

# **THE PLANNING SCHEME FOR THE BALANCE OF THE CITY OF CAIRNS**



**THE  
PLANNING  
SCHEME  
FOR  
THE BALANCE  
OF THE  
CITY OF CAIRNS**

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**PART A**

**STRATEGIC PLAN**

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## **PART A - STRATEGIC PLAN**

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## 1.0 INTRODUCTION

The Council of the City of Cairns is charged with the responsibility to provide for the best possible use of all lands within the Plan Area and also within the wider context of the Region and the State.

To discharge this responsibility in a manner which has regard to community interest, physical, environmental and economic constraints and opportunities Council has developed this Strategic Plan.

The Strategic Plan provides the direction for the overall development of the Plan Area. It provides for linkages to the ongoing FNQ 2010 Regional Planning process and the mechanism by which many of the regional planning outcomes can be implemented. It remains consistent with the wider aspirations of the State Government of Queensland which are reflected through the State Planning Policies.

While it is not anticipated that the Strategic Plan would require a review within its life of 7-10 years, it does recognise that unforeseen matters may arise to justify amendments.

Matters which may trigger amendments may be seen as follows:

- outcomes of the FNQ 2010 Regional Planning Process;
- discovery or compilation of new data;
- rate of uptake of land stock;
- changing community needs and aspirations;
- introduction of new legislation.

Such reassessment should only occur within the wider Strategic Planning context, and not to facilitate approvals of individual applications.

It is also recognised that the Act allows departure from Strategic Plans if there are sufficient planning grounds to justify proceeding with the proposal despite the conflict. Subsection 3.1 sets out the overriding principle which guided the formulation of the Strategic Plan and these matters shall form the basis of assessment of a proposal which conflicts with the Strategic Plan.

## 2.0 STRATEGIC PLAN FORMAT

The Strategic Plan is based on Ecological Sustainable Development (ESD) this is reflected not only through the broad Preferred Dominant Land uses but also through the Overarching and Specific Strategies.

The six Preferred Dominant Land Uses are Rural, Urban, Conservation, Rural Constrained, Low Density Residential and Urban Alternative. They are supported by, and interact with, the three Overarching and ten Specific Strategies.

The overarching strategies of Natural Resources, City Image and Economic Development are relevant to the implementation of the specific strategies which target the detailed aspects of the Preferred Dominant Land Uses.

Figure A-1 provides a diagrammatical depiction of the different elements which make up the Strategic Plan.

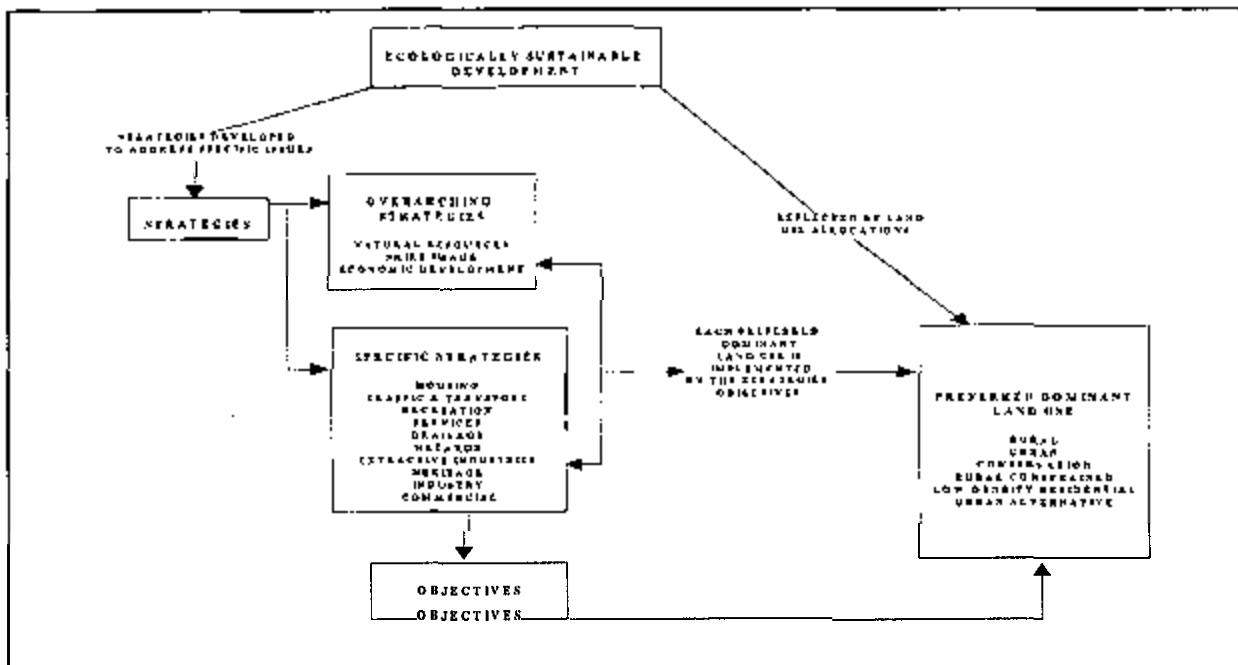


Figure A-1: **FORMAT OF STRATEGIC PLAN**



## 3.0 FOUNDATION OF PLAN

### 3.1 Overriding Principle

The overriding principle of this Planning Scheme is the promotion of ecologically sustainable development. Ecologically sustainable development means the use, development and protection of the environment in a manner and at a rate which enables the communities of the Plan Area to provide for their economic, social and physical well-being and for their health and safety while:

- sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
- safeguarding the life supporting capacity of air, water, land and ecosystems;
- avoiding, remedying or mitigating any adverse effects of activities on the environment;
- affording appropriate consideration of both long and short term economic environmental, social and equity considerations in deciding all matters relating to environmental protection, restoration and enhancement.

This Planning Scheme seeks to implement the principles of ecologically sustainable development by:

- the prevention, reduction, minimisation and where practical elimination of harm to the environment by land use allocations and development approvals which encourage and assist proponents of development to prevent pollution and minimise waste;
- implementing as conditions of approval of any development, environmental protection measures supported by relevant State and Federal Government agencies and intergovernment agreements.
- the application of a precautionary approach to the assessment of risk of environmental harm, such that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;

- 
- requiring proponents of development to make progressive environmental improvements including the reduction of pollution and waste etc;
  - allocating the costs of environmental protection and restoration equitably by the imposition of uniform contribution schemes;
  - the provision, through conditions of approval, for the monitoring and reporting on environmental quality on a regular basis to ensure compliance with statutory requirements and stated conditions of approval;
  - promoting intergenerational equity such that the present generation should ensure that the health diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

The challenge to Council in preparing this Planning Scheme, is to consider the competing economic, social and environmental implications of its land use allocations in the strategic planning process, such that the meaning of Ecologically Sustainable Development is reflected in the Planning Scheme documents. The Council sees its primary responsibility as promoting well serviced communities with efficient and sustainable development patterns. This, in turn, necessitates that development should be orderly, co-ordinated and managed in such a way that the environmental and social qualities of these communities are enhanced and that options remain available for future residents of the Plan Area to make similar judgements at some time in the future.

In the context of this Planning Scheme, the Council has expressed the principles of Ecologically Sustainable Development in its land use allocations, the Overarching Strategies, objectives and implementation criteria which support and interact with those land use allocations and by the range of Specific Strategies which implement the detail aspects of the Preferred Dominant Land Uses.

### **3.2 Statement of Intent**

The desired overall, long term outcome of this Strategic Plan is as follows.

- To provide for the protection of the Plan Area's natural and cultural assets.  
To promote Ecologically Sustainable Development.

- To promote urban forms which minimise transport requirements and improve the efficiency of land supply and infrastructure provisions.
- To promote housing which exhibits high amenity and harmony with the environment and reflects the diverse needs of the community.
- To provide certainty to the development industry and the community through detailed and ongoing planning.
- To reflect the State Government requirements expressed through the State Planning Policies and the Regional Planning process.
- To reduce unnecessary delays in decision making.
- To provide for the social, health and economic well-being of the residents of the Plan Area.
- To recognise the important part the Plan Area provides to the well-being of the region and beyond.
- To work in unison with other providers of services to ensure complementary strategies and efficient use of resources.
- To focus on the outcomes of the strategies and provide mechanisms for review when the outcomes are not desirable.

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## 4.0 PREFERRED DOMINANT LAND USES<sup>1</sup>

### 4.1 INTRODUCTION

The Strategic Plan Map (Diagram A-I) indicates the following preferred dominant land uses within the Plan Area:

Rural  
Urban  
Conservation  
Rural Constrained  
Low Density Residential; and  
Urban Alternative

### 4.2 RURAL

Areas identified as within the Rural Preferred Dominant Land Use on the Strategic Plan Map include both good quality agricultural land, assigned cane land and marginal land. The extent of the marginal land is not known. Such land may be affected by constraints such as flooding, soil quality, the suitability for extractive industry, remoteness or other constraints rendering it unsuitable for urban development. The requirements found elsewhere in the Strategic Plan also may have a bearing on the suitability of the land.

Council when considering any development applications within the Rural Preferred Dominant Land Use shall require where relevant, the details of the land in terms of the requirements of the State Planning Policy 1/92 Development and the Conservation of Agricultural Land. It is intended that these areas generally will be retained in larger holdings and not be developed during the life of the Planning Scheme.

### 4.3 URBAN

Areas identified as the Urban Preferred Dominant Land Use on the Strategic Plan Map are those areas suitable for such urban uses as residential, industrial, commercial and the like. The spatial arrangement of these uses within the urban area is given further definition elsewhere in the Strategic Plan.

While the majority of constrained land is excluded from the Urban Preferred Dominant Land Use, not all land identified as Urban will be suitable for this purpose. For this reason, Council when considering a development application shall require a detailed site analysis in terms of the requirements of this Strategic Plan.

#### **4.4 CONSERVATION**

Areas identified as the Conservation Preferred Dominant Land Use on Strategic Plan Diagrams A-1 and A-2 are those areas which are predominantly Crown land, some of which may be in the trusteeship of Council. Inclusion under this designation should not be taken as precluding development of those lands in a way which maintains the City Image, is responsive to all environment constraints and is in accordance with the requirements of other parts of the Planning Scheme and of the relevant management authority.

All of those parts of the Plan Area included in this designation which are in the control of the Crown or the Council and under the managerial control of the Wet Tropics Management Authority or other similar management authority should be retained in their natural state or developed for recreation purposes consistent with the desired open space character of such areas and in a way which maintains the City Image.

#### **4.5 RURAL CONSTRAINED LAND**

Areas identified as the Rural Constrained Preferred Dominant Land Use on the Strategic Plan maps comprise areas that may be subject to the following:

- [a] flooding, storm surge, greenhouse effect;
- [b] high ecological/landscape value;
- [c] risk from the Queerah explosive magazine; and
- [d] slope or stability problems.

The accuracy of the boundaries will depend upon the particular data used to draw these boundaries. Some areas are defined in other parts of the Planning Scheme such as Development Control Plans and for the purpose of this Planning Scheme are correct. Other areas are less well-defined and may need to be verified from detailed site surveys. For this reason, Council when considering development applications for adjoining Preferred Dominant Land Uses, may redefine the boundary in response to fresh data collection subject to other parts of the Strategic Plan.

Development within the Preferred Dominant Land Use is not expected to occur unless in accordance with the Strategic Plan, Development Control Plans or any other part of the Planning Scheme.

It is possible that some Rural Constrained land may include land suitable for industrial uses as in the case of land affected by the Queerah explosive magazine. The appropriateness of this land for industrial uses shall be assessed in accordance with the Strategic Plan, Development Control Plans or any other part of the Planning Scheme.

#### **4.6 LOW DENSITY RESIDENTIAL**

Areas identified as the Low Density Residential Preferred Dominant Land Use on the Strategic Plan Maps are appropriate for larger lot subdivisions and provide for residential living on allotments with a rural or semi-rural character and amenity, but with the provision of a limited range of services, infrastructure and access. These are permanent residential areas of a high standard of amenity and may include uses which in the opinion of Council do not detract from that amenity.


Council when considering development applications in these areas shall have regard to the matters outlined in the Planning Scheme and in particular the Housing Strategy 6.2, Objective 7 in the Strategic Plan and the subdivision controls in Part E.

#### **4.7 URBAN ALTERNATIVE**

The area designated as Urban Alternative on the Strategic Plan map has the potential to provide a new urban area close to the Cairns Central Business District. Amendments to the scheme to permit any development of this area will only be allowed when arrangements are in place to implement direct access across the inlet from the Urban Alternative area to Cairns City in an acceptable manner and all service infrastructure can be provided in an orderly and cost effective manner with no adverse impacts on Council's budget provisions.



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STRATEGIC PLAN

**REGIONAL CONTEXT**

SCALE 1:500,000
FIGURE A-1

## 5.0 STRATEGIES AND OBJECTIVES APPLICABLE TO ALL PREFERRED DOMINANT LAND USES

### 5.1 INTRODUCTION

The five Preferred Dominant Land Uses are supported and interact with the three Overarching Strategies and objectives. The Overarching Strategies are as follows:

Natural Resources:	(Sub-section 5.2)
City Image:	(Sub-section 5.3)
Economic Development:	(Sub-section 5.4)

In relation to the objectives of each Overarching Strategy, implementation criteria have been prepared.

### 5.2 NATURAL RESOURCES

#### 5.2.1 Natural Resources Objective 1

To produce an environmental strategy that is both consistent with other management authorities where appropriate and able to reflect innovations or changing guidelines as they are developed.

#### *Implementation*

- [a] Council will have regard to further developments, constraints or guidelines that may occur as a result of the following documents or processes:
  - [i] The Environmental Protection Act 1994 and the Nature Conservation Act 1992;
  - [ii] Wet Tropics Plan and other management plans made under the Wet Tropics World Heritage Protection & Management Act 1993;
  - [iii] Regional Organisation of Councils Forum;
  - [iv] Outcomes of the Far North Queensland 2010 planning process;
  - [v] Trinity Inlet Management Plan and subsequent reviews;



- [vi] The Fisheries Act 1994
  - [vii] any Marine Park zoning plan or management plan;
  - [viii] Integrated Catchment Management Plans;
  - [ix] Landcare Australia; and,
  - [x] The Balance of the City of Cairns Strategic Plan and adjoining Councils' Strategic Plans.
- [b] Council may adopt explanatory notes to the Natural Resources Strategy as a result of the documents and processes outlined in [a] above.

### 5.2.2 Natural Resources Objective 2

To fulfil Council's obligations as a signatory to an agreement relating to the Trinity Inlet Management Plan.

#### *Implementation*

- [a] It is Council's intention that the management principles detailed in the Trinity Inlet Management Plan shall be implemented in order to provide for the maintenance of Trinity Inlet as an ecologically viable and sustainable ecosystem.
- [b] Where development is proposed within the Plan Area which in Council's opinion conflicts with the management principles detailed in the Trinity Inlet Management Plan, Council may require applicants to prepare an Environmental Impact Statement for consideration with any application for development.

Terms of Reference for the Statement shall be provided by Council upon written request by an applicant. This requirement will be fully satisfied where an applicant is required to submit an Environmental Impact Statement pursuant to the Act.

- [c] Where Council considers, having regard to any impact statement submitted and other relevant material, that a proposal for development conflicts significantly with the intent of the Trinity Inlet Management Plan, Council shall refuse to approve the proposal.

- [d] Council may impose conditions upon any approval for development which Council considers necessary to prevent or alleviate any potential conflict between a development and the intent of the Trinity Inlet Management Plan.

### **5.2.3 Nature Based Conservation**

#### **5.2.3.1 Nature Based Conservation Objective 1**

To conserve areas of ecological value and of landscape significance within the Plan Area to protect biological diversity and maintain essential ecological processes and landscape integrity.

#### Implementation

- [a] Council has identified on Conservation Strategy Diagram A-2 the majority of areas that have ecological value and/or landscape significance and which are generally in public ownership.
- [b] Other areas that have high ecological value and/or landscape significance that are generally in private ownership are generally identified as Rural Constrained on the Strategic Plan Diagram A-1. More detailed mapping of these areas is found in Council's Natural Resources Register.
- [c] Council when assessing development applications shall have regard to the following documents:
  - [i] Development Control Plan - Hillslopes;
  - [ii] City Image Objectives (5.3) and Local Planning Policy - City Image;
  - [iii] Trinity Inlet Management Plan;
  - [iv] any integrated catchment management plan that may be developed in the future; and,
  - [v] Open Space Management Plans;

- 
- [vi] Wet Tropics Plan and any other management plans under the Wet Tropics World Heritage Protection and Management Act 1993;
  - [vii] State and Regional Coastal Plans developed under the Coastal Protection and Management Act 1995;
  - [viii] Conservation and Management Plans developed under the Nature Conservation Act 1992; or
  - [ix] Council's Natural Resource Register
- [d] Council when considering a development application that includes areas of landscape significance or conservation value, shall by way of a condition of approval require its protection.
- [e] Council may in situations where development applications do not proceed to subdivision, allow the protection of these areas through such appropriate easements or appropriate caveat as may be capable of registration under the Land Title Act 1994 or by voluntary conservation agreements under the Nature Conservation Act 1992.
- [f] Where Council considers, having regard to information submitted, likely reasonable or relevant conditions and other relevant material, that a proposed development conflicts with the intent of this objective and the documents mentioned in [c] above, Council shall refuse to approve the application.
- [g] Council may impose conditions upon any approval which Council considers necessary to prevent or alleviate any conflict with the intent of this Planning Scheme or documents mentioned in [c] above. Conditions may be placed on both the construction and operational stage of the development.
- [h] Council will liaise with landowners whose land contains areas of ecological value and/or areas of landscape significance to develop strategies such as voluntary conservation agreements to ensure the continued protection of these areas and where necessary the enhancement of these areas.

5.2.3.2 Nature Based Conservation  
Objective 2

To ensure that riverine areas are maintained in their natural state or where this has been degraded, to ensure their rehabilitation and continued secondary purpose as wildlife corridors.

*Implementation*

- [a] Drainage Management Plans shall have as their primary aim the retention of the natural drainage lines by maintaining vegetation and ecological integrity.
- [b] Council when assessing development applications shall require dedication of the drainage lines to Council at no cost to Council. Council may offset areas around creeks over and above those areas required for drainage purposes as part of open space contributions.
- [c] Council, in conjunction with the Department of Primary Industries, Fisheries and Forestry, the relevant River Improvement Trust, the local landowners and the Trinity Inlet Management Program, will develop strategies to rehabilitate riverine forests to ensure creek stability and scenic value and enhance habitat viability.

5.2.3.3 Nature Based Conservation  
Objective 3

To ensure that coastal areas are maintained in their natural state or where there has been degradation to promote rehabilitation and/or use for open space and recreation purposes with appropriate management controls.

*Implementation*

- [a] Council when assessing development applications shall have regard to the requirements of Hazards Objective 1 (refer Part A Section 6.7.1).
- [b] Where a proposed development abuts a coastal area and where no constructed road exists, Council may require a buffer dedicated to the Crown for beach protection and coastal management between the coastal foreshore and the development.

- [c] The width of the buffer shall be determined having regard to the following:
- [i] Coastal Protection and Management Act 1996;
  - [ii] any Environment Impact Study;
  - [iii] protection of coastal habitats;
  - [iv] protection of mangrove communities;
  - [v] dune vegetation;
  - [vi] beach and foreshore landscape character;
  - [vii] land stability and natural coastal regimes; and
  - [viii] provision of informal recreational pursuits.
  - [ix] any other Coastal Management Principles.
- [d] Council may offset the requirements of dedication of land as part of Open Space contributions.

**5.2.3.4** Nature Based Conservation  
Objective 4

To ensure the wetland margins and other estuarine systems around Trinity Inlet are protected against negative impacts resulting from the surrounding agriculture and expanding urban development.

*Implementation*

- [a] Council, on the Flood Strategy Diagram A-7, has identified areas within the Barron River delta that are not appropriate for urban development as a result of flooding.
- [b] Areas not identified on this diagram are also considered to be flood prone when:
- [i] identified on a Drainage Management Plan, or;
  - [ii] lying below the 3.4m Australian Height Datum Contour

- [c] In addition to the requirements of 6.7.1 Hazards Objective 1(b), development applications that are made for areas below the flood line and within the Trinity Inlet Catchment area shall provide the following information as part of the EIS:
- [i] the existing edge of wetlands;
  - [ii] details of the likely impacts the land use would have upon the ecological sustainability of the wetland margin;
  - [iii] the extent of land available for land use expansion at margins in the event of seaboard rises due to the greenhouse effect.
- [d] Where Council considers, having regard to any impact statement submitted and other relevant material, that a proposal for development conflicts significantly with the intent of the Trinity Inlet Management Plan, Council may refuse to approve the proposal.
- [e] Council may impose conditions upon any approval for development which Council considers necessary to prevent or alleviate any potential conflict between a development and the intent of the Trinity Inlet Management Plan. Such conditions may be imposed on the construction and operational phase of the development.
- [f] Council, through the Water Quality Objective 1, will ensure that impacts on the receiving waters of Trinity Inlet from existing and proposed urbanisation will be minimised.
- [g] Strategies in this Strategic Plan, River Improvement Trust, Greening Australia and other initiatives will ensure impacts caused by agriculture will be minimised.

## 5.2.4 Water Quality

- 5.2.4.1 Water Quality Objective 1 Regulate human impacts on the environment in order to protect the region's water bodies.

### Implementation

- [a] Council when undertaking planning shall liaise with other organisations involved in integrated catchment management to ensure a consistent approach and strategy to water quality issues.

[b] Council when considering a development application shall ensure the proposal exhibits the following:

- [i] minimised changes to hydrology and drainage;
- [ii] minimised urban runoff impacts in order to maintain ecological integrity (refer Drainage Strategy 6.6 of Part A);
- [iii] conserves riparian systems (refer Nature Based Conservation Objective 2 of Part A); and
- [iv] does not adversely impact on groundwater and surface water quality through point or diffuse discharge (Clauses [c] and [d] below).

Council in its assessment of the development application shall have regard to the Trinity Inlet Management Plan, Marine Park zoning plan, Marine Park management plan or any integrated catchment management plan adopted by Council, Fish Habitat Area Plans, Council's Local Planning Policy - Erosion and Sediment Control Guidelines and water quality standards developed by the Department of Environment or its successor.

[c] Where Council considers, having regard to information submitted and other relevant material relating to the assessment to be made in [b] above, that the proposal conflicts with the Water Quality Objective, then Council may refuse to approve a development application or place such restrictions on the construction **and/or** operation of a development as necessary to ensure that it does not impact upon the water quality of the receiving waters.

[d] Council may require, as one of the conditions mentioned in [c] above, the ongoing monitoring of the discharge and receiving waters. Such monitoring would be conducted in accordance with standards and procedures set out by the Department of Environment or relevant Australian Standards.

[e] To control pollution by diffuse sources Council shall have regard to Drainage Strategy (6.6).

[f] To control pollution from point sources Council shall have regard to the following:

- [i] Services Strategy (6.5);
- [ii] Industry Strategy (6.10); and,
- [iii] Commercial Strategy (6.11).

**5.2.5 Air Quality****5.2.5.1 Air Quality Objective 1**

Regulate human impacts on the environment in order to protect the region's air quality.

*Implementation*

- [a] Council through the use of zones and buffers will continue to separate land uses which are not complementary to each other with regard to air quality.
- [b] Council when considering a development application shall have regard to:
  - [i] the impact the development may have upon the air quality of the area, both during construction and operation phases; and
  - [ii] air quality guidelines developed by the Department of Environment or in their absence the relevant Australian Standards.
- [c] Where Council considers, having regard to information submitted and other relevant material relating to the assessment to be made in [b] above, that the proposal conflicts with the Air Quality Objective, then Council may refuse to approve a development application or place such restrictions on the construction and/or operation of a development as necessary to ensure that it does not impact upon the air quality of the area.
- [d] Council may require as one of the conditions mentioned in [c] above, the ongoing monitoring of air quality. Such monitoring would be conducted in accordance with standards and procedures set out by the Department of Environment or relevant Australian Standards.



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**5.2.6 Noise****5.2.6.1 Noise Objective 1**

Regulate human activity in order to protect specified environmental values from the effects of noise.

*Implementation*

- [a] Council through the use of zones and requirements for buffers will continue to separate land uses which are not complementary to each other with regard to the generation of noise.
- [b] Council when considering a development application shall have regard to:
  - [i] the impact the development may have upon the existing or intended acoustic characteristics of the area during both the construction and operation phases;
  - [ii] the Development Control Plan for the Protection of Airport Installations where a development is within an area which is affected by the Cairns International Airport's current or future operations;
  - [iii] the noise and visual amenity treatments and general acoustic controls developed and required by the Department of Transport and Main Roads;
  - [iv] Acoustic guidelines developed by the Department of Environment or in their absence the relevant Australian Standards.
- [c] Where Council considers, having regard to information submitted and other relevant material relating to the assessment to be made in [b] above, that the proposal is likely to adversely impact upon the acoustic characteristics of the area, then Council may refuse to approve a development application or place such restrictions on the construction and/or operation of a development as necessary to alleviate noise concerns.

- [d] Council may require as one of the conditions mentioned in [c] above, the ongoing monitoring of the noise emissions. Such monitoring shall be conducted in accordance with standards and procedures set out by the Department of Environment or relevant Australian Standards.

## 5.2.7 Waste

- 5.2.7.1 Waste Objective 1 Adoption of waste minimisation strategies and appropriate waste management practices to protect the environment within the Plan Area.

### Implementation

- [a] Council in conjunction with surrounding Local Authorities will continue to investigate the feasibility of a regional land fill site that is sited in an environmentally acceptable location.
- [b] The design and operation of land fills will meet environmentally sustainable criteria and standards specified in the Environmental Protection Act.
- [c] Council will continue to develop strategies that promote waste minimisation such as recycling, composting, mulching and alternative packaging.
- [d] Council will continue to investigate the location, design and construction of transfer stations to facilitate the efficient transfer of bulk refuse to a regional land fill site.

## 5.2.8 Energy Conservation

### 5.2.8.1 Energy Conservation Objective 1

To promote more efficient use of energy.

#### *Implementation*

- [a] Council will encourage energy efficiency in all aspects of building siting and design through Part E - Housing, Industry and Commercial Subdivision and Amalgamation of Land.
- [b] Council, through the gradual introduction of Traffic Management Plans (TMPs as provided for in Part H - Local Area Management), will promote alternative travel means through the provision of extensive cycleways through new and existing urban areas.
- [c] Encourage, through higher densities and TMPs an environment more conducive to the provision of efficient public transport.
- [d] Ensuring that jobs and services are available close to residential areas to limit the need of vehicle movements without sacrificing residential amenity.
- [e] Encourage, through a strategy such as demand management, a reduction in the consumption of energy and resources.

## 5.3 CITY IMAGE

### 5.3.1 Introduction

The City of Cairns comprises an extensive and diverse landscape so that the image of the Plan Area held by residents and visitors varies with their particular experiences. It is sought to retain and consolidate the major components of the valued landscape which form the distinctive City Image. These components include the following:

- [a] the mountains and ranges and their densely forested hillslopes;
- [b] the spur ridges from the western escarpment of the ranges which form narrow river valleys;

- [c] the long Mulgrave and Russell River Valleys, the Barron River Delta and the flat coastal plains with their canefields and contrasting winding riverine vegetation;
- [d] the extensive forests over the wetlands on the coastal plains and the tidal mangrove forests;
- [e] the coast of beaches, rugged headlands and tidal inlets;
- [f] the rural landscape such as canefields;
- [g] the townships, villages, buildings and boats.

- 5.3.2 City Image Objective 1** To identify, maintain and enhance elements which constitute and contribute to the City Image.

*Implementation*

- [a] Council has identified the landscape components that contribute most significantly to the City Image as follows:
  - [i] Hillslopes and Forested Landscapes - City Image Objective 2;
  - [ii] Beaches and Headlands- City Image Objective 3;
  - [iii] Waterside - Inlets and Rivers - City Image Objective 4;
  - [iv] Rural Landscapes - City Image Objective 5;
  - [v] Scenic Road Corridors - City Image Objective 6.
- [b] Council has identified scenic units which by their combination of landscape components form a particular landscape setting. The Local Planning Policy - City Image, contains the scenic quality objectives and management guidelines for these units and particular landscape settings.
- [c] Council has grouped together adjacent scenic units which form an identifiable landscape setting of a distinctive scale. These larger landscape settings and are identified on the City Image Strategy Diagram A-3.

- [d] Council has identified important Scenic Routes which are frequently travelled by the residents of and visitors to the Plan Area. The views from these make a significant contribution to the City Image. The Scenic Routes have been identified on the City Image Strategy Diagram A-3.
- [e] Council has identified important Scenic View-points which are used frequently by residents of and visitors to the Plan Area. The views from these make a significant contribution to the City Image. The Scenic View-points have been identified on the City Image Strategy Diagram A-3.
- [f] Council when considering development applications which may have a visual impact upon the identified landscape components or views seen from identified Scenic Routes and Scenic View-points, shall have regard to City Image Objectives 2 to 7.

**5.3.3 City Image Objective 2** To maintain to the maximum extent, views to natural forested hillslopes and forest landscapes which contribute significantly to the City Image.

*Implementation*

- [a] Council will protect or enhance the scenic qualities of the hillslopes landscape that are identified as:
  - [i] the natural skyline or ridgeline of the hillslope;
  - [ii] the full vegetation cover of the higher and more visible hillslopes;
  - [iii] the vegetation cover and natural character of the lower and less visible hillslopes.
- [b] Council will ensure that any proposed development within the hillslopes is **subservient** to the surrounding landscape and unobtrusive when viewed from any Scenic Route or View-point.

- [c] Where Council considers, 'having regard to information submitted and other relevant material relating to the assessment to be made in [b] above, that the proposal is likely to adversely impact upon the scenic quality of the area then Council may refuse to approve a development application or place such restrictions on the construction and/or operation of a development as to alleviate visual concerns.
  
- [d] Development applications located within the hillslopes and considered by Council to potentially have a visual impact on the hillslopes and forested landscapes shall submit as part of that application a report which addresses the following:
  - [i] how the development meets the scenic quality objectives and guidelines for the relevant scenic unit identified in Council's Local Planning Policy - City Image;
  
  - [ii] whether the proposal detracts from the scenic quality of the landscape when viewed from particular Scenic Routes;
  
  - [iii] whether the proposal detracts from the scenic quality of the landscape when viewed from particular Scenic View-points.
  
- [e] Council when assessing any development application may refuse to approve or require such modifications to the proposal to mitigate any **loss** of scenic quality if the proposal is likely to have a detrimental impact upon the scenic quality of the hillslopes.
  
- [f] Council may allow the protection of the identified landscape components or views seen from identified Scenic Routes and Scenic Viewpoints, through such appropriate easements or appropriate caveat as may be capable of registration under the Land Title Act 1994 or by voluntary conservation agreements under the Nature Conservation Act 1992.

**5.3.4 City image Objective 3**

<sup>3</sup>To maintain the scenic quality and minimal level of development of the beaches and headlands within the Plan Area.

*Implementation*

- [a] Council will protect or enhance the significant qualities of the beach and foreshore landscapes that are identified as:
  - [i] the naturalness of the enclosing skyline or ridgelines as viewed from the beach and foreshore;
  - [ii] the naturalness of the vista of the headlands as seen from the beach and foreshore;
  - [iii] the particular character of the foreshore locality.
- [b] Council will ensure that any proposed development along any beachfront or headland is subservient to the surrounding landscape and unobtrusive when viewed from the beach and foreshore or any distant viewpoints.
- [c] For development applications located within the beach and foreshore landscape and considered by Council to potentially have a visual impact on the beach and foreshore landscape the applicant shall submit as part of that application a report which addresses the following:
  - [i] how the development meets the scenic quality objectives and guidelines for the relevant scenic unit identified in Council's Local Planning Policy - City Image;
  - [ii] whether the proposal detracts from the scenic quality of the landscape when viewed from particular Scenic Routes;
  - [iii] whether the proposal detracts from the scenic quality of the landscape when viewed from particular Scenic View-points.
- [d] Council, when assessing any development applications, may refuse to approve or require such modifications to the proposal as necessary to mitigate loss of scenic quality if the proposal is likely to have a detrimental impact upon the scenic quality of the beach or foreshore.

- 5.3.5 City Image Objective 4** To maintain the views to the rivers, creeks, and estuary inlets which greatly enhance the scenic quality of the landscape and contribute to the City Image.

*Implementation*

- [a] Council will ensure that any proposed development within areas adjacent to rivers, creeks and estuary inlets is subservient to the surrounding landscape, does not obscure public views of the waters, and is unobtrusive when viewed from any Scenic Route or View-points.
- [b] Council will not support development applications for commercial developments on sites adjacent to arterial roads or State-controlled roads within areas adjacent to the Barron River delta, other rivers, creeks and estuary inlets, unless the site is located within an existing commercial area; within an identified commercial area or node; or on land currently zoned for the proposed use.
- [c] For development applications located adjacent to the rivers, creeks and estuary inlets and considered by Council to potentially have a visual impact on these landscapes the applicant shall submit as part of that application, a report which addresses the following:
  - [i] the scenic quality objectives and guidelines for the relevant scenic unit identified in Council's Local Planning Policy - City Image;
  - [ii] the requirements of the Trinity Inlet Management Program's Visual Quality Control Guidelines if the proposal is located in the Trinity Inlet environs;
  - [iii] whether the proposal detracts from the scenic quality of the landscape when viewed from particular Scenic Routes; or



- [iv] whether the proposal detracts from the scenic quality of the landscape when viewed from particular Scenic View-points and/or the following:

Green Island, Fitzroy Island, Double Island, the Frankland Islands group;  
Outer reef boating routes;  
Deeral landing; or  
Cairns to Port Douglas boating routes.

- [d] Council when assessing any development application may refuse to approve or require modifications to the proposal to mitigate loss of visual quality if the proposal is likely to have a detrimental impact upon the visual quality of the **waterways**.

**5.3.6 City Image Objective 5** To maintain the rural landscape which forms an important component to the City Image.

*Implementation*

- [a] Council will protect and enhance the significant qualities of the rural landscape which are identified as follows:
- [i] remnant forest trees along roadsides;
  - [ii] riverine forests;
  - [iii] isolated stands of large forest trees in agricultural or pastoral lands;
  - [iv] cane farming and its contribution to the continually changing landscape;
  - [v] views of traditional farm houses and outbuildings;
  - [vi] edge definition of townships.

- 
- [b] State Planning Policy 1/92 outlines the State Government's commitment to protecting good quality agricultural land. Council will assess any applications to which State Planning Policy 1/92 applies taking into account the Policy Principles in order to protect good quality agricultural land and to retain the rural areas of the city and protect them from urban encroachment. In particular, rural areas adjacent to arterial roads or State-controlled roads will be protected from inappropriate forms of development such as isolated commercial development.
  - [c] Council will ensure that any proposed development within the rural areas is subservient to the surrounding landscape and unobtrusive when viewed from any Scenic Route or View-points as shown on the Strategy Diagram **A-3**.
  - [d] Council will not support development applications for commercial developments on sites adjacent to arterial roads or State-controlled roads within rural areas unless the site is located in an existing commercial area; within an identified commercial area or node; or on land currently zoned for the proposed use.
  - [e] For development applications located within rural areas and considered by Council to potentially have a visual impact on the landscape the applicant shall submit as part of that application a report which addresses the following:
    - [i] the scenic quality objectives and guidelines for the relevant scenic unit identified and in Council's Local Planning Policy - City Image.
    - [ii] whether the proposal detracts from the scenic quality of the landscape when viewed from particular Scenic Routes;
    - [iii] whether the proposal detracts from the scenic quality of the landscape when viewed from particular Scenic View-points.
  - [f] Council, when assessing any development applications, may refuse to approve or require such modifications to the proposal as necessary to mitigate loss of visual quality if the proposal is likely to have a detrimental impact upon the visual quality of the rural areas.

**5.3.7 City Image Objective 6**

To manage the scenic quality and extent of the natural and rural landscapes seen along the road corridors.

*Implementation*

[a] Council shall ensure:

[i] roadside planting and buffer areas do not screen or substantially intrude on views of scenic features or landscapes that contribute to the City Image.

[ii] roadside signs meet the following scenic quality criteria:-

- signs are not located where they will obscure or intrude on scenic views from significant viewpoints along major roads,
- signs are sized so that they do not visually intrude on the views of the landscape or approaches to urban areas,
- the number and frequency of signs along major roads and scenic routes in the Plan Area does not contribute to a loss of scenic quality of views of the landscape.

[b] Council will not support development applications for commercial developments on sites adjacent to arterial roads or State-controlled roads within rural areas unless the site is located in an existing commercial area; within an identified commercial area or node; or on land currently zoned for the proposed use.

[c] Council will not support development applications for commercial developments on sites adjacent to a Major Tourist Route designated on the Tourism Strategy Diagram A-4 in order to maintain natural landscape qualities or rural landscape qualities unless the site is located within an existing commercial area; within an identified commercial area or node; or on land currently zoned for the proposed use.

- 5.3.8**      **City image Objective 7**      To maintain and enhance the distinct landscape and streetscape character of the small towns and districts and their visual distinction from the surrounding landscape which highlights their identity.

*Implementation*

- [a] Council in its planning and consideration of development applications shall undertake to:
- [i] Protect town identity and to manage town edges and approaches as outlined in Local Planning Policy - City Image and any community area based planning that exists for the locality;
  - [ii] Maintain scenic district identity, enhance scenic district edges, approaches and distinct landscape character as outlined in the Local Planning Policy - City Image and any community area based planning that may exist for the locality.
  - [iii] Preserve cultural heritage places such as significant buildings and cultural landscapes.
  - [iv] refuse development applications which will result in commercial development outside existing commercial areas or outside identified commercial areas or nodes.

## **5.4**      **ECONOMIC DEVELOPMENT**

Tourism and agriculture (specifically sugarcane farming) are responsible for the majority of wealth generated in the City of Cairns. For this reason, and the fact that these two industries are so much a part of the fabric of the everyday life in the region, specific objectives and implementation criteria for tourism and agriculture are provided below. However, other industries or employment generators are essential if the area is to broaden its economic base and attempt to protect itself against external forces to which tourism and agriculture are so indelibly linked. While individual industries such as manufacturing and construction are not specifically dealt with in separate sections they are considered in a general way under the heading of Other Economic Sectors (5.4.3).

## 5.4.1 Tourism

- 5.4.1.1 Tourism Objective 1 To identify land appropriate for tourism development and to provide for the many and varied activities required by modern tourism.

### Implementation

- [a] The Tourism Strategy Diagram A-4 provides the mechanism for identifying land appropriate for future large scale tourist development along with existing developments and major tourism routes. Sites identified may exhibit features on part of the site which may limit the extent of development. These features shall be identified and assessed at the development application stage.
- [b] Council shall not approve development applications for tourism development outside of this area unless it is in accordance with the Strategic Plan or there are sufficient planning grounds to justify approving the application despite the conflict (Refer Section 1.0).
- [c] Council has introduced the Tourism Development Area (TDA) designation in the Regulatory Maps to indicate areas that are zoned or likely to be zoned Residential 2 (R2), Residential 3 (R3) or Special Facilities which may be appropriate for an expanded number of developments under the Table of Zones, to cater for the tourist population. Council may amend the Regulatory Maps from time to time to include additional tourist sites where such a course of action is appropriate in all the circumstances applying at the time but provided always that development complies with this Strategic Plan.

- 5.4.1.2 Tourism Objective 2 To preserve those qualities within the Plan Area which provide the source of attraction to visitors.

### Implementation

- [a] Council when assessing development applications shall have regard to the requirements of:
- [i] Natural Resources (5.2)
  - [ii] City Image (5.3)
  - [iii] Heritage Strategy (6.9)
  - [iv] Development Control Plan - Hillslopes

5.4.1.3 **Tourism Objective 3**

To ensure that tourist traffic does not interfere with sensitive land uses.

*Implementation*

- [a] Council when assessing development applications for tourist developments shall have regard to Traffic and Transport Objective 4 (6.3.4).
- [b] Council when assessing development applications for tourism uses shall have regard to the amenity of the area.
- [c] Council shall not approve development applications for tourist purposes which are likely to adversely impact upon existing and future residential areas.

5.4.1.4 **Tourism Objective 4**

To provide a greater diversity of accommodation types and facilities by exposing the wider community to opportunities available within the tourism industry.

*Implementation*

- [a] By allowing tourist accommodation or facilities in appropriate locations which fit with one or more of the following themes:
  - [i] resorts based on visiting and appreciating the natural environment:
  - [ii] host farm:
  - [iii] bed and breakfast accommodation:
  - [iv] themed attractions based on rural activities or the natural environment: and,
  - [v] outdoor recreation activities.

- [b] Council when considering development applications for such uses shall have particular regard to the following:
- [i] Agriculture Objective 3; and
  - [ii] Housing Objective 5
  - [iii] Tourism Objective 3.

- 5.4.1.5 Tourism Objective 5 To encourage and facilitate the establishment of themes for tourism precincts to ensure co-ordination between public and private investment.

*Implementation*

- [a] Council has developed a Tourism Management Team, to facilitate the development of Management Plans for Tourism Precincts or areas under pressure from tourism visitations. The Management Plans will be characterised by the following:
- [i] extensive local community, development industry and government consultation;
  - [ii] the development of a theme for the area;
  - [iii] co-ordination between public and private investment with regard to streetscape; street furniture and signage;
  - [iv] guidance for architecture styles and format; and,
  - [v] a management and maintenance regime for the locality.

- 5.4.1.6 Tourism Objective 6 To ensure co-ordination between all tourism service providers and Council.

*Implementation*

- [a] Council has developed a Tourism Management Team to provide advice to Council on the following matters:
- [i] the implementation of the Cairns Region Tourism Strategy as it relates to Council; and,

- [ii] the continued dialogue between the Tourism Management Team and the Tourism Consultative Forum established by the Cairns Region Tourism Strategy.

5.4.1.7 Tourism Objective 7

To ensure that the built form of tourist development is compatible with its setting and the surrounding locality

Implementation

- [a] Council when considering development applications for tourism purposes shall have regard to, inter alia, the following matters:
- [i] the provisions of Parts C and D of the planning scheme that relate to building height;
  - [ii] the likely impact of built form of the development upon the landscape in the locality and upon the regional landscape;
  - [iii] the extent of any shadows likely to be cast by the development;
  - [iv] the likely effect of the development upon the amenity of adjoining land by way of excessive height and bulk of the building, loss of privacy, the flow of air and breezes, noise impacts and nature and scale of activities conducted.
  - [v] the ability of proposed landscaping to provide an appropriate interface between the building and the surrounding locality. In this regard, Council requires the submission of a landscape plan for the development and/or provision of additional landscaping. Landscaping shall be provided to achieve:
    - the protection and enhancement of the privacy of adjoining allotments;
    - the retention of the existing tree canopy or significant stands or species of vegetation through the selective clearing of the site;



- the provision of adequate shade for pedestrians within the site with the extension of such shade upon road reserve footpaths being desirable;
- the development of an appropriately landscaped environment within the site;
- the minimisation and revegetation of any scarring caused by earthworks.

[vi] the volume of traffic that will be generated during construction and operation phase and the capacity of the road network to support the volume of traffic; and

[vii] the level of impacts upon the natural environment and measures proposed to minimise or negate such impacts.

## 5.4.2 Agriculture

5.4.2.1 Agriculture Objective 1 To conserve good quality agricultural land in the Plan Area.

### *Implementation*

- [a] Areas of good quality agricultural land are included within the Rural Preferred Dominant Land Use on the Strategic Plan Diagram A-1. These areas will be conserved by their inclusion within the Rural zone in the Planning Scheme.
- [b] Council will not approve applications for urban development outside the Urban designation on the Strategic Plan Map unless it is in accordance with the Strategic Plan or there are sufficient planning grounds to justify approving the application despite the conflict (Refer Section 1.0).

- [c] When considering development applications for uses which may prove likely to be incompatible with, or have a detrimental impact on the conduct of agricultural activities, Council may require the provision of appropriate buffer areas between those uses and areas of good quality agricultural land. Council shall have regard to any State Planning Policy or guidelines in assessing the buffer requirements.

**5.4.2.2 Agriculture Objective 2** To prevent fragmentation of good quality agricultural land.

Implementation

- [a] Council shall not approve any rezoning of land zoned Rural to a zone in which a lower minimum allotment area is permitted, other than in accordance with the Strategic Plan.
- [b] Council will encourage the amalgamation of land titles in the Rural zone by waiving application fees to amalgamate land.

