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PART A STATE POLICY CONSIDERATIONS

A.1 IMPLEMENTATION OF STATE COASTAL POLICY

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

Amendment SP-1 18/2/97

A.2 IMPLEMENTATION OF STATE POLICY ON WATER QUALITY MANAGEMENT

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

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

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

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

For the purpose of this clause,

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

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

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

Amendment s13/1/98

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

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

A3.2 Interpretation

In this part, unless the contrary intention appears:

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

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

“non agricultural uses” has a corresponding meaning.

“land” includes:

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

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

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

“development” includes:

- the construction, exterior alteration or exterior decoration of a building; and
- the demolition or removal of a building or works; and
- the construction or carrying out of works; and
- the subdivision or consolidation of land, including buildings or airspace; and
- the placing or relocation of a building or works on land; and
- 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:

- 7 there is an overriding need for the use or development in terms of community benefit and no other suitable sites are available; or
- 8 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 (e.g. Class 3+4 or 4+3).

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

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

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

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

Amendment SP-2 27/07/99

PART B

B.1 TELECOMMUNICATIONS INFRASTRUCTURE SCHEDULE

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

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

Amendment R 18/03/98

**PART 1
PRELIMINARY**

1.1 COMPOSITION OF SCHEME

1.1.1 This Planning Scheme consists of:

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

1.2 PLANNING AREA

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

1.3 INTENT OF SCHEME

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

1.4 GENERAL DUTY OF COUNCIL

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

Amendment J-2 21/8/95

1.5 (deleted)

Amendment J-2 21/8/95

1.6 DEVELOPMENT PLAN

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

Amendment J-2 21/8/95

1.7 (deleted)

Amendment J-2 21/8/95

1.8 (deleted)

Amendment J-2 21/8/95

1.9 (deleted)

Amendment J-2 21/8/95

1.10 OTHER APPROVALS

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

1.11 INTERPRETATION

1.11.1 Any reference in this Scheme to any act or other statute shall be a reference to such act or statute as it may be amended from time to time

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

Act:

means the Land Use Planning and Approvals Act 1993;

Amendment J-2 21/8/95 & Amendment F-4 24/1/95

Advertising Sign:

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

- (1) regulatory signs and devices, which relate to the safe and effective use of the road system by motorists;
- (2) directional signs, which assist travellers to navigate their way to a desired destination; and
- (3) other signs including service, information, and commercial advertising signs;

Allotment or lot:

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

Amenity:

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

Building:

As defined in the Act.

Amendment AH 11/05/2006

Building Area

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

Amendment PSA-3/2013 28/11/13

Bushfire-Prone Area

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

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

Amendment PSA-3/2013 28/11/13

Bushfire-Prone Vegetation

means contiguous vegetation including grasses and shrubs but not including maintained lawns, parks and gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes;

Amendment PSA-3/2013 28/11/13

Commissioner: (deleted)

Amendment F-3 24/1/95

Council:

means the Huon Valley Council;

Amendment J-2 21/8/95 & Amendment F-4 24/1/95

Crown Land:

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

Defined Site:

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

- (a) shown on the plans and provided for a particular dwelling unit and its grounds;
- (b) defined by fences or other structures; and
- (c) where the dwelling unit is subject to Stratum Title contained on that title;

Demolition:

in relation to a building or work means the damaging, defacing, destruction, pulling down or removal of the building or work in whole or part;

Development:

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

Amendment 2-2007 12/11/2007

Development Plan:

means as defined in Clause 1.6 of this Scheme;

Development Standard:

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

Amendment PSA-3/2013 28/11/13

Dwelling Unit:

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

Existing Use:

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

Floor Area:

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

Frontage

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

Amendment K-2 26/9/95

Group 1 and 2 Roads:

as listed in Schedule 6.

Habitable Building

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

Amendment PSA-3/2013 28/11/13

Hazardous Use

As defined in Schedule 10;

Amendment PSA-3/2013 28/11/13

Height (in respect of a building):

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

Industry:

means any one or more of the following operations:

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

Land:

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

Land Clearing (Clearing of Land);

means the clearing of trees or other vegetation;

Landscaped Space:

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

Non-Conforming Use:

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

Amendment AH 11/05/2006

Parent Conveyance:

means the land contained in a Certificate of Title or Conveyance registered in the office of the Registrar General at 1st October, 1986;

Parent Holding:

means the land in one or more titles that is contained in one entry of the valuation roll as administered by the Valuation Division of the Lands Department at 1st October 1986;

Planning Approval:

means any permit, approval or consent required by this Planning Scheme to be issued or given by Council in respect of a development of land; (S.733A)

Planning Scheme/Scheme:

means the Esperance Planning Scheme 1989, which consists of this Ordinance and the Plan;

Plot Ratio:

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

Private Open Space:

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

Public Authority:

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

Road:

means any land, Crown or otherwise, that is:

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

Road Alignment:

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

Setback (in respect of a building):

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

Sign:

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

- (1) regulatory signs and devices, which relate to the safe and effective use of the road system by motorists;
- (2) directional signs, which assist travelers to navigate their way to a desired destination; and
- (3) other signs including service, information and commercial advertising signs;

State Road:

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

Storey:

means as defined in the Building Regulations 1978;

Subdivide and Subdivision:

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

Amendment J-1 21/8/95 & Amendment F-4 24/1/95

Use:

means the purpose for which land is utilized;

Vulnerable Use

As defined in Schedule 10;

Amendment PSA-3/2013 28/11/13

Works:

As defined in the Act.

Amendment AH 11/05/2006

Zone:

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

PART 2
EXISTING USE AND NON-CONFORMING USE

2.1 DAMAGED OR DESTROYED BUILDINGS OR WORKS

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

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

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

provided Council is satisfied that:

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

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

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

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

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

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

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

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

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

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

Amendment AH 11/05/2006

PART 3
PLANNING APPROVAL

3.1 REGULATION OF USE OR DEVELOPMENT

- 3.1.1 An application for use or development of land within the planning area shall comply with all relevant requirements of this Scheme.

Amendment PSA-3/2013 28/11/13

3.2 USE OR DEVELOPMENT OF LAND IN ZONES

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

Amendment PSA-3/2013 28/11/13

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

Amendment PSA-3/2013 28/11/13

3.3 PERMITTED AS OF RIGHT USE OR DEVELOPMENT

- 3.3.1 Use or development of land in a zone which is depicted in the Table of Uses by the figure 'P1' may be undertaken without the application for and issue of a planning approval, provided that the use or development complies with all relevant development standards without invoking the provisions of Clause 3.5.1(b) of this Scheme and a permit is not required by Schedule 10 of this Scheme.

Amendment PSA-3/2013 28/11/13

3.4 PERMITTED USE OR DEVELOPMENT

- 3.4.1 Use or development of land in a zone which is depicted in the Table of Uses by the letter 'P' shall not be undertaken without the application for and issue of a planning approval, and Council shall grant with or without conditions a planning approval thereto, provided that the use or development complies with all relevant development standards without invoking the provisions of Clause 3.5.1(b) of this Scheme.

Amendment PSA-3/2013 28/11/13

- 3.4.2 Where a planning approval granted under Clause 3.4.1 is conditional, the appeal provisions of the Act shall apply.

Amendment J-2 21/8/95

Amendment PSA-3/2013 28/11/13

3.5 DISCRETIONARY USE OR DEVELOPMENTS

- 3.5.1 An application for use or development of land in a zone:

- (a) which is depicted in the Table of Uses by the letter "d"; or
- (b) any aspect of which:

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

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

Amendment J-2 21/8/95
Amendment PSA-3/2013 28/11/13

3.6 PROHIBITED USE OR DEVELOPMENT

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

Amendment PSA-3/2013 28/11/13

3.6A Implementation of Planning Directive – Standards for Single Dwellings in Current Planning Schemes

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

Amended 29 August 2011

3.7 INTERPRETATION OF DEVELOPMENTS

- 3.7.1 **Integral and Subservient Development:**
Where any proposed development constitutes an integral and subservient part of an existing or proposed use, such development shall be treated as a development for that use and similarly categorised under schedule 1 of this Scheme.
- 3.7.2 **Multiple Use:**
If any proposed development does not constitute an integral or subservient part of an existing or proposed use of land, such development shall be categorised separately under Schedule 1 of this Scheme.

3.8 INFORMATION TO BE SUBMITTED WITH APPLICATIONS FOR PLANNING APPROVAL

- 3.8.1 Where a development of land for any purpose requires the issue of a planning approval under the provisions of this Scheme, an application for that planning approval shall be lodged with Council and shall contain such information as is necessary for Council to determine compliance with the Scheme, and shall include, where applicable, the following:
- (a) the name and address of the applicant, the location of the land and its postal address, a copy of the title to the land and the name and postal address of the owner, and if the application is made by any person not the owner, the consent in writing of the owner to the making of the application;
 - (b) the use or uses of the land at the date of application;
 - (c) the intended use or uses of the land;
 - (d) a plan or plans showing:
 - i) the relationship of the land to lot boundaries and road frontages;
 - ii) rights of way, easements and covenants affecting the land;
 - iii) existing buildings and works;
 - iv) site preparation; including details of buildings and works to be demolished, areas to be cut and filled, and trees to be removed and other land clearing;
 - v) new buildings and works and alterations to existing buildings and works; including floor plans, elevations, dimensions, relative site levels, provisions for drainage and the purpose of rooms, other enclosed spaces and structures;
 - vi) existing and proposed vehicular access points to roads from the land, available sight distances in accordance with Clause 7.6 and areas set aside and other provisions made for vehicular passage, manoeuvring and parking;
 - vii) landscaping; including details of site beautification, tree planting and screening;
 - viii) the materials proposed for construction purposes, and the colour of such materials on all exterior surfaces;
 - ix) advertising signs; including details of dimensions, wording, logos, colours, illumination, supporting structures, and positions on buildings and works and the methods of fixing thereto;
 - (x) floodlighting and other exterior lighting; including the location and direction of light, sources and the strength of illumination.

- 3.8.2 Notwithstanding the provisions of Clause 3.8.1, where Council considers a proposed development will have a significant impact on the environment or is controversial in nature and an Environmental Impact Statement for that development is not required by the Director of Environmental Control under the Environment Protection Act 1973 or Regulations, Council may require the applicant to submit a report setting forth the results of a study carried out to determine:
- (a) the characteristics or conditions of the environment prior to the proposed development;
 - (b) the environmental impacts of construction activities;
 - (c) the impacts on the environment of activities upon completion of construction; and
 - (d) the measures to be undertaken to protect the environment.
- 3.8.3 Where the development is a Scheduled Premises for the purposes of the Environment Protection Act, 1973 Council should consult with the Department of Environment to co-ordinate the assessment of the likely impacts of the development.

3.9 CONSIDERATION OF APPLICATIONS FOR PLANNING APPROVAL

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

- (vii) power line easements;
 - (viii) a water supply for fire fighting purposes;
 - (ix) any received pollution; and
 - (x) isolation or separation from other land.
- (e) whether the proposed development will be supplied with an adequate level of infrastructure and services (such as roads, including the necessity to improve deficient road junctions water, sewerage and electricity) without detriment to existing users;
 - (f) whether the proposed development would adversely effect the existing and possible future use or uses of adjacent land, and vice versa; and
 - (g) the provision of adequate landscaping, amenity facilities and illumination, and the treatment of the site generally.
- 3.9.3 Council may, in its determination of an application for a planning approval, consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person as Council may deem appropriate.
- 3.9.4 Council shall, in respect to an application for planning approval for an extractive industry, consult with the Department of Mines and the Department of Environment before making a determination on that application.

3.10 ISSUING APPROVAL OR REFUSAL TO APPLICATIONS

- 3.10.1 Having determined an application for a planning approval, Council shall either;
- (a) issue a written approval specifying the conditions (if any) imposed upon the development; or
 - (b) issue a written refusal for the development, stating the grounds of the refusal, and shall publicly notify that determination where required under the Act.
- Amendment J-2 21/8/95**
- 3.10.2 A planning approval issued pursuant to Clause 3.10.1 shall not be effective or acted upon until the expiration of the period for appeal as determined by the provisions of the Act, or, if an appeal has been instituted, until the determination of that appeal.

3.11 LAPSE AND RENEWAL OF PLANNING APPROVALS

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

3.12 EXEMPTIONS FROM PLANNING APPROVAL

3.12.1 Notwithstanding the provisions of Schedule 2 of this Scheme, a planning approval shall not be required for any of the following use or development:

- (a) the erection of, or external alteration to, any building, where a building approval under the *Building Act 2000* would not be required, except where:
 - (i) the provisions of Clause 3.14 apply;
 - (ii) a permit for the development is not required by Schedule 10;
Amendment PSA-3/2013 28/11/13
 - (iii) the development is for an advertising sign, pursuant to Schedule 4 of this Scheme; or
 - (iv) the development relates to an item of historic interest or natural beauty, pursuant to Clause 7.6 of this Scheme;
- (b) an internal alteration of any building, irrespective of whether a building approval is required;
- (c) demolition pursuant to Clause 3.13.2 hereunder; or
- (d) the erection or placement of non-commercial garages, storage sheds, garden sheds, car ports or other such minor buildings:
 - (i) within the curtilage of a dwelling, provided that:
 - a. no part of the building is sited within side boundary set back for the particular zone as defined in Part 6.
 - b. no part of the building encroaches within any service easement or within one metre of any underground service.
 - c. the building is for the domestic needs of the occupants of the dwelling.
 - (ii) not within the curtilage of a dwelling, provided that:
 - a. no part of the building is sited within side boundary set back for the particular zone as defined in Part 6.
 - b. no part of the building encroaches within any service easement or within one metre of any underground service.
 - c. the total floor area of the building does not exceed 20 square metres
Amendment J-2 21/8/95
- (e) Tree planting, pruning of existing vegetation and the removal of vegetation in accordance with an approved bushfire management plan .
- (f) Removal or destruction of noxious or environmental weeds.
- (g) Emergency works required to protect public safety, property or the environment.
Amendment PSA-6/2007 20/03/08

3.13 DEMOLITION

- 3.13.1 Notwithstanding the provisions of Clauses 3.3.1 and 3.4.1 the demolition in whole or in part of any building or works listed as an item of historic interest in Schedule 5 of this Scheme shall require the granting of a planning approved pursuant to Clause 3.5.1 of this Scheme.
- 3.13.2 A planning approval shall not be required for any demolition which:
- (a) has been granted a planning approval with other associated development;
 - (b) is for the purposes of a 'P1' development which has been granted a building approval under the Building Regulations 1978; or
 - (c) is of a minor structure only, the creation of which would not require a building approval were such to be erected within an outer building area; or
 - (d) is required pursuant to Part 3 of the Local Government (Building and Miscellaneous Provisions) Act 1993.

Amendment J-1 21/8/95 & Amendment F-4 24/1/95

Provided the buildings or works are not listed as an item of historic interest in Schedule 5.

3.14 CERTAIN BUILDING WORK WHICH REQUIRES A PLANNING APPROVAL IN ALL CASES.

- 3.14.1 Notwithstanding the provisions of Clause 3.12.1 or Schedule 2, the following building operations in respect of any building or works listed in Schedule 3 shall be development subject to Clause 3.5:
- (a) the painting of any previously unpainted exterior masonry surface of any existing building or works;
 - (b) the painting or otherwise permanent blacking out of any glass or similar external window or surface of any existing building or works;
 - (c) the sandblasting of any exterior masonry surface, of any existing building or works, or the removal by whatever method of any applied coating to an exterior masonry surface; or
 - (d) the cladding of any exterior surface of any existing building or works.

3.15 ROADS

- 3.15.1 Any land that is a road as defined in Clause 1.11 shall be deemed to be land within a road reserve, irrespective of whether such land is shown, on the plan, uncoloured or rural or within any other zone or area.
- 3.15.2 Any development of land within a road reserve shall be prohibited, except for:
- (a) the purposes Utilities, which shall be permitted without the application for or issue of a planning approval; or
 - (b) a vehicular access point to a carriageway, which shall conform to all relevant requirements of this scheme.

Amendment PSA-6/2010 19 January 2011

3.16 APPLICATION FEES

3.16.1 Fees for applications for planning approval shall be in accordance with the Council's By-law.

PART 4
SUBDIVISION APPROVALS

4.1 PLANNING REQUIREMENTS FOR SUBDIVISION APPROVALS

4.1.1 Unless for the adjustment of a boundary in accordance with Clause 4.3, before granting with or without conditions or refusing an application for a subdivision, or in making any alteration to a subdivision when granting an approval thereto, Council shall:

- (a) give consideration to the matters listed in Clauses 3.9.2, 3.9.3 and 3.9.4 of this Scheme, as far as they may be relevant to a subdivision;
- (b) in no case approve the subdivision of any lot smaller than the minimum lot size for the zone specified in Part 6 this Scheme; and

Amendment PSA 3-2011 29 September 2011

- (c) have regard for any other relevant matter required under the provisions of this Scheme. **Amendment J-1 21/8/95 & Amendment F-4 24/1/95**

4.2 DEMONSTRATION OF SUBDIVISION CONFORMITY

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

4.3 ADJUSTMENT OF BOUNDARIES

4.3.1 Adjustment of a boundary

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

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

Amendment PSA 3-2011 29 September 2011

4.4 LAPSE AND RENEWAL OF SUBDIVISION APPROVALS

4.4.1 An approval of a proposal plan shall lapse after a period of two years from the date of issue, except for where specific provision for such has been granted as a condition of approval

PART 5
OBJECTIVES AND ZONING

5.1 GENERAL OBJECTIVES OF THE SCHEME

5.1.1 The statements expressed in Clauses 5.2 to 5.3 hereunder set out the basic intent of the Scheme, and are the objectives to be pursued in the Scheme.

Amendment J-1 21/8/95 & Amendment F-4 24/1/95

5.2 PRINCIPLE OBJECTIVE

5.2.1 The principle objective of the Scheme is to provide guidance and control for land use in order to enhance the social and economic well being of the present and future community through recognition and careful management and use of the area's natural and man-made assets.

5.3 PLANNING OBJECTIVES

5.3.1 To minimise the impact of residential development upon rural resources and areas of high landscape value while providing for a variety of residential life-styles in urban and rural environments.

5.3.2 To enable a variety of business, commercial and industrial uses of land to be established while consolidating existing areas which have adequate and appropriate infrastructure services for residential development.

5.3.4 To ensure that land is available for community services and facilities so that the social amenity and well being of the community is maintained and extended.

5.3.5 To provide areas with a variety of land forms and landscapes for the pursuit of recreational activities, for both residents and visitors, while ensuring that any development associated with the provision of recreational and/or tourist facilities is sympathetic to the urban, rural, coastal or inland natural environment where they would be located.

