

Waratah-Wynyard Valley Local Provisions Schedule

Local Provisions Schedule amendments

No.	Effective date	Amendment no	Amendment information	Text/Map
1	19 April 2023	Not applicable	Commencement of LPS under section 35M of the <i>Land Use Planning and Approvals Act 1993</i>	Text

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Waratah-Wynyard Local Provisions Schedule

WAR-Local Provisions Schedule Title

WAR-1.1 This Local Provisions Schedule is called the Waratah-Wynyard Local Provisions Schedule and comprises all the land within the municipal area.

WAR Effective Date

WAR-1.2 The effective date for this Local Provisions Schedule is 19 April 2023.

WAR-Local Area Objectives

This clause is not used in this Local Provision Schedule.

WAR-P1.0 Particular Purpose Zone – 15285 Bass Highway Somerset

WAR-P1.1 Zone Purpose

The purpose of the Particular Purpose Zone – 15285 Bass Highway Somerset is:

- WAR-P1.1.1 To allow for a diversity of development options, including compatible commercial, business, visitor accommodation, tourism and light industrial uses.
- WAR-P1.1.2 That the off-site amenity and environmental impacts of use and development are avoided, reduced or mitigated to acceptable levels.
- WAR-P1.1.3 To encourage the preservation and re-use of locally significant buildings and land.
- WAR-P1.1.4 That business or commercial uses supplement and do not compete with the established retail and business hierarchy.
- WAR-P1.1.5 That use or development avoids, mitigates or reduces any existing or potential environmental impacts from nearby properties to acceptable levels.

WAR-P1.2 Local Area Objectives

Reference Number	Area Description	Local Area Objectives
WAR-P1.2.1	15285 Bass Highway, Somerset shown on an overlay map as WAR-P1.2.1.	<p>The local area objectives for 15285 Bass Highway, Somerset are:</p> <ul style="list-style-type: none"> (a) provide for a qualified range of uses compatible with the range of commercial and industrial uses existing within the area; (b) provide for uses that can utilise the existing significant buildings on the site; (c) restrict use that conflicts with existing and potential adjoining uses; (d) establish development standards that minimise the risk of land use conflict with adjoining or nearby uses or developments; and (e) use: <ul style="list-style-type: none"> (i) may attract a high volume of traffic; and (ii) may preserve or re-use existing significant buildings for commercial, business, tourism or accommodation purposes.

WAR-P1.3 Definition of Terms

This sub-clause is not used in this particular purpose zone.

WAR-P1.4 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	If for conservation, rehabilitation, or protection against degradation, and not including a building or external activity area for information, interpretation, or display of items, or for any other use.
Passive Recreation	If for a public park or reserve for the local community.
Permitted	
Bulky Goods Sales	If for a single tenancy with a gross floor area of not more than 2,000m ² .
Community Meeting and Entertainment	
Food Services	If not for a drive through facility.
Hotel Industry	
Research and Development	
Sports and Recreation	
Visitor Accommodation	
Service Industry	
Storage	
Utilities	If for minor utilities.
Discretionary	
Business and Professional Services	If for an office.
Bulky Goods Sales	If: (a) not listed as Permitted; and (b) for a single tenancy with a gross floor area of not more than 5,000m ² .

Equipment and Machinery Sales and Hire	
General Retail and Hire	If for a single tenancy with a gross floor area of not less than 300m ² and not more than 2,000m ² .
Resource Processing	
Tourist Operation	
Transport Depot and Distribution	
Utilities	If not listed as Permitted.
Prohibited	
All other uses	

WAR-P1.5 Use Standards

WAR-P1.5.1 Discretionary use

Objective:	Uses listed as Discretionary are to be without likely conflict or impact on the amenity or operations of uses on any other land.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1.1</p> <p>A use listed as Discretionary must have regard to:</p> <p>(a) the local area objectives; and</p> <p>(b) appropriate means of minimising any likely conflict or impact on the amenity or operations of existing and potential uses of adjacent properties.</p> <p>P1.2</p> <p>Operating practices and outputs must not cause an unreasonable loss of amenity to properties beyond the site boundary, having regard to:</p> <p>(a) emission to air, land or water of light, noise, odour, particulates, radiation or vibration;</p> <p>(b) hours of operation;</p>

	<p>(c) overlooking and overshadowing;</p> <p>(d) traffic generation; and</p> <p>(e) impact on the efficient and safe operation of a road network.</p> <p>P1.3</p> <p>A use listed as Discretionary:</p> <p>(a) must create a site with a well-defined clearly visible access;</p> <p>(b) may include appropriately located, landscaped, hard-seal and illuminated areas for car parking and loading, or the display, storage and handling of goods and materials; and</p> <p>(c) must separate, screen and buffer, as appropriate, activities at zone boundaries to minimise loss of amenity between uses on properties in adjacent zones.</p>
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WAR-P1.5.2 Amenity

