

C. BUSINESS AND COMMERCIAL ZONE

3.4.1 – C - Business and Commercial Zone – Tables of Assessment Categories and Assessment Criteria

Business and Commercial Zone		
TABLE 7A - Material Change of Use¹		
Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
(1) DEVELOPMENT FOR DEFINED USES AND USE CLASSES:		
(a) Rural Use Classes		
<p><i>All defined Rural uses:</i></p> <p>NOTE: <i>All defined Rural uses are inconsistent uses (refer SO2 in 3.4.2)</i></p>	<p>Code assessable: All circumstances</p>	<p><u>Applicable Codes:</u></p> <p>§ Urban Locality Code;</p> <p>AND</p> <p>(i) For Animal Keeping or Intensive Animal Husbandry:</p> <p>§ Animal Keeping and Intensive Animal Husbandry Code.</p> <p>(ii) For Farming:</p> <p>§ Farming Code.</p> <p>(iii) For Forestry Business:</p> <p>§ Forestry Business Code;</p> <p>AND</p> <p>(iv) If in a SMOA on SMOA map 2F:</p> <ul style="list-style-type: none"> • Cultural Features Overlay Code
(b) Residential Use Classes		
<p><i>Accommodation building:</i></p>	<p>Code assessable: All circumstances</p>	<p><u>Applicable Codes:</u></p> <p>§ Urban Locality Code; and</p> <p>§ Multiple Dwelling Unit, Accommodation Building and Retirement Village Code;</p> <p>AND</p> <p>(i) If in a SMOA on SMOA map 2F:</p> <p>§ Cultural Features Overlay Code</p>
<p><i>Annexed unit:</i></p>	<p>Code assessable: All circumstances</p>	<p><u>Applicable Codes:</u></p> <p>§ Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and</p> <p>§ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (d), (e) and (g);</p> <p>AND</p> <p>(i) If in a SMOA on SMOA map 2F:</p> <p>§ Cultural Features Overlay Code</p>
<p><i>Bed and breakfast:</i></p>	<p>Code assessable: All circumstances</p>	<p><u>Applicable Codes:</u></p> <p>§ Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and</p> <p>§ Bed and Breakfast and Small Scale Tourist Facility Code;</p> <p>AND</p> <p>(i) If in a SMOA on SMOA map 2F:</p> <p>§ Cultural Features Overlay Code</p>

¹ Uses proposed on State lands must be consistent with the purpose for which the land was allocated under the *Land Act, 1994*. Consult with Department of Natural Resources and Mines.

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TABLE 7A - Material Change of Use¹

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
(b) Residential Use Classes continued:		
<p>Caretakers residence:</p>	<p>Self assessable: All circumstances except if assessable as follows.</p> <p>Code assessable: If nominated as self assessable but unable to comply with an Acceptable Solution in the Applicable Code.</p>	<p>Applicable Codes:</p> <p><i>For self-assessable development:</i></p> <p>§ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (e), (f) and (g).</p> <p><i>For assessable development:</i></p> <p>§ Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and</p> <p>§ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (e), (f) and (g);</p> <p>AND</p> <p><i>For assessable development:</i></p> <p>(i) If in a SMOA on SMOA map 2F:</p> <p>§ Cultural Features Overlay Code</p>
<p>Dwelling house:</p> <p>NOTE: A Dwelling house (other than for an expansion of an existing dwelling which does not exceed a 10% increase on gross floor area from the commencement day) is an inconsistent use (refer SO2 in 3.4.2)</p>	<p>Code assessable: All circumstances</p>	<p>Applicable Codes:</p> <p>§ Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and</p> <p>§ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (e), (g) and (h);</p> <p>AND</p> <p>(i) If in a SMOA on SMOA map 2F:</p> <p>§ Cultural Features Overlay Code</p>
<p>Home-based business:</p>	<p>Exempt: If not involving an increase in gross floor area.</p> <p>Self assessable: All circumstances except if exempt or code assessable.</p> <p>Code assessable: If nominated as self-assessable but unable to comply with an Acceptable Solution in the Applicable Code.</p>	<p>Applicable Codes:</p> <p><i>For self assessable development:</i></p> <p>§ Home-based Business Code.</p> <p><i>For assessable development:</i></p> <p>§ Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and</p> <p>§ Home-based Business Code.</p>
<p>Other defined Residential uses not listed above:</p>	<p>Impact assessable: All circumstances</p>	

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TABLE 7A - Material Change of Use¹

