehan Range; in those areas designated 'Skyline Protection' or 'Woodland Area', development shall comply with the 'Special Area Provisions' (Section 4.2) of the Scheme.
12. Development and subdivision in areas subject to inundation as designated on the plan, shall be subject to site specific requirements to meet the objectives set out in Special Area Provisions (Section 4.7) of the Scheme. These shall ensure that any lots created by subdivision can be reasonably developed.
13. Acton Road is to be retained as a major arterial route with a restricted number of access points onto it. Accordingly, only one (1) single access point approved by the City Engineer will be permitted for each existing lot fronting this road.
14. In considering applications for subdivision Council shall have regard to the objective of achieving a by-pass route from the existing alignment of Acton Road to Seven Mile Beach Road as depicted in The Acton Corridor Local Area Plan. All subdivision plans submitted in accordance with Section 3.2.4 of the Scheme shall not prejudice the achievement of this objective.
15. Access to this future by-pass route is to be limited to public road junctions.



16. The 'Arterial Status' and associated access provisions for any section of Acton Road will be removed after that section has been by-passed by a completed alternative alignment.
17. In considering future subdivisions, Council will need to be satisfied that building sites can be properly drained and effluent disposed of without nuisance. This will particularly apply below the 4m contour and any proposals would need to be supported by Engineering and Geological assessments addressing these issues and indicating means by which these difficulties could be satisfactorily overcome.
18. Additional public open space will be acquired when subdivisions occur to extend the walking/bridle paths in the Acton Corridor. Precise alignments to be established at the time of subdivision.
19. (Deleted by A-13/01 - 25/7/02)

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3/01  
25/7/02

#### District 17: Lauderdale

Lauderdale District comprises the lower portion of the Acton Corridor, the southern slopes of Single Hill and Lauderdale Township. The southern boundary has been defined by a line between the ridge on Richardsons Hill across to Ralphs Bay.

Land use consists of the developed urban area of the town of Lauderdale, which is ringed by rural residential development. The treed hillsides of the Meehan Range remain as a major visual and natural component in the district. Refuse disposal for the City is centred on the Race Course Flats, a wetland in the southern section of Lauderdale.

Lauderdale has grown from a holiday village to an established urban residential area because of its pleasant residential environment. Immediate urban residential development is constrained by the lack of reticulated sewerage and stormwater systems, and the existing rural residential development which restricts urban expansion on all sides of Lauderdale town, except to the south.

The Lauderdale area will be reserved from any expansion in residential development, pending further investigation of sewerage, drainage and any possible rises in sea level. However, infill development on the existing vacant sites will be permitted and the consolidation of rural residential development within existing areas is to be encouraged.

Only low density residential development will be permitted on the slopes of the Meehan Range (outside the Lauderdale Water District and on land exceeding a 1:4 slope). These hills are a prominent visual feature and their upper portions are included within a 'Skyline Protection or Woodland Area' to ensure the retention of the existing bushland.

The release of the Lauderdale area in the future for urban residential expansion will be dependent upon the provision of sewerage and stormwater services and investigation of effects of possible rises in sea level.

The consolidation of commercial uses on land between South Arm Secondary Road and Mannata Street will be encouraged. Existing commercial development is to be encouraged to re-orientate towards Ringwood Road and Mannata Street OR to gain vehicular access by other than direct access onto South Arm Secondary Road. Additional ribbon development along this road will be discouraged.

Important plant and bird communities have been identified on the Ralphs Bay foreshore of the Lauderdale Neck. Of particular importance as a bird habitat is the spit created when the canal was constructed. The retention of the environmental quality of this area should be considered in the determination of land use and in the establishment of management techniques for the area.

The Council owned property known as Roscommon at 147 Acton Road be developed as an Equestrian Centre. Other compatible recreational uses with an Equestrian Centre may be approved where they will not create adverse impacts on surrounding land use activities.

Development of property at 147 Acton Road for an Equestrian Centre and other recreational activities shall be in accordance with Council approval of an overall Concept Plan for the subject land.

Amendment  
3/99  
15/11/00

### *Principles of Development Control*

1. Expansion in the Lauderdale area will be dependent upon the provision of a reticulated sewerage and stormwater system and have due regard to possible rises in sea level.
2. The consolidation of commercial development on vacant sites between South Arm Secondary Road and Mannata Street will be encouraged.
3. Existing commercial development is to be encouraged to re-orientate towards Ringwood Road or Mannata Street or to gain vehicular access by other than direct access onto South Arm Secondary Road.
4. Development and subdivision in areas subject to inundation as designated on the plan, shall be subject to site specific requirements to meet the objectives defined in Section 4.7. These shall ensure that any lots created by subdivision can be reasonably developed.
5. Where required by Council new development shall provide landscaping and planting appropriate for the enhancement and maintenance of the visual amenity, of the area. Developers shall be required to provide security to ensure that landscaping is undertaken in accordance with approved plans.
6. Developments and subdivisions shall have a minimal impact upon the wooded areas of the Meehan Range; in those areas designated 'Skyline Protection' or Woodland Area', the 'Special Area Provisions' (Section 4.2) of the Scheme shall be complied with.
7. The important plant and bird habitats located on the Ralphs Bay foreshore of the Lauderdale Neck shall be preserved. The environmental quality of the area shall not be prejudiced by new development or subdivision. Land management practices shall be adopted to minimise land use conflicts with existing uses in surrounding areas.

## District 18: Sandford

Sandford district comprises the north eastern portion of the South Arm Peninsula. The dominant feature of the district is Mount Mather. Principle land use is farming. Rural residential subdivision has been confined to the poorer land off Forest Hill Road and Rifle Range Road. Sand mining continues at a number of small pits, however, extraction of the substantial reserves of very fine sand is now restricted by rural residential development. The district also contains broadcasting facilities and antenna for the A.B.C and commercial radio stations.

Large areas are low lying and subject to inundation. Reticulated water and sewerage is not available.

Strip development has occurred at Sandford, along the South Arm Secondary Road. Any expansion of such development along this major arterial road would diminish the level of service of the roadway. The above factors combine to severely restrict the residential development potential of the district.

The wetlands of the district, which include the Clear Lagoon nature reserve, provide habitats for a variety of bird species. Significant vegetation species occur on Calverts Hill and the slopes of Mount Augustus which are prominent visual features in the district.

### *Principles of Development Control*

1. Linear expansion of settlements along South Arm Secondary Road is to be contained. Further subdivisions at these settlements shall only be permitted where access can be gained onto a side road.
2. Public access to the foreshore and adequate foreshore reserves shall be provided as land is subdivided.
3. New residential development and subdivision shall not detract from the level of general amenity and environmental character existing for residential development in the district. Accordingly, the construction materials, design, scale and location of new development shall be sympathetic to the existing building styles and environment.

4. Development and subdivision in areas subject to inundation as designated on the plan, shall be subject to site specific requirements to meet the objectives defined in Section 4.7. These shall ensure that any lots created by subdivision can be reasonably developed.

#### District 19: Dixon Point

The Dixon Point district comprises land on the western slopes of Mount Mather and bordered by Ralphs Bay. Mount Mather and the adjoining Gravel Hill have extensive coverage of open woodland and are prominent visual features in the locality. Soil quality is poor in the north where rural residential subdivision has occurred, centred on Dorans Road. The coastal strips and flatter land to the south have been developed as improved pasture and remain in primary production. The district contains two beaches, Richardsons and Huxley, neither has public access.

Road access is via Dixon Point and Dorans Roads. Dorans Road has been upgraded and partly sealed to service the existing development, but it has not as yet, been extended to link with Dixon Point Road and provide a through route to the area. Reticulated water and sewerage is not available. Increased services and in particular a reticulated water supply cannot be economically provided for rural residential development in the district within the foreseeable future.

#### *Principles of Development Control*

1. The option to continue primary industrial pursuits is to be retained. New residential development is to be consolidated within the established rural residential area centred on Dorans Road.
2. The upper slopes of Mount Augustus and Calverts Hill shall remain free of buildings. Conservation of existing trees within areas designated as 'Skyline Protection or Woodland Area' shall be in accordance with 'Special Area Provisions' (Section 4.2) of the Scheme.
3. Natural wetland habitats designated on the Plan, shall be protected from encroaching development or conflicting land use pursuant with 'Special Area Provisions' (Section 4.3) of the Scheme.

4. Reticulated water and sewerage services cannot be provided at this time. In the longer term, Dixon Point and Dorans Roads should be linked.

#### District 20: Mortimer Bay

The district is defined by the catchment of Mortimer Bay, and the south-east flank of Ralphs Bay. The potential for general farming in the district is low and rural residential development has established as the predominant land use. The area offers a quiet, private, bushland environment which has attracted a substantial rate of residential development consisting mainly of blocks of 2ha and larger.

It is envisaged that the remaining land parcels will be developed for residential uses similar in character to the existing residential development. Small scale uses such as market gardening, agistment and riding activities, and other recreation uses would normally be considered as acceptable ancillary uses.

All development in the district shall have regard to the need to maintain the perceived attributes and existing level of amenity of the area including the retention of tree cover and protection of bird habitats.

Council's foreshore reserve at Mortimer Bay shall be developed as an area for passive recreation. Additional foreshore reserves shall be taken whenever land with coastal frontage is subdivided, to provide continuous public access to the coastline.

Rifle Range Road and Gellibrand Drive, are being developed to provide a relatively high amenity road and as an alternative South Arm Secondary Road. The linking of Gellibrand Drive to provide a through route will be dependent upon subdivision activity and demand. Reticulated water and sewerage are not available in the District and there are no current plans for their future provision.

### *Principles of Development Control*

1. New development or subdivision shall not detract from the level of general amenity and environmental character existing for residential development in the district. Accordingly, the construction materials, design, scale and location of new development shall be sympathetic to the existing building styles and environment.
2. Generally, the development or subdivision of land requiring the clearing of existing wooded areas, other than for the establishment of a house site and in accordance with Tree Preservation provisions (Section 5.3.7) shall not be approved. In those areas designated 'Skyline Protection or Woodland Area' development shall comply with the 'Special Area Provisions' (Section 4.2) of the Scheme.
3. Subdivision designs shall have regard to the need to establish linkages between adjacent areas to provide for pedestrian, cycle and horse trails, fire trails and the provision of access to the foreshore.
4. The Mortimer Bay Reserve, as designated in the Scheme, shall be maintained and preserved as an area for passive recreational uses and as an important bird habitat. New uses establishing within the vicinity shall not conflict with the use or detract from the existing level of amenity of this area.
5. Development and subdivision in areas subject to inundation as designated on the plan shall be subject to site specific requirements to meet the objectives defined in Section 4.7. These shall ensure that any lots created by subdivision can be reasonably developed.

#### **District 21: Lower Sandford**

The district is characterised by a broad valley sloping towards Storm Bay. Dominant features are two headlands, Goat Bluff and Cape Contrariety.

The area has low agricultural capability and has not been favoured with any substantial development because it is not considered to be within easy commuting distance of the City centre, at this time. The most important features in the determination of land use in the district are, the silicon sand resources; the extensive natural habitats for birds and rare plant species and the existence of some dry weather farming. The current extraction of sand and farming are not in conflict with the continued viability of the natural habitats. The objective in this district is therefore to protect the natural habitats while providing for the continued appropriate development of the farming and sand mining activities. This is dependent upon maintaining a low density of residential development and providing for the re-habilitation of mined areas.

Limited services are available, there is no reticulated water and liquid effluent disposal is confined to on-site treatment. There are only two roads in the District, South Arm Secondary Road and Musks Road. South Arm Secondary Road is a State road providing a through route to South Arm. The road currently provides an adequate level of service, however, it provides few safe opportunities for additional points of direct private access; a further constraint to residential development.

#### *Principles of Development Control*

1. Any development or subdivision shall not prejudice the ongoing viability of mining operations or the extractive potential of land within the area designated 'Extractive Industry' in the Scheme.
2. Where it is deemed to be necessary by Council, an Environmental Impact Statement may be required to accompany a development application for sand extraction.
3. Where it is deemed to be necessary by Council, developers shall be required to provide approved security with any development application for sand extraction, to ensure the rehabilitation of the site upon cessation of mining operations.
4. With regard to Principles 2 and 3, Council will liaise with the Director of Environmental Control and the Mines Department to avoid unnecessary duplication with the requirements of the Environment Protection Act, 1973 or the Mining Act, 1929.



5. In considering applications for development or subdivision in the district, Council shall have regard to the need to protect and enhance those areas considered significant locations for the conservation of fauna and flora. The locations designated on the plan and are subject to the 'Special Area Provisions' (Section 4.3) of this Scheme.

#### District 22: Pipe Clay Lagoon

The district is defined as the catchment of Pipe Clay Lagoon; it includes Cremorne, Clifton Beach and Honeywood Drive.

The principal land use in the District is residential, centred on Cremorne and Clifton Beach. The district is also a popular location for water based recreation in the region; Pipe Clay Lagoon provides the only sheltered anchorage on the South Arm east coast. A commercial oyster farm is located in the Lagoon which also serves as a harbour for commercial fishing and abalone boats and pleasure craft. Some general farming still exists on the reasonably arable land within the district.

The importance of this district as a regional recreational resource is recognised. No subdivision or development shall conflict with the continued use of existing recreational areas or lower the existing amenity of the district for recreation.

Future residential development is to be consolidated within the existing areas of residential development at Cremorne and Clifton Beach as designated in the Scheme. There are several constraints to the expansion of residential development beyond these boundaries, namely: the lack of reticulated water and sewerage, also, any extension of development on the upper slopes of Calverts Hill at Cremorne would concentrate runoff and exacerbate the existing ponding problems experienced in many low lying areas in the district. Pollution of Pipe Clay Lagoon must be prevented, the control of housing density and runoff are basic to the preservation of water quality in the Lagoon.

The District contains significant locations for the conservation of fauna and flora. The locations are to be preserved and protected from conflicting uses locating in their vicinity.

### *Principles of Development Control*

1. The small settlements of Cremorne and Clifton Beach are to be contained within the boundaries, as designated in this Scheme.
2. New development or subdivision shall not detract from the level of general amenity and environmental character existing for residential development or recreational activities in the district. Accordingly, the construction materials, design, scale and locations of new development shall be sympathetic to the existing building styles and environment.
3. Approval shall not be given to applications for subdivision or development where it is determined by Council that the proposal would lead to a degradation of water quality or contribute to any pollution of Pipe Clay and Rushy Lagoons.
4. (Deleted)
5. Development and subdivision in areas subject to inundation, as designated on the Plan shall be subject to site specific requirements to meet the objectives defined in Section 4.7. These shall insure that any lots created by subdivision can be reasonably developed.
6. In considering applications for development or subdivision in the district, Council shall have regard to the need to protect and enhance those areas considered as significant locations for the conservation of fauna and flora. The locations are designated on the plan and are subject to the "Special Area Provisions" of this Scheme. The locations are:
  - (i) Stands of E. Morrisby on Calverts Hill and nearby Cremorne.
  - (ii) Cape DesLacs which is a breeding area for Mutton Birds and Fairy Penguins.
  - (iii) Pipe Clay Lagoon which provides a feeding and breeding ground for many birds and commercial fish species.

Amend.  
3A/96  
18/8/96

### District 23: South Arm

The district is clearly defined, being separated from the rest of the City by the South Arm sand neck and contains all the area to the west of Goats Bluff and including Betsy Island.

The district is not within easy commuting distance of an urban area, this, and the lack of reticulated water and sewerage has constrained residential development despite the high level of amenity in the area.

A mixture of permanent and holiday accommodation centred in the small settlements of Opossum Bay, Half Moon Bay and South Arm. Primary industry has continued as an important land use although orcharding, once a prominent commercial activity, has virtually ceased. The district contains a major supply of coarse sand for the region and also has deposits of dune sand used for concrete and general building purposes. The defence forces establishment at Cape Direction is a major land use in the district. Recreation activities along the coastal fringe are growing in importance.

