

# PART D - ACTIVITY AREA CONTROLS

## 13 INTRODUCTION

The Planning Area is divided into 'Activity Areas' as shown on Figure 4.

**13.1** Applicants for use or development in an Activity area must demonstrate that:

- (a) The proposed use is one indicated as allowed to take place in that Activity Area, and;
- (b) It is able to be performed in accordance with the standards applicable in that Activity Area.

**13.2** The provisions of each Activity Area include a description of its purpose and the requirements that apply regarding the use of land within the zone. Provisions relating to the development of land are generally contained within the schedules to this Scheme.

**13.3** The provisions of each Activity Area lists land uses into the following categories.

**(i) 'Exempt' Uses**

Those uses which do not require a permit. These are uses which will contribute to a particular functional character of the Cove without the need for review and approval by the Planning Authority.

**(ii) 'Permitted' (s.58 of the Land Use Planning and Approvals Act 1993) Uses**

Those uses for which a permit **must** be granted for the use. 'Deemed to comply' provisions may be included for specific uses. These provisions must be met in order for the use to be 'permitted' under this Scheme. These are uses which will contribute to the particular functional character of the Cove. Conditions may be placed on the planning approval of these uses.

**(iii) 'Discretionary' (s.57 of the Land Use Planning and Approvals Act 1993) Uses**

Those uses for which a permit **may** be granted. These are uses which do not clearly contribute to nor detract from the particular functional character of the Activity Area and therefore require more detailed assessment. They include those uses which do not meet the 'deemed to comply' provisions for 'permitted' Uses. These uses shall only be granted a permit when they are ancillary to, and can be shown to support the 'permitted' uses. Such uses must not change the overriding functional character of an area or unduly compromise the lands future use for a 'permitted' use.

**(iv) 'Prohibited' Uses**

Those uses which are not 'exempt', 'permitted', or 'discretionary' within the Activity Area. These are uses which will detract from or erode a particular functional character of an Activity Area. An application for a 'prohibited' use must be refused.

**Note:**

The above use categories relate to the **use** of land only. Development of land is dealt with separately, and in instances where a use is described as being 'permitted', any associated development may still be 'discretionary' including buildings, works, demolition and subdivision.

**13.4** For all '*discretionary*' use applicants must demonstrate that the use proposed satisfies the following:

- The strategic planning principles established for the Cove (Part B of this Scheme);
- The performance objectives and criteria for the appropriate Activity Area (Part D of this Scheme); and
- All relevant performance criteria and controls contained within the relevant Schedule (Part E of this Scheme).

## **14 USE CLASSES**

**14.1** Uses have been grouped together into 'use classes'. There are 33 use classes in total as listed in Clause 14.3.

**14.2** An indication that a particular use within a use class may occur within an Activity Area does not imply rights to carry out that activity. These rights can only be gained by approval of an application by the Planning Authority unless the use is classified 'exempt' by Clause 8.4 of the Scheme.

### **14.3 List of Use Classes:**

The following use classes are applied in this Scheme. Each use class, with supporting uses, is defined in the 'Definitions' section of this Scheme.

<b>Use Class</b>	<b>Includes</b>
<i>Arts and Craft Centre</i>	Arts and Craft Centre
<i>Arts and Cultural Centre</i>	Art Gallery Museum
<i>Child Care Centre</i>	Child Care Centre
<i>Commercial Port Operations</i>	Commercial Port Operations
<i>Community Centre</i>	Community Centre
<i>Eating Establishment</i>	Restaurant/Café Take Away Food Premises Convenience Restaurant
<i>Education Centre</i>	Education Centre
<i>Function Centre</i>	Function Centre
<i>Gambling Premises</i>	Gambling Premises
<i>General Industry</i>	General Industry
<i>Hotel</i>	Hotel
<i>Light Industry</i>	Light Industry
<i>Major Sport and Recreation</i>	Major Sport and Recreation
<i>Manufacturing Sales</i>	Manufacturing Sales
<i>Marine Industry</i>	Marine Industry
<i>Market</i>	Market

<b>Use Class</b>	<b>Includes</b>
<i>Minor Sport and Recreation</i>	Indoor Recreation Facilities Outdoor Recreation Facilities
<i>Office</i>	Office Consulting Rooms
<i>Passive Recreation</i>	Informal Outdoor Recreation
<i>Place of Worship</i>	Place of Worship
<i>Public Display Office</i>	Public Display Office
<i>Railway Terminal</i>	Railway Terminal
<i>Recreational Boating Facility</i>	Marina Boat Launching Facility
<i>Research and Development Centre</i>	Research and Development Centre
<i>Residential Accommodation</i>	Dwelling Bed and Breakfast Establishment Home Occupation Residential Business Flat Elderly Person's Unit Multiple Accommodation Caretaker's House
<i>Service Industry</i>	Service Industry
<i>Shop</i>	Shop Convenience Shop
<i>Transport Terminal</i>	Transport Terminal
<i>Utility Installation</i>	Utility Installation Minor Utility Installation
<i>Visitor Accommodation</i>	Residential Hotel Motel Holiday Unit Other Tourist and Visitor Accommodation
<i>Warehouse</i>	Store Commercial Display Area
<i>Wharf</i>	Wharf

## **15 ACTIVITY AREA 1.0 INNER CITY RESIDENTIAL (WAPPING)**

### **15.1 General Characteristics of the Activity Area**

The Wapping Activity Area has been earmarked for significant redevelopment for residential purposes in the early 1990s as part of the Commonwealth Government's Better Cities Program.

Once a residential and industrial area of small cottages and various industries, and more recently used as a bus depot, Wapping has remained under-utilised for a number of years. Little survives that is recognisably 'historic'. Exceptions to this include St David's Church, Theatre Royal Hotel, Theatre Royal and the Woolstore tourist apartments (formerly known as the Roberts building) which have recently been recycled as tourist apartments.

An Outline Development Plan and Local Area Plan were prepared for the major part of the Activity Area focussing on facilitating residential development behind and above a commercial frontage to Collins Street. Although a number of new residential developments have taken place since the Scheme's inception, significant key sites remain undeveloped.

Areas to the north and west of the main Wapping area are used for a range of activities. These are areas where residential amenity is not high because of noise, privacy and overshadowing issues, and some non-residential uses which are compatible with inner city residential development should be encouraged to locate here. Similarly some of the sites abutting the city CBD along Campbell Street might also be suitable for non-residential development where they capitalise on possible synergies with neighbouring land uses such as the hospital, or Theatre Royal or where they complement commercial activity along Collins Street.

It is important to achieve the commercial viability of new uses in Collins Street that there is a transition from the city CBD commercial character rather than clear separation of it from Wapping. This transition needs to be expressed in both the urban form and massing of buildings as well as the type and location of uses.

The Local Area Plan is incorporated into this Scheme and will form the basis for use and development control over a large section of this Activity Area.

Areas to the north and west of the main Wapping residential development are used for a range of activities. In addition to promoting residential use of these sites, a range of non-residential uses, which are generally compatible with inner city residential development, will be encouraged.

Use and development controls for the Activity Area are outlined within this Scheme.

### **15.2 Objectives of the Activity Area**

- To provide for the development of an inner city residential neighbourhood providing quality urban housing for a range of household types and income groups.
- To ensure that residential development is the primary focus throughout the Activity Area but allow non-residential uses to be developed on a flexible performance approach based on the amenity and characteristics of specific sites.
- To retain and restore where appropriate buildings of cultural significance.
- To ensure that building masses and facades appropriately relate to the spaces they form. Streets within the Zone be considered as spaces in their own right.
- To encourage architecture of the highest quality which is modern in approach but at

the same time incorporate some interpretation of the history of the area as appropriate.

- To ensure that new development incorporate historic cues, whilst not relying on historical mimicry.
- To facilitate the transition from the CBD by allowing substantial commercial uses on key sites on the main connecting streets (Campbell and Collins Streets) or in places where reasonable residential amenity is unachievable because of existing traffic or environmental impacts. These commercial uses must not themselves diminish the amenity of or the potential for adjacent residential development.
- To encourage frontages of commercial activity only on the ground floor of buildings abutting streets.
- To encourage commercial activity in existing buildings where this is required to assist in their conservation.
- To encourage a mix of uses on the sites in the west and north-west of the Activity Area and fronting Campbell Street.

## 15.3 Use of Land

### 15.3.1 Land within the Wapping Local Area Plan

For land located within the 'Wapping Local Area Plan' Precinct' (shown as shaded on Figure 3a), the relevant use controls are contained within the incorporated *Wapping Local Area Plan*.

### 15.3.2 Land outside the Wapping Local Area Plan

For land located outside the Wapping Local Area Plan Precinct, the following table of uses applies:

#### 15.3.3 'Permitted' Uses

The following are 'permitted' (s.58 of the Land Use Planning and Approvals Act 1993) uses:

Use	'Deemed to Comply' Provision
<i>Residential Accommodation (excepting a Residential Business or Bed and Breakfast Establishment)</i> <i>Visitor Accommodation</i> <i>Child Care Centre</i> <i>Office</i> <i>Arts and Craft Centre</i> <i>Education Centre</i>	The change of use from Residential Accommodation to Visitor Accommodation is 'permitted' only where the application: <ol style="list-style-type: none"> <li>relates to a dwelling that is not part of a complex of dwellings that is subject to a registered strata plan or capable of such registration; or</li> <li>relates to all of the dwellings in a complex that is subject to a registered strata plan or capable of such registration.</li> </ol> Otherwise 'prohibited'.
<i>Shop</i>	'Permitted' if maximum gross leasable floor space is less than 100 square metres (existing buildings) or 500 square metres (new buildings). Otherwise 'discretionary'.
<i>Eating Establishment</i>	'Permitted' if maximum gross leasable floor area is less than 300 square metres. Otherwise 'discretionary'.

Use	'Deemed to Comply' Provision
All 'permitted' uses	For any building that is subject to a registered strata plan involving Residential Accommodation, the use of land for any other use in this table, other than Visitors Accommodation, is only 'permitted' at the ground floor. Otherwise the use is 'prohibited'.

### 15.3.4 'Discretionary' Uses

The following are 'discretionary' (s.57 of the Land Use Planning and Approvals Act 1993) uses:

Use	Condition
<p>All 'discretionary' uses, except Residential Business, Bed and Breakfast Establishment</p> <p>Hotel</p> <p>Market</p> <p>Arts and Cultural Centre</p> <p>Manufacturing Sales</p> <p>Function Centre</p> <p>Place of Worship</p> <p>Car Park</p> <p>All other uses not specified in Clauses 15.3.3 or 15.3.5</p>	<p>Must meet the objectives and performance criteria of the Activity Area to the satisfaction of the Planning Authority. Otherwise 'prohibited'.</p> <p>For any building providing Residential Accommodation that is subject to a registered strata plan, the use of land for any other use in this table is only 'discretionary' at the ground floor with frontage to a road, otherwise the use is 'prohibited'.</p>
<p>Bed and Breakfast Establishment</p>	<p>An application for a Bed and Breakfast Establishment will be approved only where the application:</p> <ul style="list-style-type: none"> <li>(a) relates to a dwelling that is not part of a complex of dwellings that is subject to a registered strata plan or capable of such registration; or</li> <li>(b) relates to all of the dwellings in a complex that is subject to a registered strata plan or capable of such registration. Otherwise 'prohibited'.</li> </ul>

### 15.3.5 'Prohibited' Uses

The following uses are 'prohibited':

- General Industry
- Light Industry
- Service Industry
- Warehouse

### 15.3.6 Effect on amenity of the Wapping Local Area Plan Precinct

Any use of land within the Activity Area but not within the Wapping Local Area Plan Precinct must not detrimental affect the amenity of the Precinct through the:

- Transport of material, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibrations, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

## **15.4 Development of Land**

### **15.4.1 Permit Requirements**

Unless specifically 'exempt' by Clause 8.4, or the Schedules to this Scheme, a permit is required to construct a building or undertake development on the land outside the 'Wapping Local Area Plan' Precinct.

