

## Part D

# Zones

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### 20.0 Local Business Zone

#### 20.1 Zone Purpose

##### 20.1.1 Zone Purpose Statements

20.1.1.1 To provide for business, professional and retail services which meet the convenience needs of a local area.

20.1.1.2 To ensure that facilities are accessible by public transport and by walking and cycling.

20.1.1.3 To allow for small scale dining and entertainment activities at night provided that residential amenity of adjoining residential zoned land is protected.

20.1.1.4 To encourage residential use provided that it supports the viability of the activity centres and an active street frontage is maintained.

20.1.1.5 To ensure that building design and use is compatible with surrounding development and use, particularly on land in residential zones.

20.1.1.6 To allow for small shopping centres that might include a supermarket and specialty shops.

20.1.1.7 To allow for limited office based employment provided that it supports the viability of the activity centre and maintains an active street frontage.

20.1.1.8 To allow for dining and entertainment activities at night within food premises or local hotel.

##### 20.1.2 Local Area Objectives

Local Area Objectives	Implementation Strategy
TAROONA	
(a) Taroonna requires improved local retail and convenience shopping services.	(a) The future redevelopment and occupancy of the existing shopping centre site within Taroonna is to be encouraged.
KINGSTON BEACH	
(a) Key site redevelopment should occur to enhance the commercial viability and appeal of Kingston Beach as a place to visit and participate in a range of outdoor, cultural and shopping experiences.	(a) A mix of uses and developments is to be encouraged which provides a range of convenience services and attractions for both residents and visitors.

BLACKMANS BAY	
(a) New local business development should be encouraged to service the local convenience needs of Blackmans Bay residents.	(a) The Blackmans Bay shopping centre precinct is to be the main location for shopping and community services within Blackmans Bay.
MARGATE	
(a) Margate is to provide a range of retail and community services that effectively fulfil its function within the regional activity centre hierarchy.	(a) The Margate main street is to be redeveloped in order to provide improved shopping services, access and parking, community facilities and an appealing general appearance.
MARGATE MARINA	
(a) Margate Marina will become a mixed use area allowing for commercial, scientific, and residential uses supported by the redevelopment of the marina complex.	(a) The redevelopment of the reclaimed and foreshore areas will be in accordance with the land use and staging outlined within Part 5 of the Margate Marina Master Plan.

### 20.1.3 Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
TAROONA	
(a) The existing Tarooma shopping centre site is the favoured location for the provision of local convenience needs for Tarooma residents.	(a) A varied mix of compatible uses within this site would be one way of encouraging its future redevelopment and the provision of suitable local community and retail services.
KINGSTON BEACH	
(a) Future development should be of a compatible scale and appearance when placed in the context of surrounding development.	(a) New development or extensions to existing buildings is to be generally consistent with the height of other buildings in this zone and should be designed to enhance local streetscape amenity.
BLACKMANS BAY	

<p>(a) The local business precinct centred on Opal Drive should be further developed in order to ensure its ongoing attraction and viability.</p> <p>(b) The secondary precinct on the corner of Ocean Esplanade and Pearsall Avenue should contain local businesses that best complement this beachfront location.</p>	<p>(a) Other compatible services and more intensive development should be located close to the Blackmans Bay shopping centre.</p> <p>(b) This secondary precinct should contain local businesses which provide local retail and restaurant type services.</p>
MARGATE	
<p>(a) Margate's central business area should be further developed in a manner that provides for improved public amenity, convenience, functionality, safety and social or recreational opportunities.</p>	<p>(a) Key site redevelopments and main street improvements are required to improve the streetscape, pedestrian movement, traffic management and the standard of private development.</p>
MARGATE MARINA	
<p>(a) Future commercial and residential uses should complement and demonstrate a synergy with the marina complex and any maritime research or educational activities occurring within the precinct.</p>	<p>(a) Visual impact shall be minimised so that buildings are articulated and limited in height and follow existing landforms to minimise scale and bulk. Sensitive landscaping shall occur to protect coastal amenity. Public access to the foreshore is to be enhanced.</p>

## 20.2 Use Table

No Permit Required	
Use Class	Qualification
Any permitted use	Only if replacing an existing use on the site and there is no associated development requiring a permit
Educational and occasional care	Only if for home-based child care in accordance with a license under the <i>Child Care Act 2001</i>
Natural and cultural values management	
Passive recreation	
Residential	Only if home-based business

