

## 6.5.6. Special purpose zone code

### 6.5.6.1. Application

This code applies to the assessment of development if it is identified as an applicable code for development, as specified in the assessment benchmarks column in the tables of assessment located in Part 5 of the planning scheme.

When using this code, reference should be made to section 5.3.2 and where applicable, section 5.3.3 located in Part 5 of the planning scheme.

All subject matter in this code is applicable to the development assessment, unless the following circumstance arises:

- (1) The heading of a specific benchmarks for assessment table specifies otherwise; or
- (2) A heading within a specific benchmarks for assessment table specifies that the outcomes apply to a specific type of development or to development at a specific location; or
- (3) A performance outcome or acceptable outcome specifies that the outcomes apply to a specific type of development or to development at a specific location.

In the circumstance where point (2) or point (3) above arises the following applies:

- (1) the development assessment outcomes apply only to the type of development specified or only to development at the location specified; and
- (2) the development must still be assessed against all other general subject matter of the code (for example, assessment benchmarks including but not limited to those relating to built form, appearance, or general land use).

### 6.5.6.2. Purpose

The purpose of the special purpose zone code is:

- (1) to identify the desired character and amenity for the zone and to protect it from incompatible development;
- (2) to provide for development of public uses that are owned or operated by a government, statutory authority, government owned corporation, local government, or private organisation in the course of a public utility undertaking;
- (3) to provide for the development of special development areas such as maritime development areas, strategic port land or state development areas;
- (4) to provide for the development of a limited range of other uses which support or are compatible with the public uses within the zone;
- (5) to establish one (1) precinct and nine (9) sub-precincts within the zone where particular development outcomes are specified, and the precinct and sub-precincts are identified as follows:
  - (a) the Rosslyn Bay Precinct;
    - (i) Harbour Business and Tourism Sub-precinct;
    - (ii) Harbour Community Sub-precinct;
    - (iii) Harbour Dry Marine Sub-precinct;
    - (iv) Harbour Parking and Recreation Sub-precinct;
    - (v) Harbour Wet Marine Sub-precinct;
    - (vi) Marina Business and Tourism Sub-precinct;
    - (vii) Marina Dry Marine Sub-precinct;
    - (viii) Marina Parking and Recreation Sub-precinct;
    - (ix) Marina Wet Marine Sub-precinct;

- (x) Marina Accommodation and Marine Retail Sub-precinct;
  - (xi) Marina Tourist Accommodation and Business Sub-precinct; and
- (6) to facilitate the achievement of the overall outcomes sought for the zone.

#### **6.5.6.3. Overall outcomes**

The purpose of the code will be achieved through the following overall outcomes:

- (1) the development is:
  - (a) a use within the special activities group which serves the needs of the community; or
  - (b) a use that is not within the special activities group which:
    - (i) is compatible with and supports a use within the special activities group; or
    - (ii) does not limit or compromise the development of a use within the special activities group; and
- (2) the development of a use within the special activities group occurs within the zone in the following circumstances:
  - (a) it is a use that has relatively low-impacts;
  - (b) it is designed to integrate with development in the immediate area;
  - (c) it is located, designed and operated in a manner that maintains public safety; and
  - (d) if the use is likely to generate a significant amount of traffic, it is located at a site adjoining an appropriate road in the planning scheme road hierarchy;
- (3) the development of a use within the special activities group, which is likely to have a significant adverse impact on the amenity of sensitive land use, does not occur within the zone unless the site has suitable characteristics and there is appropriate design and siting to minimise adverse impacts on other land use;
- (4) the development of a public use that generates frequent and a large amount of public visitation is highly accessible and is well located in relation to public and active transport networks;
- (5) sensitive land use is not located in proximity to any established incompatible uses without appropriate design and siting to minimise adverse impacts on amenity;
- (6) the development is compatible with a form that is characterised by:
  - (a) buildings and structures having a height, bulk and site cover designed relative to the operational needs of the use, and the characteristics of the location and the surrounding land use;
  - (b) use of vegetation screening and buffering between development having high impacts and any adjoining sensitive land use;
  - (c) a reasonable level of visual amenity when viewed from the street and public places;
- (7) the development is provided with adequate infrastructure and essential services; and

#### **Where located in the Rosslyn Bay Precinct**

Note: The overall outcomes of the Rosslyn Bay Precinct are additional to those of the zone and take precedence in the event of a conflict.