There is potential for growth in holiday accommodation at the three small settlements, however the lack of reticulated water and sewerage services (which cannot be provided within the foreseeable future) will continue to limit development of permanent residences.

Generally, any residential development will be consolidated within the existing settlement boundaries and shall not conflict with the option to maintain agricultural production on the remaining rural land. The Arm End spit is to be developed as a regional recreational resource and shall be protected from conflicting land uses.

The extraction of sand resources within the designated area is to continue and shall be protected from any conflicting uses. However care must be taken to ensure protection of frontal sand dune systems from mining and recreation activities.

The district contains a number of unique bird habitats that have been designated as wildlife sanctuaries at Cape Direction and Betsy Island, with a further proposed sanctuary covering the southern portion of Ralphs Bay. Planning in the district shall protect these areas from any degradation in their existing environmental quality. Remaining wooded areas shall be retained both for protection from prevailing winds and to preserve the visual amenity.

### *Principles of Development Control*

1. Generally, the development or subdivision of land requiring the clearing of existing wooded areas, other than for the establishment of a house site and in accordance with the Tree Preservation Section (5.3.7), shall not be approved. In those areas designated 'Skyline Protection or Woodland Area', development shall comply with the 'Special Area Provisions' of the Scheme.
2. The small settlements of Opossum Bay, Half Moon Bay and South Arm are to be contained within the boundaries designated on the Plan.
3. Any development or subdivision shall not prejudice the ongoing viability of mining operations or the extractive potential of land within the area designated 'Extractive Industry' on the Plan. In particular, Council shall refer to the Director of Environmental Control any application for subdivision or development which could result in a dwelling being located within 300m of land zoned Extractive Industry and shall take into account the Director's recommendation when making a decision on the application.
4. Where it is deemed to be necessary by Council, an Environmental Impact Statement may be required to accompany a development application for sand extraction. In no instance will sand mining be allowed to encroach within a frontal sand dune system.
5. Where it is deemed to be necessary by Council, developers shall be required to provide approved security with any application for sand extraction, to ensure the re-habilitation of the site upon cessation of mining operations.
6. With regard to Principles 4 and 5, Council will liaise with the Director of Environmental Control and the Mines Department to avoid unnecessary duplication with the requirements of the Environmental Protection Act, 1973 and the Mining Act, 1929.

7. When considering any proposal for development or subdivision which may have an impact on the Cape Direction and Betsy Island Wildlife Sanctuaries and the proposed Ralphs Bay Wildlife Sanctuary designated as 'Special Areas' on the Plan, Council shall have regard to the need to retain the environmental quality of these areas and protect them from any encroachment of conflicting uses.

District 4      Risdon Vale  
District 6      Flagstaff Gully  
District 15     Mt Rumney And Rokeby Village

A portion of each of these Districts falls within the Scheme boundary. The Districts are treated together in this Scheme because all the land has similar physical qualities, is undeveloped, and has little current development potential because of physical or servicing constraints. Accordingly, the same Principles of Development control are relevant to each District.

Risdon Vale District is bounded by Grass Tree Hill Road, East Derwent Highway and the ridges of Sugarloaf Hill to the south and Meehan Range to the east. The north-east corner of the district is within the Scheme boundary. The area consists of the steep treed hill sides of the Meehan Range and contains the Meehan Range State Recreation Area and the Flagstaff Gully Buffer Area. The area is too steep for residential development but has an important visual impact upon the urban development below. This area is to be preserved in its natural state whilst providing for limited recreational activities within the State Recreation Area.

The Flagstaff Gully District is defined by the major hill system of the Meehan Range and a lower range forming Lindisfarne hills. The southern boundary is the Eastern Outlet Road. A small proportion of the District, in the north-east, lies within the Scheme boundary. This area is a continuation of the treed ridgeline of the Meehan Range.

The land has very limited development potential but does contribute to the skyline in the area. All this part of the district falls within the Flagstaff Gully Buffer Area designated on the Plan. The area is subject to noise and dust arising from the Flagstaff Gully Quarry operations. The aim of the buffer area is to protect the on-going viability of the quarry by limiting the intrusion of non-compatible uses. Within this area, potential residential development is restricted to one house on each existing lot with no further subdivision permitted.

The Mount Rumney and Rokeby Valley District comprises the northern catchment of Ralphs Bay defined by the Meehan Range to the east and Rokeby Hills and Knopwood Hill to the west. The Tasman Highway marks the northern extent of the District. The eastern half of the District falls within the Scheme boundary. This area consists of a broad valley of undulating improved pasture, rising to the treed ridgeline of the Meehan Range which includes Mount Rumney.

The southern portion of the valley floor shall be reserved for future urban expansion. The release of this land for development shall be dependant upon the provision of reticulated water and sewerage service. To the north, within the area subject to the Mt. Canopus Observatory Limit (designated on the Plan) the low lying area shall be held for rural residential development pending the provision of a reticulated water supply.

On the upper portions of the ridgelines including Mt. Rumney the character of the existing treed skyline is to be retained. Low density rural residential development will be allowed, providing it does not prejudice this objective.

### *Principles of Development Control*

1. Generally, the development or subdivision of land requiring the clearing of existing wooded areas, other than for the establishment of a house site and in accordance with the Tree Preservation Section 5.3.7, shall not be approved. In those areas designated 'Skyline Protection or Woodland Area', development shall with the 'Special Area Provisions' of the Scheme (Section 4.2).

2. Within the area designated on the Plan as the 'Mt. Canopus Observatory Limit' Council shall have regard to the effect of all new developments upon the on-going viability of the Mount Canopus Observatory. The installation of outdoor and upward projecting lights within this area shall be restricted pursuant with the 'Special Area Provisions' of the Scheme (Section 4.5).
  
3. Within the area designated on the Plan as the 'Flagstaff Gully Buffer Area' Council shall not permit the establishment of any use or the subdivision of land which would conflict with the on-going viability of the Flagstaff Gully Quarry. Residential development is to be restricted to no more than one house on each existing lot with no further subdivision permitted for residential purposes.

## **SECTION 2: USE OF LAND**

### **2.1 USE ZONES**

2.1.1 Development shall be restricted to a use in a zone permitted by Council under this Scheme, and shall comply with all other relevant requirements of the Scheme.

2.1.2 For the purpose of this Scheme, Use Zones have been created within the Planning Area. Each Use Zone so created is depicted on the Land Use Plan and thereby given its designation, boundary and position.

### **2.2 CLASSIFICATION OF USE**

2.2.1 (i) Council shall classify use in accordance with the definitions contained in Part 3, Schedule 1.1 - 'Use Definitions'.

(ii) Where Council is of the opinion that none of the definitions significantly describe a proposed use it shall be treated as a "Discretionary Use" in accordance with Section 2.2.4.

2.2.2 Schedule 1.2 identifies those uses which are either permitted, discretionary, or prohibited within each zone.

2.2.3 A use in a zone signified by the letter 'P' means a permitted use and any development of land in that zone for such use other than development exempted by Section 5.2 shall require the lodging with Council of an application for planning approval. Subject to compliance with all relevant requirements of the Scheme, Council shall, with respect to the application, grant its approval, conditionally or otherwise having regard to all or any of the matters referred to in Section 5.3.2.



Inserted  
31/10/06  
A-2005/12

- 2.2.4 A use in a zone signified by the letter 'D' means a discretionary use, and any development of land in that zone for such use shall require the lodging with Council of an application for planning approval. Council shall with respect to the application grant its approval conditionally or otherwise, or refuse the application, having regard to all or any of the matters referred to in Section 5.3.2.
- 2.2.5 A use in a zone signified by the letter 'X' means a prohibited use and any development of land in that zone for such use shall not be granted a planning approval except as provided for under Clause 2.3 or 5.3.6.
- 2.2.6 Notwithstanding any other provision of the Scheme, development within the road reserve or land adjacent or contiguous with Council's footpath for the purpose of street-side trading such as outdoor eating, display of goods and other similar activities associated with an approved use on an adjacent property shall be dealt with under Clause 2.2.4 as though it was a discretionary use.

### **2.3 INCIDENTAL USE**

Notwithstanding the provision of Section 2.1.1, nothing in the Scheme shall prevent the establishment of a use which is an integral and subservient part of an existing or proposed use.

### **2.4 EXISTING USE RIGHTS**

Subject to Section 756 of the Act, and in accordance with the provisions of Section 759, nothing in this Scheme shall effect:

- (a) The continuance of a lawful use of land; or
- (b) The maintenance and repair of a lawfully erected building or structure, in existence at the taking effect of this Scheme.

## **2.5 CONFORMITY NOTICES**

Where land has, from before the taking effect of the Scheme, been used for a purpose that could not lawfully be commenced under the Scheme, Council may at any time issue a conformity Notice and take action as provided for under Section 756 of the Act.

## **2.6 DEMOLITION**

Notwithstanding the provision of Clause 2.2.3 the demolition in whole or in part of any building or works listed as an item of historic interest in Schedule 6 of this Scheme shall require the granting of a planning approval pursuant to Clause 5.5 of this Scheme.

## **SECTION 3: SUBDIVISION OF LAND**

### **3.1 LODGING OF APPLICATIONS FOR SUBDIVISION APPROVAL**

Any person wishing to undertake any subdivision of land within the planning area shall make application to Council for the approval of such subdivision in accordance with the provisions of Section 464, 477B or 469 of the Act and Statutory Regulation 203 of 1978.

### **3.2 SUBDIVISION DENSITY AND LOT DIMENSIONS**

3.2.1 Subject to the provisions of the Scheme land may only be subdivided in accordance with the provisions identified in Schedule 2.2 for the Density in which the land is located.

3.2.2 For the purposes of this Scheme, areas of varying Density Ratings have been created within the Planning Area.

3.2.3 Each area of Density Rating so created is depicted on the 'Subdivision Density Ratings Plan' and thereby given its designation, boundary and position.

3.2.4 (i) All proposal plans for subdivision shall show the ultimate subdivision potential of an 'Existing Lot' under this Scheme.

(ii) Notwithstanding the provisions of Section 3.2.4(i) consideration will be given to a proposal plan submitted in stages in accordance with Section 467(1A) of the Act.

3.2.4A Notwithstanding the requirements of Schedule 2.2 Council may approve a lot of not less than 2ha in the Intensive Agriculture and Non Urban zones for the purpose of a rural industry subject to the following requirements:

(i) The application for subdivision and development of the rural industry shall be submitted concurrently.

(ii) Subdivision approval will not be granted unless the development application for a rural industry is approved.

Amendt  
F2  
22/3/93

- (iii) The minimum lot size approved will be dependent upon the nature of the proposed use and the capacity of the land to dispose of any effluent.
- (iv) No dwelling shall be developed on any lot created under the provisions of this clause unless the lot is not less than 10ha in area.

3.2.5 Notwithstanding the requirements of Schedule 2.2 Council may approve a lot of not less than 10ha in the Intensive Agriculture zone for the purpose of specialist intensive agriculture.

3.2.5A Notwithstanding the requirements of D.R.2. (10ha zone) in Schedule 2.2 where a subdivision proposal complies with all other provisions of the Planning Scheme, Council may consider a variation in density as set out in Schedule 2.2 provided such variation in respect to one (1) lot is no greater than 0.5ha".

### 3.2.6 Minor Subdivisions and Boundary Changes

Notwithstanding the requirements of Schedule 2.2 Council may permit minor subdivisions and variations to existing titles when the requirements are not met for the following purposes:

- (a) Minor boundary adjustments provided no additional lots are created and such adjustments are consistent with the objectives and requirements of the Scheme.
- (b) To provide public services and utilities.
- (c) To provide additional public access or open space.

Amendt  
E1  
26/3/93

3.2.7 Notwithstanding the provisions of the existing lot definition (Schedule 2) any balance lot which resulted from subdivision prior to 7 March 1989 and did not show the ultimate potential has potential pursuant to Schedule 2.2 of the Scheme equal to the potential of the original existing lot prior to subdivision less the number of lots created upon the subdivision which resulted in the balance lot.

Amended  
M1  
21/8/95

**3.2.8** Notwithstanding the provisions of Schedule 2.2 the subdivision of approximately 15ha of land at 111 Spitfarm Road (Property known as Arm End, Certificate of Title 4275 Folio 46), identified on the Planning Scheme Map Sheet 37D by the words "See Clause 3.2.8", into no more than 66 lots shall be permitted, subject to the following conditions.

- (i) No subdivision shall occur until a subdivision proposal plan has been submitted to and approved by Council, in a form which complies with the definition of "Development Plan" as defined in Clause 5.7. The Development Plan shall provide for lot sizes which are consistent with those which exist in Bangor Road and shall reflect the pattern of subdivision around the perimeter of the area to Spitfarm Road. Larger lots are to be located in the area adjacent to the existing lots off Driftwood Drive. The Development Plan shall provide for no building to be greater than 1 storey in height.
- (ii) Subdivision approval will not be granted until the landowner has entered into an agreement with Council under Section 71 of the Land Use Planning and Approvals Act 1993 agreeing to pay to Council a sum of \$50,000 as a contribution to upgrading roads leading to the area to be subdivided. The contribution is to be paid prior to the sealing of the final diagram for the first stage of the subdivision.
- (iii) Subdivision approval will not be granted until the landowner has entered into an agreement with the Crown which provides for the ownership of the balance of the Arm End property being transferred to the Crown.

Amended  
M8  
21/8/95

**3.2.9** Notwithstanding the provisions of Schedule 2.2 land zoned "Special Use - Communication Facility" at White Rock Point may be subdivided for communication facility purposes at the discretion of Council.

### **3.3 CONSIDERATION OF SUBDIVISION APPLICATIONS**

Before approving or refusing an application to subdivide, Council shall take into consideration the requirements of Sections 465, 467 and 469(9) of the Act, and all relevant provisions of this Scheme. Without limiting the generality of the above, Council shall have particular regard to the District Development Character, the Principles of Development Control and shall consider the matters in Section 5.3.2 as far as they may be relevant to subdivision.

### **3.4 SUBDIVISION APPROVAL**

Council may impose such requirements as are provided for under the Local Government Act, and under this Scheme on any subdivision approval given.

### **3.5 LAPSE AND RENEWAL OF SUBDIVISION APPROVAL**

Any subdivision approval issued by Council shall lapse after a period of one (1) year unless the final plan has been sealed by Council or extension of time granted. Annual extensions of time may be granted up to a further two (2) year period.

### **3.6 FEES**

Fees for subdivision shall be in accordance with Council's By-law.

## **SECTION 4: SPECIAL AREA PROVISIONS**

### **4.1 INTRODUCTION**

- 4.1.1 Special Area Provisions are intended to recognise and protect areas of particular interest, value, sensitivity or hazard identified within the planning area and shown on the Plans, by ensuring that any subdivision or development within such areas is compatible with the nature of the area identified.
- 4.1.2 All subdivision and development within a Special Area shall be in accordance with the specific standards, considerations or other requirements applicable to that Special Area, whether or not approval is required under this Scheme.
- 4.1.3 Where the provisions for a Special Area apply to land within a zone, these provisions shall take precedence over any other general standard or requirement, in this Scheme.

### **4.2 SKYLINE PROTECTION OR WOODLAND AREAS**

- 4.2.1 The purpose of a Skyline Protection or Woodland Area is to protect the high landscape quality of such areas and to recognise the amenity to be gained by the control of buildings or works to protect these areas from detrimental visual intrusions.
- 4.2.2 The subdivision or development of any allotment which lies wholly or partly within these areas designated on the Plan shall not cause a detrimental effect on the landscape values of that area.

- 4.2.3 Any building in these areas, designated on the plan, shall be sited so as to not intrude above the skyline when viewed from any property other than the lot on which they stand, or any public place.

### 4.3 ESTUARINE AND COASTAL PROTECTION AREAS

- 4.3.1 The purpose of an Estuarine or Coastal Protection Area is to minimise dune erosion and to maintain the natural functions of habitats in estuarine and other tidal areas.

