

7.0 Planning Scheme Operation

7.1 Special Provisions

- 7.1.1 Part C sets out provisions, for certain types of use or development, that are not specific to any zone, specific area plan, or area to which a code applies.

7.1.2 Where there is a conflict between a provision in a zone, specific area plan or code and a special provision in Part C, the special provision in Part C prevails.

7.2 Operation of Zones

7.2.1 The planning scheme area is divided into zones in respect of which the primary controls for the use or development of land are set out.

7.2.2 The planning scheme maps show how land is zoned.

7.2.3 Part D sets out the zones and the use and development standards applying to each zone.

7.3 Operation of Codes

7.3.1 Part E specifies codes that identify areas or planning issues which require compliance with additional provisions set out in the codes.

7.3.2 Overlays on the maps may be used to indicate the areas where codes apply.

7.3.3 Codes set out provisions for:

- (a) particular types of use or development that may apply to more than one zone; and
- (b) matters that affect land that cannot be described by zone boundaries.

7.3.4 Where there is a conflict between a provision in a code and a provision in a zone, the code provision prevails.

7.4 Operation of Specific Area Plans

7.4.1 Part F sets out specific area plans, which plans identify areas either within a single zone or covered by a number of zones, and set out more detailed planning provisions for use or development in those areas.

7.4.2 Where there is a conflict between a provision in a specific area plan and a provision in a zone or a code, the specific area plan provision prevails.

7.5 Compliance with Applicable Standards

7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.

7.5.2 A standard in a zone, specific area plan or code is an applicable standard if:

- (a) the proposed use or development will be on a site within a zone or the area to which a specific plan relates, or is a use or development to which the code applies; and
- (b) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.

7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.

7.5.4 The planning authority may consider the relevant objective in an applicable standard to help determine whether a use or development complies with the performance criterion for that standard.

7.6 Existing permits

7.6.1 Existing permits, validly issued under a planning scheme in operation prior to the making of this planning scheme, continue to have effect provided the permit has not expired in accordance with section 53(5) or (7) of the Act.