

# Annexure 1

4 July 2016

Our ref.:

Doc. ID:

Your ref.:

Dear

## CENTRAL COAST INTERIM PLANNING SCHEME 2013 – PROPOSED LAND USE ZONING CHANGE

As you may be aware, the Central Coast Council along with the other eight Councils of the Cradle Coast region, adopted an Interim Planning Scheme in 2013. Following adoption, the Schemes were publicly notified and attracted numerous representations from the public in response.

Your property is currently zoned Rural Living under the Scheme which carries with it a minimum lot size of 1ha and substantial boundary setback requirements. These provisions were considered by some residents to be inappropriate and inconsistent with those which existed under the previous Scheme (the Central Coast Planning Scheme 2005).

A Panel, established by the Tasmanian Planning Commission (the Commission) has been reviewing the Scheme in the light of those representations and has advised the Council that it intends to recommend to the Minister that land north of the Western Rail Line be rezoned from its current Rural Living category to Low Density Residential.

I attach maps indicating the current and proposed zoning of the land and the standards which apply under each zone. You may also access the current provisions of the Rural Living zone and the Low Density Residential Land on-line by following the links at [www.iplan.tas.gov.au](http://www.iplan.tas.gov.au) >Planning schemes>Central Coast.

The Commission's view is that the proposed rezoning would more closely correspond to the prevailing development form of the area.

The Commission has requested that the Council write to you to inform you of its intention and to seek your response. Your response would be forwarded to the Commission, along with the Council's own views.

I would be obliged if you would complete the attached response form and return it to the Council by 18 July 2016.

For your assistance in understanding the proposed zoning change, I attach some explanatory information, including what the change would mean for development on your land.

Please call me on telephone 6429 8954 if you require further details or would like to discuss this matter further.

Yours sincerely

Ian Sansom  
LAND USE PLANNING GROUP LEADER

Encl.

Ms Sandra Ayton  
General Manager  
Central Coast Council  
PO Box 220  
ULVERSTONE TAS 7315

Dear Ms Ayton

**AGREEMENT TO CHANGE THE ZONING OF LAND NORTH OF THE WESTERN RAIL LINE, LEITH**

I, ..... of .....

SUPPORT	<input type="checkbox"/>
DO NOT SUPPORT	<input type="checkbox"/>

*Please tick appropriate box*

rezoning of the above property from Rural Living to Low Density Residential.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

If you wish to add any comments please make them on a separate sheet and attach to this form. Also, please forward your response to the Council by 18 July 2016.

# PLANNING SCHEME PROVISIONS – LEITH

The Tasmanian Planning Commission is proposing to rezone properties north of the Western Rail Line from Rural Living to Low Density Residential. It has proposed the change on the basis that it considers the Low Density Residential zone development provisions better reflect the type and pattern of existing development in the subject area than the Rural Living zone provisions.

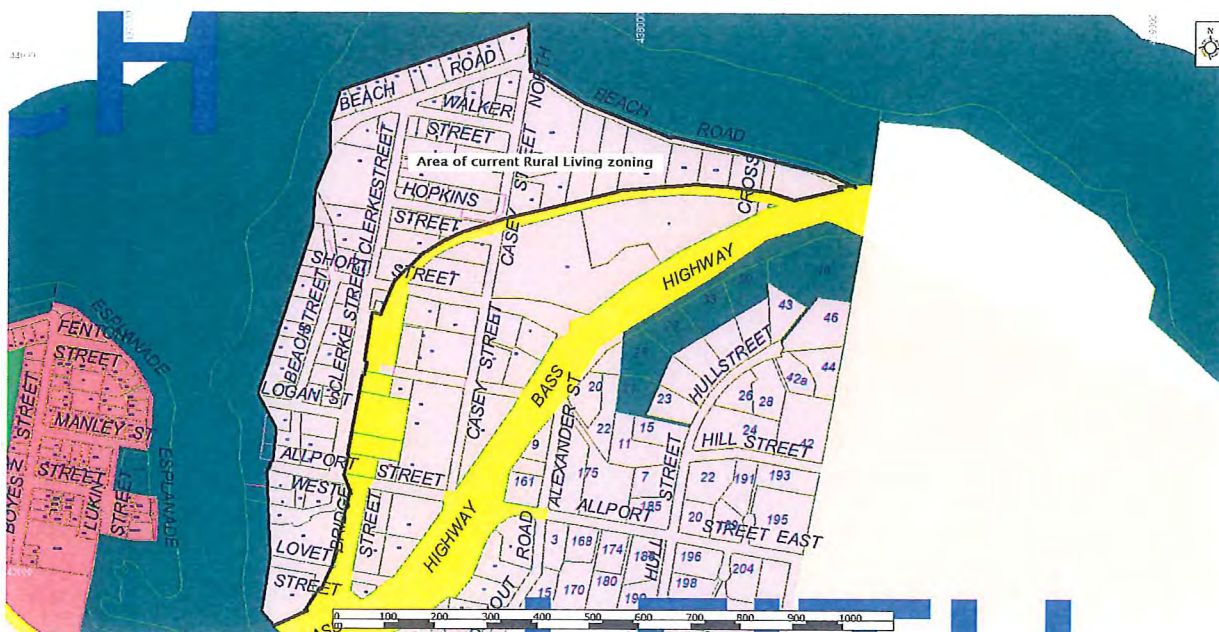
The next sections of this document include:

- Maps showing the location and extent of the proposed rezoning
- An explanation of what the changes would mean for affected properties.
- The current Rural Living provisions.
- The proposed Low Density Residential provisions.