5.3.6 To assist in the development of a safe and efficient transport and communications network.

5.3.7 To provide land for the easements and facilities necessary for adequate infrastructure services to meet present and future community needs.

5.3.8 To recognise the importance of wilderness and conservation areas as a major natural resource.

5.3.9 To encourage agricultural activities and ensure these activities are protected from encroachment of incompatible uses.

5.4 DISTRICT OBJECTIVES

5.4.1 Geeveston

- (a) To consolidate retailing in Church Street with future expansion along Brady Street.
- (b) To ensure that commercial development on the north site of Arve Road does not compromise consolidation of the central retail area.
- (c) To allow the re-use or diversification of existing industrial and storage buildings in the Mixed Use zone for commercial uses more compatible with adjacent residential uses.
- (d) To protect readily serviced land to the south west of the town for future urban expansion.
- (e) To protect the prominent wooded skylines to the north-east and south-east of the town.
- (f) To prevent any development adjacent to Scotts Road which would detract from the central business area, the efficiency of the road as an alternative route for through traffic, or the rural use and character of that area.
- (g) To facilitate the creation of a continuous open space along the Kermandie River to provide recreational opportunities and to prevent building in areas likely to be affected by flooding.

5.4.2 Dover

- (a) To consolidate the central business area on the east side of the Huon Highway with future expansion to the north of Jetty Road.
- (b) To control further retail development on the west side of the Huon Highway.
- (c) To prevent further ribbon development along the Huon Highway.
- (d) To ensure that future residential development at Hopetoun and Kent Beach is properly serviced.
- (e) To protect the existing oyster leases in The Narrows from unsewered development of the adjacent land areas.
- (f) To maintain an adequate separation of dwellings from the sewage treatment plant to allow for its future upgrading to serve the presently unsewered areas of Hopetown and Kent Beach.
- (g) To retain the potential for a major tourist recreation facility at Blubber Head.

5.4.3 Port Huon

- (a) To consolidate business development in a central location and to prevent further development of business nodes along the Huon Highway.
- (b) To encourage consolidation and future extension of residential development away from the Huon Highway.

- (c) To ensure that new residential development is fully serviced.
- (d) To fully protect the existing and future industrial development at Shipwrights Point and Whale Point, from any residential or rural residential encroachment.
- (e) To prevent any intensification of development requiring direct access from the Huon Highway or Back Road.
- (f) To protect the higher wooded slopes on Whale Point Hill and Doody's Hill.
- (g) To provide a suitable waterfront location for a major tourist development based on boatbuilding, craft workshops and outdoor displays of an historical nature or other interest and associated retailing, refreshment and visitor accommodation.

5.4.4 Esperance Coast Road

- (a) To protect the character and function of the Esperance Coast Road as a scenic tourist route and a major collector road.
- (b) To consolidate rural residential development north of Brooks Bay and around Desolation Point.
- (c) To protect the steep, wooded character of the coastline between Brooks Bay and Desolation Bay.
- (d) To discourage any major subdivision or residential development south of Granny Gibbons Bay except related to the existing nodes at Surveyors Bay, and Roaring Beach.
- (e) To provide for the development of existing and new fish farms and tourist facilities in suitable locations.

5.4.5 Southport

- (a) To provide for continued residential development at Kingfish Beach based on connection to and expansion of the existing sewerage treatment ponds.
- (b) To retain the option for future serviced residential development in the Dover Street, Lady Bay Road area.
- (c) To safeguard a suitable site for sewage treatment in the Walpole Creek Catchment to serve future residential development in the Police Road, Dover Street and Lady Bay Road Area.
- (d) To prevent further ribbon development along the Huon Highway approach to the Esplanade.
- (e) To maintain the wooded skyline and backdrop to the town.

5.4.6 Castle Forbes Bay

- (a) To protect the existing rural industries and agricultural use of the valley floor through Rural zoning.
- (b) To ensure that new development does not detract from the attractive rural setting

- or character of the area when viewed from the Huon Highway or Huon River.
- (c) To prevent further development on the steep northern side of the valley.

5.5 ZONES

5.5.1 The Plan divides the area into a number of different zones as follows:

Zone 1	Residential A
Zone 2	Residential B
Zone 3	Reserved Residential
Zone 4	Mixed Use
Zone 5	Business
Zone 6	Light Industry
Zone 7	General Industry
Zone 8	Public Purposes
Zone 9	Rural Residential
Zone 10	Rural A
Zone 11	Rural B
Zone 12	Rural C
Zone 13	Open Space
Zone 14	Aquaculture
Zone 15	Tourist Facilities

5.5.2 The intent, subdivision and development standards for each of the zones are as set out in Part 6 hereunder.

PART 6
ZONE REQUIREMENTS

6.1 ZONE 1: RESIDENTIAL A

6.1.1 Intent

- (a) To provide for residential development at normal urban densities.
- (b) To maximise the use of existing and planned infrastructure.
- (c) To ensure that new development is compatible with residential amenity and existing character.

6.1.2 Subdivision Standards

- (a) Minimum lot size: 350m²
- (b) Minimum frontage: 6 metres
- (c) Minimum inscribed rectangle: shall be capable of containing a rectangle suitable for building purposes of 10 metres by 15 metres

6.1.3 Development Standards

Please note that under Planning Directive No. 4 the setbacks and height standards do not apply to a single dwelling in the Residential A zone.
Please see www.planning.tas.gov.au for more information on Planning Directive No. 4.

- (a) Maximum Height: 7 metres or 2 storeys, whichever is the lesser
- (b) Minimum Setbacks

<u>Front and Rear</u>	<u>Side</u>
3 metres	1 metre

Except that a wall or walls not more than 3.5 metres in height may be constructed up to a side or rear boundary for a maximum combined length of 10 metres.

6.2 ZONE 2: RESIDENTIAL B

6.2.1 Intent

- (a) To provide locations for suitable residential development in areas identified as unlikely to be serviced by reticulated water and sewerage.
- (b) To encourage consolidation of holiday residential development.
- (c) To ensure that development respects the natural environment with respect to siting, design, effluent disposal and access.

6.2.2 Subdivision Standards

- (a) Minimum lot size: 1000m²
- (b) Minimum frontage: 6 metres.
- (c) Minimum inscribed rectangle: Shall be capable of containing a rectangle suitable for building purposes of 10 x 15 metres.

6.2.3 Development Standards

Maximum Height: 7 metres or 2 storeys

Minimum Setbacks

Front and Rear
5 metres

Side
3 metres

6.3 ZONE 3: RESERVED RESIDENTIAL

6.3.1 Intent

- (a) To ensure that areas suitable for urban residential or resort residential purposes are protected from premature unserviced development.
- (b) To ensure that such areas are used for residential purposes only when reticulated water and sewerage services are available.
- (c) To ensure that subdivision and development proceeds in accordance with an approved development plan for the area.

6.3.2 Subdivision Standards

- (1) Where reticulated water and sewerage services are provided, subdivision shall be in accordance with an approved development plan for the area and the minimum size and dimensions of lots shall be as follows:
 - (a) Minimum lot size: 350m²
 - (b) Minimum frontage: 6 metres
 - (c) Minimum inscribed rectangle: Shall be capable of containing a rectangle suitable for building purposes of 10 metres by 15 metres
- (2) Where reticulated water and/or sewerage services are not provided:
 - (a) Minimum lot size: 4 hectares
 - (b) Minimum dimensions: To correspond to an approved plan of Re-subdivision which takes account of any development plan for the approved area.

6.3.3 Development Standards

- (a) Maximum Height: 7 metres or 2 storeys, whichever is the lesser
- (b) Minimum Setbacks:

- (1) For a lot of less than 4 hectares:

Front and Rear
5 metres

Side
2 metres for first 4 metres in height
and 3 metres thereafter

Except that a wall or walls not more than 3.5 metres in height may be constructed up to a side or rear boundary for a maximum combined length of 10 metres.

- (2) For a lot of 4 hectares or greater:

Front and Rear
15 metres

Side
10 metres

6.4 ZONE 4: MIXED USE

6.4.1 Intent

- (a) To retain and improve the historic pattern of land use.
- (b) To protect the amenity of existing dwellings.
- (c) To limit future commercial development to tourist accommodation, small retail, service and tourist related industries.

6.4.2 Subdivision Standards

- (a) Minimum lot size: 550m²
- (b) Minimum Frontage: 6 metres
- (c) Minimum Inscribed Circle: 18 metres diameter

6.4.3 Development Standards

- (a) Maximum Plot Ratio: 50%
- (b) Maximum Height: 8 metres
- (c) Minimum Setbacks:

Front and Rear
5 metres

Side
2 metres

6.5 ZONE 5: BUSINESS

6.5.1 Intent

- (a) To retain Geeveston and Dover as the main business centres of the municipality.
- (b) To prevent uncontrolled commercial expansion into other areas which could detract from existing centres and adversely impact on other uses.

6.5.2 Subdivision Standards

- (a) Minimum lot size: 300m²
- (b) Minimum frontage: 5 metres

6.5.3 Development Standards

- (a) Maximum Plot Ratio: 100%
- (b) Maximum Height: 8 metres

6.6 ZONE 6: LIGHT INDUSTRY

6.6.1 Intent

- (a) To protect existing industrial development.
- (b) To provide suitable land for future development of small to medium scale industrial uses which generate low levels of noise, air pollution and trade wastes.
- (c) To ensure that new buildings are well designed and located in landscaped surroundings.

6.6.2 Subdivision Standards

- (a) Minimum lot size: 1000m²
- (b) Minimum frontage: 10 metres
- (c) Minimum Inscribed Circle: 25 metres diameter

6.6.3 Development Standards

- (a) Maximum height: 8 metres
- (b) Minimum Setbacks:

Front and Rear
5 metres

Side
3 metres

6.7 ZONE 7: GENERAL INDUSTRY

6.7.1 Intent

- (a) To consolidate the location of key industrial activities.
- (b) To minimise the impact of industrial development on adjoining areas.
- (c) To ensure that heavy industrial uses are located with good access to major roads and heavy transport, water supply and other services.
- (d) To ensure a high environmental and design standard for all new industrial development.

6.7.2 Subdivision Standards

- (a) Minimum lot size: 2000m²
- (b) Minimum frontage: 10 metres
- (c) Minimum Inscribed Circle: 35 metres diameter

6.7.3 Development Standards

- (a) Minimum Setbacks:

<u>Front and Rear</u>	<u>Side</u>
10 metres	5 metres

6.8 ZONE 8: PUBLIC PURPOSES

6.8.1 Intent

- (a) To recognise land which is owned and occupied for use by the three spheres of government.
- (b) To safeguard the present or future public or institutional use of the land.
- (c) To ensure that development is in the public interest and takes account of the needs of future populations.
- (d) To ensure that large scale public and institutional use of the land is appropriately located and related to the surrounding land uses.
- (e) To ensure that locations are available for specific public uses such as waste disposal areas, cemeteries, schools and Council depots.

6.8.2 Subdivision Standards

Minimum lot size and dimensions shall take account of the purpose for which the land is to be used and the requirements for subdivision in adjacent zones.

6.8.3 Development Standards

The density, height, setbacks, landscaping and design and appearance of all development shall have regard to the requirements for adjacent zones and the landscape, character and amenity of the area.

6.9 ZONE 9: RURAL RESIDENTIAL

6.9.1 Intent

- (a) To encourage consolidation of existing low density residential development.
- (b) To provide for low density residential development on land which:
 - i) is stable and well-drained;
 - ii) has reasonable access to a sealed road and urban services;
 - iii) is not likely to be required for future urban expansion;
 - iv) is not of the highest landscape value or of conservation significance; and
 - v) will not suffer nuisance or pollution from any nearby use.

6.9.2 Subdivision Standards

- (a) Maximum density: 1 lot per 2 hectares of the parent conveyance
- (b) Minimum lot size: 1 hectare
- (c) Minimum frontage: 10 metres
- (d) Maximum average depth to average width ratio: 3 to 1 unless otherwise approved by Council

6.9.3 Development Standards

- (a) Maximum height: 8 metres or 2 storeys, whichever is the lesser

- (b) Minimum setbacks:

Front and Rear
15 metres

Side
10 metres

6.10 ZONE 10: RURAL A

6.10.1 Intent

- (a) To consolidate existing areas of intensive agricultural activity in locations where suitable infrastructure is available.
- (b) To protect areas of agricultural potential from fragmentation and residential use.
- (c) To encourage expansion and diversity of agricultural opportunities within the Municipality.

6.10.2 Subdivision Standards

- (a) Minimum lot size: 5 hectares
- (b) Minimum frontage: 10 metres

6.10.3 Development Standards

- (a) Maximum height: 8 metres
- (b) Minimum setbacks:

Front and Rear
15 metres

Side
10 metres

6.11 ZONE 11: RURAL B

6.11.1 Intent

- (a) To ensure the retention of the prevailing rural character and to protect rural land from land uses which may:
 - i) create problems in the production and the protection of stock or crops;
 - ii) increase the spread of noxious weeds;
 - iii) increase fire risk;
 - iv) limit the potential for or operation of resource based industries; or
 - v) cause other rural land management difficulties.
- (b) To protect rural land from premature use or development that may:
 - i) jeopardise the realisation of its long term potential based upon the optimum land capability;
 - ii) cause unplanned and premature pressure on the Municipality for the provision of infrastructure services;
 - iii) adversely affect the planned consolidation or development of existing centre's; or

iv) lead to ribbon residential development along main traffic routes and scenic roads.

(c) To recognise that rural lands are significant as:

- i) a source of natural resources, materials and water supply; or
- ii) areas where the natural beauty of the landscape may be enjoyed.

6.11.2 Subdivision Standards (except as provided for in Clause 7.3.1)

- (a) Minimum lot size: 40 hectares
- (b) Minimum frontage: 20 metres
- (c) Maximum average depth to average width ratio: 3 to 1 unless otherwise approved by Council

6.11.3 Development Standards

- (a) Maximum height: 8 metres
- (b) Minimum setbacks:

<u>Front and Rear</u>	<u>Side</u>
20 metres	10 metres

6.12 ZONE 12: RURAL C

6.12.1 Intent

- (a) To provide for forestry within State Forests and on other suitable land.
- (b) To recognise areas which, because of their elevation, aspect, steepness, or remoteness are generally unsuited to agricultural or residential purposes.
- (c) To protect existing tree cover, skylines, and the natural back drop to the settled areas of the Municipality.
- (d) To protect and enable the improvement and utilisation of rural lands suitable or with potential for use for agricultural purposes.

6.12.2 Subdivision Standard

- (a) Minimum lot size: 80 hectares
- (b) Minimum frontage: 100 metres
- (c) Maximum average depth to average width ratio: 2 to 1 unless otherwise approved by Council.

6.12.3 Development Standards

- (a) Minimum setbacks:

Front and Rear
20 metres

Side
20 metres

6.13 ZONE 13: OPEN SPACE

6.13.1 Intent

- (a) To identify existing and potential public recreation areas.
- (b) To provide public access to the coast-line and other water areas.
- (c) To ensure the adequate provision of open space throughout the Municipality.
- (d) To protect the Municipality's open space resources.
- (e) To prevent inappropriate development on coastal reserves and areas liable to flooding or future inundation.

6.13.2 Subdivision Standards

Minimum lot size and dimensions shall take account of the purpose for which the land is to be used.

6.13.3 Development Standards

The density, height, setbacks, landscaping and design and appearance of all development shall have regard to the landscape and amenity of the area.

6.14 ZONE 14: AQUACULTURE

6.14.1 Intent

- (a) To recognise and protect existing aquaculture development and areas suitable for primary aquaculture processing.

6.14.2 Subdivision Standards

Minimum lot size and dimensions: shall take account of the purpose for which the land is to be used.

6.14.3 Development Standards

The density, height, setbacks, landscaping and design and appearance of all development shall have regard to the landscape and amenity of the area.

6.15 ZONE 15: TOURIST FACILITIES

6.15.1 Intent

- (a) To recognise existing and potential sites for major tourist developments
- (b) to ensure that development is in keeping with the natural environment and appearance of the area and does not detract from the tourist potential of the site

6.15.2 Subdivision Standards

Subdivision will not normally be permitted except where required to facilitate the better operation of a tourist facility.

6.15.3 Development Standards

- (a) Maximum height : 8 metres or 2 storeys whichever is the lesser

- (b) Minimum setbacks :

Front and Rear
5 metres

Side
3 metres

- (c) Development shall be in accordance with an overall development plan for the particular tourist facility.

PART 7
GENERAL PROVISIONS

7.1 RELAXATION OR MODIFICATION OF DEVELOPMENT STANDARDS

- 7.1.1 The Council may relax or modify the development standards contained in Part 6, but in doing so shall deal with the application as a discretionary development in accordance with Clause 3.5, and shall consider the application in accordance with Clause 3.9.
- 7.1.2 An application for subdivision or development which involves relaxation of a setback from a Group 1 Road shall be referred to the Department of Roads and Transport and any advice received within 28 days of referral shall be considered before Council determines the application.

7.2 RELAXATION OF MINIMUM FRONTAGE REQUIREMENTS

- 7.2.1 Notwithstanding the minimum frontage requirements contained in Part 6, the Council may approve:
- (a) a frontage of not less than 3.6 metres except where this would give rise to an excessive length of access drive or where an extension of a public road or a lesser number of lots would better serve the convenience and amenity of the area; or
 - (b) a lot which has access to a road by a right-of-way of not less than 3.6 metres in width over land not required as the sole or principal means of access to any other land, in circumstances where a road frontage cannot reasonably be achieved.

7.3 PARKING REQUIREMENTS

- 7.3.1 Car parking shall be provided in accordance with Schedule 3. Existing and proposed car parking spaces and the access thereto shall be clearly marked on a plan accompanying the development application.

7.4 SIGNS

- 7.4.1 The display of signs shall be in accordance with Schedule 4.

7.5 BUILDINGS AND WORKS OF HISTORIC INTEREST

- 7.5.1 Any development of land which pertains to any building or works listed in Schedule 5 of this Scheme shall be in accordance with the provisions hereunder.
- 7.5.2 Notwithstanding the provisions of Clauses 3.3 and 3.4 of the scheme any development which pertains to any building or works listed in Schedule 5 shall require the application for and issue of a planning approval, which at its discretion Council shall grant with or without conditions or refuse, subject to the notification, determination and appeal provisions of the Act (S. 733B-f).

- 7.5.3 A planning approval pursuant to Clause 7.5.2 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.

When determining an application for a development under Clause 7.5.2 the Planning Authority may require a written statement on the impact of the proposed development on the heritage values of the site from a person suitably qualified in heritage matters.