**15.4.2** All development of land must satisfy the relevant provisions contained within the schedules of this Scheme.

## **15.5 Wapping Local Area Plan**

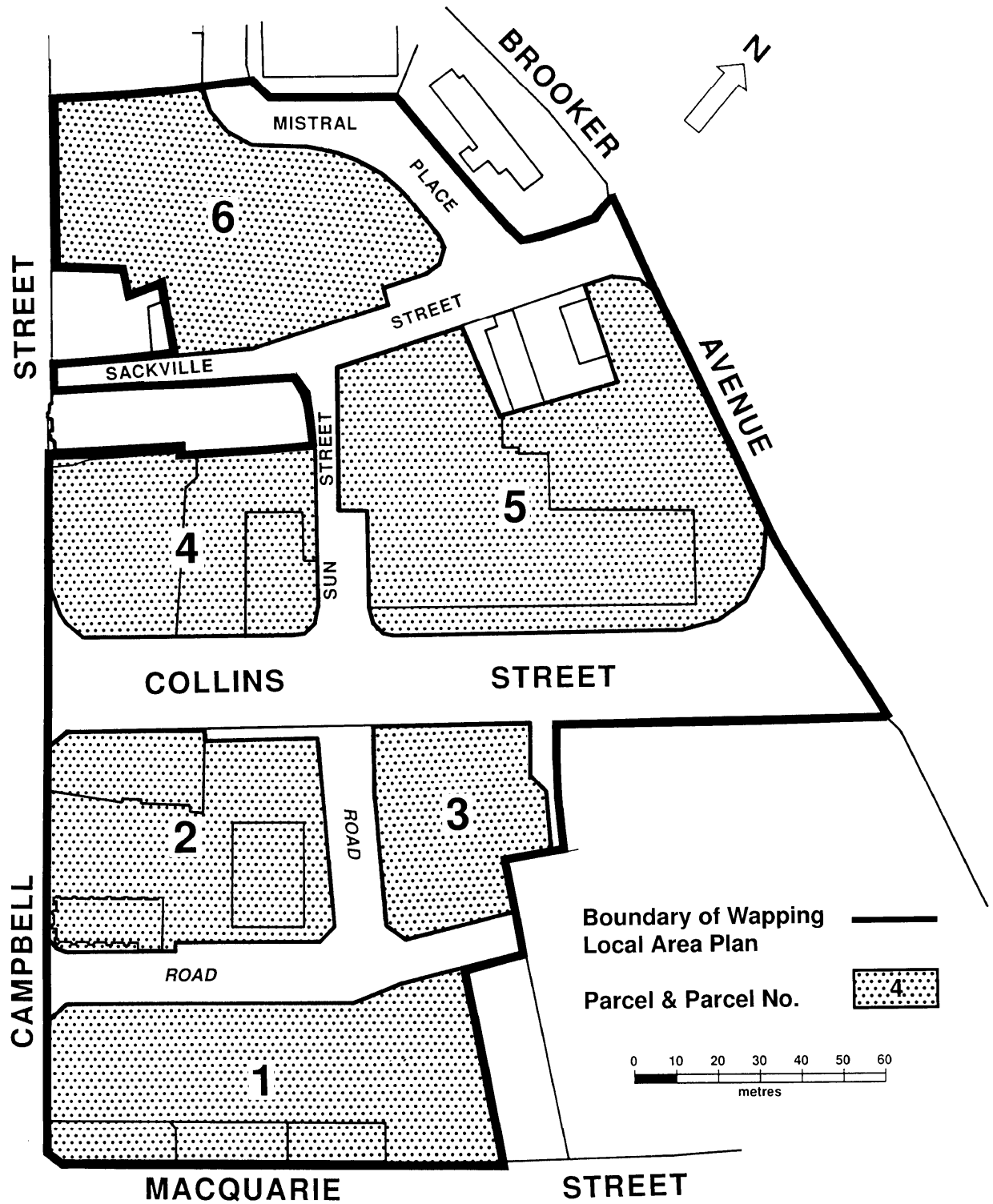
### **15.5.1 Planning Area**

The planning area to which this Local Area Plan applies is delineated in Figure 3a. The planning area is divided into six Parcels shown in Figure 3a.

### **15.5.2 Effect of Wapping Local Area Plan**

Control over 'use' and 'development' shall be exercised in accordance with the provisions in the Wapping Local Area Plan and the schedule controls of the Scheme. In the event of any inconsistency with any provision or other requirement of the Scheme the provisions of this Local Area Plan take precedence.

Figure 3a: The Planning Area



### **15.5.3 Statement of Desired Future Character**

The Wapping area should evolve as a mixed inner city residential, cultural and commercial neighbourhood providing quality urban housing for a range of household types and income groups and some commercial, educational or cultural developments if they are compatible with or are ancillary to the primary residential use.

Dwellings and other buildings should be innovative, cost-effective, energy efficient and ecologically sound in terms of materials utilised. A high level of acoustic privacy should be provided commensurate with an inner city lifestyle and the mixed use area.

The architecture of buildings should be of the highest quality and modern in approach, but at the same time incorporate some interpretation of the history of the area as appropriate.

New development should incorporate historical cues, however historical mimicry should be avoided. Existing structures, structural elements and sites identified in this Plan as having historical and archaeological interest shall be managed so as to conserve their cultural significance in accordance with the guidelines wherever practicable.

Collins Street has been earmarked as the cultural and commercial spine of the area and commercial uses are encouraged on the ground floor. Parcels 2 and 4 have important roles in forming a gateway and linking Collins Street to the more commercial uses and urban form of the CBD. Additionally some commercial uses may be allowed in existing heritage buildings where this is required to assist in their conservation. Generally though significant commercial activity will only be appropriate at the edges of the Wapping area where high levels of traffic and neighbouring land uses reduce the potential for successful residential development or where they provide a buffer to traffic noise. This may result in a development on Parcel 4 which does not provide any residential component.

Consequently commercial activity in other (minor) streets is discouraged but allowable at ground floor level if in the same ownership as an appurtenant dwelling (eg 'shop top' flat) and is limited in floor area. However, such activity must have no material impact on the residential amenity of that or any other property.

Holiday Units are discouraged in the area except on half of Parcel 1 adjacent to the Woolstore development or on Parcel 4.

Holiday Units are discouraged in the area except where specifically designated by this Plan.

Commensurate with the objectives of sustainable development, good design and visual amenity to cater for an inner city lifestyle, the level of parking provision should be minimal and located and accessed in a manner that does not diminish the amenity of the streetspaces.

### **15.5.4 Control of Use and Development**

The Planning Authority is bound to grant a permit for applications for 'use' and 'development' designated as 'permitted' in all of the relevant provisions of this Local Area Plan, but may impose conditions.

The Planning Authority has a discretion to refuse or permit applications for 'use' and 'development' designated as 'discretionary' in any of the relevant provisions this Local Area Plan and may impose conditions.

All other 'uses' and 'development' are 'prohibited'.

### 15.5.5 Subdivision

#### *'Permitted' Subdivision*

The Planning Authority is bound to grant a permit for any application for subdivision which is required to create the boundaries of the six parcels shown in Figure 3a, or minor adjustments to such boundaries. The Planning Authority is also bound to grant a permit for any application for the subdivision of the Parcels into lots for the purpose of any use or development that has obtained a permit, in accordance with the Wapping Local Area Plan including an approved site development plan where demolition of an existing building has already been approved without a replacement building being approved simultaneously.

#### *'Discretionary' Subdivision*

All other applications for subdivision are 'discretionary'.

### 15.5.6 Matters to be Considered

In considering applications and any conditions to be imposed on 'use' and 'development' the Planning Authority must consider:

- A site development plan for a parcel or part of a parcel approved as part of a permit to demolish an existing building or buildings;
- The Statement of Desired Future Character; and
- The Guidelines in this Local Area Plan.

The Planning Authority may also consider relevant documents relating to the area including:

- The Australian Model Code for Residential Development (AMCORD), 1995, and AMCORD URBAN;
- The Sullivans Cove Planning Review, 1991;
- The Wapping Neighbourhood Outline Development Plan, 1993 (the ODP);
- The Street Space Character Addendum to the ODP, 1996; and
- The Wapping Local Area Plan Review – Parcels 4 & 5, December 2001.

### 15.5.7 Use Tables

Different uses are deemed to be either 'Permitted' or 'Discretionary' depending on the particular location and subject to specific conditions. Consequently some uses appear in both tables below. To ascertain the status of a use on a specific piece of land or level of a building, both tables need to be read in conjunction.

#### (a) Permitted uses

The following uses are 'permitted' (s.58 of the Land Use Planning and Approvals Act 1993) uses:

<b>Use</b>	<b>'Deemed to Comply' Provision</b>
<i>Dwelling, Flat, Elderly Persons' Unit</i>	In any location except on the ground floor fronting Collins Street where they are 'Discretionary'
<i>Home Occupation</i>	None
<i>Office, Arts and Craft Centre, Shop, Retail Premises, Convenience Shop, Restaurant /Café, Take-Away Food Premises</i>	Only if located on the ground floor fronting Collins Street.

(b) Discretionary uses

The following are 'discretionary' (s.57 of the Land Use Planning and Approvals Act 1993) uses:

<b>Use</b>	<b>Condition</b>
<i>Dwelling, Flat, Elderly Persons' Unit</i>	On the ground floor fronting Collins Street otherwise Permitted
<i>Bed &amp; Breakfast Establishment Multiple Accommodation Residential Business Consulting Rooms Community Centre Place of Worship Indoor Recreation Facilities Informal Outdoor Recreation Hotel</i>	None
<i>Education Centre Research and Development Centre</i>	Only on Parcel 5 and on Parcel 4 where it can demonstrate a need to be closely linked to the Royal Hobart Hospital for educational and functional synergies and where it also provides for ancillary facilities for the Theatre Royal.
<i>Office Convenience Shop Take-Away Food Premises Restaurant / Café Shop Retail premises</i>	On the ground floor of any building with a street frontage and on any part of Parcel 4. However in Mistral Place, Sackville Street, Terminus Street and Cresswells Row they will be limited to 40 sq m in size and must be appurtenant to a dwelling in the same ownership.
<i>Arts and Craft Centre Arts and Cultural Centre</i>	On Parcel 4 fronting Campbell Street where it includes ancillary facilities for the Theatre Royal or in any building listed in Clause 15.5.12 (Heritage) where it assists in the conservation of that building in line with the Principles in Clause 15.5.12.
<i>Holiday Units</i>	(i) on Parcel 4 and 50 percent of Parcel 1 abutting the Red Lion Hotel (provided the units are clustered and contiguous and not interspersed with 'permitted' uses), or  (ii) when they are used for no more than 4 months of the year in conjunction with a hostel for students, falling within the use multiple accommodation, or  (iii) where they are used for a period not exceeding two years in situations where dwellings constructed during the initial phase of development in accordance with this Local Area Plan cannot be sold for a market value accepted by the Planning Authority within six months of their coming onto the market.
<i>Service Industry</i>	Only on the ground floor of Collins Street and where they occupy no more than 100 sq m of floor space and provide a service which relates to the needs of local residents.
<i>Unlisted uses i.e. Any use not listed in Clause 14.3 of the Scheme.</i>	As deemed appropriate by the Planning Authority.