- (8) the development is:
  - (a) a use for which a location in, adjoining or near a marine environment is essential; or
  - (b) is a use which services marine dependent development or tourist and visitor day trippers to the harbour;
- (9) marine dependent development has convenient and appropriate access to facilities for the parking of vehicles and water crafts towed on trailers;
- (10) the development is located, designed and operated in a manner that:
  - (a) maintains public safety;

- (b) does not preclude beach or marine access by the public or otherwise adversely obstruct accessibility to public areas;
  - (c) avoids significant adverse impacts on the natural environment;
  - (d) minimises adverse impacts on marine dependent activities;
  - (e) does not compromise the role of district or major order centres in the planning scheme centres hierarchy; and
- (11) development in the Rosslyn Bay Precinct minimises land use conflict and adverse impacts on existing land use by appropriately locating within an identified sub precinct;
- (12) the development is a preferred use within the precinct only in the following circumstances:
- (a) where located in the Harbour Business and Tourism Sub-precinct;
    - (i) the use:
      - (A) is a bar; or
      - (B) is caretaker's accommodation; or
      - (C) is an environment facility; or
      - (D) is a food and drink outlet; or
      - (E) is a function facility; or
      - (F) is a hotel; or
      - (G) is a landing; or
      - (H) is a market; or
      - (I) is a park; or
      - (J) is port services; or
      - (K) is a shop; or
  - (b) where located in the Harbour Community Sub-precinct;
    - (i) the use:
      - (A) is caretaker's accommodation; or
      - (B) is a club; or
      - (C) is emergency services; or
      - (D) is an environment facility; or
      - (E) is a landing; or
      - (F) is a park; or
      - (G) is port services; or
  - (c) where located in the Harbour Dry Marine Sub-precinct;
    - (i) the use:
      - (A) is caretaker's accommodation; or
      - (B) is emergency services; or
      - (C) is an environment facility; or
      - (D) is a landing; or
      - (E) is marine industry; or
      - (F) is a park; or
      - (G) is port services; or
      - (H) is a warehouse (if for seafood and other marine focussed activities); or

- (d) where located in the Harbour Parking and Recreation Sub-precinct;
  - (i) the use:
    - (A) is an environment facility; or
    - (B) is a park; or
    - (C) is a parking station; or
- (e) where located in the Harbour Wet Marine Sub-precinct;
  - (i) the use:
    - (A) is an environment facility; or
    - (B) is port services; or
- (f) where located in the Marina Business and Tourism Sub-precinct;
  - (i) the use:
    - (A) is a bar; or
    - (B) is caretaker's accommodation; or
    - (C) is an environment facility; or
    - (D) is a food and drink outlet; or
    - (E) is a function facility; or
    - (F) is a hotel (if it is a size that does not exceed 1000 m<sup>2</sup> Gross Floor Area in cumulative total for the 'Marina Tourist Accommodation and Business Sub-precinct' and the 'Marina Business and Tourism Sub-precinct' combined); or
    - (G) is a landing; or
    - (H) is a market; or
    - (I) is a park; or
    - (J) is port services; or
    - (K) is a shop (if retail focussed and it is a size that does not exceed 600 m<sup>2</sup> Gross Floor Area in cumulative total for the 'Marina Tourist Accommodation and Business Sub-precinct' and the 'Marina Business and Tourism Sub-precinct' combined); or
- (g) where located in the Marina Dry Marine Sub-precinct;
  - (i) the use:
    - (A) is caretaker's accommodation; or
    - (B) is emergency services; or
    - (C) is an environment facility; or
    - (D) is a landing; or
    - (E) is marine industry; or
    - (F) is a park; or
    - (G) is port services; or
- (h) where located in the Marina Parking and Recreation Sub-precinct;
  - (i) the use:
    - (A) is an environment facility; or
    - (B) is a park; or
    - (C) is a parking station; or

- (i) where located in the Marina Wet Marine Sub-precinct;
  - (i) the use:
    - (A) is an environment facility; or
    - (B) is port services; or
- (j) where located in the Marina Accommodation and Marine Retail Sub-precinct;
  - (i) the use:
    - (A) is a shop (only if focussed on the retail display, hire or sale of marine related goods and it is a size that does not exceed 100 m<sup>2</sup> Gross Floor Area); or
    - (B) is multiple dwellings; or
- (k) where located in the Marina Tourist Accommodation and Business Sub-precinct;
  - (i) the use:
    - (A) is a shop only if:
      - a. it is retail focussed and it is a size that does not exceed 600 m<sup>2</sup> Gross Floor Area in cumulative total for the 'Marina Tourist Accommodation and Business Sub-precinct' and the 'Marina Business and Tourism Sub-precinct' combined; or
      - b. it is a liquor store and it is a size that does not exceed 270 m<sup>2</sup> Gross Floor Area in cumulative total for the 'Marina Tourist Accommodation and Business Sub-precinct' and the 'Marina Business and Tourism Sub-precinct' combined; or
    - (B) is a hotel (if it is a size that does not exceed 1000 m<sup>2</sup> Gross Floor Area in cumulative total for both the 'Marina Tourist Accommodation and Business Sub-precinct' and the 'Marina Business and Tourism Sub-precinct' combined); or
    - (C) is a food and drink outlet (if it is a restaurant or a café that is appropriately integrated with the tourist focussed accommodation); or
    - (D) is multiple dwellings; or
    - (E) is short-term accommodation.