Objective:	<p>That:</p> <p>(a) the use of land is not detrimental to the amenity of the surrounding area in terms of noise, emissions, operating hours or transport; and</p> <p>(b) visitor accommodation is protected from noise from adjacent uses.</p>
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Hours of operation for use within 100m of an existing sensitive use, must be within the hours of 6.00am to 10.00pm.</p>	<p>P1</p> <p>Hours of operation of the use must not cause, or be likely to cause, an environmental nuisance through emissions including noise, smoke, odour, dust and illumination.</p>
<p>A2</p> <p>Signage must not be illuminated or floodlit outside the hours of 6.00am to 10.00pm.</p>	<p>P2</p> <p>Illuminated or floodlit signage must demonstrate that it will not cause an unreasonable loss of amenity to sensitive uses in the surrounding area.</p>

WAR-P1.5.3 Storage of goods

Objective:	Storage of goods, materials or waste, other than for retail sale, must be located or screened to minimise its impact on views into the site from any road or public place.
Acceptable Solutions	Performance Criteria
A1 Storage of goods, materials or waste, other than for retail sale, must not be visible from any public street or public place.	P1 Storage of goods, materials or waste, other than for retail sale, must be located or screened to minimise its impact on views into the site from any public street or public place.

WAR-P1.6 Development Standards for Buildings and Works

WAR-P1.6.1 Location and configuration of development

Objective:	The location and configuration of development is to: <ul style="list-style-type: none"> (a) provide for the efficient use of land; (b) retain the visual prominence of the existing significant buildings when viewed from the Bass Highway; (c) provide for buildings, service activity and vehicle parking of suitable size to accommodate permissible uses; and (d) assist to minimise visual prominence of industrial uses when viewed from a major road.
Acceptable Solutions	Performance Criteria
A1 A building must have a setback from a frontage: <ul style="list-style-type: none"> (a) to Bass Highway of not less than 20m; or (b) in accordance with any building area shown on a sealed plan of subdivision. 	P1 A building must have a setback from a frontage that: <ul style="list-style-type: none"> (a) is consistent with prevailing frontage setbacks for any existing and approved building on the site or on adjacent properties; (b) provides a transitional space between the road and any industrial use on the site sufficient to buffer or screen the site to view from a road; and (c) provides measures to attenuate visual impact of the site.
A2	P2

<p>Building height must be not more than 10m.</p>	<p>Building height must:</p> <ul style="list-style-type: none"> (a) minimise likelihood for overshadowing of visitor accommodation on the same site or on any adjacent property; (b) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building; (c) be consistent with the streetscape; (d) respond to the effect of the slope and orientation of the site; and (e) have regard to the effect and durability of screening other than vegetation to attenuate impact.
<p>A3</p> <p>Buildings must have a setback from side and rear boundaries of not less than:</p> <ul style="list-style-type: none"> (a) 10m; and (b) 15m to a General Industrial Zone if a sensitive use is proposed. 	<p>P3</p> <p>Buildings must be sited to:</p> <ul style="list-style-type: none"> (a) be compatible with the character of the surrounding landscape and streetscape; and (b) provide mitigation for a sensitive use to the General Industrial Zone.

WAR-P1.6.2 Setback from zone boundaries

<p>Objective:</p>	<p>Use or development of land adjoining land in another zone is to minimise:</p> <ul style="list-style-type: none"> (a) likelihood for conflict, interference, and constraint between the use or development of land in the zone and sensitive use of land in an adjoining zone; and (b) unreasonable impact on the use of land beyond the boundaries of the zone.
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>Development on a site with a boundary that is a zone boundary must:</p> <ul style="list-style-type: none"> (a) be setback from the zone boundary by not less than the distance for that zone shown in Table WAR-P1.8.1; and (b) not include within the setback area: <ul style="list-style-type: none"> (i) an area for the display, handling, operation, manufacturing, 	<p>P1.1</p> <p>The location of development must:</p> <ul style="list-style-type: none"> (a) minimise likelihood for conflict, constraint or interference from land in an adjoining zone on a sensitive use; and (b) minimise likely impact on the amenity of the sensitive use on land in an adjoining zone. <p>P1.2</p>