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
(c) Commercial Use Classes		
<p><i>All defined Commercial uses:</i></p> <p>NOTE: A Commercial use for a Brothel is an inconsistent use (refer SO2 in 3.4.2)</p>	<p>Self assessable: If for a:</p> <ul style="list-style-type: none"> (1) Market, (2) Medical centre, (3) Office, (4) Restaurant and/or Take-away food store, (5) Small-scale tourist facility, or (6) Shop. <p>Code assessable: If:</p> <ul style="list-style-type: none"> (i) nominated as self assessable but unable to comply with an Acceptable Solution in the Applicable Codes; or (ii) on a Cultural Heritage Site shown on SMOA map 2F; or (iii) for a: <ul style="list-style-type: none"> (1) Car park, (2) Funeral parlour, (3) Garden centre, (4) Hotel, (5) Produce store, (6) Retail warehouse, (7) Sales or hire premises, or (8) Vet clinic. <p>Impact assessable: If for a Major tourist facility.</p>	<p>Applicable Codes:</p> <p><i>For self assessable development:</i></p> <ul style="list-style-type: none"> (i) For Small-scale Tourist Facility: <ul style="list-style-type: none"> § Bed and Breakfast and Small Scale Tourist Facility Code. (ii) For other defined Commercial uses not listed above: <ul style="list-style-type: none"> § Urban Locality Code. <p><i>For assessable development:</i></p> <ul style="list-style-type: none"> (iii) For Small-scale Tourist Facility: <ul style="list-style-type: none"> § Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and § Bed and Breakfast and Small Scale Tourist Facility Code. (iv) For other defined Commercial uses not listed above: <ul style="list-style-type: none"> § Urban Locality Code; <p>AND</p> <p><i>For assessable development:</i></p> <ul style="list-style-type: none"> (i) If in a SMOA on SMOA map 2F: <ul style="list-style-type: none"> § Cultural Features Overlay Code
(d) Industrial Use Classes		
<p><i>All defined Industry uses:</i></p> <p>NOTE: Industrial uses for a: - Borrow pit - Extractive industry - High impact industry are inconsistent uses (refer SO2 of 3.4.2)</p>	<p>Code assessable: If for:</p> <ul style="list-style-type: none"> (i) a: <ul style="list-style-type: none"> (1) Borrow pit, (2) Extractive Industry, or (3) High impact industry; or (ii) a Service station, Car washing station or a Transport station (passengers only). <p>Impact assessable: All other circumstances except if code assessable.</p>	<p>Applicable Codes:</p> <ul style="list-style-type: none"> (i) For Service Station or Car Washing Station: <ul style="list-style-type: none"> § Service Station and Car Washing Station Code; and § Urban Locality Code - all Elements except (b) and (c)(i). (ii) For Extractive Industry or Borrow Pit: <ul style="list-style-type: none"> § Extractive Industry and Borrow Pit Code; and § Urban Locality Code - all Elements except (b) and (c)(i). (iii) For other defined Industrial uses not listed above: <ul style="list-style-type: none"> § Urban Locality Code; <p>AND</p> <ul style="list-style-type: none"> (i) If in a SMOA on SMOA map 2F: <ul style="list-style-type: none"> § Cultural Features Overlay Code
(e) Community Use Classes		
<p><i>Local utility:</i></p>	<p>Exempt: All circumstances</p>	<p>Nil</p>

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TABLE 7A - Material Change of Use¹		
Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
(e) Community Use Classes continued:		
<i>Other defined Community uses not listed above:</i>	<p>Self assessable:</p> <p>If:</p> <p>(i) for the particular <i>Community use class</i> indicated for the premises listed in Schedule 5, Division 1 and for not more than a 10% increase in gross floor area calculated from the commencement day;</p> <p>or</p> <p>(ii) by a public sector entity in an existing building and in the following circumstances:</p> <ul style="list-style-type: none"> • for not more than a 10% increase in gross floor area calculated from the commencement day, • outside land on a SMOA on SMOA map 2F, and • not involving flood lighting. <p>Code assessable:</p> <p>If:</p> <p>(i) nominated as self assessable but unable to comply with an Acceptable Solution for the Applicable Codes;</p> <p>or</p> <p>(ii) unable to satisfy the circumstances for self assessment above.</p> <p>Impact assessable:</p> <p>Major utility except if self assessable or code assessable above.</p>	<p><u>Applicable Codes:</u></p> <p><i>For all levels of assessment:</i></p> <p>§ Urban Locality Code;</p> <p>AND</p> <p>(i) For Telecommunications Facility:</p> <p>§ Telecommunications Facilities Code</p> <p>(ii) For Child Care Centre:</p> <p>§ Child Care Centres Code;</p> <p>AND</p> <p><i>For assessable development:</i></p> <p>(i) If in a SMOA on SMOA map 2F:</p> <p>§ Cultural Features Overlay Code</p>
(f) Recreational Use Classes		
Park:	Exempt: All circumstances	Nil
<i>Other defined Recreational uses not listed above:</i>	<p>Self assessable:</p> <p>If on Council controlled land except if:</p> <p>(1) for more than a 10% increase calculated from the commencement day:</p> <p style="margin-left: 40px;">a. in gross floor area, or</p> <p style="margin-left: 40px;">b. in car parking demand,</p> <p>(2) needing a liquor licence,</p> <p>(3) on land on a SMOA on SMOA map 2F, or</p> <p>(4) involving floodlighting.</p> <p>Code assessable:</p> <p>If:</p> <p>(i) nominated as self assessable but unable to comply with an Acceptable Solution for the Applicable Codes;</p> <p>or</p> <p>(ii) on Council controlled land and not meeting the circumstances for self assessment above.</p> <p>Impact assessable:</p> <p>All other circumstances except if self assessable or code assessable above.</p>	<p><u>Applicable Codes:</u></p> <p><i>For all levels of assessment:</i></p> <p>§ Urban Locality Code;</p> <p>AND</p> <p><i>For assessable development:</i></p> <p>(i) If in a SMOA on SMOA map 2F:</p> <p>§ Cultural Features Overlay Code</p>
(2) DEVELOPMENT FOR UNDEFINED USES²:		
All:	Impact assessable: All circumstances	

² Development for undefined uses refers to proposals that do not fall within the ambit of a defined use as set out in Schedule 7.

