

## ***B. BUSINESS AND COMMERCIAL ZONE***

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

#### Business and Commercial Zone

TABLE 6A - Material Change of Use <sup>1</sup>		
Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
<b>(1) DEVELOPMENT FOR DEFINED USES AND USE CLASSES:</b>		
<b>(a) Rural Use Classes</b>		
<p><i>All defined Rural uses:</i></p> <p><b>NOTE:</b> <i>All defined Rural uses are inconsistent uses (refer SO2 in 3.4.2)</i></p>	<p><b>Code assessable:</b> All circumstances</p>	<p><b>Applicable Codes:</b></p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code;</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>(i) For Animal Keeping or Intensive Animal Husbandry: <ul style="list-style-type: none"> <li>▪ Animal Keeping and Intensive Animal Husbandry Code.</li> </ul> </li> <li>(ii) For Farming: <ul style="list-style-type: none"> <li>▪ Farming Code.</li> </ul> </li> <li>(iii) For Forestry Business: <ul style="list-style-type: none"> <li>▪ Forestry Business Code;</li> </ul> </li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>(i) If in a SMOA on SMOA map 2C: <ul style="list-style-type: none"> <li>▪ Natural Features and Resources Overlay Code – Element (f)</li> </ul> </li> <li>(ii) If in a SMOA on SMOA map 2F: <ul style="list-style-type: none"> <li>▪ Cultural Features Overlay Code</li> </ul> </li> </ul>
<b>(b) Residential Use Classes</b>		
<p><b>Annexed unit:</b></p>	<p><b>Code assessable:</b> All circumstances</p>	<p><b>Applicable Codes:</b></p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and</li> <li>▪ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (d), (e) and (g);</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>(i) If in a SMOA on SMOA map 2C: <ul style="list-style-type: none"> <li>▪ Natural Features and Resources Overlay Code – Element (f)</li> </ul> </li> <li>(ii) If in a SMOA on SMOA map 2F: <ul style="list-style-type: none"> <li>▪ Cultural Features Overlay Code</li> </ul> </li> </ul>
<p><b>Bed and breakfast:</b></p>	<p><b>Code assessable:</b> All circumstances</p>	<p><b>Applicable Codes:</b></p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and</li> <li>▪ Bed and Breakfast and Small Scale Tourist Facility Code;</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>(i) If in a SMOA on SMOA map 2C: <ul style="list-style-type: none"> <li>▪ Natural Features and Resources Overlay Code - Element (f)</li> </ul> </li> <li>(ii) If in a SMOA on SMOA map 2F: <ul style="list-style-type: none"> <li>▪ Cultural Features Overlay Code</li> </ul> </li> </ul>

<sup>1</sup> 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 6A - Material Change of Use<sup>1</sup>

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
<b>(b) Residential Use Classes continued:</b>		
<p><i>Caretakers residence:</i></p>	<p><b>Self assessable:</b> All circumstances except if assessable as follows.</p> <p><b>Code assessable:</b> If nominated as self assessable but unable to comply with an Acceptable Solution in the Applicable Code.</p>	<p><b><u>Applicable Codes:</u></b></p> <p><i>For self assessable development:</i></p> <ul style="list-style-type: none"> <li>▪ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (e), (f) and (g).</li> </ul> <p><i>For assessable development:</i></p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code – Element (a), (c)(iii) to (vi) and (g); and</li> <li>▪ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (e), (f) and (g);</li> </ul> <p><b>AND</b></p> <p><i>For assessable development:</i></p> <p>(i) If in a SMOA on SMOA map 2C:</p> <ul style="list-style-type: none"> <li>▪ Natural Features and Resources Overlay Code – Element (f)</li> </ul> <p>(ii) If in a SMOA on SMOA map 2F:</p> <ul style="list-style-type: none"> <li>▪ Cultural Features Overlay Code</li> </ul>
<p><i>Dwelling house:</i></p> <p><b>NOTE:</b> A Dwelling house (other than for an expansion of an existing dwelling which does not exceed a 10% increase in gross floor area calculated from the commencement day) is an inconsistent use (refer SO2 in 3.4.2)</p>	<p><b>Code assessable:</b> All circumstances</p>	<p><b><u>Applicable Codes:</u></b></p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and</li> <li>▪ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (e), (g) and (h);</li> </ul> <p><b>AND</b></p> <p>(i) If in a SMOA on SMOA map 2C:</p> <ul style="list-style-type: none"> <li>▪ Natural Features and Resources Overlay Code – Element (f)</li> </ul> <p>(ii) If in a SMOA on SMOA map 2F:</p> <ul style="list-style-type: none"> <li>▪ Cultural Features Overlay Code</li> </ul>
<p><i>Home-based business:</i></p>	<p><b>Exempt:</b> If not involving an increase in gross floor area.</p> <p><b>Self assessable:</b> All circumstances except if exempt or code assessable.</p> <p><b>Code assessable:</b> If nominated as self assessable but unable to comply with an Acceptable Solution in the Applicable Code.</p>	<p><b><u>Applicable Codes:</u></b></p> <p><i>For self assessable development:</i></p> <ul style="list-style-type: none"> <li>▪ Home-based Business Code.</li> </ul> <p><i>For assessable development:</i></p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code – Elements (a), (c)(iii) to (vi) and (g); and</li> <li>▪ Home-based Business Code.</li> </ul>
<p><i>Other defined Residential uses not listed above:</i></p>	<p><b>Impact assessable:</b> All circumstances</p>	