This information has been prepared to assist Land-owners understand the proposed changes.

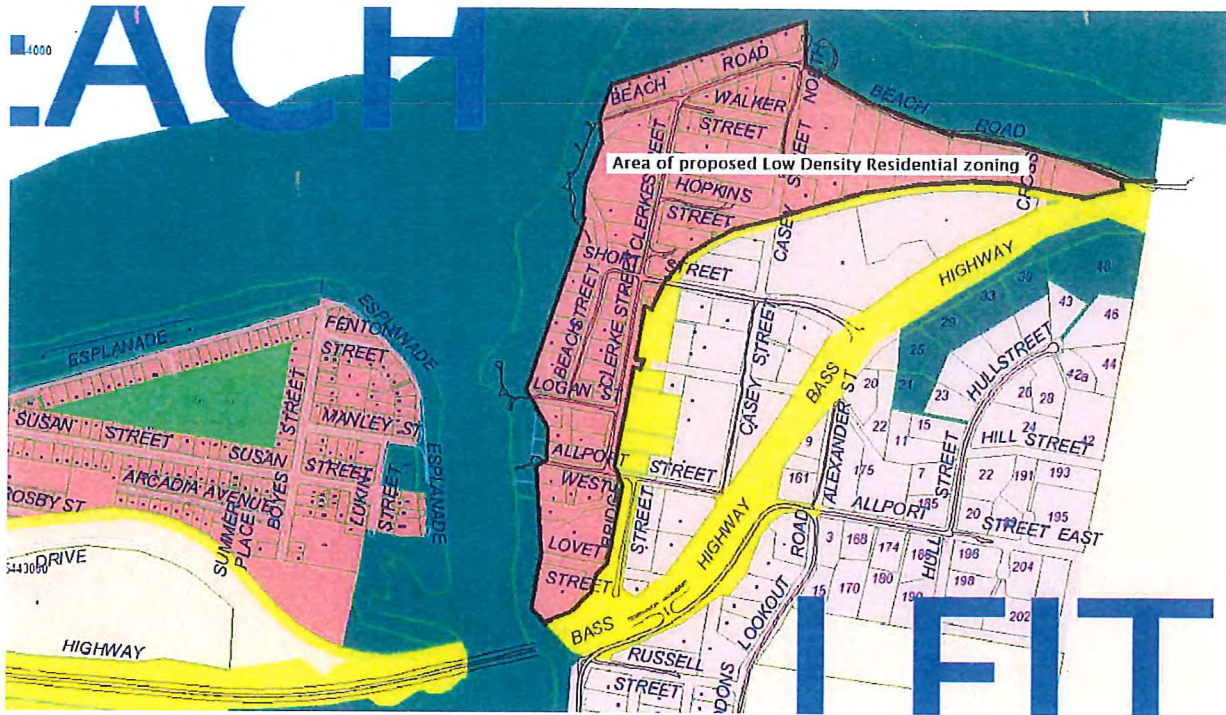
## MAP 1 - CURRENT ZONING

Rural Living



## MAP 2 - PROPOSED ZONING

### Low Density Residential



### KEY DIFFERENCES BETWEEN THE ZONES

	RURAL LIVING	LOW DENSITY RESIDENTIAL
Residential use status	Permitted	Permitted
Minimum lot size	1ha	500m <sup>2</sup>
Site area per dwelling	1 dwelling per 500m <sup>2</sup>	1 dwelling per 1ha
Front setback	20m	4.5m
Side setbacks	10m	0m
Rear setback	10m	4m

## What the change would mean for your property

Control of development including residential, commercial and industrial uses, buildings and subdivision is largely the responsibility of Local Government in Tasmania. Most development proposals require submission of plans to the Council and approval by it. Councils assess development applications against a planning scheme relating to their municipal area.

In the case of Leith the Central Coast Council is the responsible body and the planning scheme is the Central Coast Interim Planning Scheme 2013.

Most of Leith has developed in accordance with provisions that were included within previous planning schemes particularly the former 2005 planning scheme. Under this Scheme the land was zoned Low Density Residential and the key development provisions were:

- a 4,000m<sup>2</sup> minimum lot size.
- a maximum building height of 8m.
- a 6m setback from the front boundary.
- a 3m side boundary setback.
- a 6m rear boundary setback.

With the change of zoning to Rural Living the minimum lot size more than doubled and setback distances increased substantially. These standards now apply to new development.

The effect of the changed standards is that most development applications are now discretionary, incurring greater assessment times and increased costs for applicants, for little benefit.

The “lesser” development standards of the Low Density Residential zone are closer to the provisions of the 2005 planning scheme and as a result would cause fewer applications to be discretionary. This would mean a lesser assessment time and reduced costs.

The 500m<sup>2</sup> minimum lot size standard may allow some increase in subdivision potential. However that potential is likely to be limited because a lot size would be determined by the ability of the site to treat and discharge waste water and stormwater on the site. A lot of 500m<sup>2</sup> size is unlikely to be large enough to accommodate these functions.