**5.4.2.3 Agriculture Objective 3** To increase employment and income opportunities in rural areas within the Plan Area.

Implementation

- [a] Council recognises there are various opportunities throughout the Plan Area for the establishment of facilities in association with traditional rural land uses. The permitted and permissible uses in the Rural zone under the Planning Scheme provide for the development of appropriate support facilities in rural areas.
- [b] Council recognises the importance played by tourism in providing employment and income opportunities. Council in assessing a development application shall have regard to Tourism Objective 4 and Part D Section 3.4 Host Farm.
- [c] Council will be encouraged to favourably consider development applications where they exhibit the following:

- [i] siting on poor quality<sup>1</sup> agricultural land as determined by the State Planning Policy Guidelines: The Identification of Good Quality Agricultural Land;
  - [ii] adequate access and services;
  - [iii] compatibility with City Image (refer Part A Section 5.3); and
  - [iv] a nature and scale that is in Council's opinion compatible with to surrounding agricultural or other rural land uses.
- [d] Where Council considers, having regard to the matters outlined in [c] above and other relevant material, that a proposed development is likely to conflict with the State Planning Policy 1/92 Development and the Conservation of Agricultural Land or the intent of the Rural zone, Council shall refuse to approve the development application.
- [e] Council may impose conditions upon any approval for development which Council considers necessary to prevent or alleviate any potential conflict between a development and the conservation of good quality agricultural land or the intent of the Rural zone. Conditions may include separation distances as described in the Planning Guidelines: Separation of Agricultural and Urban Uses.

#### 5.4.2.4 Agriculture Objective 4

To provide family and farm worker accommodation.

##### ***Implementation***

- [a] Council shall not approve applications for subdivision of land for family members or farm workers where any lot created will be less than 40 hectares.
- [b] Council may permit the erection of more than one farm dwelling house on a rural allotment where it can be shown that the additional farm dwelling house/(s) are required in terms of the day to day operations of the farm and the income of the farm is sufficient to provide a livelihood for the occupants of the dwellings on the farm.
- [c] The location of these dwellings shall exhibit the following:
  - [i] siting on poor quality land wherever feasible;
  - [ii] adequate access;

- [iii] adequate services;<sup>1</sup>
  - [iv] compatibility with City Image (5.3); and
  - [v] compatibility to surrounding agricultural land uses.
- [d] Where Council considers, having regard to the matters outlined in [c] above and other relevant material, that a proposed development is likely to conflict with the State Planning Policy 1/92 Development and the Conservation of Agricultural Land or the intent of the Rural zone, Council shall refuse to approve the development application.
- [e] Council may impose conditions upon any approval for development which Council considers necessary to prevent or alleviate any potential conflict between a development and the conservation of good quality agricultural land or the intent of the Rural zone.
- [f] If the land is less than the minimum allotment size or not able to be further subdivided by virtue of the provisions of Table E-1 of Part E applying to the zone, then the existing rural holding comprising the farm dwelling is not to be further subdivided.

### 5.4.3 Other Economic Sectors

#### 5.4.3.1 Other Economic Sectors Objective 1

To facilitate the expansion of the economic base of the Plan Area to improve employment opportunities and safeguard against adverse fluctuation of the Plan Area's main wealth generators.

#### Implementation

- [a] Council will support a Regional Economic Strategy developed through the Regional Planning Advisory Group.
- [b] Council has ensured through its Commercial (6.11) and Industry (6.10) Strategies the following:-
  - [i] that adequate land capable of being serviced is available to meet the expected demand for commercial and industrial development within the Plan Area;

- [ii] that design and siting requirements for commercial and industrial developments are appropriate to facilitate development which ensure the amenity of the location is not compromised;
- [iii] that the availability of zoned land in the city to cater for industrial or commercial development is to be considered in assessing development applications.

#### 5.4.3.2 Other Economic Sectors

To reduce the uncertainty that exists with regard to investment by providing sufficient information on the cost of developing in certain locations within the Plan Area.

##### Implementation

- [a] Council has developed comprehensive planning documents to ensure that potential investors in the Plan Area can quickly establish the merits of particular parcels of land. This has been achieved through the following initiatives:
  - [i] the production of a Development Manual which sets out Council's requirements for lodgement of applications and Council's standards and specifications for developments;
  - [ii] Part H of this Planning Scheme sets out Council Contributions for Traffic, Drainage and Open Space in certain locations and where these studies have not been undertaken the procedure to be taken to establish these costs;
  - [iii] the preparation of a Local Planning Policy for Water and Sewerage which sets out the contributions in specific locations for these headworks.

5.4.3.3 Other Economic Sectors  
Objective 3

7

To provide, protect and enhance communication links that are vital for the safe and efficient transport of people, goods and services.

*Implementation*

- [a] Council, through the Protection of Airport Installations Development Control Plan (refer Part **B**), will ensure that the function of Cairns Airport and associated air navigation installations are not compromised by developments that may adversely impact on their safe and efficient operation.
- [b] Council, through its close liaison with the Queensland Department of Transport and Main Roads, has developed Traffic Management Plans which will ensure, amongst other things, more efficient use of State controlled roads.

5.4.3.4 Other Economic Sectors  
Objective 4

To ensure developments do not impact in an adverse manner upon each other or the natural and cultural resources of the area.

*Implementation*

- [a] Council when considering development applications for commercial and industrial developments shall have regard to the following:
- [i] Natural Resources Objectives (5.2)
  - [ii] City Image Objectives (5.3)
  - [iii] Traffic & Transport Strategy (6.3)
  - [iv] Services Strategy (6.5)
  - [v] Drainage Strategy (6.6)
  - [vi] Hazards Strategy (6.7)
  - [vii] Industry Strategy (6.10)
  - [viii] Commercial Strategy (6.1 1)

- [b] Where Council considers, having regard to the matters listed in [a] above that a proposed development conflicts with the intent of these matters it shall refuse to approve the development application and that conflict cannot be mitigated by modification of the development and/or the imposition of reasonable and relevant conditions cannot overcome the conflict.
- [c] Council may impose conditions upon any approval which Council considers necessary to prevent or alleviate any conflict with the intent of this Planning Scheme or the matters listed in [a] above. Such conditions may be placed on both the construction and operational stage of the development.

## 6.0 SPECIFIC STRATEGIES

### 6.1 INTRODUCTION

Objectives and implementation criteria have been prepared in relation to the following strategies:

Housing Strategy (6.2)  
 Traffic and Transport Strategy (6.3)  
 Recreation Strategy (~~6.4~~)  
 Services Strategy (6.5)  
 Drainage Strategy (6.6)  
 Hazards Strategy (6.7)  
 Extractive Industries Strategy (6.8)  
 Heritage Strategy (6.9)  
 Industry Strategy (6.10)  
 Commercial Strategy (6.11)

### 6.2 HOUSING STRATEGY

- 6.2.1 Housing Objective 1** To identify broad hectare land appropriate for residential housing and higher density residential development.

Implementation

- [a] Council has identified land appropriate for residential housing for the life of this Strategic Plan on the Urban Residential Housing Strategy Diagram **A-5**.
- [b] Council has identified indicative locations for higher density residential development. The indicative locations on the Urban Residential Housing Strategy Diagram is one means of determining the appropriateness of a site or locality for higher density residential, the other is an assessment made in accordance with Housing Objective 2.
- [c] Council shall not approve development applications for residential housing outside of this area unless it is in accordance with the Strategic Plan or there are sufficient planning grounds to justify approving the application despite the conflict (Refer Section 1.0).



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## 6.2.2 Housing Objective 2

To provide residential areas that encourage community design through neighbourhood focal points, and special character and identity.

To facilitate an ecologically sustainable approach to urban development by minimising fossil fuel use, protecting environmental assets, and providing for higher densities.

To provide a movement network which establishes good internal and external access for residents, maximises safety, encourages public transport patronage and minimises the impact of through traffic.

To develop a wider choice in housing in terms of form, size and affordability to meet the needs of residents and visitors.

To provide a public open space network, including appropriate land for recreation, that can meet the diverse needs of today's residents and be adapted to the needs of future users.

To ensure that the design of residential areas takes into account environmental constraints including soil erosion, flooding and bushfire risk.

To prevent the further unnecessary intrusion of high density forms of residential development (e.g. flats, units, townhouses, for either permanent and/or holiday letting as well as motels and accommodation units) in areas zoned and predominantly used for single lot housing.

### *Implementation*

- [a] Council has established a desirable population density of 10-12 dwellings per hectare in the new residential areas of the Plan Area.
- [b] Council, when planning for infrastructure for all new residential areas, will ensure infrastructure is capable of servicing the expected population.

- 
- [c] Council, when assessing a development application within those areas identified in the Urban Residential Housing Strategy Diagram, shall have regard to the matters outlined in:
- [i] Natural Resources (5.2);
  - [ii] City Image (5.3);
  - [iii] Traffic and Transport Strategy (6.3);
  - [iv] Recreation Strategy (6.4);
  - [v] Services Strategy (6.5);
  - [vi] Drainage Strategy (6.6);
  - [vii] Hazards Strategy (6.7);
  - [viii] Extractive Industries Strategy (6.8);
  - [ix] Part E Housing, Industry and Commercial Subdivision and Amalgamation of Land; and
  - [x] any relevant Transport, Open Space and Drainage Management Plan.
- [d] Council may require the production of an outline development plan for residential subdivisions in accordance with Part E Provision 3.1.2, Community Design where:
- [i] the proposal is considered to be a Neighbourhood or District level development in accordance with Part E Provision 3.1.1, or,
  - [ii] such a plan is deemed to be necessary by Council in assessing the proposal.
- [e] Council when considering development applications for integrated development and multiple dwellings within the R2 zone shall have regard to the following matters:
- [i] whether the proposal is within reasonable walking distance to good public transport;
  - [ii] whether the proposal is within reasonable walking distance of shopping and community facilities;
  - [iii] whether the site poses limitations on increasing densities due to vegetation retention, physical constraints and servicing inadequacies;

- [iv] Design Elements 1 to 9 in Part D Section 2 Multiple Dwellings and Integrated Development.
- [f] Council when considering development applications for higher density residential development, within the R3 zone shall have regard to the following matters:
  - [i] [c] above;
  - [ii] whether the proposal is within reasonable walking distance to good public transport;
  - [iii] whether the proposal is within reasonable walking distance of shopping and community facilities;
  - [iv] whether the site poses limitations on increasing densities due to vegetation retention, physical constraints and servicing inadequacies;
  - [v] Design Elements 1 to 9 in Part D Section 2 Multiple Dwellings and Integrated Development.
- [g] Where Council considers, having regard to the information submitted, likely reasonable or relevant conditions and other relevant material, that a proposed development conflicts with this objective or the Planning Scheme, Council shall refuse to approve the application.
- [h] Council may impose such conditions upon any approval which Council considers necessary to prevent or alleviate any conflicts with this objective or the Planning Scheme. Such conditions may be placed on both the construction and operational stage of the development.

- 6.2.3**      Housing Objective 3                      To provide for community expectations in existing residential areas.

*Implementation*

- [a] Council has introduced the R1 zone into the Planning Scheme. The intent of the Residential 1 zone is to allow for residential development predominantly in the form of single detached dwellings. Council may by consent allow for some higher density housing, however, this will be limited to small scale tenements and dual occupancy.

- 6.2.4**      Housing Objective 4                      To promote best practice in the residential development approval process.

Implementation

- [a] Council recognises the importance of a speedy, cost effective and quality assessment of development applications and will endeavour to provide the climate for this by:
- [i] providing comprehensive documentation of Council's requirements;
  - [ii] reviewing, monitoring and improving the application processing in Council;
  - [iii] the introduction of self certification based on third party accreditation of Quality Management Systems: and
  - [iv] regular training and staff improvement.

- 6.2.5**      Housing Objective 5                      To allow employment opportunities within residential areas that do not cause any unacceptable impacts on the environment or the amenity of the surrounding area.

Implementation

- [a] To facilitate home-based employment Council has established two types of home - based employment - Home Activity and Home Occupation. The Table of Zones establishes whether development applications are required or not.

- [b] Council sees benefits in allowing small scale tourist accommodation within residential areas. To facilitate this, Council has developed guidelines in Part D Section 3.2 of the Planning Scheme for Bed & Breakfast Accommodation.

### 6.2.6 Housing Objective 6

To ensure that essential non-residential intrusions in the residential area do not impact upon the nearby residences.

#### Implementation

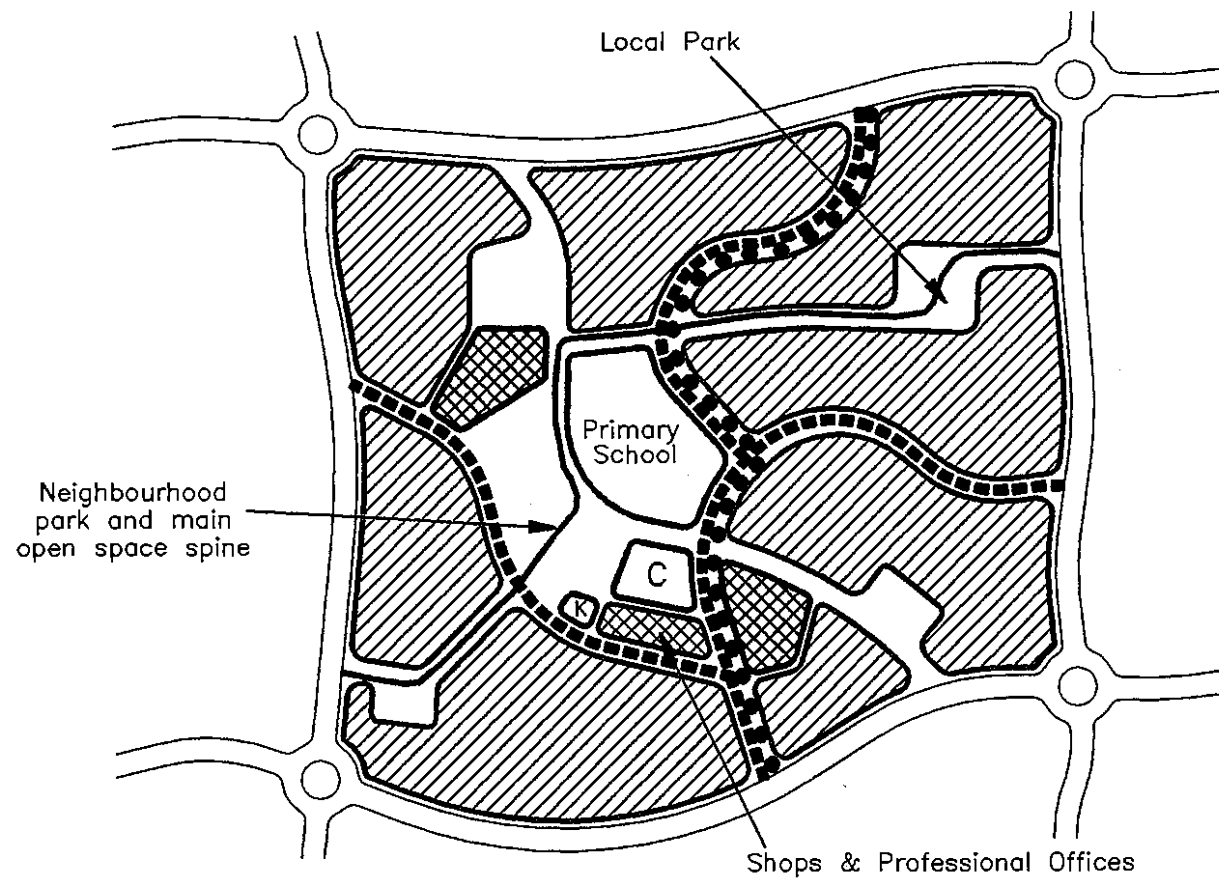
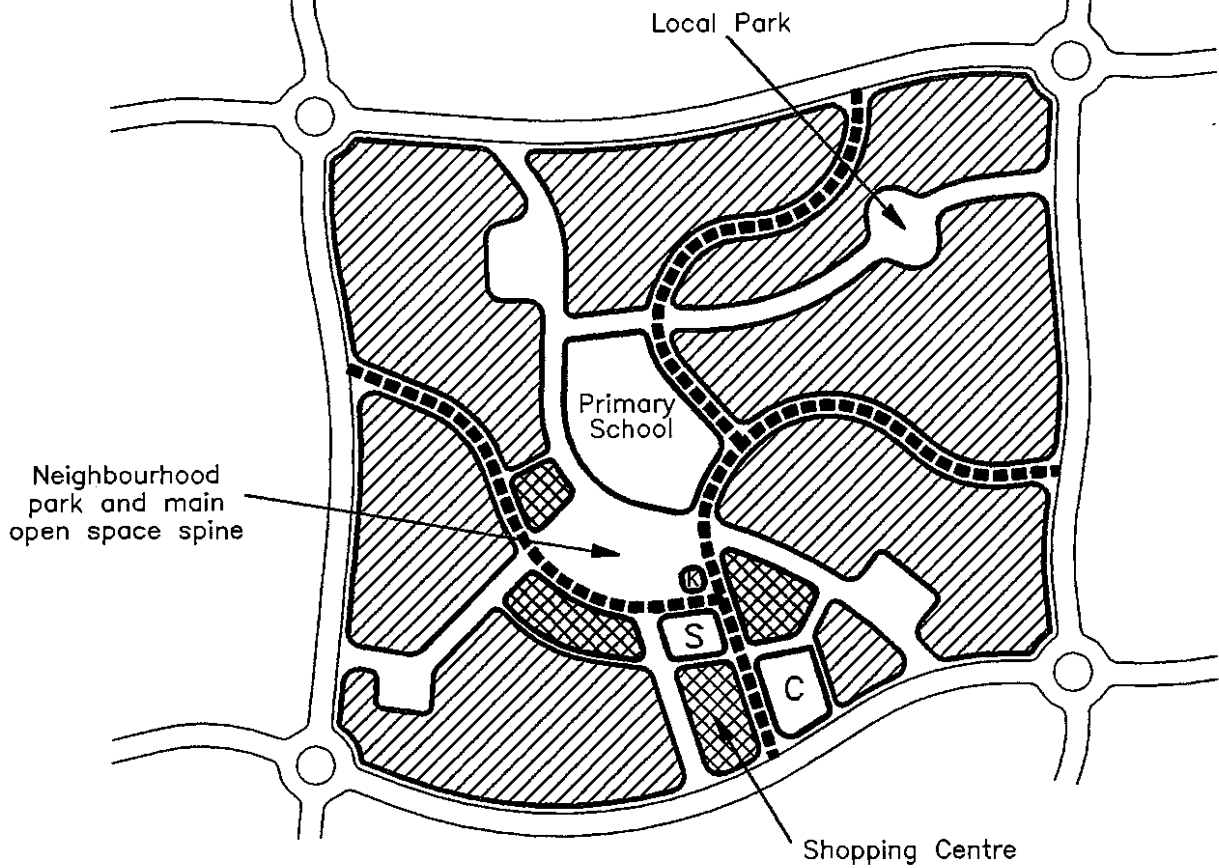
- [a] Essential non-residential intrusions into residential areas should be located together, and designed in such a way as to reduce their impact on the amenity of nearby residences (see Figure A-2).
- [b] Other than in exceptional circumstances, facilities such as indoor sport centres, professional services, service stations, child care centres and place of worship shall be located in association with commercial/local shopping facilities, or established non-residential areas.

### 6.2.7 Housing Objective 7




To ensure an adequate supply of urban designated land is available to cater for future population growth taking into consideration the State Planning Policy 1/92 : Development and Conservation of Agricultural Land.

#### Implementation





- [a] Council recognises the constraint placed on the urban expansion of the Plan Area by the State Planning Policy 1/92 : Development and the Conservation of Agricultural Land.
- [b] Council recognises that eventually a new urban growth corridor will be required. An option for urban expansion is shown on the Urban Residential Housing Strategy Diagram as a potential growth corridor.
- [c] Council recognises the broad options for urban expansion will be evaluated through the FNQ 2010 Regional Planning Process which will identify a preferred settlement pattern for the region including preferred directions for expansion of the Cairns urban area.



**LEGEND**

-  Low density housing
-  Medium density housing
-  Shopping facility
- C Church (including hall)
- S Sports centre
- K Kindergarten

**ROADS**

-  Trunk collector road
-  Collector road
-  Public Transport
-  Bicycle/Pedestrian way

**THEORETICAL  
NEIGHBOURHOOD  
CONCEPTS**

FIGURE A-2



- [d] Council will provide reasonable assistance to the State Government in assessing the potential growth corridors contained within its boundaries.
- [e] Council will monitor the development and uptake rate of housing within the existing growth corridor to ensure there is a sufficient supply of land for urban development.
- [f] Low density residential forms of development shall only be approved in areas that are included in the Low Density Residential Preferred Dominant Land Use on the Strategic Plan Map.

**6.2.8****Housing Objective 8**

To recognise that land east of the Trinity Inlet has the physical characteristics suitable for urban development and would be suitable for development for various urban and tourist projects if environmental constraints can be addressed adequately and the present lack of urban infrastructure can be overcome.

*Implementation*

- (a) Council will only favourably consider large development projects that are capable of providing, as a cost to the project, all the infrastructure necessary to support the whole project. This shall include:
  - (i) bulk water supply including the provision of an augmentation of raw water storage, intake and intake main, treatment plant, clear water storage, ground storage reservoirs, trunk mains, pumping stations, rising mains and elevated or service storage. Where these works shall be provided in stages each stage shall be capable of serving an urban area with a population of not less than 10,000 persons;
  - (ii) a scheme for the collection, conveyance, treating and disposal of sewage including reticulation, trunk mains, pumping stations, pressure mains, the treatment plant, outfall main, outfall and sludge disposal. If these works are to be provided in stages the size of the stage shall be determined by the manager Engineering Services except that the treatment plant and outfall shall have stages that serve not less than 5000 equivalent persons; and



- (iii) proper and adequate 'bridge access to connect the Urban Alternative area provided on an alignment agreed to by Council and the Department of Transport and Main Roads. Such assessment would be based on the following:-
- \* The need to ensure that any chosen bridge structure is as unobtrusive as possible and the natural image of the inlet and its surrounds is not unduly altered.
  - The need to minimise the distance between the City and the Urban Alternative designation.
  - The need to be consistent with the objectives of Trinity Inlet Management Program.
  - Any other matter considered to be relevant.
- (iv) Development within the Urban Alternative area is dependent on the provision of adequate vehicular access to the area. No development approvals will be granted until arrangements are in place to the satisfaction of Council and the Department of Transport and Main Roads for the funding, design and construction and/or upgrading of an appropriate bridge access across Trinity Inlet.

Approval for development shall be conditional upon:

- the commencement of the construction and upgrading (if necessary) of the bridge access; and
- arrangement being in place to have the bridge access completed before the traffic on Yarrabah Road exceeds 5000 vehicles per day or two years from the commencement of construction of the access whichever is sooner.

- 6.2.9 Housing Objective 9** To protect the visual quality of Trinity Inlet when viewed from places of tourism interest in Cairns City.

Implementation

- (a) No development will be approved that requires the removal of mangroves or other vegetation within 400m of the landward side of the mean high water mark of the Inlet between Bessie Point and a structure referred to as the "bark hut" and 200m from the edge of the Inlet in other locations except where the removal of those mangroves is necessary to provide navigable access to development beyond the edge of the Inlet and such removal of mangroves reveals views only to other mangrove communities.
- (b) No multi-storey development with an overall height of more than 7.5 m above ground level will be approved on the eastern side of Trinity Inlet unless it can be demonstrated to Council's satisfaction that no part of it will be visible when viewed from a point not higher than 5 m AHD on the western side of Trinity Inlet.

- 6.2.10 Housing Objective 10** To maintain the integrity and function of the Cairns CBD and surrounding area

Implementation

- (a) While retail and commercial development will be permitted in the Urban Alternative area, it shall be limited to a scale and function consistent with the level of service necessary to provide lower and medium order services to the local population, as well as retail and entertainment facilities consistent with the scale of tourist development in the locality.
- (b) While some industrial and trade areas are known to be necessary for the service and convenience of the local population it is not considered that substantial areas of Industry zoning are necessary nor any heavy industry activities.
- (c) No port related industries or activities will be permitted fronting Trinity Inlet. Where such activities are found to be necessary they will be constructed clear of mangrove and wetland areas on or adjacent to man-made basins or canals.

### 6.3 TRAFFIC and TRANSPORT STRATEGY

#### 6.3.1 Traffic and Transport Objective 1

To promote the development of a road network that will serve both the local and regional needs of the Plan Area.

#### Implementation

- [a] Council has identified the regional transport network on the Traffic and Transport Strategy Diagram A-6. This diagram generally identifies the following:
- [i] highways;
  - [ii] State-controlled roads;
  - [iii] sub-arterial roads;
  - [iv] possible inter-suburban links;
  - [v] Department of Transport and Main Roads short to medium-term by-passes;
  - [vi] future major intersections;
  - [vii] possible medium to long-term transport corridors;
  - [viii] possible public transport routes; and
  - [ix] railways.
- [b] Part H (Section 2.0) of this Planning Scheme develops Traffic Management Plans (TMPs) for individual catchment areas. The cost of the overall strategy for each catchment area has been calculated on a per allotment basis.
- [c] Developments within a particular TMP area shall contribute in accordance with Part H Sub-section 2.4 of this Planning Scheme.
- [d] An applicant for development of an area not contained within an existing TMP area shall, subject to any approval, produce a TMP in accordance with Council's generic brief contained in Part H Section 2.0 Traffic Management. The cost of the study shall be offset by the required contribution for the particular development.

- 
- [e] Council has developed a Traffic and Transport Management Team whose function is to provide traffic and transport advice to Council with regard to the following:
    - [i] community demand;
    - [ii] development of plans for specific areas; and
    - [iii] capital works/staging.
  - [f] Access to State Controlled roads shall be via nominated major intersection points. Council may consider other arrangements where it can be demonstrated the proposal would not compromise the efficiency of the road or its level of safety and the Department of Transport and Main Roads is agreeable to the solution.
  - [g] Council has designed its subdivision controls on roads based on the philosophy of AMCORD and Queensland Streets.
  - [h] Council will work with the Queensland Department of Transport and Main Roads in assuring the connectivity between local road networks and the regional road network.
  - [i] Extractive industry haul routes are identified on Strategy Diagram A-8 and tourist routes are identified on Strategy Diagram A-4.

### 6.3.2 Traffic and Transport Objective 2

To reduce private vehicle use.

#### Implementation

- [a] Council has developed a housing strategy which will support increased densities which are conducive to increasing the viability of public transport.
- [b] Council will promote the grouping together of commercial activities into business centres of an appropriate scale for the locality.
- [c] Council may allow some limited commercial activities within residential areas where the activity does not impact upon the residential amenity.

- [d] Council will allow some limited home-based employment opportunities in residential areas that do not impact significantly on residential amenity.

**6.3.3** Traffic and Transport  
Objective 3

To provide for pedestrian and bicycle ways to connect residential precincts to other localities.

Implementation

- [a] Strategies have been developed for pedestrian and bicycle ways in Traffic Management Plans for residential areas.
- [b] New residential developments shall be required to provide or contribute to any existing or planned pedestrian or bicycle network for the locality. Such works or contributions shall be undertaken in accordance with the Traffic Management Plan for that area.

**6.3.4** Traffic and Transport  
Objective 4

To ensure adequate access to non-residential areas.

Implementation

- [a] Council when considering a development application which is likely to generate large traffic movements or heavy vehicle movements or vehicle movements out of sequence with normal traffic shall have regard to the following:
- [i] the location of the site in context with the local and regional road networks;
  - [ii] the likely impacts the proposal would have on the road networks;
  - [iii] likely impacts the traffic will have upon the amenity of existing or intended land uses;
  - [iv] the safety and convenience of road users; and
  - [v] whether there is a high degree of accessibility with minimal movements of traffic along residential streets.

- [b] Where Council considers, having regard to information submitted, likely reasonable or relevant conditions and other relevant material that a proposed development conflicts with the matters mentioned in [a] above, Council shall refuse to approve the application.
- [c] Council may impose conditions upon any approval which Council considers necessary to prevent or alleviate any conflict with matters raised in [a] above. Such conditions may be placed on both the construction and operational stage of the development.

## 6.4 RECREATION STRATEGY

- 6.4.1 Recreation Objective ■** To ensure sufficient provision is made for the acquisition and development of recreational opportunities in the Plan Area.

### Implementation

- [a] Part H (Section 4.0) of this Planning Scheme develops Open Space Management Plans (OSMP) for individual areas. The cost of the overall strategy for each area has been calculated on a per allotment basis.
- [b] Developments within a particular OSMP area shall contribute in accordance with Part H Sub-section 4.4 and that contribution may consist of a monetary or land contribution or a contribution of both depending upon the circumstances.
- [c] Any moneys collected in accordance with the OSMP shall be spent in accordance with the OSMP development programme.
- [d] An applicant for development of an area not contained within an existing OSMP area shall, subject to any approval, produce an OSMP in accordance with Council's generic brief contained in Part H Section 4.0 Open Space Management. The cost of the study shall be offset by the required contribution for the particular development.

**6.4.2 Recreation Objective 2**

To ensure sufficient provision is made for the management of recreational opportunities in the Plan Area.

*Implementation*

- [a] Council has developed an Open Space Management Team whose function is to provide open space advice to Council with regard to the following:
- [i] community demand;
  - [ii] development of plans for specific areas;
  - [iii] capital works; and
  - [iv] maintenance.

**6.5 SERVICES STRATEGY****6.5.1 Service Objective 1**

To ensure that urban areas are provided with the appropriate level of physical infrastructure.

*Implementation*

- [a] Areas identified as Urban on the Strategic Plan Map are areas which are physically and environmentally capable of being provided with reticulated water supply, sewerage, electricity and telecommunications services. All urban development in these areas are required to provide a full range of these services.
- [b] Council Local Planning Policy - Water and Sewerage is based on individual catchment areas. The cost of the overall strategy for each catchment area has been calculated on either a per allotment or area basis depending upon the land use.
- [c] A development within a particular water supply or sewerage district shall contribute in accordance with Local Planning Policy - Water and Sewerage.

- [d] Council has developed a Services Management Team, whose function is to provide advice to Council on service issues with regard to the following:
- [i] community demand;
  - [ii] development of strategies for specific areas;
  - [iii] capital works;
  - [iv] environmental considerations; and
  - [v] maintenance.

## 6.6 DRAINAGE STRATEGY

- 6.6.1** Drainage Objective 1 To collect and convey stormwater from a catchment to its receiving waters with minimal nuisance, danger or damage and at a development and environmental cost which is acceptable to the community as a whole.

### Implementation

- [a] Part H Section 3.0 of this Planning Scheme develops Drainage Management Plans (DMP) for individual catchment areas. The cost of the overall strategy for each catchment area has been calculated on a per allotment basis.
- [b] Developments within a particular DMP area shall contribute in accordance with Part H Sub-section 3.4, of this Planning Scheme.
- [c] An applicant for development of an area not contained within an existing DMP shall, subject to any approval, produce a DMP in accordance with Council's generic brief contained in Part H Section 3.0 Drainage Management of this Planning Scheme. The cost of the study shall be offset by the required contribution for the particular development.



- [d] Council has developed a Drainage Management Team, whose function is to provide advice to Council on drainage issues regarding the following:
- [i] development of strategies for specific areas including consideration of minimal impact on habitat values;
  - [ii] capital works/staging; and
  - [iii] maintenance.
- [e] The Council, in formulating drainage plans within the catchment, will have regard to the Trinity Inlet Management Plan Drainage Waterway Management Report - Best Practice Guidelines.

**6.6.2 Drainage Objective 2** To limit flooding of public and private property, both within the catchment and downstream, to designated or acceptable levels.

- [a] The design for subdivision and building works shall be in accordance with Council's Part H Section 3.0 Drainage Management and Part E Housing, Industry and Commercial Subdivision and Amalgamation of Land.

**6.6.3 Drainage Objective 3** To control and detain within each catchment as much incidental rainfall and run-off as possible to reduce the impact of urbanisation and minimise pollutant inflows to receiving waters by controlling scour and depositional effects.

#### Implementation

- [a] Council, when developing DMPs, shall encourage, where appropriate, the introduction of detention basins.
- [b] Council when assessing development applications shall promote the use of small basins which are intended to detain the run off from smaller catchments prior to flow entering the main storm water drainage system. These devices are outlined in Part H Section 3.0 Drainage Management and the Queensland Urban Drainage Manual.

- [c] Council when assessing development applications shall require compliance with Council's Local Planning Policy - Erosion and Sediment Control Guidelines.

## 6.7 HAZARDS STRATEGY

- 6.7.1 Hazards Objective 1**                      The prevention of both short term and long term inundation of urban land.

### Implementation

- [a] Council has identified a flood line for the urban areas of the Plan Area and the parts of the Barron River delta contained on the Flood Strategy Diagram A-7. This line takes into consideration the following:

- [i] particular return period;
- [ii] storm surge; and
- [iii] climate change and the greenhouse effect.

- [b] Development applications relating to areas identified as below the floodline shall be accompanied by an Environmental Impact Statement (EIS). The terms of reference for any such EIS shall be obtained from the Department of Local Government and Planning. Council may not require an EIS to be prepared where it is considered that the filling is to be of a minor nature. In the event of the filling being less than 5000 m<sup>2</sup>, Council may require a flooding report or an EIS where it is of the opinion that such filling would detrimentally affect other properties which previously would not have been affected.

- [c] Council in responding to the advice for terms of reference from the Department or when assessing development applications in areas below the flood line shall have regard to the following:

- [i] hydraulic model for the Barron River Delta;
- [ii] preservation of satisfactory flood plain storage capacity and adequate floodways; and
- [iii] adverse effects on any private property, Council or State Government property or works.

- [d] Where areas are contained within a Coastal Management Control District an applicant shall as part of the development application, submit an Environmental Impact Statement. The terms of reference for any such EIS shall be obtained from the Department of Local Government and Planning. Council may waive this requirement where it considers the proposal to be of a minor nature or where there exists a constructed dedicated bitumen sealed road between the proposal and the beach and where Council has formally agreed to protect the road in the event of erosion.
- [e] Where Council considers, having regard to any impact statement submitted and other relevant material that the proposed development is in conflict with Part H Section 3.0 of this Planning Scheme, Council shall refuse to approve the development application.
- [f] Council may impose conditions upon any approval which Council considers necessary to prevent or alleviate conflict with the impact of this objective and Part H Section 3.0 of this Planning Scheme. Such conditions may be placed on both the construction and operational stages of the development.

**6.7.2 Hazards Objective 2** To ensure that any new urban areas or new developments do not include land exhibiting slope instability which cannot be satisfactorily overcome.

*Implementation*

- [a] Development in hillslope areas shall be in accordance with provisions outlined in the Development Control Plan - Hillslopes.
- [b] Council will require development applications for land that exhibits geotechnical instability to be accompanied by a geotechnical report developed in accordance with the requirements contained within the Development Control Plan - Hillslopes.

- [c] Where Council considers, having regard to any geotechnical report submitted and other relevant material, that the proposed development includes land exhibiting slope instability which cannot be satisfactorily overcome, Council shall refuse to approve the development application or that part of the development application which extends over the unstable land.
- [d] Council may impose conditions upon any approval which Council considers necessary to prevent or alleviate slope instability problems. Such conditions may be placed on both the construction and operational stage of the development.

**6.7.3 Hazards Objective 3** To ensure that urban expansion or new development areas do not include land which may impact on or be affected by the normal operation of the Cairns International Airport.

*Implementation*

- [a] In assessing development applications, Council shall have regard to the Development Control Plan for the Protection of Airport Installations.
- [b] Notwithstanding that the site is appropriately designated and/or zoned for residential purposes, Council shall refuse to approve any development application for land which is within an ANEF category that is identified as unacceptable for the type of use and in the opinion of Council, there are no practical measures available to effectively negate the concern.

**6.7.4 Hazards Objective 4** To ensure that new urban growth does not conflict with areas considered by Council to have a high bush fire hazard.

*Implementation*

- [a] Where Council considers that a bush fire hazard may exist, Council will require the submission of a planning report with any development application. Such report shall be in accordance with the requirements contained within the Development Control Plan - Hillslopes.

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## 6.8 EXTRACTIVE INDUSTRIES STRATEGY

### 6.8.1 Extractive Industries Objective 1

To protect extractive resources from alienation by incompatible land uses and provide certainty for investment in the exploitation of these resources.

#### *Implementation*

- [a] Council has developed Extractive Resources Precincts which are made up of existing or potential quarry areas and appropriate buffer areas which should remain free of land uses that are not compatible with extractive industries. These Extractive Resource Precincts are identified on the Extractive Industries Strategy Diagram A-8.
- [b] Council, when considering a development application for land uses in an Extractive Resources Precinct, shall have regard to their compatibility with extractive industries and shall not approve any land use which would be detrimentally affected by existing or potential extractive industries.
- [c] Council, when considering any amendment to the Strategic Plan for the development of new growth corridors shall have regard to any existing or potential extractive resource to ensure that it is not alienated by urban development.
- [d] Council may amend the Strategic Plan map by including an Extractive Resources Precinct where it has been demonstrated that:
  - [i] the resource is of regional significance;
  - [ii] that there is a demonstrated need and the resource would otherwise be alienated; and
  - [iii] that the impacts can be managed to ensure no adverse effect on the natural or built environment.

- [e] Council may approve of an Extractive Industry that is not included with in an Extractive Resources Precinct on the Extractive Industries Strategy Diagram map where it has been demonstrated that:
- [i] the resource is of regional significance;
  - [ii] there is a demonstrated need and the resource would otherwise be alienated;
  - [iii] the impacts can be managed to ensure no adverse effect on the natural or built environment.
  - [iv] the development application complies with the requirements of the Planning Scheme.

### 6.8.2 Extractive industries Objective 2

To ensure extractive industries are located in areas which do not unduly impact upon the natural or built environment.

#### Implementation

- [a] Council will not favourably consider a development application for an extractive industry where that industry is located within an Urban designated area on the Strategic Plan Map - Diagram A1.
- [b] Council will not favourably consider a development application for extractive industry where that industry is to be located on land designated as Conservation or Rural Constrained on the Strategic Plan Map.
- [c] Council when considering a development application for an extractive industry shall have regard to City Image (5.3).
- [d] Council may dispense with requirements [a], [b] and [c], where it can be shown that:
  - [i] the resource is of regional significance;
  - [ii] there is a demonstrated need and the resource would otherwise be alienated; and
  - [iii] the impacts can be managed to ensure no adverse effect to the natural or built environment. or

[iv] the site is included in an Extractive Resources Precinct

**6.8.3** Extractive Industries  
Objective 3

To ensure extractive industries are established, operated and maintained to certain standards of public safety and environmental safeguards to prevent detracting from the built and natural environment.

Implementation

- [a] An extractive industry shall only operate in accordance with a permit issued pursuant to Council's Local Law - Extractive Industries.
- [b] An extractive industry operator is required to prepare an Extractive Industry Management Plan in accordance with best management practices.
- [c] Council will only approve applications for commencement of extractive industries located wholly or partly within a watercourse where all obligations under the Water Resources Act have been satisfied.

**6.8.4** Extractive Industries  
Objective 4

To ensure that the cartage of extractive resources to/from extractive industry sites to a major arterial road will not adversely impact upon surrounding land uses or result in accelerated pavement deterioration caused by heavy vehicles.

Implementation

- [a] Council when assessing a development application shall have regard to the proposed haul route for the extractive industry to ensure that problems associated with traffic, noise, vibration and dust will not have a detrimental effect on the surrounding land uses.

- [b] Council when considering development applications that result in urban expansion along designated haul routes shall have as a requirement of the approval:
  - [i] no direct allotment access onto the haul route; and
  - [ii] an appropriate acoustic and visual buffer between the development and the haul route.
- [c] Council shall require a contribution for road maintenance in accordance with Council's Extractive Industries Policy and shall seek a contribution on behalf of the Department of Transport and Main Roads where the extractive industry significantly impacts on the State-controlled network.

**6.8.5 Extractive Industries  
Objective 5**

To ensure rehabilitation of extractive industry sites.

Implementation

- [a] Council as part of any development application shall require a rehabilitation plan for the site which includes both the progressive and final rehabilitation of the site. Such plan is to be drawn in accordance with Council's Local Law - Extractive Industries.
- [b] Council in accordance with its Local Law - Extractive Industries shall require any appropriate form of security and right of access to ensure that rehabilitation works shall be completed in the event the applicant fails to do so in accordance with Council's requirements.



## 6.9 HERITAGE STRATEGY

- 6.9.1 Heritage Objective 1** To identify places of cultural and natural heritage significance in the Plan Area.

### *Implementation*

- [a] Council will progressively add to its Geographical Information System (GIS) data base, places of heritage significance as they become known, although access to certain information concerning certain Aboriginal cultural heritage sites may be restricted.

- 6.9.2 Heritage Objective 2** To provide the opportunity for heritage values to be taken into account when assessing proposals for development.

### *Implementation*

- [a] Heritage places are those places identified as:
- [i] being on Council's GIS database;
  - [ii] being on the Queensland Heritage Register or the Register of the National Estate or listed under the Cultural Record (Landscapes Queensland and Queensland Estate) Act;
  - [iii] important in demonstrating the evolution or pattern of Queensland history, regional or local history;
  - [iv] demonstrating rare, uncommon or endangered aspects of Queensland's heritage;
  - [v] having a potential to yield information that will contribute to an understanding of Queensland's history, regional or local history;
  - [vi] important as representative in demonstrating the characteristics or a broader class of cultural places;
  - [vii] important in exhibiting particular aesthetic characteristics valued by a community or by a cultural group;
  - [viii] important in demonstrating a high degree of creative or technical achievement;

- [ix] having strong or special meaning for the community or a cultural group because of social, cultural or special associations; or
  - [x] having a special association with the life and work of a person, group or organisation important in Queensland's history, regional or local history.
- [b] When submitting development applications for sites identified as heritage places, the applicant shall provide, in addition to the normal information, the following:
- [i] the location of all buildings and other features on the site;
  - [ii] the arrangement and use of rooms and other spaces in the buildings, as now used or last used;
  - [iii] the sequence of major changes to buildings and other features on the site;
  - [iv] information about the history of the place and its significance;
  - [v] a statement of significance of the heritage place including consultation with any relevant Aboriginal people in the case of Aboriginal cultural heritage sites;
  - [vi] a description of the likely impact of the proposal on the heritage place; and
  - [vii] a description of the new facilities required on the site.
- [c] Council when considering development applications for sites identified as heritage places or abutting a heritage place shall have regard to the following:
- [i] the significance of the place and its contribution to the heritage of the locality;
  - [ii] the impact of the proposal on the significance of the place;
  - [iii] the retention of any specific features of the place; and

- [iv] where considerable redevelopment is to occur, the specific features of the place are capable of adequate interpretation.

## 6.10 INDUSTRY STRATEGY

### 6.10.1 Industry Objective 1 To identify land appropriate for industry.

#### Implementation

- [a] Council has identified land appropriate for industrial uses on the Industrial/Commercial Strategy Diagram A-9. Land so identified is either within, or likely during the life of this Plan to be included within, either the Trades and Services zone or the Industry zone.

The Industrial/Commercial Strategy Diagram indicates those areas intended to accommodate a range of industrial activities that will support the sugar industry: provide services and employment opportunities to the City's residents and/or provide services or support to other sectors within the City.

The Industrial/Commercial Strategy identifies the preferred locations for industrial uses having varying levels of impact and is divided into the broad categories of high, medium and low impact. The intent of each designation is as follows.

#### [i] High Impact Industry

This designation identifies either those areas currently used for purposes which have a high level of impact, including the Mulgrave and Babinda Sugar Mills, or which by virtue of their location are considered appropriate for the development of industrial uses which are likely to give rise to a high level of impact.

Land included within this designation is either zoned Industry, or likely to be rezoned to Industry within the life of this Strategic Plan.

Approval of uses in areas so designated will be conditional to minimise detrimental impacts on adjoining land areas and to avoid internal conflicts.

Approval will not be given to industrial or other uses which would be sensitive to and which may prejudice the range of high impact industries which may otherwise establish within these areas.

It is intended, by virtue of the provisions of the Table of Zones, that those industries which are defined as Hazardous or Offensive Industry will require consent approval in the Industry zone which in turn will provide Council with the opportunity to satisfactorily control the development to ensure acceptable operations and levels of impact are achieved.

**[ii] Medium Impact Industry**

This designation identifies those areas of land either used or considered suitable for most types of industrial uses, excluding those which are likely to have a high level of impact and generally defined as Hazardous or Offensive Industry under the Planning Scheme.

This designation identifies land either currently zoned Industry, or likely to be rezoned to Industry during the life of this Strategic Plan.

It is intended that where the pattern and nature of industrial development is not already committed, Medium Impact Industry will function in part as a buffer to High Impact Industry.

Approval of uses in areas designated Medium Impact Industry will be conditional to minimise detrimental impacts not only upon adjoining non-industrial land, but also upon adjoining industrial properties.

Approval will not be given to industrial or other uses which would have an adverse impact on adjoining industrial land uses or result in unacceptable levels of impact at the point of interface between industrial and non-industrial land use.

[iii] Low Impact Industry <sup>3</sup>

This designation identifies those areas which are intended to be relatively high amenity industrial areas and which are intended to have greater public access and more non-industrial land uses than the other industrial areas.

Land included within this designation is generally included within the Trades and Services zone. Development within these areas is intended to be limited to those uses which fulfil a service type role primarily to residential areas. In recognition of this, the Planning Scheme provides for a range of non-industrial land uses within this zone.

- [b] Council shall not approve any application for industrial development within a designated industrial area where the approved development may prejudice or restrict other developments within that area which would otherwise accord with the stated intent for development within that area.
- [c] Council shall not approve any application for further industrial development on land other than those areas identified on the **Industrial/Commercial** Strategy Diagram unless it can be demonstrated that there is an overriding community need that cannot be met by development of land designated on the **Industrial/Commercial** Strategy Diagram or on land located within the Part of the City of Cairns Plan Area.