Amendment PSD-5/2010 18 January 2011

7.6 VEHICULAR ACCESS TO LISTED AND UNLISTED ROADS

- 7.6.1 Vehicular Access to any road not restricted to a 60 km/h speed limit shall conform to the relevant requirements of Schedule 6.

7.7 CLUSTER HOUSES

- 7.7.1 A Cluster House, as defined in Schedule 1 shall have a lot with:

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

- 7.7.2 A particular area of land may be subdivided to the size and dimensions prescribed in Clause 7.7.1, provided that:

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

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

- 7.7.4 For a development for Cluster Houses, a wall of a building without a window may be erected up to the side boundary of a lot.

7.8 GROUPED HOUSES AND APARTMENTS

- 7.8.1 Development of Grouped Houses and Apartments shall comply with the requirements of Schedule 7.

7.9 SULLAGE & SEWERAGE DISPOSAL RESTRICTION ON SUBDIVISION AND DEVELOPMENT IN UNSEWERED AREAS

- 7.9.1 A subdivision shall be prohibited if each lot is not suitable for the legal disposal of sullage and sewerage within its proposed boundaries.
- 7.9.2 A development shall be prohibited if the subject land is not suitable for the legal disposal of sullage and sewerage within its boundaries.

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

- 7.10.1 Unless otherwise provided for in this Scheme:
- (a) a development for a Scheduled Premises under the provisions of the Environment Protection Act, 1973 shall not be permitted within a lesser distance from a residential zone than that determined by Council after consultation with the Director of Environmental Control to ensure the zone does not receive pollution which would be likely to adversely affect the present or future use of the zone;
 - (b) a development that does not include a Scheduled Premises but which Council nonetheless considers does or will have the potential to create pollution, shall not be permitted within a lesser distance from a residential zone than that determined by Council after taking into account the advice of the Director of Environmental Control; and
 - (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 after taking into account the advice of the Director of Environmental Control.

7.11 BUFFER AREAS

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

7.12 STEEP AND UNSTABLE LAND

- 7.12.1 Land which:
- (a) comprises soils of known or suspected instability;
 - (b) has a slope greater than 1 in 4; or
 - (c) is filled or reclaimed land,
- shall be deemed subject to unstable land hazard.
- 7.12.2 A development on land where Clause 7.13.1 applies shall be subject to Clause 3.5, and Council shall take into account whether the development would:
- (a) cause, contribute to or be subject to erosion landslip or subsidence; or

- (b) cause or contribute to risk to the users or occupiers of the site, to property or the public.

7.12.3 The Council may require the applicant to obtain the advice of a recognised engineering geologist, the Director of Mines, the Department of Primary Industry or any other relevant authority as to the suitability of the development or subdivision.

7.12.4 A subdivision shall not be approved where the land is subject to Clause 7.13.1 other than in accordance with the advice of the Director of Mines.

7.13 USE OR DEVELOPMENT IN BUSHFIRE-PRONE AREAS

7.13.1 Use or development that is for the subdivision of land, the construction of habitable buildings, or is a vulnerable or hazardous use on land that is located within a bushfire-prone area shall be in accordance with the provisions of Schedule 10.

7.13.2 Where a use or development complies with a development standard without reliance on a Performance Criteria within Schedule 10, the Planning Authority shall grant with or without conditions a planning approval thereto, provided that the proposal complies with all relevant use or development standards contained elsewhere within the Planning Scheme and is depicted within Schedule 2 (Table of Uses) by the figure 'P1' or 'P'.

7.13.3 Where a use or development relies on a Performance Criteria within Schedule 10 to comply with a development standard, the Planning Authority shall consider the proposed use or development in accordance with Clause 3.5 of the Scheme.

7.13.4 Where a use or development does not comply with a development standard by not complying with an acceptable solution or performance criteria for that standard, or is otherwise depicted in Schedule 2 (Table of Uses) by the figure 'X', the Planning Authority shall not grant a permit for the use or development.

Amendment PSA-3/2013 28/11/13

7.14 VEGETATION PROTECTION

7.14.1 This provision aims to ensure the management and conservation of natural vegetation within the Rural zones.

7.14.2 The clearing of land or destruction of any natural vegetation in the Rural zones shall require planning approval unless it is for the purpose of:-

- (a) soil conservation and reclamation works ordered or approved by Council;
- (b) damage prevention purposes or tree removal requirements of Council or Public Authority;
- (c) fire fighting purposes;
- (d) providing clear access for vehicles along any existing or approved access tracks;

- (e) building construction or maintenance provided that the tree is within 10 metres of an existing building or within 10 metres of a site of a building on a plan approved by Council;
- (f) the removal of dead or diseased timber;
- (g) general maintenance and pruning of a garden; or
- (h) general needs of the owner/occupier of land including fence posts, firewood and fodder generation.

7.14.3 All other land clearing not covered by Clause 7.14.2 shall be in accordance with Forest Practices Codes.

7.15 DEFICIENT JUNCTIONS

7.15.1 In considering applications for subdivision or development with access to the following roads Council shall have regard to the deficiency of their junctions with the following State Roads in terms of sight distance and/or construction.

Huon Highway

Jetty Road
Glocks Road
Cairns Road
Kent Street/Rileys Creek Road

Scotts Road

Cairns Bay Road

Hastings Caves Road

Lune River Road

7.15.2 Council shall seek the advice of the Department of Roads and Transport in respect to subdivision or development with access to these roads.

7.15.3 No subdivision or development which would increase the number of vehicle movements using any of the above junctions shall be approved until such time as the junction has been upgraded by the Department of Roads and Transport.

7.16 DEVELOPMENT PLANS

7.16.1 In accordance with Clause 1.6, a development plan prepared in respect to a particular area of land may be incorporated within this Scheme, and such development plan shall include:

- (a) a statement as to the purpose or intent for which the plan is being created;
- (b) the reasons for selecting the particular area, with particular reference to the impact on any existing or potential uses of the land and adjoining land;
- (c) a plan adequately depicting the land form of the area showing physical features such as existing buildings, rock outcrops, trees, watercourses and significant;
- (d) information on how each lot is to be provided with a water supply and means of

- sewage disposal to each lot;
- (e) a plan of subdivision, providing details of:
- (i) the proposed ultimate subdivision including lot sizes and dimensions;
 - (ii) areas to be set aside for roads, public open space, pedestrian access ways, horse trails, community facilities, etc. as may be considered appropriate;
 - (iii) those physical features it is intended to conserve; and
 - (iv) the proposed staging of the subdivision, where relevant;
- (f) any special provisions appropriate to secure the objectives of the development plan.

7.17 MINIMUM SIZE OF DWELLINGS.

Unless otherwise reduced by Council at its discretion the minimum floor area of a dwelling unit other than an ancillary apartment shall be 60 square metres. **Amendment F-1 24/1/95**

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

7.18 USE OR DEVELOPMENT OF LAND FOR THE PURPOSES OF A GUEST HOUSE OR HOLIDAY FLATS/CABINS IN THE RURAL A ZONE

Amendment PSA-1/2013(1) 27/12/2013

- 7.18.1 Use or development that is for a Holiday Flat / Cabin or Guest House within the Rural A Zone must be no less than 200 metres from a boundary with adjoining or directly opposite land zoned either Rural A or Rural B and 100 metres from a boundary with adjoining or directly opposite land zoned Rural C.
- 7.18.2 Council may, at its discretion, grant a planning approval for a development which is not in conformity with the requirements of Clause 7.18.1 subject to the provisions of Clause 3.5 where it is demonstrated that the setback is sufficient to prevent the potential for land use conflict that would fetter non-residential use of adjoining land.

7.19 TAHUNE FOREST DEVELOPMENT SPECIAL AREA

Amendment X – 21/01/00

7.19.1 Special Area Intent

The Tahune Forest Development Special Area has been identified as a site, delineated on the plan, that has the potential for a multi-use eco-tourism development within the Southern Forests of Tasmania. Such a development will take advantage of this forested and riverine location. The intention is to provide visitors with an authentic natural experience and provide for a range of passive and active recreational opportunities.

7.19.2 Use or Development

The overall concept is of an integrated development that can cater for the needs and interests of tourists, researchers and commercial interests within a natural setting. It is intended that further investigations will be undertaken to identify the opportunities and constraints to development and the identification of subsequent areas that need to be protected or re available for varying levels of development.

The following uses or developments will form the basis of the Tahune Forest Development:

- (a) Support facilities for the Warra Long term Ecological Research project
- (b) Tree top walkway
- (c) Visitor orientation centre, kiosk or shop
- (d) Built accommodation with restaurant and conference facilities
- (e) Camping ground and caravan park
- (f) Other passive and active recreational activities and tourist operations, with associated infrastructure

7.19.3 Development Plan

The Development Plan(s) shall include but not be limited to:

- (a) A contour plan that shows the main physio-geographic features of the site and existing infrastructure;
- (b) A land capability and analysis of the site identifying environmental opportunities and constraints;
- (c) The preparation of plans and/or written guidelines to demonstrate how the Development Plan(s) will secure the Objectives in Clause 7.19.4;
- (d) The Development Plan(s) shall identify the areas of land available and unavailable for development in the long term, the staging of development and the ultimate development density (or carrying capacity) that can be sustained on the site; and
- (e) The Development Plan(s) shall include performance criteria or standards that can be applied to subsequent development applications so as to further the objectives in Clause 7.19.4.

7.19.4 Development Plan Objectives

The Objectives specified below will form the basis for the preparation of the Development Plan(s):

- (a) To provide for a range of tourist attractions and activities that complement the natural attractions of the area;
- (b) To ensure that development components, including infrastructure, are environmentally sustainable;
- (c) To ensure that the visitor perception of the natural landscape is protected and enhanced;
- (d) To provide a tourist experience that complements other tourist facilities available in the Huon Valley, State Forests and Tasmania;
- (e) To be an integrated development so that various development components fit seamlessly together;
- (f) To complement the multiple use management regimes that already exist in the surrounding State forest areas;

- (g) To ensure that all developments complement the natural setting through appropriate architectural design.

7.19.5 Development Control Procedures

All use and development within the Tahune Special Area is to be in accordance with the Tahune Forest Development Plan. **Amendment Z – 7/11/00**

SCHEDULE 1
USE CATEGORIES

SCHEDULE TO CLAUSE 3.2.1

S1.1 INTRODUCTION

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

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

S1.2 DEFINITIONS

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

Abattoir:

means any land used for a:

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

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

Active Recreation:

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

Agriculture:

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

Animal Stockyard or Animal Sale yard:

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

Apartment(s):

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

Aquaculture:

means any land used for operations involved in farming in a water based environment, but does not include any processing of the produce thereof, other than the handling or packing of such: but may include, at the discretion of Council the killing, gutting and cleaning of fish grown at the site;

Boat Building & Repair:

means any premises used for the commercial building and repair of boats;

Amendment N-2 9/8/96

Caravan Park or Camping Ground:

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

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

Civic Building/Centre:

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

Cluster House:

means any land used for a dwelling unit on its own allotment, which is one of two or more dwelling units each on separate lots created in the tied subdivision and development of a particular area of land where undertaken as set out in Clause 7.8.1 of this Ordinance;

Community Building:

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

Consulting Rooms/Health Centre:

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

Contractors Depot:

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

Educational/Cultural Establishment;

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

Extractive Industry:

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

Fish Processing:

means any land used for the processing of fish or shell fish and includes killing, bleeding, gutting, cleaning, filleting, cooking, smoking and production of fishmeal but does not include Aquaculture;

Forestry:

means any land used for the establishment, management and harvesting of trees;

Fuel Depot:

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

Funeral Parlour:

means any land used for an undertaker's establishment;

Garden Centre:

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

General Industry:

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

Grouped House:

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

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

and where the density of dwelling units, the provisions for private open space and the type of buildings and other requirements of development are as prescribed in Schedule 7 of this Scheme;

Guest House:

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

Hazardous Industry:

means any land used for an industry that, because of the materials kept, used or produced or any manufacturing process, may, except to people engaged in the industry, be injurious to health or a danger to life or property;

Holiday Cabin:

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

Holiday Flat:

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

Home Occupation:

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

Amendment 2-2007 12/11/2007

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

Hospital:

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

House:

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

House and Ancillary Apartment:

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

Institutional Building:

means any land used for the purposes of:

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

Intensive Animal Husbandry:

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

Kennels:

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

Amendment K-3 26/9/95

Licensed Establishment:

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

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

Light Industry:

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

- (a) impose any undue load on any existing or projected utility service or supply; or
- (b) have a detrimental effect on the amenity of the environs by reason of air, noise or other pollution or waste product emanating from the land, the presence of vermin therein or through the creation of electrical interference;

Miscellaneous:

Deleted by amendment PSA-6/2010 19 January 2011

Motel:

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

Noxious Industry:

means any land used for an activity or industry which, by reason of the processes involved or the method of manufacture or the nature of the materials or goods used, produced or stored is likely to cause or causes effluvia, smoke, fumes or vapours or gases or discharges of dust or foul liquids or blood or other impurities or matters liable to become foul so as to be injurious, revolting or disgusting to other persons; but does not include Aquaculture or Fish Processing;

Office:

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

Passive Recreation:

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

Residential Building:

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

Restaurant:

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

Roadside Stall:

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

Rural Industry:

means any land used for any operation conforming to the requirements for a Light Industry, where the produce of farming or forestry land uses in the immediate area is processed, or where equipment used for farming or forestry land uses in the locality is fabricated or serviced but does not include Aquaculture, Fish Processing or Timber Mill;

Sale Yard:

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

Scrap Yard:

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

Service Centre:

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

Service Industry:

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

Service Station:

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

Shop:

means any land, stall, stand or vehicle with unrestricted access to the general public (including minors) during trading hours where retail goods and or personal services are offered for sale, and includes a take-away food shop but does not include a Roadside Stall;

Showroom:

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

Stable:

means any premises used for the purposes of receiving, maintaining, boarding and keeping of one or more horses;

Store:

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

Take-Away-Food Shop:

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

Timber Mill:

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

Timber Yard:

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

Tourist Operation:

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

Transport Depot:

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

Utilities:

Means use of land for:

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

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

Amendment PSA-6/2010 19 January 2011**Veterinary Establishment:**

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

Warehouse:

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

Welfare Building:

means any land used for a residence for the care of children, the physically or mentally handicapped or the aged or the infirm, and includes a home for the care of State Wards or orphans, a benevolent institution or a nursing or convalescent home, except that any such residence used for not more than six people shall be defined in accordance with this Schedule as a House, Apartment or other residential land use, as is appropriate;

Wood Yard:

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

SCHEDULE 2
TABLE OF USES

SCHEDULE TO CLAUSE 3.2.2

S2.1 GENERAL

S2.1.1 The status of a development for a use of land in a zone shall be as prescribed in the Table of Uses, hereunder.

S2.1.2 In the Table of Uses, where:

- (a) 'P1' appears, see Clause 3.3 of this Scheme;
- (b) 'P' appears, see Clause 3.4 of this Scheme;
- (c) 'd' appears, see Clause 3.5 of this Scheme; and
- (d) 'X' appears, see Clause 3.6 of this Scheme.

TABLE OF USES																
USES		Residential A	Residential B	Reserved Residential	Mixed Use	Business	Light Industry	General Industry	Public Purposes (1)	Rural Residential	Rural A	Rural B	Rural C	Open Space	Aquaculture	Tourist Facility
1	Residential															
1.1	House	P1	P1	P1	d	d	X	X	X	P1	P	d	d	X	X	X
												*	**			
1.2	House and Ancillary Apartment	P	P	P	d	d	X	X	X	P	d	d	d	X	X	X
												*	**			
1.3	Home Occupation	P	P	P	P	P	P	P	P	P	P1	P	P	P	P	P
1.4	Cluster House, Grouped House, Apartment, Residential Building.	d	X	d	d	d	X	X	X	X	X	X	X	X	X	d
1.5	Holiday Flats/ Cabins	d	d	d	d	P	X	X	X	d	d	d	X	X	X	P
											d					

1.6	Guest House Amendment M-1 22/3/96	d	d	d	d	P	X	X	X	d	d	d	X	X	X	P
											d					

2	Commercial															
2.1	Shop	X	X	X	d	P	X	X	X	X	X	X	X	X	X	d
2.2	Saleyard and Service Station	X	X	X	d	P	d	X	X	X	X	X	X	X	X	X
2.3	Motel, Licenced Establishment, Restaurant.	X	X	X	d	P	X	X	X	X	X	d	X	X	X	d
2.4	Office, Showroom.	X	X	X	P	P	P	d	X	X	X	X	X	X	X	X
2.5	Garden Centre, Roadside Stall.	X	X	X	d	P	X	X	X	d	d	d	X	X	X	d
3	Public and Community															
3.1	Civic Building/Centre, Community Building, Educational/Cultural Establishment	X	X	X	P	P	X	X	P	X	X	d	X	X	X	X
3.2	Consulting Rooms/ Health Centre	X	X	X	P	P	X	X	P	X	X	X	X	X	X	X
3.3	Veterinary Establishment	X	X	X	d	d	d	X	X	X	d	d	d	X	X	X
3.4	Welfare Building, Institutional Building	d	X	X	d	X	X	X	d	X	X	d	X	X	X	X
3.5	Utilities	X	X	X	P	P	P	P	d	X	d	d	d	d	X	X

TABLE OF USES (continued)																
USES		Residential A	Residential B	Reserved Residential	Mixed Use	Business	Light Industry	General Industry	Public Purposes (1)	Rural Residential	Rural A	Rural B	Rural C	Open Space	Aquaculture	Tourist Facility
4	Industrial															
4.1	Store, Warehouse, Contractors Depot, Transport Depot	X	X	X	d	d	P	P	d	X	d	d	X	X	X	X
4.2	Wood Yard, Timber Yard, Scrap Yard, Fuel Depot.	X	X	X	X	X	P	P	X	X	X	d	X	X	X	X
4.3	Service Centre, Service Industry, Light Industry	X	X	X	d	d	P	P	X	X	d	d	X	X	X	X
4.4	General Industry	X	X	X	X	X	d	P	X	X	X	X	X	X	X	X
4.5	Rural Industry, Timber Mill	X	X	X	X	X	d	P	X	X	d	d	X	X	X	X
4.6	Noxious, Hazardous, Extractive Industry	X	X	X	X	X	X	d	X	X	X	d	d	X	X	X
4.7	Fish Processing	X	X	X	X	X	d	P	X	X	X	d	d	d	d	X
4.8	Boatbuilding and Repairs	X	X	X	X	X	P	P	X	X	d	d	d	d	d	d
5	Rural															
5.1	Agriculture, Forestry	X	P	P	X	X	X	X	X	P	P	P	P	P	P	P
5.2	Aquaculture	X	X	X	X	X	X	X	X	X	d	d	d	d	P	X
5.3	Intensive Animal Husbandry	X	X	X	X	X	X	X	X	X	d	d	d	X	X	X
5.4	Stables, Kennels	X	X	X	X	X	X	X	X	d	d	P	X	X	X	X
6	Recreation															
6.1	Passive Recreation	P	P	P	P	P	d	d	P	P	P	P	d	P	P	P
6.2	Active Recreation, Caravan Park, Tourist Operation	X	X	X	d	X	X	X	d	X	X	d	X	d	X	d

* Except that where the application is for a 'House' or 'House and Ancillary Apartment' on a lot which existed as a separate title prior to the coming into effect of this Scheme or which is more than 40 hectares in area, such use shall be 'P' use. **Amendment K-1 26/9/95**

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

*** Refer to Clause 7.18. **Amendment M-1 22/3/96**

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

***** Except where the application is for more than six (6) guests at any given time, such use shall be

'X' use.