Amendt  
A-2005/4  
4/11/05

- 4.3.2 Within the Estuarine and Coastal Protection Area development shall be prohibited on the frontal dune system, except for works, structures and demolition associated with public access to the water or foreshore which shall be considered in accordance with Clause 2.2.4.

The Council has a discretion to refuse or permit development on the back dune system in accordance with Clause 2.2.4 where the application is accompanied by an environmental impact assessment which addresses the impact and effect that the development will have on the stability of the land, existing vegetation, landscape visibility, and the sensitivity of the environment.

Where there is a dispute regarding the boundary between the frontal and back dunes, the decision of an independent arbiter, skilled in coastal geomorphology shall be final.

Amendt  
3B/96  
19/8/96 and  
A-2005/4

- 4.3.3 With the exception of works, structures and demolition associated with public access to the water or foreshore, which shall be considered in accordance with Clause 2.2.2, or of Marine Farm, all other development shall be prohibited within fifty (50) metres of any tidal flat, saltmarsh or lagoon.

- 4.3.4 The dumping of rubbish or landfill on or into any tidal flat, saltmarsh or lagoon, or the filling and reclamation of such areas shall only be approved at the discretion of Council, after the submission by the applicant of an Environmental Impact Statement, and Consultation with the Director of Environmental Control, Director General of Lands and Commissioner for Town and Country Planning or any other Authority or expertise as Council deems appropriate.



#### **4.4 LAND CLEARING IN SPECIAL AREAS**

- 4.4.1 The purpose of this Section is to ensure the management and conservation of natural vegetation and habitat within any Special Area delineated on the Plan.
- 4.4.2 The clearing of land or destruction of any trees or natural understorey in a Special Area shall require planning approval.
- 4.4.3 Any application for subdivision or planning approval within a Special Area that requires the clearing of land shall include a Landscape Plan and Report indicating the existing natural features and vegetation on the site, and the proposed alterations.
- 4.4.4 The clearing of land shall be limited to the area approved by Council for a particular development.
- 4.4.5 In its determination of any application that requires the clearing of land in a Special Area, Council shall take into consideration:
- (a) The quality and extent of the vegetation to be removed;
  - (b) The proposed means for the removal of the vegetation;
  - (c) The possible creation of soil erosion, instability, land slip or soil salinisation;
  - (d) The protection of watercourses;
  - (e) The amenity value of the vegetation, particularly its visual significance in coastal, hilltop and mountain areas and along tourist routes;
  - (f) Vegetation corridors to facilitate the movement of native animals from one uncleared area to another;
  - (g) Wildlife habitats, particularly for rare or endangered species;
  - (h) Its relationship to wetlands as a habitat environment for birds, marine life etc.;
  - (i) The retention of plant species diversity or the presence of rare or endangered plant species and associations;

- (j) Remnant value of vegetation associations characteristic of a district or region prior to extensive clearance for agriculture; and
- (k) Association and sites of special scientific, historic or cultural significance.

4.4.6 Council may confer with the Department of Agriculture, the Department of Lands, Parks and Wildlife or any other relevant person or body prior to the determination of an application, and may impose conditions of approval on that development that includes the planting or replanting of trees and shrubs, and the sowing down or other treatment of the area to be cleared.

#### **4.5 MOUNT CANOPUS OBSERVATORY LIMIT**

In its determination of any application for development, and including all building works, Council shall have regard to the viability of the Mount Canopus Observatory. The critical factors governing the Observatory's viability are artificial lights projecting up into the sky. A scale of impact and requirements in terms of distances from the Observatory is defined as follows:-

- (i) All lighting above the 230m contour should be completely shielded. This includes lighting which is not in direct line of sight of the observatory.
- (ii) All lighting in line of sight of the observatory should be shielded to prevent any upward illuminations. The extent of this requirement depends upon the nature of lighting and density of development. For rural residential development, houses within 1.5km line of sight should have lights shielded particularly outdoor lights. Similarly street lighting should be minimal, preferably not at all.

Outside lighting should be low shielded lights, fluorescent or incandescent of low wattage.

Overall, lighting up to 2.5km radius from the observatory should be restricted, this includes major highway lighting.

The objective is to reduce lighting as much as possible, particularly to the south and east which are the main directions for observation.

- (iii) That subdivision proposals shall have regard to the layout of access roads, by the direction in which they point, the location and orientation of places where cars tend to pause (such as at road junctions) with reference to the observatory.

The objective being to limit the amount of light from car headlights entering the observatory dome. To this end, north/south orientated roads pointing toward the observatory site shall be avoided.

- (iv) Where it considers appropriate, Council shall refer subdivision proposals to the University of Tasmania to assess their impact upon the Mt. Canopus Observatory.
- (v) Buildings should not have skylights or large windows facing the direction of the Observatory.
- (vi) Subdivision approvals will be subject to a requirement that the landowner enter into a Part 5 Agreement under the Land Use Planning Approvals Act 1993, which makes the subsequent land owners aware of the special area provisions relating to the Mount Canopus Observatory.

Insert  
10/5/99  
15/97

#### **4.6 LAND WITHIN THE 20NEF NOISE EXPOSURE FORECAST FOR HOBART AIRPORT**

Development on land contained within the 20NEF Noise Forecast Contour as designated on the Plan, shall comply with the following provisions.

Insert  
12/5/06  
A-2005/14

- 4.6.1 Notwithstanding the provisions of Schedule 2.2 the minimum lot area for any subdivision outside the boundary of the Village Zone at Seven Mile Beach and the Controlled Industry zone, as designated in the Scheme, shall be 8ha.

- 4.6.1a Notwithstanding the provisions of Clause 2.2.3 no new dwellings shall be permitted outside the Village zone at Seven Mile Beach.

#### 4.6.2 Special Development Requirements

All new buildings shall comply with Australian Standard 2021 - 1985, "Acoustics - Aircraft Noise Intrusion - Building, Siting and Construction".

#### 4.7 LAND SUBJECT TO INUNDATION

The extent of land which has been subject to inundation is identified on the Plan. Council shall require in all applications for the development and subdivision of land within these areas, evidence sufficient to determine that:

- (i) any buildings shall not be subject to inundation
- (ii) any development of an existing or proposed lot shall not exacerbate the problems of runoff and inundation to adjacent land and the general area
- (iii) it is practicable to establish and maintain all necessary services to the proposed development or subdivision.
- (iv) Wastes can be disposed on-site, free from the effects of potential inundation and without the likelihood of causing a nuisance.

#### 4.8 SEVEN MILE BEACH PENINSULA

The purpose of this special area is to enable Council, notwithstanding any other requirement of the Scheme, to approve, subject to the provisions of Clause 2.2.4 either one or both of the following:

1.
  - (a) Extractive industry, in the form of dry sand extraction, over a long time frame within the area of the Peninsula as shown on the plan in Schedule 8.
  - (b) A comprehensive and integrated tourism/residential development.
2. In respect of a comprehensive and integrated tourism/residential development it is subject to the following principles:-

Amended  
A-2006/11  
27/6/2007

- (i) The principal activity is to be tourist related land use including the provision of visitor accommodation, active and passive recreation, shops, and educational facilities; and secondly, as an adjunct to tourist related activities, the development of residential land use.
- (ii) Subdivision of lots is to be in accordance with the requirements detailed in (i) above.
- (iii) The provision of sewerage treatment and the disposal of effluent to the satisfaction of the Department of Environment.
- (iv) The provision of adequate potable water supply.
- (v) No housing within the 20NEF Contour of the Airport and no buildings or structures which would affect the operational safety of the Airport.
- (vi) The adequate protection of housing from any sea level rises and storm damage.
- (vii) The minimisation of any disturbance of active dune systems.
- (viii) The undertaking of works in Pittwater and any marina development including creation of navigable channels and boat harbour to the satisfaction of the Marine Board of Hobart, the Department of Lands, Parks and Wildlife and Department of Sea Fisheries.
- (ix) The upgrading and improvement of the road system from the intersection of the Tasman Highway and Holyman Drive to the satisfaction of the responsible road authorities.

The application of the above principles to any project to be submitted to Council for approval shall be described in a report accordance with Clause 5.3.8 detailing economic and environmental impacts and benefits of the project.

## **SECTION 5: ADMINISTRATION**

### **5.1 PRELIMINARY**

#### **5.1.1 General Duty of Council**

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

#### **5.1.2 Delegation of Authority**

Subject to Section 180A of the Act, Council may by special resolution, delegate to one or more officers of the corporation or to a committee consisting of members of Council such powers as it deems necessary for the administration of this Scheme.

#### **5.1.3 Development Plans**

Council may prepare a development plan indicating a preferred layout and staging for the integrated subdivision and development of any land within the planning area, and incorporate within the Scheme any such development plan.

#### **5.1.4 Compliance with the Scheme**

No person shall commence or carry out any subdivision within the planning area or any development that requires approval by Council under this Scheme, without first applying for and obtaining approval in accordance with the Act and the provisions of this Scheme.

#### **5.1.5 Penalty**

In accordance with Section 821 of the Act any person who contravenes the provisions of this Scheme or who fails to comply with these provisions or with the terms and conditions imposed by any notice or permit given thereunder shall be liable to prosecution under Section 847 of the Act.

### 5.1.6 Compensation /Betterment

With respect to Compensation and Betterment, the provisions of Sections 735 and 738 of the Act apply to this Scheme.

### 5.1.7 Fees

Fees for Development Applications shall be in accordance with Council's By-law.

## 5.2 EXEMPTIONS FROM APPROVAL

Approval shall not be required for the following development providing it complies with the provisions of this Scheme and the attached Schedules.

#### (a) Single Dwelling

Notwithstanding the provisions of Section 2.2.3, the erection, alteration or extension of a Single Dwelling, providing the dwelling does not exceed two (2) habitable floors in height, and outbuildings do not exceed a gross floor area of 75m<sup>2</sup>. (This exemption does not apply to Single Dwellings subject to Sections 2.2.4 and 2.2.5 i.e. where the use is 'Discretionary' or 'Prohibited').

#### (b) Home Occupation

Home Occupation as defined in this Scheme.

#### (c) Public Works

The carrying out by a public authority, of works and transport undertakings or other authorised development required for maintenance and repair purposes, including repairing and reconstructing any roads or footpaths and renewing any drains, sewers, pipes or cables.

**(d) Building Maintenance**

The carrying out of building or other work for the maintenance or repair of any building, being work which does not materially alter the external appearance of the building, the painting or work other than for the purpose of advertisement or announcement, but excluding:-

- the painting of previously unpainted stonework or the painting or otherwise permanent blanking out of windows.
- the sandblasting of masonry walls or removal of coatings on masonry walls by whatever method; and
- the cladding of buildings.

**(e) 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 this Scheme.

**(f) 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.

**(g) Fences and Walls**

The construction of fences and walls up to 2.1m in height and not forming part of a building.

**(h) Signs, Notices and Advertisements**

The display of Sundry Signs, Notices and Advertisements for any purpose (note: application is however, necessary under Council's By-law).

**(i) Frames for Vegetation**

The erection of pergolas, garden arches, trellises, and frames for vines and climbing plants, and similar structures, if the frame is covered (apart from the vegetation) only by work wire-netting, or similar open work.



(j) **Temporary Buildings**

The erection or construction of buildings, works and the bringing in of plant and machinery needed temporarily in connection with the establishment of a use approved under this Scheme.

(k) **Floodlighting, Entrance Illumination**

The illumination of the entrance to a building or site or the floodlighting of any building, provided:

- such illumination or floodlighting shall not be applied to any feature which in itself would constitute an advertisement under this Scheme;
- such illumination does not constitute a road safety hazard; or conflict with the 'Special Area Provisions' of the Scheme; and
- such illumination does not resemble the flashing lights of police, fire, ambulance or other emergency vehicles.

Insert  
31/5/06  
A-2005/18

(l) **Community and Recreational Uses**

The use of existing facilities (but not the construction of any buildings) on land zoned Special Use and indicated on the Plan as 'School' for the following:

- Active Recreation
- The following uses as described by the definition of Community Building:
  - i. Recreation;
  - ii. Entertainment and social activity; and
  - iii. Indoor sports or games.

## **5.3 DEVELOPMENT APPLICATIONS**

### **5.3.1 Lodging Applications for Planning Approval**

Where required to be lodged with Council under the provisions of this Scheme, an application for a planning approval shall be made on the printed form entitled "Development Application" obtainable from the Council Offices and shall include:

- (a) a written description of the proposed development stating current and intended use of the allotment or premises; and
- (b) two copies of any plan(s) or specification(s) for the proposed development, showing where applicable:
  - (i) the site, its contours, drainage, access and the location of building(s) and works thereon;
  - (ii) the floor plan and elevation of the building(s) and works;
  - (iii) the purpose of the building(s) and spaces therein, open space(s) and works;
  - (iv) the construction materials of the building(s) and works and the colour of such materials on the outside walls and roof;
  - (v) landscaping works including site beautification, tree planting and screen materials;
  - (vi) car parking facilities and capacity;
  - (vii) area of clearing of trees and bushland; and
  - (viii) size, position, colour, illumination, fixing or support and other design details of advertising signs.
- (c) An application made by a person other than the owner(s) shall include the consent in writing of the owner(s) or a legally appointed representative.
- (d) Fees in accordance with the Scale adopted under Section 5.1.7.
- (e) Additional copies of any plan(s) may be required by Council if a proposal requires referral to another authority or is subject to the notification provisions of Section 733(B) of the Act.

### 5.3.2 Consideration of Applications for Planning Approval

Before granting approval conditionally or otherwise, or refusing planning approval to an application, Council shall take into consideration:

- (a) The District Development Character;
- (b) The Principles of Development Control and all other provisions of this Scheme;
- (c) any Development Plan, design or Local Plan adopted by resolution of Council for the development of any locality, area or class of use or uses covered by the provisions of this Scheme;
- (d) the character of the locality, the existing and future amenities of the neighbourhood and the effect of the development on values of the properties in the surrounding locality;
- (e) the availability of existing public utility services;
- (f) the size and shape of the parcel of land and whether it is subject to bush fire hazard or is likely to become subject to inundation.
- (g) the provision of access, loading, parking and manoeuvring of vehicles;
- (h) the provision of adequate landscaping and associated furniture, amenity facilities, illumination and treatment of the site generally;
- (i) the position and scale of buildings on allotments in relation to boundaries or to other buildings, their density, character, height and harmony in design of facades.
- (j) the need to impose limits as to length of establishment of operation and the periods within which activities may only be carried out;
- (k) the existing character of the site and the buildings and vegetation thereon;
- (l) the capacity of the existing streets and roads in the locality and the effect of the development on such capacity;
- (m) the effect of the development on any scenic views from adjacent or nearby premises;

- (n) the probable appearance of the development when viewed from any public place, river, other waterway or foreshore;
- (o) the desirability of preserving existing buildings considered to be of historical or architectural interest;
- (p) any representation received in relation to an application for which Section 733B of the Act applies;
- (q) Representations or requirements of any other Department or Authority including the State Fire Commission where considered necessary.

### 5.3.3 Determination

- (a) In its determination of a development that requires planning approval under the provisions of this Scheme, Council may impose such conditions of approval on that development as result from consideration of matters detailed in Section 5.3.2.
- (b) Council may require the provision of approved security to ensure compliance with the requirements of the Scheme or of a particular planning approval.
- (c) Having considered an application for planning approval Council shall either:
  - (i) issue a written approval specifying the conditions (if any) imposed upon the development; or
  - (ii) issue a written refusal for the development stating the grounds of the refusal.
- (d) Notwithstanding the provisions of the above Section, a determination made by Council in respect of an application for planning approval shall not be acted upon, until the expiration of the period for appeal as determined by the provisions of the Act, or if an appeal has been instituted, until the determination of the appeal.

#### 5.3.4 Notification of Applications and Appeals Against Planning Decisions

Where required by Section 733 A - E of the Act, the notification of an application and appeal provisions of that Section of the Act apply to this Section.

