

# 31.0 Port and Marine Zone

## 31.1 Zone Purpose

### 31.1.1 Zone Purpose Statements

31.1.1.1 To provide for port and marine activity related to shipping and other associated transport facilities and supply and storage.

31.1.1.2 To provide for major ports and associated marine activities of regional strategic importance that are reliant on a waterfront location, and to allow for other uses that support the port and marine purpose.

### 31.1.2 Local Area Objectives

Local Area Objectives	Implementation Strategy
KETTERING	

(a) The foreshore area north of Ferry Road at Kettering will continue to serve as a working port with a mix of commercial and recreational uses.	(a) Future activities must complement the existing marine based uses along this waterfront. Residential or visitor accommodation uses are inappropriate as they unduly fetter commercial and recreational uses.
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### 31.1.3 Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
<b>KETTERING</b>	
(a) The Kettering foreshore areas will continue to provide for a range of commercial functions with public access provided to the maximum extent possible.  (b) The height, scale and bulk of development within this part of Kettering must be consistent with surrounding development and not be too obtrusive when viewed from Ferry Road or the waterway.	(a) Waterfront and foreshore development must be sensitively designed to allow for public access, complement neighbouring development, be accessible and be of a scale that suits Kettering's rural village character.  (b) Waterfront and foreshore development must be designed so that its height and scale is in keeping with other neighbouring buildings and structures.

### 31.2 Use Table

<b>No Permit Required</b>	
<b>Use Class</b>	<b>Qualification</b>
Any permitted use	Only if replacing an existing use on the site and there is no associated development requiring a permit
Natural and cultural values management	
Utilities	Only if minor utilities
<b>Permitted</b>	
<b>Use Class</b>	<b>Qualification</b>
Bulky goods sales	Only if for boat sales or other maritime purposes
Emergency services	

Equipment and machinery sales and hire	Only if ship chandlery or boat hire
Manufacturing and processing	Only if associated with maritime purposes
Passive recreation	
Pleasure boat facility	
Port and shipping	
Service industry	Only if for port and shipping purposes.
Sports and recreation	Only if for marine, aquatic or aviation based activities
Storage	Only if for port and shipping purposes.
Transport depot and distribution	Only if for port and shipping purposes.
Tourist operation	Only if for marine, aquatic or aviation based activities.
Utilities	Except if No Permit Required.
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Business and professional services	Only if for maritime purposes
Educational and occasional care	Only if employment training centre
Food services	
Resource processing	Only if for aquaculture
Storage	Except if Permitted.
Tourist operation	Except if Permitted.
Transport depot and distribution	Except if Permitted.
Vehicle fuel sales and service	Except if Permitted.
Vehicle parking	
<b>Prohibited</b>	
<b>Use Class</b>	<b>Qualification</b>

All other uses	
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### 31.3 Use Standards

#### 31.3.1 Hours of Operation

Objective:	
To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Hours of operation of a use within 100 m of a residential zone must be within:</p> <p>(a) 7.00 am to 7.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 5.00 pm Saturdays;</p> <p>(c) nil Sundays and Public Holidays.</p> <p>except for office and administrative tasks.</p>	<p><b>P1</b></p> <p>Hours of operation of a use within 100 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>

#### 31.3.2 Noise

Objective:	
To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <p>(a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;</p> <p>(c) 65dB(A) (LAm<sub>ax</sub>) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian</p>	<p><b>P1</b></p> <p>Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.</p>

<p>Noise Measurement Procedures Manual, second edition, July 2008, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	
<p><b>A2</b></p> <p>External amplified loud speakers or music must not be used within 50 m of a residential zone.</p>	<p><b>P2</b></p> <p>Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.</p>

### 31.3.3 External Lighting

Objective:	
To ensure that external lighting does not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>External lighting within 50 m of a residential zone must comply with all of the following:</p> <p>(a) be turned off between 10.00 pm and 6.00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.</p>	<p><b>P1</b></p> <p>External lighting within 50 m of a residential zone must not adversely affect the amenity of adjoining residential areas, having regard to all of the following:</p> <p>(a) level of illumination and duration of lighting;</p> <p>(b) distance to habitable rooms in an adjacent dwelling.</p>

### 31.3.4 Commercial Vehicle Movements

Objective:	
To ensure that commercial vehicle movements do not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to</p>	<p><b>P1</b></p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to</p>

<p>or from a site within 50 m of a residential zone must be within the hours of:</p> <p>(a) 7.00 am to 7.00 pm Mondays to Saturdays inclusive;</p> <p>(b) 9.00 am to 5.00 pm Sundays and Public Holidays.</p>	<p>or from a site within 50 m of a residential zone must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</p> <p>(e) noise reducing structures between vehicle movement areas and dwellings;</p> <p>(f) the level of traffic on the road;</p> <p>(g) the potential for conflicts with other traffic.</p>
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### 31.3.5 Outdoor Work Areas

Objective:	
To ensure that use of outdoor work areas does not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilation fans must not be located within 50 m of a residential zone.</p>	<p><b>P1</b></p> <p>Outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilation fans located within 50 m of a residential zone must be accompanied by effective acoustic screening in the intervening space.</p>

## 31.4 Development Standards for Buildings and Works

### 31.4.1 Building Height

Objective:
To ensure that building height does not result in excessive impact on the landscape.

Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Building height must be no more than: 6 m.</p>	<p><b>P1</b></p> <p>Building height must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p>

### 31.4.2 Setback

Objective:	
To ensure that building setback contributes positively to the streetscape.	
<p><b>A1</b></p> <p>Building setback from frontage must be no less than: 5 m.</p>	<p><b>P1</b></p> <p>Building setback from frontage must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be compatible with the setback of adjoining buildings;</p> <p>(c) enhance the characteristics of the site, adjoining lots and the streetscape;</p> <p>(d) provide adequate opportunity for parking.</p>

### 31.4.3 Design

Objective:	
To ensure that building design contributes positively to the streetscape.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Building design must address the street by complying with all of the following:</p> <p>(a) provide the main pedestrian entrance to the building at the frontage;</p> <p>(b) screen mechanical plant from view from the street and other public spaces;</p>	<p><b>P1</b></p> <p>Building design must satisfying all of the following:</p> <p>(a) provide the main access to the building in a way that is visible from the street;</p> <p>(b) ensure the visual impact of mechanical plant is limited when viewed from the street;</p>

<p>(c) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof.</p>	<p>(c) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have limited visual impact;</p> <p>(d) be consistent with any Desired Future Character Statements provided for the area.</p>
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#### 31.4.4 Fencing

<p>Objective:</p>	
<p>To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p><b>A1</b></p> <p>Fencing must comply with all of the following:</p> <p>(a) fences, walls and gates of greater height than 2.4 m must not be erected within 10 m of the frontage;</p> <p>(b) fences along a frontage must be at least 50% transparent above a height of 1.2 m.</p>	<p><b>P1</b></p> <p>Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of public roads and other public spaces, having regard to all of the following:</p> <p>(a) the height of the fence;</p> <p>(b) the degree of transparency of the fence;</p> <p>(c) the location and extent of the fence;</p> <p>(d) the design of the fence;</p> <p>(e) the fence materials and construction;</p> <p>(f) the nature of the use;</p> <p>(g) the characteristics of the site, the streetscape and the locality, including fences;</p> <p>(h) any Desired Future Character Statements provided for the area.</p>

#### 31.4.5 Environmental values

<p>Objective:</p>
<p>To ensure that the design and location of buildings and works avoids and minimises adverse environmental impacts.</p>



Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>No trees of high conservation value will be impacted.</p>	<p><b>P1</b></p> <p>Buildings and works are designed and located to avoid, minimise, mitigate and offset impacts on trees of high conservation value.</p>

## 31.5 Development Standards for Subdivision

### 31.5.1 Subdivision

Objective:	
To provide for lots with appropriate area, dimensions, services, roads and access to public open space to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>The size of each lot must be no less than: 2,000 m<sup>2</sup>.</p> <p>except if for public open space, a riparian reserve or utilities.</p>	<p><b>P1</b></p> <p>The size of each lot must be sufficient to accommodate development consistent with the Zone Purpose, having regard to any Local Area Objectives or Desired Future Character Statements.</p>
<p><b>A2</b></p> <p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following;</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p> <p>(b) clear of easements;</p> <p>(c) clear of title restrictions that would limit or restrict the development of a commercial building;</p> <p>(d) has an average slope of no more than 1 in 10;</p> <p>(e) is a minimum of 20 m x 40 m in size.</p>	<p><b>P2</b></p> <p>The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(a) be reasonably capable of accommodating use and development consistent with Zone Purpose, having regard to any Local Area Objectives or Desired Future Character Statements;</p> <p>(b) provides for sufficient useable area on the lot for on-site parking and maneuvering, unless adequate arrangements are made for suitable alternative solutions to future likely demand generated by the development potential of the lot;</p> <p>(c) minimises the need for earth works, retaining walls, and cut &amp; fill associated with future development.</p>

<p><b>A3</b></p> <p>The frontage for each lot must be no less than: 25 m.</p>	<p><b>P3</b></p> <p>The frontage of each lot must be sufficient to accommodate development consistent with the Zone Purpose, having regard to any Local Area Objectives or Desired Future Character Statements.</p>
<p><b>A4</b></p> <p>No Acceptable Solution.</p>	<p><b>P4</b></p> <p>The arrangement of roads within a subdivision must satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) the subdivision will not compromise appropriate and reasonable future subdivision of the entirety of the parent lot;</li> <li>(b) accords with any relevant road network plan adopted by the Planning Authority;</li> <li>(c) facilitates the subdivision of neighbouring land with subdivision potential through the provision of connector roads, where appropriate, to the common boundary;</li> <li>(d) provides for acceptable levels of access, safety, convenience and legibility through a consistent road function hierarchy.</li> </ul>
<p><b>A5</b></p> <p>Each lot must be connected to services adequate to support the likely future use and development of the land.</p>	<p><b>P5</b></p> <p>No Performance Criteria.</p>
<p><b>A6</b></p> <p>No Acceptable Solution.</p>	<p><b>P6</b></p> <p>Public Open Space must be provided as land or cash in lieu, in accordance with the Kingborough Public Open Space Contribution Policy, Policy 6.3, May 2019.</p>
<p><b>A7</b></p> <p>No trees of high conservation value will be impacted.</p>	<p><b>P7</b></p> <p>The design of each lot must minimise, mitigate and offset impacts on trees of high conservation value.</p>