**6.10.2 Industry Objective 2**

To ensure flexibility within the industrial zones **sufficient** to accommodate changes in attitudes, practices, community demand and expectations.

Implementation

- [a] Industrial land use activities are not restricted solely to land included within the Industry zone - Council has provided for the establishment of certain industrial uses within the Trades and Services zone. It is intended that this zone, which forms the nexus between traditional Industrial and traditional Commercial zones, will provide for uses that do not fall strictly within the bounds **of** traditional commercial or traditional industrial land uses.

- [b] The spatial arrangement of uses within the Industry and Trades and Services zones will be influenced by:
- [i] the intensity or impacts of the particular use; and
  - [ii] the intensity or impacts allowable in the particular zone and under the impact level designation as indicated on the Industrial/Commercial Strategy Diagram A-9.

In approving any application for development within either the Industry or Trades and Services zone, Council will impose such conditions as are necessary to ensure that the intensity **and/or** impact of the approved use is consistent with the intensity or level of impact allowable within the particular zone and under the impact level designation as indicated on the Industrial/Commercial Strategy Diagram A-9.

- 6.10.3 Industry Objective 3** To ensure industrial uses reflect appropriate community standards of health, safety, convenience and amenity.

*Implementation*

- [a] Council when assessing any application for industrial development shall have regard to the matters and issues outlined in:
- [i] Natural Resources (5.2)
  - [ii] City Image (5.3)
  - [iii] Traffic and Transport Strategy (6.3)
  - [iv] Recreation Strategy (6.4)
  - [v] Services Strategy (6.5)
  - [vi] Drainage Strategy (6.6)
  - [vii] Hazards Strategy (6.7)
  - [viii] Industrial (Part E 3.4)

and shall impose such conditions upon any approval if given as are necessary to ensure that the respective intent of each of these provisions is met.

**6.10.4 Industry Objective 4**

To prevent interference with industrial activities caused by conflict between industrial traffic and non-industrial traffic, and by the impact of industrial traffic on sensitive land uses in close proximity to industrial activities.

*Implementation*

- [a] Council, when assessing any development application for industrial use, shall have regard to Traffic and Transport Objectives 2 and 4 and shall impose such conditions upon any approval given as are necessary to ensure that these objectives are met.
- [b] Council, when assessing any development application for industrial use, shall have regard to the amenity of the area, in particular Air Quality Objective 1 and Noise Objective 1, and the likely future amenity of the area as foreshadowed under the impact level designations indicated on the Industrial/Commercial Strategy Diagram A-9. Council shall impose such conditions upon any approval given as are necessary to ensure that these objectives are met and that the ability of neighbouring land to be developed in accordance with the Strategy designation is not compromised.

**6.10.5 Industry Objective 5**

To ensure industrial activities within the Plan Area have minimal impacts on the environment.

*Implementation*

- [a] Council shall require appropriate buffering between industrial land and sensitive areas, whether they be residential, wetland or other non-industrial areas.
- [b] Council may require the use of suitable technologies to prevent adverse impacts of industrial operations on waterways. As a minimum gross pollutant traps will be required for all industrial uses, to prevent first flush stormwater flows or accidental spills from entering any drainage line.
- [c] Industrial uses will be required to dispose of waste water and waste materials in an acceptable manner having regard to the nature of the particular use and the potential for contamination to arise therefrom.

- [d] Industrial uses will be required to carry out their activity without unduly affecting the acoustic characteristics or the air quality of the area, having regard to the impact level designation of the particular area as indicated on the Industrial/Commercial Strategy Diagram A-9.
- [e] Light Industry and Trades and Services Industry uses are to be sited within the designated industry areas as shown on Strategy Diagram A-9. Some of these uses are in turn to be sited at an appropriate location to service the demands of the rural community. In this regard, such low impact forms of industry may be allowed to establish in the Village zone by consent where Council is of the opinion that the proposed use provides a service to the locality, satisfies the intent of the zone and does not adversely impact upon the amenity of surrounding land use.
- [f] Non-industrial land uses will not be allowed to locate within industrial areas except in accordance with the relevant zoning provisions and where:
  - [i] the uses are considered by Council to provide a direct service to the industrial area, such as a limited number of outlets for banking, snack bars or caretaker's residence that are all appropriately located; or
  - [ii] the uses are considered by Council to be generally compatible with industrial uses and do not attract the general public in large numbers, or are considered by Council to complement industries so located and not interfere with general operations.

## **6.11 COMMERCIAL STRATEGY**

### **6.11.1 Introduction**

Within this section the term "commercial use" includes those land uses defined under Section 3.1 of Part G of the Planning Scheme as Commercial Premises, Shop, Shopping Centre, Medical Centre, Restaurant, Showroom, Catering Shop, or a Major Shopping Development whether they exist in isolation or within any integrated development which falls within one of the levels within the retail hierarchy.



**6.11.2 Commercial Objective 1** To identify land appropriate for commercial uses.

*Implementation*

- [a] Council has identified land considered appropriate for a range of commercial uses on the Industrial/Commercial Strategy Diagram A-9. Land so identified is either included within, or likely, within the life of the Strategic Plan, to be included within the Commercial zone.

This Strategy, which identifies the preferred location of commercial uses, recognises that the regional retail/commercial demands of the City's residents will be adequately served by the higher order commercial developments located within Cairns city, principally at the CBD, the Coles Myer Centre on the railway site, and the Earlville Shoppingtown.

As a consequence, the highest level of commercial development within the Plan Area is expected to fall within the sub-regional level of the retail hierarchy.

The Industrial/Commercial Strategy Diagram indicates the location of existing and preferred location of future commercial uses within the upper two levels of the retail hierarchy expected to be represented within the Plan Area (being sub-regional and district level centres), as follows.

**Level**

**Sub-regional Centres**

Smithfield  
White Rock

**District Centres**

Trinity Beach  
Redlynch  
Hambledon  
Edmonton  
Gordonvale  
Babinda

The Strategy Diagram does not indicate the location of existing or future commercial uses within the lower level of the retail hierarchy, being neighbourhood, local shop(s) and other small scale retail facilities.

The Strategy provides for the continued operation of existing local level commercial uses, while acknowledging that the location of such facilities within future development areas will be influenced by subdivision patterns and road networks within those areas.

- [b] Council will only approve development applications within the designated commercial areas where application is for development which falls within the designated hierarchy and then only where a genuine community demand and need is demonstrated.
- [c] Council shall not approve applications for further commercial uses on land other than those areas identified on the Industrial/Commercial Strategy Diagram unless it can be established that there is a need that cannot be met by development of either land designated on the Industrial/Commercial Strategy Diagram or land located within the Part of the City of Cairns Plan Area.

- 6.11.3 Commercial Objective 2** To prevent interference from commercial uses caused by conflict between commercial traffic and non-commercial traffic, and by the impact of commercial traffic on sensitive land uses in close proximity to commercial activities.

#### Implementation

- [a] Council when assessing any application for development of a commercial use shall have regard to Traffic and Transport Objectives **2, 3 and 4** and shall impose such conditions upon any approval given as are necessary to ensure that these objectives are met.
- [b] Council when assessing any development application for commercial use shall have regard to the amenity of the area, and shall impose such conditions upon any approval given as are necessary to ensure that the amenity levels anticipated by the implementation of the Strategic Plan are protected and preserved.

**6.11.4 Commercial Objective 3**

To ensure that commercial uses reflect appropriate community standards of health, safety, convenience and amenity.

## Implementation

[a] Council when assessing any application for development of a commercial use shall have regard to the matters and issues outlined in:

- [i] Natural Resources (5.2)
- [ii] City Image (5.3)
- [iii] Traffic and Transport Strategy (6.3)
- [iv] Recreation Strategy (6.4)
- [v] Services Strategy (6.5)
- [vi] Drainage Strategy (6.6)
- [vii] Hazards Strategy (6.7)
- [viii] Commercial (Part E 3.3)

and shall impose such conditions upon any approval as are necessary to ensure that the respective intent of each of these provisions is met.

**6.11.5 Commercial Objective 4**

To ensure commercial uses within the Plan Area have minimal impact on the environment.

## Implementation

[a] Council shall require appropriate buffering between any land zoned or used for commercial uses and sensitive areas, whether they be residential, wetland or other non-commercial areas.

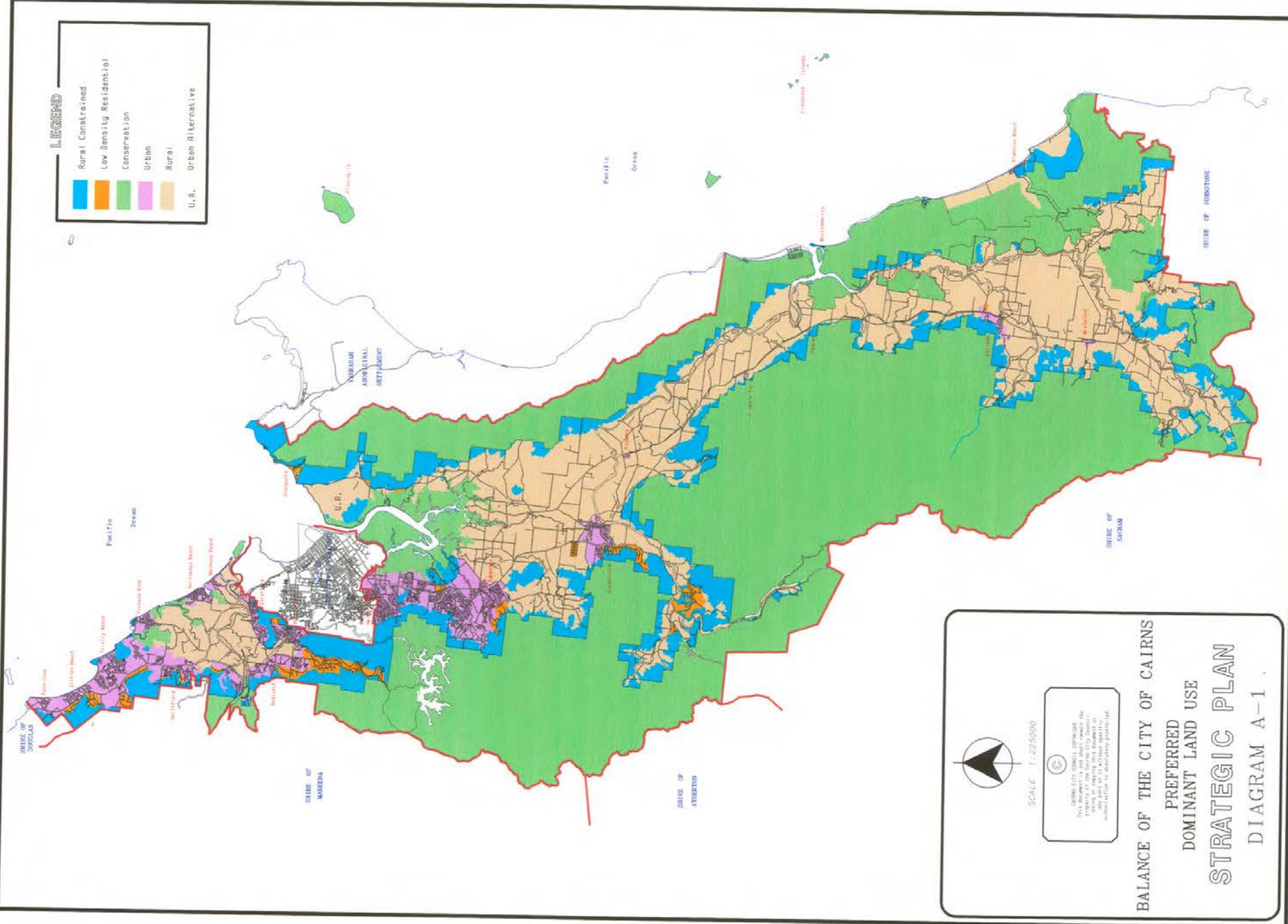
- [b] Council may require the use of suitable technologies to prevent adverse impacts of commercial operations on waterways. **As** a minimum, gross pollutant traps will be required to prevent first flush stormwater flows or accidental spills from entering any drainage line.
- [c] Commercial uses will be required to carry on their activity without unduly affecting the acoustic characteristics of the area.

**6.11.6 Commercial Objective 5** To ensure flexibility within the Commercial zone sufficient to accommodate changes in attitudes, practices, community demands and expectations.

#### Implementation


- [a] Commercial uses are not restricted solely to land included within the Commercial zone. Council has provided for the establishment of certain commercial uses within the Trades and Services zone. It is intended this zone will be the nexus between traditional commercial and traditional industrial zones and will provide for those uses that do not fall strictly within the bounds of traditional commercial or traditional industrial land uses.
- [b] The spatial arrangement of uses within the Commercial and Trades and Services zones will be influenced by:
  - [i] the intensity or impacts of the particular use; and
  - [ii] the intensity or impacts allowable in the particular zone.

In approving any application for development within either of these zones, Council will impose such conditions as are necessary to ensure that the intensity or impact of the approved use is consistent with the intensity or level of impact allowable within the particular zone.



**LEGEND**

- Rural Constrained
- Low Density Residential
- Conservation
- Urban
- Rural
- U.R. Urban Alternative



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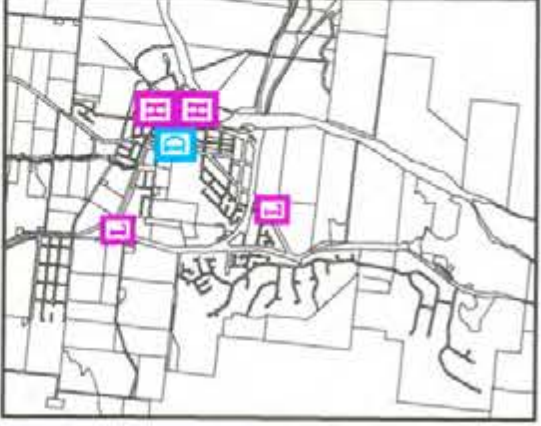
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**BALANCE OF THE CITY OF CAIRNS  
PREFERRED  
DOMINANT LAND USE  
STRATEGIC PLAN  
DIAGRAM A-1**

**INSERTS**

**GORDONVALE**



**BABINDA**



**LEGEND**

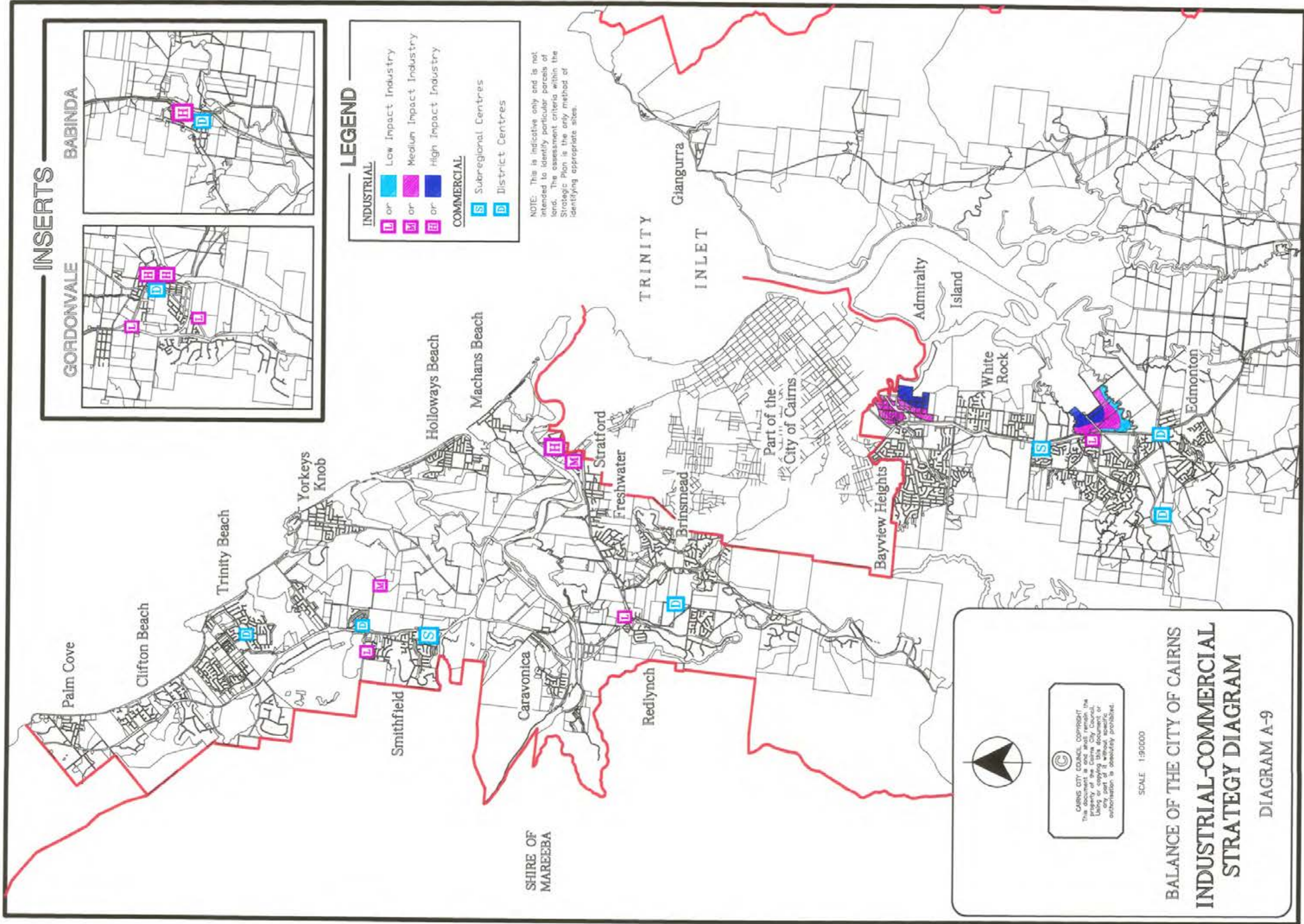
**INDUSTRIAL**

- or Low Impact Industry
- or Medium Impact Industry
- or High Impact Industry

**COMMERCIAL**

- Subregional Centres
- District Centres

NOTE: This is indicative only and is not intended to identify particular parcels of land. The assessment criteria within the Strategic Plan is the only method of identifying appropriate sites.



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SCALE 1:50000

**BALANCE OF THE CITY OF CAIRNS  
INDUSTRIAL-COMMERCIAL  
STRATEGY DIAGRAM**

DIAGRAM A-9

SHIRE OF DOUGLAS

Palm Cove

Trinity Beach

Yorkkeys Knob

Holloways Beach

Machans Beach

Smithfield

Redlynch

SHIRE OF MAREEBA

PART OF THE CITY OF CAIRNS

Bayview Heights

Edmonton

Edmonton

Gordonvale

SHIRE OF ATHERTON

SHIRE OF EACHAM

Woolanmarroo

Deeral

Habinda

Bramston Beach

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BALANCE OF THE CITY OF CAIRNS

# EXTRACTIVE INDUSTRIES STRATEGY DIAGRAM

DIAGRAM A-8

## LEGEND

- Existing Major Quarry
- Existing Minor Quarry
- Extractive Resources Precincts
- Major Haulage Routes
- Minor Haulage Routes
- Plan Area



Fitzroy Island

YARRABAH ABORIGINAL SETTLEMENT

Cianguarra

GROPPALE

ROCK

ROCK

ROCK

ROCK

ROCK

ROCK

ROCK

ROCK

ROCK

ROCK

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ROCK

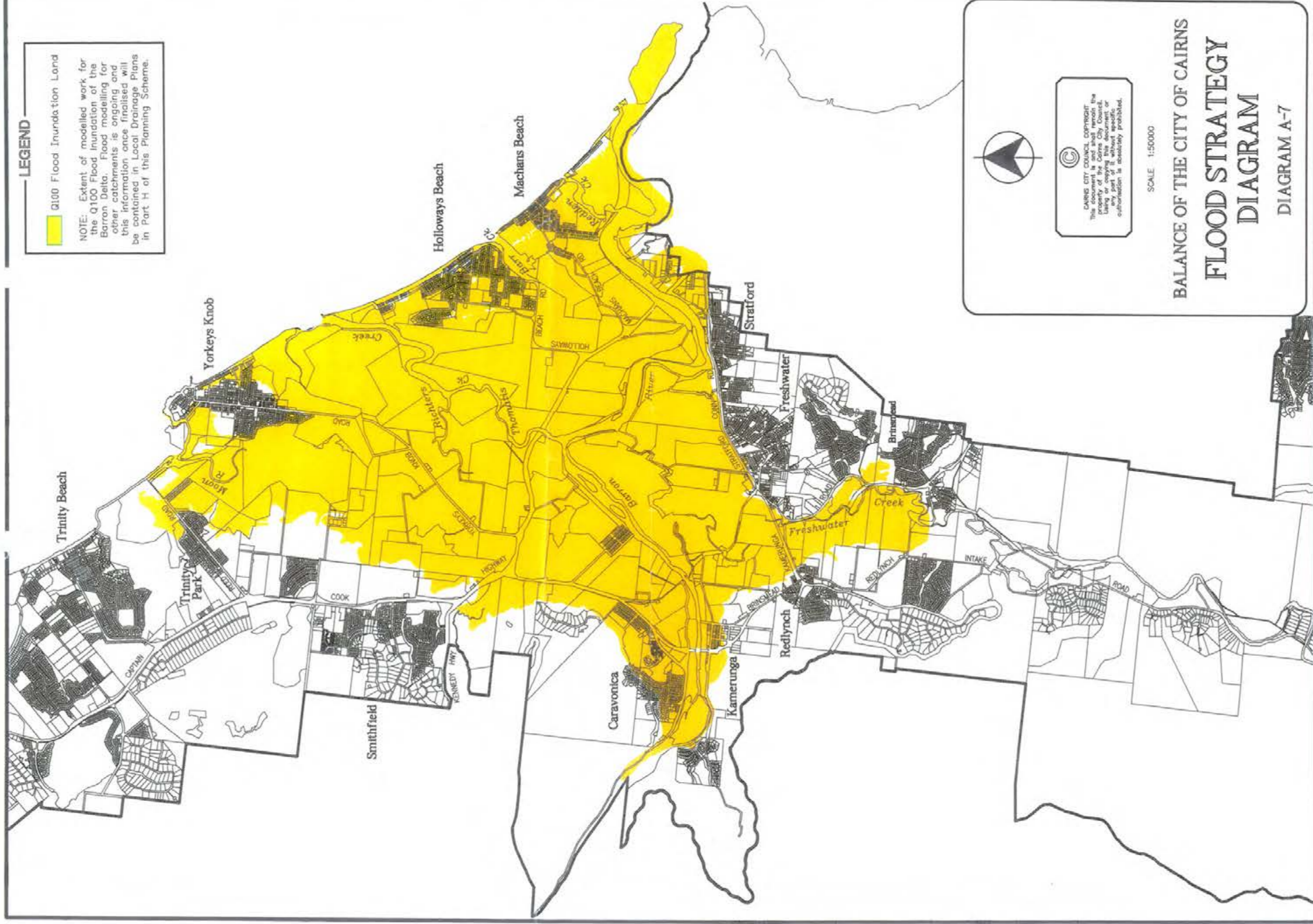
SHIRE OF JOHNSTONE



**LEGEND**

 Q100 Flood Inundation Land

NOTE: Extent of modelled work for the Q100 Flood Inundation of the Barron Delta. Flood modelling for other catchments is ongoing and this information once finalised will be contained in Local Drainage Plans in Part H of this Planning Scheme.

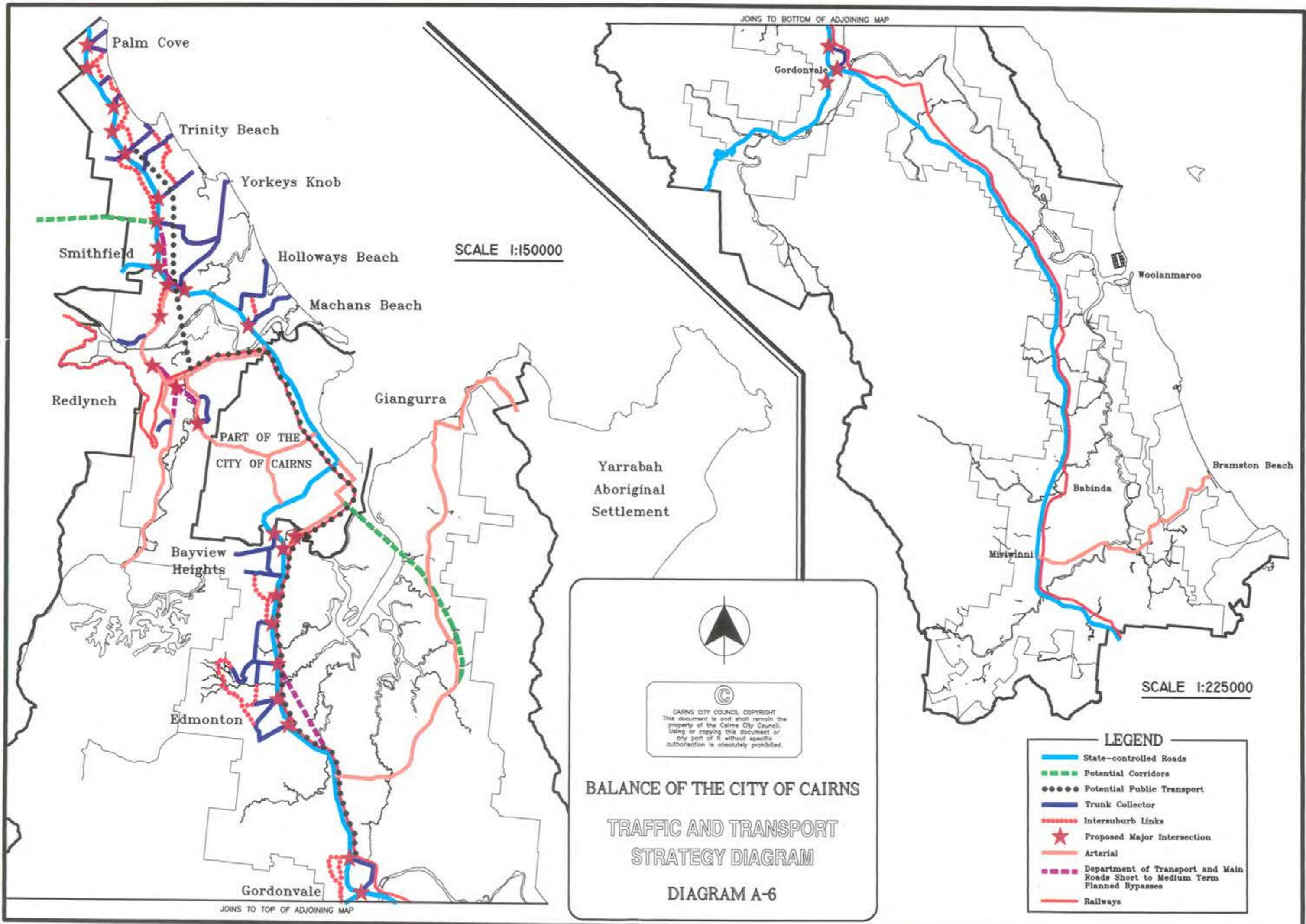


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SCALE 1:50000

BALANCE OF THE CITY OF CAIRNS  
**FLOOD STRATEGY**  
**DIAGRAM**  
DIAGRAM A-7





JOINS TO BOTTOM OF ADJOINING MAP

Gordonvale

Woolanmaroo

Bramston Beach

SCALE 1:225000

Palm Cove

Trinity Beach

Yorkeys Knob

Smithfield

Holloways Beach

Machans Beach

SCALE 1:150000

Redlynch

PART OF THE  
CITY OF CAIRNS

Gianguorra

Yarrabah  
Aboriginal  
Settlement

Bayview  
Heights

Edmonton

Gordonvale

JOINS TO TOP OF ADJOINING MAP



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BALANCE OF THE CITY OF CAIRNS

TRAFFIC AND TRANSPORT  
STRATEGY DIAGRAM

DIAGRAM A-6

LEGEND

- State-controlled Roads
- - - Potential Corridors
- Potential Public Transport
- Trunk Collector
- - - - - Intersuburb Links
- ★ Proposed Major Intersection
- Arterial
- - - - - Department of Transport and Main Roads Short to Medium Term Planned Bypasses
- Railways

**INSERTS**

**GORDONVALE**



**BABINDA**



**ALOOMBA**



**MIRIWINI**



**BRAMSTON BEACH**

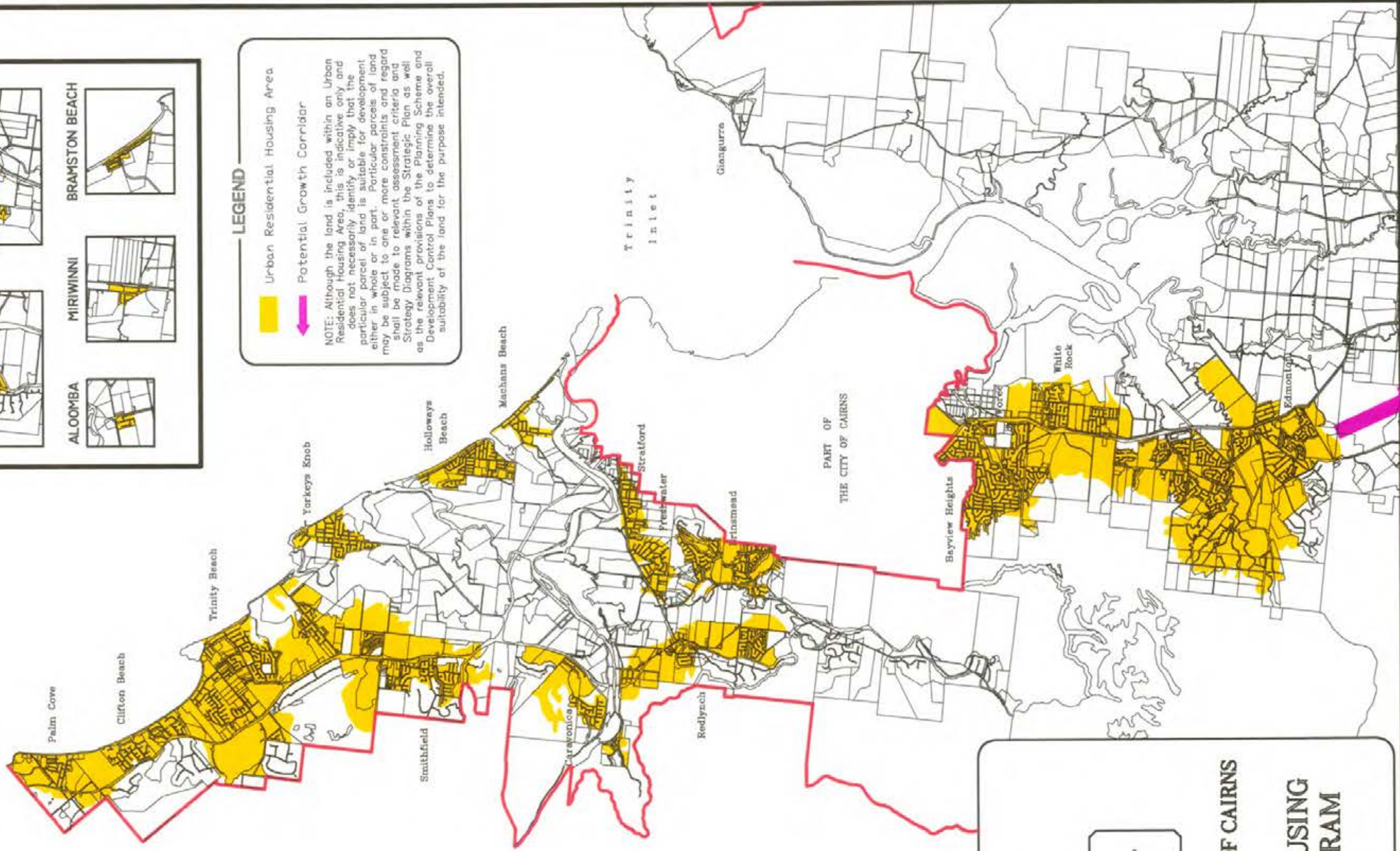


**LEGEND**

Urban Residential Housing Area

Potential Growth Corridor

NOTE: Although the land is included within an Urban Residential Housing Area, this is indicative only and does not necessarily identify or imply that the particular parcel of land is suitable for development either in whole or in part. Particular parcels of land may be subject to one or more constraints and regard shall be made to relevant assessment criteria and Strategy Diagrams within the Strategic Plan as well as the relevant provisions of the Planning Scheme and Development Control Plans to determine the overall suitability of the land for the purpose intended.



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**BALANCE OF THE CITY OF CAIRNS  
URBAN  
RESIDENTIAL HOUSING  
STRATEGY DIAGRAM  
DIAGRAM A-5**

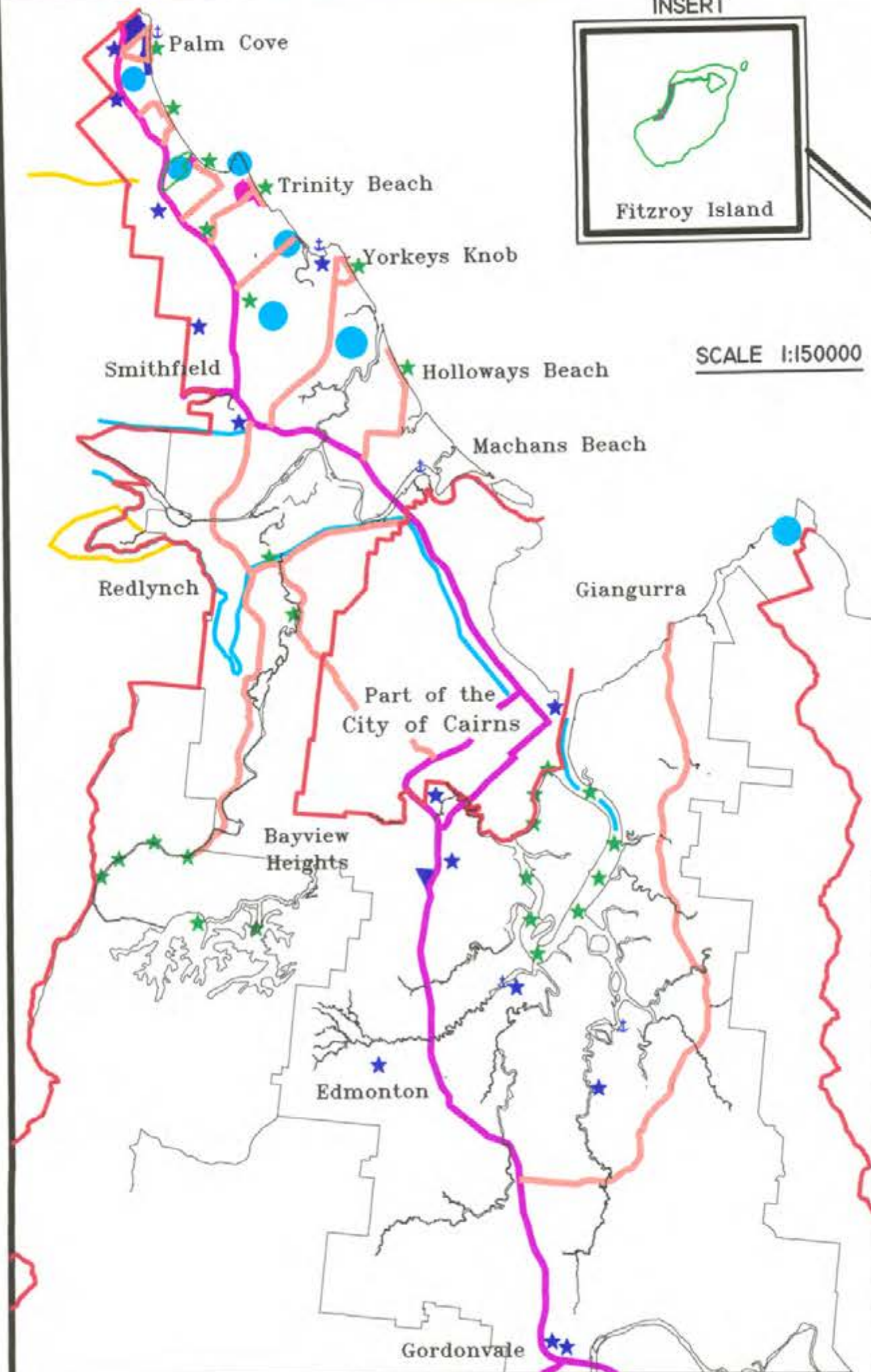
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Fitzroy Island

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JOINS TO BOTTOM OF ADJOINING MAP



JOINS TO TOP OF ADJOINING MAP

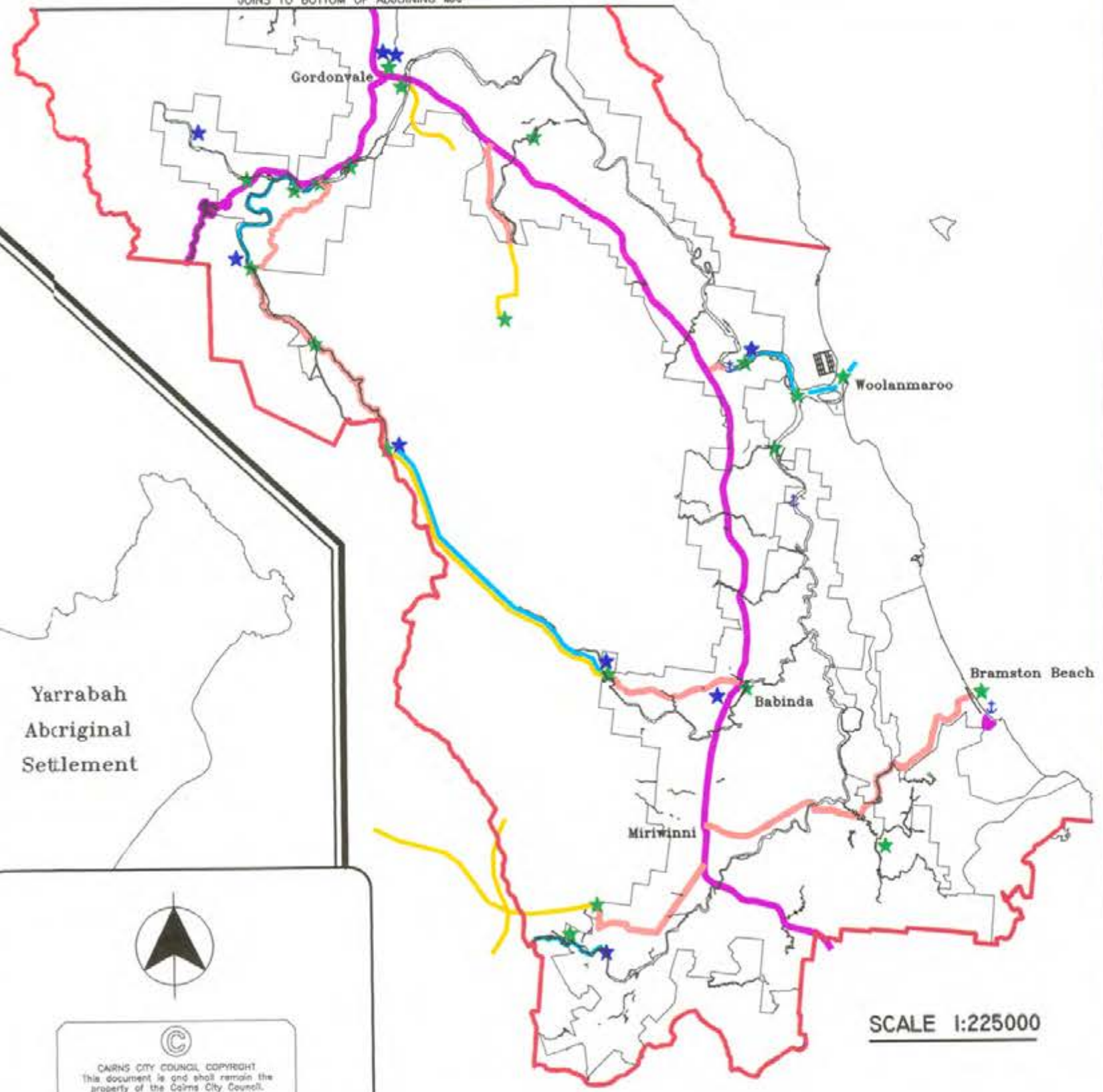
Yarrabah Aboriginal Settlement



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### BALANCE OF THE CITY OF CAIRNS TOURISM STRATEGY DIAGRAM DIAGRAM A-4

SCALE 1:225000



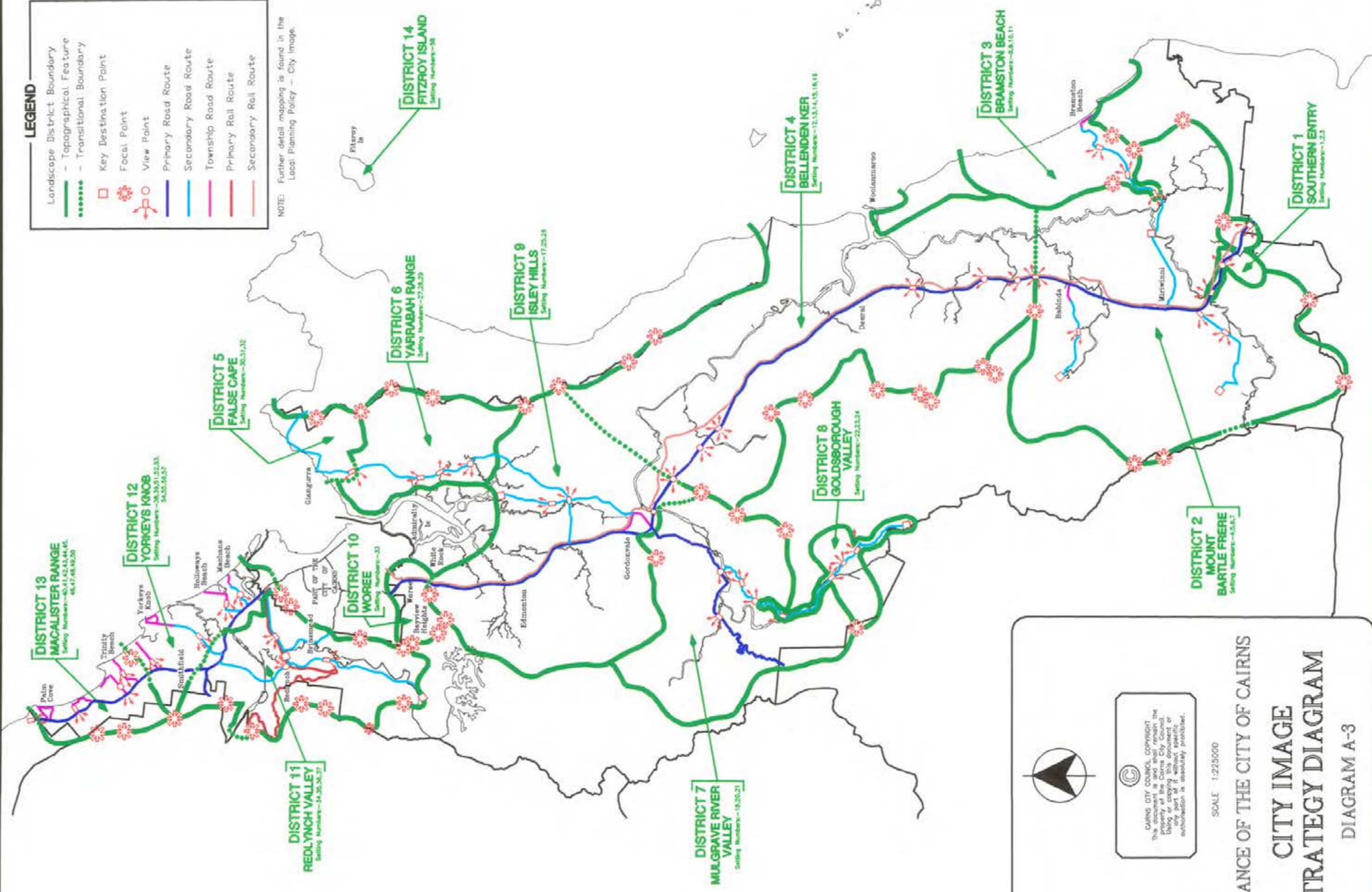
#### LEGEND

- |                              |                                      |                                   |                               |
|------------------------------|--------------------------------------|-----------------------------------|-------------------------------|
| <b>TOURIST ACCOMMODATION</b> |                                      | <b>TOURIST ROUTES</b>             |                               |
|                              | Major Existing Tourist Accommodation |                                   | Major Tourist Routes          |
|                              | Major Future Tourist Accommodation   |                                   | Minor Tourist Routes          |
|                              | Minor Existing Tourist Accommodation |                                   | Commercial Tourist Attraction |
| <b>TOURIST ATTRACTIONS</b>   |                                      |                                   |                               |
|                              | Commercial Tourist Attraction        | Non-Commercial Tourist Attraction |                               |
|                              | Non-Commercial Tourist Attraction    |                                   |                               |
|                              | Boat Ramp                            |                                   |                               |

**LEGEND**

- Landscape District Boundary
- Topographical Feature
- Transitional Boundary
- Key Destination Point
- Focal Point
- View Point
- Primary Road Route
- Secondary Road Route
- Township Road Route
- Primary Rail Route
- Secondary Rail Route

NOTE: Further detail mapping is found in the Local Planning Policy - City Image.