#### 5.3.5 Lapse and Renewal of Planning Approvals

- (a) Any planning approval issued under this Scheme shall be void if in the opinion of Council, no substantial progress has been made within twelve (12) months after the date of such approval provided that Council may, if good cause is shown, grant annual extension of such approval up to a further period of two (2) years.
- (b) The Council may refuse or grant conditionally or otherwise an application for an annual extension of a planning approval.
- (c) Notwithstanding the provisions of this clause within the Active Recreation zone Council shall upon written application grant further extensions of an existing Planning Approval for periods as it deems appropriate.

#### 5.3.6 Temporary Approval

- (a) Where the provisions of Section 2.2.5 might otherwise apply (i.e. where a use is prohibited by the Scheme), Council may grant a temporary approval enabling a development to be undertaken for a limited period, provided that such development will not have a detrimental effect on the amenity of the neighbourhood or environs through the creation of significant visual intrusion, noise, offensive smell, dust or other discharges or excessive traffic.
- (b) A temporary approval may be issued for development for which all buildings, works and use resulting from the issue of the approval are of a temporary nature only.
- (c) A temporary approval shall not be issued for a development on land subject to an application for rezoning.

- (d) A temporary approval may only be issued for a maximum period of (3) years.
- (e) The issue of a temporary approval is subject to the conditions that all trace of any works, buildings, plant or materials introduced and used for the purpose for which the temporary approval was granted shall be removed and restoration undertaken to the satisfaction of Council, without claim for compensation, at the expiration of the period stated in the approval.
- (f) The provisions of Section 733 A - E of the Act shall apply to the issue of a temporary permit.

#### 5.3.6a Temporary Approval of Multiple Dwellings

Notwithstanding the provisions of Clause 5.3.6 Council may allow temporary approvals for multiple dwellings to be extended on an annual basis subject to the annual provision of a statutory declaration to the effect that the premises are being used by the initial occupant. Any such approvals will be subject to the applicant lodging with Council a bond guarantee equivalent to 20% of the total costs of the development to ensure the future satisfactory removal of the building.

#### 5.3.7 Tree Preservation

- (a) No person shall within the area ring-bark, cut down, lop, top, remove, injure or wilfully destroy any tree or trees, except with the approval of the Council or its duly authorised officers, and any such consent may be given subject to conditions as the Council or its duly authorised officer may think fit.
- (b) Section 5.3.7(a) shall only apply to trees having one or more of the following characteristics:
  - (i) height greater than 3 metres;
  - (ii) spread of branches (diameter) greater than 2 metres;
  - (iii) circumference of trunk greater than 40cm. measured 1 metre above adjacent ground level.

- (iv) where the trunk is greater than 5m from a building approved by Council.

#### **5.3.8 Environmental Impact Report**

Where Council considers a proposed development may have a significant impact on the environment or is controversial in nature and where action is not otherwise required under the Environmental Protection Act (1973) or Regulations, Council may require the applicant to submit a Statement of Environmental Factors, or a full Environmental Impact Statement; prepared in accordance with the published guidelines of the Director of Environmental Control, for its consideration prior to determining the proposal.

### **5.4 STANDARDS FOR SUBDIVISION AND DEVELOPMENT**

#### **5.4.1 Density Requirements**

In any zone, development whether requiring approval under this Scheme or not, shall comply with the requirements of Schedule 2.2 - Density Table, except for setback requirements which may be varied at the discretion of Council.

#### **5.4.2 Siting Requirements**

Siting of buildings shall be in accordance with Schedule 3.

#### **5.4.3 External Building Materials**

Unless otherwise determined by Council, external building materials of all buildings to be erected in the Rural Residential and Non-Urban Zones shall be of types and colours that will blend rather than contrast with the local environment, to the satisfaction of Council (unpainted metal surfaces will not be permitted).

#### **5.4.4 Vehicular Access**

Unless otherwise determined by Council, access onto a road shall be in accordance with Schedule 4.

#### 5.4.5 Off-Street Parking

Car parking requirements shall be in accordance with the provisions of Schedule 5.

Insert  
10/5/99  
16/97

#### 5.4.6 Bushfire Prone Areas

- (a) The provision of this clause apply to an application for use or development for residential purposes on land which is determined by Council to be bushfire prone because it involves:
- (i) land within standing vegetation cover greater than 1ha (excluding grassland on slopes less than 5°) or;
  - (ii) land within 100 metres of standing vegetation cover greater than a 1ha (excluding grassland on slopes less than 5°).
- (b) Notwithstanding clause 2.2.3 (permitted use) an application for the use or development in areas designated as bushfire prone shall be subject to s.57 of the *Land Use Planning and Approvals Act 1993*.
- (c) Applications for a permit shall be assessed against the provisions of the "Planning Conditions and Guidelines for Subdivision in Bushfire Prone Areas" Tasmania Fire Service 1995.
- (d) If an application conforms to all the performance criteria and minimum requirements of the "Planning Conditions and Guidelines for Subdivision in Bushfire Prone Areas" Tasmania Fire Service 1995 and still meets all the provisions of the Scheme, particularly (but not exclusively) in respect to visual impact, then it may be approved by Council.



- (e) In areas designated as bushfire prone, if any application for a permit does not conform to the "Planning Conditions and Guidelines for Subdivision in Bushfire Prone Areas" Tasmanian Fire Service 1995, Council shall seek the advice of the Tasmanian Fire Service as to whether the application is acceptable in terms of bushfire safety.

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

- 5.5.1 Any development of land which pertains to any building or works listed in Schedule 6 of this Scheme shall be in accordance with the provisions hereunder.
- 5.5.2 Notwithstanding the provisions of Clause 2.2.3 of the Scheme any development which pertains to any building or works listed in Schedule 6 shall require the application for and issue of a planning approval, which at its discretion Council shall grant with or without conditions or refuse, subject to the notification, determination and appeal provisions of the Act (Section 733B-F).
- 5.5.3 A planning approval pursuant to Clause 5.5.2 shall only be granted if that development is to preserve, reveal or enhance the particular character or qualities of historic interest of the building or works.
- 5.5.4 In its determination for an application for a planning approval under Clause 5.5.2 Council shall take into account the advice of the National Trust of Australia (Tas.).

## **5.6 DISTANCES BETWEEN DWELLING UNITS OR RESIDENTIAL ZONES AND SCHEDULED PREMISES OR SOURCES OF POLLUTION**

Unless otherwise provided for in this Scheme and notwithstanding the provisions of Clause 2.2.3:

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

## **5.7 DEFINITION OF TERMS**

### **Act:**

means the Local Government Act 1962 as amended.

### **Amenity:**

means in relation to an area or a locality, such qualities or values that contribute to its pleasantness and harmony and to its better enjoyment.

### **Back Dunes:**

means that part of the dune system which occurs immediately landward from the frontal dune system swale. It may consist of a number of ridges parallel to the coast or discontinuous ridges with blowouts in between. Back dunes include all sandy features including sandsheets which occur inland from the frontal dune system.

**Building:**

means a structure and anything appurtenant to a structure whether such structure is fixed or moveable, including any service or services or the connection or connections thereof within the bounds of an allotment upon which a building is constructed.

**Commissioner:**

means the Commissioner for Town and Country Planning for the State of Tasmania.

**Council:**

means the Warden and Councillors or the Commissioner or the Administrator duly elected, appointed, or constituted for the City of Clarence.

**Crown Land:**

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

**Density:**

means the maximum number of lots that may be subdivided for each 'Existing Lot' in accordance with Schedule 2.2 (see page 101)

**Development:**

means:

- (a) The carrying out of building, engineering, mining or other operations in, on, over, or under the land;
- (b) the demolition, in whole or in part, of any building or other works on the land;
- (c) the making of any material change in the use of the land or any buildings or works thereon; or
- (d) the carrying out of any procedure or the doing of any other thing that, by virtue of any provision in this Scheme, is treated as a development for the purpose of the Scheme.

**Development Plan:**

means a plan indicating a notional subdivision layout, utility services, access points to neighbouring land, internal roads, pedestrian ways etc. and intended use of the land, including open spaces and proposed community facilities.

**Discretionary Use 'D':**

means as defined in Section 2.2.4 of this Scheme.

**Dwelling:**

means any building or portion of a building which is used, constructed, adopted or designed so as to be capable of being occupied as a self-contained unit for cooking, eating, sleeping, washing and other living purposes.

**Existing Lot:**

means as defined in Schedule 2.

**Existing Use:**

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

**Frontal Dune System:**

That part of the dune system which occurs immediately above the hightide mark and extends inland generally over a ridge line which runs parallel to the coasts, into a depression or swale area. The frontal dune system may be discontinuous if the area has been subjected to blowouts or other forms of coastal erosion. The frontal dune system typically has seaward and landward slopes.

**Gross Floor Area:**

means floor area measured externally.

**Habitable Floor:**

means floor designed for use as a living area, office, or for the purpose of sleeping, eating or cooking.

**Industry:**

- (a) each of the following operations:
  - (i) the carrying out of any process of manufacture whether or not a finished article results there from;
  - (ii) the breaking up, dismantling and separating into parts of any article, machinery, goods or vehicles;
  - (iii) the treatment of waste materials of all descriptions;
  - (iv) the mining of sand, gravel, clay, turf, soil, stone, rock, minerals or similar substances; or
  - (v) the repairing, laundering and servicing of articles including vehicles, machinery and building but not including on site work on buildings, works or land, and
- (b) when carried out on land upon which any of the above operations are carried out:
  - (i) the storage of goods used in connection with or resulting from any of the above operations;
  - (ii) the provision of amenities for persons engaged in such operations;
  - (iii) the sale of goods resulting from such operations; or
  - (iv) any work of administration or accounting in connection with the undertaking, and
- (c) without limiting the generality of the foregoing, includes any industry or class of industry particularly described or defined in this Scheme, but does not include a Home Occupation.

**Land:**

means the surface of the ground including any coverage of vegetation or water and any building, works or structure in or upon the land.

**Land Clearing:**

means felling, ringbarking or otherwise destroying natural vegetation.

**Landscaped Area/Space:**

means that part of an allotment not occupied by any building, which is available for the enhancement of the appearance of the site, but excludes areas for vehicle passage or parking, external storage areas or drying yards.

**Non-Conforming Use:**

means a use of land in existence at the taking effect of this Scheme that could not be lawfully commenced under the Scheme.

**Ordinance:**

means any clauses, tables, schedules or other matters given effect under the provisions of the Act as the statutory requirements of this Planning Scheme and contained in this document.

**Outbuilding:**

means a 'Class X Building' appurtenant to a 'Class I Building' as defined in the Building Regulations 1978.

**Owner:**

means every person who jointly or severally whether at law or in equity is entitled to receive or is in receipt of, or, if the lands were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession or otherwise.

**Permitted Use "P":**

means as defined in Section 2.2.3 of this Scheme.

**Plan:**

means the plan(s) annexed to this Scheme which show by colours and markings the various provisions relating to the use, development and subdivision of land in the area that is the subject of the Scheme.

**Planning Approval:**

means an approval granted for the development of land as defined in Section 733A of the Act.

**Premises:**

means land, and, or buildings according to the context of this Scheme.

**Private Open Space:**

means an unroofed area appurtenant and directly accessible from a dwelling unit, defined by fences or other structures for the private use of the occupants of the dwelling unit, contained on the title in the case of a Stratum Title, and not used for vehicle passage or parking.

**Prohibited Use "X":**

means as defined in Section 2.2.5 of this Scheme.

**Public Authority:**

means any Corporation, Board, Commission, Trust, or other body corporate or unincorporate, established or constituted by or under any Act for any public purpose.

**Road:**

means any land, Crown or otherwise that is:

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

**Schedule:**

means an appendix to the Scheme which forms an integral part of the Scheme.

**Site Area:**

means the total area of a lot or, more than one lot, which is the subject of the same development.

**Specified Date:**

means the date upon which this Scheme takes effect, or whenever the context admits, means the day upon which an alteration to this Scheme takes effect.

**State Classified Road:**

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

**Subdivide and Subdivision:**

means subdivide and subdivision as defined in Section 462(1) of the Local Government Act, 1962.

**Use:**

means the purpose for which land is utilised.

**Zone:**

means any area delineated on the Plan in which land is to be used exclusively or principally for specified uses or classes of uses in accordance with the Table of Uses, Schedule 1.2 of this Scheme.

Amend  
5/96  
16/8/96

**5.8 DEVELOPMENT PLAN**

**5.8.1 (a) No. 1362 Acton Road - Cambridge**

A development for subdivision of four lots substantially in accordance with the Development Plan for Lot 2 Acton Road, Cambridge (SP50227) and submitted in support of draft amendment 5/96 and certified by the Panel 3 April 1996 shall be a permitted development in accordance with Clause 2.2.3.

- (b) Notwithstanding the provisions of Clause 5.2(a) (exempt development) and Schedule 1.2, (Table of Uses), use and development for a Single Dwelling on a lot created under clause 5.8.1 (a) shall be discretionary in accordance with Clause 2.2.4.



Insert  
10/5/99  
17/97

**5.8.2 Property known as "Single Hill" (comprising 48, 124, 188, Seven Mile Beach Road and 351 Acton Road)**

- (v) Subdivision of this property shall be in accordance with a development plan approved by Council addressing:
- i. staging of land release;
  - ii. service provisions;
  - iii. provisions to protect the landscape values of Single Hill;
  - iv. State Coastal Policy;
  - v. together with any further issues as deemed necessary by Council.
- (vi) Any subdivision permit granted for this property shall be subject to a requirement that the landowner enter into an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* which ensures the application of the provisions of the development plan.

Insert  
21/2/00  
4/98

**5.8.3 11a Wisteria Avenue - Cremorne**

The use and development of land at 11a Wisteria Avenue, Cremorne identified on the plans by reference to this clause shall be substantially in accordance with the Wisteria Development Plan approved by the Resource Planning and Development Commission. The planning scheme provisions for the Village zone apply to the subject land except in respect to the following:

(i) Land Use

The permitted "P" uses in accordance with Clause 2.2.3 is a single dwelling only.

The discretionary "D" uses in accordance with Clause 2.2.4 are Ancillary Dwelling, Guest House, Holiday Village, Public Utility.

The prohibited uses in accordance with Clause 2.2.5 are all uses other than the permitted use and discretionary uses specified above.

(ii) Height

A maximum height of a building shall be 7.5 metres. Pursuant to Clause 2.2.4 of the Planning Scheme Council may approve a greater height.

(iii) Lot size and design

Subdivision shall comply with the following provisions:

- A minimum lot size of 2500m<sup>2</sup>.
- A minimum building envelope of 10 metres x 15 metres is to be capable of being identified within each lot.
- Lots are to be of sufficient size to enable the disposal of all effluent within the lot bounds.
- There shall be no further subdivision of the lots.

(iv) Services

- Each dwelling is to be provided with a water storage of a minimum of 30,000 litres of which not less than 5000 litres shall be reserved for fire fighting purposes and readily identified and accessible to fire fighting vehicles.
- All stormwater collection areas are to be designed by a qualified engineer to a 1 in 20 year return. The system shall be maintained to ensure that the retention qualities are within estimated size requirements.

Inserted  
2/8/05  
A-2004/15

5.8.4 66 Kennedy Drive – Cambridge

Notwithstanding anything in this Scheme to the contrary the part of 66 Kennedy Drive, Cambridge north of the Tasman Highway being part of land shown on P120091 may be used and developed in accordance with the following provisions.

**Use Definitions**

Homemaker Centre

Means land used for the accommodation of a number of tenancies primarily engaged in the hire or retail sale of one or more of:

- fabrics and other soft goods;
- furniture and furnishings;

- floor coverings;
- domestic hardware and houseware;
- camping equipment;
- office supplies;
- electrical goods and equipment;
- building supplies;
- automotive parts and accessories.

where each tenancy has a leasable floor area of at least 500m<sup>2</sup>.