Amendment PSA-1/2013(1) 27/12/2013

SCHEDULE 3 CAR PARKING REQUIREMENTS

SCHEDULE TO CLAUSE 7.4

S3.1 INTRODUCTION

- S3.1.1 In accordance with Clause 7.4 the minimum number of car parking spaces to be provided shall be in accordance with Table 1.
- S3.1.2 Where a development is for the multiple use of a site, the number of car parking spaces required for that development shall be not less than the sum of the requirements for each use.
- S3.1.3 Where a development is for a use not listed in Table 1, the minimum number of car parking spaces required shall be that determined by Council.
- S3.1.4 The minimum dimension of every car parking space to be provided shall be not less than 5.5 metres by 2.5 metres, except that the internal area of a garage or carport shall not be less than 5.5 metres by 2.75 metres.

S3.2 ACCESS REQUIREMENTS

- S3.2.1 The arrangement of individual car parking spaces within any area set aside for parking shall be in accordance with Table 2.
- S3.2.2 The minimum width of land available for ingress and egress from a site to a road shall be as prescribed in Table 3.
- S3.2.3 Vehicular access and egress from a site to a road shall be;
- (i) located not closer than 6 metres from an intersecting road, nor within 6 metres of a break in a median strip;
 - (ii) located so that turning traffic is clearly visible to traffic on the road; and
 - (iii) located on the road with the lowest traffic volume, where the site has frontage with more than on road.
- S3.2.4 Satisfactory provisions shall be made for the ingress and egress of vehicles to each car parking space, and for the maneuvering and turning of vehicles on the site;

S3.3.1 VARIATIONS

- S3.3.1 Where it is not possible or desirable to provide the required number of parking spaces in the Business and Mixed Use zones, Council may require the deficit to be provided by arrangement to use or share a nearby site or contribute to the cost of providing such space.

TABLE 1
PARKING SPACE REQUIREMENTS

	USE	PARKING REQUIREMENT
1.	Residential	
1.1	House House and Ancillary Apartment	1 space 2 spaces
1.2	Home Occupation	1 space
1.3	Cluster House, Grouped House	1 space per dwelling
1.4	Apartment(s) Residential Building	1 space per unit 1 space per 2 bedrooms
1.5	Holiday Flats, Holiday Cabins	1 space per unit
1.6	Guest House	2 spaces per 3 bedrooms
1.7	Motel	1 space per unit
2.	Commercial	
2.1	Local Shop, Take Away Food Shop	1 space per 15m ² floor area
2.2	Major Shop (or Shopping Complex) Showroom	1 space per 15m ² floor area
2.3	Saleyard, Service Station	4 spaces
2.4	Restaurant, Licensed Establishment	1 space per 4 persons capacity
2.5	Office	1 space per 30m ² floor area
2.6	Garden Centre	1 space per 100m ² site area
2.7	Roadside Stall	1 space per 15m ²
2.8	Animal Stockyard or Saleyard	as determined By Council
3.	Storage Yards & Depots	
3.1	Store, Warehouse	1 space per 200m ² floor area
3.2	Woodyard, Timber Yard, Scrap Yard, Fuel Depot	1 space per 150m ² site area
3.3	Contractors Depot, Transport Depot	1 space per 100m ² site area

	USE	PARKING REQUIREMENT
4.	Industry	1 space per 50m ² floor area or as determined by Council.
5.	Rural	as determined by Council.
6.	Recreation	as determined by Council.
7.	Public and Community	
7.1	Civic Building/Centre, Community Building, Educational/Cultural Establishment	1 space per 20m ² floor area
7.2	Consulting Rooms/Health Centre	1 space per 30m ² floor area
7.3	Veterinary Establishment	1 space per 50m ² floor area
7.4	Welfare Building, Institutional Building	1 space per 4 bedrooms

TABLE 2
PARKING ARRANGEMENTS

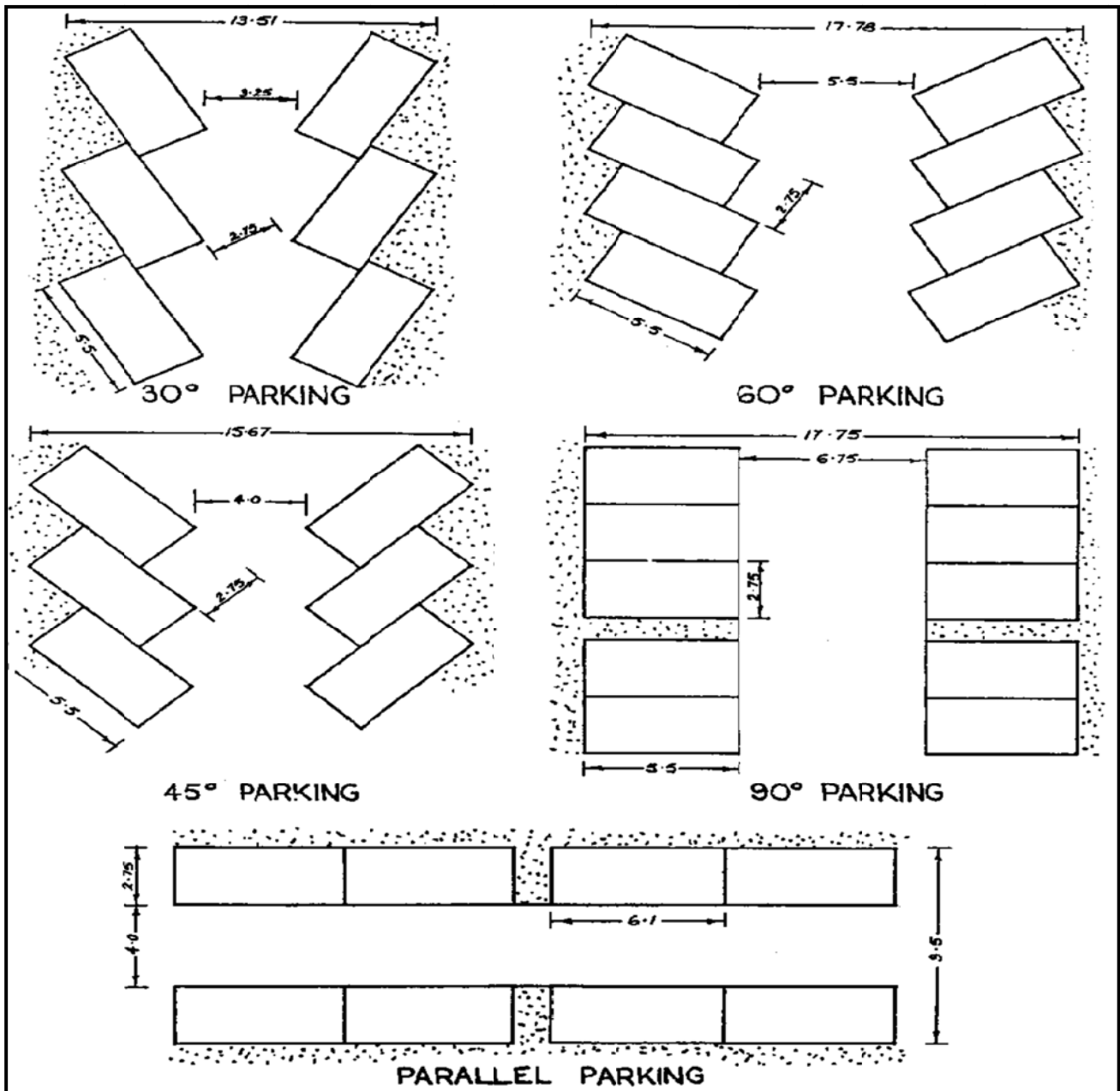


TABLE 3
ACCESS WIDTHS

Number of Car Parking Spaces to be provided	Minimum width of land for Ingress and Egress from a Site to a Road	
	Vehicular	Pedestrian
1 or 2	3.0 m	0.6 m
3 or 4	3.0 m	1.0 m
5 to 20	5.5 m or two x 3.0 m	1.5 m or two x 0.7 m
21 and over	6.0 m x two x 3.0 m	3.0 m x two x 1.5 m

SCHEDULE 4 SIGNS

SCHEDULE TO CLAUSE 7.4

S4.1. APPLICATION REQUIREMENTS

- S4.1.1 Planning approval shall be required for the display of any advertising sign within the planning area, if that sign
- (a) would result in more than 1.0 m² of advertising sign area per road frontage of the allotment;
 - (b) relates other than to the allotment upon which it is displayed and is displayed for commercial purposes;
 - (c) is illuminated; or
 - (d) is not otherwise exempt under Clause S4.3.1.
- S4.1.2 Council may refuse or grant conditionally or otherwise a planning approval required under the provisions of Clause S4.1.1 subject to the provisions of Clause 3.5 and the provisions of Clause S4.2.1 to S4.3.1.

Amendment J-2 21/8/95 & Amendment F-4 24/1/95

S4.2. DEVELOPMENT STANDARDS

- S4.2.1 An advertising sign shall not:
- (a) create a traffic hazard and/or resemble the flashing light(s) of a police or fire service vehicle, ambulance or other emergency service vehicle;
 - (b) create a loss of sunlight and/or daylight within any dwelling unit;
 - (c) intrude in terms of its:
 - (i) size;
 - (ii) colour;
 - (iii) movement;
 - (iv) illumination;
 - (v) position;
 - (vi) shape; or
 - (vii) standard of design or construction,
- into the appearance of any area, so as to cause a reduction of visual amenity within that area;
- (d) diminish in any way the visibility or effectiveness of any information, direction, safety, warning, traffic control or other like sign of Council or a statutory authority;
 - (e) if illuminated with artificial lighting cause a nuisance to any resident in the vicinity; or
 - (f) be displayed within a residential zone or on land used solely for residential purposes except for the purpose of Home Occupation as set out in Schedule 1 of this Scheme.

S4.3 EXEMPTIONS

S4.3.1 The following signs are exempt from the requirements for a planning approval under this section:

- (a) Any notice or display of a temporary nature, i.e. to be in position for a period of one month or less indicating in sale, a concert or show, an auction or similar activity.
- (b) Any wording or lettering or fixing of a sign indicating the name of the business or profession, providing the lettering thereon does not exceed 0.3 metres in height painted on or attached to the premises.
- (c) A notice erected on a construction site for the duration of the works providing such notice only indicated matters relating to the operation.
- (d) Any sign to be fixed under a canopy or awning at the front of retail premises.
- (e) The display of any House name or street number on the external wall of a building or at the entrance to a lot.
- (f) The display of any sign or notice required to be displayed by any enactment or by-law.
- (g) The display of any warning sign by Council or a Public Authority as required by statute or reasonably required in the interest of public safety.
- (f) The display of any sign relating specifically to a pending Federal, State or Municipal election, provided the sign is no greater than 1m² in area.

SCHEDULE 5
BUILDINGS AND OBJECTS OF HISTORIC VALUE

SCHEDULE TO CLAUSE 7.5

- | | | |
|-------------------|-----|--|
| BROOKS BAY | 1) | "Settlement", Esperance Coast Road (c1870-1890), isolated hamlet. |
| CASTLE FORBES BAY | 2) | House, Old Road Huon Highway (c1870) timber, single storey, cast iron trim. |
| DOVER | 3) | Brick Kiln (convict) |
| | 4) | Shop Huon Highway, (c1930). Timber framed and clad, hipped roof. |
| | 5) | House, Roaring Beach Road, (c1840). |
| | 6) | House Dover Beach (c.1840-1850) Brick with paint or lime wash finish, single storey. |
| | 7) | House, Huon Highway between Glendevie and Dover (c1890), dormer windows. |
| | 8) | Community Church (Congregational), Huon Highway (c1890), cemetery between church and street. |
| | 9) | Hope Island (ruins). |
| | 10) | 6963 Huon Highway, Dover (CT 7691/2) – (The former St Pauls Church) |

Amendment PSA-5/2010 18 January 2011

- | | | |
|--------------|-----|---|
| GEEVESTON | 11) | Community Church (Congregational), Main Road (c1885), Colonial Gothic Style. Original Chapel located behind church. |
| | 12) | House, Doody's Hill Road (c1870), timber, single storey. |
| | 13) | House, Huon Highway, near Riley Creek (c1890 - 1910), timber, single storey with decorative barge boards. |
| | 14) | "Cambridge House", Main Road (c1870), timber, dormer windows, fretwork, barge boards. |
| | 15) | "Hillcrest", Main Road (c1880) original house 1860, was on same site, timber, two storey. |
| | 16) | "Honeywood", O'Halloran's Road (c1850) two storey, timber. |
| | 17) | House and outbuildings, Percy Street, near Geeveston (c1880), two storey, timber, barge boards. |
| | 18) | Council Chambers Church Street, (c1935) Brick, two storey. |
| | 19) | Savings Bank of Tasmania, Church Street (c1954), Brick, single storey with high parapet. |
| | 20) | House (c1880) and cottage (c1860), Four Foot Road. |
| | 21) | Roman Catholic Church, Huon Highway (c1890), Victorian Gothic Revival Style. |
| IDA BAY | 22) | House (c1870 - 1880), timber, single storey. |
| LUNE RIVER | 23) | House (c1860 - 1870), timber, dormer window and bull nosed verandah on four sides. |
| POLICE POINT | 24) | House, Police Point Road (c1880), timber, single storey hipped roof and verandah. |

PORT HUON	25)	House, Shipwrights Point Huon Highway (c1850), timber, hip roof and verandah.
SOUTHPORT	26)	"The Big House", Settlement Creek (c1876), timber.
	27)	Monument (wreck of "George III) near Actaeon Reef, D'Entrecasteaux Channel.
STRATHBLANE	28)	House, Huon Highway (c1870), timber, gabled roof, verandah.
WATERLOO	29)	Apple Sheds, Huon Highway, timber framed and timber stump formulations.

SCHEDULE 6
VEHICULAR ACCESS REQUIREMENTS IN NON-URBAN AREAS

SCHEDULE TO CLAUSE 7.7

S6.1 ROAD HIERARCHY

S6.1.1 The intent and requirements for certain roads within the Municipality is set out hereunder.

S6.2 GROUP 1 ARTERIAL ROADS

S6.2.1 Group 1 or Arterial Roads are:-

- (1) Huon Highway except where by-passed by Scotts Road.
- (2) Scotts Road.
- (3) Hastings Caves Road.

S6.2.2 Intent

The intent for Group 1 roads is to provide a high level of service for traffic travelling between Huonville, Geeveston, Dover, Southport and Hastings Caves.

S6.2.3 Access Requirements

For Group 1 roads the access requirements are as follows:-

- (i) No new lots and no new development shall have access to a Group 1 road except by means of a common access point with the parent conveyance.
- (ii) Council may relax the requirements of Sub-Clause (i) provided that it shall first obtain and take into account the advice of the Department of Main Roads in respect of Group 1 roads.
- (iii) Where the vehicular access proposed for a subdivision or development would be likely to generate more than 40 vehicle movements a day directly into a Group 1 road or within 50 metres, of junction with such a road, the application shall be referred to the Department of Main Roads.

S6.3 GROUP 2 IMPORTANT COLLECTOR ROADS

S6.3.1 Group 2 or Important Collector Roads are:-

- (1) Arve Road.
- (2) Esperance Coast Road.
- (3) Lune River Road.
- (4) Cockle Creek Road.

S6.3.2 Intent

The intent for Group 2 roads is to provide for a reasonable level of service on roads which provide for inter-communication between urban and rural areas and/or tourist access to points of interest.

S6.3.3 Access Requirements

For Group 2 roads the access requirements are as follows:-

- (1) The number of individual access points shall be minimised wherever possible by directing access to existing or new side roads.

S6.4 SIGHT DISTANCES

S6.4.1 Access to all new subdivision and development shall comply with the sight distances and design details of Attachment 1 of this Schedule.

S6.5 SETBACKS FROM ROADS

S6.5.1 The intent of setback from roads is to ensure an adequate road corridor for the following purposes:-

- (i) to allow for future road widening or minor realignment;
- (ii) to reduce the impact of new buildings and to protect the visual amenity of road corridors; or
- (iii) to reduce noise and other detrimental effects on dwellings and other buildings.

S6.5.2 Notwithstanding the provisions of Part 6, the following setbacks shall be applied to development adjacent to the roads included in this Schedule in accordance with the following table, except where the road is within a Residential, Reserved Residential, Business, Mixed Use or Industrial Zone.

<u>Road</u>	<u>Minimum Set-back</u>
Group 1	30 metres
Group 2	15 metres

S6.5.3 In cases where the setbacks required under S6.5.2. cannot be reasonably met on a lot which was approved before the effective date, due to the existing lot size or topography of the site, Council shall apply a set-back which in the circumstances of the case will most closely satisfy the required setback, subject to the provisions of Clause 3.5.1.

S6.5.4 In the application of Clause S6.5.3. to a setback from a road in Group 1 or Group 2 of this Schedule, the Council shall seek advice from the Department of Roads and Transport before applying any setback provision.

S6.6 REFERRALS TO THE DEPARTMENT OF ROADS AND TRANSPORT

S6.6.1 A subdivision or development referred to the Department of Roads and Transport pursuant to Clause S6.2.3 and S6.5.4 of this Schedule should include:

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

- (f) any other matters which the Council considers should be addressed by the Department.

