What is a Code?

Codes provide a set of standards for use or development that deal with matters that are not restricted to one particular zone. A Code details the mechanism for dealing with particular values or issues that arise across multiple zones and the provisions contained therein apply over and above zone provisions. Where there is a conflict between zone and code provisions, code provisions override the zone provisions. Some of the areas affected by the Code are mapped in statutory Code Overlay Maps that form part of the Kingborough Interim Planning Scheme 2015. This is indicated at the beginning of the Code where applicable.

There are 20 Codes covering a wide range of matters contained in Part E of the Kingborough Interim Planning Scheme 2015. These codes are consistent with other Interim Planning Schemes in Southern Tasmania and operate in a similar manner to the Schedules in the previous Kingborough Planning Scheme 2000. There may be variations to allow the code to be more relevant to the Kingborough Municipality, for example, in the Heritage Code and the Biodiversity Code. In the Kingborough Interim Planning Scheme 2015 there is also a Local Development Code and Significant Trees Code that is specific to Kingborough. The Local Development Code provides additional controls on the maximum height of development for coastal properties and the Significant Trees Code includes a list of particular trees within Kingborough that are to be protected.

The matters dealt with by the codes are broad in their application and cannot be confined to a particular zone in a planning scheme. Therefore, they are applied consistently across all Interim Planning Schemes, albeit some modifications to reflect the relevant Municipal circumstances.

How does a Code work?

Each Code includes a purpose statement that provides a description of what the Code seeks to achieve. The Code also provides a statement on the "Application of the Code" to clarify what use and/or development the code applies to. Each Code, where considered relevant to an application, should be consulted in its entirety for full information. This section will also clarify whether there is a Code Overlay Map that details the spatial extent of the code's application. Some of the codes contain exemptions for use and/or development which are also listed at the beginning of the Code. In some instances there are specific application requirements that 'must' or 'may' need to be addressed that are also listed in the Code to assist with the preparation and assessment of an application. The Codes are listed as follows:

Code Number	Code Name	How does the Code Apply?
E1.0	Bushfire-Prone Areas Code	Is there a Code Map Overlay - **NO** • Applies to development on land located within a Bushfire Prone Area (consisting of subdivision of land or construction of habitable buildings) • Applies to use on land within a Bushfire Prone Area that is a vulnerable or hazardous use *(Bushfire Prone Area defined in Scheme)*
E2.0	Potentially Contaminated Land Code	Is there a Code Map Overlay - **NO** • Applies to use, on potentially contaminated land that is a sensitive use or listed in Table E2.2.1; • Applies to development on potentially contaminated land
E3.0	Landslide Code	Is there a Code Map Overlay – **YES** **Landslide Hazard Overlay** • Applies to development for buildings and works or subdivision on land within a Landslide Hazard Area • Applies to use of land for vulnerable use or hazardous use within a Landslide Hazard Area

E5.0	Road and Rail Asset Code	Is there a Code Map Overlay – **NO**
		
		 Applies to use or development of land:
		 • That will require a new vehicle crossing, junction or level crossing; or
		 • That intensifies the use of an existing access; or
		 • That involves a sensitive use, a building, works or subdivision within 50m of a Utilities zone that is part of;
		   (i) A rail network;
		   (ii) A category 1 – Trunk Road or a category 2 – Regional Freight Road, that is subject to a speed limit of 60kmh

E6.0	Parking and Access Code	Is there a Code Map Overlay – **NO** • Applies to all use and development
E7.0	Stormwater Management Code	Is there a Code Map Overlay – **NO** • Applies to development requiring management of stormwater. • Does not apply to use.
E8.0	Electricity Transmission Infrastructure Protection Code	Is there a Code Map Overlay – **NO** **A non-statutory overlay is available that identifies existing infrastructure** • Applies to development (including subdivision) within:

		(i) An electricity transmission corridor; (ii) 55m of a communications station; • Applies to use and development (including subdivision) within 65m of a substation facility

E9.0	Attenuation Code	Is there a Code Map Overlay – **YES Attenuation Area Overlay**
		
		• Applies to development or use that includes the activities listed in Table E9.1 and E9.2 in a zone other than Light Industrial, General Industrial or Port and Marine.
		• Applies to development or use for sensitive use, including subdivision intended for sensitive use;
		    (i) On land within an Attenuation Area shown on planning scheme maps; or
		    (ii) On land within relevant attenuation distance from an existing or approved activity listed in Tables E9.1 or E9.2 if no attenuation area is shown on maps and that activity is not located in Light Industrial, General Industrial or Port and Marine Zone

E10.0	Biodiversity Code	Is there a Code Map Overlay – **YES Biodiversity Protection Overlay** • Applies to development involving clearance and conversion or disturbance of native vegetation within a Biodiversity Protection Area

E11.0	Waterway and Coastal Protection Code	Is there a Code Map Overlay – **YES Waterway and Coastal Protection Overlay**
		
		• Applies to development within
		    a) Waterway and Coastal protection areas
		    b) Future coastal refuge areas
		    c) Potable water supply areas
		• Does not apply to use

E13.0	Historic Heritage Code	Is there a Code Map Overlay – **YES Heritage Precinct Overlay**
		
		Please note: Individually listed heritage properties are listed in Table E13.1
		
		• Applies to development involving land defined in this code as any of the following:
		    a) A Heritage Place
		    b) A Heritage Precinct
		    c) A Cultural Landscape Precinct
		    d) A Place of Archaeological Potential
		• Does not apply to use, unless a Heritage Place is listed because its use or history of use is a key criterion in its listing
		• Code does not apply to signs.