### **Use or Development**

(a) Use or any development of land for up to 39,000m<sup>2</sup> of gross leasable floor area for a:

- Homemaker Centre,
- Warehouse
- Restaurant and/or Take-Away Food Shop, where each tenancy has a gross leasable floor area that does not exceed 250m<sup>2</sup>; or
- Subdivision.

Shall be a permitted use or development in accordance with Clause 2.2.3.

(b) Use or development for:

- the purposes of a Homemaker Centre tenancy with a gross leasable floor area of less than 500m<sup>2</sup> with a minimum of 300m<sup>2</sup> ('Small Tenancy'), provided that the total gross leasable floor areas of all Small Tenancies at the site is less than 11.5% of the total gross leasable floor area of the 39,000m<sup>2</sup>;
- signs outside the designated signage area on the buildings;
- signs that are free standing;

shall be discretionary use or development in accordance with Clause 2.2.4.

### **Consideration of Applications for Planning Approval**

When considering an application for planning approval, Council shall in addition to the matters in Clause 5.3.2, have regard to the following:

- That the primary purpose of the development and use is a planned combination of large floor space uses focusing on the homemaker sector (bulky goods) and homebuilders needs.
- The need to provide for the display, sale or hire of a range of goods from tenancies of various sizes, balanced against the need to ensure the site continues to provide primarily for businesses requiring large floor spaces for display.
- The need for a site context report to ensure the design of the site is responsive to the physical and environmental features of the site and its setting.
- The need for a high quality architectural and urban design response to the site, ensuring the visual appearance of the Homemaker Centre creates a positive pedestrian realm and makes an appropriate aesthetic contribution to the area.
- The architectural details including the treatment of all facades, appropriate façade articulation and a high quality and variety of materials and finishes which create visual interest on the site and breaks up the massing of the structures;
- The building facades and pedestrian environment to be designed to ensure a safe and attractive pedestrian realm is created with a high degree of clear glazing and well-defined entrances to the retail outlets allowing stores to interact with the pedestrian environment;
- The need to ensure safe access and egress arrangements off Kennedy Drive.
- The need for adequate parking and loading.
- Adequate services, including provision of an approved effluent disposal system.
- The need for appropriate, safe and well located facilities within the Homemaker Centre to ensure an adequate level of amenity for the public.
- A landscape design which:
  - is integrated with the homemaker centre to ensure a high standard of amenity within the site;
  - enhances the architectural features of the buildings and breaks up the massing of the structures; and
  - provides for landscaping adjoining the Tasman Highway and landscaping details throughout the car park area and along the buildings to soften and harmonise the

development to create a pleasant pedestrian environment.

- The impact of signage taking into account:
  - the need to adequately identify the site and to incorporate the design of signage into the architecture and landscape;
  - the size and likely impact of the sign having regard to the size of the Homemaker Centre the scale of surrounding buildings;
  - the effect of the sign on the amenity of the area and the safety, appearance or efficiency of a road or aircraft movement;
  - the views of the relevant Government agencies if the sign is an animated, floodlit, internally illuminated, panel, reflective or sky sign; and
  - whether the sign reasonably relates to the site where the goods or services advertised, are located.

Inserted  
15/10/07  
A-2007/2

5.8.5 Notwithstanding anything in Schedule 2.2 of this Scheme to the contrary, the land at 670 Cambridge Road, Cambridge may be subdivided into two lots and balance lot in accordance with plan 'PROPOSED SUBDIVISION' dated April 18 2006.

## **SCHEDULE 1: USE**

### **S1.1 USE DEFINITIONS**

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

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

#### **Abattoirs and Animal Sale Yards:**

means any premises used for the sale, slaughtering or storage of livestock.

#### **Active Recreation:**

means any land used for a recreational purpose but does not include a Passive Recreation, a Community Building or Educational/Cultural Establishment.

#### **Adult Sex Book and Sex Aid Establishment:**

means any premises used or purporting to be used solely or substantially to offer or expose for sale all or any of the following items:-

- (a) Publications that are classified as restricted publications pursuant to the Restricted Publications Act 1974;
- (b) material, compounds, preparations, or devices which are used or intended to be used in or in connection with sexual behaviour;
- (c) films, video films or other visual media containing explicit exhibition of sexual activity intended to stimulate erotic feeling;  
or

- (d) articles which are primarily concerned with sexual behaviour. For the purpose of this interpretation articles include books, papers, newspapers, pamphlets, magazines, periodicals, letter press writings, prints, pictures, photographs, lithographs and drawings (however reproduced) statues, figures, carvings, sculptures and other representations, gramophone records, wires, tapes and other things by which words, sounds, or images are recorded and from which they are capable of being reproduced.

**Agriculture:**

means any premises used for horticulture, dairy farming, the keeping or breeding of livestock, or the growing of fruit, vegetables, grain or other produce.

**Amusement Machine Centre:**

means any premises used as a place of public entertainment licensed under Section 627 of the Local Government Act 1962, containing four or more machines or devices operated by coin or token for amusement or gain.

**Ancillary Dwelling:**

means any dwelling constructed within the curtilage of a lot which contains an existing dwelling providing the development adheres to the following performance standards and requirements:-

The building shall:

- (i) have a maximum floor area not exceeding 37m<sup>2</sup> and not less than 25m<sup>2</sup> containing one (1) bedroom and, if a permanent structure, be attached to or contained within the building envelope of the existing single dwelling;
- (ii) contain not more than one (1) habitable floor;
- (iii) not alter the building line and silhouette of the front (i.e. street) elevation of the existing dwelling;
- (iv) have a minimum setback of at least 4.5m from any one (1) property boundary and 1.5m from all other boundaries, measured from the nearest point of any wall;



- (v) not require additional service connections. Water, sewerage and electricity services are to be provided as an extension of the existing on-site connections.

*N.B. the provision of separate metering for electricity or other services shall not be provided;*

- (vi) be designed using construction materials and external finishes generally reflecting those of the existing Single Dwelling and the prevailing building materials in the vicinity. Should non-allied materials be used, the structure shall not be visible from the road frontage of the subject lot and shall not affect the amenity of neighbours by unreasonably impinging upon sight lines or through glare from external surfaces;
- (vii) If constructed as a demountable structure (i.e. of pre-fabricated construction assembled wholly or in part off-site and designed with the potential for relocation as a whole or in part) will be subject to a temporary permit issued pursuant to Division 4 of the Building Regulations, 1978. An application for a permit shall be accompanied by a statement as to the purpose for which the building is to be used. The period of such permits will be at the discretion of Council, but may not exceed an initial period of three (3) years. Annual extensions of the permit may be granted after this period subject to Ministerial approval. Prior to granting the permit the applicant shall give Council a bond guarantee equivalent to 20% of the total of the purchase price and the establishment costs of the demountable structure to ensure the future satisfactory removal of the building.

Any development shall be approved subject to a condition required pursuant to Section 450 of the Local Government Act, 1962, that a "stratum title" will not be issued for any building contained on the subject lot.

Amendment  
4/99  
15/11/99

#### **Call Centre**

means land used as a central place where an organisation handles telephone calls on behalf of individuals, businesses and other organisations. Typically a call centre will handle a considerable volume of calls at the same time, to screen, forward and log calls.

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

means any land used as a site for the accommodation of caravans, tents or similar structures for the purpose of providing accommodation, and as defined by either of the following:

- *Tourism (Caravan Parks) Determination S.R. No. 247 of 1978.*
- *Tourism (Camping Grounds) Determination S.R. No. 248 of 1978.*

#### **Car Park:**

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

#### **Civic Building:**

means any premises used by a Government Department, statutory body, Council or other organisation established for public purposes as an office, assembly room, meeting hall, or other like purpose, and includes a general post office, telephone exchange, police station or ambulance depot.

#### **Community Building:**

means any premises (not being a dwelling) used as a place in which people gather for the purpose of recreation, entertainment or religious or social activity, including a church, cinema, theatre, dance or concert hall, non-residential club, reception room or a venue for indoor sports or games, with or without a bar or drinking booth as an ancillary use, and includes a licensed club (Licensing (club license) standard conditions S.R. No. 88 of 1982), but does not include an Active Recreation, a Licensed or Educational/Cultural Establishment, an Amusement Machine Centre or a Civic Building.

**Consulting Rooms/Health Centre:**

means any premises (not being a hospital) used in the practice of his/her profession by a medical, veterinary or dental practitioner, or by a registered practitioner of any therapeutic art or science, including a maternal and child welfare centre, an x-ray centre, a medical clinic and a community health centre.

**Contractors Depot:**

means any premises used as a depot for the storage of materials, equipment or machinery used in the building, construction and related industries, and may include, as an ancillary activity, the lease or hire of such materials, equipment or machinery.

**Educational/Cultural Establishment:**

means any premises used as a preschool, nursery or day care centre, creche, kindergarten, primary or secondary school, tertiary education institution, art gallery, library or museum, but does not include an Institutional Building.

**Extractive Industry:**

means any premises used for the excavation of sand, earth, soil, clay, turf, gravel, rock, stone, minerals or similar substance, or any treatment or processing of products from any of the foregoing substances, on the land from which the same was extracted, or on adjacent land.

**Forestry:**

means any land used for the establishment, management and harvesting of trees for commercial purposes.

**Fuel Depot:**

means any premises used as a depot for the storage or bulk sale of solid, liquid or gaseous fuel, but does not include a Service Station or Wood Yard.

**Funeral Parlour:**

means any premises used as an undertaker's establishment.

**Garden Centre:**

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

**General Industry:**

means any premises used for an industry, not otherwise defined in this Schedule, (i.e. not an Extractive, Hazardous, Light, Noxious, Service or Rural Industry).

**Guest House:**

means any premises used to provide temporary accommodation as defined by the Tourism (Guest Houses) Determination 1978, S.R. No. 244 of 1978.

**Hazardous Industry:**

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

**Health Studio:**

means any premises used for a sauna, a gymnasium, or for the application of body massage by a person other than a registered practitioner of any therapeutic art or science.

### Holiday Village:

means any premises used or intended to be used for the purposes of providing fully self-contained accommodation, parking and recreation facilities for travellers, tourists, or persons engaged in recreation pursuits, as defined by the Tourism (Holiday Flats and Holiday Cabins) Determination 1978 S.R. Nos. 245 and 246 of 1978 respectively.

### Home Occupation:

means an occupation carried on within part of a dwelling as an ancillary use by a person or persons resident therein in the conduct of which:

- (a) no assistance is given by a person not a resident in such dwelling;
- (b) not more than 30m<sup>2</sup> of floor space measured internally is used for such occupation or any purpose of or incidental to such occupation;
- (c) no electric motor of more than 400w power and no commercial oven or boiler is used;
- (d) no enlargement or extension of any public utility connected to or serving such dwelling is required solely or partially by reason of the carrying on of such occupation;
- (e) no notice, advertisement or sign is exhibited other than a non-illuminated notice or sign not exceeding 0.2m<sup>2</sup> in area, indicating only the name and occupation of the resident;
- (f) no goods whether for sale or not are visible from a public place;
- (g) not more than one commercial motor vehicle is on the land on which such occupation is carried on 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; and
- (h) no interference with the amenity of the neighbourhood is caused by or contributed to including interference by reason of:
  - (i) on-street parking;
  - (ii) the unsightly appearance of such dwelling unit on the land on which the same is erected or any other building on such land; or

- (iii) any noise, vibration, electrical interference, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, water, or other waste products on or emanating from such land, dwelling unit or any other building on that land.

but does not include an Office, Consulting Rooms or Professional Office.

**Hospital:**

means any premises used as a private medical establishment or public hospital as defined in the Hospital Act, 1918, or any subsequent corresponding enactment, but does not include an Institutional Building, Consulting Rooms/Health Centre or Remedial Accommodation.

**Institutional Building:**

means any premises used for the purpose of:

- (a) a hospital or sanatorium for the treatment of infectious or contagious disease; or
- (b) a penal or reformatory institution.

**Kennels:**

means any premises used for the accommodation and/or breeding of five (5) or more dogs, or five (5) or more cats, or five (5) or more of any other animal.

**Licensed Establishment:**

*(Taverns, Hotels, Tourist Hotels, International Hotels)*

means any premises in respect of which a General Licence is issued under the Licensing Act 1976 and as defined by either of the following Determinations;

- Licensing (General Licenses) (Taverns) Standard Conditions 1982 S.R. No. 91 of 1982.
- Licensing (General Licenses) (Hotels) Standard Conditions 1982 S.R. No. 92 of 1982.

- Licensing (General Licenses) (Tourist Hotels) Standard Conditions 1982 S.R. No. 93 of 1982.
- Licensing (General Licenses) (International Hotels) Standard Conditions S.R. No. 94 of 1982.
- Licensing (Off Licenses) Standard Conditions No. 90 of 1982.

**Light Industry:**

means any premises used for an industry:

- (a) in which the building or works occupied, the processes carried on, the materials and machinery used or stored or the transportation of materials, goods and commodities to and from, will not cause injury to or prejudicially affect the amenity of the locality by reason of the appearance of such buildings, works, or materials, or by reason of the emission of noises, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastepaper, waste products, grit, oil or the presence of vermin or by electrical interference or otherwise; and
- (b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage or any other like service.

**Local Shop:**

means any premises used primarily for the retailing of food and convenience goods for the residents of its neighbourhood, the total floor area of which does not exceed 150m<sup>2</sup> and may include a beauty parlour, hairdressing salon, pharmacy, travel ticketing, newsagency, betting premises, and self-service laundry, but does not include premises used as a Restaurant.

**Marine Farm:**

means any land used in direct association with water based farming of plants or animals but does not include any processing of the produce other than its handling or packing.

**Motel:**

means any premises used for the temporary accommodation of the motoring public and wherein the provision for the parking of vehicles is made, and as defined by Tourism (Motels) Determination 1978 S.R. 266 of 1978.

**Motor Repair Garage:**

means any premises used for or in connection with mechanical or electrical repairs and overhauls of vehicles, and includes tyre recapping, retreading, panel beating, spray painting and chassis reshaping, but does not include a Scrap Yard or Service Station.

**Multiple Dwelling:**

means one or more buildings containing a total of two or more dwellings on a single lot and includes a row of two or more dwellings attached to one another such as commonly known as a row, semi-detached, terrace town house, villas, flats and units.

**Noxious Industry:**

means any premises used for an activity or industry which, by reason of the processes involved or the method of manufacture or the nature of the materials or goods used, produced or stored is likely to cause, or causes, effluvia, smoke, fumes, or vapours or gases or discharges of dust or foul liquids or blood or other impurities or matters liable to become foul so as to be injurious, revolting or disgusting to other persons, and includes all such industries that are determined to be Scheduled Premises under the Environmental Protection Act.

**Office:**

means any premises used for the administration of a business or the carrying on of an agency, including an estate agent, bank, typist/secretarial service or business of a like nature, but does not include a Home Occupation, or Consulting Rooms/Health Centre.



**Passive Recreation:**

means land provided for recreational activities which, by their nature, do not alter or damage the environmental qualities of the land, or have a detrimental effect on the amenity of the land or its environs, but does not include playing fields, sports grounds or their associated spectator facilities.

**Plant Nursery:**

means any premises used for the intensive cultivation of plants, shrubs or trees.

**Professional Office:**

means any premises used for the purpose of a professional practice, including, but not necessarily limited to, an accountant, architect, artist, author, barrister, consular official, draftsman, engineer, optician, landscape architect, quantity surveyor, surveyor, solicitor, town planner, or a person having an occupation of a similar nature.

**Public Utility:**

means any premises, works or undertaking constructed or maintained by a public authority or by Council as may be required to provide water, sewerage, electricity, gas, drainage, communications, roads, or other similar services but excludes Civic Building.

**Remedial Accommodation:**

means any premises used for the accommodation of persons who receive care, rehabilitation or supervision from resident staff members.

**Residential Building:**

means any premises used for the permanent accommodation of two or more households sharing in common the use of parts of the building, and includes a boarding house, lodging house, residential club or residential college, but does not include a Guest House.