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TABLE 6A - Material Change of Use<sup>1</sup>

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
<b>(d) Industrial Use Classes</b>		
<p><i>All defined Industry uses:</i></p> <p><b>NOTE:</b> <i>Industrial uses for a:</i> - Borrow pit - Extractive industry - High impact industry are inconsistent uses (refer SO2 of 3.4.2)</p>	<p><b>Code assessable:</b> If for:</p> <p>(i) a:</p> <p>(1) <i>Borrow pit</i>, (2) <i>Extractive Industry</i>, or (3) <i>High impact industry</i>;</p> <p>or</p> <p>(ii) a <i>Service station</i> or a <i>Transport station</i> (passengers only).</p> <p><b>Impact assessable:</b> All other circumstances except if code assessable.</p>	<p><b>Applicable Codes:</b></p> <p>(i) For Service Station or Car Washing Station:</p> <ul style="list-style-type: none"> <li>▪ Service Station and Car Washing Station Code; and</li> <li>▪ Urban Locality Code - all Elements except (b) and (c)(i).</li> </ul> <p>(ii) For Extractive Industry or Borrow Pit:</p> <ul style="list-style-type: none"> <li>▪ Extractive Industry and Borrow Pit Code; and</li> <li>▪ Urban Locality Code - all Elements except (b) and (c)(i).</li> </ul> <p>(iii) For other defined Industrial uses not listed above:</p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code;</li> </ul> <p><b>AND</b></p> <p>(i) If in a SMOA on SMOA map 2C:</p> <ul style="list-style-type: none"> <li>▪ Natural Features and Resources Overlay Code – Element (f)</li> </ul> <p>(ii) If in a SMOA on SMOA map 2F:</p> <ul style="list-style-type: none"> <li>▪ Cultural Features Overlay Code</li> </ul>
<b>(e) Community Use Classes</b>		
<b>Local utility:</b>	<b>Exempt:</b> All circumstances	Nil
<b>Other defined Community uses not listed above:</b>	<p><b>Self assessable:</b> 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 or curtilage 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"> <li>• for not more than a 10% increase in gross floor area or curtilage area calculated from the commencement day,</li> <li>• outside land shown on SMOA map 2F, and</li> <li>• not involving flood lighting.</li> </ul> <p><b>Code assessable:</b> 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><b>Impact assessable:</b> <i>Major utility</i> expect if self assessable of code assessable above.</p>	<p><b>Applicable Codes:</b> <i>For all levels of assessment:</i></p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code;</li> </ul> <p><b>AND</b></p> <p>(i) For Telecommunications Facility:</p> <ul style="list-style-type: none"> <li>▪ Telecommunications Facilities Code</li> </ul> <p>(ii) For Child Care Centre:</p> <ul style="list-style-type: none"> <li>▪ Child Care Centres Code;</li> </ul> <p><b>AND</b> <i>For assessable development:</i></p> <p>(i) If in a SMOA on SMOA map 2C:</p> <ul style="list-style-type: none"> <li>▪ Natural Features and Resources Overlay Code – Element (f)</li> </ul> <p>(ii) If in a SMOA on SMOA map 2F:</p> <ul style="list-style-type: none"> <li>▪ Cultural Features Overlay Code</li> </ul>
<b>(f) Recreational Use Classes</b>		
<b>Park:</b>	<b>Exempt:</b> All circumstances	Nil

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TABLE 6A - Material Change of Use<sup>1</sup>