**DISTRICT 13**  
MACALISTER RANGE  
Setting Numbers--40,41,42,43,44,45,  
46,47,48,49,50

**DISTRICT 12**  
YORKEYS KNOB  
Setting Numbers--36,39,51,52,53,  
54,55,56,57

**DISTRICT 11**  
REDLYNCH VALLEY  
Setting Numbers--34,35,36,37

**DISTRICT 5**  
FALSE CAPE  
Setting Numbers--26,31,32

**DISTRICT 6**  
YARRABAH RANGE  
Setting Numbers--27,28,29

**DISTRICT 9**  
ISLEY HILLS  
Setting Numbers--17,25,28

**DISTRICT 7**  
MULGRAVE RIVER  
VALLEY  
Setting Numbers--15,20,21

**DISTRICT 8**  
GOLDSBOROUGH  
VALLEY  
Setting Numbers--22,23,24

**DISTRICT 4**  
BELLENDEN KER  
Setting Numbers--12,13,14,15,16,18

**DISTRICT 3**  
BRAMSTON BEACH  
Setting Numbers--8,9,10,11

**DISTRICT 2**  
MOUNT  
BARTLE FRERE  
Setting Numbers--4,5,6,7

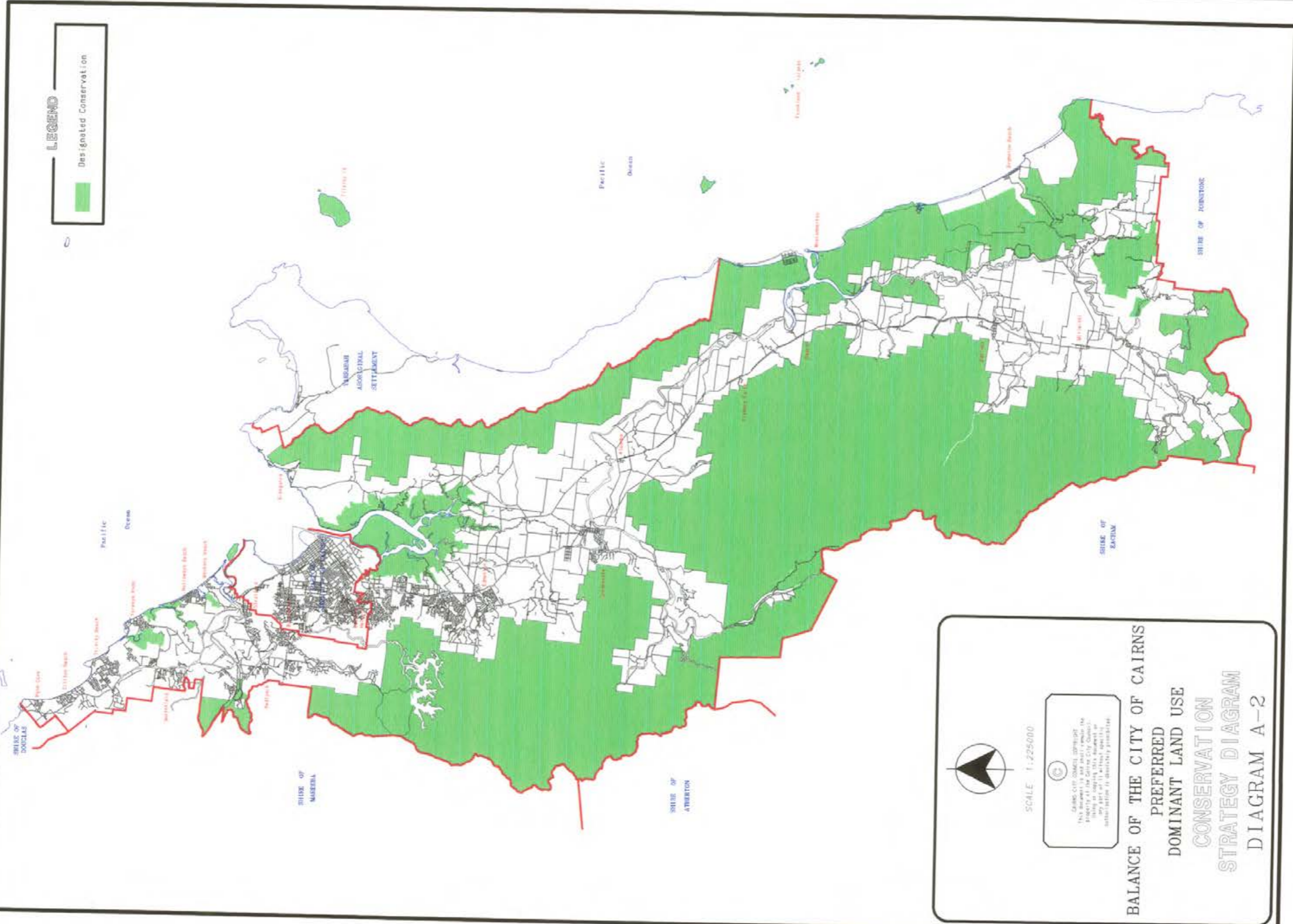
**DISTRICT 1**  
SOUTHERN ENTRY  
Setting Numbers--1,2,3



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BALANCE OF THE CITY OF CAIRNS  
**CITY IMAGE**  
**STRATEGY DIAGRAM**  
DIAGRAM A-3



**LEGEND**

Designated Conservation

  
 SCALE 1:225000  
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**BALANCE OF THE CITY OF CAIRNS  
 PREFERRED  
 DOMINANT LAND USE  
 CONSERVATION  
 STRATEGY DIAGRAM  
 DIAGRAM A-2**

# **PART B**

# **DEVELOPMENT CONTROL PLANS**

---

## PART B - DEVELOPMENT CONTROL PLANS

### INDEX

#### **1.0 HILLSLOPES DEVELOPMENT CONTROL PLAN**

- 1.1 Intfoduction
- 1.2 General Intent
- 1.3 Aim
- 1.4 Preferred Dominant Areas
- 1.5 Objectives and Implementation
- 1.6 Assessment Details
- 1.7 Development Requirements

#### **2.0 PROTECTION OF AIRPORT INSTALLATIONS DEVELOPMENT CONTROL PLAN**

- 2.1 Introduction
- 2.2 General Intent
- 2.3 Aim
- 2.4 Objectives and Implementation
- 2.5 Submission to Air Services Australia

#### **SMITHFIELD TOWN CENTRE DEVELOPMENT CONTROL PLAN**

- 3.1 Introduction
- 3.2 Planning Goals and Objectives
- 3.3 Planning Precincts
- 3.4 Development and Design Guidelines





# **HILLSLOPES DEVELOPMENT CONTROL PLAN**



---

## 1.0 HILLSLOPES DEVELOPMENT CONTROL PLAN

### 1.1 INTRODUCTION

This Development Control Plan applies to the area shown on the Development Control Plan maps marked Hillslopes DCP and to any other areas included by way of amendment. This Development Control Plan does not attempt to regulate existing lawful uses but does regulate those uses that require the lodgement of a development application. This Development Control Plan should be read in conjunction with the Planning Scheme and is supplementary to the Planning Scheme.

The Hillslopes D.C.P has its foundations within the Strategic Plan and provides more detail in the implementation of the broader objective of Natural Resource, City Image and Hazards Strategy. For this reason Section 3.0 Foundation of Plan as with other sections of the Strategic Plan are relevant to both the formulation of this D.C.P and its ongoing use and maintenance.

In recognition of the rural and urban nature of the Plan Area and the differing forms of development pressures exerted on this area, this Development Control Plan provides two regulative streams being:

- (i) those which relate to the urban/growth areas and which are considered to be under extreme pressure for development; and
- (ii) those which have moderate pressure and relate to the remainder of the Plan Area. The differing regulatory streams should not be interpreted as a statement by Council as to the importance of any one area over another in terms of its value or protection, but rather as a response to the diverse nature of the land use pressures exerted on the hillslopes in the urban and rural areas.

Nothing in this Development Control Plan shall be construed to confer any rights to use land for any purpose. Such rights remain vested in other parts of the Planning Scheme.

A Planning Study has been prepared in connection with the formulation of this Development Control Plan and is referred to as the Hillslopes Planning Study.

---

The Development Control Plan includes maps described as Hillslopes DCP and is divided into the following; 1

- . General Intent
- . Aim
- . Preferred Dominant Areas
- . Objectives & Implementation
- . Assessment Details
- . Development Requirements

## 1.2 GENERAL INTENT

The forested hillslopes above the coastal plain and river valleys are landscape features representative of, and uniquely characteristic of the Cairns region. They are features which make the region attractive to both residents and tourists and contribute in distinguishing the region from other tourist destinations. The hillslopes are also an important habitat and form a link between the coastal lowlands and mountain ranges. It is intended that the attractiveness and importance of the hillslopes as a habitat be maintained.

The features of the hillslopes that make them, attractive are the stark contrast between the steep, generally forested slopes and the cleared and cultivated plains below. Even though parts of the original forest vegetation have been damaged or altered by fires and cyclones, the scenic value of the hillslopes rises predominantly from the fact that they are not scarred by earthworks or featured with buildings. It is intended that this natural attractiveness be maintained by not permitting development on much of the hillsides. Where development does occur it should only be on slopes that are safe and stable and in a manner which ensures that there will be no changes to the landscape character, visual appeal or ecological values.

## 1.3 AIM

The aim of this Development Control Plan is to protect the landscape character, ecological values and the visual quality of the hillslopes so as to retain the scenic backdrop to the lowland areas and to ensure that where land can be developed without impact on the scenic quality and ecological value, it is developed in a manner that is safe and serviceable for the proposed use.

It is intended to achieve this aim of the DCP through the identification of preferred dominant areas and through a series of objectives which provide implementation details and the basis for considering development applications.

## **1.4 PREFERRED DOMINANT AREAS**

The location of the preferred dominant areas as described below, is shown on the Development Control Plan maps.

### **1.4.1 Category A - Unconstrained**

It is intended that these areas in the context of hillslope protection are the preferred locations for development. Land within this designation has been identified by various factors as not being constrained in terms of potential visual degradation which may arise from development.

Generally it is cleared land with slopes less than 1 vertical to 6 horizontal (1:6). However, these areas may contain isolated areas such as gullies, steep ridge faces or prominent ridge lines or sections of wetland or rainforest areas which need to be assessed in any detailed site analysis.

It should also be noted that the suitability for development needs to be assessed with reference to other parts of the Planning Scheme in terms of physical constraints such as flooding, and statutory constraints such as zoning and Strategic Plan designation.

### **1.4.2 Category B - Constrained**

Land within this designation has been identified, by various factors, as being constrained to varying degrees for future development.

It is considered however that land designated as Category B and located adjacent to the Urban designation on the Strategic Plan Map Diagram A.1 may have opportunities for certain forms of development, provided that any such development would meet particular performance standards designed to ensure that the intent of this Development Control Plan is maintained. For development to be approved in this category, the applicant will need to demonstrate to Council that the land can be made safe and serviceable for the proposed use without resort to, in Council's opinion:

- [i] complex engineering solutions to overcome the constraints;
- [ii] the undertaking of anything more than minor earthworks;  
or
- [iii] the need for controls, to ensure that there is no change to the landscape or scenic value of the area, to be placed upon the land use, in excess of those available in the Planning Scheme or Local Laws.

Land designated as Category B but not located adjacent to the Urban designation on the Strategic Plan Map Diagram 1 may comprise both land suitable for development subject to the above proviso and land not suitable for development. The process of determining the extent of land unsuitable for development will occur at the time of a development application or, where applicable, by mutual agreement between the landowner and Council as set out in Hillslopes Objective 9.

#### **1.4.3 Category C - Restricted**

This designation identifies land which is either located in the designated urban growth corridors or other areas nominated through mutual agreement with the particular land owner and Council pursuant to Hillslopes Objective 9 and is generally so constrained by various factors, principally landscape and visual quality, slope (generally greater than 1:3) and slope stability, as to be unsuitable for development. The intent of this designation is to retain these areas in their natural state or for these areas to be rehabilitated, where considered necessary by Council.

---

## 1.5 OBJECTIVES AND IMPLEMENTATION

### 1.5.1 General Objectives

- 1.5.1.1 Hillslopes Objective** ■ To retain the hillslopes in a manner which reflects the City image while conserving areas of ecological value and scenic amenity.

#### *Implementation*

- [a]. Council when considering development applications shall not approve applications where the proposal:
- [i] is not able to be undertaken in a manner sympathetic and sensitive to the surrounding natural environment;
  - [ii] would be contrary to maintaining the environmental and visual integrity of the hillslopes;
  - [iii] would impact on areas of rainforest or other vegetation communities of ecological importance;
  - [iv] does not acknowledge local constraints and opportunities in its planning; or
  - [v] does not cater for fire hazards which may exist.
- [b] To assist Council in its determination of the matters outlined in [a] above Council has developed the Hillslope Visual Assessment Handbook which details examples of desirable and undesirable developments and documents the particular elements which distinguish one from the other.
- [c] To assist Council in making an assessment on the visual quality of a development application Council shall seek the assistance of a panel of technical experts which shall be known as the Hillslope Visual Assessment Panel. The structure and role of this Panel is set out in Provision 1.6.2.

- 
- 1.5.1.2 Hillslopes Objective 2** To recognise the diverse nature of the land use pressures exerted on the hillslopes in the urban and rural areas and respond by providing regulations commensurate with the anticipated impacts of these uses.

Implementation

- [a] Council, in recognition of the different pressures faced by urban and rural areas, has divided the DCP area into two parts; those areas that relate to the *urban/growth* areas and those that relate to the rural areas. These areas are indicated on Sheet 2 Map Series **B-2**.
- [b] Hillslopes Objectives 3,4,5,6 deal specifically with those areas which are identified Urban on Sheet 2 Map Series B-2.
- [c] Hillslopes Objectives 7,8, and 9 deal specifically with those areas which are identified Rural on Sheet 2 Map Series B-2.

**1.5.2 Urban Objectives**

- 1.5.2.1 Hillslopes Objective 3** To identify areas that have little or no constraints for development.

Implementation

- [a] The areas designated Category A are generally considered unconstrained. Therefore there are no specific requirements for these areas except for those contained elsewhere in the Planning Scheme.
- [b] Notwithstanding the above, some areas contained in the Category A area may be steeper than 1 in 6 and/or in locations of high visual prominence. Where these circumstances apply, the affected land shall be deemed to be in a Category B area and development applications shall be assessed accordingly.

- 1.5.2.2 Hillslopes Objective 4** To identify areas that are constrained but through careful planning may be developed.

Implementation

- [a] The areas identified as Category B may have some potential for development. To ascertain this potential, a development application lodged with Council shall be accompanied by a Concept Plan in accordance with Provision 1.6.1.



- 
- [b] The purpose of the Concept Plan is to ensure the proposal takes account of the site's constraints and opportunities and allows uses to establish only where the proposal conforms with Hillslopes Objective 1.
  - [c] Development proposal shall comply with Sub-section 1.7 General Requirements.

**1.5.2.3 Hillslopes Objective 5** To identify those areas that require protection and are not considered appropriate for development.

Implementation

- [a] The areas identified as Category C - Restricted are not considered appropriate for development. Council shall not approve development applications on land so designated.
- [b] Land within Category C - Restricted shall be retained in its existing state or rehabilitated, where necessary.
- [c] Council will require the rehabilitation, or a contribution towards the rehabilitation, of land designated Category C - Restricted as a condition of approval for a development application.
- [d] Where rezoning **and/or** subdivision of a parcel of land containing land designated Category C - Restricted is approved by Council, that **part** of the land designated Category C - Restricted shall be transferred to public ownership for open space purposes at the earliest time available under the provisions of the Act.
- [e] Notwithstanding [a] above, Council may approve development applications on land designated Category C - Restricted in the following circumstances:
  - [i] where required for visually unobtrusive, **education/interpretation** facilities of an appropriate design and construction materials in keeping with the location, and which rely upon a specific location or natural feature for its attraction and where no accommodation or urban services are required and no more than local habitat disturbance would occur; or

- [ii] where the zone of the land allows a dwelling house and the whole of the land is included within Category C, Council may allow the construction of a dwelling house where it can be shown that part of the land intended for the dwelling house provision of services and access construction can, in Council's opinion, be made safe and suitable in its state prior to the commencement of any earthworks and the proposed building, services, access and the like are visually unobtrusive and require minimal to no vegetation removal and habitat loss.
- [f] Notwithstanding [a], Council may decide to better define the interface between two categories where:
  - [i] there is a disparity between the macro analysis undertaken in the mapping of the DCP and a detailed site analysis;
  - [ii] there is no significant vegetation or habitat loss;
  - [iii] there will be no detrimental visual impact caused by the proposal;
  - [iv] the proposal accords with Hillslopes Objective 1; and,
  - [v] there has been no clearing of the site since 18 December 1993 being the date of the gazettal of the previous Planning Scheme.
- [g] Any proposal which is influenced by [e] and [f] above shall be required to comply with the requirements for developments in Category B designated land.

**1.5.2.4 Hillslopes Objective 6** To ensure that land appropriate for conversion to an urban designation has the desired level of protection for the hillslopes commensurate with its exposure to development pressures.

*Implementation*

- [a] Prior to Council identifying further Urban land on the Strategic Plan Map Council shall in addition to Housing Objective 7, include such additional urban land within the Urban classification on Sheet 2 Map Series B-2.
- [b] Any additional land classified as Urban on Sheet 2 as a result of [a] above shall have defined the extent of land which is not appropriate for development and these areas will be nominated as Category C on the relevant Hillslopes DCP maps.

- [c] Council in making the assessment outlined in [b] above shall have regard to the matters outlined in the Hillslopes Visual Assessment Handbook.

### 1.5.3 Rural Objectives

- 1.5.3.1 Hillslopes Objective 7** To identify areas that have little or no constraints for development.

#### Implementation

- [a] The areas designated Category A are generally considered unconstrained and for this reason there are no specific requirements for these areas except for those contained elsewhere in the Planning Scheme.
- [b] Notwithstanding the above, some areas contained in the Category A area may be steeper than 1 in 6 and/or in locations of high visual prominence. In these circumstances those parts of a site the subject of a development application are deemed to be in Category B area and assessed accordingly.

- 1.5.3.2 Hillslopes Objective 8** To identify those areas which require further detail to establish its suitability for development.

#### Implementation

- [a] The areas identified as Category B may have some potential for development. To ascertain this potential, a development application lodged with Council shall be accompanied by a Concept Plan in accordance with Provision 1.6.1.
- [b] The purpose of the Concept Plan is to ensure the proposal takes account of the site's constraints and opportunities and allows uses to establish only where the proposal conforms with Hillslopes Objective 1.
- [c] All development applications shall comply with Sub-section 1.7 Development requirements.

- 1.5.3.3 Hillslopes Objective 9** To facilitate a partnership between Council and land owners to protect and where necessary rehabilitate hillslope areas while at the same time providing some certainty for the continued use of these lands for activities which are considered sustainable.

---

*Implementation*

- [a] Council through the proposed Natural Resources Strategy outlined in Natural Resources Objective 1 will investigate the opportunities available for voluntary agreements to provide assistance to land owners in return for their land being given a higher level of protection.
- [b] Council in partnership with other organisations will promote activities such as:
  - [i] the protection and enhancement of the visual quality of the hillslopes;
  - [ii] the protection and stabilisation of hillslope areas;
  - [iii] the creation of wildlife corridors between stands of existing vegetation; and,
  - [iv] increasing public awareness about the importance of planting native trees.
- [c] Council in partnership with land owners will investigate the available options to ensure the long term viability of selective logging in the hillslope areas.

## **1.6 ASSESSMENT DETAILS**

### **1.6.1 Concept Plan**

The purpose of the concept plan is to ensure that any proposed development shall be based on a thorough site survey and site analysis that identifies all environmental constraints and opportunities in order to preserve and prevent depletion of the hillslope character. To ensure this, any development application, unless determined otherwise by Clause 1.6.1.6, shall include a Concept Plan including the elements as outlined by Clauses 1.6.1.1, 1.6.1.2, 1.6.1.3, 1.6.1.4, 1.6.1.5.

### 1.6.1.1 Site Survey

The site survey of the land shall include but not necessarily be limited to the following:

- contours (at least 2 metre intervals) and slope steepness categories (less than 1:6, between 1:6-1:3, steeper than 1:3);
- geotechnical details in accordance with Clause 1.6.1.3;
- bush fire risk in accordance with Clause 1.6.1.5
- existing vegetation (areas of woodland, rainforest, scrub and grasslands);
- existing buildings and structures;
- existing land use;
- existing services infrastructure;
- existing roads/tracks or benches;
- access;
- sites of cultural heritage significance;
- drainage lines;
- other natural or built form features;
- ecological values (eg. habitat, rare and vulnerable flora);
- rare or endangered fauna.

### 1.6.1.2 Site Analysis

The analysis tasks includes recording and identifying:

- areas that are too sensitive to develop by either significant vegetation or slope stability problems. With regard to slope stability the analysis is to be undertaken in accordance with Clause 1.6.1.3;
- areas that are visually exposed to other locations. This analysis to be undertaken in accordance with Clause 1.6.1.4;
- areas that may require special protection, eg sites of cultural heritage significance;
- major views within the site and vistas beyond;
- areas exposed to strong winds and areas sheltered from wind to assist in locating buildings and buffer planting;
- slopes facing northeast though north to northwest as these are the most suitable locations for orientation of buildings, terraces, and other open space to the sun;
- shady area which will be cool in summer; and
- bush fire hazard. Analysis to be undertaken in accordance with Clause 1.6.1.5.

### 1.6.1.3 Geotechnical Report

A geotechnical report, prepared by a qualified and experienced geotechnical engineer, detailing the suitability of the site for the proposed development shall form part of the Concept Plan. This report shall include, but not be limited to assessment of the following:

- [a] Existing site conditions, including:
  - soil type, depth and properties;
  - rock type and properties;
  - depth of weathering;
  - angles of dip of rock bedding planes and fault planes;
  - slope stability;
  - erosion stability;
  - history of any known geological problems or occurrences on the site or adjoining property.
  
- [b] Details of measures proposed to be incorporated in the development to ensure safe and otherwise satisfactory construction practices, including:
  - measures to be adopted to control soil and rock movement from future weathering and saturated conditions; and
  - design matters to be considered during the construction of building foundations, roads, driveways or any other works involving the excavation or filling of any land.

The adequacy of the geotechnical report regarding the testing procedures adopted, the scope of the report and that the tests undertaken to ensure the findings of the report are representative of the site, shall be determined by the Director Planning and Development, who may, if deemed necessary, request further information from the applicant.

### 1.6.1.4 Visual Assessment Report

A report, prepared by a qualified Landscape Architect or an approved professional, which deals with the likely visual effects of the proposed development. This report shall include, but not be limited to, the following:

- [a] Location plan and site identification details,
- [b] Site survey plan, in accordance with Clause 1.6.1.1.

- [c] Details of the proposal, with plans, levels, elevations, sections and perspectives, (where appropriate) and including:
- site layout and design;
  - site works (including excavation and fill works);
  - building design, form, colours, materials and finishes;
  - services to be provided on site;
  - method, siting and design of effluent and stormwater drainage systems;
  - access (vehicular, pedestrian and carparking within the site);
  - likely construction time and details of on-site management of buildings and works (if possible);
  - maintenance programme especially for effluent system and landscaping;
  - photographs of the site from significant public viewing points indicating the relative visibility of the site.
- [d] How the proposal accords with Council's Local Planning Policy - Hillslope Visual Assessment Handbook.

#### 1.6.1.5 Bush Fire Hazards Report

A report, prepared by an appropriately qualified person, which deals with the likely bush fire hazard of the proposed development. This report shall include, but not be limited to, the following details and assessments.

- [a] Site survey plan, in accordance with Clause 16.1.1.
- [b] Slope and aspect analysis.
- [c] Details concerning vegetation type on the subject land in terms of the inflammability.
- [d] An assessment of the bushfire hazard for the subject site.
- [e] Details of the proposed measures to reduce the risk of bushfire within the subject area.
- [f] Details of the proposed ingress/egress.
- [g] Any existing fire protection plans or strategies endorsed by Council or State Government agency.

### **1.6.1.6 Concept Plan Discretion**

Council may decide that a Concept Plan in part or in whole may not be required where the proposal is of a minor nature (such as a dwelling house) and where the level of detail as set out in the above provisions is deemed unnecessary by the Director Planning and Development.

## **1.7 DEVELOPMENT REQUIREMENTS**

Council shall not approve a development application or building approval within the Category A area referred to in Hillslopes Objective 3[b] and 7(b), Category B or Category C area referred to in Hillslopes Objective 4, 5, 7 or 8 Hillslopes Objective 5 respectively unless it conforms to the relevant provisions stated in those objectives and the following provisions:

### **1.7.1 Proposal and Design Layout**

- [a] The design and layout of any proposal shall ensure harmony between the proposal and the natural and man-made features of the landscape.
- [b] Divisions between developments and natural areas shall be softened by appropriate landscaping in order to establish a buffer between the development and the natural bushland.
- [c] Where appropriate, developments shall be provided with firebreaks. Such firebreaks shall be situated down the slope of the developments so as to reduce the forward speed of bushfires. These firebreaks shall provide vehicular access for fire fighters and shall, where possible, be created by roads and access driveways or be located within the open space network. Selective manual vegetation reduction should be considered where bulldozed fire breaks would be susceptible to erosion and impairment of visual amenity.
- [d] Development shall be designed so that access to and from the subject site is not prejudiced in the event of a fire.
- [e] Council may refer any application to the Queensland Fire Services Authority or replacement body for comment and shall consider those comments when considering the development application.

### **1.7.2 Access and Parking**

- [a] Roadway alignments shall, as far as is practicable, follow the natural contours of the land and the flattest gradients to minimise cut and fill requirements.



- [b] Private driveways shall, as far as is practicable, conform with the natural contours of the land. Surface materials which blend with the surrounding environment and screen planting shall be used to soften driveway impacts.
- [c] Practical access shall be provided for conventional vehicles.
- [d] Effective drainage shall be planned for all works prior to construction.
- [e] **Use** of flexible design criteria for minimum grades, road radius limits, road widths, ditch widths and batter slope ratios can significantly reduce the visual impact of earthworks. Such modifications shall be favourably considered in areas of high visual impact, especially if the height of earthworks can be reduced to a point where existing vegetation can screen the impact from key observation points, provided always that critical engineering and safety factors can be maintained and roads are **trafficable** by service vehicles such as garbage trucks.
- [f] Colours and materials used in various structural elements of proposed roadways and pedestrian paths shall blend with the surrounding landscape to **minimise** visual contrasts and to **maximise** the open space and semi-rural atmosphere of the area.

### 1.7.3 Excavation and Fill

- [a] All excavation and fill slopes shall be revegetated with indigenous trees, shrubs and ground cover species immediately following construction in accordance with a professionally prepared landscape plan approved by Council. Level changes shall be minimised.
- [b] Large earth fills or cuts to accommodate building construction shall not be approved. Buildings shall be designed and sited to blend into the landscape with minimal excavation and fill.
- [c] Ornamental ponds, reflecting pools, swimming pools and other water features shall be sited in such a manner that they are sensitive to the natural terrain and require minimum earthworks.
- [d] Any works shall be undertaken in accordance with Council's Local Planning Policy - Erosion and Sediment Control Guidelines.
- [e] Effective revegetation techniques shall be utilised in the erosion control program.

#### 1.7.4 Siting and Design of Buildings and Outbuildings

- [a] No building shall be greater than 7.5 metres in height above natural ground level. Where slope gradients exceed 1:6, split level buildings and pole housing shall be used as an alternative to both standard two-storey construction and single storey construction to minimise building bulk, to minimise benching of sites; and to create an attractive built form.
- [b] Generally, no roof line of any building shall rise above ridge top treelines, interrupting the natural skyline when viewed from main roads and public reserves.
- [c] Generally, no roof shall have a pitch greater than 15 degrees.
- [d] Roof lines of buildings generally shall be parallel with contours of the land on sites with an average slopes greater than 1 in 10.
- [e] Buildings and associated roads shall not be constructed in areas with a slope greater than 1 in 3.
- [f] The design, bulk, height and form of all new buildings, outbuildings and extensions to existing buildings and outbuildings shall not dominate or detract from the scenic and environmental qualities of the site and of the local environment.

#### 1.7.5 Building Materials, Colours and Textures

- [a] The external colour scheme of buildings shall be designed to reflect two natural elements of the forest colouration:
  - the tonal value of the degree of shade; and,
  - the tonal value of the adjacent vegetation.
- [b] The Colour Schedule of the Queensland Forest Service is a useful guide to establish appropriate colour schemes for buildings with reference to various vegetation types. The following colours and tones are also a useful guide in ensuring that buildings blend with the natural surrounds:

Moderately dark to darker shades of:

olive green  
 blue green  
 grey green  
 blue grey  
 green yellow  
 green

Moderate to darker wood stains that blend well with lower colour values and the hues of surrounding forest colours are recommended.

No pastel colours, reflective surfaces, high contrast shades of whites, reds, blues and yellows or other bright colours will be approved.

- [c] Building roofs shall be non-reflective, low contrast colour. Colourbond styles, tile and similar roofs meeting these criteria are acceptable. Bright high contrast whites, reds, blues, yellows or other brightly coloured roof materials will not be approved.
- [d] Consistency in the use of materials, colours and designs of structures on an allotment shall be assessed at Building Application stage to ensure that consistency in these building elements results in a harmonious blend of man-made and natural elements in the landscape. The applicant is to clearly identify the intended finish and colour scheme of the building at the time of lodgement of a building application to Council.
- [e] Broad expanses of a single colour are not desirable and are, where possible, to be broken up by other columns or design elements
- [f] The use of white and other light colours for exterior trims and highlighting of architectural features may be permitted.

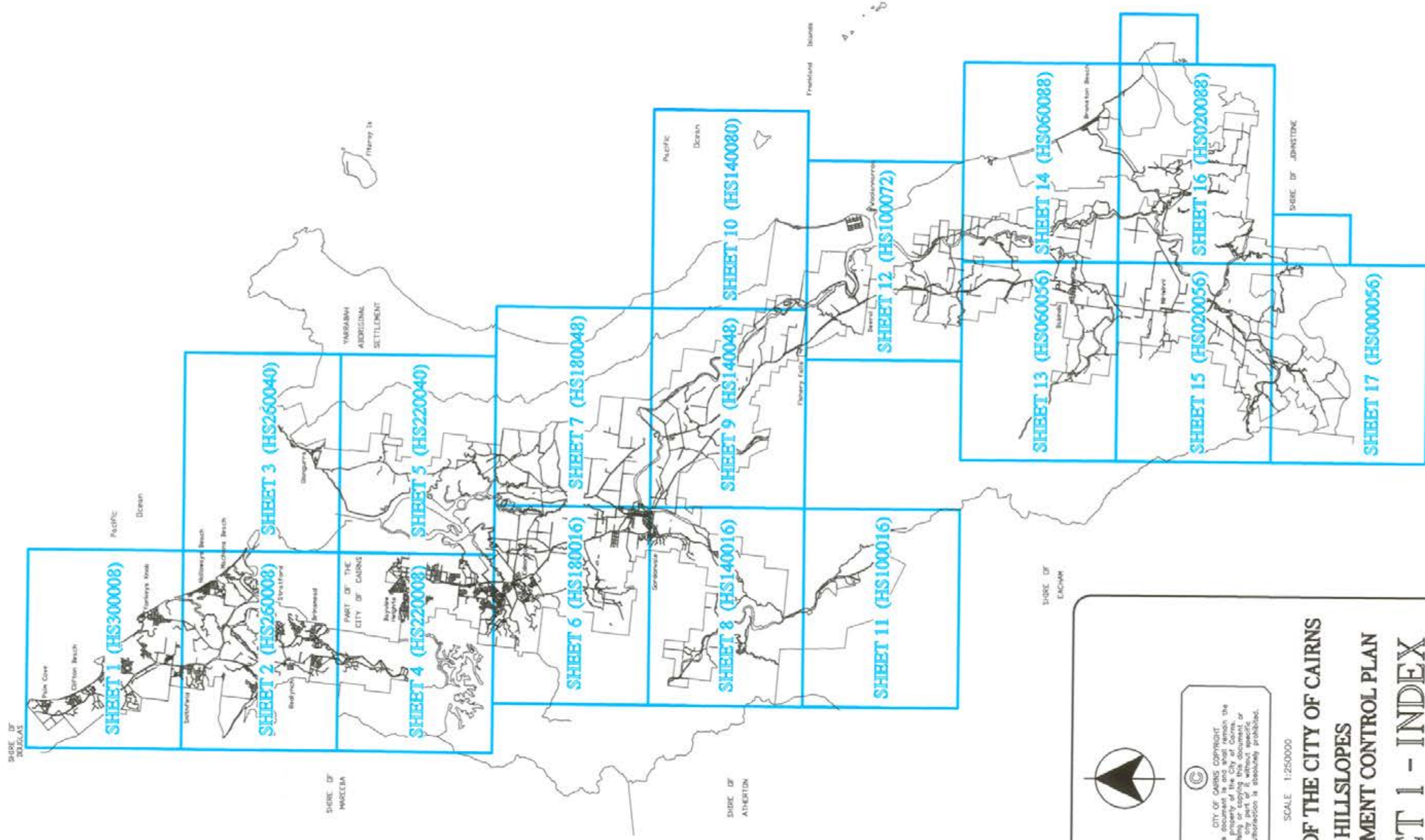
### 1.7.6 Vegetation

- [a] Clearing and disturbance of vegetation along a proposed road reserve, driveway or access shall be minimised, removing only the vegetation essentially required for construction of the proposed roadway. All vegetation to be removed shall be marked and approved prior to clearing.
- [b] Trees along roads at the foot or top of cut and fill batters shall be protected with the use of appropriate walls and sensitive earth removal.
- [c] Tree clearing within 20 metres of all stream and creek banks shall be prohibited, unless approved by Council and any clearing within a watercourse will require authorisation under the Water Resources Act or replacement legislation.
- [d] A planting strip of at least 2 metres width shall be provided to separate parallel retaining walls and be planted with approved indigenous species.

- [e] Where houses on large allotments are sited on high ground and are visually prominent within the surrounding viewshed, planting with indigenous species, shall be used to assist in screening the building from neighbouring properties and all public roads. Filtered views out of houses should be maintained with appropriately selected plants.

### **1.7.7 Fencing**

- [a] Fencing and gate design and construction shall be compatible with the environmental qualities of the site and of the local environment.
- [b] Generally, no retaining wall shall be higher than 1.5 metres above natural ground level.



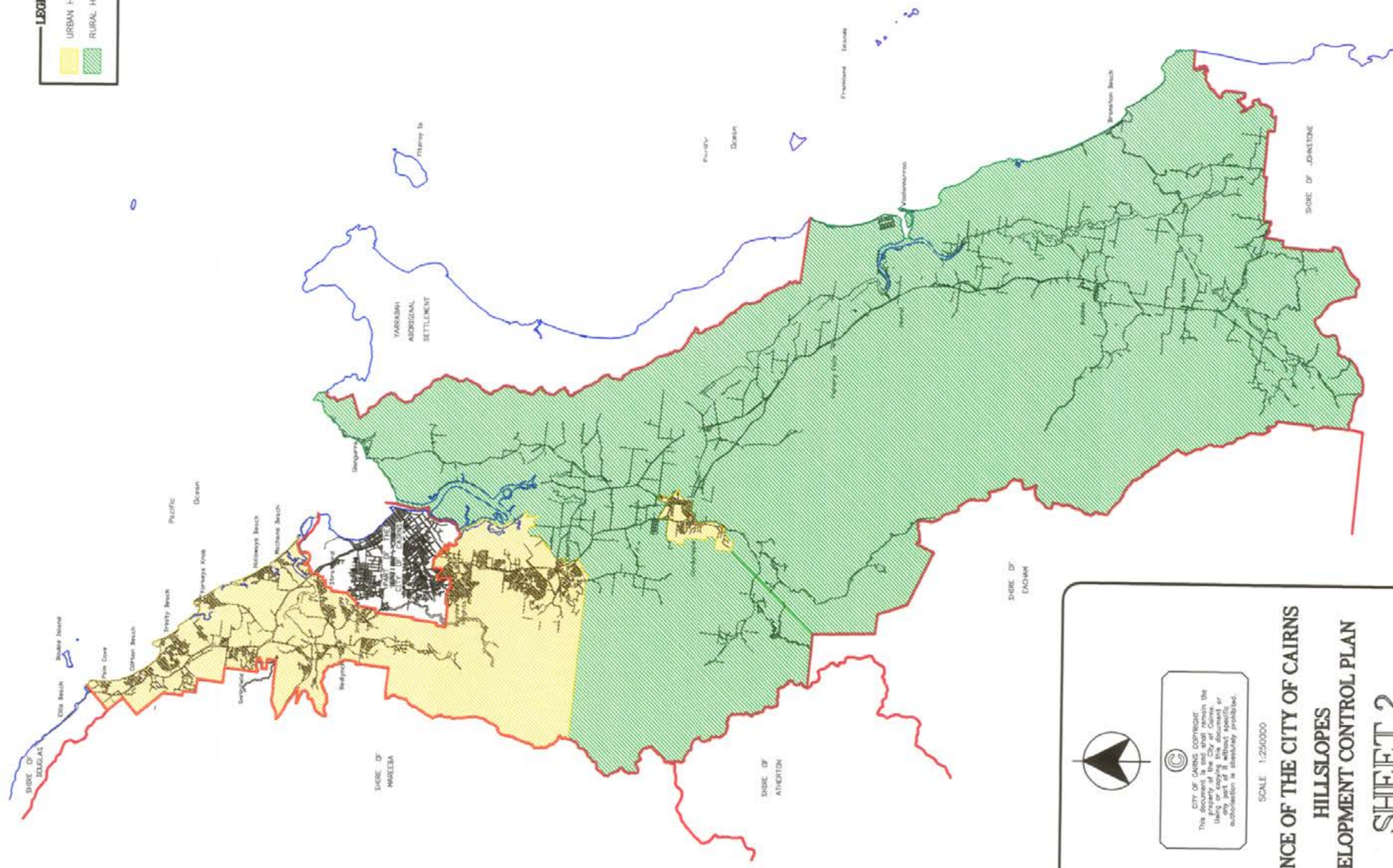
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**BALANCE OF THE CITY OF CAIRNS  
 HILLSLOPES  
 DEVELOPMENT CONTROL PLAN  
 SHEET 1 - INDEX  
 MAP SERIES B - 1**

**LEGEND**

	URBAN HILLSLOPES DCP
	RURAL HILLSLOPES DCP





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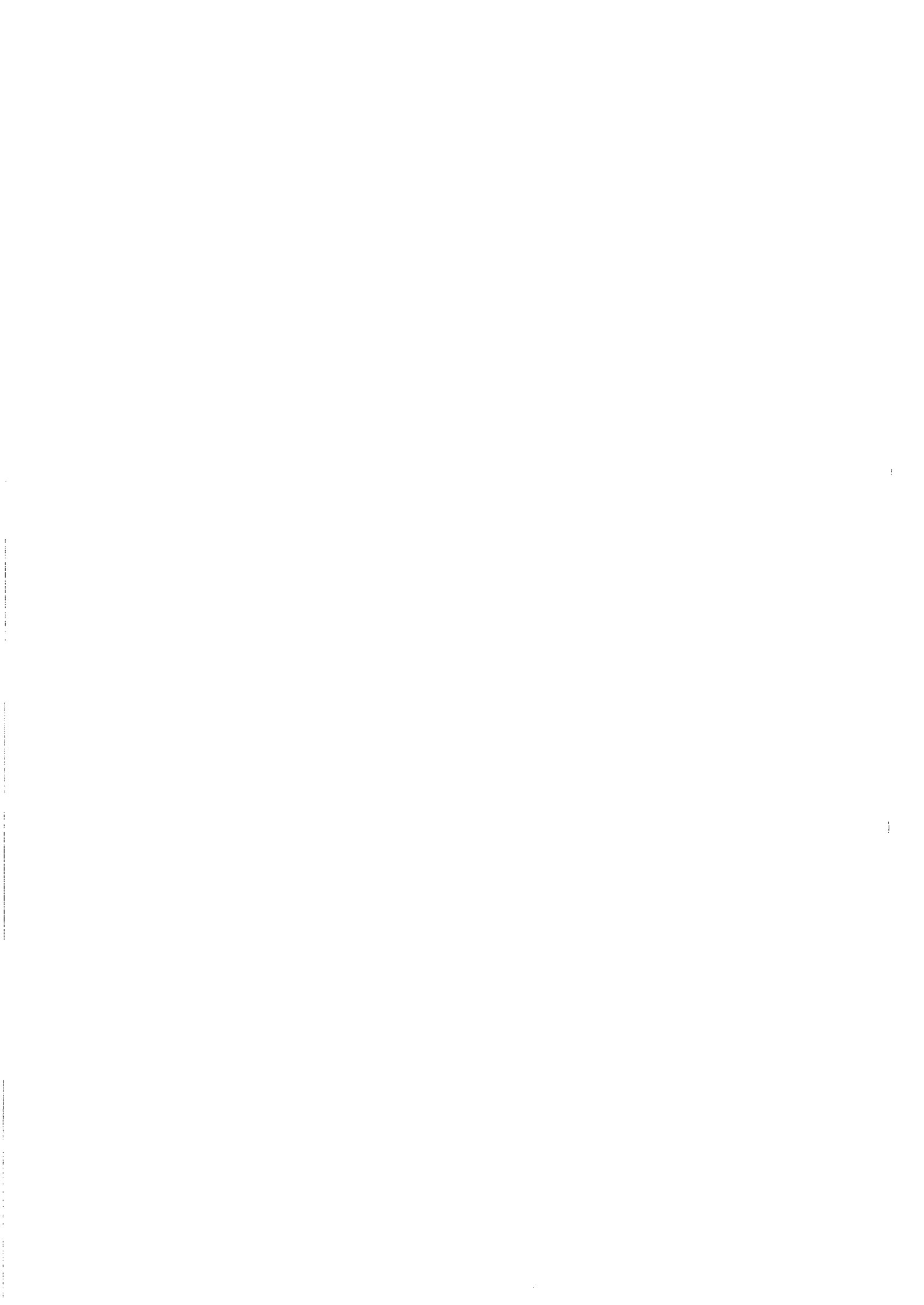
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**BALANCE OF THE CITY OF CAIRNS  
HILLSLOPES  
DEVELOPMENT CONTROL PLAN**

**SHEET 2**

MAP SERIES B - 2

**PROTECTION OF AIRPORT  
INSTALLATIONS  
DEVELOPMENT CONTROL PLAN**





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## **2.0 PROTECTION OF AIRPORT INSTALLATIONS DEVELOPMENT CONTROL PLAN**

### **2.1 INTRODUCTION**

This Development Control Plan has its foundations in both the Strategic Plan and the State Planning Policy 2/92, Planning for Aerodromes and other Aeronautical Facilities and provides more detail in the implementation of the broader objectives of the Economical Development, Noise and Hazards Strategy. For this reason Section 3.0 Foundation of Plan, as with other parts of the Strategic Plan and remaining Planning Scheme, are relevant to both the formation of this DCP and its ongoing use and maintenance.

There are a number of aspects of this Development Control Plan which require some specialised expertise to interpret. To allay confusion as a result of this it is suggested that general advice be sought from Council, or when dealing specifically with Airport Objectives 1, 2, 4 and 5, the Cairns Port Authority, or when dealing with Airport Objective 3, Air Services Australia or replacement bodies as the case may be.

This DCP should be read in conjunction with the Planning Scheme and is supplementary to the Planning Scheme. Nothing in this DCP shall be construed to confer any rights to use land for any purpose. Such rights remain vested in other Parts of the Planning Scheme. A planning study has been prepared in connection with the formulation of this DCP and is referred to as the Protection of Airport Installations Planning Study.

The DCP includes maps described as Protection of Airport Installations DCP-2. The DCP is divided into the following parts :

- . General Intent
- . Aim
- . Objectives & Implementation
- . Submissions to Air Services Australia

This DCP applies to the area shown on DCP Map B-2 and to any other areas included by way of an amendment.

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## 2.2 GENERAL INTENT

The intent of this Development Control Plan is two-fold:

- [a] to ensure the appropriate interaction between the Cairns International Airport and its external environment; and
- [b] to fulfil Council's obligations to State Planning Policy 2/92 - Planning for Aerodromes and Other Aeronautical Facilities.

