3.4
URBAN LOCALITY

A. RESIDENTIAL ZONE

3.4 Urban Locality

3.4.1- A- Residential Zone - Tables of Assessment Categories and Assessment Criteria

Residential Zone

TABLE 5A - Material Change of Use[1]		
Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
(1) DEVELOPMENT FOR DEFINED USES AND USE CLASSES:		
(a) Rural Use Classes		
All defined Rural uses: **NOTE:** *All defined Rural uses except for:* *- Animal keeping (aviary)* *- Farming (animal husbandry for apiary)* *are inconsistent uses (refer SO2 in 3.4.2)*	**Code assessable:** All except if impact assessable as follows. **Impact assessable:** *Animal keeping (aviary).*	<u>*Applicable Codes:*</u> ▪ Urban Locality Code; **AND** (i) For Animal Keeping or Intensive Animal Husbandry: ▪ Animal Keeping and Intensive Animal Husbandry Code (ii) For Farming: ▪ Farming and Intensive Agriculture Code (iii) For Forestry Business: ▪ Forestry Business Code (iv) If in a SMOA on SMOA map 2B to 2D(i) inclusive: ▪ Natural Features and Resources Overlay Code – all Elements except (a) and (f) (v) If in a SMOA on SMOA map 2F: ▪ Cultural Features Overlay Code
(b) Residential Use Classes		
Accommodation building:	**Code assessable:** If within 400m of the edge of the Business and Commercial Zone. **Impact assessable:** If outside 400m of the edge of the Business and Commercial Zone.	<u>*Applicable Codes:*</u> ▪ Urban Locality Code; and ▪ Multiple Dwelling Unit and Accommodation Building Code; **AND** (i) If in a SMOA on SMOA map 2F: ▪ Cultural Features Overlay Code (ii) If in a SMOA on SMOA map 2B to 2D(i) inclusive: ▪ Natural Features and Resources Overlay Code – all Elements expect (a) and (f) (iii) If in a SMOA on SMOA map 2E: ▪ Community Facility Overlay Code

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[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.

Residential Zone

TABLE 5A - Material Change of Use[1]		
Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
(b) Residential Use Classes continued:		
Annexed unit:	**Self assessable:** All except if code assessable as follows. **Code assessable:** If: (i) nominated as self assessable but unable to comply with an Acceptable Solution for the Applicable Code; or (ii) in the SMOA on SMOA map 2B or 2C.	*Applicable Codes:* *For self assessable development:* ▪ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (d), (e) and (g). *For assessable development:* ▪ Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and ▪ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (d), (e) and (g); **AND** *For assessable development:* (i) If in a SMOA on SMOA map 2B or 2C: ▪ Natural Features and Resources Overlay Code – Elements (b) to (e) inclusive
Bed and breakfast:	**Self assessable:** All except if code assessable as follows. **Code assessable:** If: (i) nominated as self assessable but unable to comply with an Acceptable Solution for the Applicable Code; or (ii) in the SMOA on SMOA map 2B or 2C; or (iii) on a Cultural Heritage Site shown on SMOA map 2F.	*Applicable Codes:* *For self assessable development:* ▪ Bed and Breakfast and Small Scale Tourist Facility Code. *For assessable development:* ▪ Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and ▪ Bed and Breakfast and Small Scale Tourist Facility Code; **AND** *For assessable development:* (i) If in a SMOA on SMOA map 2F: ▪ Cultural Features Overlay Code (ii) If in a SMOA on SMOA map 2B or 2C: ▪ Natural Features and Resources Overlay Code – Elements (b) to (e) inclusive
Caravan park: **NOTE:** *Caravan park is an inconsistent use (refer SO2 in 3.4.2)*	**Code assessable:** All circumstances	*Applicable Codes:* ▪ Urban Locality Code; **AND** (i) If in a SMOA on SMOA map 2F: ▪ Cultural Features Overlay Code (ii) If in a SMOA on SMOA map 2B to 2D(i) inclusive: ▪ Natural Features and Resources Overlay Code – all Elements except (a) and (f) (iii) If in a SMOA on SMOA map 2E: ▪ Community Facility Overlay Code
Caretakers residence:	**Code assessable:** All circumstances	*Applicable Codes:* ▪ Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and ▪ Dwelling House, Annexed Unit and Caretakers Residence Code - Elements (a), (b), (e), (f) and (g); **AND** (i) If in a SMOA on SMOA map 2B or 2C: ▪ Natural Features and Resources Overlay Code – Elements (b) to (e) inclusive