**Restaurant:**

means any premises in which meals and refreshments are sold to the public for consumption on the premises, and may include premises in the respect of which an On Licence is issued under the Licensing Act 1976, or premises in respect of which an Eating House Licence is issued pursuant to Part VI of the Public Health (Food Hygiene Regulations 1977).

**Rural Industry:**

means any premises used for an industry handling, treating, processing or packing primary products grown, reared or produced in the locality of that industry, or a workshop servicing plant or equipment used for rural purposes in that locality.

**Saleyard:**

means any premises used as an open air market for the display or sale of goods, vehicles, boats, caravans or machinery, whether new or secondhand, and includes such buildings as are normally appurtenant thereto.

**Scrap Yard:**

means any premises used for the collection, storage or sale of scrap metals, secondhand building materials, containers, waste paper, rags, bottles or other used materials, or for the collection, dismantling, storage or salvaging of motor vehicles and machinery or any parts thereof, and including the sale of such parts, but does not include a Noxious Industry.

**Service Industry:**

means the use of a premises occupying not more than 200m<sup>2</sup> which has no detrimental affect on the amenity of other activities in the area, and is used for either:

- (i) the manufacture of goods intended for sale on the premises;
- (ii) processes directed towards the servicing of goods
- (iii) premises having a retail shop front and used as a depot for processing goods to be serviced.

**Service Station:**

means any premises used for the purpose of fuelling motor vehicles, the sale of lubricants, accessories and parts, and for the carrying out of servicing such as oiling, greasing, and cleaning and running repairs, but does not include any use not conforming to the requirement for a Light Industry and does not include a Motor Repair Garage, a Fuel Depot or a Shop.

**Shop:**

means any premises, stall, stand or vehicle, where goods or personal services are offered for sale, but does not include any use specifically defined elsewhere in this Schedule.

**Showroom:**

means any premises used for the display or sale of goods of a bulky nature, and includes a building used for the display or sale of vehicles.

**Single Dwelling:**

means one dwelling on its own allotment together with such outbuildings as are appurtenant thereto.

**Store:**

means any premises used for the storage of goods within which no trade (whether retail or wholesale) or industry is carried on.

**Supermarket:**

means any premises used for a self-service shop for the sale of either food, clothing or household goods, having a gross floor area in excess of 150m<sup>2</sup>.

**Take-Away Food Shop:**

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

**Timber Mill:**

means any premises where logs or timber are sawn, chipped or pulped.

**Tourist Operation:**

means any premises used specifically for tourist purposes, and includes (such developments as) wildlife parks, host farms, country clubs or outdoor, historical or bush displays and the like, but excludes any other tourism facility defined elsewhere in this Scheme.

**Transport Depot:**

means any premises used for the garaging or parking of motor vehicles which are used for carrying persons or goods for hire, reward or other consideration, or any premises used for the transfer of persons or goods from such motor vehicles, or for the maintenance and minor repair of such motor vehicles.

**Veterinary Establishment:**

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

**Warehouse:**

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

Amendment  
2/99  
17/2/2000

**Winery:**

Means a building and its surrounds, located on land otherwise used as a vineyard, used to manufacture, store and \ or sell vineyard products and may include, as integrated activities, one or more of the following:

- Restaurant
- Shop
- Tasting Facilities
- Function Facility
- Visitors Centre

**Woodyard:**

means any premises used for the storage, sawing, cutting or selling of domestic firewood but does not include the carrying on of any process not conforming to the requirements of a Light Industry.

INSERT TABLE 1.2 - Table of Uses

INSERT TABLE 1.2 - Table of Uses

## SCHEDULE 2: DENSITY

### S2. DEFINITIONS FOR DENSITY PROVISIONS

#### Allotment:

means a parcel of land comprised of any number of adjoining lots under the same ownership.

#### Balance Area:

means all the remaining area of an existing title left, after the excision of new lots by subdivision.

#### Existing Lot:

means any lot capable of existing as a separate saleable parcel of land (by virtue of the provisions of the Lands Titles Act 1980, Conveyancing and Law of Properties Act, 1884 and the Local Government Act, 1962) either prior to 18 March 1985 or at the date the Density Rating of the land was changed by an alteration to the Planning Scheme.

Notwithstanding the above, an 'existing lot' may be compiled of any number of adjoining lots within the same allotment providing;

- (i) the resultant lot potential shall not exceed the maximum density provisions for any zone;
- (ii) the balance areas of the allotment shall be subject to an Adhesion Order under Section 477A of the Act or shown as a single lot on the final diagram at the time of subdivision.

#### Frontage:

means the minimum dimension of a boundary of a lot to a public road unless otherwise determined by Council in accordance with Section 472 of the Act.



**Lot:**

means any land separately defined in the Certificate of Title, a conveyance registered in the Office of the Recorder of Titles, or any lot on an approved final plan of subdivision or any Crown or private lease.

**Lot Dimension Ratio:**

means the maximum ratio of the average depth of a lot to its average width excluding any access strip for rear lots unless otherwise determined by Council. The average depth shall be calculated as the sum of both sides divided by two (2).

**Minimum Inscribed Circle:**

means the minimum diameter of a circle that can be drawn within the boundaries of the lot.

**Setback:**

means the distance between a building and a specified boundary or feature unless otherwise determined by Council.

## SCHEDULE 2.2: DENSITY TABLE

Density Rating	Density (New Lots per Hectares of Existing Lot)	Minimum Lot Sizes <sup>1</sup>	Minimum Frontage	Setback	Lot Dimension Ratio	Minimum Inscribed Circle
DRO	No Subdivision					
DR1	One lot / 20ha	(i) New lots shall not be less than 0.4ha in area.	3.6m	A minimum of 1/6 of depth of lot from any road or public recreation area.	N/A	N/A
DR2	One lot / 10ha(2)	(ii) Where three or more new lots are created not more than 1/3 shall be less than 1ha, & not more than 1/3 shall be less than 2ha but greater than 1ha.	3.6m	A minimum of 1/6 of depth of lot from any road or public recreation area.	3:1	N/A
DR3	One lot / 2ha	Minimum lot 0.4ha where not more than 1/3 of the lots are less than 1ha and the overall density achieved is not more than one (1) lot per 2ha.	3.6m	A minimum of 1/6 of depth of lot from any road or public recreation area.	3:1	18m
DR3 Consolidation	Not Applicable	Minimum lot 2ha	3.6m	A minimum of 1/6 of depth of lot from any road or public recreation area.	3:1	18m
DR3 Reserved	Not Applicable	Minimum lot 20ha	3.6m	A minimum of 1/6 of depth of lot from any road or public recreation area.	3:1	N/A
DR4	One lot / 1ha	Minimum lot 0.4ha where not more than 1/3 of the lots are less than 1ha and the overall density achieved is not more than 1 lot per 1ha.	3.6m	A minimum of 1/6 of depth of lot from any road or public recreation area.	3:1	18m
DR4 Reserved	Not Applicable	Minimum lot 20ha	3.6m	A minimum of 1/6 of depth of lot from any road or public recreation area.	3:1	N/A
DR5	Not Applicable	Minimum lot 0.4ha	3.6m	A minimum of 1/6 of depth of lot from any road or public recreation area.	3:1	18m
DR6	Not Applicable	Minimum lot 0.1ha	3.6m	6.1m	N/A	18m
DR7	Not Applicable	Minimum lot 550m <sup>2</sup>	3.6m	6.1m	3:1	18m
DR7 Reserved	Reserved - Future DR7 Currently - 1 lot / 20ha	Minimum lot 20ha	3.6m	A minimum of 1/6 of depth of lot from any road or public recreation area.	3:1	N/A
DR8	Not Applicable	Minimum lot 80ha	3.6m	A minimum of 1/6 of depth of lot from any road or public recreation area.	3:1	18m

DR9 Included by Amend 14/97 - 10/5/1999	Not Applicable	Minimum lot 1ha	3.6m	A minimum of 1/6 of depth of lot from any road or public recreation area.	3:1	18m
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- Note:**
1. In unsewered areas minimum lot sizes subject to septic tank approval.
  3. For lots within DR8 refer to Section 3.2.5.
  2. For exception see Clause 3.2.5a.

## SCHEDULE 3: SITING

S3.1 The siting and layout of buildings shall comply with the provisions of this Schedule unless any provision of the Scheme would require a greater setback, or it is determined by the Council that any variation will not conflict with the following objectives:

- (i) To protect the visual amenity and environmental quality within an area.
- (ii) To protect and enhance the streetscape within towns and small settlements.
- (iii) To minimise the effects of overshadowing and visual intrusion upon adjacent development.
- (iv) To provide for the economic provision of services.

S3.2 The following setback provisions relate to the minimum distance between any part of a building and the related boundary of the lot or the boundary of a road or high water mark as indicated.

### Development in Urban, Village and Recreation Zones

(i) **Front Boundary Setbacks:**

Generally shall not be less than the prevailing setback in the vicinity, or where no prevailing setback exists, a minimum of 6.1 metres.

(ii) **Side and Rear Boundary Setbacks:**

For walls that are:

- not exceeding 3 metres in height or 9 metres in length;
- inclined at an angle of 30° or greater to the related boundary;
- adjacent to an access strip or right-of-way

the minimum setback shall be 1.5m.

All other walls shall be setback a minimum of 3 metres or  $\frac{2}{3}$  rds the height of the wall (which ever is the greater).

### **Development in Rural/Residential Zone, Non-Urban Zone and Intensive Agriculture**

(i) **Front Boundary Setbacks:**

Buildings shall be setback from the front boundary a minimum distance, at the least equal to  $\frac{1}{6}$  of the depth of the lot.

(ii) **Side and Rear Boundary Setbacks:**

All walls shall be set back a minimum of 5m.

### **Development in Industrial and Commercial Zones**

(i) **Setback to any road reservation:**

Generally, all single storey buildings shall be setback a minimum of 20 metres from the boundary of any road reservation. A larger setback shall be required where it is deemed that due to its height or bulk, a building would require an additional setback to conform with the objectives of this Code and with the District Development Character.

(ii) **Front, Side and Rear Boundary Setbacks:**

To be determined at the time of any application having regard to the objectives of this code and the District Development Character. However, where a proposal site abuts land within another zone, the respective setback provisions for that zone shall be applied to the related boundary(s).

### **High Water Mark**

The setback of any building from the high water mark for Riverine, Estuarine and Coastal waters shall be fifty (50) metres.

**Pipe Clay Lagoon:** The minimum setback shall be 100m from the Pipe Clay Lagoon high water mark. In accordance with Clause S3.1 and subject to Clause 2.2.4, Council may relax the 100m setback requirement of this Clause.

**Marine Farms:** Subject to Clause 2.2.4, Council may dispense with the setback provisions of the Scheme for Marine Farm use or development.

### **Tasman Highway and Colebrook Main Road**

The setback of any building from the Tasman Highway and Colebrook Main Road where the speed limit is greater than 60km/hour shall be 50m unless Council at its discretion, approves a lesser setback in the particular circumstances of the case and after having received the advice of the Department of Main Roads.

### **South Arm Secondary Road, Rokeby Road and Acton Road**

The setback of any building from South Arm Secondary Road, Rokeby Road and Acton Road where the speed limit is greater than 60km/hour shall be 20m unless Council at its discretion, approves a lesser setback in the particular circumstances of the case and having regard to the tenor of the Scheme.

## **SCHEDULE 4: VEHICULAR ACCESS**

### **S4.1 OBJECTIVE**

The Schedule is designed to ensure that each new rural or rural residential lot shall have a safe and efficient access that will not detract from the existing level of safety and utility of roads in the City. For non-residential uses, standards will be determined by Council.

### **S4.2 LOCATION OF ACCESS**

A safe point of access onto any road shall be determined in accordance with the sight distance requirements contained in Fig. 1 and the associated Table 1.

An existing access point for each existing lot fronting a major arterial road is shown on the plan. No other access will be available. Where an access to an existing lot is not shown, one shall be nominated by Council after consultation with the Department of Roads and Transport. Further, where an approved access for an existing lot has been nominated, subject to Department of Roads and Transport's concurrence, it can be relocated.

For lots not fronting a major arterial road nominated access points will be approved by the City Engineer subject to sight distance and other requirements.

### **S4.3 CONSTRUCTION STANDARDS**

#### **(i) Surface Dimensions**

Where access is to be gained onto a sealed road, driveways shall be bitumen sealed from the existing sealed carriageway to at least the property boundary. The depth of bitumen seal shall be not less than 25mm with a nominal 75mm fine crushed rock (F.C.R.) or other 'non-plastic' based material. Unsealed driveways may be allowed onto existing unsealed roads, to the satisfaction of the City Engineer.

Generally, minimum driveway widths shall be 3m for single user developers and 4.6m for reciprocal rights-of-way. Turning curves with 6m radii are to be provided onto the carriageway (see Fig. 2)

A driveway and turning area shall be constructed to the body of each lot, of sufficient dimension to allow safe access and on-site turning to emergency and service vehicles, to the satisfaction of the City Engineer.

In the case of proposals for Building Estates, Engineer's specification and drawings are required for road construction and drainage.

**(ii) Drainage**

Water runoff is to be collected and not allowed to be discharged onto adjoining properties unless discharged into an approved natural watercourse or specifically created drainage easement. A pipe culvert is to be provided under the driveway, within the road reservation (where appropriate alternative forms of drain crossing may be approved to the satisfaction of the City Engineer). The minimum dimensions of the pipe shall be 300mm in diameter and 4.8m long., The roadside table drain shall be diverted into the pipe culvert (see Fig. 2) which shall be laid to the grade of and to suit the levels of the table drain (but with not less than 300mm of clear cover over the pipe). The class of pipe required shall be 'Y' where not more than 450mm of cover is required and 'C' where greater cover is used.

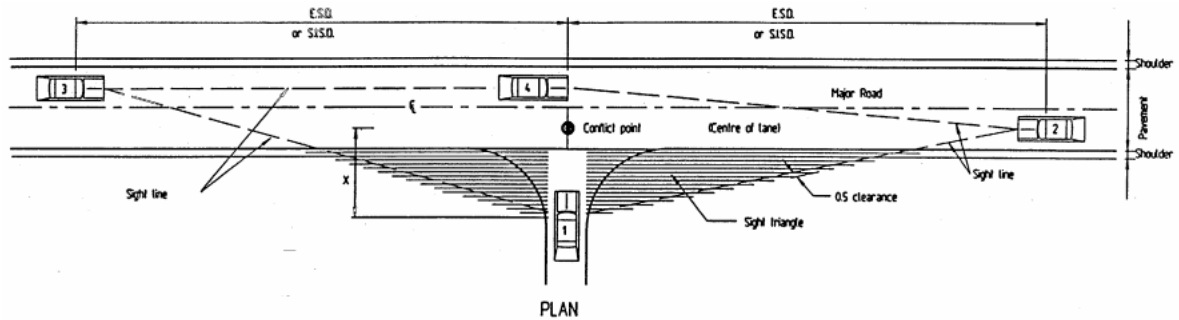
**(iii) Slope**

The gradient on driveways shall not exceed the maximums allowed under Table 2. To prevent the 'washoff' of gravel onto the road surface from driveways which rise from the road, the first 3.5m of any such driveway shall have a 2% fall from the shoulder height of the road (see Fig. 3).