## 2.3 AIM

This Development Control Plan has two aims:

- [a] To protect the Cairns International Airport and associated facilities from encroachment by inappropriate development, and;
- [b] To ensure that developments which are particularly sensitive to aircraft noise are not located in areas exposed to such noise; or in the event that development to a use by right, the introduction of appropriate acoustic controls to mitigate the impact of noise.

## 2.4 OBJECTIVES AND IMPLEMENTATION

- 2.4.1 Airport Objective 1** To ensure that the lower limits of the aerodrome airspace is maintained free of obstacles so as to ensure the safe operation of the existing and planned runways.

*Implementation*

- [a] To assist Council in the implementation of this objective the Cairns Port Authority on behalf of Council has calculated the lowest required surfaces for aircraft to land, take off, circle and the transition between these surfaces. The combination of all these conceptual surfaces are mapped on DCP Map B-2.1 and are known as Obstacle Limitation Surfaces (OLS).

- 
- [b] To assist Council in determining whether or not buildings or structures will interfere with the OLS, Council requires the following information to be lodged with development applications within the DCP area:
- [i] maximum height of proposal, given in relation to Australian Height Datum including vent pipes, aerials, lightning protection devices and the like;
  - [ii] nature of structure or building (eg, crane, multi-storey hotel, etc);
  - [iii] in the event of temporary structures such as cranes and the like, the height and approximate duration of site occupancy; and
  - [iv] Australian Map Grid (AMG) co-ordinates to be provided of the highest projection.
- [c] Council when assessing a development application within the DCP area shall have regard to the Obstacle Limitation Surfaces mapped on DCP Map B-2.1, and
- [i] no development shall be allowed to protrude into this air space;
  - [ii] where the uppermost projection of any proposed building, structure or temporary structures is located five (5) metres or more below the **OLS** for the particular site, Council may approve of the height of the building, structure or temporary structure without prior reference to the Cairns Port Authority (or other replacement authority, as the case may be, responsible for flight path determination); or
  - [iii] where the uppermost projection of any proposed building, other structure or ~~temporary~~ structure is located within five (5) metres of the OLS for the particular site, then the applicant for the development shall furnish Council with a Certificate from the Cairns Port Authority (or other authority, as the case may be, responsible for flight path determination). The certificate shall certify that the height of the proposed building or structure complies with the OLS requirements. The Certificate shall accompany the development application made to the Council and any approval given by Council shall include any reasonable and relevant conditions of the Certificate.

**2.4.2 Airport Objective 2**

To ensure the approval of a particular development within the Development Control Plan area does not adversely affect or create any potential hazard to aircraft operations.

*Implementation*

- [a] Council in the Table of Zones has ensured that uses that may have a potential to incur bird strike hazard to aircraft will require Council's approval.
- [b] In circumstances where Council considers bird strike to be a significant risk, Council may require the applicant of a development application to provide a report prepared by a suitably qualified person on potential bird strike hazards.
- [c] Council in determining whether a Significant risk exists shall have regard to the following:
  - [i] Table B-1 - Land Use Guidelines for the Avoidance of Bird Hazards;
  - [ii] DCP Map B-2.2; and
  - [iii] Any comment provided by the Cairns Port Authority.

**TABLE B-1  
LAND USE GUIDELINES- AVOIDANCE OF BIRD HAZARDS**

<b>LAND USE (Note 1)</b>	<b>AREA 1</b>	<b>AREA 2</b>
<u><b>Agriculture</b></u>		
Landscape Nurseries (Note 2)	YES*	YES
Tree Farming (Note 2)	YES	YES
Stock Farming (Note 2)	YES	YES
Dairy Farming (Note 2)	YES	YES
Sod Farming	NO**	YES
Piggeries	NO	YES
Fruit Tree Farming	NO	YES
<u><b>Wildlife Sanctuaries</b></u>		
Bird Sanctuaries	NO	NO
Game Reserve	NO	NO
<u><b>Recreational</b></u>		
Golf Courses (Note 2)	YES	YES
Parks (Note 2)	YES	YES
Playgrounds (Note 2)	YES	YES
Athletic Fields (Note 2)	YES	YES
Riding Trails (Note 2)	YES	YES
Tennis, Lawn Bowling (Note 2)	YES	YES
Picnic and Camp Grounds	YES	YES
Riding Academies	NO	YES
Racetracks	NO	YES
Fairgrounds	NO	YES
Outdoor Theatres	NO	YES
<u><b>Commercial (Note 2)</b></u>		
<b>Offices</b>	YES	YES
Retail Sales	YES	YES
Hotels and <i>Motels</i>	YES	YES
Restaurants	YES	YES
Parking Lots	YES	YES
Indoor Theatres	YES	YES
Warehouses	YES	YES
Shopping Centres	YES	YES
Service Stations	YES	YES
Cemetenes	YES	YES
Drive-in Restaurants	NO	YES
Fond Processing Plants	NO	YES
<u><b>Municipal Utilities (Note 2)</b></u>		
Water Treatment	YES	YES
Non-food Garbage Landfill	YES	YES
Food Garbage Disposal	NO	NO

Note 1: The land uses tabulated should not be considered as an exhaustive listing, but merely as examples of how various land uses may be graded in two areas, Area 1 and 2 surrounding the airport. These Areas are arrived at by describing two concentric circles (radii 3 & 8 km respectively) around the airport, centred on the existing and future runway ends.

Note 2: These are general guidelines for planning and land-use zoning only. The avoidance of bird hazards during airport operations is another subject that can involve special controls to keep land free of food and shelter for birds. Compatible with minimising Bird Hazards.

\*\* Incompatible with minimising Bird Hazards.

(Source: International Civil Aviation Organisation. 1985, Pages 33-34)

- [d] The night lighting of developments shall be designed to ensure that a hazard to aircraft operations does not result. When assessing a development application Council shall have regard to its location in terms of DCP Map B-2.2.

Council may also require an applicant to submit a detailed plan showing all proposed external lighting. Council shall, where it considers the proposed night lighting will create a hazard to aircraft operations, forward the detailed plan to the Cairns Port Authority (or other authority, as the case may be, responsible for flight path determination) for assessment. Council shall include as condition(s) of any development approval, the reasonable and relevant requirements of the Cairns Port Authority (or other Authority as the case may be responsible for flight path determination) in relation to night lighting.

### 2.4.3 Airport Objective 3

To control development in areas near aircraft navigation installations on the northern approach to the Cairns Airport so as to avoid any interference to the operation of these installations.

#### *Implementation*

- [a] There are six navigational installations located on the northern approach to the Cairns Airport, and the significant areas have been mapped on DCP Map B-2.3
- [b] The operation of navigational installations may be affected by developments. The height and proximity of development and the nature of the installation will all contribute to the extent of influence. For this reason there are two categories of controls based on proximity to the installation. The Category A area immediately surrounds the installation while Category B surrounds Category A.
- [c] These areas and their requirements are as follows:
- [i] Category A Areas:
- [A] Except as provided in [C] below any development application for land shown in Category A area shall include:
- a copy of Air Services Australia's requirements for the development (if any); and
  - a copy of the submission to Air Services Australia seeking its requirements showing compliance with Provision 2.5.2.

- [B] Council in its assessment of the development application shall have regard to Air Services Australia's requirements. Should the Council approve the application, and unless Council decides otherwise, Air Services Australia's reasonable and relevant requirements shall be conditions of the approval.
- [C] Development applications other than rezonings for a site of less than 800 m<sup>2</sup> (except where that site adjoins land already used for that purpose) shall be exempt from [A].
- [D] Except with the written approval of Air Services Australia, no structure is to be erected in an area defined as Category A if it exceeds five (5) metres in height.
- [ii] Category B Areas:
- [A] Every development application that would permit the erection of a building or structure with a height in excess of 11 metres shown in a Category B area shall include:
- a copy of Air Services Australia's requirements for the development (if any); and
  - a copy of the submission to Air Services Australia seeking its requirements showing compliance with Provision 2.5.2.
- [B] Council, in its assessment of the application, shall have regard to Air Services Australia's requirements. Should the Council approve the application, and unless Council decides otherwise, Air Services Australia's reasonable and relevant requirements shall be conditions of the approval.
- [C] Except with the written approval of Air Services Australia no structure is to be erected in an area defined as Category B if it exceeds eleven (11) metres in height.

#### 2.4.4 Airport Objective 4

To ensure that, developments that are sensitive to excessive noise are not located in areas subject to excessive noise from air traffic using the existing or proposed airport approaches, runways, taxiways, and aprons.

### Implementation

- [a] Council has utilised the Australian Noise Exposure Forecasts (ANEF) to predict a particular areas exposure to aircraft noise. The ANEF for the Cairns Airport is depicted on Map **B-2.4**.
- [b] When assessing a development application, Council shall have regard to DCP Map **B-2.4** and the accompanying ANEF Zone Table **B-2** or any amendment to the official ANEF contours that have been notified to the Council by Air Services Australia.
- [c] If a particular land use is located in the Conditional Column of Table **B-2** Council shall require the applicant to submit a report prepared by a qualified acoustic specialist into expected noise forecast for the site based on ANEF projections and detailing specific recommendations for noise attenuation of buildings to bring noise exposure to acceptable levels.
- [d] When assessing development applications and noise attenuation recommendations for buildings, Council shall have regard to Australian Standards Code AS 2021 as revised.

- 2.4.5 Airport Objective 5** In situations where buildings are constructed by right Council shall require appropriate acoustic controls to be incorporated in the building designs to mitigate noise problems.

### Implementation

- [a] All residential use or tourist accommodation erected on land designated within the influence of an airport as shown on Map **B - 2.4** shall be erected in accordance with Australian Standard Code AS 2021 to limit the effects of aircraft noise.
- [b] The Council may in special circumstances exempt the erection of a particular dwelling house from the requirements of [a] above providing the owner agrees that the exemption is shown on Council rates records and disclosed in any search made at the Council and that no compensation is payable by Council for adverse impacts or hardship relating to aircraft noise experienced in the area and provided the site is completely outside the 30 ANEF contour.



BUILDING TYPE	ANEF ZONE		
	Acceptable	Conditional	Unacceptable
Dwelling House, Multiple Dwelling, Holiday Apartment, Caravan Park	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	Greater than 25 ANEF
Hotel, Motel, Accommodation Unit	Less than 25 ANEF	25 to 30 ANEF	Greater than 30 ANEF
Educational Establishment	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	Greater than 25 ANEF
Hospital, Nursing Home	Less than 20 ANEF (Note 1)	20 to 25 ANEF	Greater than 25 ANEF
Public Building	Less than 20 ANEF (Note 1)	20 to 30 ANEF	Greater than 30 ANEF
Commercial Building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light Industrial Building	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Heavy Industrial Building	Acceptable in all ANEF Zones		

## Notes:

1. The actual location of the 20 ANEF contour is difficult to define accurately, mainly because of variation in aircraft flight paths. Other procedures set out in Clause 2.3.2 of AS 2021-1994 may be followed for building sites outside but near to the 20 ANEF contour.
2. Within the 20 ANEF to 25 ANEF, some people may find that the land is not compatible with residential or educational uses. Land use authorities may consider that the incorporation of noise control features in the construction of residences or schools is appropriate (refer also to AS 2021-1994 Figure C1 of Appendix C).
3. There will be cases where a building of a particular type will contain spaces used for activities which generally would be found in a different type of building (e.g. an office in an industrial building). In these cases, Table 2.1 of AS 2021-1994 should be used to determine site acceptability, but internal design noise levels within the specific spaces should be determined by Table 3.3 of AS 2021-1994.

**Source:** adapted from Australian Standard AS 2021-1994  
Acoustics - Aircraft Noise Intrusion - Building Siting and Construction

## **2.5 SUBMISSION TO THE CIVIL AVIATION AUTHORITY**

### **2.5.1 Detail to be Supplied**




Information supplied to Air Services Australia shall be sufficient for it to assess the impact of the development and shall include full details of:

- the real property description;
- the present zone and use of the land the subject of the application;
- the proposed zone or use being applied for and a plan showing the location in relation to property boundaries;
- type of construction and materials to be used in regard to all existing and proposed structures on the site.
- such other information specified in the Development Control Plan.

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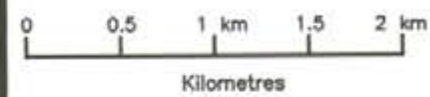
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-  CATEGORY 'C'  
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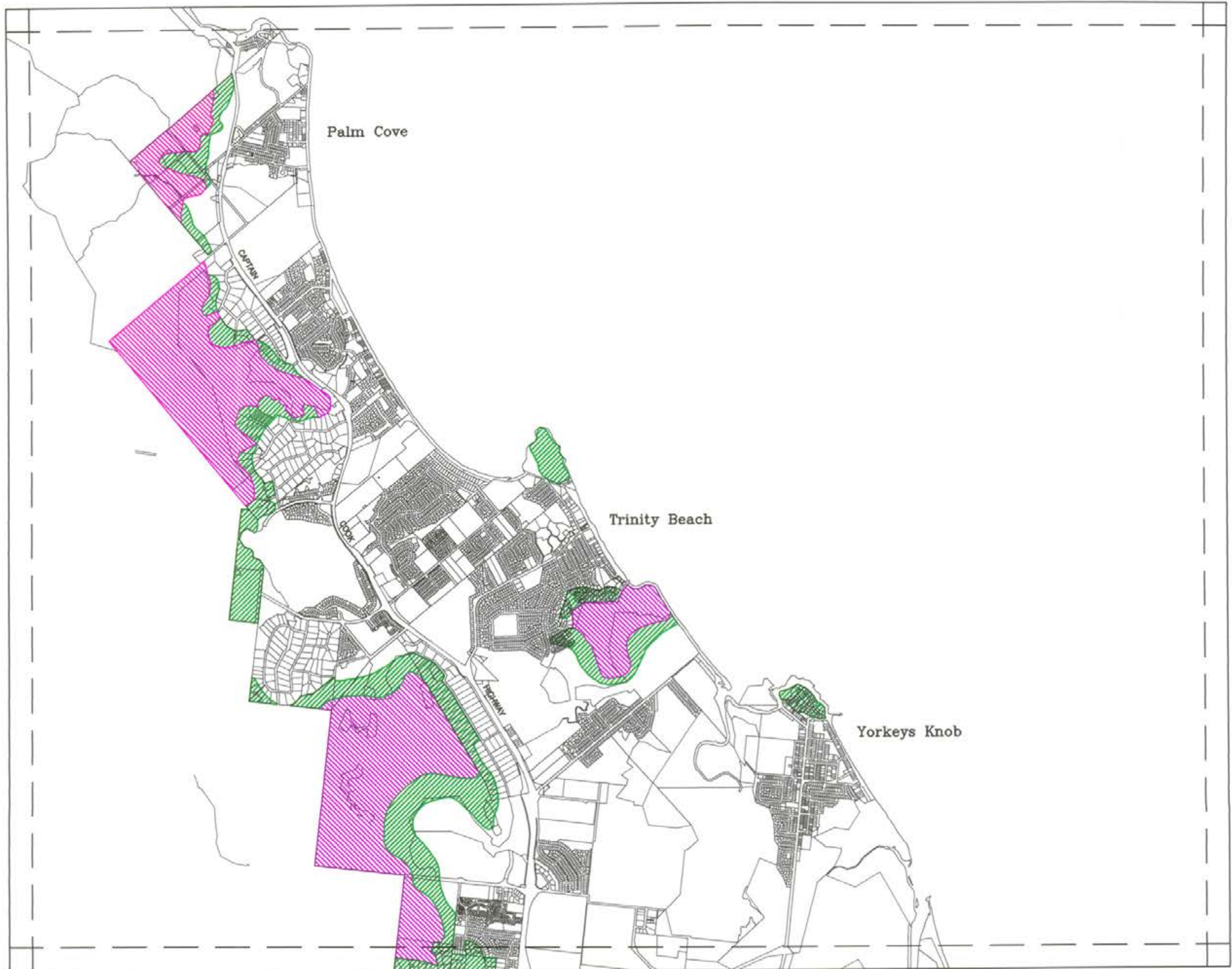
## HILLSLOPES D.C.P. SHEET 1/1 of 17

REVISION		
Issue	Date	Details
1	30/10/02	Revised B & C line Through Ter & Celebration Close.

SCALE  
1:40000






SHEET HS300008



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## HILLSLOPES D.C.P.

SHEET  
2/2 of 17

### REVISION

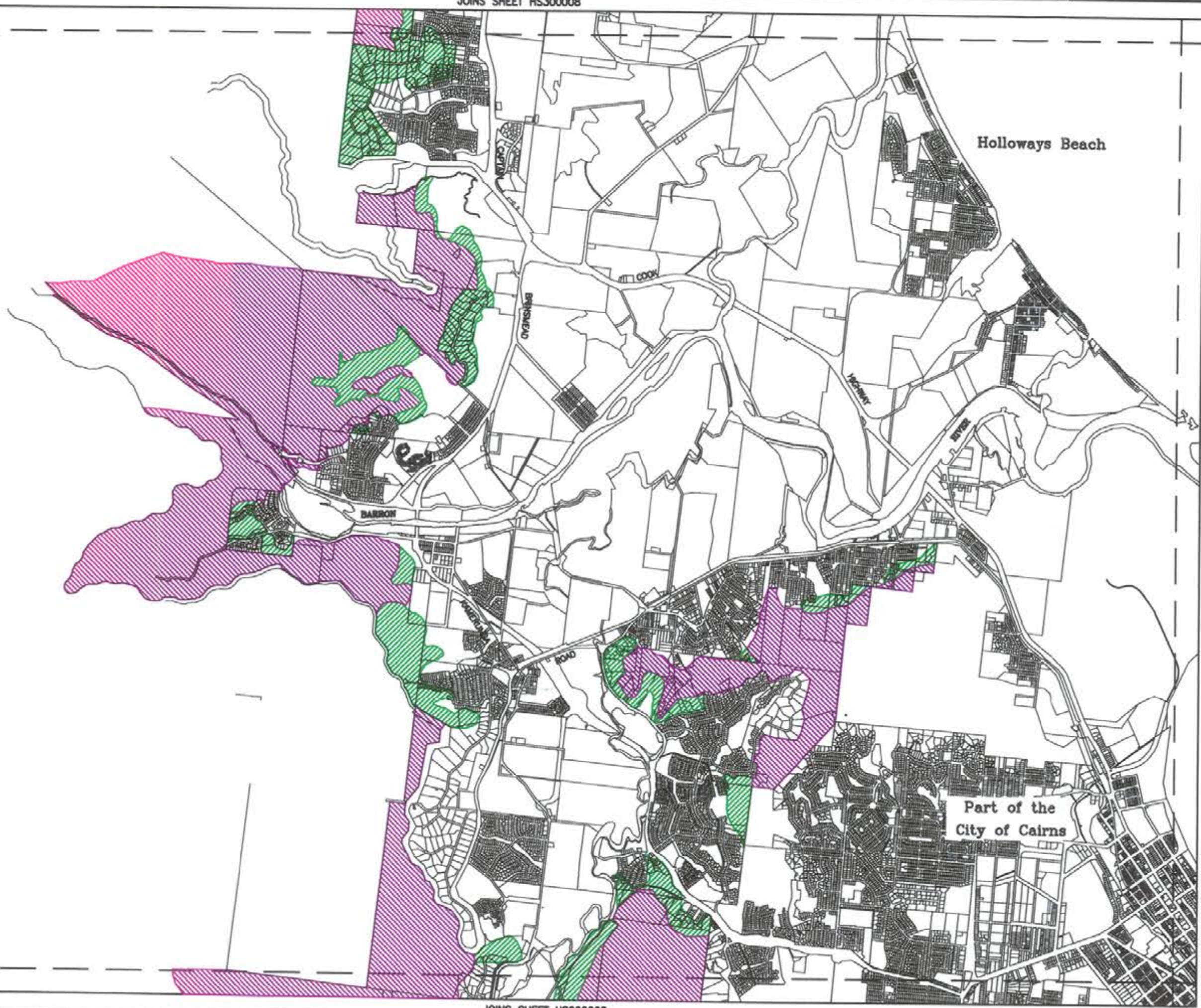
Issue	Date	Details
1	10/03/99	Revised - Coravonica (Alter Cat C, B and A)
2	10/08/00	Revised - Freshwater (Alter Cat C and B)

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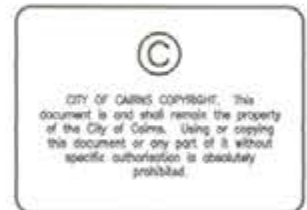
0 0.5 1 km 1.5 2 km

Kilometres






JOINS SHEET HS260040

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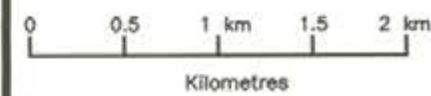
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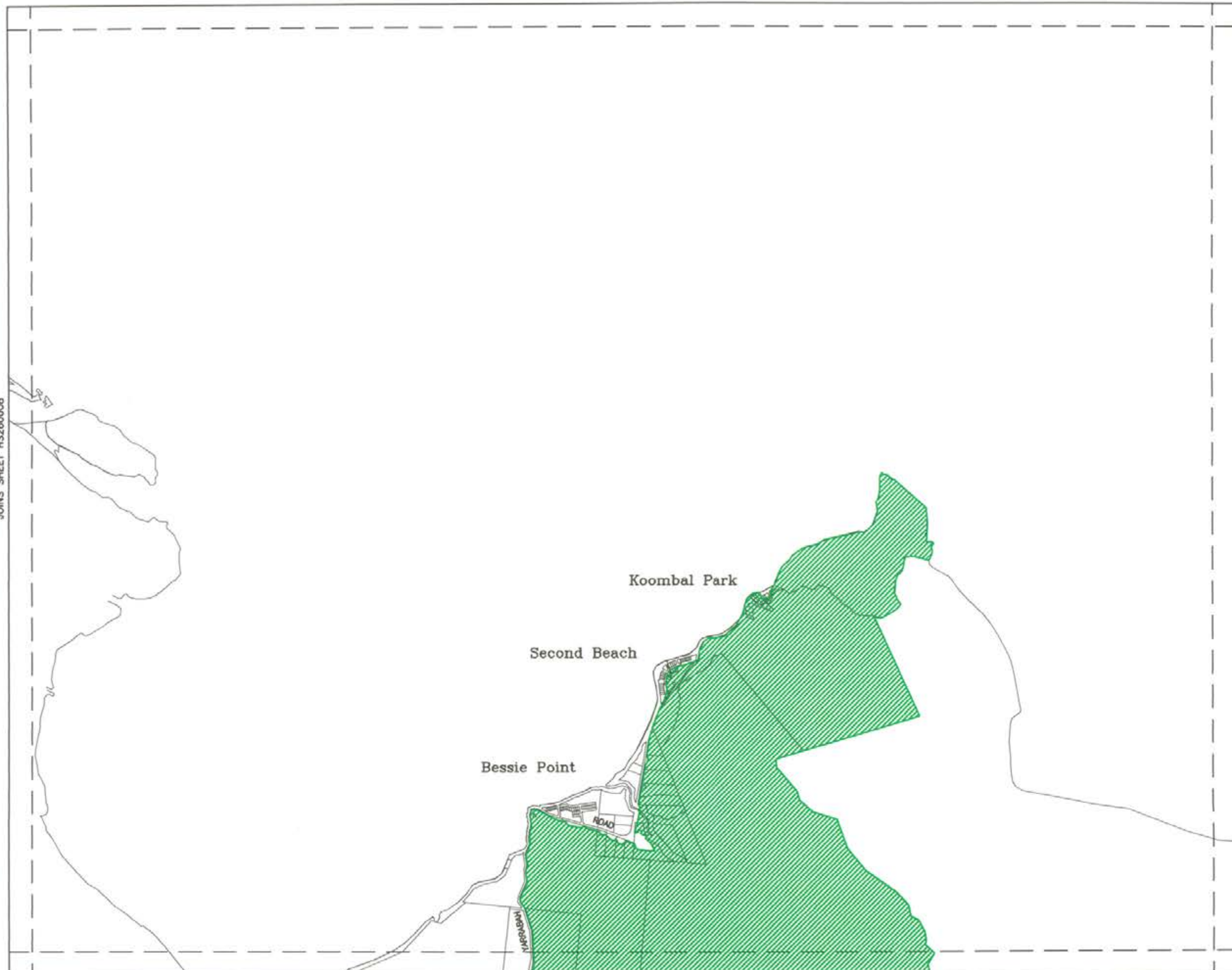
SHEET  
3 of 17

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SHEET HS260040

JOINS SHEET HS260008






JOINS SHEET HS220040

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## HILLSLOPES D.C.P. SHEET 4/1 of 17

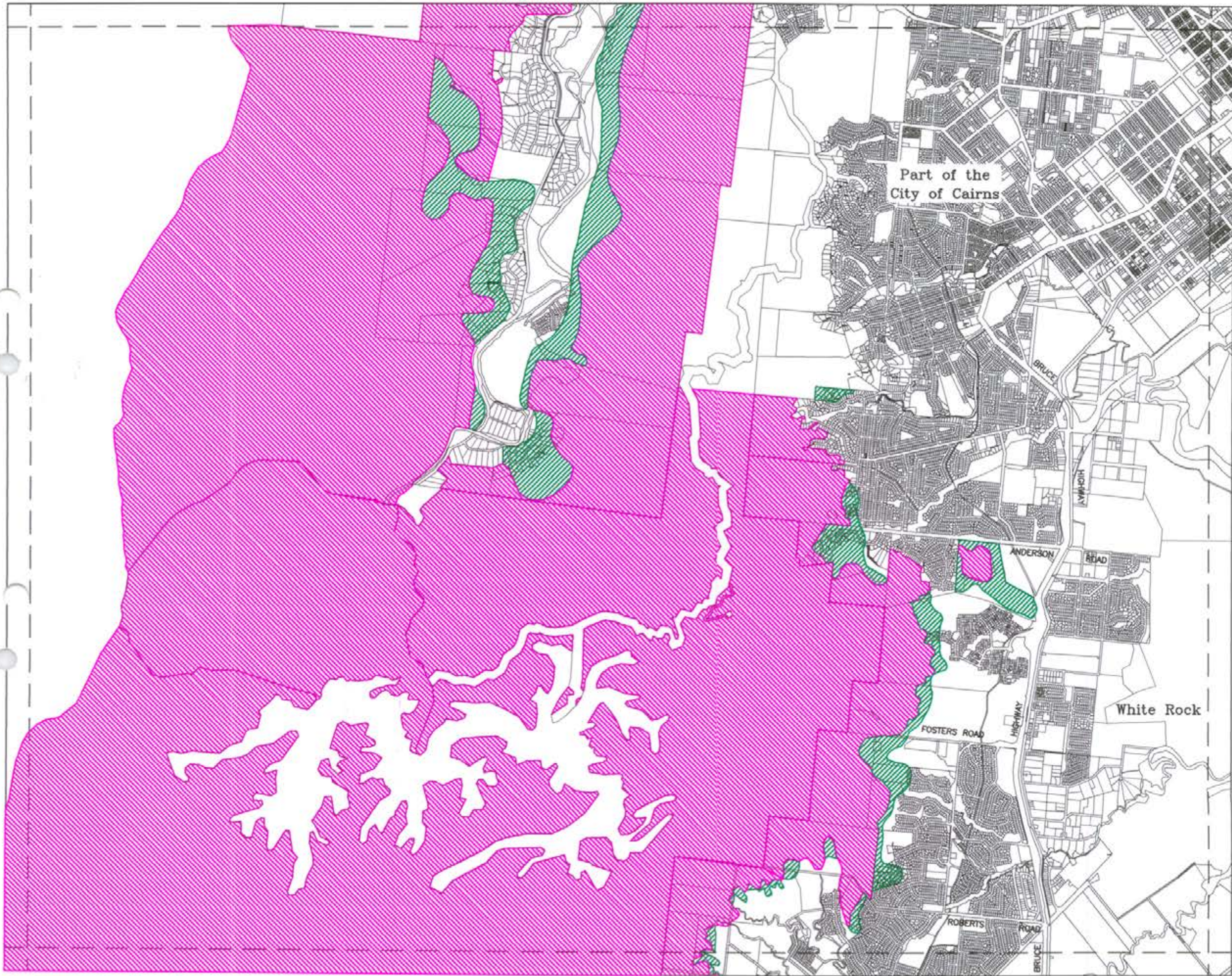
### REVISION

Issue	Date	Details
1	11/09/02	Revised - Redlynch Valley Estate (Alter Cat C & B)

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SHEET HS220008



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Part of the  
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Admiralty Island




ROAD

YARRABAH

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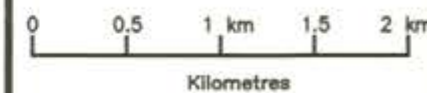
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## HILLSLOPES D.C.P.

SHEET  
5 of 17

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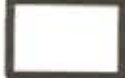


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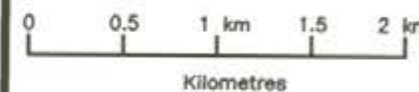
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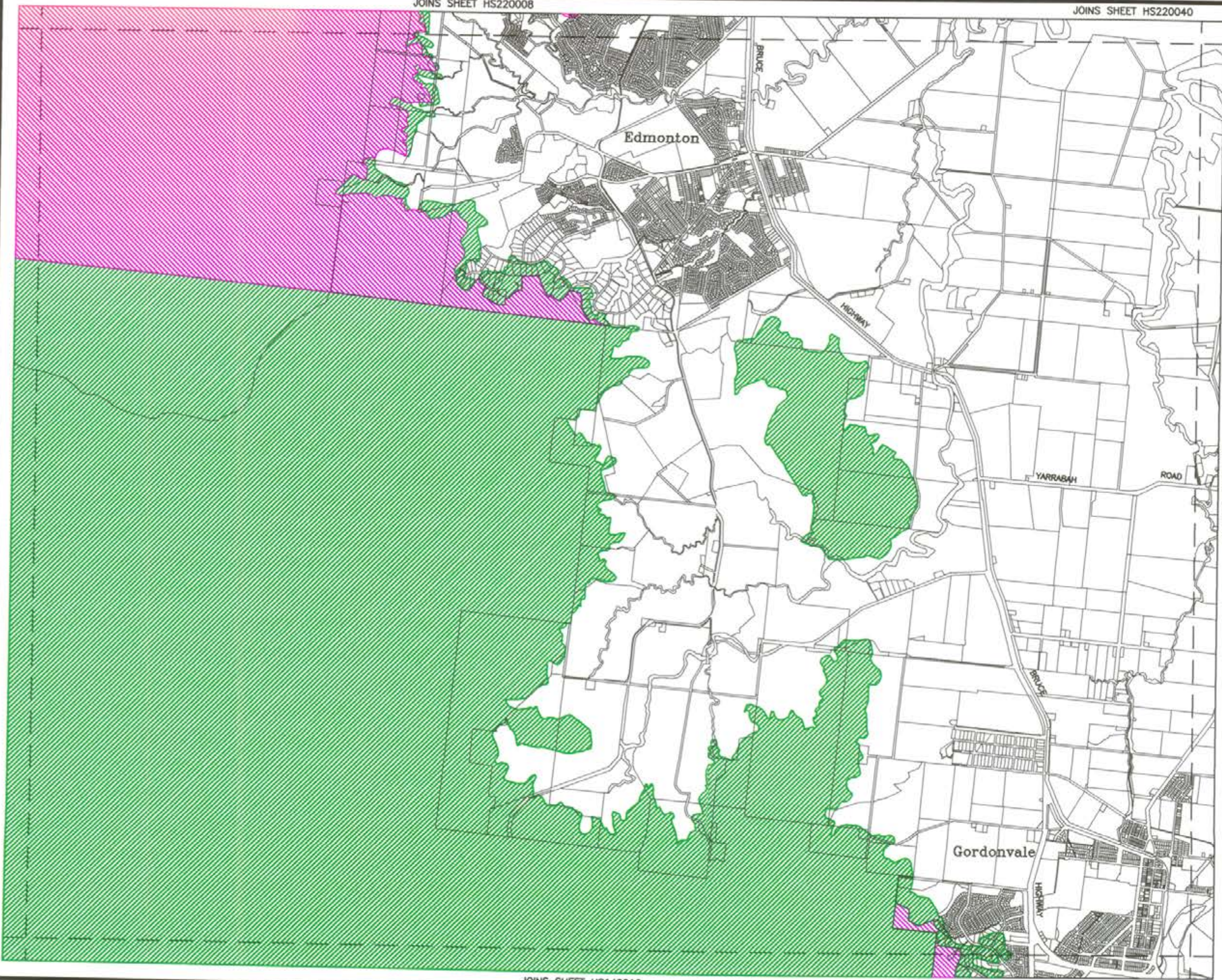
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6 of 17

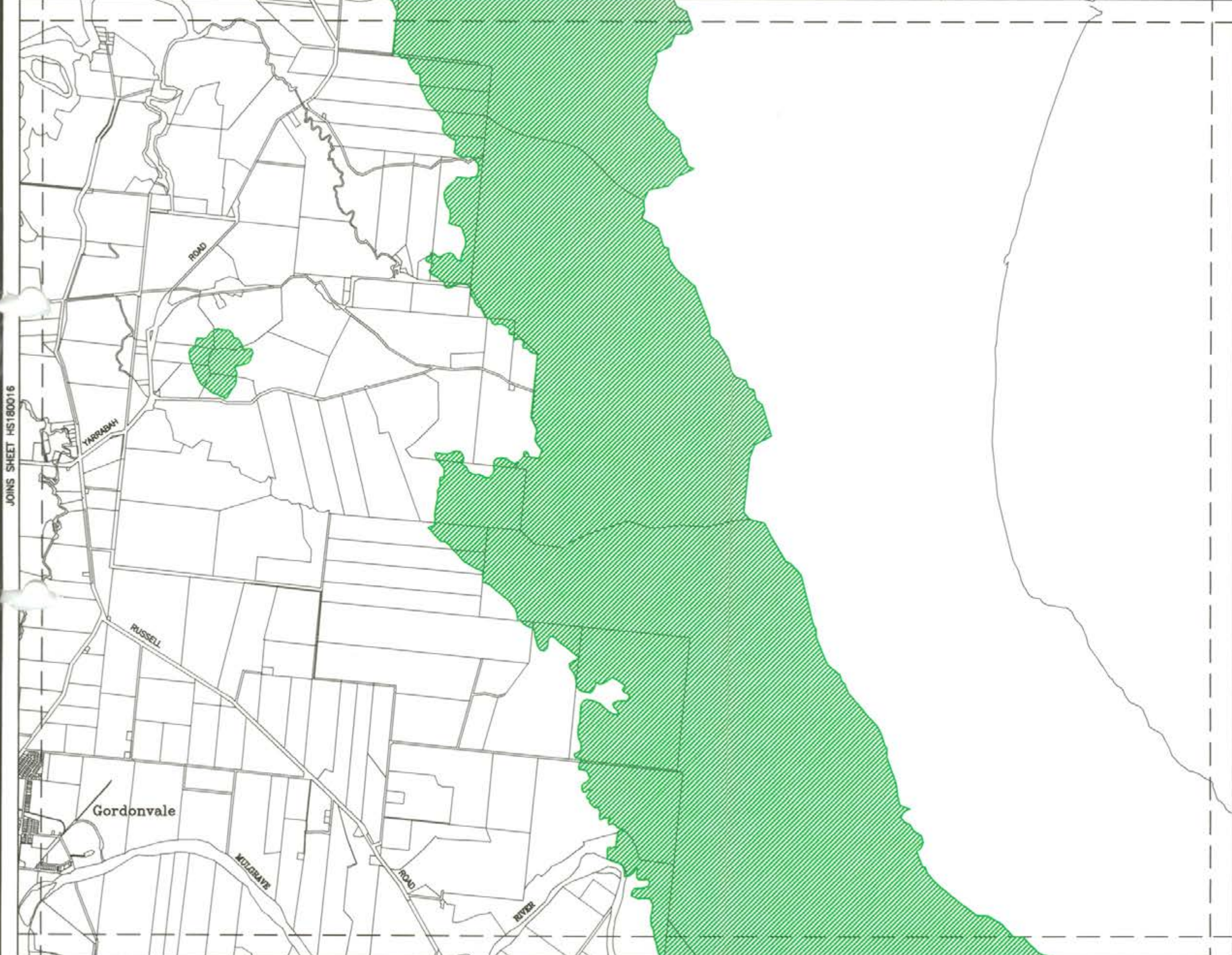
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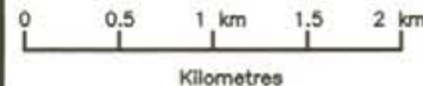
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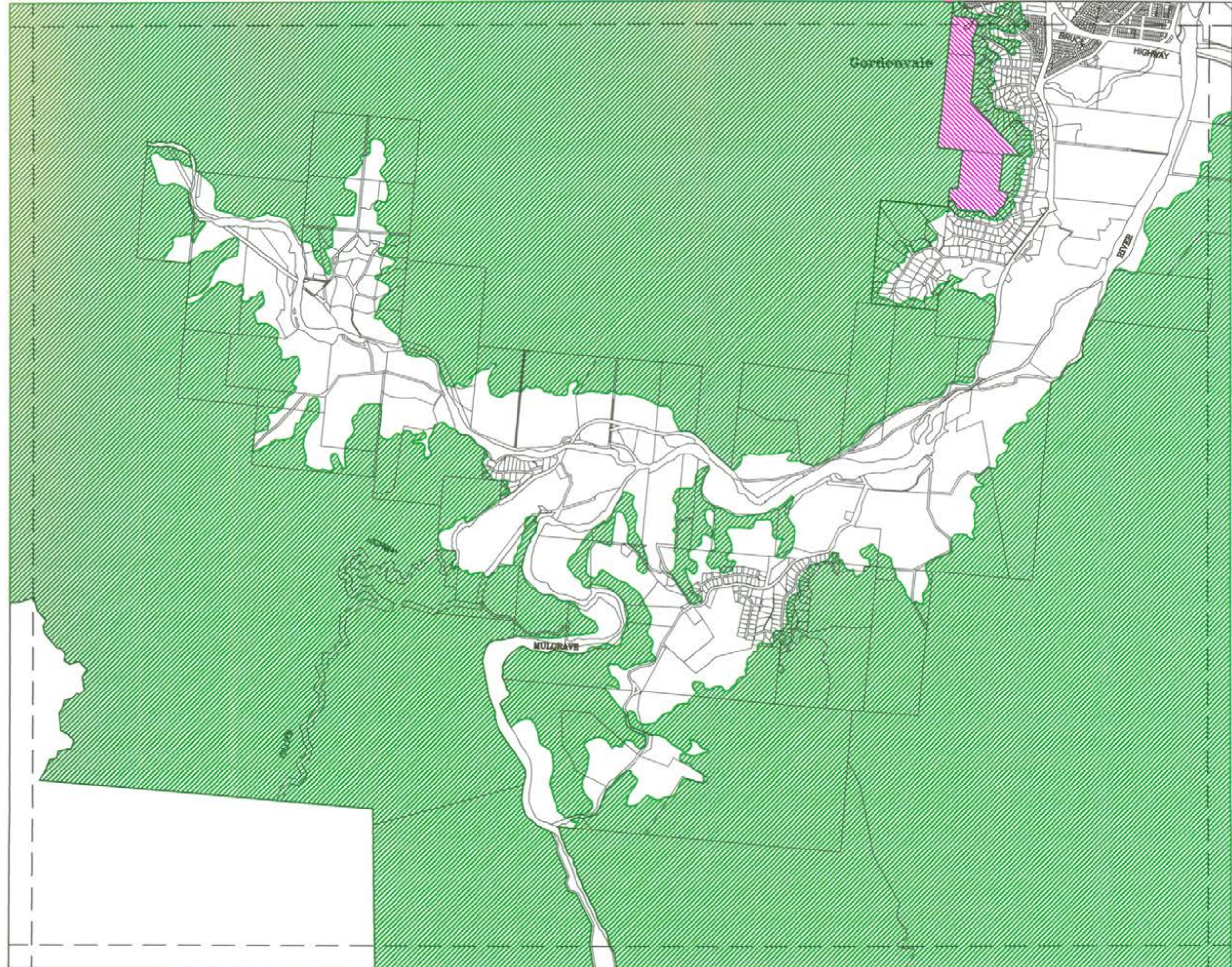
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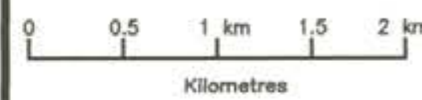
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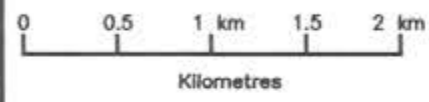
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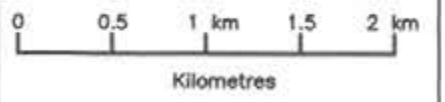
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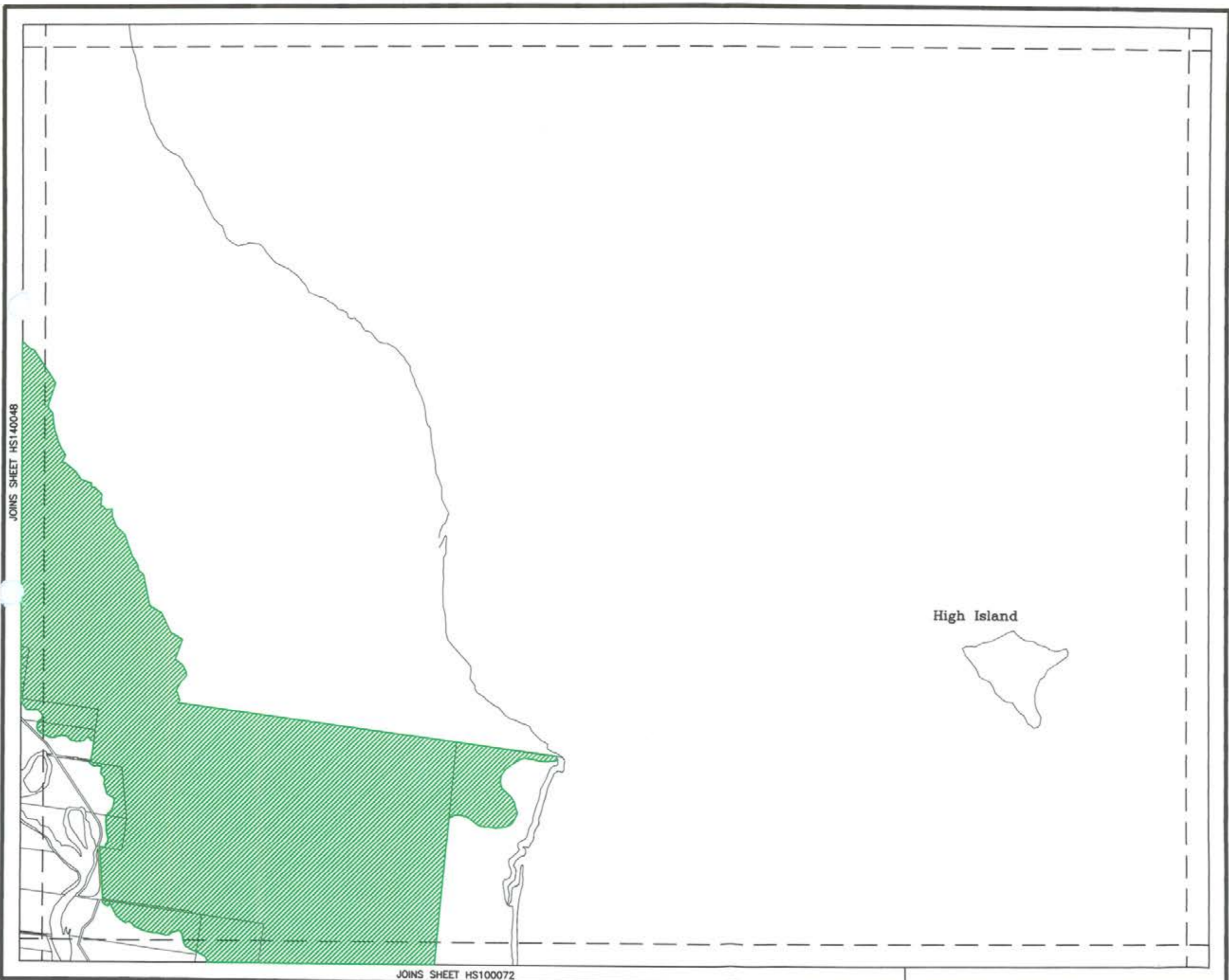
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10 of 17