Residential Zone

TABLE 5A - Material Change of Use[1]		
Column 1 **Defined Use**	**Column 2** **Assessment Category**	**Column 3** **Assessment Criteria**
(b) Residential Use Classes continued:		
Dwelling house: **NOTE:** *More than 2 Dwelling houses (or a Dwelling house and Caretakers residence) on the site is an inconsistent use (refer SO2 in 3.4.2)*	**Self assessable:** All except if code assessable as follows. **Code assessable:** If: (i) nominated as self assessable but unable to comply with an Acceptable Solution for the Applicable Codes; or (ii) for more than 1 *Dwelling house* (or a *Dwelling house* and a *Caretakers residence*) on a site; or (iii) in the SMOA on SMOA map 2B or 2C.	_Applicable Codes:_ *For self assessable development:* ▪ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (e), (g) and (h). *For assessable development:* ▪ Urban Locality Code – Element (a), (c(iii) to (vi) and (g); and ▪ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (e), (g) and (h); **AND** (i) If in a SMOA on SMOA map 2B or 2C: ▪ Natural Features and Resources Overlay Code – Elements (b) to (e) inclusive
Home-based business:	**Code assessable:** All circumstances	_Applicable Codes:_ ▪ Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and ▪ Home-based Business Code.
Multiple dwelling unit:	**Code assessable:** If: (i) for two dwelling units; or (ii) for 3 or more dwelling units within 400m of the edge of the Business and Commercial Zone. **Impact assessable:** All circumstances except if code assessable.	_Applicable Codes:_ ▪ Urban Locality Code; and ▪ Multiple Dwelling Unit and Accommodation Building Code; **AND** (i) If in a SMOA on SMOA map 2F: ▪ Cultural Features Overlay Code (ii) If in a SMOA on SMOA map 2B to 2D(i) inclusive: ▪ Natural Features and Resources Overlay Code – all Elements except (a) and (f) (iii) If in a SMOA on SMOA map 2E: ▪ Community Facility Overlay Code
(c) Commercial Use Classes		
All defined Commercial uses: **NOTE:** *All defined Commercial uses except for a:* *- Shop (under 50sqm in gross floor area)* *- Small-scale tourist facility* *are inconsistent uses (refer SO2 in 3.4.2)*	**Code assessable:** All except if impact assessable as follows. **Impact assessable:** If for a: (i) *Shop* (under 50 sqm in gross floor area); or (ii) *Small-scale tourist facility*.	_Applicable Codes:_ ▪ Urban Locality Code; **AND** (i) If in a SMOA on SMOA map 2F: ▪ Cultural Features Overlay Code (ii) If in a SMOA on SMOA map 2B or 2C: ▪ Natural Features and Resources Overlay Code – Elements (b) to (e) inclusive (iii) If in a SMOA on SMOA map 2E: ▪ Community Facility Overlay Code

Residential Zone

TABLE 5A - Material Change of Use[1]		
Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
(d) Industrial Use Classes		
All defined Industry uses: **NOTE:** *All defined Industrial uses are inconsistent uses (refer SO2 in 3.4.2)*	**Code assessable:** All circumstances	*Applicable Codes:* (i) For Service Station or Car Washing Station: ▪ Urban Locality Code – all Elements except (b) and (c)(i); and ▪ Service Station and Car Washing Station Code (ii) For Extractive Industry or Borrow Pit: ▪ Urban Locality Code – all Elements except (b) and (c)(i); and ▪ Extractive Industry and Borrow Pit Code (iii) For other defined Industrial Uses not listed above: ▪ Urban Locality Code; **AND** (i) If in a SMOA on SMOA map 2F: ▪ Cultural Features Overlay Code (ii) If in a SMOA on SMOA map 2B or 2C: ▪ Natural Features and Resources Overlay Code – Elements (b) to (e) inclusive
(e) Community Use Classes		
Local utility:	**Exempt:** All circumstances	Nil