(c) 'Prohibited uses

The following uses are 'prohibited':

- *General Industry*
- *Light Industry*
- *Warehouse*

Any other use listed in Clause 14.3 of the Scheme and not shown as permitted or discretionary in the above tables.

### **Guidelines**

The intention is that commercial activity should be subservient to residential uses throughout the Wapping area and only encouraged on the ground floor fronting streets with an emphasis on Collins Street and the main perimeter streets. However, on some sites, educational, research or cultural uses might be specifically allowed in isolation where:

- It can be demonstrated that residential development is not feasible nor desirable; or
- It assists in the conservation of a heritage building; or
- There is a demonstrated need to have functional links to nearby uses not within the Wapping Local Area.

In all cases the non-residential use must demonstrate that it will not negatively impact on the adjacent or surrounding residential uses or the prospects of development for such uses.

Generally, commercial activity is discouraged in the smaller streets and courtyards.

Conversion of dwellings to non-residential use or holiday units should only occur in exceptional circumstances and only when it can be demonstrated that unreasonable detriment to residential amenity will be avoided and there will be no net loss of units which are physically capable of being used as dwellings on the Parcel.

#### **15.5.8 Density**

Density shall be dictated by the height and associated building envelope provisions of this Local Area Plan (refer Figure 3b).

#### **15.5.9 Height**

The datum for measuring height is the public street or footpath. Heights are to be measured to the parapet or eaves of the topmost habitable floor.

##### ***'Deemed to Comply' Height***

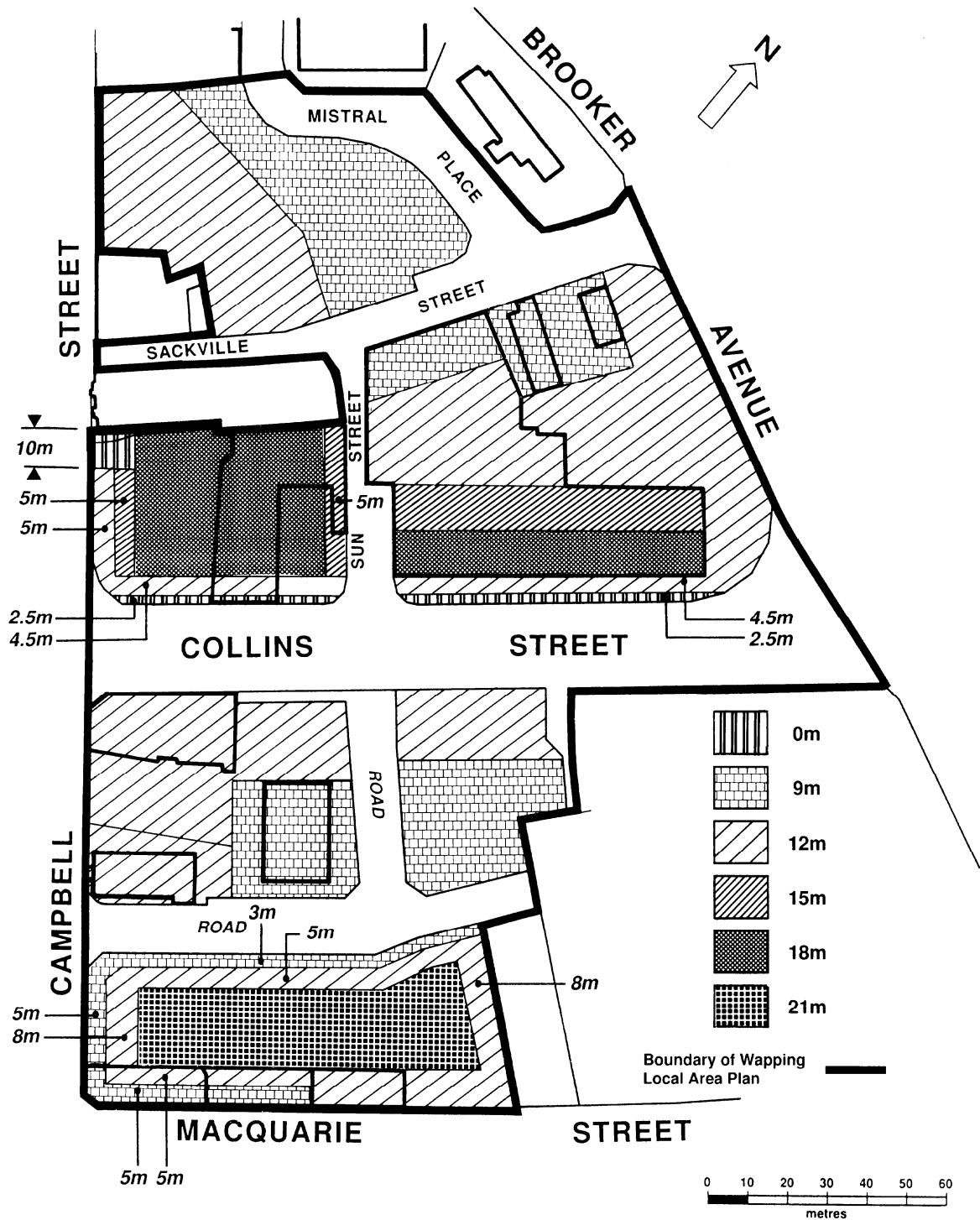
The maximum height of buildings and structures 'deemed to comply' and therefore 'permitted' are shown in Figure 3b.

##### ***'Discretionary' Height***

'Development' in excess of the 'deemed to comply' height will only be 'allowed where it can be demonstrated that there is no unreasonable detriment to residential amenity, street amenity, the spatial characteristics of the streets and spaces, heritage values of any building or site, or the quality of the environment.

The set back from the street to which a maximum height applies in Figure 3b, may be reduced where it can be demonstrated that there is no unreasonable detriment to residential amenity, street amenity or quality of the environment.

Figure 3b: Height Control Diagram



### ***Guideline***

In considering the merit and performance of any 'development' proposal that exceeds the 'Deemed to Comply' height the following will be taken into consideration:

- bulk (size and form);
- massing (relationship of solid walls to doors, window openings and overall elevational treatment);
- privacy;
- solar access;
- wind effects;
- view; and
- skyline.

Particular attention should be given to the ODP including the Wapping Local Area Plan Review – Parcels 4 & 5, December 2001, and the Street Space Character Addendum to the ODP (1996).

The incorporation of features such as lift over-runs, machinery and architectural features that protrude above the eaves or parapet will be expected to reflect the design objectives of this Local Area Plan.

The Planning Authority may also impose conditions relating to the appearance of developments, privacy, solar access and any aspect of construction relevant to the liveability of dwellings.

#### **15.5.10 Siting and Landscaping**

The Planning Authority may impose conditions of approval requiring a setback to the street of up to two metres and to require fencing and landscaping to its satisfaction. The Planning Authority may also impose conditions relating to the appearance of developments, privacy, solar access and any aspect of construction relevant to the liveability of dwellings.

### ***Guideline***

The Wapping area is well located for residential use, being equally close to the city's shopping and commercial centre, the open spaces and recreation opportunities of the Domain and the renowned attractions of Sullivans Cove. Some parts of the area have potential for attractive outlooks to the Cenotaph, Domain, Mt Wellington and the docks. Most parts have good solar access.

The design and siting of new development should consider the shading effects of both existing and new buildings, and appropriate orientation to allow optimal solar access to all dwellings.

The Wapping area should provide a high quality and stimulating residential environment; and enjoyable, secure, safe and convenient routes for cars, pedestrians and cyclists.

The area should develop as a lively 'people place' centred on Collins Street and sheltered or buffered on the high traffic edges. Use of the sunny southern or docks side of Collins Street is encouraged.

Traffic flow is essential for informal surveillance and a sense of safety at night.

Houses in streets off Collins Street should present a 'front face' to the street allowing good surveillance.

Historic elements such as streets, property boundaries, walls and precincts should be

retained wherever appropriate.

In general a modest setback of dwellings from the street should be provided for landscaping. Front fences should be of a transparent picket type except on heavily trafficked streets and should be of sturdy construction to prevent noise from the operation of gates.

Car access to the front of dwellings is discouraged but may be provided in limited circumstances where a satisfactory streetscape can be achieved.

### 15.5.11 Traffic, Access and Parking

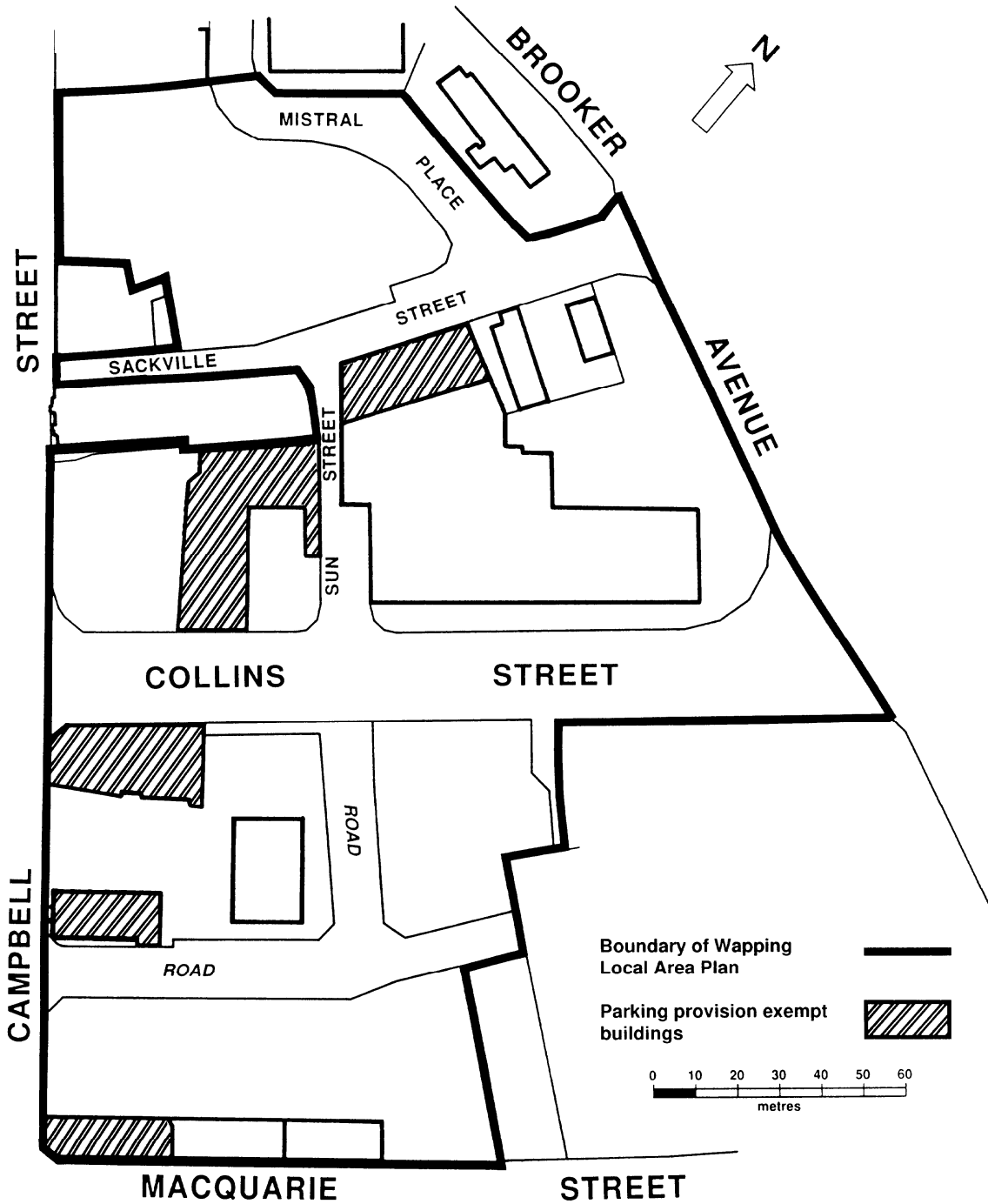
#### *Required Parking Spaces*

The minimum parking requirement is as set out in the Table of Parking Requirements below. The parking provision in the Table does not apply to buildings shown as parking provision exempt buildings in Figure 3c.