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SHEET HS140080






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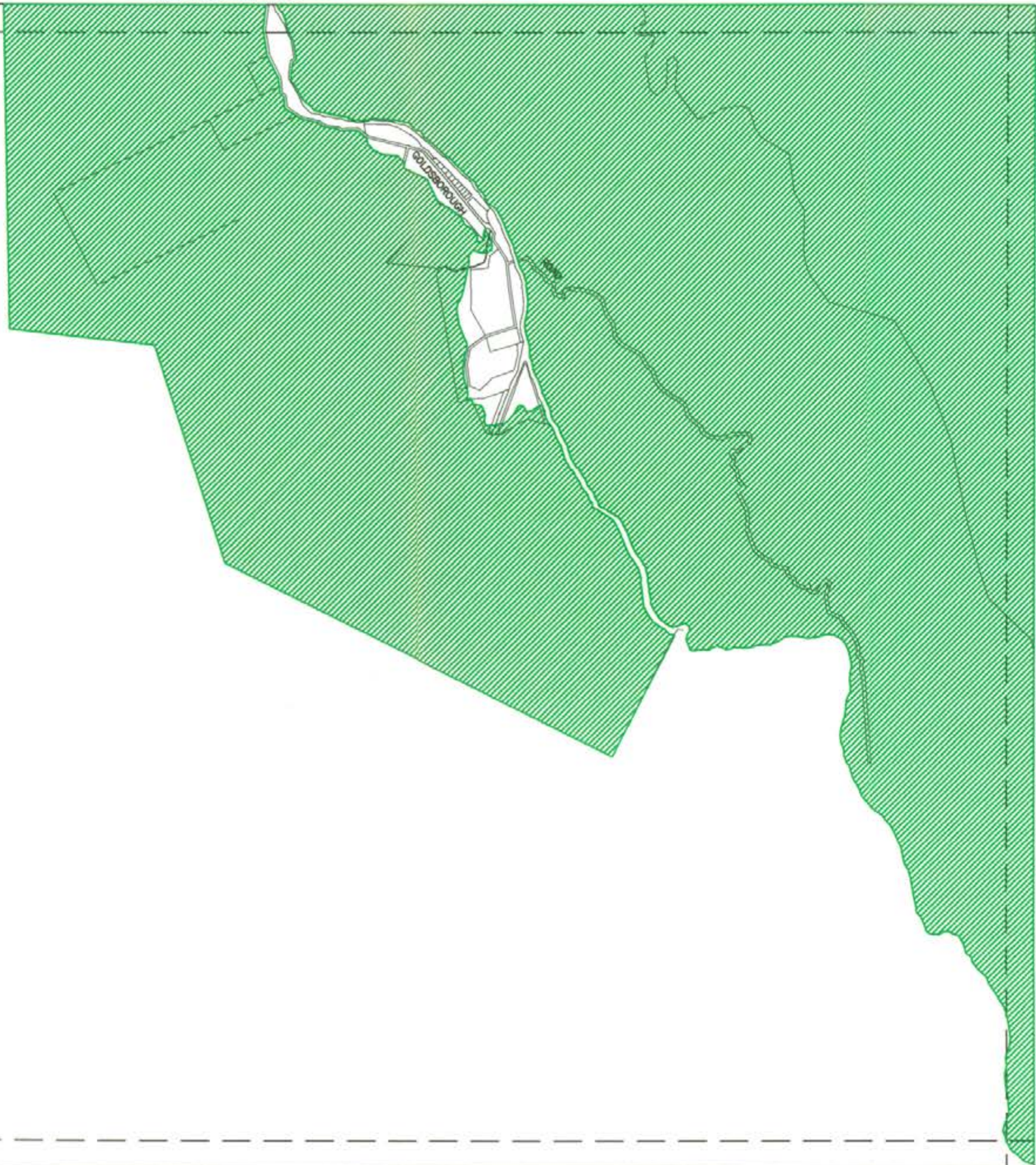
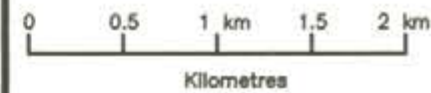
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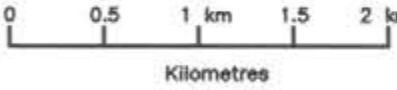
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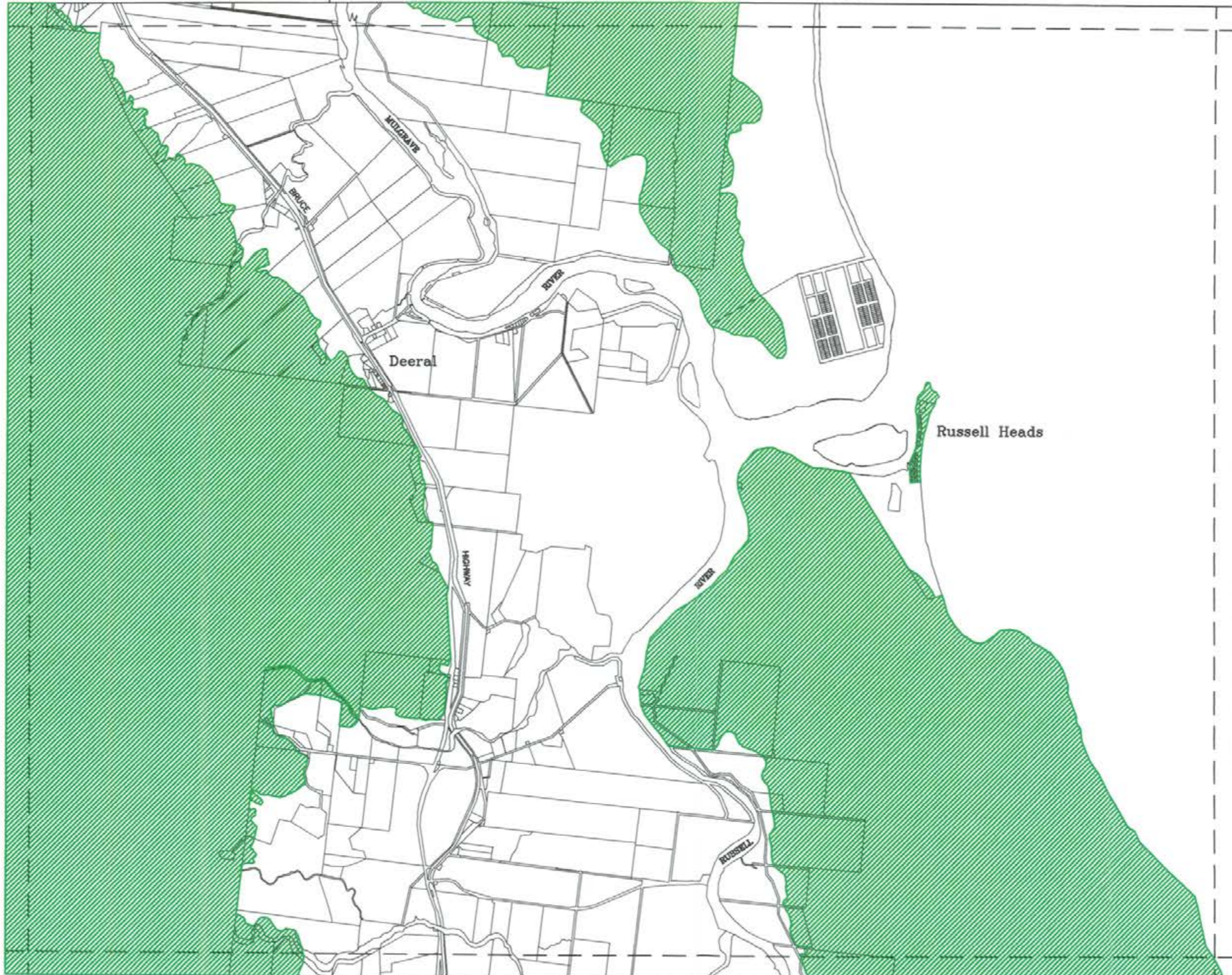
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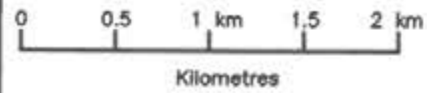
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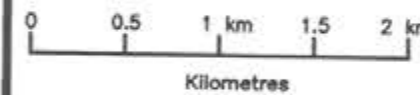
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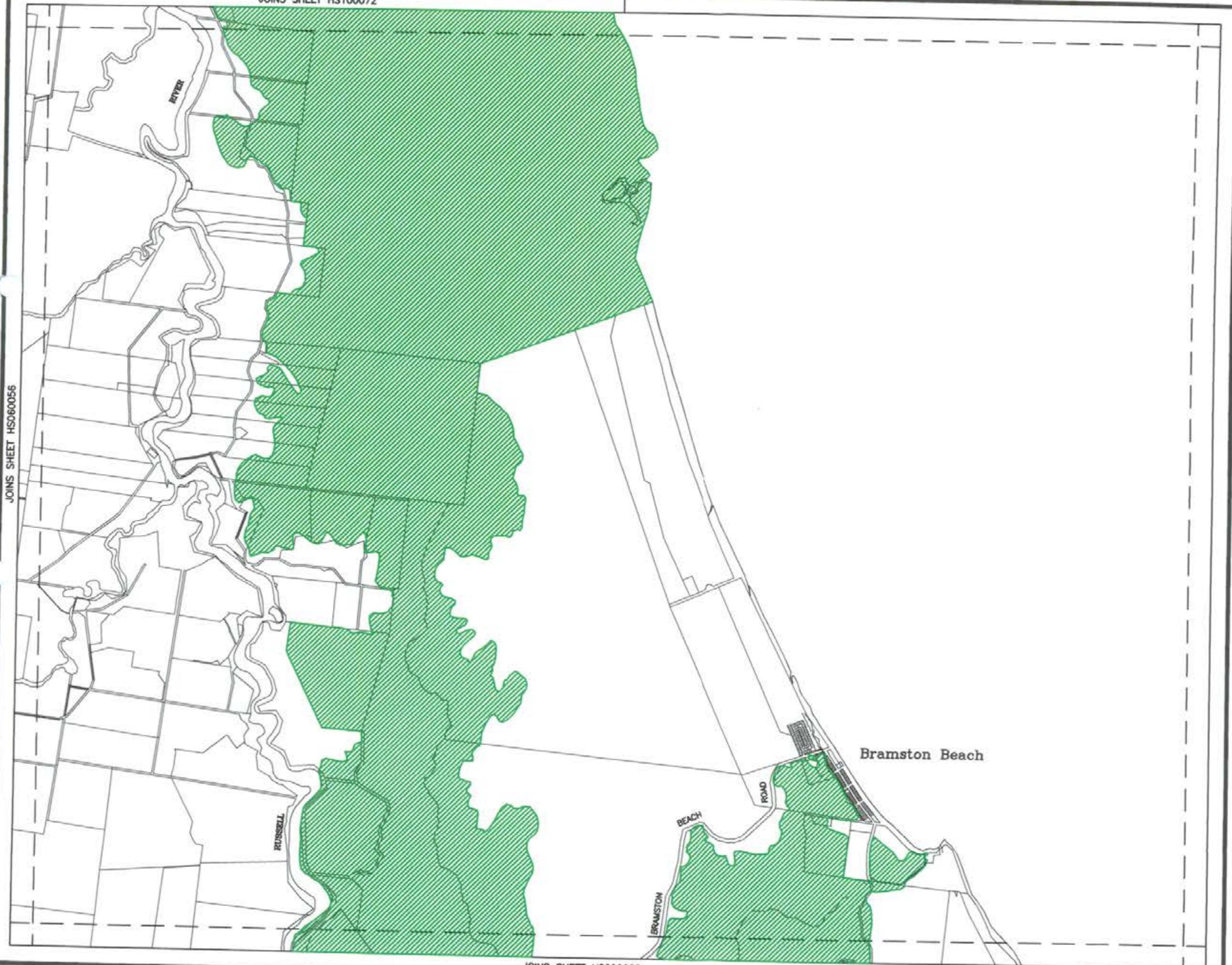
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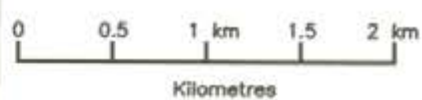
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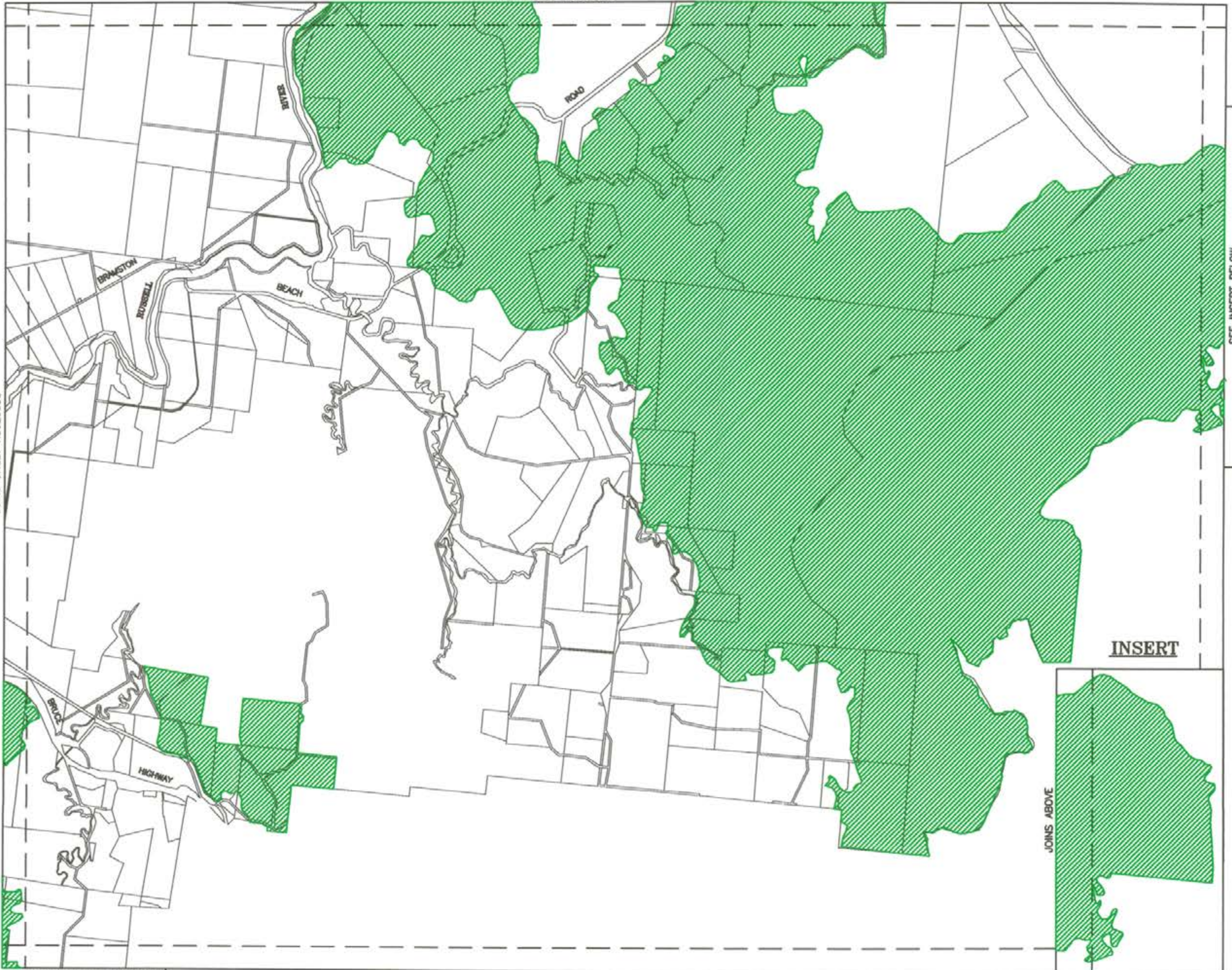
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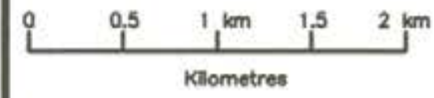
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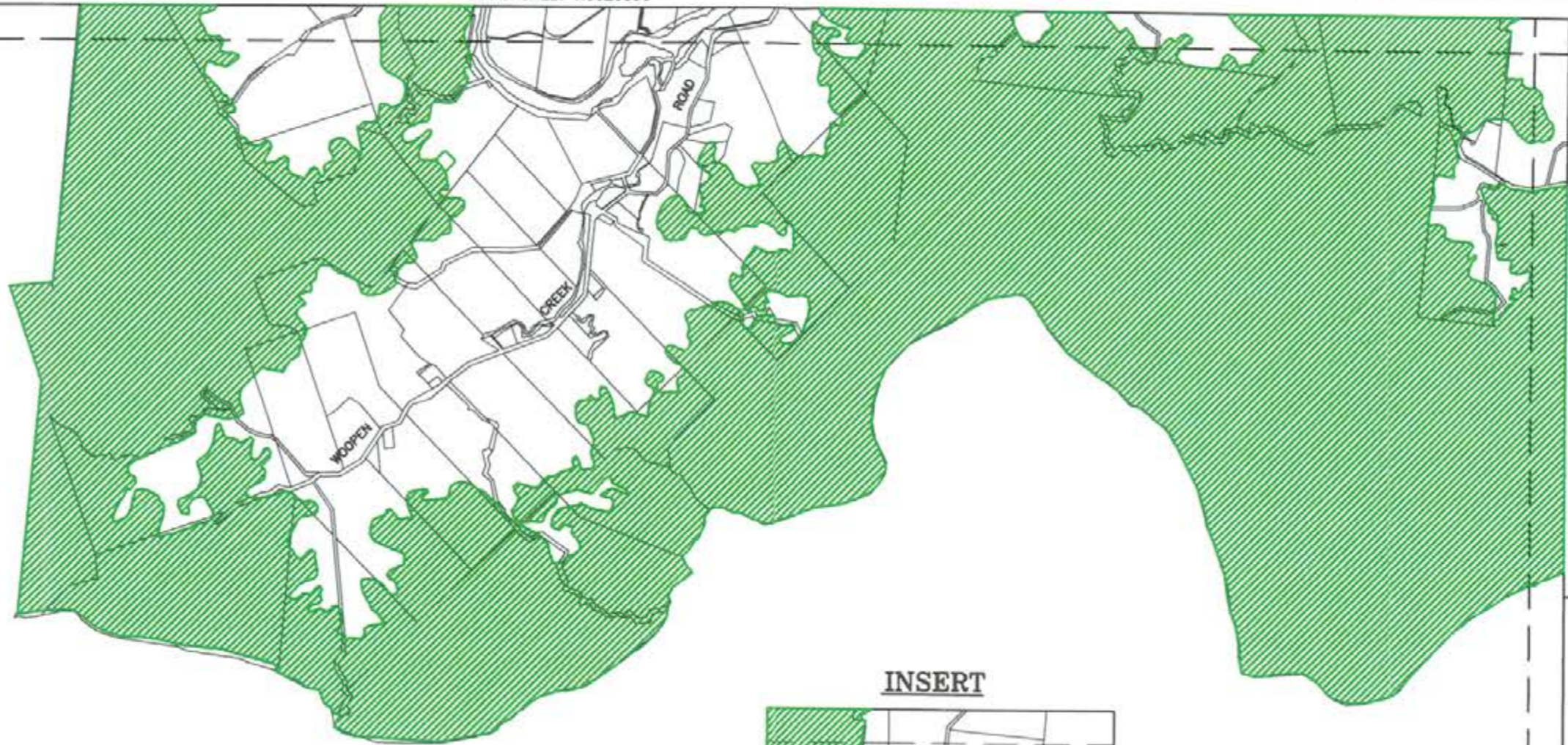
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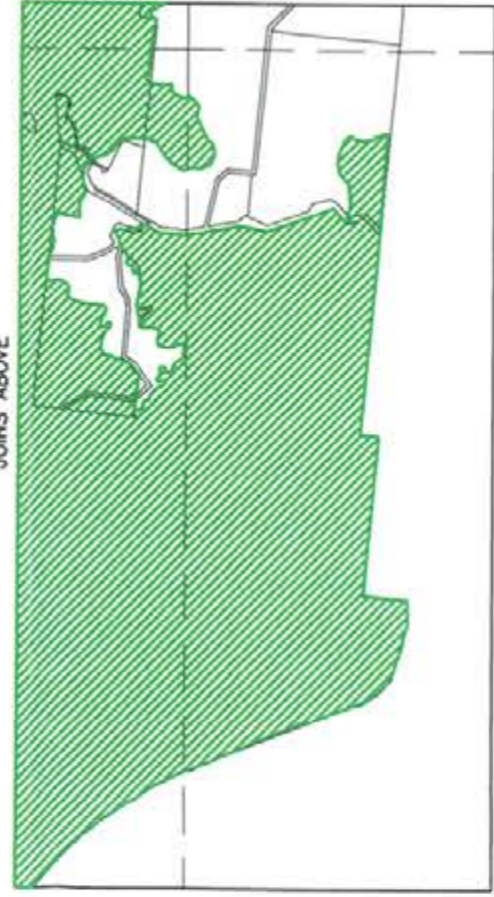
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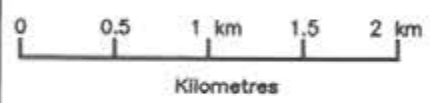
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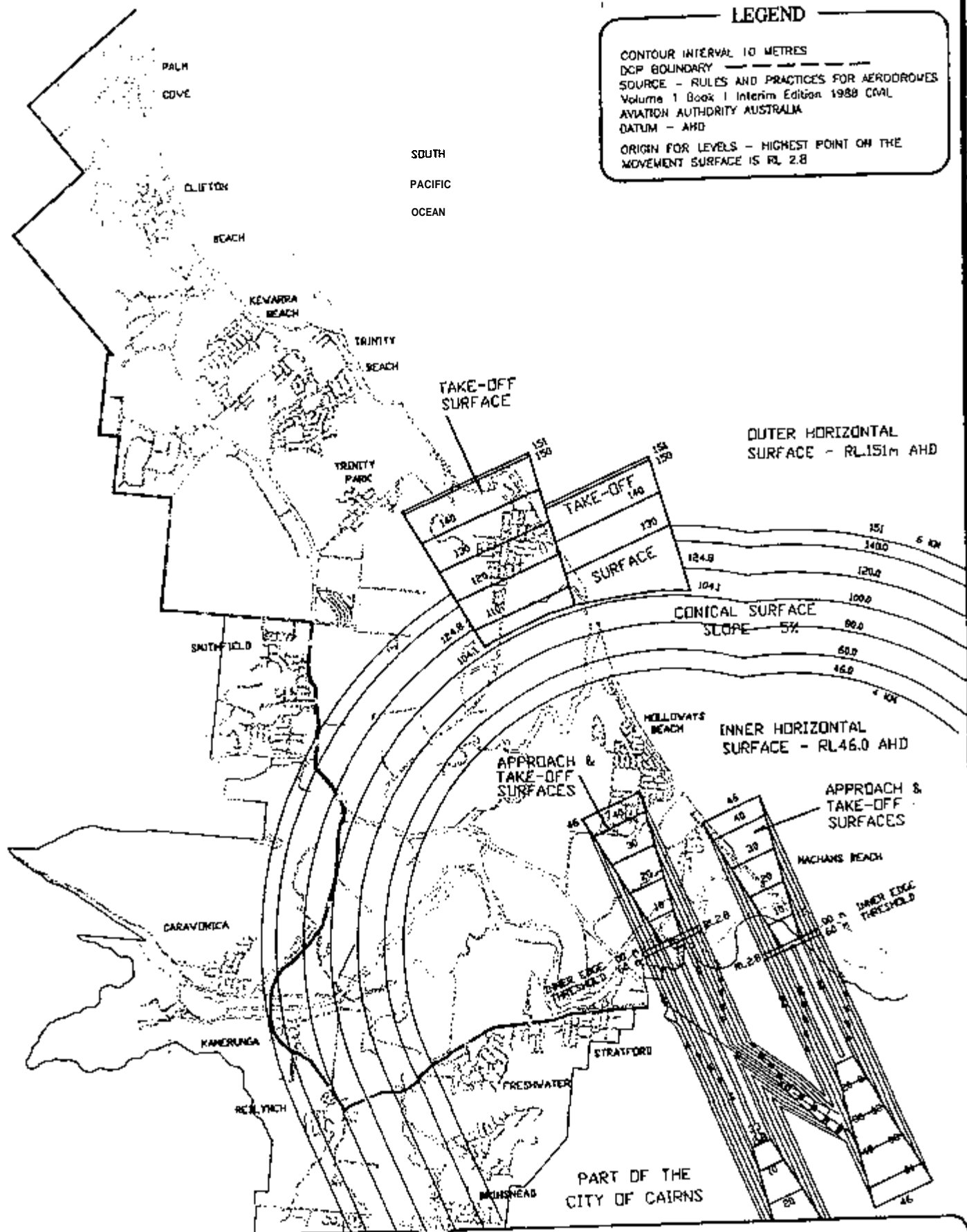
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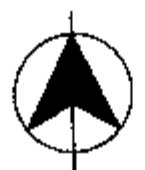
CONTOUR INTERVAL 10 METRES  
 DCP BOUNDARY - - - - -  
 SOURCE - RULES AND PRACTICES FOR AERODROMES  
 Volume 1 Book 1 Interim Edition 1988 CIVIL  
 AVIATION AUTHORITY AUSTRALIA  
 DATUM - AHD  
 ORIGIN FOR LEVELS - HIGHEST POINT ON THE  
 MOVEMENT SURFACE IS RL 2.8

SOUTH  
 PACIFIC  
 OCEAN



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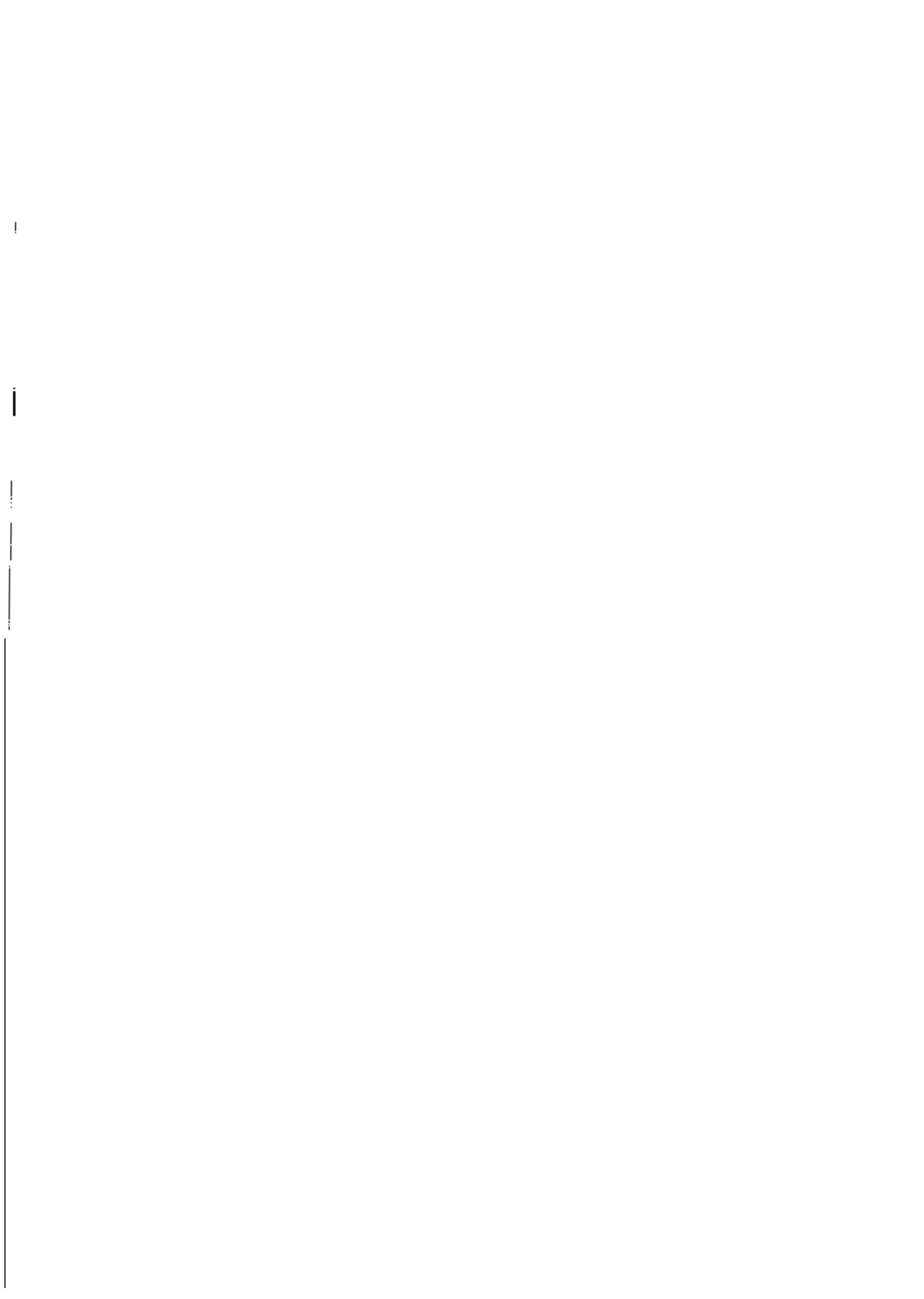


**PROTECTION OF AIRPORT INSTALLATIONS  
 DEVELOPMENT CONTROL PLAN - 2**

**OBSTACLE LIMITATION  
 SURFACES**

SCALE 1:80,000

MAP B - 2.1



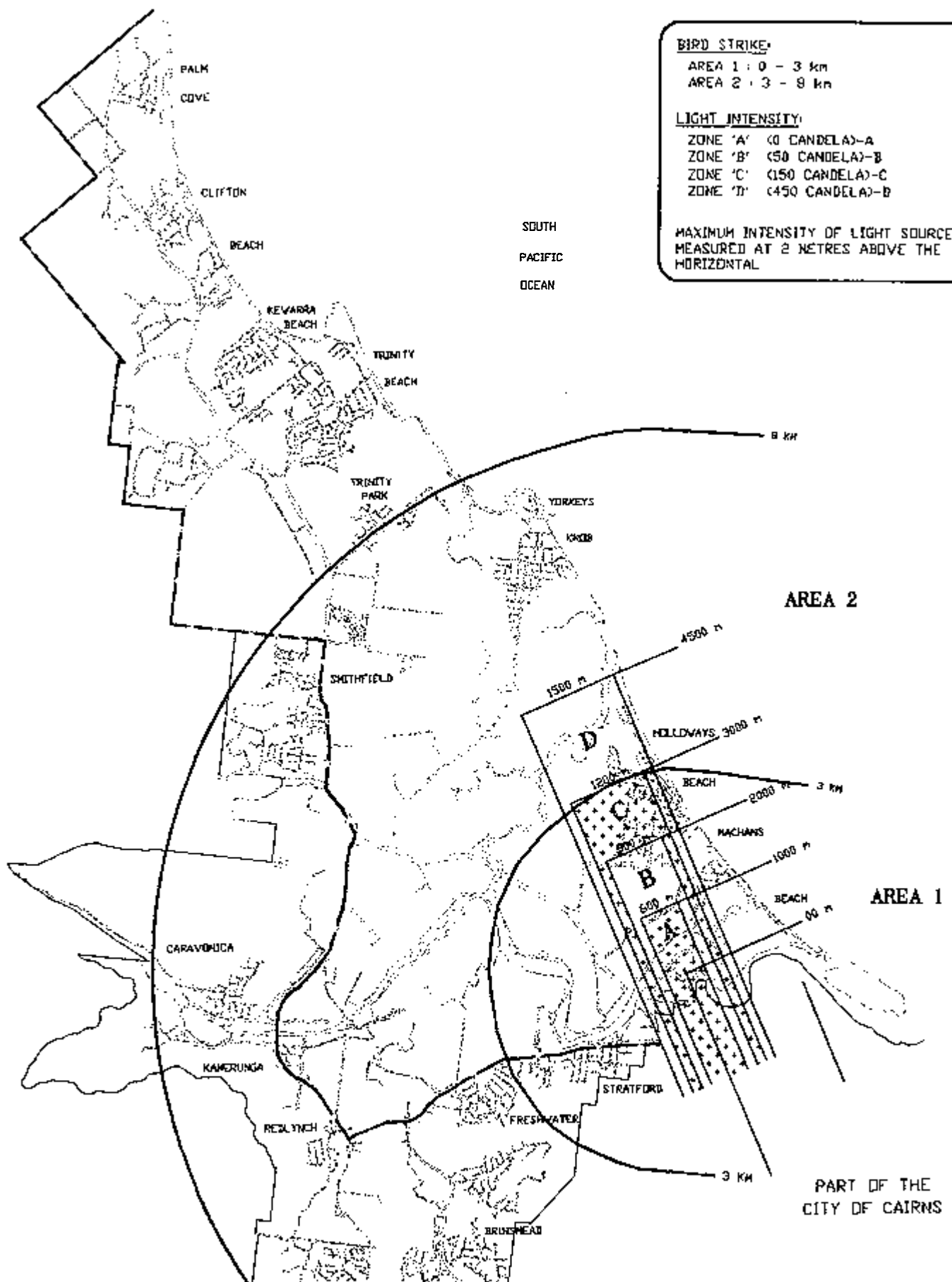
**BIRD STRIKE:**

AREA 1 : 0 - 3 km  
AREA 2 : 3 - 8 km

**LIGHT INTENSITY:**

ZONE 'A' (0 CANDELA)-A  
ZONE 'B' (50 CANDELA)-B  
ZONE 'C' (150 CANDELA)-C  
ZONE 'D' (450 CANDELA)-D

MAXIMUM INTENSITY OF LIGHT SOURCES  
MEASURED AT 2 METRES ABOVE THE  
HORIZONTAL



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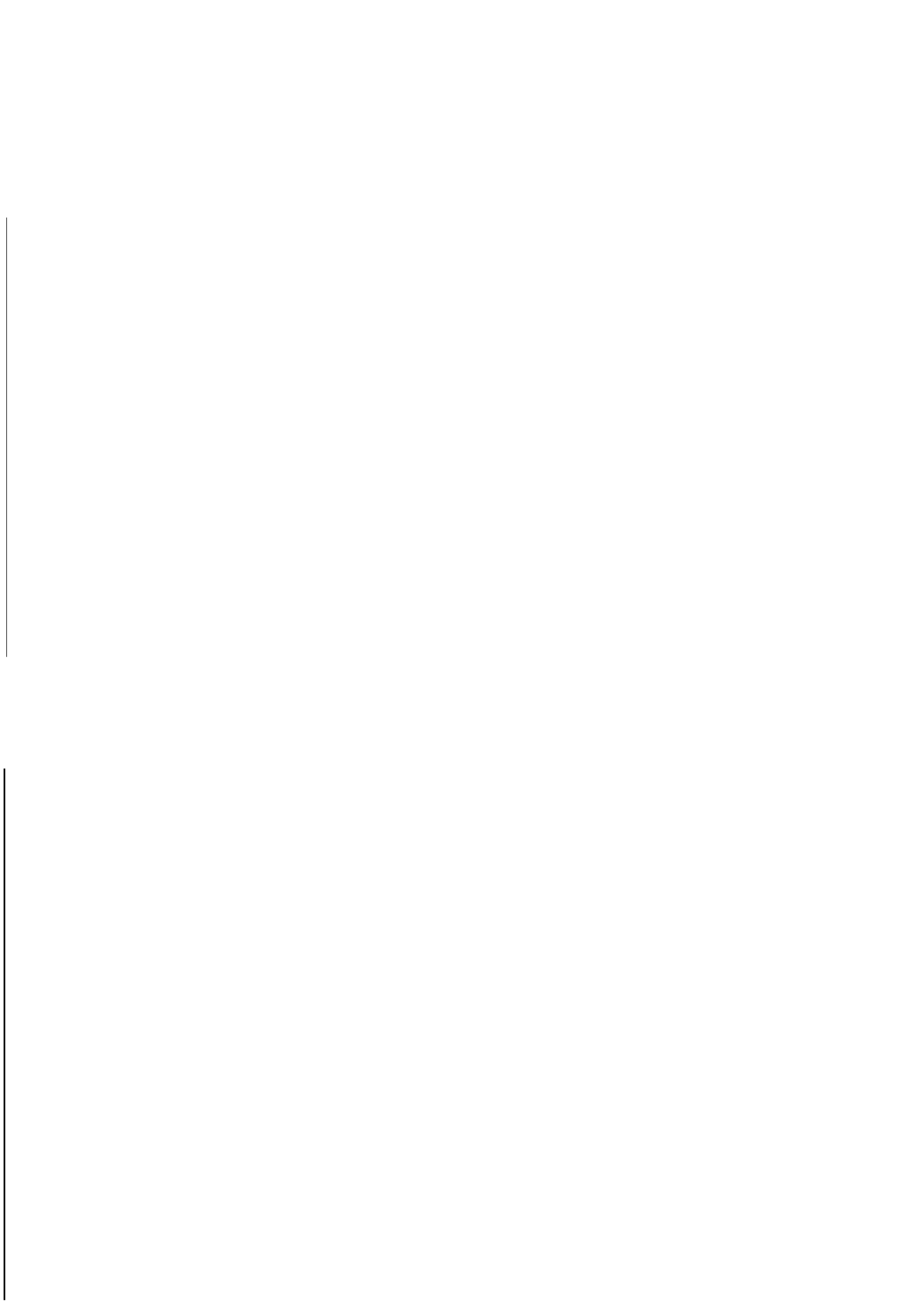


**PROTECTION OF AIRPORT INSTALLATIONS  
DEVELOPMENT CONTROL PLAN - 2**

**PRIMARY LIGHT CONTROL PLANS  
& BIRD STRIKE HAZARD**

SCALE 1:80,000

MAP B - 22

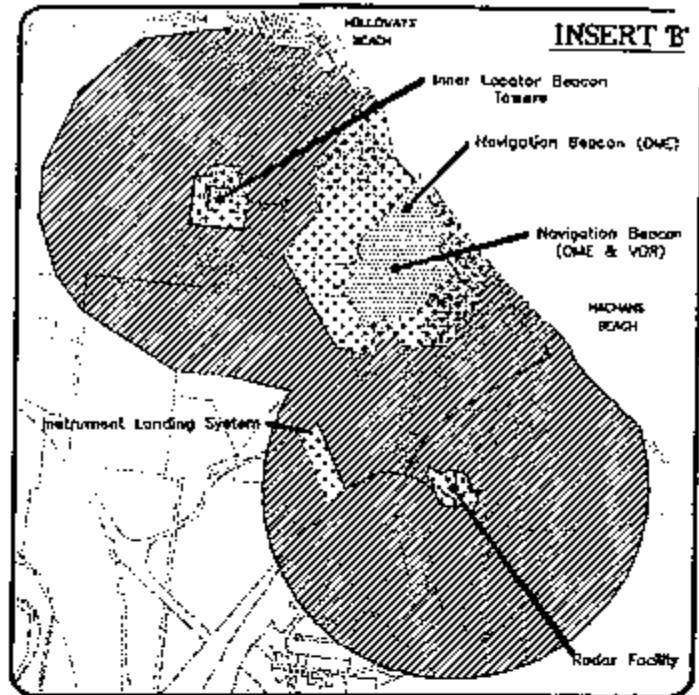


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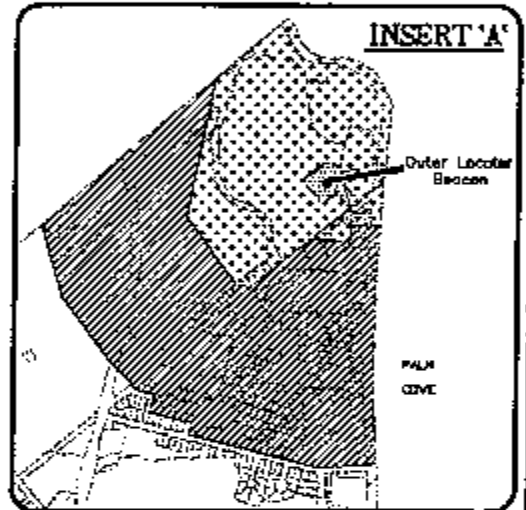
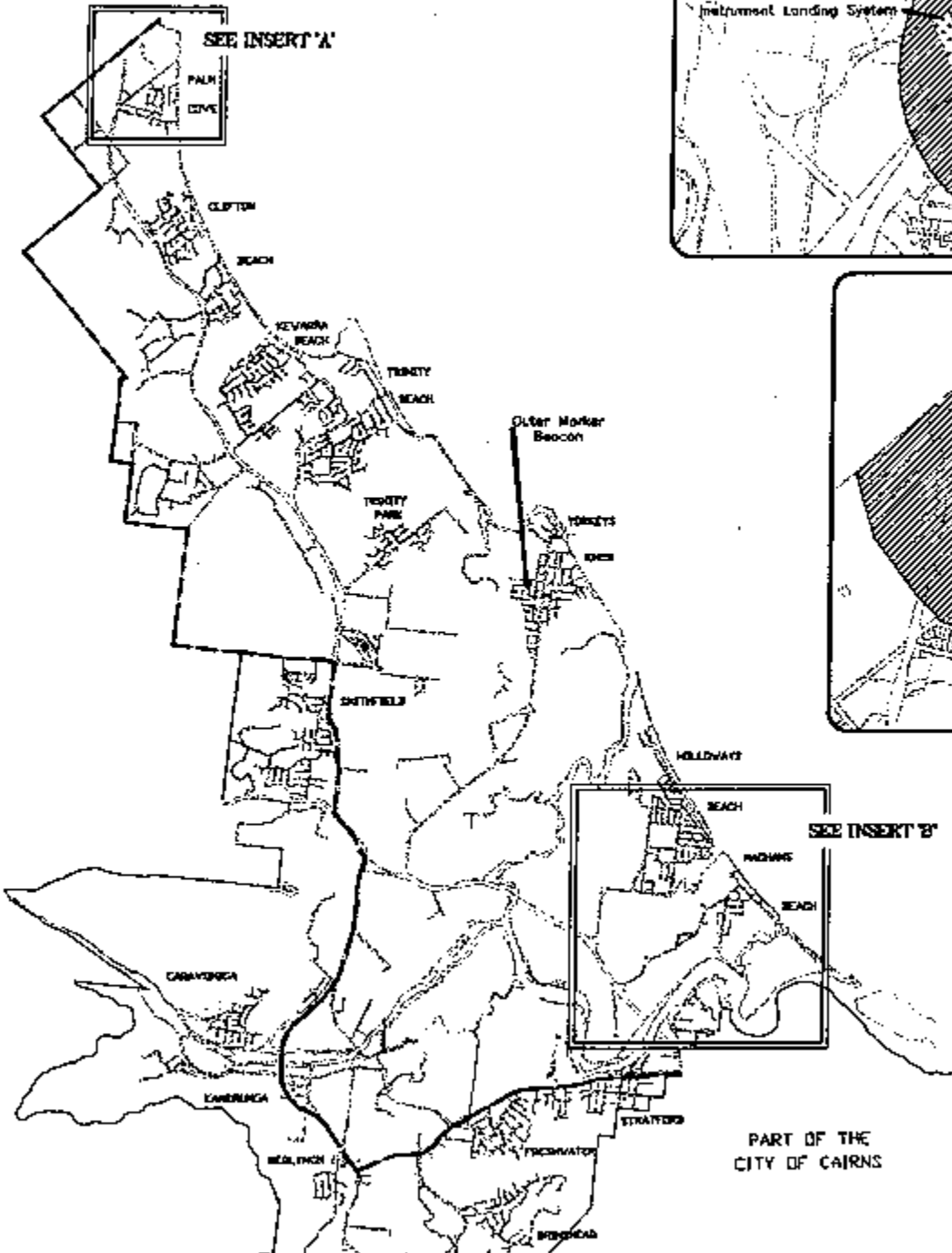


Category 'A' Area  
 Category 'B' Area  
 Commonwealth Property

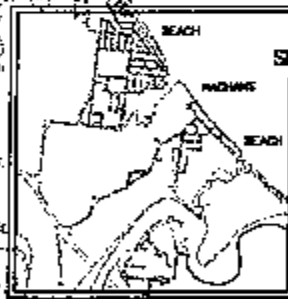
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 Insert 'B' - Scale 1:40,000



**INSERT 'B'**



**INSERT 'A'**



**SEE INSERT 'B'**

SOUTH  
 PACIFIC  
 OCEAN

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**PROTECTION OF AIRPORT INSTALLATIONS  
 DEVELOPMENT CONTROL PLAN - 2**

**PROTECTION OF AIR  
 NAVIGATION AID SITES**

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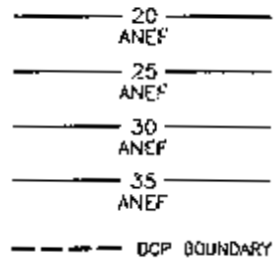
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MAP B - 23