# Extract of development provisions for the Low Density Residential Zone

## 12.0 Low Density Residential Zone

### 12.1 Zone Purpose

#### 12.1.1 Zone Purpose Statements

12.1.1.1 To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.

12.1.1.2 To provide for non-residential uses that are compatible with residential amenity.

#### 12.1.2 Local Area Objectives

- (a) Land is available for residential use in urban and semi-urban settings;
- (b) Low density residential areas make efficient use of land and optimise available infrastructure provision through a balance between infill and redevelopment of established residential areas and by incremental release of new land;
- (c) The type, scale, and intensity of use or development are consistent with the level of permanent constraint on residential use at suburban densities.
- (d) New or intensified use or development is restricted if the limit of a known constraint on residential use is uncertain;
- (e) Low density residential areas provide equivalent opportunity for single dwelling and multiple dwelling developments and for shared and supported accommodation through private, public, and social investment.
- (f) Low density residential areas enable opportunity for convenient access to basic level services and facilities for education, health care, retail, social, and recreation purposes;
- (g) Low density residential areas provide small-scale employment opportunities in home occupation and home based business.
- (h) The amenity and character of low density residential areas is commensurate with the location of housing and support activity within a shared urban or semi-urban living space, and is to take into account –
  - (i) the likely impact on residential use from the occurrence and operation of non-housing activity;
  - (ii) suitability of a site for intended use;
  - (iii) possible absence in provision or capacity of community services, transport infrastructure and utilities;
  - (iv) restriction imposed by an environmental constraint;
  - (v) the level of risk from exposure to a natural hazard; and
  - (vi) the effect of location and configuration of buildings within a site on –
    - a. apparent bulk and scale of buildings and structures;
    - b. opportunity for on-site provision of private open space and facilities for parking of vehicles;
    - c. opportunity for access to daylight and sunlight;
    - d. visual and acoustic privacy between adjacent dwellings; and
    - e. consistency of the streetscape; and
    - f. the relationship between new sensitive use and the use of land in an adjoining zone

#### 12.1.3 Desired Future Character Statements

Use or development in a low density residential area is to provide –

- (a) sites that are typically larger than suburban lots, although size is dependent on availability of utilities and land capability;
- (b) choice and diversity in the design, construction, and affordability of buildings;
- (c) housing as a predominant but not exclusive form of development;
- (d) buildings that are typically of one or two storeys;
- (e) a streetscape in which buildings are setback consistently from the frontage;
- (f) buildings that are set apart from adjacent buildings to –
  - (i) reduce apparent bulk and scale;
  - (ii) enable each an opportunity for access to sunlight; and
  - (iii) assist visual and acoustic privacy of adjoining residents;

(g) site coverage that retains unbuilt area for recreation, service activity, vehicle parking, and on-site disposal of sewage or stormwater; and

(h) an ordered pattern of lots and an internal road network

## 12.2 Use Table

### No Permit Required

#### Use Class

Natural and cultural values management

#### Qualification

If for conservation, rehabilitation, or protection against degradation, but must not include a building or external activity area for information, interpretation, or display of items or for any other use

Passive recreation

If a public park or reserve for the local community

### Permitted

#### Use Class

Business and professional services

#### Qualification

If a medical centre -

(a) involving not more than 3 health care professionals at any one time; and

(b) a gross floor area of not more than 300m<sup>2</sup>

Community meeting and entertainment

If -

(a) not an art gallery, cinema, concert hall, convention centre, dance hall, exhibition centre, function or reception centre, library, museum, music hall, or theatre; and

(b) a gross floor area of not more than 300m<sup>2</sup>

Education and occasional care

If -

(a) long day care, before or after school care, occasional care, or out-of-school hours care;

(b) a day respite centre;

(c) pre-school, primary or secondary education to Year 10; or

(d) an employment training centre.

Emergency services

If not intended for deployment beyond the local area, or as a facility for training, maintenance, storage, command or administrative function

Food services

If -

(a) not licensed premises;

(b) not including a drive-through facility; and

(c) seating capacity for not more than 20 people

General retail and hire

If a local shop

Residential

Resource development

If a community garden for production or ornamental purposes to service the local community; and not involving the keeping of animals

Sport and recreation

If outdoor recreation facilities comprising a single playing field or a single surface for the local community



Tourist operation	If –  (a) based on a building, area, or place of regulated scientific, aesthetic, architectural or historic interest or otherwise of special cultural value; and  (b) not a visitor’s information centre
Utilities	If minor utilities
Visitor accommodation	If –  (a) in a building; and  (b) guest accommodation for not more than 16 people
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Business and professional services	If a medical centre
Community meeting and entertainment	If not an art gallery, cinema, concert hall, convention centre, dance hall, exhibition centre, function or reception centre, library, museum, music hall, or theatre
Educational and occasional care	
Food services	
Natural and cultural values management	
Passive Recreation	
Utilities	
Visitor accommodation	
<b>Prohibited</b>	
<b>Use Class</b>	<b>Qualification</b>
All other uses	

## 12.3 Use Standards

### 12.3.1 Discretionary Permit Use

<b>Objective:</b> Use in this zone that is a discretionary permit use is to service and support the routine requirements of the local community	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>  There are no Acceptable Solutions	<b>P1</b>  Discretionary permit use must –  (a) be consistent with local area objectives;  (b) be consistent with any applicable desired future character statement; and  (c) minimise likelihood for adverse impact on amenity for use on adjacent land in the zone

### 12.3.2 Impact of Use

<b>Objective:</b> Use in this zone that is a discretionary permit use is to minimise adverse impact on the amenity of residential use	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>