#### 6.5.6.4. Specific benchmarks for assessment

**Table 6.5.6.4.1 – Outcomes for development that is accepted subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes
<b>Built form</b>	
<b>PO1</b> The height, bulk, and site cover of buildings and structures are consistent with the intended character of the zone and the reasonable expectations as to the operational needs of the use, and do not adversely impact the amenity of the streetscape, adjoining sites or surrounding area.	<b>AO1.1</b> Building height does not exceed: <ul style="list-style-type: none"> <li>(a) where located in the Rosslyn Bay Precinct:               <ul style="list-style-type: none"> <li>(i) the fourteen (14) metres Australian Height Datum contour level if located in the Marina Accommodation and Marine Retail Sub-precinct; or</li> <li>(ii) the twenty-six (26) metres Australian Height Datum contour level if located in the Marina Tourist Accommodation and Business Sub-precinct; or</li> <li>(iii) the fourteen (14) metres Australian Height Datum contour level if located in</li> </ul> </li> </ul>

Performance outcomes	Acceptable outcomes
	<p>the Marina Business and Tourism Sub-precinct; or</p> <p>(iv) 8.5 metres above ground level if located in any other sub-precinct; or</p> <p>(b) where located at sites not within the Rosslyn Bay Precinct:</p> <p>(i) 8.5 metres above ground level where the ground has a slope less than fifteen (15) per cent; or</p> <p>(ii) ten (10) metres above ground level where the ground has a slope equal to or greater than fifteen (15) per cent.</p> <p><b>AO1.2</b> The height of structures does not exceed twenty-five (25) metres above ground level.</p> <p><b>AO1.3</b> Site cover does not exceed fifty (50) per cent.</p>
<p><b>P02</b></p> <p>The design and siting of buildings and structures does not adversely impact the amenity of the streetscape or adjoining sites having regard to the following:</p> <p>(a) minimisation of potential sources of nuisance;</p> <p>(b) enhancing the ability to soften the visual impact of large expanses of walls by the provision of areas for the planting of dense screening vegetation;</p> <p>(c) provision of and maintenance of access to natural light and ventilation; and</p> <p>(d) provision of and maintenance of privacy for any habitable buildings.</p>	<p><b>AO2.1</b> There is a 1.8 metre high screen fence located along all common lot boundaries where adjoining a residential category zone or a township zone.</p> <p><b>AO2.2</b> Buildings have a setback from road frontage lot boundaries of at least six (6) metres.</p> <p><b>AO2.3</b> Buildings or structures have a setback from all common side and rear lot boundaries with a lot located in a residential category zone or a township zone in accordance with the following:</p> <p>(a) at any point where the 'outermost projection height' is between two (2) metres and 4.5 metres, a setback of at least five (5) metres; or</p> <p>(b) at any point where the 'outermost projection height' is greater than 4.5 metres, a setback of at least five (5) metres plus 0.3 of a metre for every additional metre or part thereof in height over 4.5 metres.</p> <p><b>AO2.4</b> If not adjoining a residential category zone or a township zone, buildings or structures have a setback from side and rear lot boundaries in accordance with the following:</p> <p>(a) at any point where the 'outermost projection height' is between two (2) metres and 4.5 metres, a setback of at least 1.5 metres; or</p>

