

SCHEDULE OF MODIFICATIONS

AMD21/0040: Amendment No. 40

No.	Proposed Modification	Reason
1.	<p>Modify proposed clause 3.5.3(e) to remove reference to the 'Service Commercial' zone.</p> <p><i>(This is only supported by the Council provided that the proposed change to the definition of 'Bulky Goods Showroom' is approved by the Minister).</i></p>	<p>To align the clause more closely with the existing clause 3.5.4(e).</p> <p>This modification is contingent upon the proposed change to the 'Bulky Goods Showroom' definition being supported, in order to prevent undesirable shop/retail development from being located within the 'Service Commercial' zone.</p>
2.	<p>Modify proposed clause 3.5.3(e) to replace the term "domestic hardware" with "houseware retailing".</p>	<p>To reflect the current accepted term for that particularly type of retailing.</p>
3.	<p>Modify proposed clause 3.5.3(e) to include, at the end of the clause, the words: "or are ordinarily ancillary, subsidiary or incidental to the predominant use".</p>	<p>The use of the words "notwithstanding the provisions of clause 3.3 and Table 1" at the beginning of the clause could operate to exclude existing clause 3.3.3 (which deals with ancillary or incidental activities). These proposed additional words are recommended in order to avoid losing any necessary flexibility and to provide clarity for proponents, decision makers and tribunals.</p> <p>Proposed modifications 1, 2 and 3 would have the following effect on proposed clause 3.5.3(e):</p> <p><i>"(e) other than with respect to a Lunch Bar or Service Station, the sale of the following goods or products by retail or wholesale to the public from land in the Service Commercial, Light Industry or General Industry zone:</i></p> <ul style="list-style-type: none"> <i>(i) foodstuffs, liquor or beverages;</i> <i>(ii) items of clothing or apparel;</i> <i>(iii) magazines, newspapers, books or paper products;</i> <i>(iv) medicinal or pharmaceutical products;</i> <i>(v) china, glassware or domestic hardware houseware retailing other than building supplies; or</i> <i>(vi) items of personal adornment;</i> <p><i>unless such goods are manufactured on the lot or are ordinarily ancillary, subsidiary or incidental to the predominant use;"</i></p>

No.	Proposed Modification	Reason
4.	<p>Remove the change to permissibility of 'Bulky Goods Showroom' in the 'District Centre', 'Centre' and 'Service Commercial' zones, such that the use is retained as a 'P' use in these zones.</p> <p><i>(This is only supported by the Council provided that the proposed change to the definition of 'Bulky Goods Showroom' is approved by the Minister).</i></p>	<p>Consistent with SPP 4.2, an appropriately classified 'Bulky Goods Showroom' is an acceptable use on the periphery of an Activity Centre, consistent with the location of the Service Commercial zone. However, the location of the 'Local Centres' are such that a 'Bulky Goods Showroom' may not be an appropriate use, and one large Showroom could exhaust the whole of some of these 'Local Centres'.</p> <p>This modification is contingent upon the proposed change to the 'Bulky Goods Showroom' definition being supported. Should the change to the definition be unsuccessful, the Council would seek the use to be prohibited in the 'Light Industry' zone and a 'D' use in the 'Service Commercial' zone, in order to prevent undesirable shop/retail development from being located within these areas.</p>
5.	<p>Modify proposed clause 4.19 accordingly:</p> <p><i>"4.19 BREWERIES AND WINERIES</i></p> <p><i>4.19.1 The development of a Brewery or a Winery within the Service Commercial, Light Industry and General Industry zones shall be primarily for the production, storage and/or distribution of the product. The following restrictions shall apply –</i></p> <p><i>(a) consumption of the product at the site shall be limited to tastings only, being incidental to the production of the product on site, with maximum serving sizes of:</i></p> <p><i>(i) 50mls for wine;</i></p> <p><i>(ii) 100mls for beer/cider; and</i></p> <p><i>(iii) 15mls for spirits;</i></p> <p><i>(b) no dining on the premises or the consumption or service of food shall take place;</i></p> <p><i>(c) patronage at the site shall not exceed 30 people at any one time; and</i></p> <p><i>(d) customers visiting the site for the purpose of tasting and/or sales are restricted to Monday to Sunday,</i></p>	<p>Remove reference to the 'Service Commercial' zone to reflect the intention of the Amendment for 'Brewery' and 'Winery' land uses to be 'not permitted' within this zone. The Environmental Protection Authority Guidance Statement (<i>Separation Distances between Industrial and Sensitive Land Uses</i> (GS 3)) requirement for buffer distances essentially discounts the ability for this use to be established within the Service Commercial zone.</p> <p>Modify the units from "mls" to "ml" to reflect the correct usage of the symbol for millilitre.</p>

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	<i>including public holidays, between the hours of 12.00pm and 5.00pm.”</i>	