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
<b>(f) Recreational Use Classes continued:</b>		
<i>Other defined Recreational uses not listed above:</i>	<p><b>Self assessable:</b> If on Council controlled land except if:</p> <ul style="list-style-type: none"> <li>(1) for more than a 10% increase calculated from the commencement day: <ul style="list-style-type: none"> <li>a. in gross floor area, or</li> <li>b. in car parking demand,</li> </ul> </li> <li>(2) needing a liquor licence,</li> <li>(3) on land shown in the SMOA on SMOA map 2F, or</li> <li>(4) involving floodlighting.</li> </ul> <p><b>Code assessable:</b> If:</p> <ul style="list-style-type: none"> <li>(i) nominated as self assessable but unable to comply with an Acceptable Solution for the Applicable Code;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(ii) on Council controlled land and not meeting the circumstances for self assessment above;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(iii) not involving an increase in any gross floor area or flood lighting for: <ul style="list-style-type: none"> <li>(1) <i>Indoor sports facility</i>, or</li> <li>(2) <i>Outdoor recreation</i>.</li> </ul> </li> </ul> <p><b>Impact assessable:</b> All other circumstances except if self assessable or code assessable above.</p>	<p><b>Applicable Codes:</b> <i>For all levels of assessment:</i></p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code;</li> </ul> <p><b>AND</b></p> <p><i>For assessable development:</i></p> <ul style="list-style-type: none"> <li>(i) If in a SMOA on SMOA map 2C: <ul style="list-style-type: none"> <li>▪ Natural Features and Resources Overlay Code – Element (f)</li> </ul> </li> <li>(ii) If in a SMOA on SMOA map 2F: <ul style="list-style-type: none"> <li>▪ Cultural Features Overlay Code</li> </ul> </li> </ul>
<b>(2) DEVELOPMENT FOR UNDEFINED USES<sup>2</sup>:</b>		
<i>All:</i>	<b>Impact assessable:</b> All circumstances	

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

## Business and Commercial Zone

TABLE 6B – Development other than material change of use

Column 1 Nature of Development	Column 2 Assessment Category	Column 3 Assessment Criteria
<b>(1) BUILDING WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:</b>		
<p><b>All:</b></p> <p><i>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)</p>	<p><b>Code assessable:</b></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>(iii) a fence (except transparent security fencing) or wall forward of the building line over:</p> <ul style="list-style-type: none"> <li>• 1.2 metres in height abutting trafficable roads, or</li> <li>• 2 metres in height along side or rear boundaries;</li> </ul> <p>or</p> <p>(iv) the displacement of more than 50 cubic metres of material;</p> <p>or</p> <p>(v) a building or structure on a Cultural Heritage Site shown on SMOA map 2F, except for building work internal to an existing building.</p>	<p><b><u>Applicable Codes:</u></b></p> <p><i>For assessable development:</i></p> <p>(i) For building or structure height, or set back:</p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code – Element (c)(ii) O11</li> </ul> <p>(ii) For fences and walls:</p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code - Element (c)(v)</li> </ul> <p>(iii) For displacement of material:</p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code - Elements (c)(i), (ii) and (v) and (f);</li> </ul> <p><b>AND</b></p> <p>(i) If in a SMOA on SMOA map 2C:</p> <ul style="list-style-type: none"> <li>▪ Natural Features and Resources Overlay Code – Element (f)</li> </ul> <p>(ii) If in a SMOA on SMOA map 2F:</p> <ul style="list-style-type: none"> <li>▪ Cultural Features Overlay Code</li> </ul>
<b>(2) OPERATIONAL WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:</b>		
<p><b>Placement of an advertisement device:</b></p>	<p><b>Self assessable:</b></p> <p>If for an on-premises sign.</p> <p><b>Code assessable:</b></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) for an off-premises sign;</p> <p>or</p> <p>(iii) on a Cultural Heritage Site shown on SMOA map 2F.</p>	<p><b><u>Applicable Codes:</u></b></p> <p><i>For assessable development:</i></p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code - Element (c)(vi), (d) and (g);</li> </ul> <p><b>AND</b></p> <p>(i) If in a SMOA on SMOA map 2F:</p> <ul style="list-style-type: none"> <li>▪ Cultural Features Overlay Code.</li> </ul>
<p><b>Excavation and/or filling that materially affects premises:</b></p> <p><i>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)</p>	<p><b>Code assessable:</b></p> <p>If:</p> <p>(i) for a:</p> <p>(1) Telecommunications facility (medium impact); or</p> <p>(2) Major utility;</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><b><u>Applicable Codes:</u></b></p> <p>(i) For Telecommunications Facility:</p> <ul style="list-style-type: none"> <li>▪ Telecommunications Facilities Code.</li> </ul> <p>(ii) For Earthworks:</p> <ul style="list-style-type: none"> <li>▪ Urban Locality Code - Element (g).</li> </ul>
<p><b>Works associated with reconfiguring a lot:</b></p>	<p><b>Code assessable:</b></p> <p>All circumstances</p>	<p><b><u>Applicable Code:</u></b></p> <p>Urban Locality Code – Elements (b), (d), (f) and (g)</p>
<b>(3) RECONFIGURING A LOT NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:</b>		
<p><b>Reconfiguring a lot:</b></p>	<p><b>Code assessable:</b></p> <p>All circumstances</p>	<p><b><u>Applicable Code:</u></b></p> <p>Urban Locality Code – Elements (b), (d), (f) and (g)</p>
<b>(4) OTHER THAN SPECIFIED ABOVE AND NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:</b>		
<p><b>All:</b></p>	<p><b>Exempt:</b></p> <p>All circumstances</p>	<p>Nil</p>