<p><b>A1</b></p> <p>Use that is not in a residential use must not occur on more than 2 adjoining sites.</p>	<p><b>P1</b></p> <p>Use that is not in a residential use must –</p> <ul style="list-style-type: none"> <li>(a) be consistent with local area objectives;</li> <li>(b) be consistent with any applicable desired future character statements;</li> <li>(c) be required to service and support the local community; and</li> <li>(d) minimise likelihood for adverse impact on amenity for residential use on adjacent land in the zone</li> </ul>
<p><b>A2</b></p> <p>The site for a use that is not in a residential use must not require pedestrian or vehicular access from a no- through road</p>	<p><b>P2</b></p> <p>Use that is not in a residential use must –</p> <ul style="list-style-type: none"> <li>(a) be consistent with local area objectives;</li> <li>(b) be consistent with any applicable desired future character statements;</li> <li>(c) be required to service and support the local community; be dependent on the site for provision of significant social, economic, or environmental benefit to the local community;</li> <li>(d) be required to obtain vehicular and pedestrian access from a no-through road as a consequence of – <ul style="list-style-type: none"> <li>(i) the effect of topography on ability to create access upon a through road; or</li> <li>(ii) a regulatory limit on the ability to obtain pedestrian or vehicular access upon a through road; and</li> </ul> </li> <li>(e) have minimal likelihood for unreasonable impact on amenity for residential use on adjacent land in the zone</li> </ul>
<p><b>A3</b></p> <p>Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm</p>	<p><b>P3</b></p> <p>Hours of operation, including for the delivery and despatch of goods and the conduct of routine cleaning, maintenance and service, must be reasonable to requirements of the use and unlikely to cause conflict or interference to the amenity of other use on adjacent land in the zone</p>

## 12.4 Development Standards

### 12.4.1 Suitability of a site or lot for use or development

**Objective:**

The minimum properties of a site and of each lot on a plan of subdivision are to –

- (a) provide a suitable development area for the intended use;
- (b) provide access from a road; and
- (c) make adequate provision for a water supply and for the drainage and disposal of sewage and stormwater

**Acceptable Solutions**

**Performance Criteria**

**A1**

A site or each lot on a plan of subdivision must –

- (a) have an area of –
  - (i) not less than 500m<sup>2</sup> excluding any access strip; or
  - (ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality; and
- (b) contain a building area of not less than 10.0m x 15.0m –
  - (i) clear of any applicable setback from a frontage, side or rear boundary;
  - (ii) clear of any applicable setback from a zone boundary;
  - (iii) clear of any registered easement;
  - (iv) clear of any registered right of way benefitting other land;
  - (v) clear of any restriction imposed by a utility;
  - (vi) not including an access strip;
  - (vii) accessible from a frontage or access strip; and
  - (viii) if a new residential lot, with a long axis within the range 30° east of north and 20° west of north

**A2**

A site or each lot on a subdivision plan must have a separate access from a road –

- (a) across a frontage over which no other land has a right of access; and
- (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or
- (c) by a right of way connecting to a road –
  - (i) over land not required as the means of access to any other land; and
  - (ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and
- (d) with a width of frontage and any access strip or right of way of not less than –
  - (i) 3.6m for single dwelling development; or
  - (ii) 6.0m for multiple dwelling development or development for a non-residential use; and
- (e) the relevant road authority in accordance with the *Local Government (Highways) Act 1982* or the *Roads and Jetties Act 1935* must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.

**P1**

A site or each lot on a plan of subdivision must

- (a) be of sufficient area for the intended use or development without likely constraint or interference for –
  - (i) erection of a building if required by the intended use;
  - (ii) access to the site;
  - (iii) use or development of adjacent land;
  - (iv) a utility; and
  - (v) any easement or lawful entitlement for access to other land; and
- (b) if a new residential lot, be orientated to maximise opportunity for solar access to a building area

**P2**

(a) A site must have a reasonable and secure access from a road provided –

- (i) across a frontage; or
- (ii) by an access strip connecting to a frontage, if for an internal lot; or
- (iii) by a right of way connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and
- (iv) the dimensions of the frontage and any access strip or the right-of-way must be adequate for the type and volume of traffic likely to be generated by –
  - a. the intended use; and
  - b. the existing or potential use of any other land which requires use of the access as the means of access for that land; and
- (v) the relevant road authority in accordance with the *Local Government (Highways) Act 1982* or the *Roads and Jetties Act 1935* must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or
- (b) It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan.

**A3**

A site or each lot on a plan of subdivision must be capable of connecting to a water supply –

- (a) provided in accordance with the *Water and Sewerage Industry Act 2008*; or
- (b) from a rechargeable drinking water system R4 with a storage capacity of not less than 10,000 litres if–
  - (i) there is not a reticulated water supply; and
  - (ii) development is for –
    - a. a single dwelling; or
    - b. a use with an equivalent population of not more than 10 people per day

**A4**

A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste –

- (a) to a sewerage system provided in accordance with the *Water and Sewerage Industry Act 2008*; or
- (b) by on-site disposal if –
  - (i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and
  - (ii) the development –
    - a. is for a single dwelling; or
    - b. provides for an equivalent population of not more than 10 people per day; or
    - c. creates a total sewage and waste water flow of not more than 1,000l per day; and
  - (iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS1547:2012 On-site domestic-wastewater management clear of any defined building area or access strip

**P3**

(a) There must be a water supply available for the site or for each lot on a plan of subdivision with an adequate level of reliability, quality, and quantity to service the anticipated use of the site or the intended use of each lot on a plan of subdivision; or

(b) It must be unnecessary to require a water supply

**P4**

A site or each lot on a plan of subdivision must drain and dispose of sewage and liquid trade waste –