**Table of Parking Requirements**

<b>Use</b>	<b>Requirement</b>
<b>Residential Development</b>	
<i>Holiday Unit</i>	1 space
<i>Dwelling, Flat, Multiple Accommodation</i>	
1 bedroom or with a floor area not exceeding 80m <sup>2</sup>	1.1 spaces
2 bedrooms or with a floor area not exceeding 120m <sup>2</sup>	1.3 spaces
3 bedrooms or with a floor area not exceeding 140m <sup>2</sup>	1.5 spaces
any other number of bedrooms or floor area	as determined by the Planning Authority
<b>Non-Residential Development</b>	
<i>Consulting Rooms</i>	3 spaces per 100m <sup>2</sup> of floor area except for any floor area provided appurtenant to and in the same occupancy as any dwelling where there is no requirement for the first 40m <sup>2</sup> of floor area.
<i>Community Centre</i>	
<i>Place of Worship</i>	
<i>Education Centre</i>	
<i>Office</i>	
<i>Shop</i>	
<i>Take-Away Food Premises</i>	
<i>Retail Premises</i>	
<i>Hotel</i>	
<i>Restaurant/ Cafe</i>	
<i>Convenience Shop</i>	
<i>or any other non-residential use</i>	

Figure 3c: Parking Provision Exempt Buildings



### ***Other Development***

All other 'development' - No spaces are required or will generally be approved unless they can be demonstrated to not conflict with the amenity and convenience of the residents of the area.

### ***Visitor Parking***

There are no requirements for additional visitor parking, though spaces from the total provided may be required to be reserved for such purposes as part of any change of use or development.

### ***'Discretionary' Parking Provisions***

Provided that the Planning Authority is satisfied that obstruction of roads or pedestrian ways in the area will not be increased, the parking provisions may be reduced for environmental, streetscape or safety reasons and the Planning Authority may require or accept a cash payment in lieu of the on-site provision of any or all required parking spaces.

The number of required parking spaces for any use or development set out in the above "Table of Parking Requirements" should be used by the Planning Authority in calculating a cash-in-lieu payment.

### ***Guideline***

The Wapping area should provide a high quality and stimulating residential environment and enjoyable, secure, safe and convenient routes for cars, pedestrians and cyclists. Traffic flow is essential for informal surveillance and a sense of safety at night.

The area should develop as a lively 'people place' centred on Collins Street and sheltered or buffered on the high traffic edges.

It is recognised that streets in the central area of Hobart are the subject of parking management measures in response to the fact that demand exceeds supply. Significant areas of central Hobart have no parking requirements.

Encouraging inner city living is a primary objective of this Local Area Plan, therefore parking requirements should not be rigidly applied. In instances where site or building configuration makes redevelopment for residential uses difficult or the provision of the required number of parking spaces would result in substantial detriment to residential amenity those requirements should be waived in whole or part.

Vehicle access to the Parcels and the provision of pedestrian access through them should take into account the recommendations of the Wapping Neighbourhood Outline Development Plan, 1993, the Wapping Local Area Plan Review - Parcels 4 & 5, December 2001 and the requirements of relevant transport authorities.

Car parking spaces may be located off-site to the Planning Authority's satisfaction through an agreement reached under Part 5 of the Land Use Planning and Approvals Act 1993. When the provision yields less than a whole number the provision shall be rounded downwards.

The Planning Authority may place conditions on approvals relating to traffic and access requirements.

'Uses' and/or 'developments' involving the retention and recycling of the buildings shown in Figure 3c shall be 'exempt' from any requirement to provide car parking either on or off site.

## 15.5.12 Heritage

### ***'Permitted' Heritage Provisions***

'Building or Works' on sites listed in Table 1 of Schedule 1 or shown on Figure 3d of this Local Area Plan must comply with Clause 22.4.4 of the Scheme to be 'permitted'.

'Building or Works' on sites adjacent to sites listed in Table 1 of Schedule 1 or identified in Figure 3d are deemed to satisfy the provisions of Clause 22.5.4 of Schedule 1 of the Scheme in respect of height and setback, where they are within the 'deemed to comply' controls set out in Figure 3b of this Local Area Plan. The Planning Authority, however, may impose conditions on development on land adjacent to the buildings identified in figure 3d to ensure that the provisions and guidelines of the Local Area Plan are not compromised.

### ***'Discretionary' Heritage Provisions***

For 'Building or Works' on sites listed in Table 1 of Schedule 1 or shown on Figure 3d of this Local Area Plan which cannot meet the 'deemed to comply' provisions, the height and setback controls set out in Figure 3b and compliance with the following Principles are taken as meeting the criteria for 'Discretionary' building or works listed in Clause 22.4.5 of Schedule 1.

Any 'Building or Works' on sites adjacent to a place listed in Table 1 to Schedule 1 of the Scheme and/or referred to below which cannot meet the 'permitted' requirements of Clause 22.5.4 or the 'deemed to comply' height and setback for that site, shall be considered on the basis of compliance with the following principles and the provisions of Clause 22.5.5 in Schedule 1.

#### **(A) Metropolitan Transport Trust Offices (Parcel 1 and known as 55, Macquarie Street)**

This building contributes to the urban context of Campbell and Macquarie Streets and as such should be in large part retained. Remnant original fittings should be conserved in redevelopment.

#### **(B) St David's Mission Church (Parcel 2 and known as 9 Campbell Street)**

Must be retained and managed as per Conservation Plan dated June 1995. No alterations to the basic form and height will be allowed unless they are clearly consistent with that Conservation Plan and heritage values.

#### **(C) Barnett Bros. Building (Parcel 2 and known as 36 Collins Street)**

The building is associated with the industrialisation of Wapping and is an important contributor to the urban streetscape of Collins Street. It should be retained.

#### **(D) City Motors Garage façade and wall (Parcel 3 and known as 18-26 Collins Street)**

This element contributes to the urban streetscape of Collins Street. It should be retained and where possible functionally integrated into a new development. Some modification of the wall may be acceptable.

#### **(E) Hedberg Bros. Garage (Parcel 4 and known as 19 Collins Street)**

The building is an early and uncommon example of a motor garage, part of the industrialisation of Wapping. It also contributes to the urban streetscape of Collins Street visually and by setting a datum for building alignment. It should be retained but where this is not a feasible proposition and where it limits the achievement of the other intents of this Local Area Plan it may be in part demolished as long as any portion retained is integrated into the new development with integrity and dignity. If any part of this building is to be demolished the building should be recorded in full prior to demolition.

**(F) Transport Commission Building (Parcel 5 and known as 1 Collins Street)**

This building is an example of Post World War II town planning and architectural design. Theoretically it offers an opportunity to be recycled for residential uses such as student accommodation, but a detailed engineering assessment has determined that the building is in very poor condition and demolition may be the most feasible option.

If it is to be demolished separately from any redevelopment proposal, a detailed site development plan should be prepared beforehand and approved as part of any development application including demolition. That site development plan should cover all of that part of Parcel 5 not so far redeveloped, and be consistent with the Wapping Local Area Plan Review - Parcels 4 & 5, December 2001.

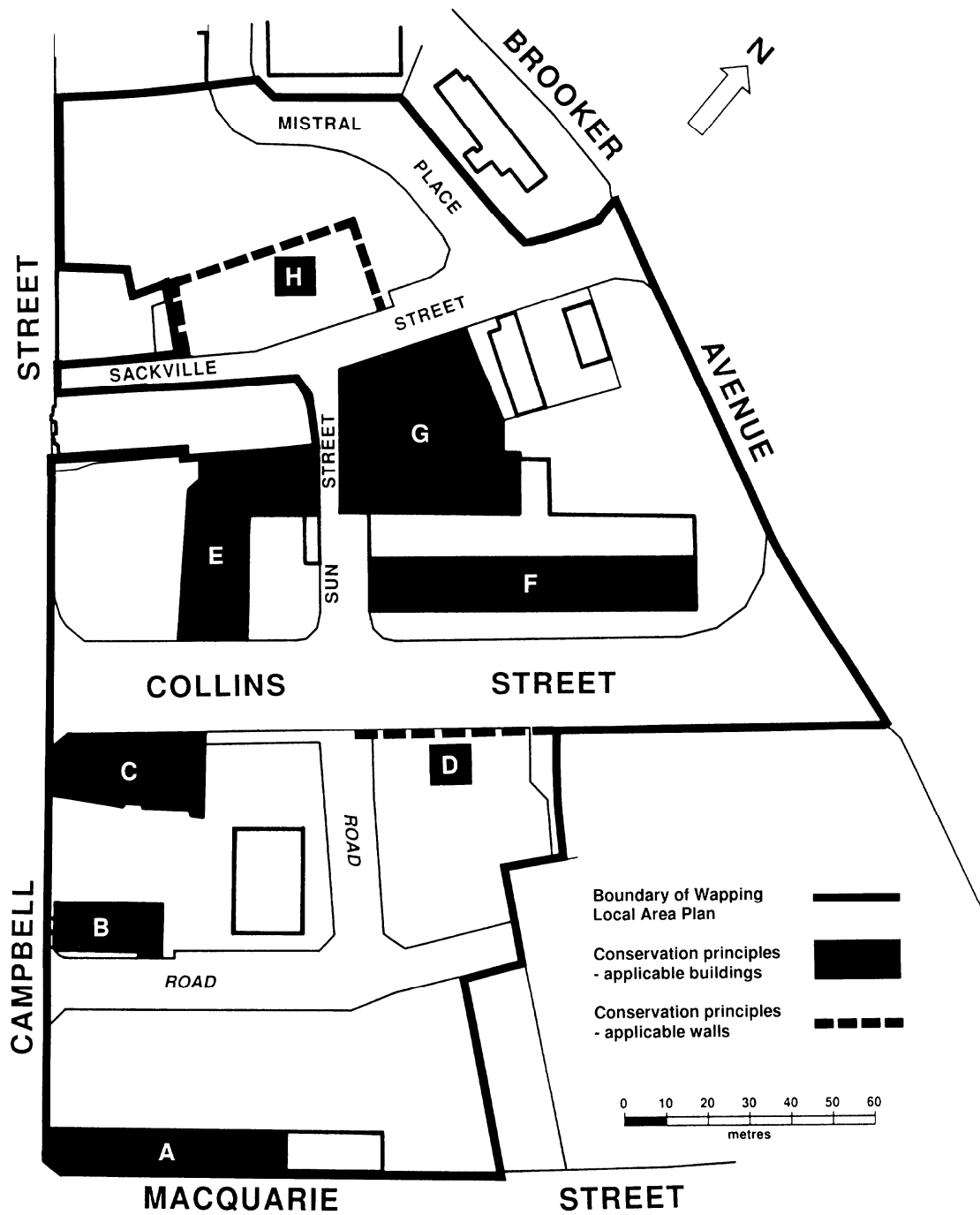
**(G) Tasmanian Fur Traders Building (Parcel 5 and known as 16 Sackville Street)**

This building was part of the industrialisation period of Wapping and contributes to the urban context of Sackville Street. The street facing section of the building should be retained. If any other part of the building is to be demolished then the entire building should be recorded prior to demolition.