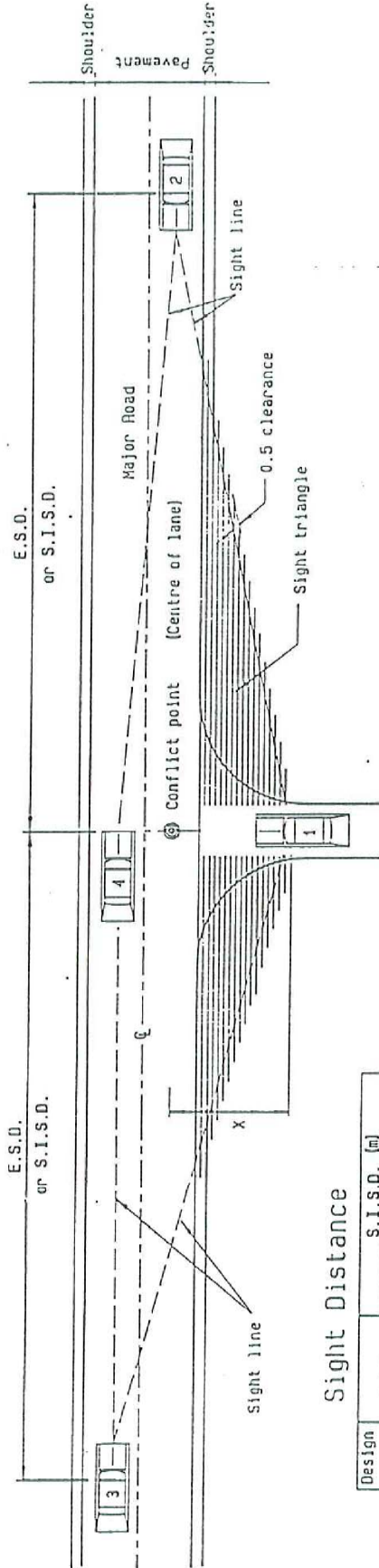
S6.6.2 The Department of Roads and Transport shall provide a report to the Council which may include:-

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

S6.6.3 If the Council receives no advice from the Department of Roads and Transport within a period of 28 days from the date of forwarding the application, then the Department shall be deemed to have no report to make on the proposed subdivision or development. Nevertheless any approval of the subdivision or development shall comply with the access spacing and sight distances of this Schedule.

SIGHT DISTANCES (2 LANE ROAD ONLY)

SIGHT DISTANCES (2 LANE ROAD ONLY)



Sight Distance

Design speed (km/h)	E.S.D. (m)	S.I.S.D. (m)	
		R ₁ =2.0secs Rural	R ₂ =1.5secs Urban
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.
- R₁ = Driver reaction time

NOTES:

1. For maximum access slopes refer 3401-5/P3-2
2. X is distance from conflict point to driver.
for National Highway X=7m, for other roads X=5m (min)

SIGHT LINE REQUIREMENTS.

- All sight lines (driver to object vehicle) are to be between points 1.2m above the road and access surface at the respective vehicle positions with a clearance to any sight obstruction of 0.5m to the side and below, and 2.0m above all sight lines.
- These sight line requirements are to be maintained over the full sight triangles for vehicles at any point between positions 1, 2 and 3 and the access junction.
- A driver at position 1 must have sight lines to see cars at any point between the access and positions 3 and 2.
 - A driver at any point between position 3 and the access must have sight lines to see a car at position 4.
 - A driver at position 4 must have sight lines to see a car at any point between position 2 and the access.

SCHEDULE 7
GROUPED HOUSES AND APARTMENTS

SCHEDULE TO CLAUSE 7.9

S7.1 GROUPED HOUSES

S7.1.1 For a Grouped House, private open space shall:

- (a) be directly accessible from the dwelling unit at a level not greater than 1.5 metres above or below the floor level of the dwelling unit; and
- (b) have a minimum horizontal dimension of 4.5 metres.

S7.1.2 Except as provided for in Clauses S7.1.3 a development for Grouped Houses shall be in accordance with the development standards specified in the Table to this Clause.

Table to Clause 7.1.2

Development Standards - Dimensions & Conditions

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

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

B. Minimum Separation Between Dwelling Units Across a Court or Driveway

(6 metres, plus 3 metres for each additional storey)

S7.1.3 A development for Group Houses shall be provided at a density of one dwelling unit per 300m² of site area.

S7.1.4 For a Development for Grouped Houses:

- (a) no pedestrian path or vehicle driveway giving access to a dwelling unit shall be closer than 1 metre from the wall of another dwelling unit, or 2 metres, if such wall contains a window with a sill height less than 2 metres above the level of the path or driveway;
- (b) any common area(s) of open space shall be suitably landscaped, or developed in other appropriate ways for the enjoyment of the residents;
- (c) suitably designed and screened areas shall be provided for the storage of waste materials and garbage materials free from foraging animals;
- (d) satisfactory provision shall be made for clothes drying facilities and mail and newspaper receptacles;
- (e) adequate storage for gardening and other tools and equipment shall be provided and suitably located for each dwelling unit;
- (f) in buildings of more than one storey, all pipes, products and vents servicing the building shall be concealed from public view; and
- (g) at least one parking space per dwelling unit must be covered.

S7.1.5 Council may, at its discretion, grant a planning approval for a development for Grouped Houses that is not in conformity with the requirements of Clauses S7.1.1 to S7.1.4, subject to the provisions of Clause 3.5.

S7.2 APARTMENTS

S7.2.1 A development for Apartments shall be in accordance with the development standards specified in the Table to this Clause.

Table to Clause S7.2.1

Development Standards - Dimensions & Conditions

A. Minimum lot area per Dwelling Unit

(a)	Studio/Bachelor	120 m ²
(b)	One Bedroom	150 m ²
(c)	Two Bedroom	180 m ²
(d)	Three Bedroom	210 m ²

B. Minimum separation of Dwelling Units Across a Court or Driveway

(6 metres plus 3 metres for each additional storey)

S7.2.2 For a development for Apartments, the provisions of Clauses S7.1.4(a)(b),(c),(d) and (f), (for development of Grouped Houses), shall apply.

S7.2.3 Council may, at its discretion, grant a planning approval for a development for Apartments which is not in conformity with the requirements of Clauses S7.2.1 & S7.2.2, subject to the provisions of Clause 3.5.

SCHEDULE 8
SPECIFIED DEPARTURES

Amendment B 28/7/94

1. Notwithstanding Clause 3.6 and Schedule 1, the property comprised in Certificate of Title 184 Folio 50 at Lune River Road, Lune River may be developed for a second dwelling subject to the following conditions:
 - a) That the existing dwelling on the property is to be converted into an outbuilding (i.e. remove the kitchen and oven wiring) once it is no longer required by the current occupants (E & P Hitchens);
 - b) The occupant of the existing dwelling shall sign a Statutory Declaration that he/she is a relative of the occupants of the proposed dwelling (prior to occupation of proposed dwelling). This Statutory Declaration is to be renewed annually;
 - c) A stratum plan of subdivision will not be approved for this development.

2. Notwithstanding Clause 3.6.1(a) and Schedule 2, a 'Shop' (as defined under Clause S1.2) in the Residential A zone is to be dealt with in accordance with Clause 3.5 on land known as 64 Arve Road, Geeveston and contained within Certificate of Title Volume 250055 Folio 1.

Amendment AB 19/11/01

3. Notwithstanding any other clause of this Planning Scheme, a "hostel" is a discretionary use or development on the land comprised in Certificate of Title Volume 138178 Folio 1 (the subject land) identified on the Planning Scheme map by reference to this Clause.

For the purposes of this Clause a "Hostel" means:

"The provision of dormitory/bunkhouse tourist accommodation including communal bathing and toilet facilities, a self catering kitchen and a communal common/dining room."

- 3.1 When submitting an application for planning approval for "Hostel" use or development on the subject land the developer *must* demonstrate compliance with the following standards:
 1. The definition of "Hostel" included in this Clause.
 2. The intent and development provisions for the Open Space zone.
 3. Subdivision of the subject land (not including boundary adjustment) is prohibited.
 4. Where use or development involves the disturbance of potential habitat for species listed in the *Threatened Species Protection Act 1995* (as amended from time to time, or like replacements) measures formulated by an appropriately qualified person to mitigate any potential adverse impact upon these species must be provided to the satisfaction of Council.
 5. Any soil disturbance activities must be undertaken in accordance with the *Guidelines for Soil and Water Management*, HMCA, Hobart, June 1999 (as amended from time to time or like replacements) and DPIWE. 2003. *Waterways and Wetlands Works Manual: Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania*, Dept of Primary Industries, Water & Environment, Hobart (as amended from time to time or like replacements).

6. Provision of car parking on the subject land to the satisfaction of the Council.
7. Treatment of waste water generated on the subject land via an aerated waste water treatment system, or similar approved by Council, and contained wholly within the property boundaries of the subject land.
8. Landscaping must be provided in accordance with the following standards:
 - (i) the area west of the building line not approved for other purposes must be landscaped; and
 - (ii) any area not used for buildings, vehicular access and parking or storage must be landscaped; and
 - (iii) landscaping must be carried out in accordance with a landscaping plan submitted to Council for approval which shows areas to be landscaped, types of plants to be used, any paving areas to be developed and which sets out how the proposed landscaping is to be implemented and maintained; and
 - (iv) the landscaping plan must show how it is proposed to assist in the control of run off and erosion and define pedestrian and vehicle circulation systems; and
 - (v) environmental weeds must not be used in landscaping; and
 - (vi) this Standard is subject to Standard 4 above.
9. The Tasfire Publication *Tasfire Planning Conditions and Guidelines for Subdivisions in Bushfire Prone Areas 1995* (as amended from time to time or like replacements), or as approved by the Tasmania Fire Service.
10. The provision of an indemnity for Council against damage caused as a result of flooding or inundation. The form of this indemnity is subject to Council's approval.
11. Signage (if proposed) in compliance with the Tasmania Visitor Information System (as amended from time to time or like replacements).

Amendment AC 14/10/03

- 4 Notwithstanding any other clause of this Planning Scheme to the contrary, use or development of the land at Whale Point, Port Huon described by sites 1761 and 1762 on the Esperance Planning Scheme 1989 zone map 4b and the wharf attached to land described by CT 132255/1 (the subject land) and identified on the plans by reference to this clause, is subject to the following:
 - 4.1 the use or development must be dependent upon the coastal location; and
 - 4.2 the subject land must be connected to a Council reticulated sewage system or a private sewage system. Either system must be capable of treating the anticipated wastewater loads generated by the proposed use or development; and
 - 4.3 where it is intended to use the Council reticulated sewage system and that system is not capable of treating the anticipated wastewater loads generated by the proposed use or development, the developer must enter into a binding agreement with Council pursuant to section 58A of the *Land Use Planning and Approvals Act 1993* providing for, but not limited to, the following matters:
 - 1 The developer will make a financial payment or other contribution to the upgrade of the reticulated sewage system required for the proposed use or development as agreed between the Council and the developer; and

- 2 The developer will not commence development of the subject land until the Council commences works providing for the required upgrades to the reticulated swage system; and
- 3 The use of the subject land must not commence until the subject land is connected to the upgraded reticulated sewage system; and
- 4 Council will provide for an upgraded reticulated sewage system to treat the anticipated wastewater loads within a timely manner

4.4 Use or development of the subject land for Aquaculture is to be considered in accordance with Part 3 Clause 3.5, (Discretionary Developments).

5 Notwithstanding any other clause of this Planning Scheme to the contrary, use and development of land shown within the black line on the Port Huon Marina Concept Master Plan in this Schedule for a 'Marina' and identified on the plans by reference to this clause is subject to the following.

For the purposes of this clause a 'Marina' means:

Use of any land to provide dockage and other services to boats. It may include facilities for boat recovery, on-shore boat storage, parking for vehicles and boat trailers, minor repair, fuelling and maintenance of boats and the sale of boat accessories, but does not include a swing mooring.

Examples are a jetty, pier, mooring pole and pontoon."

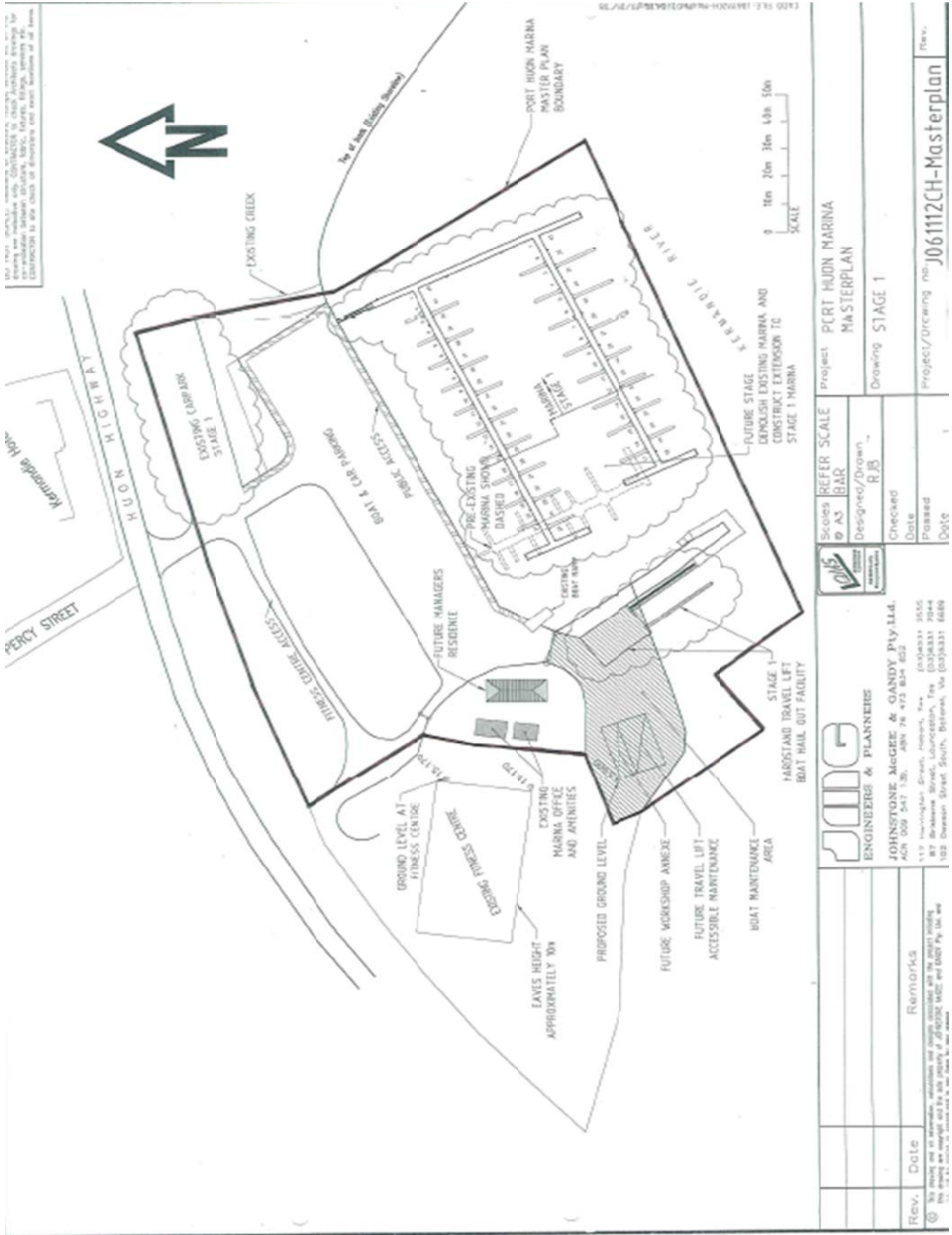
When submitting an application for planning approval for development in accordance with the Port Huon Marina Concept Master Plan, the application must demonstrate compliance with the following standards:

- 5.1 Use or development of the subject land for a Marina must be considered in accordance with Part 3 Clause 3.4, (Permitted Developments).
- 5.2 The repair and maintenance of boats not moored must be restricted to the area of the subject land designated for that purpose on the Port Huon Marina Concept Master Plan in this Schedule.
- 5.3 The manager's dwelling must only be approved as integral and subservient to the Marina and must not be let separately or used for any other purpose or be extended or intensified. A title must not be issued by either a Torrens or Strata Title for the separate occupation of the manager's dwelling.
- 5.4 Boats moored in the Marina must not be used for overnight accommodation.
- 5.5 The Marina must be operated and maintained in accordance with the Environment Division, DEPHA, March 2008 *Revised Draft Environmental Management for Boat Repair and Maintenance Facilities and In-Water Vessel Maintenance*, Department of Environment, Parks, Heritage and the Arts, Hobart.
- 5.6 Before the use of the Marina begins, an Environmental Management Plan (EMP) must be prepared to the satisfaction of the Council's General Manager that sets out controls that berth users must comply with. The document must contain as a minimum, the following requirements:
 - (a) a statement that the Marina must be operated and maintained in accordance with the *Living Marine Resources Act 1995*, the *Environmental Management and Pollution Control (Waste Management) Regulations 2000* and Env. Div., DEPHA, March 2008 *Revised Draft Environmental Management for Boat Repair and Maintenance Facilities and In-Water Vessel Maintenance*, Department of Environment, Parks, Heritage and the Arts, Hobart; and

- (b) Procedures and adequate facilities to accept sewerage from vessels; and
 - (c) Procedures and adequate facilities to accept quarantine wastes; and
 - (d) Methods for discouraging disposal of wash-water containing detergents into the marine environment; and
 - (e) Provisions to prohibit in-water hull cleaning to help avoid further introduction of marine pests; and
 - (f) Provisions that stipulate the use of bio-degradable maintenance chemicals at maintenance areas; and
 - (g) Provisions that stipulate the use of hydrocarbon absorbent pads at the refuelling facilities; and
 - (h) provisions that stipulate all fuel spills must be reported in accordance with Section 32 of the *Environmental Management and Pollution Control Act 1995*; and
 - (i) provisions that stipulate that run-off treatment devices (such as hydrocarbon interceptor traps, sediment traps) be constantly maintained with any waste product disposed of in accordance with the *Environmental Management and Pollution Control (Waste Management) Regulations 2000*; and
 - (j) Provisions that stipulate that all hoses be fitted with trigger attachments to reduce water wastage and runoff.
- 5.7 Compliance with the contents of the EMP must be mandatory for all vessel owners through appropriate clauses included in all Marina Berth Agreements.
- 5.8 All development must have:
- (a) All external surfaces finished in non-reflective, muted colours; and
 - (b) A maximum Height of 8 metres; and
 - (c) Minimum Side Setbacks of 2 metres.
- 5.9 Finished site and floor levels of development must be designed to provide reasonable protection from storm surge and, unless determined otherwise by a report prepared by a suitably qualified coastal engineer or other consultant approved by Council's General Manager that incorporates wave action and sea level rise caused by climatic change during the project life of the development, must not be less than the following:
- (a) Marina jetty/walkways 2.15 metres AHD.
 - (b) Public access and car parks 2.25 metres AHD.
 - (c) Habitable rooms 3.0 metres AHD.
- 5.10 The subject land must be connected to a Council reticulated sewerage system and must be capable of treating the anticipated wastewater loads generated by the proposed use or development.
- 5.11 Where the Council reticulated sewerage system is not capable of treating the anticipated wastewater loads generated by the Marina the owner must enter into a binding agreement with Council in accordance with Part 5 of the *Land Use Planning and Approvals Act 1993* in respect of the land. The Agreement must provide that the owner covenants and agrees with the Council for, but is not limited to, the following matters:
- (a) the owner must make a financial payment or other contribution to the upgrade of the reticulated sewerage system for the proposed use or development as agreed between the Council and the owner; and
 - (b) the owner must not commence development of the subject land until the Council commences works providing for the required upgrades to the reticulated sewerage system; and
 - (c) the use of the subject land must not commence until the subject land is connected to the upgraded reticulated sewerage system; and
 - (d) council must provide for an upgraded reticulated sewerage system to treat the anticipated wastewater loads within a timely manner; and