- (a) A site or each lot on a plan of subdivision must drain and dispose of sewage and liquid trade waste –
  - (i) in accordance with any prescribed emission limits for discharge of waste water;
  - (ii) in accordance with any limit advised by the Tasmanian Environmental Protection Agency;
  - (iii) without likely adverse impact for the health or amenity of the land and adjacent land;
  - (iv) without compromise to water quality objectives for surface or ground water established under the State Policy on Water Quality Management 1997; and
  - (v) with appropriate safeguards to minimise contamination if the use or development has potential to –
    - a. indirectly cause the contamination of surface or ground water; or
    - b. involve an activity or process which requires the use, production, conveyance or storage of significant quantities of sewage or trade waste that may cause harm to surface or ground water if released through accident, malfunction, or spillage; or
- (b) It must be unnecessary to require arrangements for the drainage and disposal of sewage or liquid trade waste

A5

A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater –

- (a) to a stormwater system provided in accordance with the *Urban Drainage Act 2013*; or
- (b) If stormwater cannot be drained to a stormwater system –
  - (i) for discharge to a natural drainage line, water body, or watercourse; or
  - (ii) for disposal within the site if –
    - a. the site has an area of not less than 5000m<sup>2</sup>;
    - b. the disposal area is not within any defined building area;
    - c. the disposal area is not within any area required for the disposal of sewage;
    - d. the disposal area is not within any access strip; and
    - e. not more than 50% of the site is impervious surface; and
  - (iii) the development is for a single dwelling

P5

(a) A site or each lot on a plan of subdivision must drain and dispose of stormwater –

- (i) to accommodate the anticipated stormwater –
  - a. currently entering from beyond its boundaries; and
  - b. from the proposed development;
- (ii) without likelihood for concentration on adjacent land;
- (iii) without creating an unacceptable level of risk for the safety of life or for use or development on the land and on adjacent land;
- (iv) to manage the quantity and rate of discharge of stormwater to receiving waters;
- (v) to manage the quality of stormwater discharged to receiving waters; and
- (vi) to provide positive drainage away from any sewer pipe, on-site sewage disposal system, or building area; or
- (b) It must be unnecessary to require arrangements for the drainage and disposal of stormwater

**Table to Clause 12.4.1 A1**

Locality	Site area per dwelling (m <sup>2</sup> )
This clause does not apply	

**Footnotes**

R4 Rechargeable drinking water system may include rain water collection, a bore, a spring, a stream, or a water body such as freshwater dam or lake with an appropriate level of reliability, quality and quantity to provide a water supply to the use or development

**Amendment information and page history**

Amendment date	Amendment reference	Effective from
20 July 2015	UA1-[schem-]-2015	19 July 2015

**12.4.2 Dwelling density**

**Objective:**

Residential dwelling density is to –

- (a) make efficient use of land for housing;
- (b) optimise utilities and community services; and
- (c) be consistent with any constraint on suitability of the land for residential use

**Acceptable Solutions**

**Performance Criteria**

**A1**

The site area per dwelling must –

- (a) be not less than 500m<sup>2</sup> if the site has –
  - (i) connection to a reticulated water supply;
  - (ii) connection to a reticulated sewer system; and
  - (iii) connection to a stormwater system; or
- (b) if the site is in a locality shown in the Table to this Clause, not less than the site area for that locality.

**P1**

The number of dwellings on a site must be consistent with the capability of the land for residential use in terms of –

- (a) a suitable building area;
- (b) access from a road;
- (c) provision of a water supply;
- (d) disposal of sewage;
- (e) disposal of stormwater; and
- (f) a tolerable level of risk from a natural hazard.

**Table to Clause 12.4.2 A1**

Locality	Site Area per dwelling (m <sup>2</sup> )
This table is not used in this scheme	

### 12.4.3 Location and configuration of development

**Objective:**

The location and configuration of development is to –

- (a) be consistent with land capability;
- (b) provide a consistent separation between the development area on adjacent sites and between development and a road;
- (c) provide consistency in the apparent scale, bulk, massing, and proportion of adjacent buildings;
- (d) provide sufficient site area for open space, utilities, and vehicle parking;
- (e) provide for the facade of a residential building to remain the dominant architectural element in the streetscape; and
- (f) separate adjacent buildings to provide reasonable opportunity for daylight and sunlight to habitable rooms and to private open space areas; and

**Acceptable Solutions**

**A1**

The wall of a building must be setback from a frontage –

- (a) not less than 4.5m from a primary frontage; and
- (b) not less than 3.0m from any secondary frontage; or
- (c) not less than and not more than the setbacks for any existing building on each of the immediate adjoining sites;
- (d) not less than for any building retained on the site;
- (e) in accordance with any building area shown on a sealed plan; or
- (f) if the site abuts a road shown in the Table to this Clause, the setback specified for that road.

**Performance Criteria**

**P1**

The setback of a wall of a building from a frontage must be –

- (a) consistent with the streetscape; and
- (b) required by a constraint imposed by –
  - (i) size and shape of the site;
  - (ii) orientation and topography of land;
  - (iii) arrangements for a water supply and for the drainage and disposal of sewage and stormwater;
  - (iv) arrangements for vehicular or pedestrian access;
  - (v) any requirement of a conservation or urban design outcome detailed in a provision in this planning scheme;
  - (vi) a utility; or
  - (vii) any lawful and binding requirement –
    - a. by the State or a council or by an entity owned or regulated by the State or a council to acquire or occupy part of the site; or
    - b. an interest protected at law by an easement or other regulation

