

**1. INTRODUCTION**

This Volume contains the codes identified by this Planning Scheme.

**1.1 Use of the Codes**

(1) The codes included in this Volume of the Planning Scheme deal with the following:

- (i) Part 2 – General Land Use and Development Codes (Environmental Management and general matters)
- (ii) Part 3 - Codes for Rural Development and Use,
- (iii) Part 4 - Codes for Residential Development and Use,
- (iv) Part 5 - Codes for Commercial and Community Development and Use,
- (v) Part 6 - Codes for Industrial Development and Use;
- (vi) Part 7 - Codes for particular Local Areas;
- (vii) Part 8 - Code for Reconfiguring lots; and
- (viii) Part 9 – Other Codes (for other specific development types).

(2) Where there is any inconsistency between the provisions of codes applying to a development, to the extent of such inconsistency the following order of precedence shall apply:

- (i) first - the area specific code (eg local area code or environmental management code),
- (ii) second - other applicable codes.
- (iii) Where on Lot 1 on RP108407 and in accordance with the Planning and Environment Court Order in Appeal No. 37 of 1994 dated 3 July 2009 and Drawing Number 9455/001-D dated December 2006 as amended as per the conditions of the order, as identified as an applicable code in Volume One Column 3 of Table 4.2 and Volume One Column 4 of Table 5.3, take precedence over all other applicable codes.

**Diagram showing the Layout of a Typical Page for a Code**

<b>1</b> 2.2.1 Design for Climate Code	
<b>2</b> Purpose:	
<b>3</b> Performance criteria ▪ ▪	<b>4</b> Acceptable measures: ▪ ▪

**1.2 Presentation**

**(1) Structure**

Most of the codes have a consistent format as shown below. The code title **1** is followed by a concise statement of the purpose intended to be achieved for that code **2**.

The left column sets out Performance Criteria **3**, and the right column Acceptable Measures **4** related to the relevant Performance Criteria. Additional explanatory materials, including diagrams, are included where required.

**(2) Purpose**

The statement of purpose is given at the start of each code and expresses Council’s planning intent. A further purpose statement may be given for any or all elements of the code. If such a further statement is given, it is to be taken as part of the code’s purpose.

**(3) Performance Criteria**

(a) Performance Criteria are statements of the outcomes to be achieved in satisfying the stated purpose. They provide an opportunity for a variety of responses to the design of assessable development.

(b) (i) There will be situations where not all Performance Criteria will be relevant. Development will not be required to meet any Performance Criteria that are not relevant.

(ii) There will also be situations where not all relevant Performance Criteria can be met (eg. where one criterion may be in conflict with another). In such cases the development application may be approved where Council is satisfied that there are sufficient planning grounds to justify the decision having regard to the purpose of the code.

**(4) Acceptable Measures**

(a) Acceptable Measures are presented as Council's preferred means of meeting the relevant Performance Criteria.

(b) (i) The relevant applicable Acceptable Measures are mandatory for self-assessable development. Self assessable development that does not comply with any applicable acceptable measure is to be taken to be code assessable. An application for code assessment in such circumstances will be assessed against the whole of the code or codes listed in the Tables of Development Assessment as applicable to the self assessable development. It will not be assessed against other codes.

(ii) For assessable development the Acceptable Measures provide an opportunity for streamlining approval processes while achieving the criteria and stated purpose. However, other ways of achieving the Performance Criteria of an applicable code may be proposed by applicants.

(c) For some Performance Criteria, there may not be any Acceptable Measure presented. In such cases:

- assessable development is to use proposal specific means of meeting the criteria, and
- self-assessable development has no compliance requirement.

(d) Assessable development may be designed in accordance with the Acceptable Measures, or using other measures which still meet the Performance Criteria. Indeed, applicants may prefer to design using alternative measures for some aspects of the development and Acceptable Measures for others.

(e) Where Acceptable Measures are not used, the applicant must satisfy Council that the alternative measures satisfactorily meet the Performance Criteria in keeping with the purpose of the code and code element.

**1.3 Codes are Applicable to Ongoing Uses**

(1) A code that is applicable to a material change of use is also applicable to the ongoing results of that change.