Other defined Community uses not listed above:
 	
NOTE:
Major utility is an inconsistent use if Code Assessable in Clause (ii) of Column 2 (refer SO2 in 3.4.2)
	Self assessable:
	If:
	(i) for the particular *Community use class* indicated for the premises listed in Schedule 5, Division 1 and for not more than a 10% increase in gross floor area or curtilage area calculated from the commencement day;
	or
	(ii) by a public sector entity in an existing building on land in the following circumstances:
	    (1) for not more than a 10% increase in gross floor area or curtilage area calculated from the commencement day,
	    (2) outside land shown in a SMOA on SMOA map 2B, 2C, 2D(i), 2E and 2F, or
	    (3) not involving flood lighting.
	Code assessable:
	If
	(i) nominated as self assessable but unable to comply with an Acceptable Solution for the Applicable Codes;
	or
	(ii) unable to satisfy the circumstances for self assessment above.
		Applicable Codes:
		
		For all levels of assessment:
		▪ Urban Locality Code;
		AND
		(i) For Telecommunications Facility:
		▪ Telecommunication Facilities Code
		(ii) For Child Care Centre:
		▪ Child Care Centres Code;
		AND
		For assessable development:
		(i) If in a SMOA on SMOA map 2F:
		▪ Cultural Features Overlay Code
		(ii) If in a SMOA on SMOA map 2B to 2D(i) inclusive:
		▪ Natural Features and Resources Overlay Code – all Elements except (a) and (f)
		(iii) If in a SMOA on SMOA map 2E:
		▪ Community Facility Overlay Code

Residential Zone

TABLE 5A - Material Change of Use[1]		
Column 1 **Defined Use**	**Column 2** **Assessment Category**	**Column 3** **Assessment Criteria**
(f) Recreational Use Classes		
Park:	**Exempt:** All circumstances	Nil

Other defined Recreational uses not listed above:	**Self assessable:**
	If on Council controlled land except if:
	
	(1) for more than a 10% increase calculated from the commencement day:
	
	        a. in gross floor area, or
	
	        b. in car parking demand,
	
	(2) needing a liquor licence,
	
	(3) in a SMOA shown on SMOA map 2B, 2C, 2D(i), 2E or 2F, or
	
	(4) involving floodlighting.
	
	Code assessable:
	If:
	
	(i) nominated as self assessable but unable to comply with an Acceptable Solution for the Applicable Codes;
	
	or
	
	(ii) on Council controlled land and not meeting the circumstances for self assessment above.
	
	Impact assessable:
	All other circumstances except if self assessable or code assessable above.
		Applicable Codes:
		
		For all levels of assessment:
		
		▪ Urban Locality Code;
		
		AND
		
		For assessable development:
		
		(i) If in a SMOA on SMOA map 2F:
		
		▪ Cultural Features Overlay Code
		
		(ii) If in a SMOA on SMOA map 2B to 2D(i) inclusive:
		
		▪ Natural Features and Resources Overlay Code – all Elements except (a) and (f)
		
		(iii) If in a SMOA on SMOA map 2E:
		
		▪ Community Facility Overlay Code

(2) DEVELOPMENT FOR UNDEFINED USES[2]:		
All:	**Impact assessable:** All circumstances	

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[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.