Utilities	Only minor utilities
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Business and professional services	Only if consulting room, medical centre or post office
Community meeting & entertainment	Only if for art and craft centre, civic centre, community hall, museum, public art gallery or public hall.
Educational and occasional care	Only if an employment training facility and except if no permit required
Food services	Except if a take away food premises with a drive through facility
General retail and hire	Except if adult sex product shop or supermarket
Residential	Only if above ground floor level (except for access) or if more than 25 m from frontage, and except if no permit required
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Business and professional services	Except if permitted
Community meeting and entertainment	Except if permitted
Educational and occasional care	Except if no permit required or permitted
Emergency services	
Equipment and machinery sales and hire	
Food services	Except if permitted
General retail and hire	Except if permitted
Hotel industry	Except if adult entertainment venue
Residential	Except if permitted
Sports and recreation	

Tourist operation	
Transport depot and distribution	
Utilities	Except if No Permit Required.
Vehicle fuel sales and service	
Vehicle parking	
Visitor accommodation	
<b>Prohibited</b>	
<b>Use Class</b>	<b>Qualification</b>
All other uses	

## 20.3 Use Standards

### 20.3.1 Hours of Operation

Objective:	
To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Hours of operation of a use within 50 m of a residential zone must be within:</p> <p>(a) 7.00 am to 9.00 pm Mondays to Saturdays inclusive;</p> <p>(b) 9.00 am to 5.00 pm Sundays and Public Holidays.</p> <p>except for office and administrative tasks.</p>	<p><b>P1</b></p> <p>Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>

### 20.3.2 Noise

Objective:	
To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria

<p><b>A1</b></p> <p>Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <ul style="list-style-type: none"> <li>(a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</li> <li>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;</li> <li>(c) 65dB(A) (LAm<sub>ax</sub>) at any time.</li> </ul> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	<p><b>P1</b></p> <p>Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.</p>
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### 20.3.3 External Lighting

Objective:	
To ensure that external lighting does not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>External lighting within 50 m of a residential zone must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) be turned off between 10:00 pm and 6:00 am, except for security lighting;</li> <li>(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.</li> </ul>	<p><b>P1</b></p> <p>External lighting within 50 m of a residential zone must not adversely affect the amenity of adjoining residential areas, having regard to all of the following:</p> <ul style="list-style-type: none"> <li>(a) level of illumination and duration of lighting;</li> <li>(b) distance to habitable rooms in an adjacent dwellings.</li> </ul>

## 20.3.4 Commercial Vehicle Movements

Objective:	
To ensure that commercial vehicle movements not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of:</p> <p>(a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 5.00 pm Saturdays;</p> <p>(c) 10.00 am to 12 noon Sundays and public holidays.</p>	<p><b>P1</b></p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</p> <p>(e) noise reducing structures between vehicle movement areas and dwellings;</p> <p>(f) the level of traffic on the road;</p> <p>(g) the potential for conflicts with other traffic.</p>

## 20.4 Development Standards for Buildings and Works

### 20.4.1 Building Height

Objective:	
To ensure that building height contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.	
Acceptable Solutions	Performance Criteria

<p><b>A1</b></p> <p>Building height must be no more than:</p> <p>9 m.</p>	<p><b>P1</b></p> <p>Building height must satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) be consistent with any Desired Future Character Statements provided for the area;</li> <li>(b) be compatible with the scale of nearby buildings;</li> <li>(c) not unreasonably overshadow adjacent public space;</li> <li>(d) allow for a transition in height between adjoining buildings, where appropriate;</li> <li>(e) be no more than 12 m.</li> </ul>
<p><b>A2</b></p> <p>Building height within 10 m of a residential zone must be no more than 8.5 m.</p>	<p><b>P2</b></p> <p>Building height within 10 m of a residential zone must be compatible with the building height of existing buildings on adjoining lots in the residential zone.</p>

#### 20.4.2 Setback

<p>Objective:</p>	
<p>To ensure that building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p><b>A1</b></p> <p>Building setback from frontage must be parallel to the frontage and must be no more than:</p> <p>5 m, if fronting Channel Highway.</p> <p>2 m, if fronting any other street.</p>	<p><b>P1</b></p> <p>Building setback from frontage must satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) be consistent with any Desired Future Character Statements provided for the area;</li> <li>(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;</li> <li>(c) enhance the characteristics of the site, adjoining lots and the streetscape;</li> </ul>