# SIGHT DISTANCES

## Two Lane Roads Only

Figure 1



### Notes:

- For maximum access slopes refer 3401-5/P3-3.
- X is the distance from conflict point to driver.
  - For National Highway X = 7 meters
  - For other roads X = 5 meters (minimum)

### Sight Line Requirements:

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

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

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

### Maximum Slopes Allowed For Rising Access - Table 2

Roadside Slope h/d	Access Slope	
	Desirable max.	Absolute max.
1 in 60	1 in 8.5	1 in 6.5
1 in 50	1 in 9.0	1 in 6.5
1 in 40	1 in 9.5	1 in 6.5



1 in 35	1 in 9.5	1 in 7.0
1 in 30	1 in 10.0	1 in 7.0
1 in 25	1 in 11.0	1 in 7.5
1 in 20	1 in 12.0	1 in 8.0

Sight Distance - Table 1

Design speed Km/h	E.S.D. m	S.I.S.D	
		Rural $R_1 = 2.0$ seconds	Urban $R_1 = 1.5$ seconds
40	100	70	60
50	125	90	80
60	160	115	105
70	220	140	130
80	305	175	165
90	400	210	
100	500	250	
110	500	290	
120	500	330	

Definitions:

E.S.D                      Entering Sight Distance

Distance required by driver stopped on a minor road to enable entry to a major road such that traffic on the major road is unimpeded. This is to be provided where possible.

S.I.S.D.                    Safe Intersection Sight Distance

Distance required by driver on a major road to observe a vehicle moving from a minor road into a collision situation and to decelerate and stop before reaching conflict point. This is the minimum standard required.

$R_1$                          Driver reaction time

Figure 2

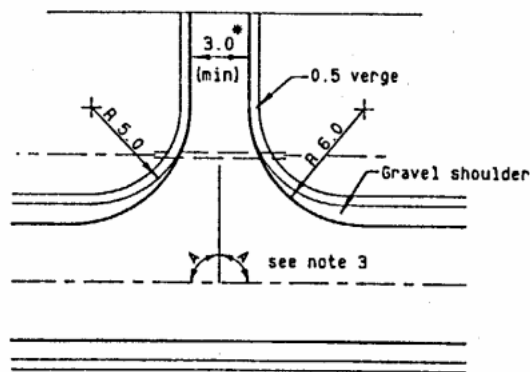
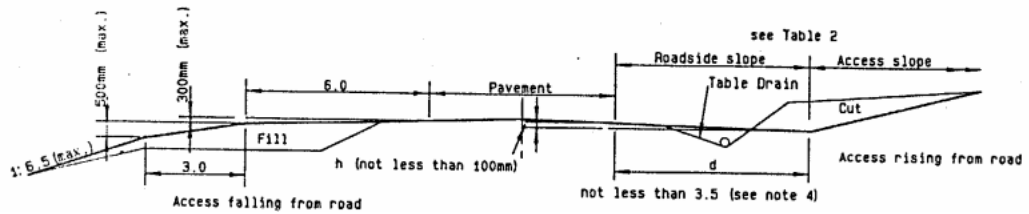


Figure 3



## SCHEDULE 5: OFF STREET PARKING

- S5.1** All proposals for development shall provide off-street vehicular car parking in accordance with Table 3 and, where applicable, shall provide sufficient space within the site for the loading and unloading of vehicles delivering goods to or from the site.
- S5.2** Minimum dimensions of parking spaces and aisle widths shall be as shown in Table 4.
- S5.3** All parking areas and driveways shall be suitably paved and drained to the satisfaction of the City Engineer and may incorporate landscaping to enhance their visual appearance.
- S5.4** With the exception of Use No. 20 (Single Dwellings) of this Schedule vehicles shall only have access to and from a road by moving in a forward direction.
- S5.5** In areas zoned "Urban" or "Village" parking shall not be provided between the building line and the street alignment.
- S5.6** Where sufficient parking cannot be provided within the site, the owner or applicant may offer to the Council the sum of \$1200 (or such other amount as may be determined from time to time) for each parking space not provided, such money to be spent by Council for the purchase, establishment and/or maintenance of land in the vicinity for public car parking purposes.

- S5.7** Clause 6 shall only apply in areas where Council has agreed to establish or has already established such public parking areas and generally it shall be the responsibility of the Developer to provide at least half of the number of spaces required on his land and for this to be integrated where possible with the Council's public car parking areas.
- S5.8** Council recognises that certain circumstances may arise where complete compliance with the foregoing provisions is either not practicable or not desirable and therefore reserves the right, at its absolute discretion, to vary or dispense with the requirements of this Schedule in any particular case without prejudice to its future general application.
- S5.9** In determining whether any particular car parking shall be approved, particular regard shall be given to traffic safety.

**TABLE 3**

NOTE: All floor areas refer to gross floor areas.

<b>USE</b>		<b>PARKING REQUIREMENT</b>
<b>1.</b>	<b>Active Recreation</b> <ul style="list-style-type: none"> <li>■ Indoor Cricket</li> <li>■ Outdoor Cricket Courts (based on indoor game)</li> <li>■ Squash</li> <li>■ Ten Pin Bowling</li> <li>■ Tennis (indoor &amp; outdoor)</li> <li>■ Bowling Greens</li> <li>■ Gymnasium or other Indoor Recreation</li> </ul>	25 spaces per court 25 spaces per court (if independent use) 8 spaces per court 3 spaces per alley 4 spaces per court 30 spaces per green 1 space per 25m <sup>2</sup>
<b>2.</b>	<b>Consulting Rooms/Health Centre</b>	1 space/15m <sup>2</sup> and one (1) space per practitioner
<b>3.</b>	<b>Educational/Cultural Establishment</b> <ul style="list-style-type: none"> <li>■ Child Day-Care Centre/ Kindergarten</li> <li>■ Primary</li> <li>■ Secondary</li> <li>■ Matriculation Colleges</li> <li>■ Other (including Universities)</li> </ul>	1 space per 150m <sup>2</sup> 1 space per 150m <sup>2</sup> 1 space per 100m <sup>2</sup> 1 space per 70m <sup>2</sup> 1 space per 50m <sup>2</sup>
<b>4.</b>	<b>Funeral Parlour</b>	1 space per 5m <sup>2</sup>
<b>5.</b>	<b>Guest House</b>	2 spaces per 3 bedrooms
<b>6.</b>	<b>Hospital</b>	1 space per 5 beds

		+1 space per each professional staff (including doctors) +1 space per 3 other employees
--	--	--

USE		PARKING REQUIREMENT
7.	<b>Licensed Establishment</b>	1 space per 3m <sup>2</sup> bar area +1 space per 2 guest rooms +1 space per 3 employees
8.	<b>Industry</b> (all uses unless otherwise defined in this Schedule, identified in Items 3 & 4, Schedule 1.2 TABLE OF USES)	1 space per 100m <sup>2</sup> but not less than four (4) spaces
9.	<b>Motel</b>	1 space per room or unit +1 space per 3 employees +1 coach space per 20 rooms
10.	<b>Motor Repair Garage</b>	1 space per 20m <sup>2</sup> but not less than four (4) spaces
11.	<b>Multiple Dwelling / Grouped House</b> <ul style="list-style-type: none"> <li>■ 1 and 2 bedroom dwellings</li> <li>■ 3+ bedroom dwellings</li> </ul> <u>plus</u> (for visitors) <ul style="list-style-type: none"> <li>■ Elderly Persons Units only</li> </ul>	1 space per dwelling 2 spaces per dwelling 1 space/2 dwellings 1 space/2 dwellings
12.	<b>Office</b>	1 space per 45m <sup>2</sup>
13.	<b>Place of Assembly</b>	1 space per 5 seats +1 space/3 employees
14.	<b>Residential Building</b>	1 space/2 bedrooms +1 space for caretaker +1 space/3 employees
15.	<b>Restaurant</b>	1 space per 10m <sup>2</sup>
16.	<b>Saleyard (reserved and delineated separately from vehicles for sale)</b>	1 space per 100m <sup>2</sup>

		+1 space per employee
17.	<b>Service Station</b>	Minimum 10 spaces in addition to driveway petrol filling areas

USE		PARKING REQUIREMENT
18.	<b>Shop</b>	1 space per 45m <sup>2</sup>
19.	<b>Showrooms</b>	1 space per 50m <sup>2</sup>
20.	<b>Single Dwelling</b> <ul style="list-style-type: none"> <li>■ 1 and 2 bedroom</li> <li>■ 3 bedroom</li> </ul>	1 space 2 spaces <i>Ancillary Dwelling</i> minimum on-site spaces shall be not less than 2 <i>Home Occupation</i> no additional requirements
21.	<b>Store</b>	1 space per 200m <sup>2</sup>
22.	<b>Supermarkets and Shopping Complexes</b> <ul style="list-style-type: none"> <li>■ First 1500m<sup>2</sup></li> <li>■ Additional</li> </ul>	1 space per 14m <sup>2</sup> 1 space per 22m <sup>2</sup>
23.	<b>Take-Away Food Shop</b>	1 space per 15m <sup>2</sup> of floor space available to the public but not less than two (2) spaces
24.	<b>Warehouse</b>	1 space per 100m <sup>2</sup> but not less than four (4) spaces
25.	<b>Other Uses</b>	As determined by Council



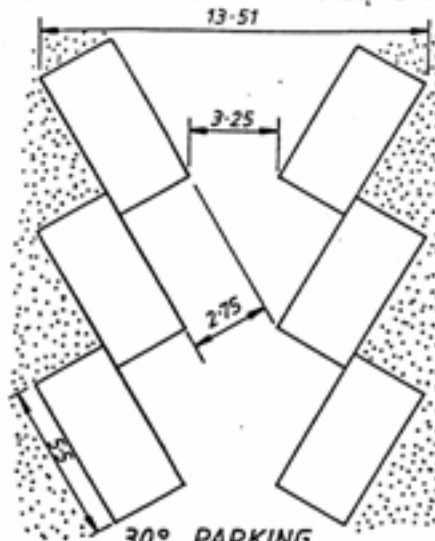
## TABLE 4

### PARKING LAYOUT

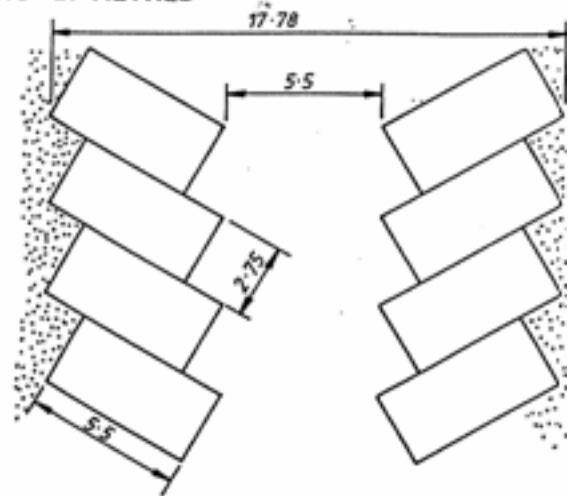
To allow flexibility in the minimum requirements, consistent with the Australian Standard "Off Street Parking - Car Parking facilities", 2890-(Part 1), Council will accept variations in bay and aisle widths accordance with the following table:-

Parking Layout	BAY WIDTH (metres)		
	2.60	3.0	3.25
	Access	Aisle	Width
In Line	4.00	4.00	4.00
30° Angle	3.25	3.25	3.25
45° Angle	4.50	4.00	4.00
60° Angle	5.85	5.50	5.30
90° Angle	6.97	6.20	6.00