Residential Zone

TABLE 5B – 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:		

All:
 	
NOTE:
 	
A fence or wall forward of the building line and over 2 metres in height is an inconsistent development (refer SO14 of 3.4.2)
	Code assessable:
	
	If for:
	
	(i) a building or structure having a:
	
	    (1) building height greater than the following measured from ground level:
	
	        a. 3.5 metres for a *Small-scale tourist facility*, *Bed and breakfast*, *Home-based business* or outbuilding, or
	
	        b. 8.5 metres for habitable buildings or for a *Community use;* or
	
	    (2) site cover greater than the following for:
	
	        a. *Residential uses* on lots over 600 sqm in area – 50%,
	
	        b. *Residential uses* on lots of 600 sqm or less – 60%,
	
	        c. *Industrial* and *Commercial* uses – 60%, or
	
	        d. other uses – 40%; or
	
	    (3) set back for a non-residential purpose of less than the following as measured from the property boundary:
	
	        a. 6 metres from any trafficable road, or
	
	        b. 3 metres to any other boundary;
	
	or
	
	(ii) a fence or wall forward of the building line and less than 50% transparent and over:
	
	    (1) 1.8 metres in height abutting trafficable roads, or
	
	    (2) 2 metres in height along other boundaries;
	
	(iii) a retaining wall over 2 metres in height;
	
	or
	
	(iv) the displacement of more than 50 cubic metres of material;
	
	or
	
	(v) a building or structure on a Cultural Heritage Site shown on SMOA map 2F, except for building work internal to an existing building;
	
	or
	
	(vi) land in a Natural Hazard Risk Management Area for Drainage Problem shown on SMOA map 2B.
		Applicable Codes:
		
		(i) For building or structure height, site cover or set back:
		
		▪ Urban Locality Code – Element (c)(ii) O11
		
		(ii) For fences and walls:
		
		▪ Urban Locality Code - Element (c)(v)
		
		(iii) For displacement of material:
		
		▪ Urban Locality Code - Elements (d) and (g);
		
		AND
		
		(i) If in a SMOA on SMOA map 2F:
		
		▪ Cultural Features Overlay Code
		
		(ii) If in a SMOA on SMOA map 2B or 2C:
		
		▪ Natural Features and Resources Overlay Code – Elements (b) to (e) inclusive

Residential Zone

TABLE 5B – Development other than material change of use		
Column 1 **Nature of** **Development**	**Column 2** **Assessment Category**	**Column 3** **Assessment Criteria**
(2) OPERATIONAL WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
Placement of an advertisement device:	**Impact assessable:** All circumstances	

Excavation and/or filling that materially affects premises:
 	
NOTE:
Excavation and/or filling is inconsistent development if resulting in the capability to store, cause ponding to otherwise retain water (such as a dam)
	Code assessable:
	If:
	(i) for a:
	    (1) *Telecommunications facility (medium impact)*; or
	    (2) *Major utility*;
	or
	(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
	or
	(iii) in a Natural Hazard Risk Management Area for Drainage Problem shown on SMOA map 2B.
		Applicable Codes:
		(i) For Telecommunications Facility:
		▪ Telecommunications Facilities Code; and
		(ii) For earthworks:
		▪ Urban Locality Code - Element (g);
		AND
		(i) If in a SMOA on SMOA map 2B or 2C:
		▪ Natural Features and Resources Overlay Code – Elements (b) to (e) inclusive

(2) OPERATIONAL WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE continued:		
Works associated with reconfiguring a lot:	**Code assessable:** All circumstances	_Applicable Code:_ Urban Locality Code – Elements (b), (d), (f) and (g).
(3) RECONFIGURING A LOT NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
Reconfiguring a lot: **NOTE:** *Reconfiguring a lot is inconsistent development if resulting in a lot:* *- comprising a hatchet or rear lot under 800sqm in area, or* *- under 400sqm in area.* *(Refer SO8 in 3.4.2)*	**Code assessable:** All circumstances	_Applicable Codes:_ ▪ Urban Locality Code - Elements (b), (d) (f) and (g); **AND** (i) If in a SMOA on SMOA map 2F: ▪ Cultural Features Overlay Code (ii) If in the SMOA on SMOA map 2B and 2C: ▪ Natural Features and Resources Overlay Code – Elements (b) to (e) inclusive (iii) If in a SMOA on SMOA map 2E: ▪ Community Facility Overlay Code
(4) OTHER THAN SPECIFIED ABOVE AND NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
All:	**Exempt:** All circumstances	Nil