	<p>(d) provide for small variations in building alignment only where appropriate to break up long building facades, provided that no potential concealment or entrapment opportunity is created;</p> <p>(e) provide for large variations in building alignment only where appropriate to provide for a forecourt for space for public use, such as outdoor dining or landscaping, provided the that no potential concealment or entrapment opportunity is created and the forecourt is afforded very good passive surveillance.</p>
<p><b>A2</b></p> <p>Building setback from a residential zone must be no less than:</p> <p>(a) 3 m;</p> <p>(b) half the height of the wall, whichever is the greater.</p>	<p><b>P2</b></p> <p>Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:</p> <p>(a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;</p> <p>(b) overlooking and loss of privacy;</p> <p>(c) visual impact when viewed from adjoining lots,</p> <p>taking into account aspect and slope.</p>

### 20.4.3 Design

Objective:	
To ensure that building design contributes positively to the streetscape, the amenity and safety of the public and adjoining land in a residential zone.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Building design must comply with all of the following:</p>	<p><b>P1</b></p> <p>Building design must enhance the streetscape by satisfying all of the following:</p>

<ul style="list-style-type: none"> <li>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</li> <li>(b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade ;</li> <li>(c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 30% of the length of the facade;</li> <li>(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;</li> <li>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;</li> <li>(f) provide awnings over the public footpath if existing on the site or on adjoining lots;</li> <li>(g) not include security shutters over windows or doors with a frontage to a street or public place.</li> </ul>	<ul style="list-style-type: none"> <li>(a) provide the main access to the building in a way that addresses the street or other public space boundary;</li> <li>(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;</li> <li>(c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;</li> <li>(d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;</li> <li>(e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;</li> <li>(f) not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity or if not possible due to physical constraints;</li> <li>(g) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</li> <li>(h) be consistent with any Desired Future Character Statements provided for the area.</li> </ul>
<p><b>A2</b></p> <p>Walls of a building facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p><b>P2</b></p> <p>No Performance Criteria.</p>

#### 20.4.4 Passive Surveillance

Objective:
To ensure that building design provides for the safety of the public.

Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Building design must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</li> <li>(b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade ;</li> <li>(c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30 % of the surface area of the ground floor level facade;</li> <li>(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;</li> <li>(e) provide external lighting to illuminate car parking areas and pathways;</li> <li>(f) provide well-lit public access at the ground floor level from any external car park.</li> </ul>	<p><b>P1</b></p> <p>Building design must provide for passive surveillance of public spaces by satisfying all of the following:</p> <ul style="list-style-type: none"> <li>(a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;</li> <li>(b) locate windows to adequately overlook the street and adjoining public spaces;</li> <li>(c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;</li> <li>(d) locate external lighting to illuminate any entrapment spaces around the building site;</li> <li>(e) provide external lighting to illuminate car parking areas and pathways;</li> <li>(f) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;</li> <li>(g) provide for sight lines to other buildings and public spaces.</li> </ul>

#### 20.4.5 Landscaping

Objective:	
To ensure that a safe and attractive landscaping treatment enhances the appearance of the site and if relevant provides a visual break from land in a residential zone.	
Acceptable Solutions	Performance Criteria

<p><b>A1</b></p> <p>Landscaping along the frontage of a site is not required if all of the following apply:</p> <p>(a) the building extends across the width of the frontage, (except for vehicular access ways);</p> <p>(b) the building has a setback from the frontage of no more than 1 m.</p>	<p><b>P1</b></p> <p>Landscaping must be provided to satisfy all of the following:</p> <p>(a) enhance the appearance of the development;</p> <p>(b) provide a range of plant height and forms to create diversity, interest and amenity;</p> <p>(c) not create concealed entrapment spaces;</p> <p>(d) be consistent with any Desired Future Character Statements provided for the area.</p>
<p><b>A2</b></p> <p>Along a boundary with a residential zone landscaping must be provided for a depth no less than:</p> <p>2 m.</p>	<p><b>P2</b></p> <p>Along a boundary with a residential zone landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of adjoining land in a residential zone, having regard to the characteristics of the site and the characteristics of the adjoining residentially-zones land.</p>