**A2**

All buildings must be contained within a building envelope determined by-

- (a) the applicable frontage setback;
- (b) if the site is in a locality shown in the Table to this Clause, not less than the setback distance specific from the feature specified;
- (c) projecting a line at an angle of 45° from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level if walls are setback -
  - (i) not less than 1.5m from each side boundary; or
  - (ii) less than 1.5m from a side boundary if wall height is not more than 3.0m; and -
    - a. built against an existing wall of an adjoining building; or
    - b. the wall or walls -
      - i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;
      - ii. there is no door or window in the wall of the building; and
      - iii. overshadowing does not result in -
        - a. less than 2 hours of continuous sunlight to a required minimum private open space area in an adjacent dwelling between 9.00am and 3.00pm on 21<sup>st</sup> June; or
        - b. a further reduction in continuous sunlight to a required minimum private open space area in an adjacent dwelling if already less than 2 hours between 9.00am and 3.00pm on 21<sup>st</sup> June; or
- (d) in accordance with any building envelope shown on a sealed plan

**A3**

Site coverage must -

- (a) not be more than 50%; or
- (b) if the site is in a locality shown in the Table to this Clause, not more than the site coverage for that locality; and
- (c) not include any part of a site required for the disposal of sewage or stormwater; or
- (d) be not more than any building area shown on a sealed plan

**P2**

Building height and location of a building in relation to a frontage and site boundaries must -

- (a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling;
- (b) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building;
- (c) be consistent with the streetscape;
- (d) respond to the effect of the slope and orientation of the site; and
- (e) provide separation between buildings to attenuate impact

**P3**

Site coverage must -

- (a) provide a usable area for private open space, landscaping, and vehicle parking and service activity;
- (b) retain capacity in any area required for disposal of sewage or stormwater; and
- (c) be consistent with the streetscape

A4

A garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building

P4

A garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials or waste, must –

- (a) not dominate the architectural or visual frontage of the site;
- (b) be consistent with the streetscape;
- (c) be required by a constraint imposed by size, shape, slope, orientation, and topography on development of the site; and
- (d) provide durable physical screening to attenuate appearance of the parking or loading area from a frontage and adjacent land

A5

Total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of –

- (a) 6.0m; or
- (b) half the width of the frontage

P5

The frontage elevation of a garage or carport (whether freestanding or part of any other building) must minimise potential to dominate the streetscape

Table to Clause 12.4.3 A1

Road	Setback (m)
Bass Highway	50

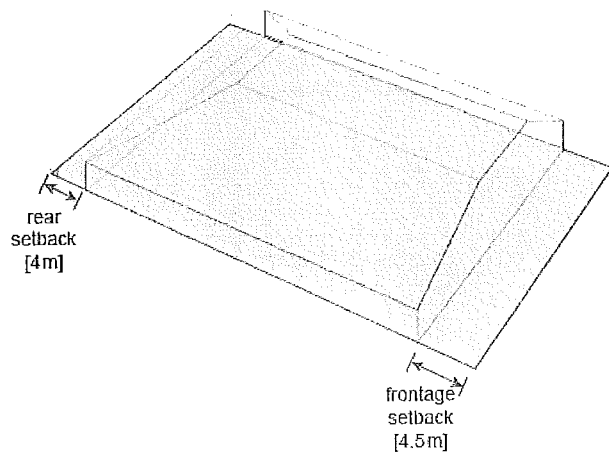
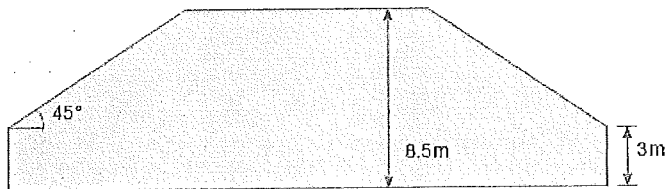
Table to Clause 12.4.3 A2

Locality	Feature	Setback distance (m)
This clause does not apply		

Table to Clause 12.4.3 A3

Locality	Site coverage (%)
This clause does not apply	

Figure 12.4.3. Building envelope described by acceptable solution A2(b) in relation to front and rear setbacks.



### 12.4.4 Visual and acoustic privacy for residential development

Objective:



The location and configuration of development is to minimise likelihood for –

- (a) overlooking of a habitable room, balcony, deck, or roof garden in an adjacent dwelling;
- (b) intrusion of vehicle noise from an access strip or communal driveway

**Acceptable Solutions**

**A1**

A door or window to a habitable room, or any part of a balcony, deck, roof garden, parking space or carport of a building must –

- (a) if the finished floor level is more than 1.0m above natural ground level -
  - (i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;
  - (ii) be not less than 3.0m from a side boundary;
  - (iii) be not less than 4.0m from a rear boundary; and
  - (iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or
- (b) if less than the setbacks in clause A1(a) -
  - (i) be off-set by not less than 1.5m from the edge of any door or window in another dwelling;
  - (ii) have a window sill height of not less than 1.8m above finished floor level;
  - (iii) have fixed and durable glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above finished floor level; or
  - (iv) have fixed and durable external screen other than vegetation of not less than 1.8m height above the finished floor level and with a uniform transparency of not more than 25% located for the full width of the door, window, balcony, deck, roof garden, parking space, or carport

**A2**

An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.

**Performance Criteria**

**P1**

Likelihood for overlooking from a door or window in a habitable room or from any part of a balcony, deck, roof garden, parking space, or carport of a building must be minimised by –

- (a) physical separation from the door, window balcony, deck, or roof garden in an adjacent dwelling;
- (b) off-set from a door or window to a habitable room in an adjacent dwelling;
- (c) effective use of screening other than vegetation; or
- (d) effect of topography and natural features

**P2**

An access strip or communal driveway, including any pedestrian pathway and parking area, must minimise likelihood for impact from over-viewing and noise disturbance on the amenity of any dwelling

**12.4.5 Private open space for residential use**

**Objective:**

Private open space is available in development for residential use to meet the reasonable private and communal needs of residents for garden, recreation, service, and storage purposes.