E14.0	Scenic Landscapes Code	Is there a Code Map Overlay – **YES** **Scenic Landscape Overlay**
		
		• Applies to development on land defined within this Code as either of the following:
		  (i) A Scenic Landscape Area
		  (ii) A Scenic Landscape Corridor
		• Does not apply to use

E15.0	Inundation Prone Areas Code	Is there a Code Map Overlay – **YES** **Coastal Inundation Hazard Overlay**
		
		• Applies to development on land in the Coastal Inundation High, Medium and Low Hazard Areas *(as shown on the planning scheme maps as separate areas for Kingborough)*
		• Applies to change of use from a non-habitable to a habitable building or to a new use with a habitable room on land that is in a Coastal Inundation Area (shown on maps) or the Riverine Inundation Hazard Area (no data available yet)
		• Applies to development on land subject to risk of riverine flooding of 1% AEP or more, including;
		  (i) Land within the Riverine Inundation Hazard Area (not mapped yet),
		  (ii) Land not within the Riverine Inundation Hazard Area but nevertheless subject to risk of flooding of 1% AEP or more (check with Council to see if any relevant data is available)
		• Applies to development of buildings and works dependent on a coastal location, (including the subdivision of land for such buildings and works)

E16.0	Coastal Erosion Hazard Code	Is there a Code Map Overlay – **YES** **Coastal Erosion Hazard Overlay** • Applies to development on land in the Coastal Erosion Hazard Area shown on scheme maps • Applies to change of use from a non-habitable building to a habitable building or to a new use with a habitable room on land that is in the Coastal Erosion Hazard Area shown on planning scheme maps • Applies to development of buildings and works dependent on a coastal location (including the subdivision of land for such buildings and works) on land in the Coastal Erosion Hazard Area

E17.0	Signs Code	Is there a Code Map Overlay – **NO**
		
		• Applies to:
		  (i) the construction, putting up for display or erection as development; and
		  (ii) The continuous display as use;
		Of all signs

E18.0	Wind and Solar Energy Code	Is there a Code Map Overlay – **NO** • Applies to development for the purpose of electricity generation by wind turbines or solar panels including associated buildings and works • Does not apply to development for the purpose of electricity generation by wind turbines or solar panels that are regulated as Level 2 or Level 3 activity under the *Environmental Management and Pollution Control Act 1994* • Does not apply to use
E19.0	Telecommunications Code	Is there a Code Map Overlay – **NO** • Applies to development for telecommunication facilities • Does not apply to use

E20.0	Acid Sulphate Soils Code	Is there a Code Map Overlay – **YES**
		Potential Acid Sulfate Soil Overlay
		
		• Applies to development on land in the Potential Acid Sulfate Soils Overlay on the scheme maps and the development involves any of the following:
		  (i) Excavation of more than $100m^3$ of soil or sediment;
		  (ii) Deposition of $500m^3$ or more of fill to a depth of more than 0.5m;
		  (iii) drainage affecting groundwater depth
		• Does not apply to use

E21.0	Dispersive Soils Code	Is there a Code Map Overlay – **NO** • Applies to development on land in the Potential Dispersive Coil Overlay on scheme maps (no data available) • Does not apply to use

E23.0	On-site Wastewater Management Code	Is there a Code Map Overlay – **NO**
		
		• Applies to use and development relying on onsite management of;
		  (i) Domestic wastewater from residential use; and
		  (ii) Wastewater similar to domestic wastewater from non-residential use, other than wastewater from industrial or manufacturing processes

E24.0	Significant Trees Code	Is there a Code Map Overlay – **NO** **Listed trees are shown on Council's GIS maps as a non-statutory information tool** • Applies to the lopping, pruning, removal or destruction of trees listed in Table E24.1

E25.0	Local Development Code	Is there a Code Map Overlay – **NO**
		• Applies to building height of residential development on lots in the <u>coastal proximity</u> area, except for the General Residential Zone

** Please note: Missing numbers of codes reflects those codes not used in this Scheme.

Similarly to the Zone chapter, the Code Chapters contain both use and development standards that specify the acceptable solution and the performance criteria. Where a Code is triggered by the use or development, the requirements of the Code provisions may affect the Use Class status in the Use Table at the front of the relevant Zone Chapter.

It is important to note that if a Code provision conflicts with a Zone provision, the Code provision prevails. If a Specific Area Plan is applicable to the land, the Specific Area Plan provisions override the Code and Zone provisions, again where they conflict.

Further Enquiries:

This Fact Sheet provides a general guide on the functions and application of the Codes within the Kingborough Interim Planning Scheme 2015. Please contact Council's Customer Service Team on 62 11 8200 if you require any further assistance or clarification.