#### 20.4.6 Outdoor Storage Areas

<p>Objective:</p>	
<p>To ensure that outdoor storage areas for non-residential use do not detract from the appearance of the site or the locality.</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p><b>A1</b></p> <p>Outdoor storage areas for non-residential uses must comply with all of the following:</p> <p>(a) be located behind the building line;</p> <p>(b) all goods and materials stored must be screened from public view;</p> <p>(c) not encroach upon car parking areas, driveways or landscaped areas.</p>	<p><b>P1</b></p> <p>Outdoor storage areas for non-residential uses must satisfy all of the following:</p> <p>(a) be located, treated or screened to avoid unreasonable adverse impact on the visual amenity of the locality;</p> <p>(b) not encroach upon car parking areas, driveways or landscaped areas.</p>

## 20.4.7 Fencing

Objective:	
To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Fencing must comply with all of the following:</p> <p>(a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage;</p> <p>(b) fences along a frontage must be at least 50% transparent above a height of 1.2 m;</p> <p>(c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.</p>	<p><b>P1</b></p> <p>Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of land in a residential zone which lies opposite or shares a common boundary with a site, having regard to all of the following:</p> <p>(a) the height of the fence;</p> <p>(b) the degree of transparency of the fence;</p> <p>(c) the location and extent of the fence;</p> <p>(d) the design of the fence;</p> <p>(e) the fence materials and construction;</p> <p>(f) the nature of the use;</p> <p>(g) the characteristics of the site, the streetscape and the locality, including fences;</p> <p>(h) any Desired Future Character Statements provided for the area.</p>

## 20.4.8 Environmental Values

Objective:	
To ensure that the design and location of buildings and works avoids and minimises adverse environmental impacts.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>No trees of high conservation value will be impacted.</p>	<p><b>P1</b></p> <p>Buildings and works are designed and located to avoid, minimise, mitigate and offset impacts on trees of high conservation value.</p>

## 20.5 Development Standards for Subdivision

### 20.5.1 Subdivision

Objective:	
To provide for lots with appropriate area, dimensions, services, roads and access to public open space to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>The size of each lot must be no less than:</p> <p style="text-align: center;">300 m<sup>2</sup>.</p> <p>except if for public open space, a riparian reserve or utilities.</p>	<p><b>P1</b></p> <p>The size of each lot must be sufficient to accommodate development consistent with the Zone Purpose, having regard to any Local Area Objectives or Desired Future Character Statements.</p>
<p><b>A2</b></p> <p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following;</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p> <p>(b) clear of easements;</p> <p>(c) clear of title restrictions that would limit or restrict the development of a commercial building;</p> <p>(d) has an average slope of no more than 1 in 5;</p> <p>(e) is a minimum of 10 m x 15 m in size.</p>	<p><b>P2</b></p> <p>The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(a) be reasonably capable of accommodating use and development consistent with Zone Purpose, having regard to any Local Area Objectives or Desired Future Character Statements;</p> <p>(b) provides for sufficient useable area on the lot for on-site parking and maneuvering, unless adequate arrangements are made for suitable alternative solutions to future likely demand generated by the development potential of the lot;</p> <p>(c) minimises the need for earth works, retaining walls, and cut &amp; fill associated with future development.</p>
<p><b>A3</b></p> <p>The frontage for each lot must be no less than:</p> <p style="text-align: center;">15 m.</p>	<p><b>P3</b></p> <p>The frontage of each lot must be sufficient to accommodate development consistent with the Zone Purpose, having regard to any Local Area Objectives or Desired Future Character Statements.</p>

<p><b>A4</b></p> <p>No Acceptable Solution.</p>	<p><b>P4</b></p> <p>The arrangement of roads within a subdivision must satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) the subdivision will not compromise appropriate and reasonable future subdivision of the entirety of the parent lot;</li> <li>(b) accords with any relevant road network plan adopted by the Planning Authority;</li> <li>(c) facilitates the subdivision of neighbouring land with subdivision potential through the provision of connector roads, where appropriate, to the common boundary;</li> <li>(d) provides for acceptable levels of access, safety, convenience and legibility through a consistent road function hierarchy.</li> </ul>
<p><b>A5</b></p> <p>Each lot must be connected to services adequate to support the likely future use and development of the land.</p>	<p><b>P5</b></p> <p>No Performance Criteria.</p>
<p><b>A6</b></p> <p>No Acceptable Solution.</p>	<p><b>P6</b></p> <p>Public Open Space must be provided as land or cash in lieu, in accordance with the Kingborough Public Open Space Contribution Policy, Policy 6.3, November 2021.</p>
<p><b>A7</b></p> <p>No trees of high conservation value will be impacted.</p>	<p><b>P7</b></p> <p>The design of each lot must minimise, mitigate and offset impacts on trees of high conservation value.</p>