**Acceptable Solutions**

**Performance Criteria**

**A1**

Each dwelling must provide private open space –

- (a) if a dwelling with a floor level of not more than 2.5m above finished ground level, a ground level area –
  - (i) located adjoining the rear or side of the dwelling;
  - (ii) accessible from the dwelling;
  - (iii) of not less than 25m<sup>2</sup>;
  - (iv) with a minimum dimension of 4.0m;
  - (v) on a single level; and
  - (vi) with a gradient of not more than 1 in 10; and
- (b) if a dwelling with a floor level of more than 2.5m above finished ground level, as an alternative to a ground level area, a private balcony, deck, terrace or roof garden –
  - (i) of not less than 25m<sup>2</sup>;
  - (ii) with a minimum dimension of 4.0m; and
  - (iii) accessible from the dwelling

**A2**

The required minimum private open space area must be capable of receiving at least 3 hours of sunlight between 9.00am and 3.00pm on 21st June.

**A3**

Unless there is a ground level private open space area directly accessible at grade to a shared driveway or pedestrian pathway, each dwelling in a multiple dwelling development must have access to a waste storage area –

- (a) located behind the applicable frontage setback;
- (b) of not less than 1.5m<sup>2</sup> per dwelling;
- (c) screened to view from the frontage and any dwelling by a wall of height not less than 1.2m above finished ground level; and
- (d) not less than 6.0 from a window, door, balcony, deck, roof garden or private open space area of a dwelling.

**P1**

Private open space must –

- (a) have size and dimension appropriate for the projected requirements of the residents of the dwelling; and
- (b) provide a usable area taking into account –
  - (i) the effect of shape, orientation, and topography of the site;
  - (ii) the availability, accessibility, purpose, and characteristics of –
    - a. any other recreation and service area within the site;
    - b. any external communal open space area; and
    - c. public open space

**P2**

Each required private open space area must maximise opportunity for access to sunlight having regard for –

- (a) aspect, orientation, size, shape, slope, and topography of the site;
- (b) desirable to retain existing vegetation on the site; and
- (c) the impact of overshadowing by existing development on adjacent land

**P3**

Arrangements must be made for the storage of waste –

- (a) with sufficient size and area to serve requirements of the site;
- (b) screened to view from the frontage and from dwellings; and
- (c) separated from a dwelling to attenuate noise and odour.

**12.4.6 Frontage fences****Objective:**

A frontage fence is to –

- (a) assist privacy and security for occupants of a dwelling;
- (b) assist to attenuate likely impact from activity on a road, on the site, or on adjacent land;

**Acceptable Solutions****Performance Criteria**

A1

The height of a fence, including any supporting retaining wall, on a frontage or within a frontage setback must be –

- (a) not more than 1.2m if the fence is solid; or
- (b) not more than 1.8m provided that part of the fence above 1.2m has openings that provide a uniform transparency of not less than 30%.

P1

The height of a fence on a frontage or within a frontage setback must be reasonably required for the security and privacy of the site

### 12.4.7 Setback of development for sensitive use

#### Objective:

Development for a sensitive use is to –

- (a) minimise likelihood for conflict, interference, and constraint between the sensitive use and the use or development of land in a zone that is not for a residential purpose; and
- (b) minimise unreasonable impact on amenity of the sensitive use through exposure to emission of noise, fumes, light and vibration from road, rail, or marine transport

#### Acceptable Solutions

**A1**

A building containing a sensitive use must be contained within a building envelope determined by –

- (a) the setback distance from the zone boundary as shown on the Table to this clause; and
- (b) projecting upward and away from the zone boundary at an angle of 45° above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary

**A2**

Development for a sensitive use must be not less than 50m from –

- (a) a major road identified in the Table to this clause;
- (b) a railway;
- (c) land designated in the planning scheme for future road or rail purposes; or
- (d) a proclaimed wharf area

#### Performance Criteria

**P1**

The location of a building containing a sensitive use must –

- (a) minimise likelihood for conflict, constraint or interference by the sensitive use on existing and potential use of land in the adjoining zone; and
- (b) minimise likely impact from existing and potential use of land in the adjoining zone on the amenity of the sensitive use

**P2**

Development for a sensitive use must –

- (a) have minimal impact for safety and efficient operation of the transport infrastructure; and
- (b) incorporate appropriate measures to mitigate likely impact of light, noise, odour, particulate, radiation or vibration emissions; or
- (c) be temporary use or development for which arrangements have been made with the relevant transport infrastructure entity for removal without compensation within 3 years

Table to Clause 12.4.7 A1

Adjoining Zone	Setback distance (m)
Local Business	4.0
General Business	4.0
Commercial	4.0
Light Industrial	4.0
General Industrial	4.0
Rural Resource	(a) 50.0; or (b) 4.0 if the site is a lot approved for residential use on a plan of subdivision sealed before this planning scheme came into effect
Utilities	10.0

Note - If the zone boundary is a road, the setback is from the frontage of the site to the road containing the zone boundary.