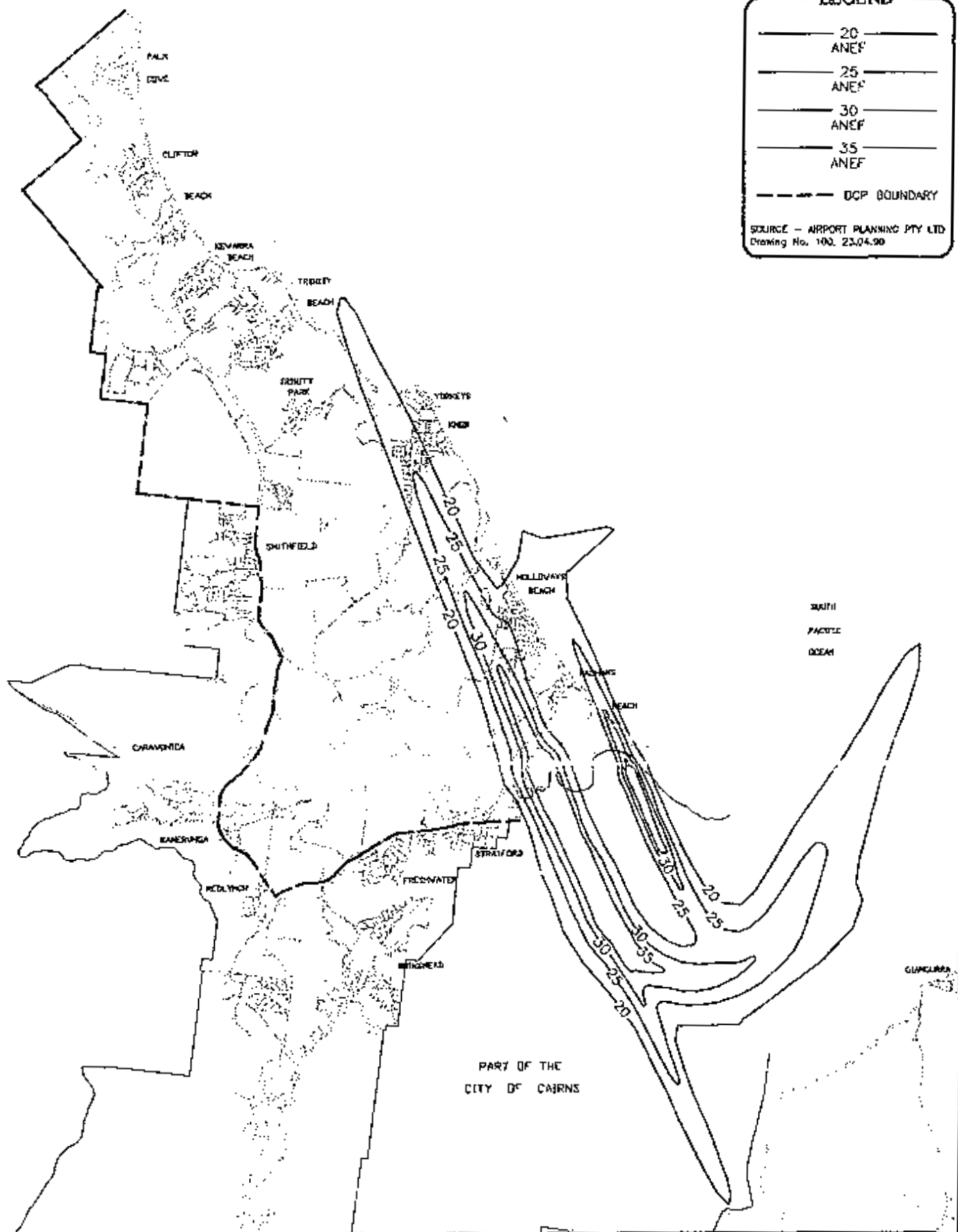




**LEGEND**



SOURCE - AIRPORT PLANNING PTY LTD  
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*Balance of  
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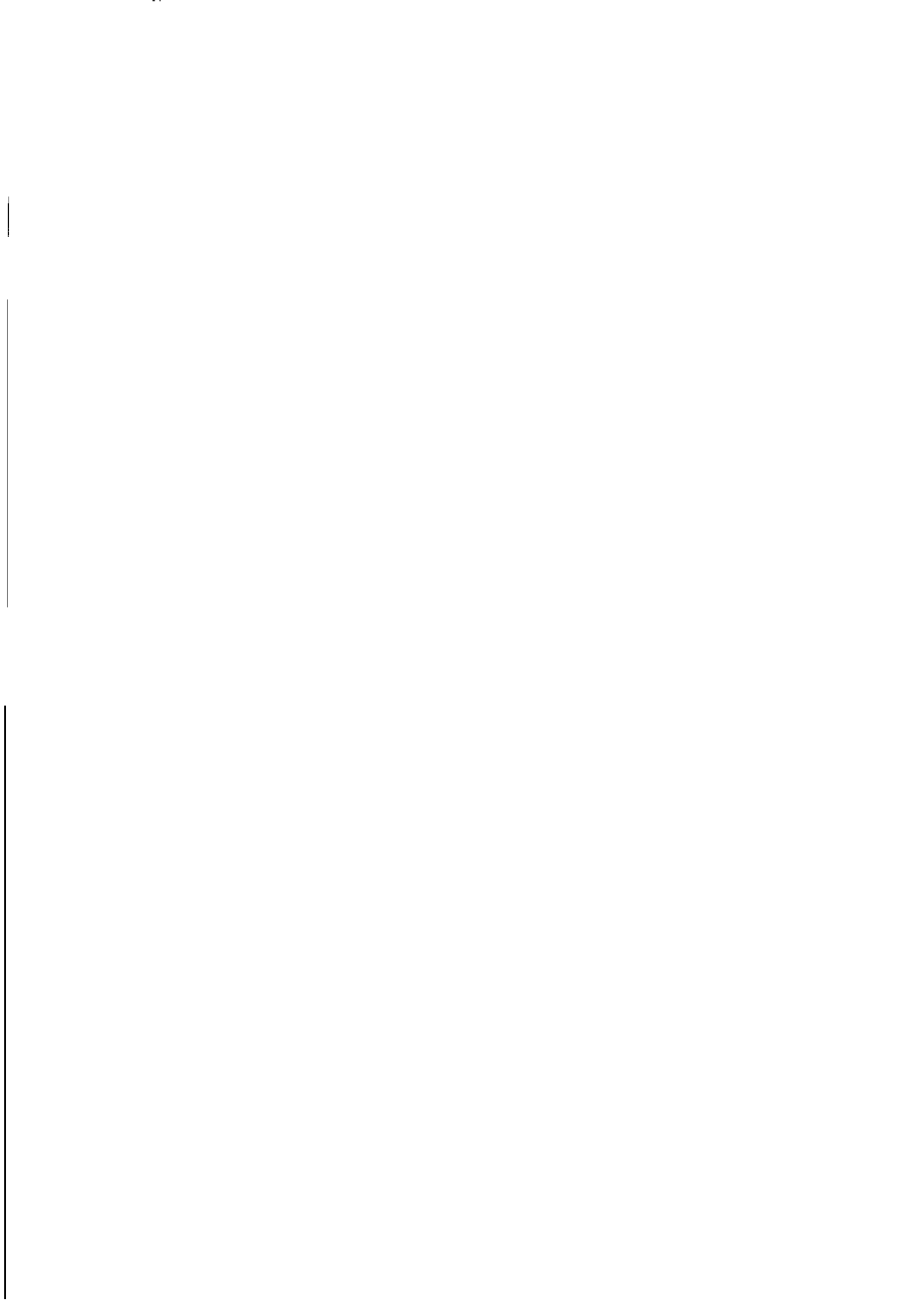
**PROTECTION OF AIRPORT INSTALLATIONS  
DEVELOPMENT CONTROL PLAN - 2**

**AUSTRALIAN NOISE EXPOSURE  
FORECAST 2005**

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MAP B - 2.4



**SMITHFIELD TOWN CENTRE  
DEVELOPMENT CONTROL PLAN**

## **3.0 SMITHFIELD TOWN CENTRE DEVELOPMENT CONTROL PLAN**

### **3.1 INTRODUCTION**

The Smithfield Town Centre Development Control Plan (DCP) applies to land located at the junction of the Captain Cook Highway and Kennedy Highway (DCP Sheet 1). The DCP Area is bounded by the proposed Smithfield bypass alignment to the east, and to the west by Cumberland Avenue and the western boundary of properties fronting the Captain Cook Highway. This DCP should be read in conjunction with the Planning Scheme for the Balance of the City of Cairns and is supplementary to that scheme.

The DCP seeks to provide for the orderly regulation and management of any development within the DCP area which requires an approval under the Planning Scheme. The DCP contains appropriate development standards, guidelines and land use controls which will be used by Council in the assessment of applications.

In some cases rezoning of land will be required to enable the intent of the DCP to be achieved. Because of this the land use implementation criteria contained in the DCP may not accord with the provisions of the current zoning of land.

A Planning Study has been prepared in connection with the formulation of this DCP and is referred to as the Smithfield Town Centre DCP Planning Study.

Nothing in this DCP should be construed to confer any rights to use land which rights remain vested in the provisions of the Planning Scheme for the Balance of the City of Cairns. Performance standards in this DCP may differ from provisions in the Planning Scheme for the Balance of the City of Cairns. In any such case the provisions in this DCP will apply. In determining applications Council shall have regard to: the provisions of the Planning Scheme; the intent of the zone of the land; and the objectives, intent and provisions of this DCP. Approvals will not be given to applications that do not accord with the DCP.

#### **3.1.1 The Planning Vision for Smithfield Town Centre**

Smithfield Town Centre is identified in the Strategic Plan for the Balance of the City of Cairns as a sub-regional centre and is intended to become a primary focus for the Marlin Coast and the northern areas of the Cairns region. Its function will be as a hub of activity, a heart for the communities of the Marlin Coast. It is intended that the primacy of the Smithfield Town Centre be preserved by concentrating a variety of higher order retail, commercial, and community uses within the Town Centre area rather than in other locations of the Marlin Coast.

The Town Centre will comprise a mix of commercial, retail, residential, tourist, educational, cultural, health and community facilities with a pedestrian focus. It will be designed around and served by public transport and will be accessible, attractive and friendly to people young and old, able and disabled, resident and visitor.

It will feature environmentally friendly aspects such as water sensitive design and the incorporation of vistas to the mountain ranges, rainforest areas and the flood plains.

3

Smithfield Town Centre is well-located for the development of a sub-regional centre. Its strategic proximity, accessibility, extensive frontage to the Captain Cook and Kennedy Highways, and existing and proposed shopping, commercial and community facilities provide a sound base to create a true community focus for Smithfield and the Marlin Coast communities.

The Smithfield Town Centre Development Control Plan will assist in the development of a distinct identity for the Centre and lead to physical, social and economic benefits for the community, residents and traders. Such benefits include:

- [a] the creation of a centre that will provide a focus for the Marlin Coast communities;
- [b] a centre designed to complement its physical setting which incorporates elements such as watercourses and views to best advantage;
- [c] an increase in the variety of shops, the range of community facilities and commercial developments;
- [d] an attractive environment for a wide range of activities;
- [e] pleasant places for people to sit, walk and meet others;
- [f] safe movement for pedestrians and vehicles and easy movement throughout the Town Centre; and
- [g] an increase in employment and business.

### 3.1.2 Purpose of the Plan

The primary purpose of the DCP is to guide the future development of the Town Centre. The Plan :

- [a] sets the direction of and seeks to ensure that future development **maximises** the potential of the Town Centre and consolidates the primary role of the Town Centre; and
- [b] provides detailed design and development guidelines which encourage appropriate forms of development in an attractive, integrated centre for the northern communities of the Cairns region. These guidelines supplement the Strategic Plan, other Planning Scheme documents, and regional studies and objectives of FNQ 2010.

The DCP provisions seek to encourage detailed design that fosters diversity in type and appearance of buildings and activities, safe and comfortable public areas and access thereto, and which create an integrated and attractive Town Centre.

### 3.1.3 DCP Area

The boundaries of the DCP area are depicted on the DCP Sheet 1 and have been determined by a number of factors which include:

- [a] the existing and desired future character of the area;
- [b] the physical characteristics of the locality including the watercourses, flood plains and hill slopes;
- [c] the identification of possible land use and development opportunities;
- [d] the existing and likely future land use and zoning patterns;
- [e] the transport network (existing and proposed) including the location of the future Smithfield bypass.

### 3.1.4 Plan Structure

The DCP comprises four main components:

- [a] overall planning goals and objectives for the short and long term development of the Town Centre;
- [b] controls and development guidelines for each of the five precincts in the Town Centre, including strategies for the range of land uses including retail, commercial, residential, tourist and community facilities development, open space and recreation, transport and parking;
- [c] controls and development guidelines which apply to the whole DCP area; and
- [d] DCP Sheets indicating DCP area, precincts and general preferred land use patterns and transport network.

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## 3.2 PLANNING GOALS AND OBJECTIVES

### 3.2.1 Planning Goals

The primary planning goals for the Smithfield Town Centre are:

- [a] to develop a Town Centre which meets the needs of the northern communities of the Cairns Region including the Marlin Coast Community;
- [b] to encourage the development of a high quality, diverse and accessible Town Centre;
- [c] to provide for a safe and attractive pedestrian system to link the commercial areas, residential areas, open space, community facilities and transport;
- [d] to achieve a Town Centre which complements and best utilises the transport network;
- [e] to facilitate and provide opportunities for innovative forms and types of urban development which achieve a high standard of architectural and environmental design and meet the DCP's urban design objectives: and
- [f] to respond appropriately to the constraints and opportunities of the DCP area.

### 3.2.2 Planning Objectives

Planning objectives have been derived to form the basis to convert the planning goals for the Town Centre into practical guidelines for future planning and development. In assessing any proposed development within the DCP area, Council **will** determine whether and how the proposed development meets these objectives.

### 3.2.3 Business/Commercial Centre

- [a] To provide for the development of a consolidated and viable sub-regional business centre:
- [b] To encourage the creation of integrated Town Centre to provide a broad range of facilities and experiences which cater for the needs of the local users and visitors.



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### 3.2.4 Environment and Setting

- [a] To create a strong relationship between the Town Centre and its setting by emphasising and focusing on significant natural features and responding to the topography of the area;
- [b] To conserve and enhance the natural and built environment;
- [c] To achieve a safe environment which enhances public safety (ie. by measures such as lighting, landscaping, disabled access) and freedom from flooding, danger, noise and other pollution;
- [d] To create streetscapes which provide a Town Centre identity and encourage pedestrian movement within the DCP Area.

### 3.2.5 Urban Design, Form and Land Use

- [a] To reflect the setting and Smithfield's historical links in the development of a distinctive and attractive character for the Town Centre which promotes a sense of place and is appropriate to its environmental, physical and cultural context;
- [b] To ensure that development is integrated with significant landscape features, vegetation and watercourses, and locates and designs land **uses** to use the views and vistas to best advantage;
- [c] To use urban design and landscape to unify and develop character:
- [d] To provide a human scale environment which focuses on people rather than cars;
- [e] To plan for pedestrian, cycle and public transport movement in all developments and to develop pedestrian links to areas to the north, west and south of the Town Centre;
- [f] To develop multi purpose precincts, which incorporate residential development where appropriate, while separating incompatible uses;
- [g] To ensure that the built environment is designed and constructed to a high quality.

### 3.2.6 Open Space System

- [a] To develop a functional and accessible public open space network which incorporates natural features such as watercourses and flood plains wherever possible and appropriate;
- [b] To use the open space system to help create and support the character of the Town Centre:

- [c] To link the Town Centre with other community focus points such as open space and sporting ovals, library, child care and educational facilities.

### 3.2.7 Movement Systems, Transport and Accessibility

- [a] To create a highly accessible Town Centre which is supported by and integrated with the transport network;
- [b] To provide a transport network which is pedestrian-supportive and promotes the efficient, safe, and adequate servicing of all activities;
- [c] To reduce the levels of through traffic in the DCP area and minimise pedestrian-vehicular conflicts;
- [d] To establish a direct, safe and convenient pedestrian and cycle system linking land uses, precincts and transportation facilities;
- [e] To improve public transport services within, to and from the DCP area and to ensure public transport is integrated with activities which generate demand for public transport;
- [f] To encourage the development of a public transport interchange within the Town Centre and locate transit-oriented uses (such as hospitals, community facilities, cinemas, education, offices) in close proximity to the pedestrian spine and public transport interchange;
- [g] To allow for a connection from the Town Centre to the proposed bypass, possibly in the vicinity of Cattana Road;
- [h] To link the internal circulation network with the major external road network at :
  - [i] McGregor Road
  - [ii] Stanton Road
  - [iii] Cattana Road (both to the Captain Cook Highway and the bypass)
  - [iv] the Kennedy Highway/Captain Cook Highway roundabout
  - [v] Cumberland Avenue.

### 3.2.8 Residential Development

- [a] To provide residential development that increases the Town Centre's population, diversity and vitality, sense of community and safety;
- [b] To provide accommodation that is within walking distance of jobs, retail, commercial and community services;
- [c] To provide a broad range of type and cost of accommodation.

### 3.3 PLANNING PRECINCTS

#### 3.3.1 Introduction

The Smithfield Town Centre Development Control Plan area has been divided into five (5) planning precincts. The precincts have characteristics which make them distinct and are a reflection of existing land uses and future planning intent. The planning requirements within each precinct vary and are largely reflective of relevant Planning Scheme Provisions. The use of precincts allows for detailed guidance for development while maintaining flexibility within the planning process for future developments within the Smithfield Town Centre.

A Series of maps are included in the DCP. Outlined below are the maps to be included.

Sheet 1	-	Smithfield DCP Area and Precincts
Sheet 2	-	Flood Constrained Land
Sheet 3	-	Hillslopes DCP - Category B and C Land
Sheet 4	-	Indicative Land Use Pattern and Transport Network
Sheet 5	-	Concept Plan of Development for Precinct 1
Sheet 6	-	Concept Plan of Development for Precinct 4

Planning provisions are specified for each precinct, together with appropriate land uses to achieve the desired intent for the Town Centre and will be used in the determination of applications concerning land in the DCP area.

#### 3.3.2 Precinct One

##### 3.3.2.1 Intent, Character and Use

This precinct is located on the eastern side of the Captain Cook Highway. The area is bounded by the proposed Smithfield bypass route to the east, and the Captain Cook Highway and roundabout to the west and south.

It is the largest precinct and contains vacant land that is in private and public ownership and currently zoned predominantly Rural.

It is intended that this precinct provide a comprehensive mix of uses including residential, commercial, community, recreational, offices, tourist and entertainment uses.

Sheet 5 shows the general preferred land use pattern in precinct 1. Future development in the precinct should comply with this concept plan.

An opportunity exists for the establishment of a tourist oriented facility within the southern part of this precinct. Such a facility may become a focal point, and in doing so assist in setting the scene for the Town Centre's character and identity as a sub-regional centre.

Development of the precinct will result in an integrated commercial, business and tourist core in conjunction with Precincts 2 and 3 on the western side of the Captain Cook Highway.

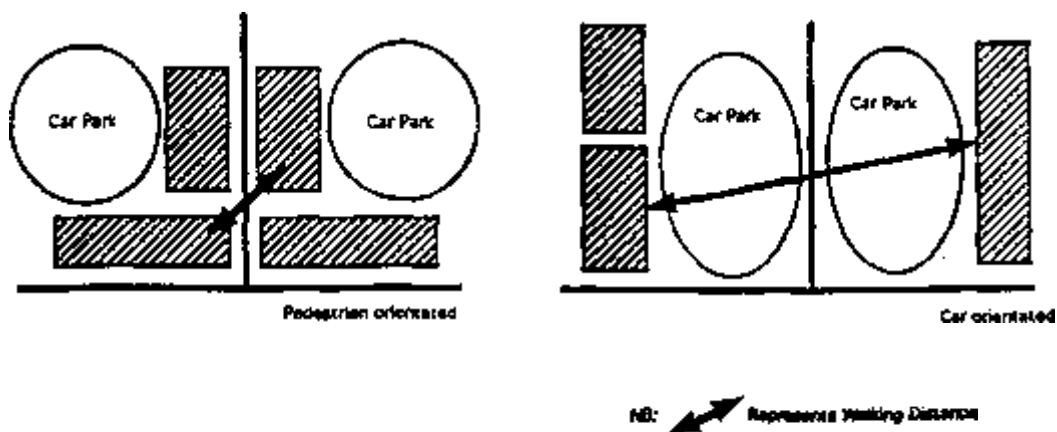
At present, the only access to this precinct is at Cattana Road. Further accesses will be needed to cater for future development.

External access will be required from Kennedy Highway (at the roundabout), Cattana Road/Captain Cook Highway, Stanton Road and Cattana Road to link to the proposed bypass. It is intended that a signalised intersection be provided at Stanton Road.

The internal access network will link the Kennedy Highway roundabout to Stanton Road and then to McGregor Road.

A vehicular and pedestrian underpass at Cattana Road will connect Precinct 1 to Precinct 3.

It is envisaged that Cattana Road be a focus for the majority of commercial development in Precinct 1. It will be pedestrian-focused and in the long term will connect a transport interchange located adjacent to the cane tram line with the shopping centre precinct on the western side of Captain Cook Highway. The pedestrian focus will be facilitated by minimising the number of footpath crossings and other car accesses on Cattana Road. Car parks and their accesses will be located to the rear of the buildings wherever possible to encourage pedestrian focus and reduce walking distances (refer to diagram below).



### 3.3.2.2 Land Use

Land uses in this precinct will be for a range of purposes to result in the development of an integrated Town Cdntr. Core uses will be community, health, education, entertainment and commercial uses centred around a pedestrian and public transport spine in the vicinity of Cattana Road. Compatible uses should be located together such as schools and child care centres, hospital, medical centre and retirement village. All uses should have a high public transport and pedestrian focus.

Retail uses will be limited to those which support the core uses of the precinct. It is intended that support retail activities within this precinct provide those uses which serve the needs of the local community in locations which are convenient and accessible. Such appropriate activities include a local store, newsagent and a catering shop. Shops, shopping centres and major shopping centre developments will not be approved in this precinct.

A tourist facility may be developed in this precinct. Such a facility requires good access, visibility from major roads, adequate carparking and sufficient spaces for setting down and picking up of passengers. Care needs to be taken to ensure that any tourist facility use is located appropriately in relation to other uses, particularly potentially noise-sensitive uses such as residential. Less noise-sensitive uses can be used as a buffer and design element within the tourist facility to maximise containment of noise and light within the site. The flood plain may be able to be used for carparking or support facilities. Care should be taken not to compromise the visual setting of the precinct or the flood characteristics in any such use.

A mix of residential uses are important to support the Town Centre by adding life and vitality through the presence of a local community inside and outside of business hours. This mix could include town houses, units, duplexes, retirement village and small lot housing. It is envisaged that form and densities would be equivalent to the Residential 3 Zone and that residential development would generally comply with the provisions of the planning scheme relating to Multiple Dwelling and Integrated Development. Such uses could be located near to, but clear of, the flood plain to enable its use for open space and recreation or similar uses. Buffers should be designed in the areas near the flood plain and highways to minimise potential noise and nuisances associated with the future bypass and arterial roads. Opportunities may exist for the incorporation of residential uses into commercial development by way of mixed use developments.

Land uses within this precinct shall accord with the intent of the Strategic Plan, provisions of this DCP and the intent of the zone in which the land is or is proposed to be included. It is anticipated that most development will require consent of Council or rezoning of land. Where rezoning is required appropriate zones may include Residential 3, Special Facilities, Special Purposes, Sport and Recreation, or Open Space.

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### 3.3.2.3 Planning and Development Criteria

#### 3.3.2.3.1 Form and character

Form and character should reflect the desired character of the Town Centre.

- [a] Commercial based uses shall be located in the vicinity of the Captain Cook Highway and Cattana Road. Access shall be taken from internal roads within the precinct and no direct access to the highway will be approved.
- [b] Cattana Road is to provide the business spine for Precinct 1. A mix of development including commercial and support retail, entertainment and other uses attractive to pedestrians at street level shall be provided along this spine.
- [c] Development shall be pedestrian-oriented and designed to present an interesting, varied and attractive facade to the street.
- [d] The site coverage is determined for the particular use in accordance with the Town Planning Scheme. Site coverage shall not exceed 50% for residential purposes and 60% for non-residential purposes.
- [e] The maximum height of buildings or structures from natural ground level shall be 11.5 metres.
- [f] Tourist and recreation uses which complement the Town Centre may be considered favourably. The location and design of such uses should reflect the intent of this precinct.
- [g] Development shall present an attractive appearance to the Captain Cook and proposed Smithfield bypass and shall include appropriate landscaping, buffering, and setbacks from these arterial roads.
- [h] Cattana Road shall be developed as a pedestrian-oriented spine to allow ease of access from the public transport interchange. This will be achieved by :
  - [i] visual design of Cattana Road;
  - [ii] minimising the number of car accesses, including roads and driveways, to Cattana Road;
  - [iii] encouraging the development of buildings which directly front Cattana Road with carparks to be located to the rear.
- [i] Transit oriented uses shall be concentrated to directly front Cattana Road.

Potential uses will be considered on their merit and may include the following or other similar uses where appropriate:

- [i] playing fields
  - [ii] park (as defined in the Town Plan)
  - [iii] equestrian centre
  - [iv] car park
  - [v] rural uses
  - [vi] nature based theme park.
- [b] Drainage management requires concurrence of the Smithfield Drainage Board.

### 3.3.2.3.6 Relationship to the transport network

Access and carparking should be designed to support the role *of the* Town Centre.

- [a] A link shall be developed from the Captain Cook Highway/Kennedy Highway roundabout into Precinct 1. The link will form part of an internal circulation network to connect to Stanton Road and McGregor Road.
- [b] An external access point shall be provided at Stanton Road into Precinct 1.
- [c] Council is in favour of the construction of an underpass where the internal circulation road crosses the Smithfield bypass to provide a link with McGregor Road.
- [d] A connection to Precinct 1 from the Smithfield bypass in the vicinity of Cattana Road is supported.
- [e] Access from the Captain Cook Highway shall be restricted. Access to activities along the Captain Cook Highway shall be provided from within the precinct. A central parking core shall be provided in Precinct 1 to encourage internal access.
- [f] Planning for and development of an integrated public transport system, particularly a bus and light rail network, is vital to the achievement of the intent for Precinct 1. Applications for development in this precinct will be required to demonstrate the extent to which they satisfy this criteria.

## 3.3.3 Precinct Two

### 3.3.3.1 Intent, Character and Use

Precinct 2 is located to the west of Captain Cook Highway. It is bounded to the east and north by the highway and to the west by Lesley Close, residential land, and Buffer Close.

### 3.3.2.3.2 Residential density

A mix of residential uses shall be provided to support the town Centre

- [a] A variety of low to medium density residential types with densities in accordance with the Residential 3 Zone will be developed.

### 3.3.2.3.3 Street design and vista

The *incorporation* of vistas into the street design is an important design element for this precinct.

- [a] Street trees are to be provided along all streets to the satisfaction of the Director and Parks and Recreation.
- [b] Streets should be designed, wherever possible, to frame important vistas (such as the cane lands to the east and the hillsides to the west), activity areas, important community buildings, parks and natural features.

### 3.3.2.3.4 Open Space buffer

Open space and buffers are important to the character of this precinct.

- [a] Appropriate buffer widths and form shall be required between incompatible land uses. A minimum of 300 metres shall be provided between residential development and tourist orientated facilities unless some appropriate form of noise attenuation such as mounding or screening is provided to Council's satisfaction and in which case a lesser distance may be approved. Land uses which are not noise-sensitive may be used to act as buffers.
- [b] The provision of open space is important to the character of this precinct.
- [c] Open space and parks should be linked to the locality's open space system by way of corridors, bikeways, pedestrian walkways or other open space linkages.
- [d] Council's Local Area Open Space Management Plan for the Northern Beaches area will be implemented to the extent that it applies to this area.

### 3.3.2.3.5 Flood constrained land

Opportunities exist for the use of flood constrained land.

- [a] Council may consider proposals for uses in the flood plain only where they do not detrimentally affect the area's visual appearance, are in accordance with section 6.7.1 of Council's Strategic Plan and related provisions of the Planning Scheme, and can be shown to have no net detrimental impact on the flooding characteristics of the flood plain.



The precinct is divided into two areas by Stanton Road. The narrow strip to the south of Stanton Road contains residential dwellings separated from the Captain Cook Highway by Buffer Close and a buffer strip. The northern half of the precinct is partly zoned Commercial and partly 'Open Space. The commercial area includes shops, vet clinic, vacant land, fire station and a service station. The open space is Tom Dooley Park.

Precinct 2 acts as a buffer between the Captain Cook Highway and the residential areas to the west and a transitional area from the commercial area of Precinct 3 which is to the south. The intent for Precinct 2 is to provide support commercial, community and retail uses. These uses should be compatible with the residential amenity and not in conflict with any of the primary Town Centre uses which are intended to be located in Precincts 1 and 3.

It is intended that support community activities within this precinct will provide those uses which serve the needs of the local community in locations which are convenient and accessible. Such appropriate activities include a community care centre, family day care, child care centre, and place of worship.

Access to this precinct needs to be managed in the interest of safety and highway capacity.

### 3.3.3.2 Land Use

The existing land use contains a mixture of uses which have developed separately and at different times. In considering future development and redevelopment Council will seek the rationalisation of access with the intent of limiting access to two or three points.

There may be an opportunity for access to be provided between Precincts 2 and 3 at Buffer Close. A unified streetscape shall be developed in this precinct.

Future land uses should reflect the intent for the precinct and provide support commercial, retail and community uses. Any development or redevelopment should protect the residential amenity of the areas to the west. Council may support the redevelopment of the dwellings fronting Buffer Close for non-residential uses where such development does not detrimentally affect the amenity of properties to the west and is undertaken as part of an integrated plan for the immediate locality. Such a plan will need to consider the impact on the residential uses of Buffer Close during the transitional period and the relationship of the area to Precinct 3 and the balance of Precinct 2.

Land uses within this precinct shall accord with the intent of the Strategic Plan, provisions of this DCP and the intent of the zone in which the land is or is proposed to be included. It is anticipated that most development will require consent of Council or rezoning of land to the Commercial and Trades & Services Zone.

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### 3.3.3.3 Planning and Development Criteria

#### 3.3.3.3.1 Form and character

Form and character should reflect the desired character of the Town Centre and not detrimentally affect nearby residential development.

- [a] The site coverage is determined for the particular use in accordance with the Town Planning Scheme. Site coverage shall not exceed 50% for residential purposes and 60% for non-residential purposes.
- [b] The design and character of development within Precinct 2 shall seek to present an integrated and co-ordinated streetscape to Captain Cook Highway.
- [c] The maximum height of buildings or structures shall not exceed 7 metres from natural ground level.
- [d] Retail, commercial and community facilities which support the dominant function of the Town Centre shall be contained in this precinct.
- [e] Redevelopment of the dwellings fronting Buffer Close for non-residential uses shall be designed to avoid any detrimental affects on the amenity of properties to the west.

#### 3.3.3.3.2 Open space/buffers

Open space and buffers are important to the character of this precinct.

- [a] Development shall be designed not to detrimentally affect residential development located to the west of the precinct.
- [b] Landscaping and open space shall be designed to integrate with adjoining properties and to develop vegetation corridors to provide linkages to the hillslopes and, where practical, provide visual and aural buffers to incompatible land uses including the highway.

#### 3.3.3.3.3 Relationship to transport network

Access and *carparking* should support the use of the Town Centre.

- [a] An access management plan shall be prepared by Council to encourage the co-ordination and conjoint use of access points. The number of access points to Captain Cook Highway shall be minimised. An access point linking Precincts 2 and 3 may be considered favourably.

- [b] In considering any application in this precinct, Council shall consider the potential impact of the development on the traffic network, and the comments of Queensland Department of Main Roads will be considered in any such assessment.

### 3.3.4 Precinct Three

#### 3.3.4.1 Intent, Character and Use

This precinct contains land which is currently zoned Commercial, comprising the existing Smithfield Shopping Centre, commercial development to the west fronting Cumberland Avenue and Commercial-zoned land to the north. The precinct is bounded to the north by residential land; to the west by land zoned Residential 1 and Sport and Recreation and by part of Cumberland Avenue; and to the south by the Kennedy and Captain Cook Highways.

The intent for Precinct 3 is to encourage the development of higher order retail and commercial facilities with a high standard of development. This will contribute to the evolving character of the Town Centre and consolidate the role of Smithfield as a sub-regional business centre. It is envisaged that the area will be used predominantly for shopping centre uses, catering shops, restaurants, commercial premises and other associated commercial and retail uses.

Future development of this precinct should also ensure public safety issues are taken into account. The retention of an open space linkage along the existing drainage line for passive recreational opportunities is required as part of the future development of the precinct.

Access points to this precinct are currently located on the Kennedy Highway and a left in/left out facility is provided along the Captain Cook Highway. A vehicular and pedestrian underpass at Cattana Road has been provided to link this precinct with Precinct 1.

A pedestrian overpass linking with Precinct 4 or the signalisation of the Kennedy Highway / Cumberland Avenue intersection is encouraged. The appearance and ease of use are important in that they provide opportunities to make entry statements for the Town Centre.

Access from the Captain Cook Highway frontage should be controlled, in order to minimise potential vehicular and pedestrian conflicts on the site and between this Precinct and Precinct 1.

A bus interchange is proposed for the expanded part of the shopping centre. It is envisaged that this will be a short to medium term location for the interchange. When the cane tram line is developed as a public transport corridor, the interchange should be moved to Precinct 1.

Location of the interchange near the public transport corridor will be important in providing an efficient service in the future.

A high level of visual amenity will be encouraged in order to create an aesthetically pleasing and attractive character for the Town Centre. Advertising devices should be controlled in order to maintain the overall appearance of the evolving character of the Centre.

The appearance of the Town Centre from the highway is important. Landscape and built form should complement the design character of the Town Centre.

### 3.3.4.2 Land Use

Land uses shall accord with the Table of Development for the Commercial Zone of the Planning Scheme.

### 3.3.4.3 Planning and Development Criteria

#### 3.3.4.3.1 Form and character

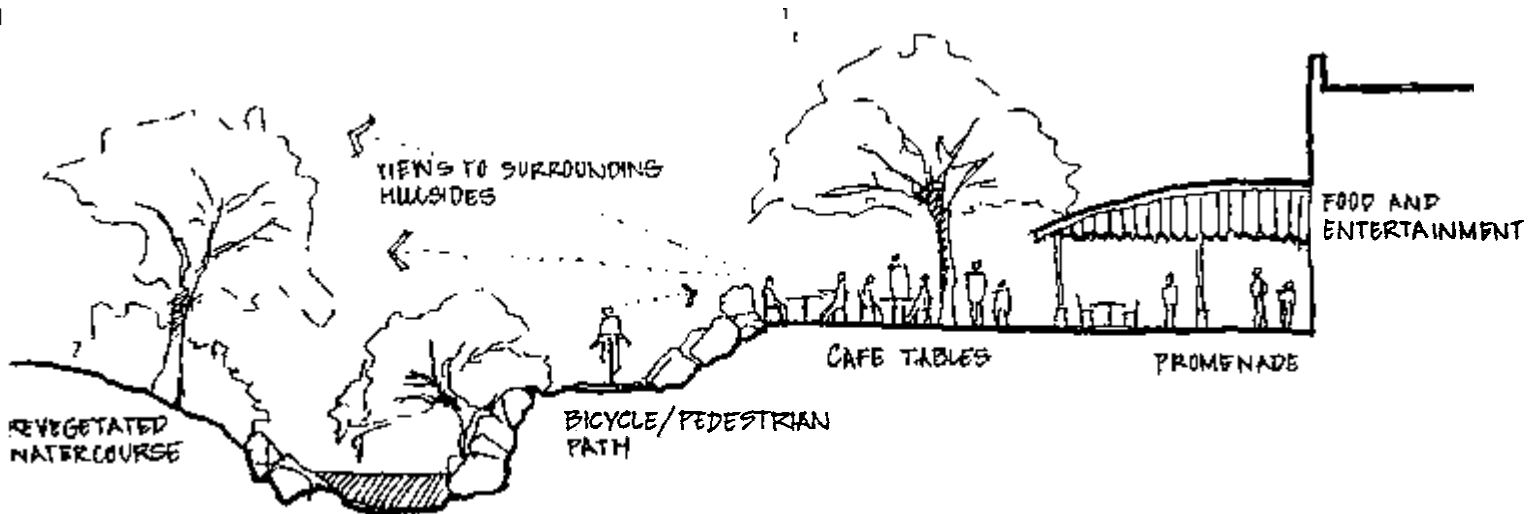
Form and character should reflect the desired character of the Town Centre and not detrimentally affect nearby residential development.

- [a] Development should be orientated towards the Captain Cook Highway and Kennedy Highway and present an interesting and varied facade to these highways as well as being internally designed to encourage pedestrian movement within this precinct and to other precincts.
- [b] Design of development shall include elements which protect the residential amenity of surrounding areas. Such elements may include landscaping, fencing, controlled lighting, limited hours of operation, appropriate advertising and **signage**, building materials and colour, and location of access, carparking, service areas and mechanical plant.
- [c] Building setbacks and site coverage shall be in accordance with the Planning Scheme requirements.

#### 3.3.4.3.2 Open space/watercourses

Open space and watercourses are important to the character of this precinct.

- [a] Watercourses shall be retained and incorporated into the design of development.
- [b] Land adjoining the watercourses shall be adequately landscaped with native vegetation. These areas shall be part of and link to the Town Centre and sub-regional open space system.



WATER COURSES SHALL BE RETAINED, ADEQUATELY LANDSCAPED AND INCORPORATED INTO THE DESIGN OF DEVELOPMENT.

#### 3.3.4.3.3 Landscape protection

Vegetation contributes and is important to the character of the Town Centre.

- a) Vegetation communities within the DCP area have been extensively disturbed by clearing for rural and urban uses. There is, however, still some significant vegetation which contributes to the image and environmental value of the DCP area. This vegetation shall be retained. Council will require all proposals to show a high degree of sensitivity to the retention of existing vegetation. Council may also request an applicant to provide a plan showing existing and proposed planting/vegetation.

#### 3.3.4.3.4 Relationship to the transport network

Access and carparking should support the use of the Town Centre.

- [a] Access from the Captain Cook Highway shall be controlled to minimise potential vehicular and pedestrian conflicts within the precinct and between this precinct and Precinct 1.
- [b] Pedestrian movement using the Cattana Road underpass shall be encouraged by appropriate design which provides an attractive and safe environment. An additional pedestrian underpass following the watercourse is desirable and would be considered favourably by Council.
- [c] Internal vehicular linkages shall be provided between car parks.

- [d] An overpass or overpasses providing linkages over the highways in the longer term is supported by Council.
- [e] Design of development shall allow for possible future vehicular linkage to Precinct 2 at Buffer Close.
- [f] Vehicular access shall not be permitted between Precinct 3 and residential and open space areas to the west.

### 3.5 Precinct Four

#### 3.3.5.1 Intent, Character and Use

This precinct is bounded to the east by the Captain Cook Highway and to the north by the Kennedy Highway. It is alienated from the main Town Centre by the two highways. This area is currently zoned Rural.

The intent for Precinct 4 is to encourage uses that are compatible with but do not compete with the main Town Centre and to ensure that the character of the Smithfield Town Centre is retained. Commercial, residential and tourist/recreation based uses will be encouraged.

Precinct 4 provides an entry point to the Shire and is important to the overall character of the Town Centre. The appearance of this precinct from the highways will be an important element in Council's consideration of any applications.

A large part of the precinct is susceptible to flooding and drainage problems due to Avondale Creek traversing the area. The watercourses and flood plain areas provide an opportunity to provide pedestrian and cycle links with the balance of the Town Centre and to enhance the character of the Centre.

There is no major access point into the precinct at present. It is envisaged that an internal circulation road be provided from the Kennedy Highway at Cumberland Avenue threading through the development to the Captain Cook Highway and Brinsmead - Kamerunga Road roundabout. The proposed road is not intended as a major through route but rather as a road which provides local access and bus connections.

The location of the precinct creates alienation for pedestrians and cyclists, with limited opportunities to cross either of the highways. Signalising the Kennedy Highway/Cumberland Avenue intersection is anticipated to be needed in the future to allow safe pedestrian crossing and improved local traffic movements.

#### 3.3.5.2 Land Use

It is envisaged that development will be predominantly for integrated residential communities which may include both permanent or tourist accommodation together with associated support and recreation facilities.

Council may consider commercial uses where they are designed and developed in a discrete sub-precinct adjacent to the Kennedy Highway near Cumberland Avenue and as depicted on Sheet 6. Access to this area is only to be via an internal service road from the Kennedy Highway. Commercial uses which are considered appropriate include, but are not limited to showrooms, hardware stores and the like.

Land uses within this precinct shall accord with the intent of the Strategic Plan, provisions of this DCP and the intent of the zone in which the land is or is proposed to be included. It is anticipated that most development will require consent of Council or rezoning of land. Where rezoning is required appropriate zones may include Residential 2, Residential 3, Sport and Recreation, or Open Space.

Other than in the vicinity of Kennedy Highway as indicated above Council will not favourably consider rezonings which will allow retail, office and commercial developments within this precinct.

### 3.3.5.3 Planning and Development Criteria

#### 3.3.5.3.1 Form and character

Character of precincts shall be predominantly residential and shall *support* and not compete with the commercial precinct of the Town Centre.

- [a] Development shall be predominantly residential but may include non-residential purposes which are complementary to the intent of Precincts 1 and 3.
- [b] Tourist and recreation uses which complement or include residential components and which meet transport and access objectives may be considered favourably. Such uses may include golf courses, resort facilities, indoor and outdoor entertainment which is complementary to residential use, and low-impact theme park.
- [c] Development shall be designed to form integrated communities or residential/tourist projects.
- [d] Development shall present an attractive appearance to the Captain Cook and Kennedy Highways and shall include appropriate landscaping, buffering and setbacks from the highway.
- [e] Development is intended to be low-rise up to a maximum of three storeys.

### 3.3.5.3.2 Relationship to the transport network

Transport networks shall be developed that serve the local area without encouraging through *traffic* in residential communities.

- [a] A circulation road shall be developed from the Kennedy Highway at Cumberland Avenue to the Captain Cook and Brinsmead-Kamerunga Road roundabout. This road shall not be developed as a major through route, but rather as a local street connection with capacity for bus access.
- [b] Council will consider the feasibility of signalling the Kennedy Highway/Cumberland Avenue intersection for improved pedestrian and local traffic movements.
- [c] Any application for a commercial area based on a connection at Cumberland Avenue shall include an access plan, to demonstrate that there is no conflict with the residential uses proposed in the area and that adequate pedestrian access to the balance of the DCP is provided.
- [d] No new access points to the Captain Cook Highway shall be approved.

### 3.3.5.3.3 Landscape protection

Vegetation contributes and is important to the character of the Town Centre.

- [a] Vegetation communities within the DCP area have been extensively disturbed by clearing for rural and urban uses. There is, however, still some significant vegetation which contributes to the image and environmental value of the DCP area. This vegetation shall be retained. Council will require all proposals to show a high degree of sensitivity to the retention of existing vegetation. Council may also request an applicant to provide a plan showing existing and proposed planting/vegetation.

### 3.3.5.3.4 Open space and watercourses

Open space and watercourses are important to the character of this precinct.

- [a] Riparian vegetation shall be restored to a natural density along the watercourses to improve water quality and wildlife corridors.
- [b] Council supports the establishment of pedestrian and cycle way linkages between Precinct 4 and Precinct 1, using additional land to the riparian zone along watercourses wherever appropriate.



### 3.3.5.3.5 Flood constrained land

Opportunities exist for the use of flood constrained land.

- [a] Council may consider proposals for uses in the flood plain only where they do not detrimentally affect the areas visual appearance, are in accordance with section 6.7.1 of Council's Strategic Plan and related provisions of the Planning Scheme, and can demonstrate that there will be no nett detriment to the flooding characteristics of the flood plain. Potential uses will be considered on their merit and may include the following or other similar uses where appropriate:
- [i] playing fields
  - [ii] park
  - [iii] equestrian centre
  - [iv] car park
  - [v] rural uses.
  - [vi] nature based theme park
  - [vii] golf course
- [b] Drainage management requires concurrence of the Smithfield Drainage Board.

### 3.3.6 Precinct Five

#### 3.3.6.1 Intent, Character and Use

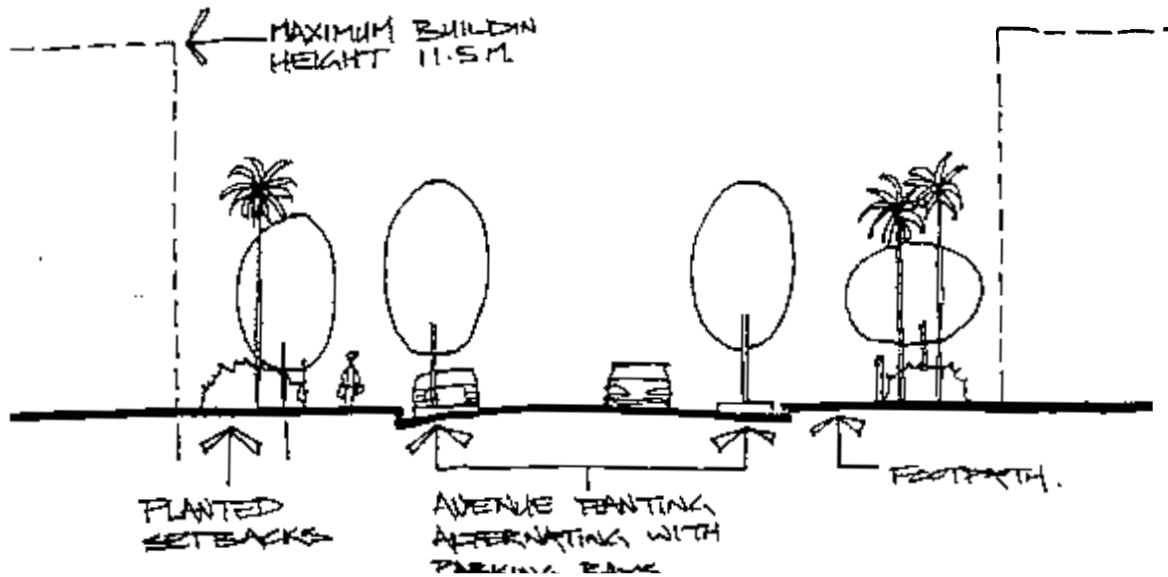
Precinct Five is a transport precinct and includes the existing road network, the proposed Smithfield bypass alignment, and the existing cane tramway line.