- (e) an agreement made pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* must bind the owner and his/her successors in title and must be prepared on a blank instrument form and registered with the Recorder of Titles in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993* by the owner at no cost to Council.
- 5.12 At least one wastewater pump-out facility must be provided for use by all vessels using the Marina facilities.
- 5.13 The design of any sewerage pump stations must be in accordance with WSA 2005 *WSA 04-2005 Sewerage Pumping Stations Code of Australia*, V. 2.1, Water Services Association of Australia Inc., Melbourne and the DPIWE (1999): *Sewerage Pumping Station Environmental Guidelines* Department of Primary Industry, Water and the Environment, Hobart.
- 5.14 Before the commencement of works (including dredging, piling, excavation and reclamation) a statement on the environmental impacts and proposed mitigation methods of the proposed Marina development must be prepared to the satisfaction of the Council's General Manager. The Environmental Impact Statement must be carried out generally in accordance with the General Guidelines for the Preparation of a DPEMP for Level 2 Activities (Draft) prepared by the Environment Protection Agency, and include:
 - (a) A benthic fauna and flora survey to identify existing marine and inter-tidal habitats threatened and protected aquatic species and other significant species and communities, including introduced pests.
 - (b) Analysis of seabed material for hazardous materials.
 - (c) Sediment and hydrodynamic surveys to determine the likely disbursement of sediments mobilised during construction.
 - (d) Identify potential impacts of construction on aquatic environments and species in the construction zone and adjacent habitats.
 - (e) Identify relevant impact mitigation measures.
- 5.15 Prior to any works commencing and during construction, site specific water samples must be taken and analysed for the organic, inorganic and other chemicals listed in the ANZECC 2000 Water Quality Guidelines: Chapter 5 – Guidelines for Recreational Water Quality and Aesthetics (secondary contact). If values are found to be at or above ANZECC 2000 threshold levels, relevant mitigation measures must be identified, to the satisfaction of Council's General Manager, before any works can commence.
- 5.16 All hardstand areas (excluding pontoons and jetties) must be drained into sediment and grease traps prior to being discharged into a reticulated stormwater system.
- 5.17 No stormwater is discharged directly into the adjoining waterways or wetlands.
- 5.18 Detailed design drawings for the marina must be in accordance with Standards Australia 2001 *AS3962-2001 – Guidelines for Design of Marinas*, Standards Australia International Ltd., Sydney.
- 5.19 Adequate depth of water must be maintained between the underside of any pontoon, at all points, and the substrate at Mean Low Water to allow for the free movement of water underneath the structure and to prevent the scouring of the substrate.
- 5.20 Prior to commencing works, the developer must submit a plan to the satisfaction of Council's General Manager detailing the proposed dredging, excavation and reclamation design, including water depths to be excavated, vessels to be accommodated and disposal of the excavated materials on the site.
- 5.21 The Marina design is to incorporate any safety or navigational features as required by Marine and Safety Tasmania (MAST).

- 5.22 All Marina security lighting must be directed towards the Marina, away from sensitive receptors such as adjacent residences, and must not interfere with safety or navigation features.
- 5.23 Provision of car parking to the satisfaction of the Council's General Manager in accordance with the Port Huon Marina Concept Master Plan in this Schedule.
- 5.24 Provision of landscaping in accordance with the Port Huon Marina Concept Master Plan in this Schedule and the following standards:
- (i) planting must bear a suitable relationship to the proposed development and must not use species listed as a noxious weed within Tasmania or displaying invasive characteristics; and
 - (ii) a landscape plan prepared by a landscape architect or other person approved by the Council's General Manager must be submitted to Council for endorsement. The landscape plan must detail the areas to be landscaped, the position, number and species of all plants to be included in the landscaping, any changes to ground level and position and height of retaining walls, how it is proposed to assist in the control of run off and erosion and define pedestrian and vehicle circulation systems, specification of all landscaped surfaces such as paths, paving or decking and estimates of the cost of the works; and
 - (iii) landscaping must be carried out in accordance with the approved landscaping plan within three (3) months of the first use of the land.



ALL DATA, PARTICULARLY THE DIMENSIONS, COORDINATES AND ELEVATIONS, ARE FOR INFORMATION ONLY. THE DESIGNER ACCEPTS NO LIABILITY FOR THE ACCURACY OF THIS INFORMATION. THE USER MUST VERIFY ALL DIMENSIONS AND ELEVATIONS AND MUST CONSULT THE DESIGNER FOR ANY AMBIGUOUS OR UNCLEAR DIMENSIONS AND ELEVATIONS.

Project	PORT HUON MARINA MASTERPLAN
Drawing	STAGE 1

Scales	REFER SCALE
Designed/Drawn	RJB
Checked	
Date	
Passed	
Date	


ENGINEERS & PLANNERS
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Rev.	Date	Remarks

6. Notwithstanding any other provision of the Planning Scheme to the contrary any new buildings and additions (excluding side boundary fencing) to the existing buildings on land at 6963 Huon Highway, Dover (CT 7691/2) must be located to the rear of the nave of the former St Pauls Church.

Amendment PSA-5/2010 18 January 2011

7. Notwithstanding clause 6.2.2 (a) the minimum lot size of land zoned Residential B and contained within Certificate of Title Volume 124461/1 is 1500m².

Amendment PSA-9/2011 13 March 2012

TELECOMMUNICATIONS INFRASTRUCTURE SCHEDULE

1. PRINCIPLES

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

2. USE OR DEVELOPMENT

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

2.1 Relationship To The Scheme

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

2.2 Matters For Consideration

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

2.3 Definitions

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

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

Low Impact Facilities

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

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

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

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

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

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

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

3. EXEMPTIONS

The following development is exempt from requiring a planning permit:

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

4. INFORMATION REQUIRED

4.1 Application requirements

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

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

4.2 Plans To Accompany Applications

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

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

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

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

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

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

OBJECTIVES

PERFORMANCE CRITERIA

<p>Visual amenity</p>	
<p>To minimise any detrimental impact upon the visual amenity of a locality by reducing prominence of telecommunications infrastructure.</p>	<p>The location of infrastructure is within existing utility corridors and sites and uses existing infrastructure, unless a need to do otherwise is demonstrated.</p> <p>Aerial telecommunication lines or additional supporting structures are erected and operated in residential and commercial areas only where overhead cables operated by other utilities are in existence.</p> <p>Best practice methods are used to reduce the visual impact of infrastructure or to conceal infrastructure within the surrounding natural or built environment.</p> <p>Clearing for infrastructure corridors and facilities is minimised to limit visible prominence while responding to functional and safety requirements.</p> <p>Infrastructure:</p> <p>8 avoids skyline positions (ie. where a structure would be seen in silhouette);</p> <p>9 crosses hills diagonal to the principal slope or crosses at the low point of a saddle between hills; or</p> <p>10 is located around the base of hills or along the edge of existing clearings.</p> <p>Unless a need to do otherwise is demonstrated.</p> <p>Equipment housing and other visually intrusive infrastructure is screened or concealed from public areas.</p> <p>The height of freestanding aerials, towers and masts is within the following limits:</p> <ul style="list-style-type: none"> • rural areas 60 metres • industrial areas 45 metres • commercial areas 40 metres • residential areas 20 metres <p>Telecommunications infrastructure may only exceed specified height limits if:</p> <ul style="list-style-type: none"> • a pattern of infrastructure or vegetation above the specified height limit exists in a particular location; and • it has no adverse impact on heritage or ecological values or visual amenity.

To protect important public views such as vistas to significant public buildings, streetscapes and heritage areas.	Telecommunications infrastructure does not intrude into identified important public views or measures are taken to minimise intrusion.
To avoid obstruction of private views from the building line/principal windows by telecommunication lines.	Placement of telecommunication lines avoids or minimises obstruction of private views.
Residential amenity	
To protect residential amenity	Infrastructure servicing a network (facilities not requiring installation on an individual street basis) is not located in residential areas unless a need to do otherwise is demonstrated.
Environmental values	
To protect threatened species or species at risk of becoming a threatened species (as defined in the <i>Threatened Species Protection Act 1995</i>) and the habitats, ecological communities or access essential to their continuing existence.	The proposed infrastructure does not adversely impact on identified threatened species or species at risk of becoming a threatened species.
To protect areas identified as having significant natural values.	The proposed infrastructure does not adversely affect areas identified as having significant natural values.
To protect flora and fauna, habitats and ecological communities.	The proposed infrastructure uses best practice environmental management to minimise harm to the environment.
Land stability	
To ensure that telecommunications infrastructure does not causes land instability.	<p>Telecommunications infrastructure (including specific access routes) does not cause erosion or cause land instability during installation and operation.</p> <p>Telecommunications infrastructure is not located in areas of known unstable land where the risk is identified as unacceptable for development or installation of infrastructure.</p>

Agricultural land	
To protect the productive capacity and sufficient farm operations of agricultural land.	<p>Infrastructure installation and operation does not degrade or restrict the productive capacity of agricultural land.</p> <p>Infrastructure is placed on property boundaries or fence lines (not including road alignment boundaries).</p>
Heritage values	
To protect items, places or areas identified as having aboriginal, natural, cultural, or maritime heritage significance.	Proposals for construction and operation of telecommunications infrastructure are approved by the Tasmanian Heritage Council in accordance with the requirements of the <i>Historic Cultural Heritage Act 1995</i> and/or are consistent with recommendations by the Aboriginal Heritage Section of DELM.
Access	
To ensure that telecommunications infrastructure does not impede movement of vehicular and other modes of transport.	The location of aerial telecommunications infrastructure allows adequate clearance for vehicular traffic and will not pose a danger or encumbrance to other land users or aircraft.

Table 1 Checklist for Environmental Impact Report by Carriers

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

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

Table 2 Visual Assessment Checklist

<p><i>Context:</i></p>	<ul style="list-style-type: none"> • The visual catchment of the site (and installation). • The elements that go to make up the landscape or townscape context, including slope, cover, colour, vegetation or built environment, and major features. • The physical scale of the proposed telecommunication infrastructure. • Presence of other antennas and vertical elements. • Any special landscape value of the site. • Cumulative impact of this and further antennas. • Relationship to existing vegetation and the potential intrusiveness of the installation. • Relationship to buildings/structures.
<p><i>Siting:</i></p>	<ul style="list-style-type: none"> • Height of the antenna in relation to the surrounding landform.

	<ul style="list-style-type: none"> • Topographical features and natural vegetation. • Impact on skyline or treeline. • Distance from sensitive receptors.
<i>Appearance:</i>	<ul style="list-style-type: none"> • Materials (particularly relevant for ground installations). • Colour. • Reflectivity. • Design. • Height. • Antenna type and bulk. • Plant and room. • Proposed landscape work.
<i>Plans and Photos</i>	<ul style="list-style-type: none"> • A plan is to be prepared indicating the viewshed of the antenna, the location of any key viewing points. The scale of the plan will depend on the extent of visual impact.

SCHEDULE 10
USE OR DEVELOPMENT IN BUSHFIRE-PRONE AREAS

S10.1 Purpose of the Bushfire-Prone Areas Schedule

S10.1.1 The purpose of this Schedule is to ensure that use or development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

S10.2 Application of this Schedule

S10.2.1 This Schedule applies to:

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

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

S10.3 Definition of terms in this Schedule

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

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

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

	bushfire-prone vegetation, which provides access to a fire front for fire fighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire.
hose lay	means the distance between two points established by a fire hose laid out on the ground.
Part 5 agreement	means as defined in the Act.
pre-existing habitable building	means a habitable building that exists, or in relation to which a permit was granted, when this Schedule commences as part of this planning scheme.
pre-existing lot	means a lot that is marked on a plan of subdivision that has been approved by the granting of a permit when this Schedule commences as part of this planning scheme.
Regional Corporation	means as defined in the Act.
static water supply	means water stored in a tank, swimming pool, dam, or lake, that is available for fire fighting purposes at all times.
TFS	means the Tasmania Fire Service.

S10.4 Use or development exempt from this Schedule

The following use or development is exempt from this Schedule:

- (a) any development that the TFS or an accredited person, having regard to the objective of all applicable standards in this Schedule, certifies there is an insufficient increase in risk to the development from bushfire to warrant any specific bushfire protection measures;
- (b) a structure, or building, which is not a habitable building;
- (c) extensions, to habitable buildings, not exceeding a 20m² increase in gross floor area provided that:
 - i) the extension is located within a building area approved in accordance with this Schedule; or
 - ii) the extension is located within a building area which has been approved by the TFS, before this Schedule commenced as part of the planning scheme, as complying with bushfire requirements, if:
 - a. the extension is not within an area required as a hazard management area; and
 - b. the water supply for fire fighting purposes is provided from a fire hydrant and all external parts of the extension that are at ground level are within reach of 120m long hose connected to the hydrant, measured as a hose lay;
 - c. extensions, to habitable buildings, not exceeding a 20m² increase in gross floor area, where the habitable buildings are not within a defined building area for the purpose of bushfire protection, provided that no part of the extension extends towards the bushfire-prone vegetation;
 - d. demolition of buildings or structures not marked on a hazard management plan as being required for bushfire protection;
 - e. habitable buildings that are integral to the agricultural use of the land and are not normally occupied;
 - f. habitable buildings located on land reserved under *Nature Conservation Act 2002*, *Crown Land Act 1976* or the *Forestry Act 1920* where bushfire protection measures are included in a bushfire hazard management plan certified by the TFS or accredited person as being appropriate for the purpose and location of the use or development; and
 - g. adjustment of a boundary in accordance with Clause 4.3 of this planning scheme.

S10.5 Development Standards

S10.5.1 Vulnerable uses¹

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

Table 1. Vulnerable uses

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

S10.5.1.1 Standards for vulnerable use

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

¹ Development Standards for Vulnerable uses are at S10.5.7.

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

S10.5.2 Hazardous Uses

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

Table 2. Hazardous uses

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

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

S10.5.2.1 Standards for hazardous use

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

S10.5.3 Development standards for subdivision

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

S10.5.3.1 Subdivision: Provision of hazard management areas

<p>Objective: Subdivision provides, where appropriate, for hazard management areas that:</p> <ul style="list-style-type: none"> - facilitate an integrated approach between subdivision and subsequent building on a lot; - provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building site;

<p>– provide protection for lots at any stage of a staged subdivision.</p>	
Acceptable solutions	Performance criteria
<p>A1.</p> <ul style="list-style-type: none"> (a) The TFS or an accredited person certifies, having regard to the objective, that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or (b) The proposed plan of subdivision- <ul style="list-style-type: none"> i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivisions; and ii) shows the building area for each lot; and iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of <i>AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas</i>. The proposed plan of subdivision shall be accompanied by a bushfire hazard management plan certified by the TFS or accredited person demonstrating that hazard management areas can be provided ; and iv) applications for subdivision requiring hazard management areas to be located on land that is external to the proposed subdivision shall be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan. 	<p>P1. A proposed plan of subdivision shall show that there are adequate hazard management areas in relation to the building areas shown on all lots within or partly within a bushfire-prone area. In determining the dimensions of hazard management areas, it shall be demonstrated that the following have been taken into consideration:</p> <ul style="list-style-type: none"> (a)the nature of the bushfire-prone vegetation including the type, structure and flammability; (b)topography, including slope; (c)other potential forms of fuel and ignition sources; (d)the risk of bushfire to lots at any stage of staged subdivision; (e)separation distance from the bushfire-prone vegetation does not unreasonably restrict subsequent development. <p>Applications shall demonstrate that hazard management areas can be provided.</p>

S10.5.3.2 Subdivision: Public access

<p>Objective: Access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <ul style="list-style-type: none"> - allow safe access for occupants, fire fighters and emergency service personnel; - provide access to the bushfire-prone vegetation that enables both property to be defended when under attack and hazard management procedures to be undertaken; - are designed and constructed to allow for fire fighting vehicles to be manoeuvred; - provide access to water supplies for fire-fighting vehicles; and - are designed to allow connectivity, and where needed, offering multiple evacuation points. 	
Acceptable solutions	Performance criteria
<p>A1.</p> <ul style="list-style-type: none"> (a) The TFS or an accredited person certifies, having regard to the objective, that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in subdivision for the purposes of fire fighting; or (b) A proposed plan of subdivision showing the layout of roads and fire trails, and the location of private access to building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being consistent with the objective; or (c) A proposed plan of subdivision: <ul style="list-style-type: none"> i) shows that, at any stage of a staged subdivision, all building areas are within 200m of a road that is a through road; and ii) shows a perimeter road, private access or fire trail between the lots and bushfire-prone vegetation, which road, access or trail is linked to an internal road system; and iii) shows all roads as through roads unless: <ul style="list-style-type: none"> a. they are not more than 200m in length and incorporate a minimum 12m outer radius turning area; or b. the road is located within an area of vegetation that is not bushfire-prone vegetation; and iv) shows vehicular access to any water supply point identified for fire fighting. 	<p>P1. A proposed plan of subdivision shall show the road layout and demonstrate that safe access and egress for occupants, fire-fighting vehicles and emergency service personnel is achieved through the use of appropriate design measures, including:</p> <ul style="list-style-type: none"> (a) two way traffic; (b) provision of passing bays; (c) geometry, alignment and slope; (d) use of through roads to provide for connectivity; (e) limits on the length of cul-de-sacs and provision of turning areas; (f) access to water supply points for fire fighting vehicles; (g) perimeter access; (h) fire trails.
<p>A2. Unless the development standards in the</p>	<p>P2. No performance criteria</p>

zone require a higher standard, construction of roads shall meet the requirements of Table 3.	
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Table 3: Standards for roads, private access and fire trails in bushfire-prone areas.