Performance outcomes	Acceptable outcomes
	<p>(b) at any point where the 'outermost projection height' is greater than 4.5 metres, a setback of at least 1.5 metres plus 0.3 of a metre for every additional metre or part thereof in height over 4.5 metres.</p> <p><b>AO2.5</b></p> <p>If the distance separating a window of a habitable room or a balcony or a patio is less than three (3) metres at ground level or nine (9) metres at levels above the ground level storey, of a window of a habitable room or a balcony or a patio of an adjacent building, privacy is protected by utilising the following:</p> <ul style="list-style-type: none"> <li>(a) window sill heights a minimum of 1.5 metres above floor level; or</li> <li>(b) fixed opaque glazing in any part of the window below 1.5 metres above floor level; or</li> <li>(c) fixed external screens; or</li> <li>(d) in the case of screening for a ground floor level, fencing to a height of 1.5 metres above ground floor level.</li> </ul>
<b>Vehicle Parking Space</b>	
<b>Where located in the Rosslyn Bay Precinct – Marina Parking and Recreation Sub-precinct, Marina Wet Marine Sub-precinct, Marina Business and Tourism Sub-precinct</b>	
<p><b>PO3</b></p> <p>The development:</p> <ul style="list-style-type: none"> <li>(a) does not reduce the existing vehicle parking supply needed for the development of preferred uses within the Marina Wet Marine Sub-precinct or the Marina Business and Tourism Sub-precinct; or</li> <li>(b) is provided with sufficient parking for the expected number and type of vehicles generated by the use.</li> </ul>	<p><b>AO3.1</b></p> <p>Despite any acceptable outcomes contained within the Development Works Code relating to vehicle parking rates, if the development is a preferred use identified in the overall outcomes of this code and it complies with the built form acceptable outcomes of this code, the minimum number of vehicle parking spaces that are to be provided within the marina parking and recreation sub-precinct is as follows:</p> <ul style="list-style-type: none"> <li>(a) where adjoining the Marina Business and Tourism Sub-precinct: two-hundred and fifty (250) spaces; and</li> <li>(b) where adjoining the Marina Dry Marine Sub-precinct: fifteen (15) spaces.</li> </ul> <p>Note: The number of spaces required by this acceptable outcome overrides any total number of spaces required under the Development Works Code; however, this only applies to the circumstance where the development is a preferred use for the sub-precinct as identified in the overall outcomes.</p> <p><b>AO3.2</b></p> <p>If the development is a preferred use identified in the overall outcomes of this code, but it does not comply with the built form acceptable outcomes of this code, then the number of vehicle parking spaces that are to be provided within the marina parking and recreation sub-precinct is in accordance with the standards relevant to the</p>



Performance outcomes	Acceptable outcomes
	<p>use in compliance with Table 9.3.2.4.3 of the Development Works Code.</p> <p><b>A03.3</b></p> <p>If the development is not a preferred use identified in the overall outcomes of this code, the number of vehicle parking spaces that are to be provided within the marina parking and recreation sub-precinct is in accordance with the standards relevant to the use in compliance with Table 9.3.2.4.3 of the Development Works Code.</p>

Table 6.5.6.4.2 – Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes
<b>Land use</b>	
<b>Where not located in the Rosslyn Bay Precinct</b>	
<p><b>PO4</b></p> <p>The use is:</p> <p>(a) a use within the special activities group which serves the needs of the community; or</p> <p>(b) a use that is not from within the special activities group however the use:</p> <p>(i) is compatible with and supports a use within the special activities group; or</p> <p>(ii) does not limit or compromise the development of a use within the special activities group.</p>	No acceptable outcome is nominated.
<p><b>PO5</b></p> <p>The use appropriately integrates with any established uses in the immediate area.</p>	No acceptable outcome is nominated.
<p><b>PO6</b></p> <p>The use is located, designed and operated in a manner that maintains public health and safety.</p>	No acceptable outcome is nominated.
<p><b>PO7</b></p> <p>The development of a use from within the special activities group, which is likely to have high impact on land use in the immediate area, occurs only if the location has suitable characteristics and there is appropriate design, siting and operational measures to minimise adverse impacts on other land use.</p>	No acceptable outcome is nominated.
<p><b>PO8</b></p> <p>The development of a public use that generates frequent and a large amount of public visitation:</p> <p>(a) is highly accessible; and</p> <p>(b) is well located in relation to public and active transport networks.</p>	No acceptable outcome is nominated.



Where located in the Rosslyn Bay Precinct	
<b>PO9</b> The use contributes to the development of a precinct which is comprised of appropriately located preferred uses for the precinct (as identified in the overall outcomes for the precinct).	No acceptable outcome is nominated.
<b>PO10</b> The use appropriately integrates with any established uses in the immediate area.	No acceptable outcome is nominated.
<b>PO11</b> The use is located, designed and operated in a manner that maintains public safety.	No acceptable outcome is nominated.
<b>PO12</b> The use is designed in a manner which does not preclude beach or marine access by the public or otherwise adversely obstruct accessibility to public areas.	No acceptable outcome is nominated.
<b>PO13</b> The use is located, designed, and operated in a manner which avoids causing significant adverse impacts on the natural environment.	No acceptable outcome is nominated.
Appearance	
<b>PO14</b> The development is designed in a manner that does not significantly adversely affect visual amenity when viewed from the street, public places, and the surrounding area.	No acceptable outcome is nominated.
Infrastructure	
<b>PO15</b> Safe, accessible, robust and reliable infrastructure relating to access and parking, energy supply, roads, roof and allotment drainage, sewage and wastewater treatment and disposal, stormwater management, telecommunications, and water supply, is adequately provided for the development in accordance with best practice and endorsed standards for the location, and relative to the needs of the development.	<b>AO15.1</b> The development complies with the requirements of the Development Works Code.