**(H) Walls off Sackville Street (Parcel 6)**

The walls reveal the early subdivision pattern and skewed property alignments of Wapping. They should be retained if they can be meaningfully integrated into the proposed redevelopment.

Figure 3d: Heritage Guidelines



### 15.5.13 Signs

#### 15.5.13A 'Exempt' Sign Provisions

The following signs are exempt from requiring a permit where it can be demonstrated that the following 'deemed to comply' provisions have been satisfied:

##### Name Plates

- The plates identify occupants of a property used for professional offices or consulting rooms, attached flush to the wall provided;
- The plates are not placed on a building listed in Figure 3d;
- In all cases do not exceed three (3) in number (any additional plates in excess of three will require approval);
- The area of the name plates combined does not exceed 0.5 square metres and they are placed on a building or site which has a related land use 'exempt' or 'permitted' under the Planning Scheme.

##### Open/Closed Signs

- Signs must not protrude beyond the building frontage.

##### Real Estate Signs

- Must be less than 1m<sup>2</sup> in area.

##### Street Number

- One only per land title, not individual strata titles
- No greater than vertical dimension of 100mm X horizontal dimension 100mm
- Must be attached above and central to the principal doorway/entrance to the property and centrally positioned unless incorporated within another sign on the building face.

#### 15.5.13B 'Discretionary' Sign Provisions

The construction, putting up for display or erection and the continuous display of all other signs is a discretionary development or use and is required to satisfy the provisions of Clause 25.8 of Schedule 4 of the Scheme as if all buildings are buildings listed in Figure 3d. They should meet the following performance criteria:

- Signs should relate to a business operating from the site in question.
- The appearance of the sign should be in keeping with the urban design theme and architecture of buildings in the vicinity.
- Specifically, signs based on historic themes with little association with the area are discouraged.

#### 15.5.14 Other Exemptions

Notwithstanding Clause 8.4 of the Scheme or the exemption provisions of Parts D & E, within the planning area of the Local Area Plan the 'use' and/or 'development' of land for the following shall also be 'exempt' from requiring a permit:

- Pergolas, garden arches, trellises, and frames for vines and climbing plants, and similar structures, if the frame is covered, apart from the vegetation only by trellis work, wire netting, or similar open work;

## 16 ACTIVITY AREA 2.0 SULLIVANS COVE 'MIXED USE'

### 16.1 General Characteristics of the Activity Area

The 'Sullivans Cove Mixed Use' Activity Area comprises the land stretching from Battery Point across the central Cove area to the north side of Hunter Street, and beyond to the Liverpool Street extension.

This Activity Area is Hobart's major tourist destination and has a readily identifiable image as a focus for cultural activities and supports a wide range of other uses which contribute to its character and vitality.

This Activity Area includes a great diversity in architectural style and spatial characteristics.

There are many buildings, objects and spaces of cultural heritage in this Activity Area, including the Salamanca Place buildings, Parliament House and other governmental and institutional buildings. The area accommodates a range of mid and late 20th century buildings as well, from the 'silos', to the Grand Chancellor Hotel, HEC Building and the Antarctic Centre.

A number of important pedestrian spaces in the Cove are located in this Activity Area. The road network currently carries high levels of through traffic - most notably along the Macquarie - Davey Street Couplet, and along Brooker Avenue and the Tasman Highway.

Land within this Activity Area acts as a transition space between the CBD and waters edge, as well as between Hunter Street and Salamanca Place, and in the area across Brooker Avenue between the CBD and the Domain.

### 16.2 Objectives and Performance Criteria for Activities

The following objectives and performance criteria apply to all use and development in this Activity Area.

Objectives	Performance Criteria
(a) To ensure that activities within the Cove respect the cultural heritage and character of the Activity Area.	<ul style="list-style-type: none"> <li>• All use and development within the Activity Area must demonstrably contribute to, and enhance the cultural heritage, built form (bulk, height, volume, urban detail) and spatial characteristics of the activity area.</li> <li>• Activities requiring large, undifferentiated floor areas shall be discouraged in the activity area, except where such activities can be accommodated within existing buildings.</li> <li>• New development north of Brooker Avenue must be designed in a manner which protects the cultural heritage and landscape qualities of the Domain including the setting of the Cenotaph.</li> </ul>
(b) To ensure that the amenity, character and cultural heritage values of the Cove's roads and other public spaces are conserved and enhanced.	<ul style="list-style-type: none"> <li>• Use and development on road reserves, public parks and other public spaces within the activity area shall only be 'permitted' where they do not detract from the space's amenity or heritage value.</li> </ul>

Objectives	Performance Criteria
<p>(c) To encourage use and development which generate pedestrian movement through the activity area.</p>	<ul style="list-style-type: none"> <li>• Outdoor dining and other outdoor pedestrian activities are encouraged in appropriate locations.</li> <li>• Activities which generate pedestrian traffic are to be encouraged particularly along Salamanca Place, Hunter Street, the western side of Morrison Street and the block bounded by Davey, Elizabeth, Morrison and Argyle Streets.</li> <li>• All use and development shall facilitate pedestrian access, circulation, amenity and safety within the Cove.</li> <li>• All use and development must facilitate access for the disabled and other pedestrians with restricted mobility.</li> <li>• Parking and vehicle movement within public urban spaces intended primarily to facilitate pedestrian movement shall be discouraged where it conflicts with pedestrian movement and safety.</li> </ul>
<p>(d) To encourage the further development of the Activity Area as a tourist destination.</p>	<ul style="list-style-type: none"> <li>• The existing mix of tourist-oriented uses and facilities, including shops, restaurants and hotels shall continue to be encouraged.</li> </ul>
<p>(e) To promote the use of the roads, other public spaces and buildings within the area for festivals and other public gatherings.</p>	<ul style="list-style-type: none"> <li>• Markets and Cultural and Community Events shall be encouraged in spaces designated as having a primarily 'pedestrian' function.</li> </ul>
<p>(f) To ensure that the Activity Area's primary function as a place for a range of arts, cultural, civic, recreational and entertainment activities, is strengthened together with its role as a shop window for quality Tasmanian produced goods.</p>	<p><b>Arts and Cultural Activities:</b></p> <ul style="list-style-type: none"> <li>• Arts and Cultural activities, including small 'in-shop' artist workshops, shall be promoted throughout the Activity Area. In particular, such activities will be encouraged along primary pedestrian routes in the Cove.</li> </ul> <p><b>Retail Activities:</b></p> <ul style="list-style-type: none"> <li>• A diverse, but balanced, mix of retail activities including art and craft centres, shops and eating establishments shall be promoted, especially in the Salamanca area, to reinforce the role of the Cove as the City's 'cultural precinct'.</li> </ul>
<p>(g) To encourage offices, administrative and smaller scale activities in locations where they reinforce rather than conflict with more active uses that characterise the attractiveness to visitors walking around this part of the Cove.</p>	<p><b>Office and Educational Activities:</b></p> <ul style="list-style-type: none"> <li>• Office uses, including financial institutions, consulting suites and other administrative activities shall be encouraged to locate in existing buildings within the Cove.</li> <li>• Office uses and smaller education activities proposed in retail areas of the Cove shall be encouraged to locate within existing buildings on the first floor or above.</li> <li>• Large non retail or visitor related activities such as offices will be encouraged to locate within existing office buildings, particularly in the Macquarie Street - Davey Street area.</li> <li>• Any education centre activity of a significant scale should focus on the existing Centre of arts or other locations where they would not replace uses that contribute to a more active street frontage.</li> <li>• Public display offices shall be discouraged from locating in the centre of retail areas.</li> </ul>

Objectives	Performance Criteria
<p>(h) To facilitate residential development in appropriate locations as a secondary use to support the Activity Area's businesses and other activities essential to its role as a key visitor destination.</p>	<p><b>Residential Activities:</b></p> <ul style="list-style-type: none"> <li>• Residential and visitor accommodation shall be encouraged in buildings fronting secondary spaces, on first floor level or above, and in other locations which will not adversely impact on the economic vitality of retailing.</li> <li>• Residential and visitor accommodation shall be encouraged in buildings fronting secondary spaces, on first floor level or above, and in other locations which will complement and not adversely impact on the economic vitality of arts, cultural and related retailing activities.</li> </ul> <p><b>Environmental and Amenity Impacts:</b></p> <ul style="list-style-type: none"> <li>• Industrial activities, manufacturing and transport terminals shall be encouraged to locate in areas which do not create local traffic, parking, pedestrian or residential amenity impacts, or impacts on the social, cultural and recreational uses of the area.</li> </ul>
<p>(i) To minimise the use of public land resources of the activity area for commuter and other long term parking.</p>	<ul style="list-style-type: none"> <li>• Public car parking within the Cove shall be provided primarily to meet the short term parking needs of tourists and other visitors to the Cove.</li> </ul>
<p>(j) To ensure sound environmental planning and management for all activities.</p>	<ul style="list-style-type: none"> <li>• All use and development to demonstrate the minimisation of on and off site energy requirements resulting from the proposed activity.</li> <li>• All use and development must minimise direct and indirect environmental risk or effects and where possible provide a new environmental gain for the wider environment.</li> </ul>
<p>(k) Promote use and development in the transition area between the CBD and the Domain and the Cove and the Domain which contributes to the 'gateway' function of that area.</p>	<ul style="list-style-type: none"> <li>• The development of land addressing Liverpool Street, Brooker Avenue and the Tasman Highway, shall be responsive to the 'gateway' function of the land facing those roads.</li> <li>• Activities which facilitate pedestrian movement between the city and the Domain and the Cove and Domain will be encouraged.</li> </ul>
<p>(l) To encourage a new road access linking Activity Area 3.0 and Brooker Avenue.</p>	<ul style="list-style-type: none"> <li>• A new access road servicing Activity Area 3.0 and with the potential to also service Activity Area 4.1 shall be encouraged at the location shown in figure 9a. It must be constructed to best practice engineering standards and designed to respond appropriately to the Cove-Domain 'gateway' function of the site.</li> </ul>

## 16.3 Use of Land

### 16.3.1 'Permitted' Uses

The following are 'permitted' (s.58 of the Land Use Planning and Approvals Act 1993) uses:

Use	'Deemed to Comply' Provision
<p><i>Residential Accommodation (excepting a Residential Business or Bed and Breakfast Establishment)<sup>1</sup></i></p> <p><i>Visitor Accommodation<sup>1</sup></i></p>	<p>'Permitted' if not located at ground level on Salamanca Place, Morrison Street or Hunter Street (discrete entrances excepted).</p> <p>Otherwise 'discretionary'.</p> <p>The change of use from Residential Accommodation to Visitor Accommodation is 'permitted' only where the application:</p> <p>(a) relates to a dwelling that is not part of a complex of dwellings that is subject to a registered strata plan or capable of such registration; or</p> <p>(b) relates to all of the dwellings in a complex that is subject to a registered strata plan or capable of such registration.</p> <p>Otherwise 'prohibited'.</p>
<p><i>Office</i></p> <p><i>Public Display Office</i></p>	<p>'Permitted' if:</p> <p>(i) located within the first floor or above of existing buildings; or</p> <p>(ii) located in ground floors of existing buildings:</p> <p>(a) Fronting: secondary spaces, except Salamanca Square and Salamanca Mews; or,</p> <p>(b) Not fronting Salamanca Place, Hunter Street, the western side of Morrison Street, and the block bounded by Davey, Elizabeth, Morrison and Argyle Streets.</p> <p>(iii) For a new building that does not propose on site parking that is visible to a primary or secondary space.</p> <p>Otherwise 'discretionary'.</p>
<p><i>Shop<sup>1</sup></i></p> <p><i>Eating Establishment<sup>1</sup></i></p>	<p>'Permitted' if:</p> <p>(i) maximum gross leasable floor space is less than 100 square metres (existing buildings) or 300 square metres (new buildings). Otherwise 'discretionary'.</p> <p>(ii) they do not replace an Arts and Cultural Centre or Arts and Craft Centre. Otherwise 'discretionary'.</p>
<i>Market<sup>1</sup></i>	Nil
<i>Arts and Cultural Centre</i>	Nil
<i>Arts and Craft Centre<sup>1</sup></i>	'Permitted' if maximum gross leasable floor space is less than 300 square metres. Otherwise 'discretionary'.
<i>Education Centre</i>	'Permitted' if use is accommodated within the floor area of an existing building used primarily for that purpose or at first floor level of any other building. Otherwise 'discretionary'.
<i>Child Care Centre<sup>1</sup></i>	Nil

Use	'Deemed to Comply' Provision
<i>Research and Development Centre</i>	Nil
<i>Function Centre</i>	'Permitted' in a new building that does not propose on-site parking that is visible to a primary or secondary space. Otherwise 'discretionary'.
<i>Transport Terminal</i>	The infrastructure is to be for or related to the provision of a light rail terminal. Otherwise 'discretionary'.
<i>All 'permitted' uses other than Visitor Accommodation.</i>	For any building that is subject to a registered strata plan involving Residential Accommodation, the use of land for a 'permitted' use in this table, other than Visitor Accommodation, is only 'permitted' at the ground floor with frontage to a road. Otherwise the use is 'prohibited'.

**Note 1:** On that part of the Activity Area on land bounded by the Tasman Highway, Brooker Avenue and Liverpool Street these uses are discretionary.

### 16.3.2 'Discretionary' Uses

The following are 'discretionary' (s.57 of the Land Use Planning and Approvals Act 1993) uses.

Use	Condition
<i>All 'discretionary' uses, except Residential Business, Bed and Breakfast Establishment</i>	For any building providing Residential Accommodation that is subject to a registered strata plan, the use of land for any other use in this table is only 'discretionary' at the ground floor with frontage to a road, otherwise the use is 'prohibited'.
<i>Bed and Breakfast Establishment</i>	An application for a Bed and Breakfast Establishment will be approved only where the application: <ul style="list-style-type: none"> <li>(a) relates to a dwelling that is not part of a complex of dwellings that is subject to a registered strata plan or capable of such registration; or</li> <li>(b) relates to all of the dwellings in a complex that is subject to a registered strata plan or capable of such registration. Otherwise 'prohibited'.</li> </ul>
<i>Gambling Premises</i>	'Discretionary' if maximum gross leasable floor space is less than 300 square metres. Must also meet the objectives and performance criteria of the Activity Area to the satisfaction of the Planning Authority. Otherwise 'prohibited'.
<i>Hotel</i> <i>Function Centre</i> <i>Manufacturing Sales</i> <i>Residential Business</i> <i>Service Industry</i> <i>Transport Terminal</i> <i>Utility Installation</i> <i>All other uses not specified in Clauses 16.3.1 or 16.3.3</i>	Must meet the objectives and performance criteria of the Activity Area to the satisfaction of the Planning Authority. Otherwise 'prohibited' and must be refused.

### 16.3.3 'Prohibited' Uses

The following uses are 'prohibited':

- *General Industry*

## **16.4 Development of Land**

### **16.4.1 Permit Requirement**

Unless specifically 'exempt' under Clause 8.4, or the Schedules to this Scheme, a permit is required to undertake any development of land.

### **16.4.2** All development of land must satisfy the relevant provisions contained within the schedules of this Scheme.

## 17 ACTIVITY AREA 2.1 'DOMAIN OPEN SPACE'

### 17.1 General Characteristics of the Activity Area

The Domain is a highly significant cultural landscape to Tasmania's community. This significance is based on the importance of the memorial sites, the range and nature of historic sites and the contribution it makes to the sense of place of Hobart.

This area contains important community symbols, including the Cenotaph, Boer War memorial and the Domain Park. Aside from its cultural significance, the Domain presents a grand sense of entry to the City and is a significant public recreation asset. This area, as one of the City's principal open spaces, is a significant recreational and tourism venue both for informal and structured uses.

In 1996 the 'Queens Domain Management Plan' was prepared, and adopted by the Planning Authority. This management plan established the following visions statement for the Domain:

"The Queens Domain shall be a park of the people which celebrates and protects its significant natural landscape and rich cultural history whilst providing for the education, recreation, health and enjoyment of its visitors."

Whilst this plan related to the entire Queens Domain Area (extending beyond the boundaries of the Activity Area), it is an important management tool for activities. This management plan will be used as the basis for management of activities within this Activity Area.

### 17.2 Objectives and Performance Criteria for Activities

The following objectives and performance criteria apply to use and development in this Activity Area.

Objectives	Performance Criteria
(a) To protect and enhance the intrinsic and cultural values of the Domain.	<ul style="list-style-type: none"> <li>Activities must not adversely impact on the cultural heritage and aesthetic values of the area.</li> <li>Activities must be compatible with these values, and where possible reinforce and enhance these values.</li> </ul>
(b) To maintain and encourage informal recreation and tourism uses related to the area's intrinsic and cultural value,	<ul style="list-style-type: none"> <li>Use and development with the potential to adversely impact on the area's intrinsic and cultural values, and the related informal recreation and tourism uses (as identified in the 1996 Queens Domain Management Plan) will be discouraged.</li> </ul>
(c) To consolidate and contain existing structured recreation, tourism and play activities.	<ul style="list-style-type: none"> <li>Activities which are compatible with the type and intensity of existing structured recreation, tourism and play uses of the Domain (as identified in the 1996 Queens Domain Management Plan) are encouraged.</li> </ul>
(d) To protect and improve views to and from the Activity Area.	<ul style="list-style-type: none"> <li>Use and development of land must not adversely impact upon the views to and from the Activity Area.</li> </ul>
(e) To increase pedestrian and cyclist accessibility to the Domain from the Cove and the CBD.	<ul style="list-style-type: none"> <li>Use and development must not negatively impact upon, and where possible, must facilitate, pedestrian and cyclist access and circulation.</li> </ul>
(f) To minimise the impacts of vehicle traffic and parking on the special qualities of the area.	<ul style="list-style-type: none"> <li>Management of traffic and parking must be in accordance with the recommendations of the 1996 Queens Domain Management Plan.</li> </ul>

Objectives	Performance Criteria
(g) To ensure sound environmental planning and management for all activities.	<ul style="list-style-type: none"> <li>All use and development to demonstrate the minimisation of on and off site energy requirements resulting from the proposed activity.</li> <li>All use and development must minimise direct and indirect environmental risk or effects and where possible provide a net environmental gain for the wider environment.</li> </ul>

## 17.3 Use of Land

### 17.3.1 'Exempt' Uses

The following uses are 'exempt' from requiring a permit:

- Passive Recreation*

(Note: The **development** of land associated with these uses may require a permit)

### 17.3.2 'Permitted' Uses

The following are 'permitted' (s.58 of the Land Use Planning and Approvals Act 1993) uses:

Use	'Deemed to Comply' Provision
<i>Market</i> <i>Community Centre</i>	Nil

### 17.3.3 'Discretionary' Uses

The following are 'discretionary' (s.57 of the Land Use Planning and Approvals Act 1993) uses:

Use	Condition
<i>Minor Sport and Recreation</i> <i>Car Park</i>	Must meet the objectives and performance criteria of the Activity Area to the satisfaction of the Planning Authority. Otherwise 'prohibited'.

### 17.3.4 'Prohibited' Uses

All other uses not specified in Clauses 17.3.1, 17.3.2 or 17.3.3.

## 17.4 Development of Land

### 17.4.1 Permit Requirement

Unless specifically 'exempt' under Clause 8.4 or the Schedules of this Scheme, a permit is required to undertake any development of land.

### 17.4.2 All development of land must satisfy:

- The provisions of the Queens Domain Management Plan 1996;
- The relevant provisions contained within the schedules of this Scheme.

## 18 ACTIVITY AREA 3.0 SULLIVANS COVE 'GATEWAY AND TRANSPORT'

### 18.1 General Characteristics of the Activity Area

This Activity Area includes the Railway Goods Yard and land used by a range of industrial and warehousing operations.

The rail yards are a significant infrastructure asset in the Cove. The use of land for rail activities has been in decline for a number of years. There is a significant potential for increased utilisation of the rail facilities.

The Tasmanian Ports Corporation has identified this land as important to the future development of cargo handling at the Port. Future opportunities for the Tasmanian Ports Corporation to utilise part of the land within this Activity Area for the handling of cargo are acknowledged. The Activity Area constitutes a significant land asset with potential for redevelopment for a number of uses, including the integration of the rail facilities with wharf and road transport activities.

Land along the west edge of the Activity Area comprises an important frontage to Davey Street, the main road entrance to the Cove. Land facing Davey Street forms part of the 'gateway' to Sullivans Cove. Future development of the west edge of the Activity Area must appropriately address 'gateway' issues.

Some potential exists for the sensitive development of a range of community and cultural activities in this part of the Activity Area. Such activities would need to be designed to respond to the 'gateway' role of the edge.

All future development of land within this Activity Area must also have regard to the potential contamination of soil, the product of many years of industrial activities in the area.

### 18.2 Objectives and Performance Criteria for Activities

The following objectives and performance criteria apply to use and development in this Activity Area:

Objectives	Performance Criteria
<p><b>Guiding Objective:</b></p> <p>To facilitate comprehensive use and development of land which recognises the strategic and economic importance of the Activity Area.</p>	<ul style="list-style-type: none"> <li>Significant change of use of land within the Activity Area must be facilitated only after thorough analysis of use and development options for the area. The development of an Outline Development Plan for the area is encouraged.</li> </ul>
<p><b>Supporting Objectives:</b></p> <p>(a) Encourage increased utilisation of existing rail infrastructure.</p>	<ul style="list-style-type: none"> <li>Future activities in the area must facilitate the integration of rail activities with road and wharf activities.</li> <li>Use and development which integrates rail activities with cargo handling and road transportation (particularly in the east and southern edges of the Activity Area) is encouraged.</li> <li>Use and Development which integrates public transport options with pedestrian and cyclist activity is encouraged.</li> </ul>