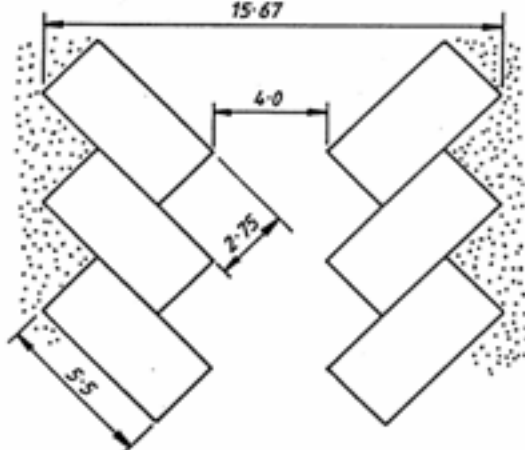
ALL DIMENSIONS IN METRES



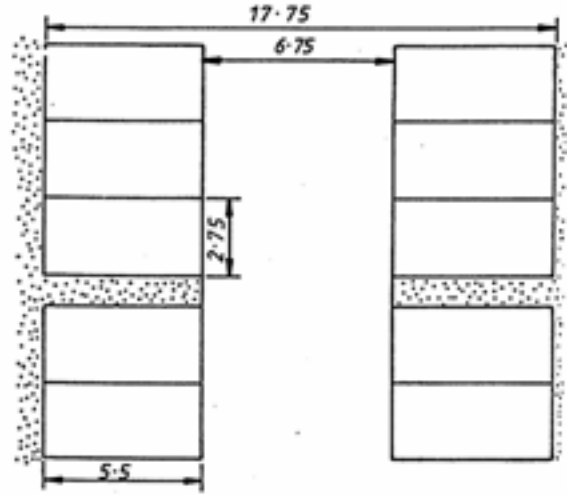
30° PARKING



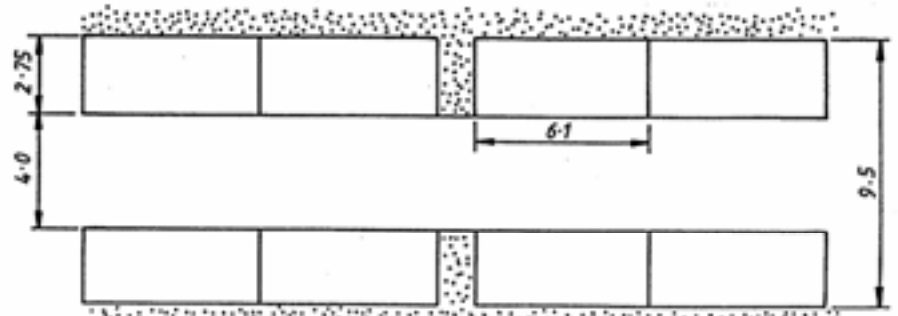
60° PARKING



45° PARKING



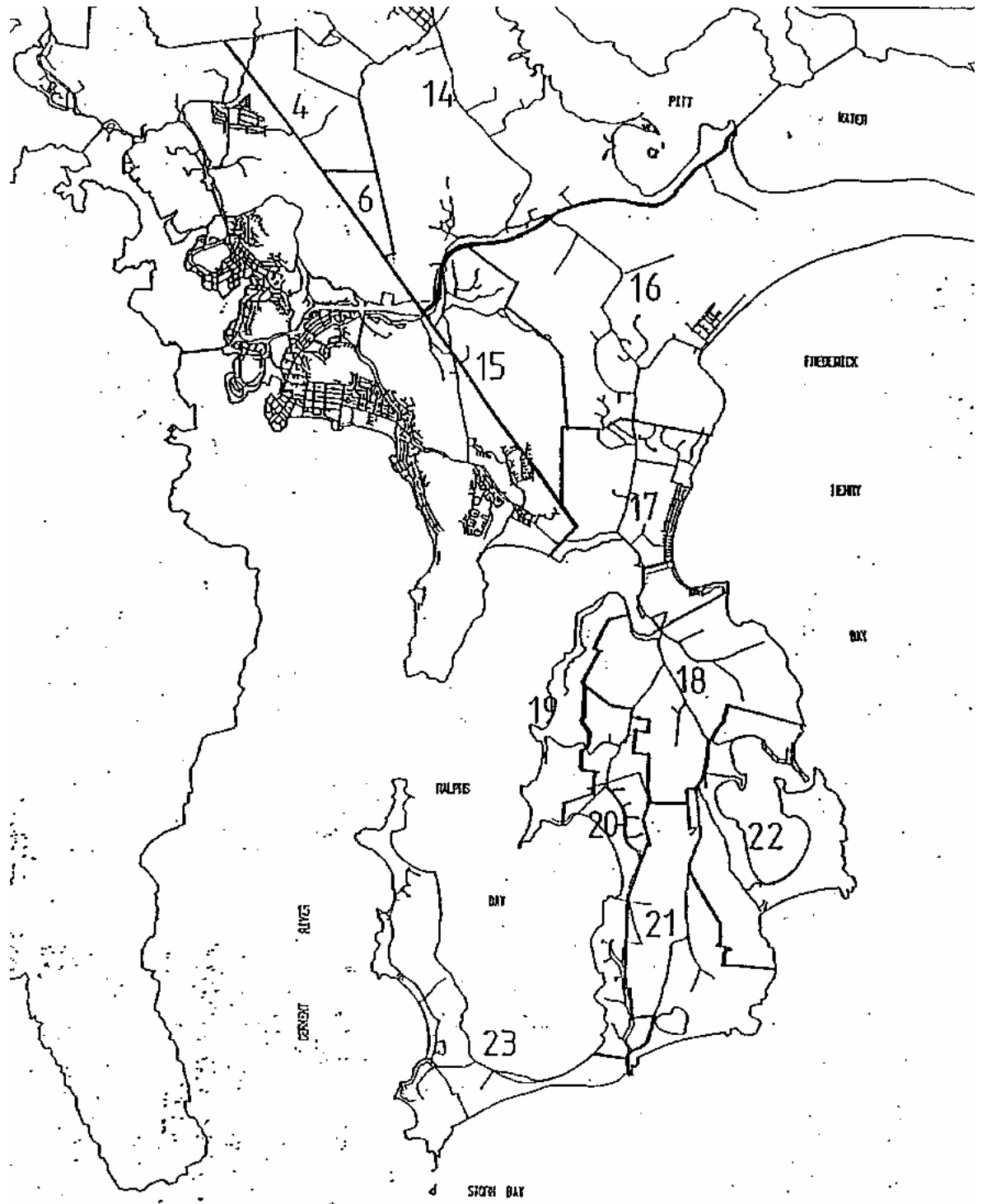
90° PARKING



PARRALLEL PARKING

## **SCHEDULE 6 BUILDINGS AND WORKS OF HISTORIC INTEREST**

- "Acton", Acton Road, stone 2 storey Georgian (1842)
- "Acton View" single storey, stone
- Cambridge Uniting Church, Tasman Highway (Blackburn)
- "Cilwen" Acton Road, stone 2 storey (1843)
- "Craigow", Richmond Road, stone and outbuildings
- "Gellibrand Vault" Mary Ann Bay (part of 111 Spitfarm Road)
- "Iron Pot Light" (John Lee Archer 1833) Oldest Lighthouse in Australia
- "Milford", Pittwater, stone, stucco Georgian (c1840)
- Railway Tunnel and Portals, Tunnel Hill
- "Rokeby House" 30 King Street, Clarendon Vale
- "Toronto" Seven Mile Beach
- "Uplands and Stables" 174 and 191 Richmond Road

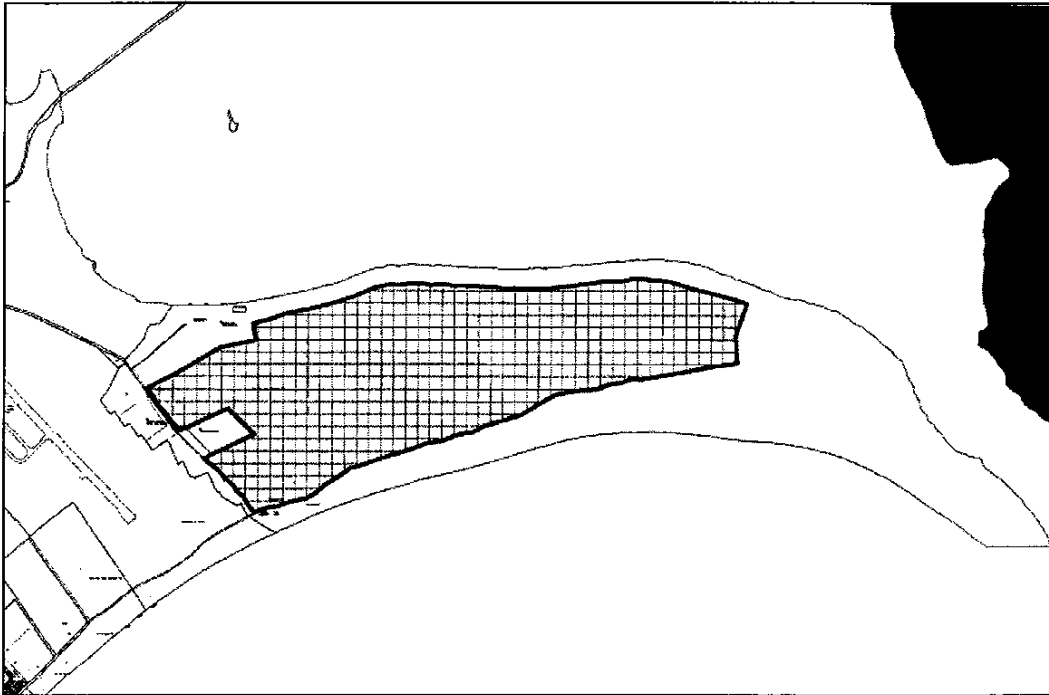


# SCHEDULE 8 SEVEN MILE BEACH SITE PLAN

## Schedule to Clause 4.8

 Area available for extractive industry in the form of dry sand extraction.

### Seven Mile Beach Area



Inserted by  
A-2006/11  
27/6/2007

## PART A STATE POLICY

Amendt SP-1  
WEF 10/10/96

### 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.

### A.2 Implementation of the State Policy on Water Quality Management

Amendt S13/1/98  
wef 26/08/98

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:

- the capability of the land is sufficient to support the use or development without giving rise to sediment transport; and
- if there is 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 water*

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

*environmental harm*

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

*capability of the land*

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

**Amendment**

**SP-2 28/4/99**

**A.3 Application of State Policy on the protection of Agricultural Land 1998**

**A.3.1** The provisions of this Part prevail over any provision of this planning scheme with which they are inconsistent to the extent of the inconsistency.

**A.3.2 Interpretation**

In this part, unless the contrary intention appears:

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

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

**“non agricultural uses”** has a corresponding meaning.

**“land”** includes:

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

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

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

**“development”** includes:

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

but does not include any development of a class or description, including a class or description mentioned in paragraphs (a) to (f), prescribed by the *Land Use Planning and Approvals Regulations 1993* for the purposes of this definition.

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

- (a) there is an overriding need for the use of development in terms of community benefit and there is no other suitable sites 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).



**A.3.4** For the purpose of A3.3(a), and overriding need for use or development in terms of community benefit only arises where the use or development:

- (c) 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
- (d) has the prior approval of the Resource Planning and Development Commission.

**A.3.5** 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.

**A.3.6** 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*).

## **PART B: TELECOMMUNICATIONS INFRASTRUCTURE SCHEDULE**

### **1. Principles**

Amendt 19/97  
WEF 18/03/98

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

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

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

#### **2.1 Relationship to the Scheme**

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

#### **2.2 Matters for Consideration**

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

## 2.3 Definitions

### *Areas of Environmental*

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

### *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 made to the following Commonwealth Government documents:

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

## **3. Exemptions**

The following development is exempt from requiring a planning permit:

- i. the installation and development of *low-impact* facilities;
- ii. the connection of a telecommunications line forming part of a telecommunications network to a building,, structure, caravan, or mobile home
- iii. works involved in the inspection of land by a carrier to identify suitability for its purposes;
- iv. the installation and development of a facility granted a facility installation permit by the Australian Communication Authority;

- v. works involved in the maintenance of telecommunications facilities; and
- vi. works meeting the transitional arrangements defined in Part 2 of Schedule 3 of the *Telecommunications Act 1997*.

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

##### **4.1 Application Requirements**

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

- (a) a completed application for development in a form prescribed by the Council;
- (b) sufficient information to demonstrate to the satisfaction of the Council that the objectives and performance criteria in Appendix 1 will be achieved during the installation and operation of the proposed telecommunications infrastructure;
- (c) a complete copy of the certificate of title of the land on which the development is proposed;
- (d) where the applicant is not the owner, the applications must be signed by the owner or be accompanied by an authorisation in writing from the owner for submission of the application;
- (e) details of the proposed telecommunications network proposed within the local area and its relationship to the proposed development.;
- (f) any plans or other information prescribed for development in 4.2; and
- (g) any fees prescribed by the Council.

## 4.2 Plans to Accompany Applications

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

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

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

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

- (e) the location and capacity of any existing services or easements on the site or connected to the site; and
- (f) a plan of the proposed landscaping of the site.

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

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

## APPENDIX 1: TELECOMMUNICATION SCHEDULE

OBJECTIVES	PERFORMANCE CRITERIA
<b>Visual Amenity</b>	
<p>To minimise any detrimental impact upon the visual amenity of a locality by reducing prominence of telecommunications infrastructure.</p>	<p>The location of infrastructure is within existing utility corridors and sites and uses existing infrastructure, unless a need to do otherwise is demonstrated.</p> <p>Aerial telecommunications lines or additional supporting structures are erected and operated in residential and commercial areas only where overhead cables operated by other utilities are in existence.</p> <p>Best practice methods are used to reduce the visual impact of infra-structure within the surrounding natural and built environment.</p> <p>Clearing for infrastructure corridors and facilities is minimised to limit visible prominence while responding to functional and safety requirements.</p> <p>Infrastructure:</p> <ul style="list-style-type: none"> <li>■ avoids skyline positions( ie, where a structure would be seen in silhouette);</li> <li>■ crosses hills diagonal to the principal slope or crosses at the low point of a saddle between hills; or</li> <li>■ is located around the base of hills or along the edge of existing clearings</li> </ul> <p>unless a need to do otherwise is demonstrated.</p> <p>Equipment housing and other visually intrusive infrastructure is screened or concealed from public areas.</p> <p>The height of freestanding aerials, towers and masts is within the following limits:</p> <ul style="list-style-type: none"> <li>■ rural areas                      60m</li> <li>■ industrial areas                45m</li> <li>■ commercial areas              40m</li> <li>■ residential areas                20m</li> </ul> <p>Telecommunications infrastructure may only exceed specified height limits if:</p> <ul style="list-style-type: none"> <li>■ a pattern of infrastructure or vegetation above the specified height limit exists in a particular location; and</li> <li>■ it has no adverse impact on heritage or ecological values or visual amenity.</li> </ul>



To protect important public views such as vistas to significant public buildings, streetscapes and heritage areas.	Telecommunications infrastructure does not intrude into identified important public views or measures are taken to minimise intrusion.
To avoid obstruction of private views from the building line / principal windows by telecommunication lines.	Placement of telecommunication lines avoids or minimises obstruction of private views.
<b>Residential Amenity</b>	
To protect residential amenity.	Infrastructure servicing a network (facilities not requiring installation on an individual street basis) is no located in residential areas unless a need to do otherwise is demonstrated.
<b>Environmental Values</b>	
To protect threatened species or species at risk of becoming a threatened species (as defined in the <i>Threatened Species Protection Act 1995</i> ) and the habitats, ecological communities or places essential to their continuing existence.	The proposed infrastructure does not adversely impact on identified threatened species or species at risk of becoming threatened species.
To protect areas identified as having significant natural values.	The proposed infrastructure does not adversely affect areas identified as having significant natural values.
To protect flora and fauna, habitats and ecological communities.	The proposed infrastructure uses best practise environmental management to minimise harm to the environment.
<b>Land Stability</b>	
To ensure that telecommunications infrastructure does not cause land instability.	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.
<b>Agricultural Land</b>	
To protect the productive capacity and efficient farming operations of agricultural land.	Infrastructure installation and operation does not degrade or restrict the productive capacity of agricultural land.  Infrastructure is placed on property boundaries or fence lines (not including road alignment boundaries).
<b>Heritage Values</b>	
To protect items, places or areas identified as having aboriginal,	Proposals for construction and operation of telecommunications infrastructure are approved by

natural, cultural, or maritime heritage significance.	the Tasmanian Heritage Council in accordance with the requirements of the Historic Cultural Heritage Act 1995 and/or are consistent with recommendations by the Aboriginal Heritage Section of DELM.
<b>Access</b>	
To ensure that telecommunications infrastructure does not impede movement of vehicular and other modes of transport.	The location of aerial telecommunications infrastructure allows adequate clearance for vehicular traffic and will not pose a danger or encumbrance to other land users or aircraft.

## APPENDIX 2: TELECOMMUNICATION SCHEDULE (Table 1) - Checklist for Environmental Impact Report by Carriers

ITEM	COMMENT
1. Type of facility and location.	<ul style="list-style-type: none"> <li>■ Location of the facility (antenna and ground installation).</li> </ul>
2. Purpose and need for the proposed facility.	<ul style="list-style-type: none"> <li>■ The need for the facility and its role within a network.</li> <li>■ The anticipated need for, and likely locations of, further installations to provide an overall appreciation of the impact.</li> <li>■ Liaison with other Carriers.</li> <li>■ The feasibility of co-location etc.</li> <li>■ Siting options.</li> <li>■ Installation option.</li> </ul>
3. Design.	<ul style="list-style-type: none"> <li>■ Design drawings of the facility: antenna(s), towers, ground installation, etc.</li> <li>■ Explain choice of structure.</li> <li>■ Details of adjacent landuses.</li> <li>■ Details of any adjacent structures.</li> <li>■ Details of access (roads, etc).</li> <li>■ Description of materials and finishes.</li> <li>■ Details of existing vegetation to be removed or damaged in the vicinity, including identification of any trees to be removed.</li> <li>■ Details of revegetation and site stabilisation.</li> <li>■ Arrangements for provision of power to the site.</li> <li>■ Details of any external lighting.</li> </ul>
4. Description of the physical environment and possible physical impacts.	<ul style="list-style-type: none"> <li>■ Address potential impacts arising from the construction and maintenance of the facility, (eg flora, fauna, noise, erosion and runoff control, construction of access and power supply, areas of special significance.</li> <li>■ Focus on aspects which are particular to the site.</li> <li>■ Details of measures to protect local environment (including flora and fauna) during construction (eg erosion</li> </ul>

	& runoff control, vehicle management, stockpiling and storage).
5. EME.	■ Projected EME levels for proposed sites.
6. Visual Assessment.	■ Assessment of the impact of the proposal in visual terms (refer to separate checklist)
7. Social Issues (if appropriate).	■ Discussion of community concerns. ■ Impact on areas of special significance.
8. Consultations.	■ Details of consultations with the land owners/occupants. ■ Carriers must consult with owners before lodging application.
9. Conclusion and recommendations.	■ Summary of 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).

## APPENDIX 2: TELECOMMUNICATION SCHEDULE (Table 2) - Visual Assessment Checklist

ITEM	COMMENT
1. Context	<ul style="list-style-type: none"> <li>■ The visual catchment of the site (and installation).</li> <li>■ The elements that go to make up the landscape or townscape context, including slope, cover, colour, vegetation or built environment, and major features.</li> <li>■ The physical scale of the proposed telecommunication infrastructure.</li> <li>■ Presence of other antennas and vertical elements.</li> <li>■ Any special landscape value of the site.</li> <li>■ Cumulative impact of this and further antennas.</li> <li>■ Relationship to existing vegetation and the potential intrusiveness of the installation.</li> <li>■ Relationship to buildings/structures.</li> </ul>
2. Siting	<ul style="list-style-type: none"> <li>■ Height of the antenna in relation to the surrounding landform.</li> <li>■ Topographic features and natural vegetation.</li> <li>■ Impact on skyline or treeline.</li> <li>■ Distance from sensitive receptors.</li> </ul>
3. Appearance	<ul style="list-style-type: none"> <li>■ Materials (particularly relevant for ground installations).</li> <li>■ Colour.</li> <li>■ Reflectivity.</li> <li>■ Design.</li> </ul>

	<ul style="list-style-type: none"> <li>■ Height.</li> <li>■ Antenna type and bulk.</li> <li>■ Plant and room.</li> <li>■ Proposed landscape work.</li> </ul>
4. Plans and Photos	<ul style="list-style-type: none"> <li>■ A plan is to be prepared indicating the viewshed of the antenna, the location of any key viewing points. The scale of the plan will depend on the extent of the visual impact.</li> </ul>