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TABLE 7B – Development other than material change of use

Column 1 Nature of Development	Column 2 Assessment Category	Column 3 Assessment Criteria
(1) BUILDING WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
<p>All:</p> <p>NOTE: <i>A fence or wall forward of the building line and over 2 metres in height is an inconsistent development (refer SO 14 of 3.4.2)</i></p>	<p>Code assessable:</p> <p>If for:</p> <p>(i) a building or structure having a:</p> <p>(1) building height greater than the following measured from ground level:</p> <p>a. 3.5 metres for an outbuilding, or</p> <p>b. 8.5 metres for any other purpose; or</p> <p>(2) set back to a property boundary with the Residential zone that is less than half the height of the building;</p> <p>or</p> <p>(ii) a fence (except transparent security fencing) or wall forward of the building line over:</p> <p>(1) 1.2 metres in height abutting trafficable roads, or</p> <p>(2) 2 metres in height along side or rear boundaries;</p> <p>or</p> <p>(iii) the displacement of more than 20 cubic metres of material;</p> <p>or</p> <p>(iv) a Cultural Heritage Site shown on SMOA map 2F, except for building work internal to an existing building.</p>	<p><u>Applicable Codes:</u></p> <p><i>For assessable development:</i></p> <p>(i) For building or structure height, or set back:</p> <p>§ Urban Locality Code – Element (c)(ii) O11</p> <p>(ii) For fences and walls:</p> <p>§ Urban Locality Code - Element (c)(v)</p> <p>(iii) For displacement of material:</p> <p>§ Urban Locality Code - Elements (d) and (g);</p> <p>AND</p> <p>(i) If in a SMOA on SMOA map 2F:</p> <p>§ Cultural Features Overlay Code</p>
(2) OPERATIONAL WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
<p>Placement of an advertisement device:</p>	<p>Self assessable:</p> <p>If for an on-premises sign.</p> <p>Code assessable:</p> <p>If:</p> <p>(i) nominated as self assessable but unable to comply with an Acceptable Solution for the Applicable Codes;</p> <p>or</p> <p>(ii) on a Cultural Heritage Site shown on SMOA map 2F;</p> <p>or</p> <p>(iii) for an off-premises sign.</p>	<p><u>Applicable Codes:</u></p> <p><i>For assessable development:</i></p> <p>§ Urban Locality Code – Element (c)(vi), (d) and (g);</p> <p>AND</p> <p>(i) If in a SMOA on SMOA map 2F:</p> <p>§ Cultural Features Overlay Code.</p>
<p>Excavation and/or filling that materially affects premises:</p> <p>NOTE: <i>Excavation and/or filling is inconsistent development if resulting in the capability to store, cause ponding to otherwise retain water (such as a dam)</i></p>	<p>Code assessable:</p> <p>If:</p> <p>(i) for a :</p> <p>(1) <i>Telecommunications facility (medium impact);</i> or</p> <p>(2) <i>Major utility;</i></p> <p>or</p> <p>(ii) for a change in the ground level of more than 1 metre or if more than 50 cubic metres of material is filled or excavated.</p>	<p><u>Applicable Codes:</u></p> <p>(i) For Telecommunications Facility:</p> <p>§ Telecommunications Facilities Code.</p> <p>(ii) For Earthworks:</p> <p>§ Urban Locality Code - Element (g).</p>
<p>Works associated with reconfiguring a lot:</p>	<p>Code assessable:</p> <p>All circumstances</p>	<p><u>Applicable Code:</u></p> <p>§ Urban Locality Code – Elements (b), (d), (f) and (g)</p> <p>AND</p> <p>(i) If in a Natural Hazard Risk Management Area – Possible Flood Problem Area shown on SMOA map 2B:</p> <p>§ Natural Features and Resources Overlay Code – Element (c)</p>

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TABLE 7B – Development other than material change of use

Column 1 Nature of Development	Column 2 Assessment Category	Column 3 Assessment Criteria
(3) RECONFIGURING A LOT NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
<i>Reconfiguring a lot:</i>	Code assessable: All circumstances	<u><i>Applicable Code:</i></u> Urban Locality Code – Elements (b), (d), (f) and (g)
(4) OTHER THAN SPECIFIED ABOVE AND NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
<i>All:</i>	Exempt: All circumstances	Nil