Table to Clause 12.4.7 A2

Road	Setback (m)
Bass Highway	50

#### 12.4.8 Subdivision

**Objective:**

The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the Low Density Residential zone

**Acceptable Solutions**

**A1**

There is no acceptable solution

**Performance Criteria**

**P1**

Each new lot on a plan of subdivision must be –

- (a) intended for residential use;
- (b) a lot required for public use by the State government, a Council, a statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority; or
- (c) for a purpose permissible in the zone

**A2**

There is no acceptable solution

**P2**

(a) A lot must have a frontage to a road; or

(b) An internal lot on a plan of subdivision must be –

- (i) reasonably required for the efficient use of land as a result of a restriction on the layout of lots with a frontage imposed by –
  - a. slope, shape, orientation and topography of land;
  - b. an established pattern of lots and development;
  - c. connection to the road network;
  - d. connection to available or planned utilities;
  - e. a requirement to protect ecological, scientific, historic, cultural or aesthetic values, including vegetation or a water course; or
  - f. exposure to an unacceptable level of risk from a natural hazard; and
- (ii) without likely impact on the amenity of adjacent land

#### 12.4.9 Reticulation of an electricity supply to new lots on a plan of subdivision

**Objective:**

Distribution and connection of reticulated electricity supply to new lots on a plan of subdivision is to be without visual intrusion on the streetscape or landscape qualities of the residential area

**Acceptable Solutions**

**A1**

Electricity reticulation and site connections must be installed underground

**Performance Criteria**

**P1**

It must be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground

# Extract of development provisions for the Rural Living Zone

## 13.0 Rural Living Zone

### 13.1 Zone Purpose

#### 13.1.1 Zone Purpose Statements

13.1.1.1 To provide for residential use or development on large lots in a rural setting where services are limited.

13.1.1.2 To provide for compatible use and development that does not adversely impact on residential amenity.

#### 13.1.2 Local Area Objectives

13.1.2.1 (a) Use and development retains a rural setting

- (b) Rural living areas make efficient use of land and optimise available infrastructure through a balance between infill and redevelopment of established rural living areas and release of new land
- (c) The type, scale and intensity of use or development is consistent with the capacity of infrastructure services, land capability, the level of risk from exposure to natural hazards, and the protection of land significant for primary production;
- (d) Rural living areas provide opportunity for housing in single and multiple dwellings for individual, shared, and supported accommodation through private, public, and social investment;
- (e) Rural living areas enable small-scale employment opportunities in home occupation and home based-business;
- (f) New or intensified use or development is restricted if the limit of a constraint on residential use is unknown or uncertain.
- (g) Rural living areas have no priority purpose for primary industry use
- (h) The amenity and character of residential use is commensurate with the location of housing and support activity within a rural setting and is to take into account –
  - (i) likely compromise as a result of factors arising from –
    - a. occupational and operational practices of primary industry and other use on adjacent rural land;
    - b. possible absence or under-provision of transport infrastructure and utilities;
    - c. possible absence of facilities for convenience retail, education, entertainment, health and social support, and for sports and recreation;
    - d. likelihood for exposure to a natural hazard; and
    - e. relative remoteness from an urban centre
  - (ii) the effect of location and configuration of buildings within a site on –
    - a. apparent bulk and scale of buildings and structures within the rural setting;
    - b. opportunity for on-site provision of private open space and facilities for parking of vehicles;
    - c. opportunity for access to daylight and sunlight;
    - d. visual and acoustic privacy between adjacent dwellings; and
    - e. consistency of the streetscape

#### 13.1.3 Desired Future Character Statements

13.1.3.1 (a) occur as discrete, contiguous, and ordered clusters of dwellings and associated buildings embedded in a rural setting;

- (b) provide sites that are larger than suburban lots, although size is dependent on availability of utilities, land capability, and retention of a rural setting;
- (c) provide housing as a predominant but not exclusive use;
- (d) provide choice and diversity in the type and form of buildings for housing and non-housing development;
- (e) provide buildings that are typically of one or two storeys;
- (f) provide a landscape in which buildings are set well apart from buildings on adjacent sites and from the frontage road;
- (g) have very low site coverage and sufficient unbuilt area to accommodate any requirement for on-site disposal or sewage or stormwater; and
- (h) may be self-sufficient with respect to water supply and arrangements for the treatment and disposal of sewage and stormwater

## 13.2 Use Table

No Permit Required

**Use Class****Qualification**

Natural and cultural values management

If for conservation, rehabilitation, or protection against degradation, but must not include a building or external activity area for information, interpretation, or display of items or for any other use

Passive Recreation

If a public park or reserve for the local community

**Permitted****Use Class****Qualification**

Community meeting and entertainment

If -

(a) not an art gallery, cinema, concert hall, convention centre, dance hall, exhibition centre, function or reception centre, library, museum, music hall, or theatre; and

(b) a gross floor area of not more than 300m<sup>2</sup>

Domestic animal breeding, boarding and training

If -

(a) not be more than 4 adult animals; and

(b) not be a animal pound

Education and occasional care

If -

(a) long day care, before or after school care, occasional care, or out-of-school hours care;

(b) a day respite centre;

(c) school education to Year 6

Emergency services

If not intended for deployment beyond the local area, or as a facility for training, maintenance, storage, command or administration

Food services

If -

(a) not licensed premises;

(b) including a drive through in take away food premises;

(c) gross floor area of not more than 300m<sup>2</sup>; or

(d) seating capacity for not more than 20 people

General retail and hire

If a local shop

Residential

Resource development

If -

(a) a community garden for production or ornamental purposes to service the local community; or

(b) agricultural use dependent on the soil as a growth medium undertaken in association with a residential use

Sport and recreation

If outdoor recreation facilities comprising a single playing field or a single surface for the local community

Tourist operation

If -

(a) based on a building, area, or place of regulated scientific, aesthetic, architectural or historic interest or otherwise of special cultural value; and

(b) not a visitor's information centre

Utilities

If minor utilities