Objectives	Performance Criteria
(b) Encourage utilisation of land for innovative transportation and goods handling technology, including integration of transportation activities with technology based industrial activities and export focused processing and goods storage activities.	<ul style="list-style-type: none"> <li>• New industries which involve processing/ value adding and export focussed activities and incorporate transport interchange technology which interfaces with the activities of the port will be encouraged.</li> <li>• Port related transport activity must be encouraged in the area where such activities principally involve achieving efficiencies in transport handling.</li> </ul>
(c) Promote new use and developments to the west of the Activity Area which contribute to the 'gateway' function of such land.	<ul style="list-style-type: none"> <li>• The development of land to the west of the Activity Area shall address Davey Street, and be responsive to the 'gateway' function of land facing Davey Street.</li> <li>• Land in the western section of the Activity Area shall be considered for redevelopment in a manner which better interfaces with the Cove than the existing industrial and rail activities.</li> <li>• Activities which facilitate pedestrian movement between the central Cove and the Domain will be encouraged.</li> </ul>
(d) Encourage 'world's best environmental practice' standards to the consolidation of transport activities and/or redevelopment of land in the Activity Area.	<ul style="list-style-type: none"> <li>• All use and development to demonstrate the minimisation of on and off site energy requirements resulting from the proposed activity.</li> <li>• All use and development must minimise direct and indirect environmental risk or effects and, where possible, provide a net environmental gain for the wider environment.</li> </ul>
(e) Ensure that development does not adversely impact on the cultural heritage and landscape values of the Domain.	<ul style="list-style-type: none"> <li>• New development to the north of the Activity Area must be designed in a manner which protects the cultural heritage and landscape qualities of the Domain. This includes minimising the height and bulk of buildings and structures, and ensuring that buildings are appropriately separated from the Cenotaph.</li> </ul>
(f) Ensure that activities in the area reasonably endeavour to minimise the potential for conflict with activities, cultural heritage and urban character of land and buildings to the South of Hunter Street.	<ul style="list-style-type: none"> <li>• New developments on the south edge of the Activity Area must be sited and designed in a manner which is compatible with the cultural heritage of the Hunter Street buildings.</li> <li>• Evans Street must continue to be used primarily for transport and cargo handling related activities, unless a new access road servicing the Activity Area and with the potential to also service Activity Area 4.1 is constructed in the Cove-Domain 'gateway'. Evans Street should then be used for emergency vehicles and to service activities such as the university, cruise ships, customs and quarantine services and sites without access to a new port road.</li> </ul>
(g) Ensure development and use does not impact on the Royal Engineer's Building.	<ul style="list-style-type: none"> <li>• Development, including road construction works, in the vicinity of the Royal Engineer's Building in the Activity Area must not compromise appreciation of the building and its grounds as a place of cultural significance or its physical integrity.</li> </ul>
(h) Encourage a new road access linking the Activity Area and Brooker Avenue.	<ul style="list-style-type: none"> <li>• A new access road servicing the Activity Area with the potential to also service Activity Area 4.1 shall be encouraged at the location shown in Figure 9a. It must be constructed to best practice engineering standards and designed to respond appropriately to the Cove-Domain 'gateway' function of the site.</li> </ul>

## 18.3 Use of Land

### 18.3.1 'Exempt' Uses

The following uses are 'exempt' from requiring a permit:

- *Railway Terminal*

(Note: The **development** of land associated with these uses may require a permit.)

### 18.3.2 'Permitted' Uses

The following are 'permitted' (s.58 of the Land Use Planning and Approvals Act 1993) uses:

Use	'Deemed to Comply' Provision
<i>Transport Terminal</i>	Nil
<i>Commercial Port Operation</i>	
<i>Warehouse</i>	

### 18.3.3 'Discretionary' Uses

The following are 'discretionary' (s.57 of the Land Use Planning and Approvals Act 1993) uses:

Use	'Deemed to Comply' Provision
<i>Light Industry</i>	Must meet the objectives and performance criteria of the Activity Area to the satisfaction of the Planning Authority. Otherwise 'prohibited'.
<i>Utility Installation</i>	
<i>Arts and Cultural Centre</i>	
<i>Research and Development Centre</i>	
<i>Office</i>	
<i>Market</i>	
<i>Manufacturing Sales</i>	
<i>Service Industry</i>	
<i>All uses not specified in Clauses 18.3.1, 18.3.2 or 18.3.4.</i>	

### 18.3.4 'Prohibited' Uses

- *Education Centre*
- *Major Sports and Recreation Centre*
- *Residential Accommodation*
- *Visitor Accommodation*

## 18.4 Development of Land

### 18.4.1 Permit Requirement

Unless specifically exempted by Clause 8.4 or the Schedules to this Scheme, a permit is required to undertake all development of land.

**18.4.2** All development of land must satisfy the relevant provisions contained within the schedules of this Scheme.

## 19 ACTIVITY AREA 4.1 'MACQUARIE POINT WHARF'

### 19.1 General Characteristics of the Activity Area

The Port of Hobart is a natural deep water port which offers safe all weather access, served by both road and rail linkages. It is a significant economic asset to both Hobart and Tasmania. The development and protection of this asset is a primary planning objective of this Scheme.

The Tasmanian Ports Corporation aims to be Tasmania's premier facilitator for all trade and transport services. The Macquarie Wharf port complex will play an integral part in the Board's fulfilment of this vision.

The Tasmanian Ports Corporation has identified the Port as having a competitive advantage in the integration of transport nodes and acting as a 'trade facilitator'. Increasing utilisation of rail facilities, together with upgrading of technology and infrastructure also form part of the Board's business development strategy.

The Port of Hobart is also a significant cultural and community icon in Tasmania. The 'working port' is an attraction to Tasmanians and tourists alike. The character of the Port is constantly changing as Navy ships, cruise liners, cargo ships and the Antarctic supply ship, Aurora Australis come and go. Additionally, the Port is a base for a number of fishing fleet and a range of other maritime activities.

The ability to observe port operations, as well as public access to sections of the port facilities are unique features of the Port of Hobart.

### 19.2 Objectives and Performance Criteria for Activities

The following objectives and performance criteria apply to use and development in this Activity Area:

Objectives	Performance Criteria
(a) To support the continued operation of the Hobart Port as a major cargo handling and distribution centre.	<ul style="list-style-type: none"> <li>• Use and development must relate to the transport and handling of cargo, and associated support activities.</li> <li>• Use and development must facilitate where possible, the increased integration of land and water based transport modes.</li> <li>• Reasonable levels of use and development associated with commercial port operations shall be allowed to occur without the need for permit.</li> <li>• The development and incorporation of an 'Outline Development Plan' for port operations is encouraged as a means to allow greater flexibility in fulfilling the strategic land use directions of the Tasmanian Ports Corporation.</li> <li>• Activities which are ancillary to, and support commercial port activities, shall be encouraged.</li> </ul>
(b) To allow a range of activities which complement the continued and effective operation of the port.	<ul style="list-style-type: none"> <li>• Use and development which support commercial port operations will be encouraged.</li> <li>• Development for the purposes of commercial activities not directly related to commercial port activities, except where they serve the daily convenience needs of the local work-force, is discouraged.</li> </ul>

Objectives	Performance Criteria
(c) To encourage development of, and accommodate innovation in the sources of economic growth of the ports.	<ul style="list-style-type: none"> <li>New industries which involve processing/value adding and export focussed activities and incorporate transport interchange technology which interfaces with the activities of the port will be encouraged.</li> <li>Activities must incorporate innovative transportation and goods handling technology.</li> </ul>
(d) To enhance and improve the physical environment of the port by minimising disturbance caused by air pollutants, water pollutants, noise pollutants and other pollutants.	<ul style="list-style-type: none"> <li>Encourage 'world's best environmental practice' standards to the operation of cargo handling and transportation. Use and development within the ports must apply best environmental management practice. Commercial port operations will be encouraged to reduce and minimise off-site environmental and amenity impacts of activities.</li> <li>This criterion will be implemented in the context of the need for 24 hour port operations, 365 days a year, and the potential for such operations to impose amenity impacts on nearby land.</li> </ul>

## 19.3 Use of Land

### 19.3.1 'Exempt' Uses

The following uses are 'exempt' from requiring a permit:

Use	'Deemed to Comply' Provisions
<i>Commercial Port Operations</i>	Nil
<i>Car Park</i>	Parking facilities to cater for vehicle parking demand generated by staff and site visitors only.

(Note: The **development** of land associated with these uses may require a permit.)

### 19.3.2 'Permitted' Uses

The following are 'permitted' (s.58 of the Land Use Planning and Approvals Act 1993) uses:

Use	'Deemed to Comply' Provisions
<i>Marine Industry</i> <i>Light Industry</i> <i>Minor Utility Installation</i> <i>Wharf</i> <i>Service Industry</i> <i>Research and Development Centre</i>	Nil
<i>General Industry</i> <i>Warehouse</i>	Must be for users wholly or primarily dependent on shipping for either their 'inwards delivery of goods' and/or their 'outward dispatch of goods'.  Otherwise 'discretionary'.

### 19.3.3 'Discretionary' Uses

The following are 'discretionary' (s.57 of the Land Use Planning and Approvals Act 1993) uses:

Use	Condition
<i>Recreational Boating Facility</i>	Must meet the objectives and performance criteria of the Activity Area to the satisfaction of the Planning Authority. Otherwise 'prohibited'.
<i>Marine Industry Office</i>	
<i>Market</i>	
<i>Manufacturing Sales</i>	
<i>Arts and Cultural Centre</i>	
<i>Education Centre</i>	
<i>All uses not specified in Clauses 19.3.1, 19.3.2 or 19.3.4.</i>	

### 19.3.4 'Prohibited' Uses

- *Residential Accommodation*
- *Visitor Accommodation*
- *Shop*

## 19.4 Development of Land

### 19.4.1 Permit Required

Unless specifically exempted by Clause 8.4 or the Schedule to this Scheme, a permit is required to undertake any development of land.

- 19.4.2** All development of land within this Activity Area must satisfy the relevant provisions contained within the schedules of this Scheme.

## 20 ACTIVITY AREA 4.2 'REGATTA POINT'

### 20.1 General Characteristics of the Activity Area

This Activity Area includes the HMAS Huon site, slip-yards and the Regatta Grounds. This area is highly visible across the Derwent Estuary and is the main gateway to Sullivans Cove and Central Hobart.

The area is a highly significant cultural landscape based on its importance to the Tasmanian community's continuing maintenance, the historic buildings of HMAS Huon and the cultural significance of the Regatta Grounds.

In 1996 the 'Queens Domain Management Plan' was prepared, and adopted by the Planning Authority. Regatta Point Activity Area forms part of the area covered by this management plan.

This management plan established the following visions statement for the Domain:

"The Queens Domain shall be a park of the people which celebrates and protects its significant natural landscape and rich cultural history whilst providing for the education, recreation health and enjoyment of its visitors."

Whilst this plan related to the entire Queens Domain Area (extending beyond the boundaries of the Activity Area), it must be taken into account when making decision on activities within this area.

### 20.2 Objectives and Performance Criteria for Activities

The following objectives and performance criteria apply to use and development in this Activity Area.