<p>processing, servicing, repair, or storage of any animal, equipment, goods, plant, materials, vehicle, or waste;</p> <p>(ii) an area for the gathering of people, including for entertainment, community event, performance, sport or for a spectator facility; or</p> <p>(iii) external lighting for operational or security purposes.</p>	<p>Visitor accommodation must be designed and constructed to minimise the potential for disturbance from adjoining sources of noise, including industrial uses.</p>
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WAR-P1.6.3 Parking

Objective:	That development has an acceptable impact on the streetscape.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>If employee car parking is proposed it must be located behind, or to the side of, the principal buildings on the site.</p>	<p>P1</p> <p>Car parking must be located to minimise visual intrusion in the streetscape.</p>

WAR P1.7 Development Standards for Subdivision

WAR-P1.7.1 Suitability of a lot for development

Objective:	<p>That each lot:</p> <p>(a) has an area and dimensions appropriate for use and development in the zone; and</p> <p>(b) is provided with appropriate access to a road.</p>
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 1,000m²; and</p> <p>(b) if intended for a building, contain a building area of not less than 300m²:</p> <p>(i) clear of any applicable setback from a frontage, side or rear boundary;</p>	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be of sufficient area for the intended use or development, having regard to:</p> <p>(a) erection of a building if required by the intended use;</p> <p>(b) access to the site;</p> <p>(c) use or development of adjacent land;</p>

<ul style="list-style-type: none"> (ii) clear of any applicable setback from a zone boundary; (iii) clear of any registered easement; (iv) clear of any registered right of way benefitting other land; (v) not including land required as part of access to the site; (vi) accessible from a frontage or access strip; and (vii) clear of any area required for the on-site disposal of sewage or stormwater. 	<ul style="list-style-type: none"> (d) a utility; and (e) any easement or lawful entitlement for access to other land.
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) have a frontage of not less than 4m; (b) have an access strip provided by a right-of-way to a road over land not required as the sole or principal means of access to any other land of a width not less than 10m; or (c) have an access strip to a road not required as the sole or principal means of access to any other land of a width not less than 10m; and (d) provide vehicular access between the carriageway of a road and the frontage or access strip in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i>. 	<p>P2</p> <p>It must be unnecessary to require:</p> <ul style="list-style-type: none"> (a) a frontage; (b) an access strip; and (c) access between the carriageway of a road and the frontage or access strip.
<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>P3</p> <p>It must be unnecessary to require a water supply.</p>
<p>A4</p> <p>Each lot, or a lot proposed in a plan of subdivision, must drain sewage and waste water to a sewerage system provided in</p>	<p>P4</p> <p>It must be unnecessary to require the drainage and disposal of sewage or waste water.</p>

accordance with the <i>Water and Sewerage Industry Act 2008</i> .	
A5 Each lot, or a lot proposed in a plan of subdivision, must drain stormwater to a stormwater system provided in accordance with the <i>Drains Act 1954</i> .	P5 It must be unnecessary to require the drainage of stormwater.

WAR-P1.7.2 Subdivision

Objective:	The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the particular purpose zone.
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1 Each lot, or a lot proposed in a plan of subdivision, must be: (a) a lot required for public use by the State government, a Council, a statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority; or (b) for a permissible use in the zone.

WAR-P1.8 Tables

WAR-P1.8.1 Setbacks required by clause WAR-P1.6.2

Adjoining Zone	Use type	Setback
General Residential	Bulky Goods Sales, Community Meeting and Entertainment, Food Services, Hotel Industry, Research and Development, Visitor Accommodation, Storage, Business and Professional Services, General Retail and Hire, Utilities	10m
	Service Industry, Equipment and Machinery Sales and Hire, Resource Processing, Tourist Operation, Transport Depot and Distribution	30m
	Natural and Cultural Values Management, Passive Recreation, Sports and Recreation	No setback
General Industrial	Visitor Accommodation, Tourist Operation, Community Meeting and Entertainment	30m

	Sports and Recreation, Food Services, Hotel Industry, Business and Professional Services, General Retail and Hire	10m
	Service Industry, Equipment and Machinery Sales and Hire, Resource Processing, Storage, Transport Depot and Distribution, Natural and Cultural Values Management, Passive Recreation, Research and Development, Utilities	No setback
Rural Living	Bulky Goods Sales, Community Meeting and Entertainment, Food Services, Hotel Industry, Research and Development, Visitor Accommodation, Storage, Business and Professional Services, General Retail and Hire, Utilities	10m
	Service Industry, Equipment and Machinery Sales and Hire, Resource Processing, Tourist Operation, Transport Depot and Distribution	30m
	Natural and Cultural Values Management, Passive Recreation, Sports and Recreation	No setback

WAR-Specific Area Plans

There are no specific area plans in this Local Provisions Schedule.