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

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

Objective: Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use or development of bushfire-prone areas.	
Acceptable solutions	Performance criteria
<p>A1. In areas serviced with reticulated water by a Regional Corporation:</p> <p>(a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures; or</p> <p>(b) a proposed plan of subdivision shows that all parts of a building area are within reach of a 120m long hose (measured as a hose lay) connected to a fire hydrant with a minimum flow rate of 600 litres per minute and minimum pressure of 200 kPa in accordance with Table 2.2 and clause 2.3.3 of <i>AS 2419.1 2005 - Fire hydrant installations</i>.</p>	P No performance criteria
<p>A2. In areas that are not serviced by reticulated water by a Regional Corporation or where the requirements of A1 (b) cannot be met:</p> <p>(a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures being provided; or</p> <p>(b) a bushfire hazard management plan certified by the TFS or an accredited</p>	P No performance criteria

<p>person demonstrates that the provision of water supply for fire fighting purposes is sufficient, consistent with the objective, to manage the risks to property and lives in the event of a bushfire; or</p> <p>(c) it can be demonstrated that:</p> <p style="margin-left: 20px;">i) a static water supply, dedicated to fire fighting, will be provided and that the water supply has a minimum capacity of 10 000 litres per building area and is connected to fire hydrants; and</p> <p style="margin-left: 20px;">ii) a proposed plan of subdivision shows all building areas to be within reach of a 120m long hose connected to a fire hydrant, measured as a hose lay, with a minimum flow rate of 600 litres per minute and minimum pressure of 200 kPa; or</p> <p>(d) it can be demonstrated that each building area can have, or have access to, a minimum static water supply of 10 000 litres that is:</p> <p style="margin-left: 20px;">i) dedicated solely for the purposes of fire fighting; and</p> <p style="margin-left: 20px;">ii) accessible by fire fighting vehicles; and</p> <p style="margin-left: 20px;">iii) is within 3m of a hardstand area.</p>	
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S10.5.4 Development Standards for habitable buildings on approved lots

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

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

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

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

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

Acceptable solutions	Performance criteria
<p>A1. It shall be demonstrated in one of the following ways that private access provides safe access to habitable buildings:</p> <ul style="list-style-type: none"> (a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant specific measures for private access for the purposes of fire fighting; or (b) private access is in accordance with a plan of subdivision, showing the layout of roads and fire trails and showing the location of private access to building areas, that is included in a bushfire hazard management plan approved by the TFS or an accredited person as being consistent with the objective in 1.6.1.2; or (c) plans showing private access to habitable buildings are included in a bushfire hazard management plan certified by the TFS or accredited person as being consistent with the objective; or (d) plans demonstrate that private access will be provided to within 30m of the furthest part of a habitable building measured as a hose lay. 	<p>P1. Private access to habitable buildings shall demonstrate:</p> <ul style="list-style-type: none"> (a) that the private access will enable fire fighting vehicles to access the buildings safely and efficiently (including by providing access to through roads or alternative access), and to be manoeuvred safely and efficiently; and (b) that the private access is in close proximity to habitable buildings to allow access by fire fighting equipment to all parts of such buildings.
<p>A2. Private access shall be provided to all static water supply points:</p> <ul style="list-style-type: none"> (a) in accordance with private access shown to such points in a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or (b) by providing private access to a hardstand area within 3m of the static water supply point. 	<p>P2. No performance criteria</p>
<p>A3. Construction of a private access, if required to provide access to habitable buildings and static water supply points, shall as appropriate to the circumstances meet the requirements of Table 3 as follows:</p> <ul style="list-style-type: none"> (a) single lane private access roads less than 6m carriageway width shall have 20m long passing bays of 6m 	<p>P3. Construction of private access required to access habitable buildings and any water supply point, shall be an all weather road sufficient to carry fully loaded fire fighting vehicles, including consideration of:</p> <ul style="list-style-type: none"> (a) slope, gradient and cross-fall;

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

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

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

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

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

<p>Objective: Hazard management areas, as appropriate, for new habitable buildings on pre-existing lots:</p>

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

S10.5.5.2 Pre-existing lots: Private access

<p>Objective: Private access on pre-existing lots:</p> <ul style="list-style-type: none"> - allows safe access to and from the road network for occupants, fire fighters, and emergency service personnel; - provides access to ensure that fire fighting equipment can reach all parts of habitable buildings; - is designed and constructed to allow for fire fighting vehicles to be manoeuvred; and - provides access to water supply points, including hardstand areas for fire fighting vehicles. 	
Acceptable solutions	Performance criteria
<p>A1. It shall be demonstrated in one of the following ways that private access provides safe access to habitable buildings:</p> <ul style="list-style-type: none"> (a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant specific measures for private access for the purposes of fire fighting; or (b) plans showing private access to habitable buildings are included in a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or (c) plans demonstrate that private access will be provided to within 30m of the furthest part of a habitable building measured as a hose lay. 	<p>P1. Private access to habitable buildings shall demonstrate that:</p> <ul style="list-style-type: none"> (a) private access will enable firefighting vehicles to access the buildings safely and efficiently (including by providing access to through roads or alternative access), and to be manoeuvred safely and efficiently; and, (b) private access is in close proximity to habitable buildings to allow access by fire fighting equipment to all parts of the building.
<p>A2. Private access to all static water supply points shall be provided:</p> <ul style="list-style-type: none"> (a) as included in a bushfire hazard management plan certified by the TFS or an accredited person as being in accordance with the objective of the standard; or (b) to a hardstand area within 3m of the static water supply point. 	<p>P2. No performance criteria</p>
<p>A3. Construction of private access, if required to provide access to habitable buildings and static water supply points, shall as appropriate to the circumstances meet the requirements of Table 3 as follows:</p> <ul style="list-style-type: none"> (a) single lane private access roads less than 6m carriageway width shall have 20m long passing bays of 6m carriageway width, not more than 100m apart; 	<p>P3. Construction of private access required to access habitable buildings and any water supply point shall be an all weather road sufficient to carry fully loaded fire fighting vehicles, including consideration of:</p> <ul style="list-style-type: none"> (a) slope, gradient and cross-fall; (b) geometry and alignment; (c) culverts and bridges;

<ul style="list-style-type: none"> (b) a private access road longer than 100m shall be provided with a driveway encircling the building or a hammerhead “T” or “Y” turning head 4m wide and 8m long, or a trafficable circular turning area of 10m radius; (c) culverts and bridges shall be designed for a minimum vehicle load of 20 tonnes; (d) vegetation shall be cleared for a height of 4m, above the carriageway, and 2m each side of the carriageway. 	<ul style="list-style-type: none"> (d) height and width of any vegetation clearance; (e) travel speed, sight lines and passing bays; (f) turning areas.
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S10.5.5.3 Pre-existing lots: Provision of water supply for fire fighting purposes

<p>Objective: Adequate, accessible and reliable water supply for fire fighting purposes on pre-existing lots is available to allow for the protection of life and property from the risks associated with bushfire.</p>	
Acceptable solutions	Performance criteria
<p>A1. It shall be demonstrated in one of the following ways that access to a water supply for fire fighting purposes is provided:</p> <ul style="list-style-type: none"> (a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures; or (b) a bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of the water supply is consistent with the objective; or (c) all external parts of habitable buildings that are at ground level, are within reach of a 120m long hose (measured as a hose lay) connected to a fire hydrant with a minimum flow rate of 600 litres per minute and minimum pressure of 200kPa; or (d) a minimum static water supply of 10 000 litres per habitable building is provided and that connections for fire fighting purposes are included. 	<p>P1. There shall be, in relation to habitable buildings, a water supply for fire fighting purposes that:</p> <ul style="list-style-type: none"> (a) may be accessed by fire fighting equipment, fire fighters and occupants of the habitable buildings; and (b) contains water that may be delivered in a quantity, and at a pressure, sufficient to manage the risk of bushfire, depending on the nature of the surrounding bushfire-prone vegetation; and; (c) stores water in a manner that ensures adequate and reliable quantities may be provided for fire-fighting purposes if there is a bushfire; and (d) enables effective delivery of water if there is a bushfire.

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

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

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

Acceptable solutions	Performance criteria
<p>A1.</p> <ul style="list-style-type: none"> (a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of any specific bushfire protection measures; or (b) Applications for extensions to habitable buildings are accompanied by a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or (c) Extensions to habitable buildings have hazard management areas that- <ul style="list-style-type: none"> i) are of dimensions equal to, or greater than, the separation distances required for BAL 29 prescribed in Table 2.4.4 of AS 3959 – 2009 <i>Construction of Buildings in Bushfire Prone Areas</i>; and ii) will be managed in accordance with a bushfire hazard management plan, that is certified by the TFS or an accredited person, that demonstrates how hazard management areas will be managed consistent with the objective; and iii) where hazard management areas in relation to a habitable building are to be on land external to the lot where the building is located, the application shall be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan; or (d) Extensions to habitable buildings: <ul style="list-style-type: none"> i) are no closer to the bushfire-prone vegetation than the existing building footprint; and ii) do not exceed a 15% increase in the vertical surface area of the building facing and closest to 	<p>P1.</p> <p>Extensions to habitable buildings shall demonstrate that bushfire protection measures, including the following, can be used to avoid increasing the risk from bushfire:</p> <ul style="list-style-type: none"> (a) the design and siting of the building; (b) provision and management of hazard management areas; (c) access for fire fighting vehicles; (d) availability of water for fire fighting purposes.

<p>the bushfire-prone vegetation; and</p> <p>iii) do not restrict any existing vehicular access to any part of the habitable building.</p>	
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S10.5.7 Development Standards for vulnerable uses

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

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

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

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

TAHUNE FOREST DEVELOPMENT PLAN

1.0 INTRODUCTION

This Development Plan has been prepared pursuant to Clause 7.19 of the Esperance Planning Scheme 1989 in respect of the Tahune Forest Development Special Area.

Clause 7.19 allows for the preparation of controls and criteria to guide the development of suitable multi-use eco-tourism development within the Special Area.

2.0 DEFINITIONS

(a) The Plan Area (the 'Area')

The area subject to the Development Plan is that identified on the Plan delineated by the Tahune Development Special Area within the Esperance Planning Scheme 1989.

(b) Site Assessment Document

Tahune Forest Site Assessment document prepared by Thompson & Brett Pty Ltd, Jacob Allom Wade Pty Ltd, Sue Small and Neil Shephard & Associates Pty Ltd and dated July 2000.

(c) Strategic Options Plan

Plan prepared by Thompson & Brett Pty Ltd, Jacob Allom Wade Pty Ltd, Sue Small and Neil Shephard & Associates Pty Ltd and contained within this Development Plan.

(d) North Quadrant

The North Quadrant is bounded by the Huon River to the south and Arve Road to the west. The boundaries of the Special Area form the other boundaries of the quadrant.

(e) South Quadrant

The South Quadrant is bounded by the Huon River to the north and Arve Road to the east. The boundaries of the Special Area form the other boundaries of the quadrant.

(f) East Quadrant

The East Quadrant is bounded by the Huon River to the north and Arve Road to the west. The boundaries of the Special Area form the other boundaries of the quadrant.

(g) West Quadrant

The West Quadrant is bounded by the Huon River to the south and Arve Road to the east. The boundaries of the Special Area form the other boundaries of the quadrant.

3.0 INTENT

The underlying premise of the Development Plan is derived from the Special Area provisions (Clause 7.19) of the Esperance Planning Scheme 1989.

That is, an integrated development that could cater for the needs and interests of tourists, forest researchers and other visitors within a natural setting. The attractions of the proposed facility are dependent upon and must relate to the natural setting in which it is placed.

Both the objectives and performance requirements of the Development Plan are derived from an assessment of the opportunities and constraints to development and the identification of subsequent areas that need to be protected or are available for varying levels of development. These aspects are considered in detail in the Site Assessment Document, which provides an integrated reference source for this plan.

4.0 USE OR DEVELOPMENT

4.1 Types of Use or Development

The range of uses or developments anticipated by the Development Plan for the Area includes the following:

- (a) Support facilities for the Warra Long Term Ecological Research project
- (b) Tree top walkway
- (c) Visitor orientation and interpretation centre, kiosk or shop
- (d) Built accommodation with restaurant and conference facilities (including caretaker's accommodation)
- (e) Camping ground and caravan park
- (f) Other passive and active recreational activities and tourist operations, with associated infrastructure.

A person wishing to carry out use or development listed above within the Area must submit an application for a planning permit to Council. Where there is doubt as to the categorisation of a use or development under the types defined above, Council must be satisfied that the use or development meets the intent and objectives of this Development Plan. All use or development not categorised under this Clause is to be determined in accordance with the existing Esperance Planning Scheme 1989 provisions.

An indication that a particular use or development is to be determined under this Development Plan does not imply rights to carry out that use or development. This right may be gained only by the granting of a planning permit by Council in accordance with Clause 8 of this Development Plan.

4.2 Staging

This Development Plan allows for the staging of development over time subject to a range of factors. The following Stages have been identified at the time of preparing the Development Plan:

Stage 1	-	Tree Top walk
(1 to 5 years)	-	Visitor Centre and carpark
	-	Camping/campervan area
	-	Rehabilitation of picnic areas on the Western side of Tahune Bridge
Future Stages	-	Built accommodation with possibility of a restaurant and conference facilities
(beyond 1 year)	-	Construction of new access road to serve accommodation
	-	Provision of caretaker accommodation
	-	Introduction of other passive and active recreational activities
	-	Rehabilitation of McKay's Huon Track
	-	Possible extension of carparking (if required)
	-	Possible expansion of visitor centre
	-	Possible expansion of built accommodation
	-	Possible expansion of camping/campervan facilities and caravan park

5.0 CONTENT OF THE DEVELOPMENT PLAN

In accordance with Clause 7.19.3 of the Esperance Planning Scheme 1989 the Development Plan contains the following components:

- (a) A land capability analysis of the site identifying environmental opportunities and constraints (the 'Site Assessment Document');
- (b) A strategic plan identifying the areas of land available and unavailable for designated types of development in the long term, allowing for staging of development, and indicating the ultimate development density that can be sustained on the site (the 'Strategic Options Plan');
- (c) Objectives to reflect the weighting and significance of assessment provided in the Site Assessment Document;
- (d) Prescribed controls, guidelines and performance criteria that can be applied to subsequent development applications to reflect the objectives of Clause 7.19.4 of the Esperance Planning Scheme 1989 and the objectives referred to in 5.0(c) above.

6.0 THE VALUES OF THE AREA

The values of the Area are derived from the assessment and recommendations contained in each of the various studies within the Site Assessment Document. They are as follows:

- (a) The Area has an established visitor profile and use. The core of the Area around the Tahune Bridge is characterised by its easy accessibility from both off-site, and within the site.
- (b) The Area is centrally located for a range of broader tourist and recreational experiences within the 'Southern Forests'.

- (c) The Area, through its accessibility, provides enhanced opportunities for natural forest experiences.
- (d) The Area provides a hub from which to experience a range of cultural and heritage aspects of the Reserve.
- (e) Through the WARRA L.T.E.R. site the Area has scientific and research significance.
- (f) The Area presents opportunities to experience and appreciate a range of Forestry activities, through pristine aquatic environments, rehabilitated or re-grown 'natural' forest areas, to managed tree harvesting sites.
- (g) High quality views and vistas are available both from and within the Area.
- (h) The Area contains the unique phenomenon of the confluence of two significant, high-volume 'wilderness' rivers – the Huon and the Picton, with potential for relatively easy access to or panoramic viewing of them.

7.0 DEVELOPMENT PLAN – OVERALL OBJECTIVES

Clause 7.19.4 of the Esperance Planning Scheme 1989 sets out the overall objectives of the Development Plan. They are as follows:

- (a) To provide for a range of tourist attractions and activities that complement the natural attractions of the area;
- (b) To ensure that development components, including infrastructure, are environmentally sustainable;
- (c) To ensure that the visitor perception of the natural landscape is protected and enhanced;
- (d) To provide a tourist experience that complements other tourist facilities available in the Huon Valley, State Forests and Tasmania;
- (e) To be an integrated development so that various development components fit seamlessly together;
- (f) To complement the multiple use management regimes that already exist in the surrounding State forest areas; and
- (g) To ensure that all developments complement the natural setting through appropriate architectural design.

8.0 DETERMINATION OF AN APPLICATION FOR A PLANNING PERMIT

8.1 This Development Plan makes provision for an application for a planning permit for use or development referred to in Clause 4.1 to be determined in one of two ways:

(i) Permitted use or development

An application for a planning permit for a use or development referred to in Clause 4.1 that complies with all relevant Acceptable Solutions shall be approved by Council. Council may impose conditions or restrictions on that planning permit consistent with the achievement of any relevant Acceptable Solutions or to meet the intent and objectives of this Development Plan.

(ii) Discretionary use or development

An application for a planning permit for a use or development referred to in Clause 4.1 that relies on the use of any Performance Criteria or fails to provide sufficient information to demonstrate compliance with all Acceptable Solutions, may be approved or refused by Council. Council's determination shall take into consideration the intent and objectives of this Development Plan.

Where Council approves a planning permit it may impose conditions or restrictions on that permit consistent with the achievement of any relevant Acceptable Solutions, Performance Criteria, or to meet the intent and objectives of this Development Plan.

- 8.2** An application for use or development referred to in Clause 4.1 must demonstrate compliance with an Acceptable Solution where there is no corresponding Performance Criteria. Council shall refuse an application not meeting this requirement.
- 8.3** Where an application for a use or development referred to in Clause 4.1 does not comply with an Acceptable Solution or Performance Criteria it shall be refused.