Objectives	Performance Criteria
<p><b>Primary Objective:</b></p> <p>To provide for port facilities for ships, shipping and incidental uses taking into account the cultural and visual aspects of the areas as a main road entry to the City of Hobart, the need to accommodate appropriate public access, water-based activities and Regattas.</p>	<ul style="list-style-type: none"> <li>• The use and development of the area for ships, shipping and incidental uses may be supported only if the use and development, including the development of structures (wharves, piers, moorings etc) is in keeping with the existing character, scale and context of the existing built and spatial form of the area.</li> <li>• Such use and development must also demonstrate its compatibility with the following:               <ul style="list-style-type: none"> <li>- Cultural heritage of the area.</li> <li>- Landscape and aesthetic values of the area.</li> <li>- Visual identity of the area, as viewed from other parts of the Cove Planning Area, and across the Derwent Estuary.</li> <li>- Existing and potential water based activities.</li> <li>- The need to maintain public access to land and water.</li> <li>- Other activities, including recreation and Regatta Day and other festivals.</li> <li>- 'Best practice' environmental design and environmental management.</li> <li>- The management objectives of vehicle movement and access.</li> <li>- The provisions of any Outline Development Plan for the Activity Area that may be considered necessary to resolve potential land use and management issues.</li> </ul> </li> </ul>

Objectives	Performance Criteria
	<ul style="list-style-type: none"> <li>The objectives and recommendations of the Queens Domain Management Plan (1996) must also be taken into consideration in determining the appropriateness of such use.</li> </ul>
<p><b>Supporting Objectives</b></p> <p>(a) To protect the aesthetic and landscape values of the area, particularly as viewed from the Derwent Estuary.</p>	<ul style="list-style-type: none"> <li>All use and development must be consistent with, and where possible, enhance the character of the area, including the character and form of existing buildings and structures, topography and landscape features, particularly as viewed from across the Derwent Estuary and Regatta Grounds.</li> <li>Development must be compatible with the scale of existing built form (height, bulk and volume).</li> <li>Development must retain any buildings, structures, spaces or landscape features of identified significance.</li> <li>Development must not significantly alter the topography of the area.</li> </ul>
<p>(b) To conserve and enhance the cultural heritage values of the area, including building, spaces, cultural events (eg. Regatta Day) and archaeological heritage.</p>	<ul style="list-style-type: none"> <li>All use and development must be compatible with, conserve, and where possible, enhance the cultural heritage of the area.</li> <li>Where possible, use and development must incorporate appropriate interpretation of such heritage.</li> <li>Activities in the area must not restrict or adversely impact upon culturally important events in the area.</li> </ul>
<p>(c) To maintain and improve public access to the area, particularly the Regatta grounds and water's edge.</p>	<ul style="list-style-type: none"> <li>Activities must not restrict public access to the area, particularly to the water and the Regatta Grounds.</li> <li>Activities must incorporate features to facilitate public access to, and use of, the area.</li> <li>Activities which will promote public access to the area are encouraged.</li> <li>Commercial activities such as restaurants and function centres will generally only be supported where it is clearly demonstrated that such use will allow, and encourage unrestricted public use of the area.</li> </ul>
<p>(d) To encourage a range of cultural and community activities, including festivals and Civic functions.</p>	<ul style="list-style-type: none"> <li>Cultural and community uses will be encouraged in the area.</li> </ul>
<p>(e) To encourage small scale maritime activities and compatible port facilities.</p>	<ul style="list-style-type: none"> <li>Enhancement of port facilities and use of the area for maritime activities which do not adversely impact upon public access, amenity, cultural heritage and other identified values are encouraged. Such uses might include slip-yards, boat repair and other small scale maritime industries, and limited mooring of recreational and commercial fishing craft.</li> </ul>
<p>(f) To ensure sound environmental planning and management for all activities.</p>	<ul style="list-style-type: none"> <li>All use and development to demonstrate the minimisation of on and off site energy requirements resulting from the proposed activity.</li> <li>All use and development must minimise direct and indirect environmental risk or effects, and where possible, provide a net environmental gain for the wider environment.</li> </ul>

## 20.3 Use of Land

### 20.3.1 'Exempt' Uses

The following use are 'exempt' from requiring a permit.

- *Passive Recreation*

(Note: The **development** of land associated with these uses may require a permit)

### 20.3.2 'Permitted' Uses

The following are 'permitted' (s.58 of the Land Use Planning and Approvals Act 1993) uses:

Use	'Deemed to Comply' Provision
<i>Commercial Port Operations</i>	Nil
<i>Market</i>	
<i>Community Centre</i>	
<i>Marine Industry</i>	
<i>Arts and Cultural Facility</i>	
<i>Minor Sport and Recreation</i>	
<i>Research and Development Centre</i>	
<i>Education Centre</i>	
<i>Recreational Boating Facility</i>	'Permitted' with 20 berths or less. Otherwise 'discretionary'.

### 20.3.3 'Discretionary' Uses

The following are 'discretionary' (s.57 of the Land Use Planning and Approvals Act 1993) uses:

Use	Condition
<i>Wharf</i>	Must meet the objectives and performance criteria of the Activity Area to the satisfaction of the Planning Authority. Otherwise 'prohibited'.
<i>Minor Utility Installation</i>	
<i>Car Park</i>	
<i>Office</i>	
<i>Residential Accommodation</i>	For any building providing Residential Accommodation that is subject to a registered strata plan, the use of land for any other use in this table is only 'discretionary' at the ground floor with frontage to a road. Otherwise the use is 'prohibited'.
<i>Visitor Accommodation</i>	
<i>All 'discretionary' uses, except Residential Business, Bed and Breakfast Establishment.</i>	
<i>Bed and Breakfast Establishment</i>	An application for a Bed and Breakfast Establishment will be approved only where the application:  relates to a dwelling that is not part of a complex of dwellings that is subject to a registered strata plan or capable of such registration; or  relates to all of the dwellings in a complex that is subject to a registered strata plan or capable of such registration.  Otherwise 'prohibited'.

Use	Condition
<i>All other uses not in Clause 20.3.1, 20.3.2 and 20.3.4</i>	
<i>Shop Restaurant</i>	Maximum gross leasable floor area of 200 square metres.

**20.3.4 'Prohibited' Uses**

- *General Industry*
- *Warehouse*

**20.4 Development of Land**

**20.4.1 Permit Requirement**

Unless specifically exempted under Clause 8.4 or the Schedules to this Scheme, a permit is required to undertake any development of land.

**20.4.2** All development of land within this Activity Area must satisfy the relevant provisions contained within the schedules of this Scheme.

## 21 ACTIVITY AREA 4.3 SULLIVANS COVE 'WORKING PORT'

### 21.1 General Characteristics of the Activity Area

This area contains the operational port of Hobart with cargo handling, fishing industry, cruise liners, ferries, recreational boating, world class yachting events and other maritime activities.

### 21.2 Objectives and Performance Criteria for Activities

The following objectives and performance criteria apply to use and development in this Activity Area:

Objectives	Performance Criteria
(a) To protect and promote public awareness of Sullivans Cove as a unique example of an historic Australian waterfront.	<ul style="list-style-type: none"> <li>• New use and development must demonstrate that it will provide a positive contribution to the character and vitality of the Cove's historic waterfront environs.</li> <li>• New activities must relate to, or at least be complementary to the traditional waterfront port activities of the Cove.</li> </ul>
(b) To promote the continued use of Sullivans Cove as a port for shipping, transport and other industries, as well as facilities for fishing, yachting and harbour facilities.	<ul style="list-style-type: none"> <li>• New uses and developments within the Cove must not adversely impact the use of the Cove as a port for cargo handling.</li> <li>• New uses in the Cove must preferably be associated with commercial port activities, including cargo handling, passenger ferries, Antarctic research activities, commercial fishing, maritime industries, recreational boating, and a range of other maritime related industries.</li> <li>• The activities associated with the commercial port facility shall receive preference over recreational maritime activities.</li> <li>• A ferry terminal to service trans-Derwent and other passengers seeking to travel to and from the Cove and the Hobart CBD for work, as well as for recreation and other purposes, should be retained in the Activity Area as part of any waterfront development or redevelopment.</li> <li>• New development related to the road network should have regard to the potential impact on the opportunity for providing a tram or other light railway through the Cove.</li> </ul>
(c) To encourage the use and development of a range of cultural, recreational, leisure and entertainment facilities.	<ul style="list-style-type: none"> <li>• Land based activities must demonstrate the ability to further enhance the image of the Cove as a centre for cultural, recreational, leisure and entertainment activities.</li> <li>• Such activities must be located in proximity to similar emerging activity precincts in adjoining Activity Areas.  (For example, cultural activities centred around the emerging arts and education precinct along Hunter Street, and recreational and leisure activities adjoining the Central Cove area and Salamanca Place)</li> <li>• Activities which promote large public gatherings in the Cove (markets, festivals etc) will be encouraged.</li> </ul>

Objectives	Performance Criteria
(d) To facilitate the further development of retail, tourist and commercial activities.	<ul style="list-style-type: none"> <li>New retail and other commercial activities must offer goods and services which cater for the needs and interest of tourists, visitors, residents and workers in the Cove area.</li> </ul>
(e) To ensure that the area is further developed as an attractive, comfortable and interesting place for pedestrians.	<ul style="list-style-type: none"> <li>All use and development of land must incorporate features which enhance pedestrian amenity, safety, comfort and movement across the Cove floor.</li> <li>Use of land for car parking and vehicle movement must only be encouraged in a manner and form which does not adversely affect pedestrian activities as well as the visual and cultural experience of the Cove.</li> <li>New uses and development must provide additional opportunities for pedestrian access and views to the water's edge. (However, public access to the water edge in certain sections of the Cove, and at certain times may be restricted due to the operation requirements of the Port).</li> </ul>
(f) To ensure that development in the area respects the cultural heritage and built form of the Cove Floor.	<ul style="list-style-type: none"> <li>All new development must be sympathetic to the low-scale bulk and height characteristics of the Cove Floor.</li> <li>All new development must respect the cultural heritage of buildings, structures and spaces in the Cove.</li> </ul>
(g) To ensure sound environmental planning and management for all activities.	<ul style="list-style-type: none"> <li>All use and development to demonstrate the minimisation of on and off site energy requirements resulting from the proposed activity.</li> <li>All use and development must minimise direct and indirect environmental risk or effects, and where possible provide, a net environmental gain for the wider environment.</li> </ul>

## 21.3 Use of Land

### 21.3.1 'Exempt' Uses

The following use is 'exempt' from requiring a permit:

- Commercial Port Operations*

(Note: The **development** of land associated with these uses may require a permit).

### 21.3.2 'Permitted' Uses

The following are 'permitted' (s.58 of the Land Use Planning and Approvals Act 1993) uses:

Use	'Deemed to Comply' Provision
<i>Marine Industry</i> <i>Market</i> <i>Community Centre</i> <i>Arts and Cultural Centre</i> <i>Light Industry</i> <i>Minor Utility Installation</i> <i>Wharf</i>	Nil
<i>Shop</i>	Where the use is ancillary to an existing ferry terminal and occupies not more than 30m <sup>2</sup> of the floor area.

<i>Research and Development Centre</i> <i>Education Centre</i>	Must be within an existing building
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### 21.3.3 'Discretionary' Uses

The following are 'discretionary' (s.57 of the Land Use Planning and Approvals Act 1993) uses:

Use	Condition
<i>Bed and Breakfast Establishment</i>	An application for a Bed and Breakfast Establishment will be approved only where the application: <ul style="list-style-type: none"> <li>(a) relates to a dwelling that is not part of a complex of dwellings that is subject to a registered strata plan or capable of such registration; or</li> <li>(b) relates to all of the dwellings in a complex that is subject to a registered strata plan or capable of such registration. Otherwise 'prohibited'.</li> </ul>
<i>Residential Accommodation</i>	For any building providing Residential Accommodation that is subject to a registered strata plan, the use of land for any other use in this table is only 'discretionary' at the ground floor with frontage to a road, otherwise the use is 'prohibited'.
<i>Visitor Accommodation</i> <i>Recreational Boating Facility</i> <i>Eating Establishment</i> <i>Office</i> <i>Shop</i> <i>Function Centre</i> <i>Service Industry</i> <i>Utility Installation</i> <i>All uses not specified in Clauses 21.3.1, 21.3.2 or 21.3.4.</i>	

### 21.3.4 'Prohibited' Uses

- *General Industry*

## 21.4 Development of Land

### 21.4.1 Permit Requirement

Unless specifically exempted by Clause 8.4 or the Schedule to this Scheme, a permit is required to undertake all development of land.

21.4.2 All development of land within this Activity Area must satisfy the relevant provisions contained within the schedules of this Scheme.