WAR-Site-specific Qualifications

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
WAR-19.1	15275 Bass Highway, Somerset	153130/4	An additional Discretionary Use Class for this site is: (a) General Retail and Hire if for a bottle shop; (b) Hotel Industry; or (c) Visitor Accommodation.	General Industrial Zone – clause 19.2 Use Table
WAR-19.2	15275 Bass Highway, Somerset	153130/4	A substitution for these clauses is: Development for General Retail and Hire, Hotel Industry and Visitor Accommodation uses. Objective:	General Industrial Zone – 19.4 - clause 19.4.1 Building height and clause 19.4.2 Setback

			<p>To provide for building height and setback that:</p> <ul style="list-style-type: none"> (a) provides for the efficient use of land; (b) does not compromise the necessary operation or expansion of the Bass Highway; (c) provides for buildings, service activity and vehicle parking of suitable size to accommodate commercial use; and (d) minimises adverse impacts from and to adjoining industrial uses. <p>Acceptable Solution A1:</p> <p>Building height must be not more than 12m.</p> <p>Performance Criteria P1:</p> <p>Use and development should not compromise the use or development of surrounding properties for industrial activities that may have impacts in adjacent uses, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site; 	
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			<p>(b) the size and scale of the proposed use; and</p> <p>(c) the functions of the industrial area.</p> <p>Acceptable Solution A2:</p> <p>Buildings must have a setback from a side or rear boundary of not less than 5m.</p> <p>Performance Criteria P2:</p> <p>If abutting land zoned General Industrial, the setback or design of the development should have regard to:</p> <p>(a) potential impacts of height, bulk and scale of industrial development, and emissions such as noise associated with proximity to that zone; and</p> <p>(b) minimising likelihood for increase in conflict, constraint or interference with use in the General Industrial Zone.</p> <p>Acceptable Solution A3:</p> <p>Buildings must have a setback from Bass Highway of not less than 20m.</p> <p>Performance Criteria P3:</p>	
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			<p>The setback of a building should have regard to:</p> <p>(a) prevailing frontage setbacks for any existing and approved building on the site;</p> <p>(b) any advice from the relevant road authority; and</p> <p>(c) visual impact of the site.</p>	
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WAR-Code Lists

WAR-Table C3.1 Other Major Roads

Road	From	To
This table is not used in this Local Provisions Schedule.		

WAR-Table C6.1 Local Heritage Places

Reference Number	THR Number	Town/Locality	Street address	Property Name	Folio of the Register	Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values
This table is not used in this Local Provisions Schedule.						

WAR-Table C6.2 Local Heritage Precincts

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
This table is not used in			

<p>this Local Provisions Schedule.</p>			
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WAR-Table C6.3 Local Historic Landscape Precincts

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
<p>This table is not used in this Local Provisions Schedule.</p>			

WAR-Table C6.4 Places or Precincts of Archaeological Potential

Reference Number	Town/Locality	Property Name / Address/ Name of Precinct	Folio of the Register	Description, Specific Extent and Archaeological Potential
<p>This table is not used in this Local Provisions Schedule.</p>				

WAR-Table C6.5 Significant Trees

Reference Number	Town/ Locality	Property Name and Street Address	Folio of the Register	Description / Specific Extent	Botanical Name	Common Name	No. of trees
<p>This table is not used in this Local Provisions Schedule.</p>							

WAR-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
This table is not used in this Local Provisions Schedule.				

WAR-Table C8.2 Scenic Road Corridors

Reference Number	Scenic Road Corridor Description	Scenic Value	Management Objectives
This table is not used in this Local Provisions Schedule.			

WAR-Table C11.1 Coastal Inundation Hazard Bands AHD Levels

Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined Flood Level (m AHD)
	Sea Level Rise 2050	1% annual exceedance probability 2050 with freeboard	1% annual exceedance probability 2100 (design flood level) with freeboard	1% annual exceedance probability 2100
Boat Harbour	1.8	2.6	3.2	2.9
Doctors Rocks	1.8	2.6	3.2	2.9
Flowerdale	1.8	2.6	3.2	2.9
Sisters Beach	1.8	2.6	3.2	2.9
Somerset	1.8	2.6	3.2	2.9
Wynyard	1.8	2.6	3.2	2.9
All other locations	1.8	2.6	3.2	2.9

WAR-Applied, Adopted or Incorporated Documents

Document Title	Publication Details	Relevant Clause in the LPS
This table is not used in this Local Provisions Schedule.		