B PERFORMANCE REQUIREMENTS

<p>ISSUE 9.0 DEVELOPMENT LOCATION</p>	<p>OBJECTIVE To make adequate provision for the specified range of development to complement the natural attractions of the area whilst retaining the significant natural values.</p>
<p>ACCEPTABLE SOLUTION 9.1 All development is to be located within the envelopes identified in the Strategic Options Plan.</p>	<p>PERFORMANCE CRITERIA No performance criteria</p>
<p>ISSUE 10.0 SITING</p>	<p>OBJECTIVE To preserve the aesthetic and environmental values of the riverine communities.</p>
<p>ACCEPTABLE SOLUTION 10.1 A buffer zone prohibiting clearing or disturbance within 10 metres either side of Truggara Creek and the two unnamed creeks to the east of the Tahune bridge and within the West Quadrant is to be maintained.</p>	<p>PERFORMANCE CRITERIA No performance criteria</p>
<p>10.2 Development other than for the tree-top walk is to be restricted to cleared or disturbed areas.</p>	<p>Clearing or disturbance is not to occur in any area without the prior approval by Council of a comprehensive site management and rehabilitation plan. Such plan shall indicate the use of native species of local provenance.</p>
<p>10.3 (a) Development for the purposes of accommodation units in the south quadrant is to be restricted to individually nominated development areas a maximum 7 metres long by 7 metres wide x 7.5 metres high (above natural ground level) – and is to be a minimum 15 metres apart. (b) Such buildings must demonstrate the principle of ‘touching the ground lightly’ i.e.: i) to not require trench footings; ii) to be constructed on a frame or chassis above natural ground level; iii) to allow surrounding habitats to be retained without disturbance; iv) to be constructed in such a way that they might be removed and the site rehabilitated without alien materials or significant</p>	<p>Alternatively, or in addition, consideration may be given to the development of any combination of accommodation, restaurant, conference facilities and reception within a single building on the southern side of the Huon Track (AKA McKay’s Huon Track) subject to the following restrictions: i) Such building shall be restricted to a single development area 50 metres long (i.e. parallel to the Huon Track) x 15 metres deep x 10.5 metres high (to highest point of building above natural ground level). ii) Such building shall be setback a minimum of 6 metres from the Huon Track, and shall <u>not</u> use or address the Huon Track as its principal means of access.</p>

<p>disturbance remaining.</p> <p>(c) All buildings within the South Quadrant shall not be noticeable from the Huon River, the Arve Road or the tree-top walk.</p> <p>(d) Vehicular and service access to any accommodation development shall be via a separate (new) access from the Arve Road, to the south and east of the Huon Track.</p>	
<p>10.4 Any structures other than the tree-top walk and visitor centre shall be sited and designed in such a way as to clearly demonstrate minimal visual intrusion by way of height, bulk, materials, colour or clearing.</p>	<p>No performance criteria</p>
<p>10.5 Where clearing is proposed in areas of wet <i>Eucalyptus obliqua</i> forest:</p> <p>(a) a search must be conducted for the Mt. Mangana Stag beetle;</p> <p>(b) should the beetle be found, a permit(s) from the relevant authority for its destruction is to be obtained (if necessary); and</p> <p>(c) any existing old rotting logs in situ are to be retained.</p> <p>The above matters must be addressed before clearing can take place.</p>	<p>No performance criteria</p>
<p>ISSUE</p> <p>11.0 ROADS</p>	<p>OBJECTIVE</p> <ul style="list-style-type: none"> • To ensure that safe and adequate access is provided to the Area and that appropriate facilities for vehicle circulation are provided. • To ensure that all roads are constructed to a safe and adequate standard. • To ensure that the construction, maintenance and repair of roads does not result in environmental damage.
<p>ACCEPTABLE SOLUTION</p> <p>11.1 No new road is to be constructed within the Area unless it is to provide access to an approved development.</p>	<p>PERFORMANCE CRITERIA</p> <p>Any new road not required to provide access to an approved development is to be constructed for purposes which support the intent and objectives of this Plan.</p>
<p>11.2 Any new or existing roads servicing the area are to meet the requirements of the Forest Practices Code and Forestry Roding Standards – Engineering Guidelines for safe and adequate</p>	<p>No performance criteria</p>

accesses.	
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<p>ISSUE 12.0 STORMWATER</p>	<p>OBJECTIVE To ensure that stormwater runoff from all new and existing hard surfaces does not result in the loss of water quality or otherwise cause environmental harm.</p>
<p>ACCEPTABLE SOLUTION 12.1 A Stormwater Management Plan certified by a suitably qualified person(s) is to be prepared for the area for management of activities during and after construction. The Management Plan is to be approved by Council prior to the commencement of any development on the site and is to ensure that use and development does not result in:</p> <ul style="list-style-type: none"> a) erosion; b) siltation; c) degradation of water quality of any watercourse spring or recharge basin; and d) increase in landslip or erosion hazard potential. 	<p>PERFORMANCE CRITERIA</p> <p style="text-align: center;">No performance criteria</p>
<p>ISSUE 13.0 SOLID WASTE</p>	<p>OBJECTIVE To ensure that alien waste products, litter and refuse is not allowed to contaminate the area or to effect the enjoyment of users.</p>
<p>ACCEPTABLE SOLUTION 13.1 Self contained, vermin, water and wind proof receptacles are to be provided on site for the collection of solid waste.</p>	<p>PERFORMANCE CRITERIA</p> <p style="text-align: center;">No performance criteria</p>
<p>13.2 All solid waste is to be regularly removed from the site by a private contractor to Council’s waste transfer station in a vehicle approved by Council.</p>	<p style="text-align: center;">No performance criteria</p>
<p>ISSUE 14.0 WATER QUALITY</p>	<p>OBJECTIVE To maintain the physical and chemical quality of waterways and wetlands at a level that will not affect their role as aquatic habitats, recreational assets, or sources of supply for domestic, industrial and agricultural uses.</p>
<p>ACCEPTABLE SOLUTION 14.1</p> <ul style="list-style-type: none"> (a) No discharge will be allowed into any waterway or wetland that would adversely impact its chemical or physical qualities; (b) No new point source of discharge 	<p>PERFORMANCE CRITERIA</p> <p>Appropriate methods of detention and/or treatment of all run-off are to be implemented so that discharge into receiving waters is in accordance with:</p> <ul style="list-style-type: none"> i) for primary contact – standards set by the

<p>into any wetland or waterway for sewerage, stormwater, commercial or other domestic wastes is to be created; and</p> <p>(c) There is to be no direct discharge of any untreated water into any enclosed aquatic system or system with low exchange rates.</p>	<p>ii) National Health & Medical Research Centre; or for other water values – as determined by the Board of Environmental Management and Pollution Control and in accordance with the Australian Water Quality Guidelines, September 1995.</p>
<p>ISSUE 15.0 FIRE</p>	<p>OBJECTIVE</p> <ul style="list-style-type: none"> • To ensure that any practices associated with fire protection do not result in unnecessary damage to native vegetation or lead to erosion or sedimentation. • To ensure that adequate fire protection measures are implemented in the design and construction of buildings.
<p>ACCEPTABLE SOLUTION 15.1 Fire Management to be undertaken in accordance with Forestry Tasmania’s Fire Management Plan for the Huon District.</p>	<p>PERFORMANCE CRITERIA</p> <p>No performance criteria</p>
<p>15.2 Development of a Strategic Fire Management Plan for the Area to be developed by Forestry Tasmania and to be approved by the Council and Tasmania Fire Services prior to the commencement of any construction on the site.</p>	<p>No performance criteria</p>
<p>15.3 Buildings that provide facilities for human habitation must be designed, sited and constructed to ensure that there is adequate protection for life and property.</p>	<p>No performance criteria</p>
<p>15.4 Where vegetation removal is required for fire protection purposes, it must be shown that:</p> <ul style="list-style-type: none"> a) such removal will not result in the loss of any fauna habitat to the extent that any vertebrate fauna species survival on the site is threatened; and b) erosion and sedimentation will not occur or can be mitigated through the implementation of a plan setting out techniques to mitigate and control erosion and sedimentation. 	<p>No performance criteria</p>

<p>15.5 On-site fire protection measures are to include at least the following:</p> <ul style="list-style-type: none"> a) an approved high pressure water supply system; and b) portable hand held fire extinguishers; and c) fire blankets. 	<p>No performance criteria</p>
<p>ISSUE 16.0 POWER SUPPLY</p>	<p>OBJECTIVE To ensure that adequate power is provided to supply the needs of intended development as required, in an efficient and sustainable manner.</p>
<p>ACCEPTABLE SOLUTION 16.1 The means of power generation is to be such that it does not have a significant effect on the amenity or values of the area by way of noise, fumes, smoke or discharge of effluent or dust.</p>	<p>PERFORMANCE CRITERIA No performance criteria</p>
<p>16.2 A back-up source of power generation must be provided and is to be specified in any application for development.</p>	<p>No performance criteria</p>
<p>16.3 Any application for development must demonstrate prior to commencement of construction that fuel delivery and storage requirements comply with relevant State Acts and Regulations.</p>	<p>No performance criteria</p>
<p>16.4 A hazard-risk analysis and emergency procedures must be provided for any application for development that includes any fuel and fuel-driven machinery, prior to the commencement of construction.</p>	<p>No performance criteria</p>
<p>16.5 Power generation should be by an integrated system and not by separate, stand alone systems.</p>	<p>Remote power generation systems may be considered subject to a suitable cost-benefit analysis in terms of economic viability without risk to environmental values or amenity.</p>
<p>ISSUE 17.0 WATER SUPPLY</p>	<p>OBJECTIVE To ensure adequate high quality water supplies are available to all users at a rate and in a manner that is environmentally sustainable.</p>
<p>ACCEPTABLE SOLUTION 17.1 The water supply system for Stage 1 Development is to be designed to be able to accommodate a minimum 400 visitors per day and a minimum daily water requirement of 10,000 litres per day and be subject to recognised</p>	<p>PERFORMANCE CRITERIA No performance criteria</p>

<p>water conservation measures, which shall be detailed in any application for Stage 1 Development.</p>	
<p>17.2 An alternative water supply that is available for emergency purposes is to be provided.</p>	<p>No performance criteria</p>
<p>17.3 Any water treatment systems required to ensure potable water shall be self-contained and secure from external tampering, discharge or leaking through failure or corrosion.</p>	<p>No performance criteria</p>
<p>17.4 Pump systems and piping reticulation shall be screened or obscured so as not to be visually intrusive or audible above ambient background noise levels.</p>	<p>No performance criteria</p>
<p>17.5 Adequate water supply is to be provided for future stages of the development as required.</p>	<p>No performance criteria</p>
<p>ISSUE 18.0 EFFLUENT DISPOSAL</p>	<p>OBJECTIVE To ensure that facilities provided for the treatment and disposal of sewage are sufficient to meet the needs of development and do not result in the loss of water quality or cause other environmental harm.</p>
<p>ACCEPTABLE SOLUTION 18.1 An on-site disposal system to secondary treatment level, capable of dealing with Stage 1 of the development with a minimum daily loading of 400 persons and 8,000 litres of wastewater is to be provided.</p>	<p>PERFORMANCE CRITERIA An alternative system may be considered subject to meeting the requirements of DPIWE and Council, and providing sufficient technical and scientific justification to satisfy the 'Precautionary Principle'.</p>
<p>18.2 The wastewater system is to be designed, operated and maintained in accordance with current State government guidelines.</p>	<p>No performance criteria</p>
<p>18.3 All sewerage reticulation and treatment infrastructure is to be bunded to reduce noise levels to within ambient levels, and to ensure that accidental overflow is contained and cannot find its way into any watercourse.</p>	<p>No performance criteria</p>
<p>18.4 Any absorption areas are to be located a minimum of 300 metres from the Huon River.</p>	<p>No performance criteria</p>
<p>18.5 A series of shallow ground water monitor bores shall be installed at various points around the curtilage</p>	<p>No performance criteria</p>

<p>of the effluent disposal area.</p>	
<p>ISSUE 19.0 CAR PARKING</p>	<p>OBJECTIVE To ensure adequate provision of car parking to serve developments without undue impact on the site’s environmental values or amenity.</p>
<p>ACCEPTABLE SOLUTION 19.1 Car parking shall be confined to designated parking areas located in accordance with the carpark area envelope on the Strategic Options Plan.</p>	<p>PERFORMANCE CRITERIA Further car parking provisions can be considered outside of designated parking areas and the envelopes shown on the Strategic Options Plan where a need can be justified, and in the form of a detailed proposal plan.</p>
<p>19.2 Car parking shall be developed in and around existing areas of disturbance whilst avoiding significant stands of vegetation or trees.</p>	<p>No performance criteria</p>
<p>19.3 Car parking shall be developed in accordance with the landscaping principles identified in a detailed Landscape Concept Plan for each individual development to be approved by Council. Such Plan shall include a regime for rehabilitation.</p>	<p>Consideration of further parking must be in accordance with a detailed Landscape Concept Plan incorporating the same principles as any existing approved plans.</p>
<p>19.4 Car parking shall be constructed of a gravel surface of a locally occurring gravel rather than an introduced or sealed surface.</p>	<p>Alternative car parking construction may be considered where it can be demonstrated that it meets the requirements of Clause 19.5.</p>
<p>19.5 Construction of the car parking area is to ensure that:</p> <ul style="list-style-type: none"> a) water will not pond or be directed into a watercourse; or b) water can be retained in absorption trenches or pits; and c) gravel/silt is prevented by bunding or barriers from entering any watercourse or vegetated area. 	<p>No performance criteria</p>
<p>ISSUE 20.0 Hydrology</p>	<p>OBJECTIVE The physical quality of the Huon River and minor creeks and streams is to be maintained at existing ambient standards.</p>
<p>ACCEPTABLE SOLUTION 20.1 No log jams or naturally occurring riparian debris is to be cleared or moved other than by naturally occurring phenomenon.</p>	<p>PERFORMANCE CRITERIA No performance criteria</p>
<p>20.2 Subject to other provisions of this Plan, buildings are to be located a minimum 900 mm above the 1 in 100 year flood level for the Huon and Picton Rivers.</p>	<p>No performance criteria</p>
<p>20.3 Structures such as board-walks,</p>	

<p>steps or landings may be located below the 1 in 100 year flood level provided they are able to:</p> <ul style="list-style-type: none"> a) touch the ground lightly; b) be easily demolished or removed; and c) have minimal effect on the hydrology of the river under flood. <p>Such structures must be indicated in the detailed plans accompanying any Development Application.</p>	<p>No performance criteria</p>
<p>ISSUE 21.0 HERITAGE (European)</p>	<p>OBJECTIVE To provide for the protection of items of significant cultural heritage value, their appreciation and interpretation.</p>
<p>ACCEPTABLE SOLUTION 21.1 The site known as Picton House defined by the curtilage of its remains is to be excluded from all development activities.</p>	<p>PERFORMANCE CRITERIA <p style="text-align: center;">No performance criteria</p></p>
<p>21.2 There is to be no encroachment or disturbance of the Huon Track as a result of any development within the Area.</p>	<p>Development of individual accommodation units within the South Quadrant may include the crossing of the Huon Track, but <u>not</u> reliance upon it for access from the Arve Road.</p> <p>Any such development shall include measures to rehabilitate, protect and celebrate (through interpretation) the heritage values of the track.</p> <p>A rehabilitation plan is to be prepared and approved by Council.</p>
<p>21.3 Application for development within 50 metres of any river shall be required to report to the Forest Practices Board in the event of any archaeological findings.</p>	<p>No performance criteria</p>
<p>HERITAGE (Aboriginal) 21.4 Any development activities on site are to be conducted in accordance with the requirements of the Aboriginal Relics Act 1975.</p>	<p>No performance criteria</p>
<p>ISSUE 22.0 GEOMORPHOLOGY</p>	<p>OBJECTIVE To ensure that development and works do not cause erosion or slope instability and are not affected by landslip.</p>

<p>ACCEPTABLE SOLUTION 22.1 Building Plans shall be accompanied by:</p> <ul style="list-style-type: none"> a) a geotechnical report that demonstrates that geotechnical practices have been incorporated into the design and construction methodology; and b) an erosion and sediment control plan setting out techniques to mitigate and control erosion and sedimentation; and c) a foundation design that does not rely on unstable material to provide building support. 	<p>PERFORMANCE CRITERIA</p> <p style="text-align: center;">No performance criteria</p>
<p>ISSUE 23.0 OVERNIGHT VISITORS (Campers)</p>	<p>OBJECTIVE To ensure that suitable amenity is provided for overnight camping and stays whilst ensuring that no environmental harm occurs.</p>
<p>ACCEPTABLE SOLUTION 23.1 Provision shall be made in a designated location in accordance with the Strategic Options Plan, for overnight campers (tents) and campervans. Such infrastructure as may be required shall be detailed in the Development Application for Stage 1, and be restricted to a shower facility and sink for dishwashing (to be connected to the wastewater reticulation and treatment system).</p>	<p>PERFORMANCE CRITERIA Further stages involving expansion of camping/campervan and/or a caravan park may be considered within the location designated by the Strategic Options Plan.</p>
<p>ISSUE 24.0 PASSIVE AND ACTIVE RECREATION</p>	<p>OBJECTIVE To ensure that recreational activities are consistent with the Objectives for the Area and that they are sustainable.</p>
<p>ACCEPTABLE SOLUTION 24.1 Recreational activities shall be confined to existing areas of disturbance.</p>	<p>PERFORMANCE CRITERIA Activities may be considered outside existing areas of disturbance subject to further detailed site assessment.</p>
<p>24.2 Recreational activities shall be carried out with due regard to the objectives of the Development Plan, and the individual performance objectives.</p>	<p style="text-align: center;">No performance criteria</p>
<p>ISSUE 25.0 BUILDING DESIGN AND APPEARANCE</p>	<p>OBJECTIVE To ensure that all buildings are of a high architectural standard, so that they contribute to the experience of the overall development, and do not detract from existing natural environmental values and amenity.</p>

<p>ACCEPTABLE SOLUTION 25.1 The design of buildings and structures is to take into account the unique qualities of the site whilst using innovative and high quality architectural solutions.</p>	<p>PERFORMANCE CRITERIA</p> <p>No performance criteria</p>
<p>25.2 The colour and materials of external surfaces are to: (a) Be consistent with the local environment and the dominant colours of the Area; or (b) demonstrate a clear and obvious nexus to readily identifiable quality, value or characteristic of the respective site or the Area generally.</p>	<p>No performance criteria</p>
<p>25.3 The colour of external walls and roofs visible from other quadrants is to have a light reflectance value of less than 10%.</p>	<p>Variation to the acceptable solution may be considered where a clear and well argued rationale can be provided on architectural, heritage and/or environmental grounds.</p>
<p>25.4 Roofs are to be clad with materials of mid to dark tones.</p>	<p>No performance criteria</p>
<p>25.5 All structural designs, materials and colours including those for buildings shall demonstrate consistency with the Visual Assessment Objectives contained within the Site Assessment Document.</p>	<p>No performance criteria</p>
<p>ISSUE 26.0 SIGNS</p>	<p>OBJECTIVE To provide a standard regime for the provision of appropriate high quality signage that ensures adequate information without detriment to environmental values or amenity.</p>
<p>ACCEPTABLE SOLUTION 26.1 All signage other than statutory, hazard, emergency and road safety signage* must comply with the requirements of a Signs Code to be provided by the applicant and approved by Council prior to the completion of Stage 1 of development and prior to the erection of any signage.</p> <p>* These signs are exempt.</p>	<p>PERFORMANCE CRITERIA Signage not complying with the adopted Signs Code may be considered where it can be demonstrated to be consistent with the above objective.</p>