The proposed Smithfield Town Centre is located at the junction of the Captain Cook and Kennedy Highways. These major roads provide regional links to the north of Cairns and to the Atherton Tablelands. The two highways function as a major arterial link. The local transport movement needs are also served by these roads providing for the residential, commercial and retail developments at Smithfield and the Marlin Coast communities.

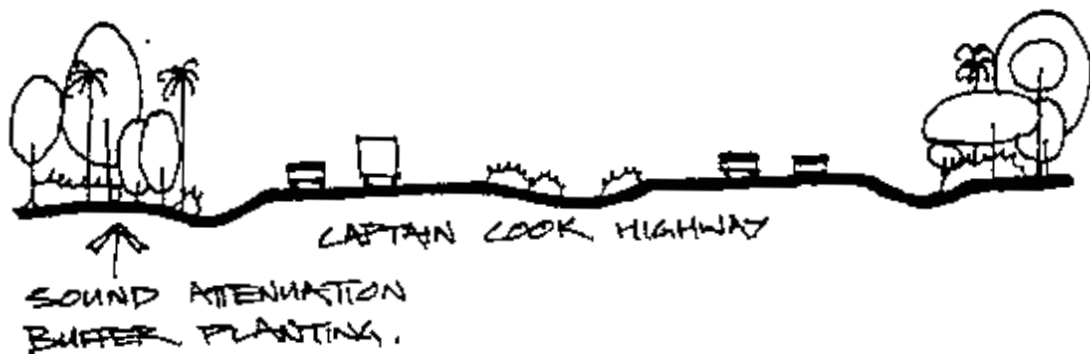
The Captain Cook Highway is currently four lanes through the DCP area. It has roundabouts at McGregor Road, Kennedy Highway, Brinsmead-Kamerunga Road and Yorkeys Knob Road.

The highways are a physical and visual barrier through the Town Centre. Provision of adequate cross connections will be necessary for local motor vehicle, pedestrian and cyclist access. This function must be taken into consideration when planning Smithfield Town Centre. The conflict between the regional function and providing for local needs is one which needs to be addressed in a sensitive manner.

An opportunity exists for streetscapes to assist in development of the character of the Town Centre. This can be by way of landscaping, surface treatment, appropriate lighting and street furniture together with integration of road and the development of a public transport focus. ;



#### LOCAL STREET TREATMENTS



#### HIGHWAY TREATMENTS

East west roads within the DCP area are:

- McGregor Road;
- Stanton Road (one entry to Smithfield Heights residential area);
- Cattana Road; and
- Kennedy Highway (to Atherton Tablelands).

The Smithfield Shopping Centre currently has two accesses - one from the Kennedy Highway and the other a left in/left out access from the Captain Cook Highway.

Future road planning will have a direct impact on the development and character of the Smithfield Town Centre.

There are major road system changes proposed by Queensland Department of Main Roads for the Smithfield area. DCP Sheet 4 shows the proposed future road network. A bypass is proposed east of the Captain Cook Highway. It is intended that this road divert a large component of through traffic from the existing highway route and would remove much of the northern through traffic from the section of the Captain Cook Highway traversing the Town Centre.

Both the Captain Cook and Kennedy Highways function as major arterial roads. It is however necessary to integrate the local traffic needs with this system for the Smithfield DCP area to operate successfully. There are a number of proposed works which will facilitate local traffic needs without disturbing the regional through traffic flow. Local access can be provided by the following works:-

- an interchange connection along the Smithfield bypass to the DCP area;
- links into the DCP area at:
  - the Kennedy roundabout;
  - **Stanton Road** by **signalising** the intersection;
  - **Cattana Road** underpass; and
  - **McGregor Road**.

The regional transport needs must also be facilitated in terms of future works, to ensure arterial capacity. The following works have been proposed by Queensland Department of Main Roads on the Captain Cook and Kennedy Highways:

- an overpass over the Kennedy Highway roundabout;
- the Smithfield bypass to allow through traffic movements to avoid the Town Centre;
- an overpass over the McGregor Road roundabout as part of the Smithfield bypass;
- an overpass over the Yorkeys Knob Road roundabout as part of the Smithfield bypass as its southern connection back on to the Captain Cook Highway.

Development of an efficient and effective public transport system will be important to the development of the Marlin Coast including Smithfield. It is possible that the cane tram line will be developed as a public transport corridor. This will allow priority movements of public transport to transport people into the heart of the Smithfield Town Centre. Should this option be pursued, it would be most efficient to have the public transport interchange located along this corridor near Cattana Road. Such a site minimises diversion off the through route and facilitates feeder services throughout the DCP area. The interchange will initially be located at the Smithfield Shopping Centre. This means that the plans must recognise the potential shift in pedestrian focus from one end of Cattana Road to the other. Transit oriented uses will be encouraged along this spine and pedestrian movement along Cattana Road will be promoted by way of building design.

### **3.3.6.2 Planning and Development Criteria**

#### **3.3.6.2.1 Character of the Town Centre**

Transport links can complement and assist in the development of the Town Centre.

- [a] Council shall support the use of the cane tram line as a public transport corridor. A possible link from Redlynch along the proposed Redlynch bypass road corridor and along the Smithfield bypass road corridor and continuing north past the James Cook University could be considered. Community facilities from Caravonica State School, new residential areas, the high school and university could all be linked by a secondary light rail or bus route within the Smithfield area. Any development including or in the vicinity of the cane tram line shall make provisions for the future use of it as a public transport corridor and shall include appropriate buffers in design.
- [b] Council supports a pedestrian and public transport focus in the Town Centre.
- [c] Council will support Queensland Transport in the development of streetscape programs designed to complement the Town Centre including elements such as landscaping, surface treatment, appropriate lighting and street furniture together with integration of road and the development of a public transport focus.
- [d] Applications shall include details of street treatments which complement the character of the Town Centre.

#### **3.3.6.2.2 Transport network**

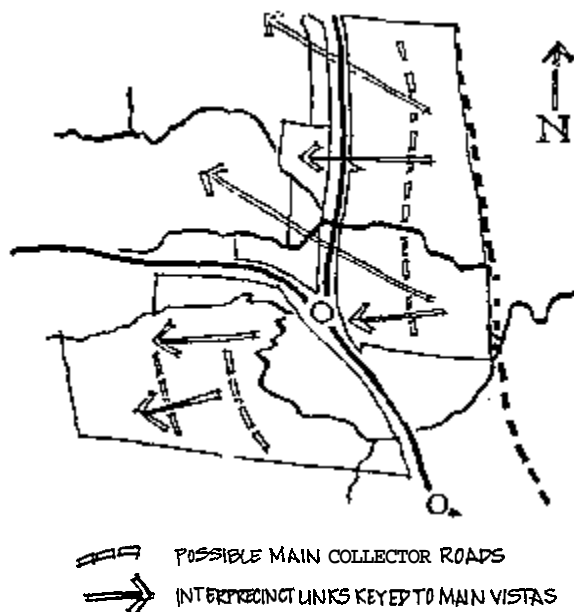
- [a] A public transport interchange shall initially be developed within Precinct 3. In the longer term, the interchange shall be relocated to Precinct 1 at the eastern end of Cattana Road to allow use of the cane tram easement for a line haul transit facility.

- 
- [b] Council is in favour of the development of the following works to improve access for local traffic:
- a connection to the Smithfield bypass;
  - a road connection at the Kennedy Highway roundabout to Precinct 1;
  - signalisation of the Stanton Road intersection; and
  - a road connection from McGregor Road to Precinct 1.
- [c] Council is in favour of the development of the following works to meet regional traffic needs:
- a grade separated interchange over the Kennedy Highway roundabout;
  - the Smithfield bypass;
  - a grade separated interchange over the McGregor Road roundabout for access to the grade separated Smithfield bypass; and interchange at the Yorkeys Knob Road roundabout for access back to the Captain Cook Highway from the bypass.

### 3.4 DEVELOPMENT AND DESIGN GUIDELINES

#### 3.4.1 Character, Amenity and Appearance

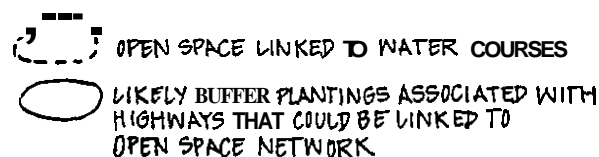
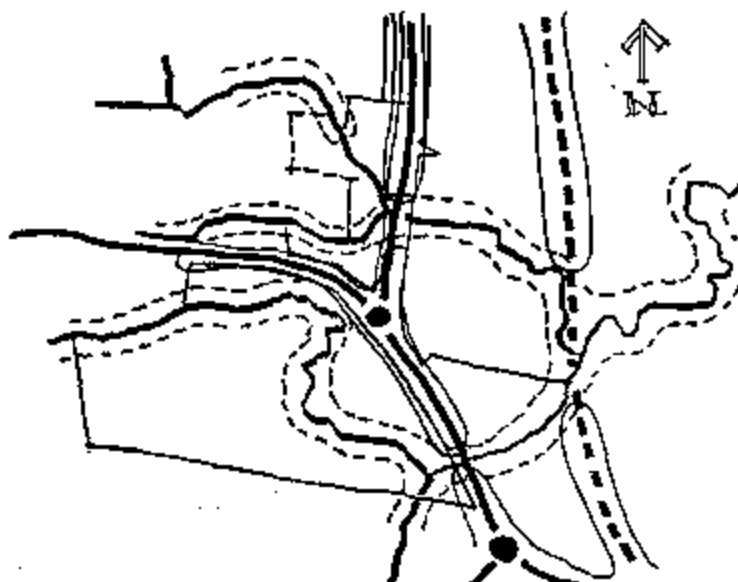
- [a] The character of the Smithfield Town Centre should reinforce the Shire image and reflect the areas history. The significance of the area in relation to the Douglas Track, the Table Land Gold Fields, indigenous heritage and the cane industry should be reflected in the Town Centre.
- [b] Built form shall have a strong relationship by emphasising and focussing on significant natural features and the topography of the area.
- [c] Particular attention is to be paid to the appearance of development from the street, watercourses and pedestrian and cycle ways.
- [d] Building materials and finishes shall not cause adverse reflectivity.
- [e] A clear relationship of height and scale should be made between adjacent buildings. Abrupt changes are not recommended. This can emphasise buildings and create unsightly ad hoc arrangements.
- [f] Blank curtain wall style buildings are not recommended. It is important to maintain buildings at a pedestrian scale and not alienate pedestrians.
- [g] Development shall be orientated to take advantage of sunlight, prevailing winds, and shade trees.
- [h] Above-ground lightweight, tropical style architecture is recommended over on-ground blockwork style buildings which require air conditioning and are less thermally efficient.



**BUILT FORM AND STREET DESIGN SHOULD INCORPORATE SIGNIFICANT VISTAS**

### 3.4.2 Landscaping Open space and Watercourses

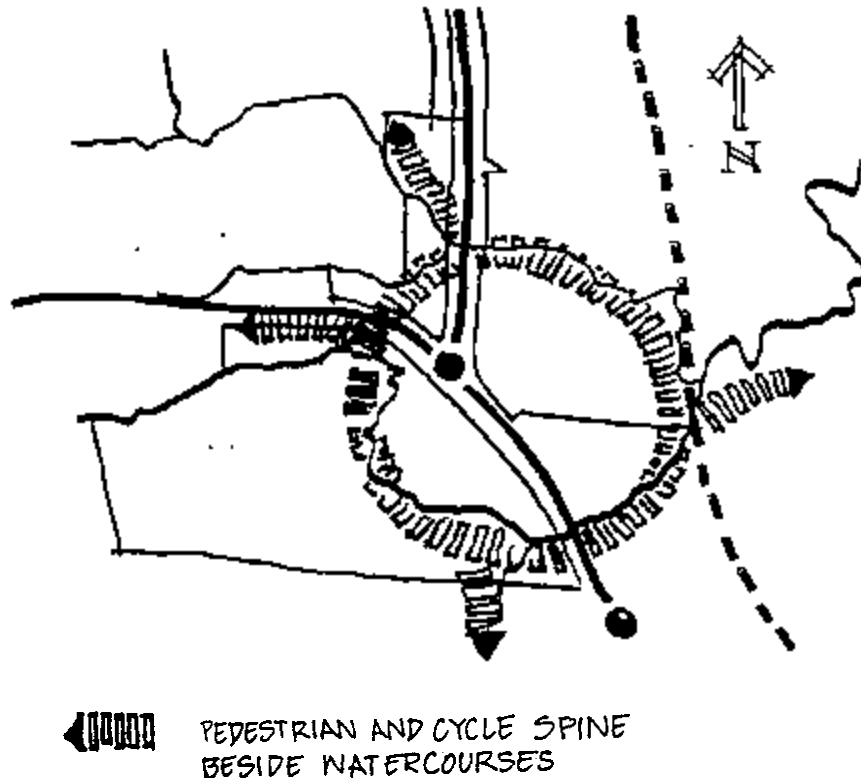
- [a] To enhance the appearance of the Town Centre and to create a pleasant and functional pedestrian environment and to ensure the provision of adequate, useable recreational open space, all new development is required to include a landscaped area which is to be approved by Council.
- [b] Landscaping provisions are stated for each precinct.
- [c] Indigenous planting shall provide the basis of an extension of the rainforest mountain backdrop.
- [d] Landscaping should establish or re-establish natural river landscape wherever possible taking into account flood protection requirements.
- [e] Landscaping shall be in accordance with Council's landscaping and tree planting guidelines.
- [f] Rivers and creek lines should form a strong natural element of the urban development.
- [g] Mounding should be avoided where tree planting on existing ground can suffice as a sound and visual barrier. A mixture of canopy trees and infill shrubs can provide a dense screen against unsightly areas.
- [h] 20 metre buffer zone along drainage lines and watercourses.
- [i] Applications in accordance with Council's policy on soil erosion and sediment control plans.



OPEN SPACE AND WATERCOURSES ARE IMPORTANT TO *THE* CHARACTER OF THE TOWN CENTRE

### 3.4.3 Pedestrian/Cycle Networks

- [a] An open space network shall be developed to provide pedestrian/cycle linkages within the Town Centre and may also form an important framework for the establishment of riverside boulevards and feature bridges within the road network.
- [b] Bicycle paths shall be incorporated into development and road layouts and link with Queensland Transport and Council's bicycle ways.
- [c] The pedestrian and cycle network shall link the Town Centre with adjacent areas and important activity nodes such as Skyrail and Tjapukai theme park. The network should include existing watercourses wherever possible. Support facilities should be included at activity nodes of the open space networks. eg: a link from Caravonica school to Smithfield Town Centre.
- [d] Pedestrian/cycle linkages shall be provided along the watercourses and parklands from the eastern side of the existing highway to the west.
- [a] All pedestrian/cycle pavements in the Town Centre shall be constructed of a uniform exposed aggregate finish.
- [f] Footpaths and bicycle lanes on roadways should be considered within the overall bicycle strategy.



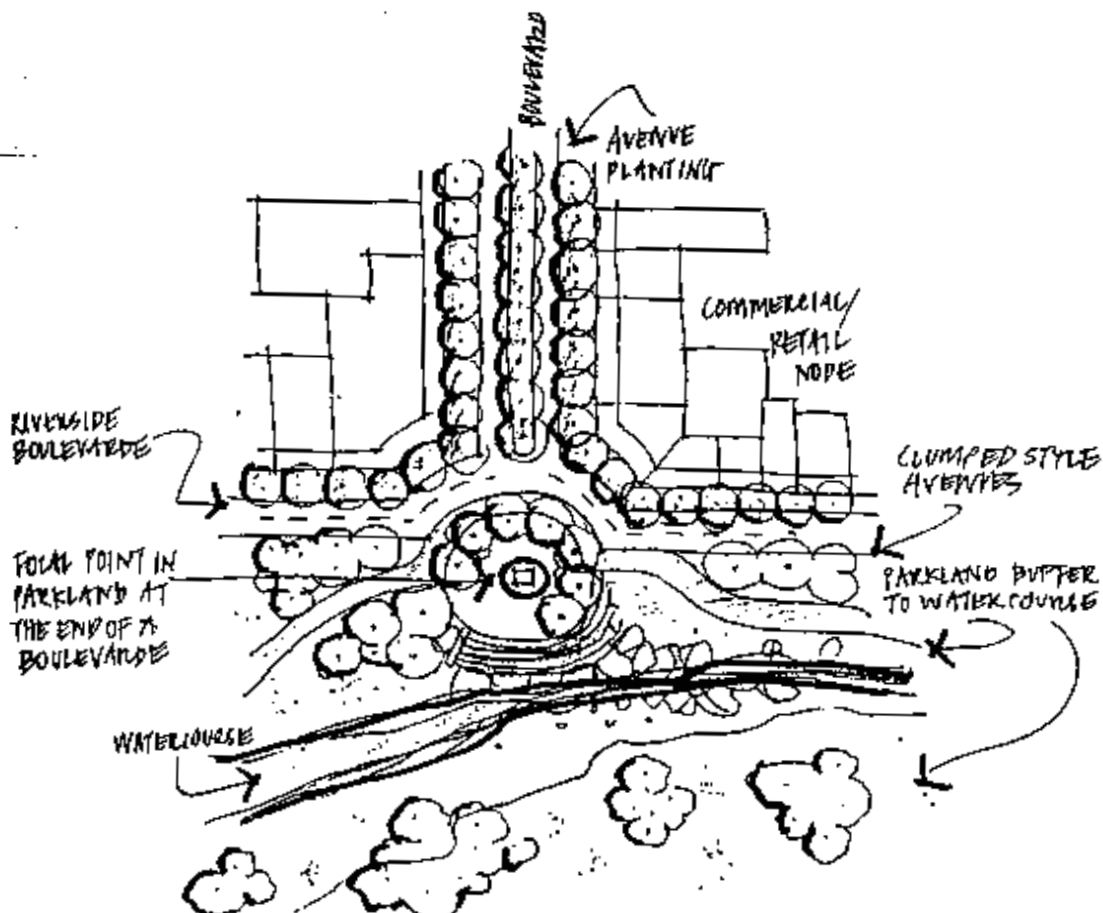
PEDESTRIAN AND CYCLE PATHS SHALL BE INCORPORATED INTO DEVELOPMENTS AND ROAD LAYOUTS



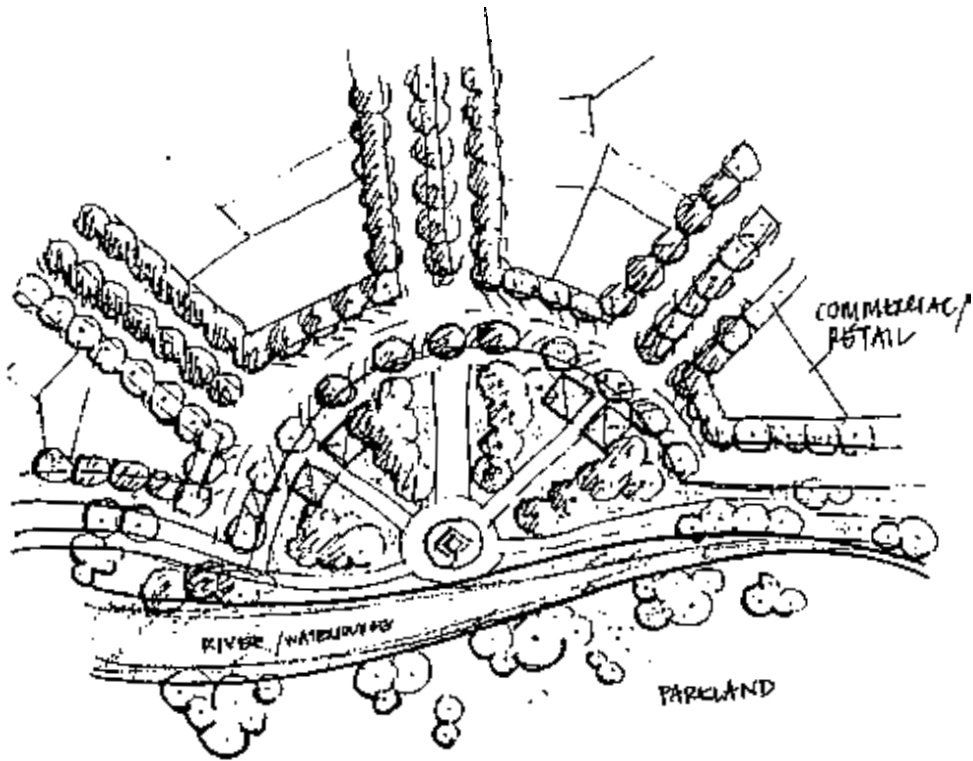
### 3.4.4 Streetscape

#### 3.4.4.1 Avenue Planting

- [a] Avenues of trees should complement boulevards and all other roads within the network. Clear establishment of species within street planting design will help with the orientation and legibility in the new development at the Town Centre.
- [b] Major boulevards should have a central median established where formal single species planting can occur, defining carriageways.
- [c] Clumped style planting may be appropriate along riverside/parkland boulevards and within parkland areas, where random style (natural) characteristics are being recreated.
- [d] Central parks and pocket parks which are accessible and useable should be incorporated into the Town Centre.



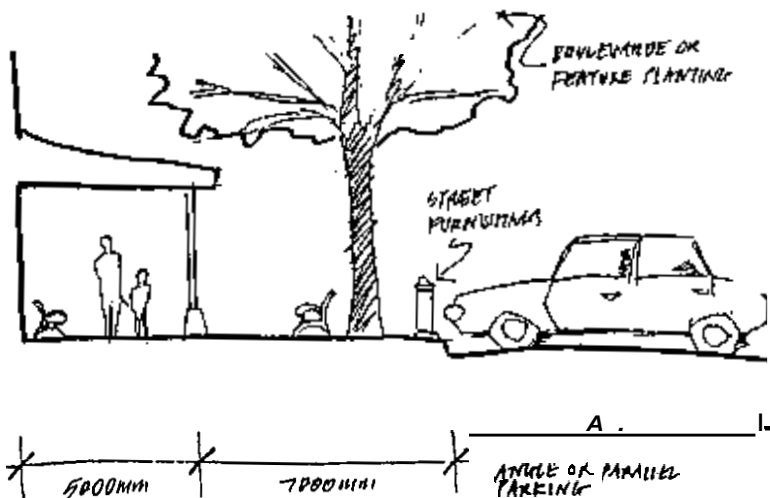
EXAMPLE OF FOCAL POINT IN PARKLAND BUFFER



USE OF AVENUE PLANTING TO COMPLEMENT BOULEVARDS AND URBAN PARKS

**3.4.4.2 Furnishings**

- [a] Well designed furnishings such as seating benches, bollard and light poles shall be used to complement and define different precincts.
- [b] Awning and verandahs are encouraged to provide a covered walk or shelter against rain and sun.
- [c] The furnishings and streetscape material types used in tourist orientated attractions and entertainment or cultural uses shall be coordinated so as to match, and integrate with but not be identical to surrounding precincts.



USE OF STREET FURNISHINGS TO COMPLEMENT AND DEFINE DIFFERENT PRECINCTS.

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### 3.4.4.3 Lighting

- [a] Special consideration should be given to lighting in areas adjacent parks, public transport nodes and low activity areas for security.
- [b] Properly designed lighting should complement streetscape design. Buildings and trees may be illuminated to emphasis particular areas or make features.
- [c] Illuminated bollards should provide path definition and security along bicycle/pedestrian paths.

### 3.4.4.4 Signage

- [a] Street signage should complement precinct furnishings and architectural styles.
- [b] Other directional signage which accommodates a pedestrian audience may provide information about history and incorporate Centre directional maps.
- [c] Signage on buildings should complement the architecture of the precinct. "Megagraphics" and neon are only relevant where it is part of the area's theme.
- [d] Temporary, retail chalkboard style signage can create an intimate part of the streetscape.
- [e] Signage, both informative and directional should play a strong role in areas used for tourist orientated and **entertainment/cultural** purposes.

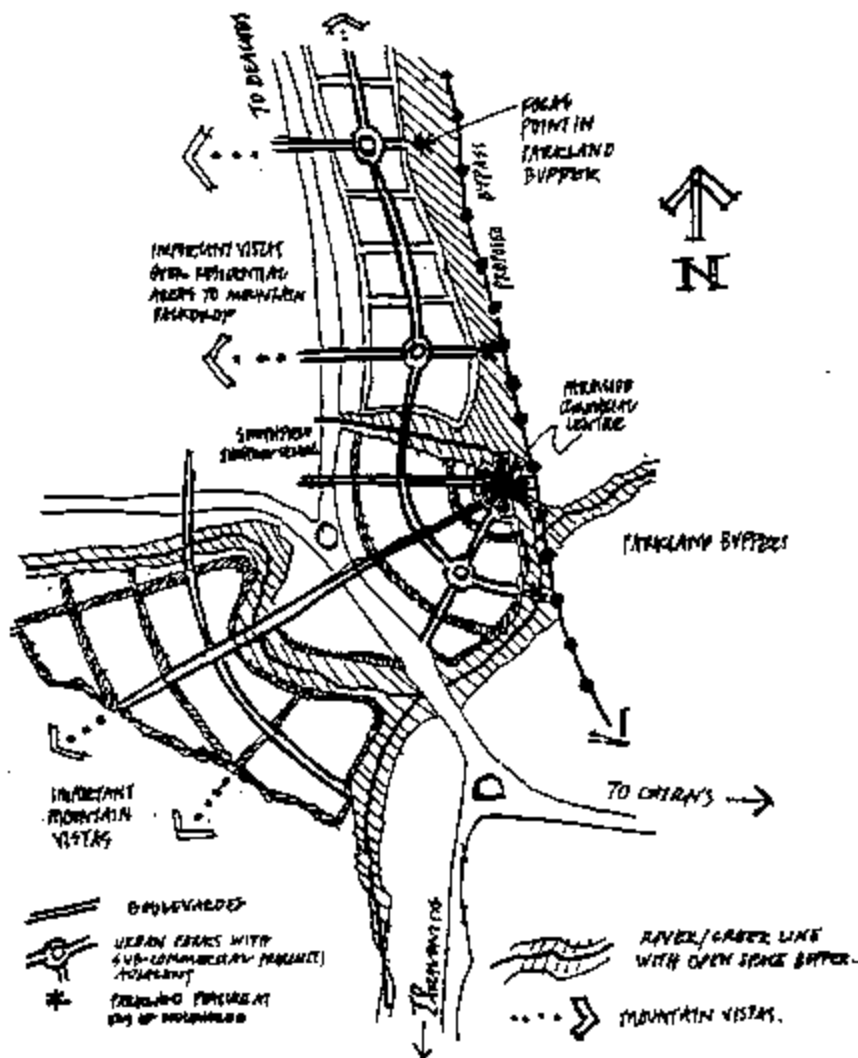
### 3.4.4.5 Disabled Access

- [a] Where changes of levels occur consideration for ramping and disabled access will be made.
- [b] Pedestrian crossings, where signalised, should provide sound indication devices.

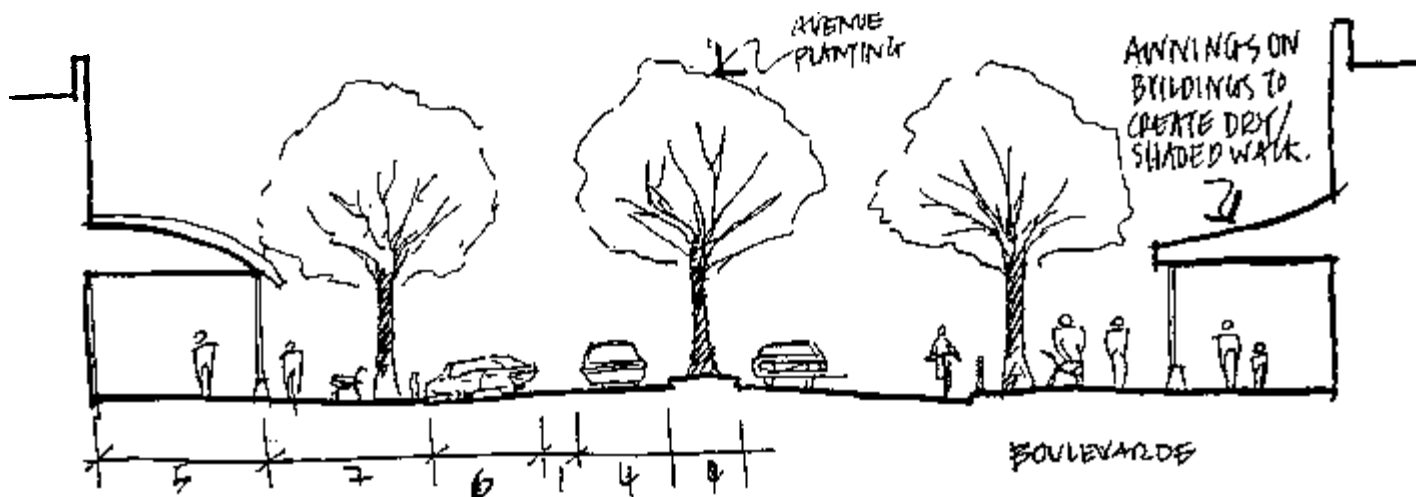
## 3.4.5 **Roads, Traffic, Parking And Access**

- [a] Car parking, loading and access requirements will be imposed upon all development to ensure that the vehicular and pedestrian needs associated with development are adequately accommodated.
- [b] Carparking shall be provided in accordance with the Planning Scheme requirements for the particular development.
- [c] Car parking, loading and access shall be located and designed so as to minimise any impacts on residential and other noise sensitive uses.

- [d] Adequate secure parking for bicycles shall be provided.
- [e] Streets shall be orientated to take advantage of vistas to the mountainous backdrop.
- [f] Where connections of precincts over the main highways are needed, bridges should complement the development in style and act as entry points to the Smithfield Town Centre.
- [g] Where underpasses are to be included, design should encourage pedestrian use and avoid dark tunnel appearance.
- [h] Activity centres and nodal points should be connected by a hierarchy of roads. Urban parks and plazas may form significant focal element adjacent to or as part of activity area.



LAYOUT AND ROAD ORIENTATION



#### LOCAL STREETScape TREATMENT

### 3.4.6 Residential

#### 3.4.6.1 In commercial/retail precincts

- [a] Residential dwellings can be incorporated into retail areas to promote vitality and create secure semi-commercial precincts. Upper floors of shops may be used as residences.
- [b] Residential precincts shall incorporate increased population densities eg: Residential 3 zoning adjacent to retail/commercial precincts is strongly recommended.
- [c] High density residential development within commercial precincts should incorporate verandahs or openable windows with planter boxes.

#### 3.4.6.2 In residential areas

- [a] Developments which are "built to boundary" are encouraged to maximise space use and provide better, cost-effective and tropics-relevant dwellings.

### 3.4.7 Tourist Orientated Attractions and Cultural Uses

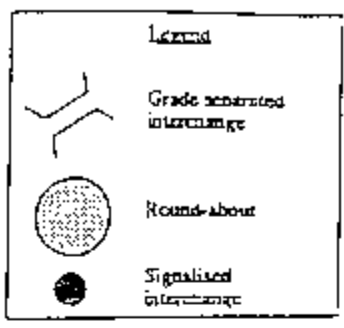
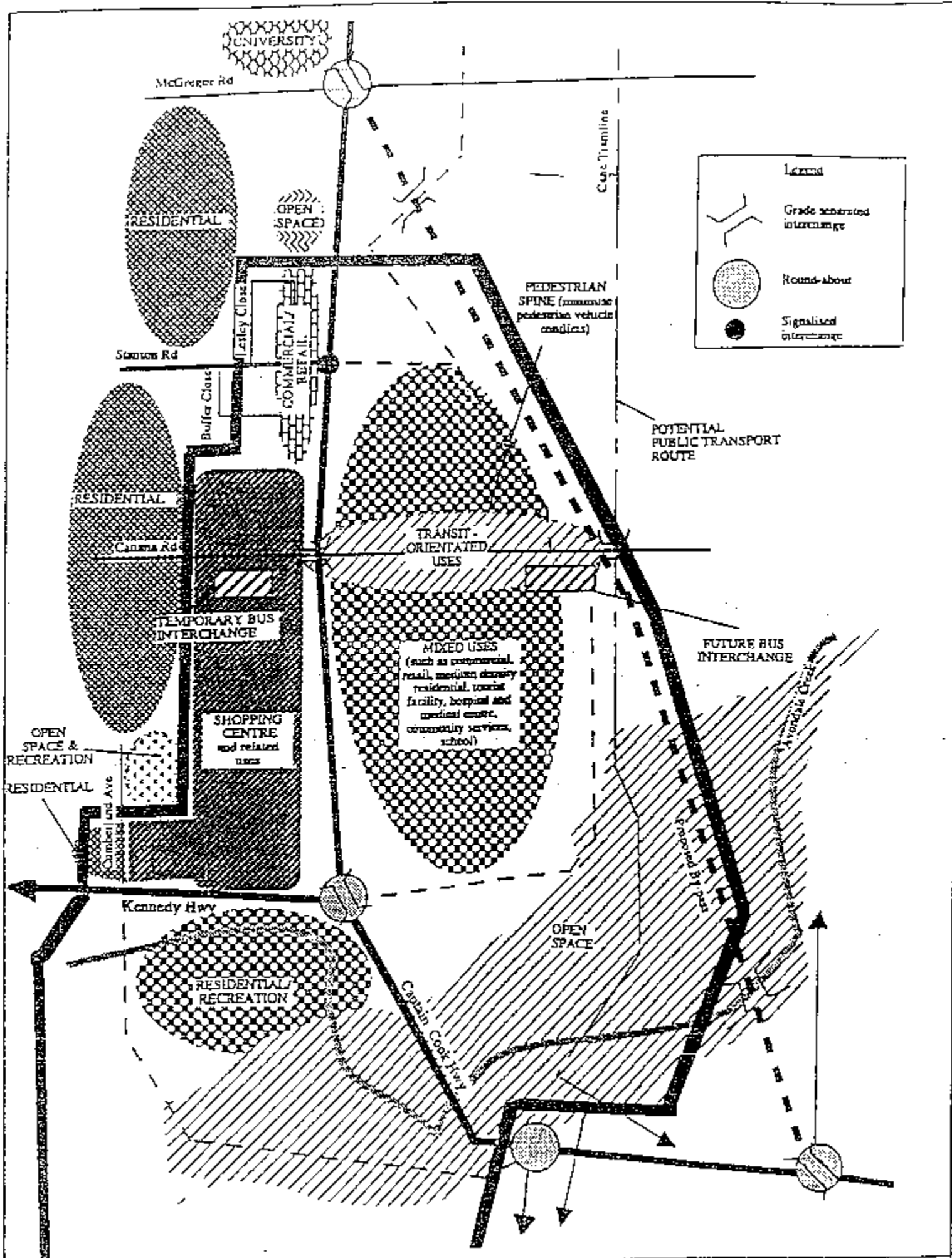
- [a] Tourist orientated attractions and cultural uses shall develop individual architectural and streetscape character within their particular precincts. This should help with identification and differentiation of areas as well as legibility.
- [b] Performance spaces shall be incorporated into common/public spaces to allow these outdoor venues to be used by local clubs, performers etc.

- [c] Provision for cycle and pedestrian links through these areas should help with connectivity within the Smithfield Town Centre area.
- [d] Council shall consider applications for tourism development where such proposals would not:
  - [i] compromise the amenity of the area, adjacent uses, or the intent for the precinct as expressed in this DCP; or
  - [ii] have an undue impact upon the current and likely future amenity and preferred dominant land uses of the Town Centre by virtue of noise, appearance, emissions, hours of operation, light nuisance or any other matter which Council considers relevant in the specific circumstance.
- [e] Individual applications shall be assessed on a merits basis.
- [f] Council shall consider applications for tourist development in accordance with:-
  - [i] Strategic Plan Tourism Objective 1;
  - [ii] Tourism Strategy Diagram A-4; and
  - [iii] Tourism Development Area Regulatory Maps.

### 3.4.8 Recreation and Community Facilities

- [a] These important elements of the community should hold high profile positions, be linked by pedestrian and cyclist routes as well as having vehicular access.
- [b] Positions along watercourses or riverside boulevards can provide the above access and profile, as well as borrowed passive space if necessary.
- [c] These facilities should form multipurpose venues so that activity and use is maintained at a high level.
- [d] Provision for public art should be made within those areas.
- [e] Sporting ovals should allow or consider multipurpose use in their design and position within parkland areas. This can prevent unused high maintenance space being developed.
- [f] Any stadiums or adjacent amenities should be incorporated into other built retail or commercial purpose buildings to prevent isolated, unoccupied and dangerous environments developing.

- [g] Promotion of multipurpose, vibrant areas adjacent to recreation precincts provides a better use of space and a better community asset. Commercial gym complexes and cafe/restaurants can serve this purpose.
- [h] Ovals may double as water retention basins where necessary.



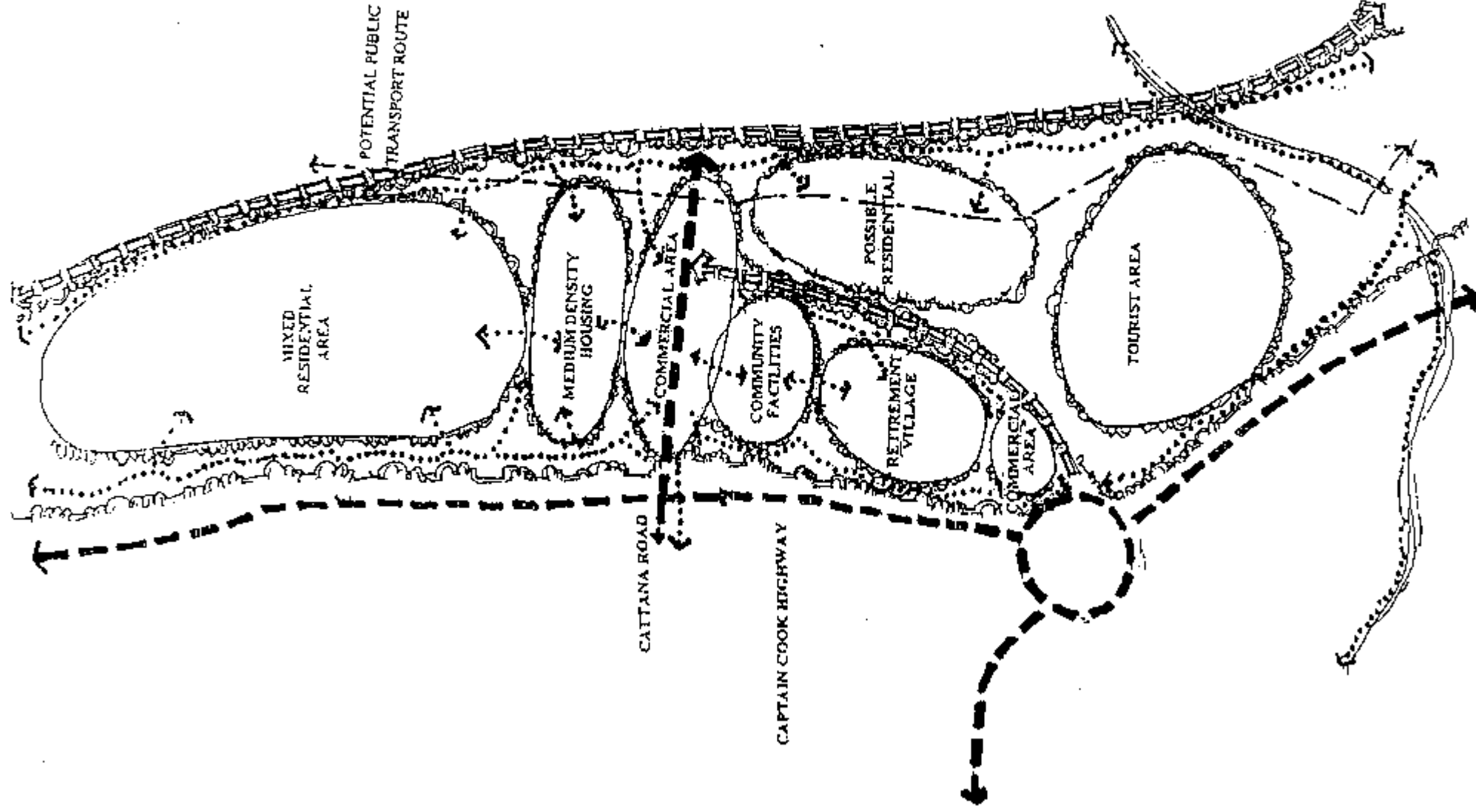
LEGEND:  
Polygon Classes

Cairns City Council  
Smithfield DCP  
INDICATIVE LAND USE PATTERN & TRANSPORT NETWORK  
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Author: CB  
15/5/1996  
Sheet 4





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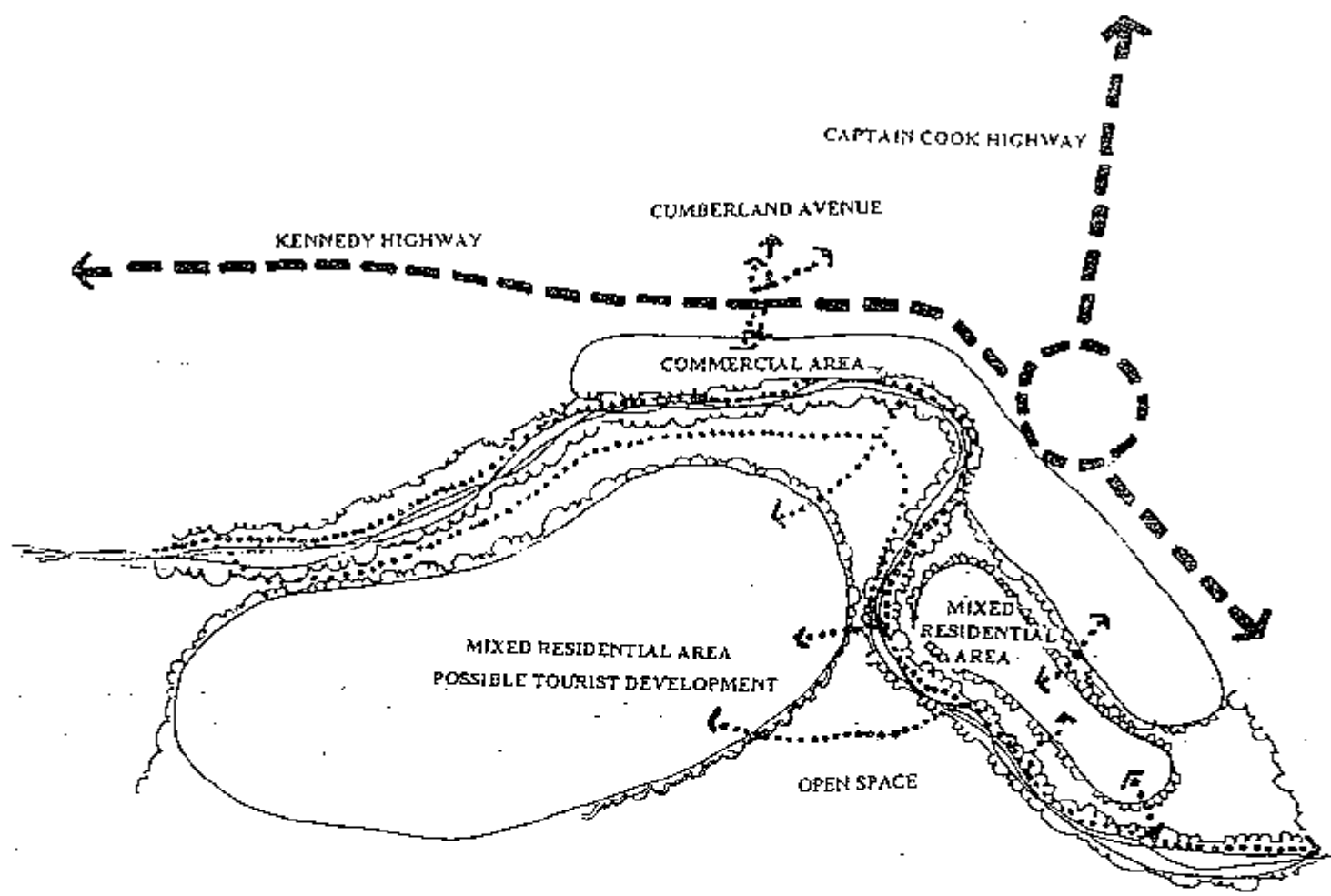
-  PEDESTRIAN NETWORK
-  OPEN SPACE NETWORK
-  PROPOSED ROADS

Cairns City Council  
 Smithfield DCP  
 PRECINCT 1 CONCEPT PLAN



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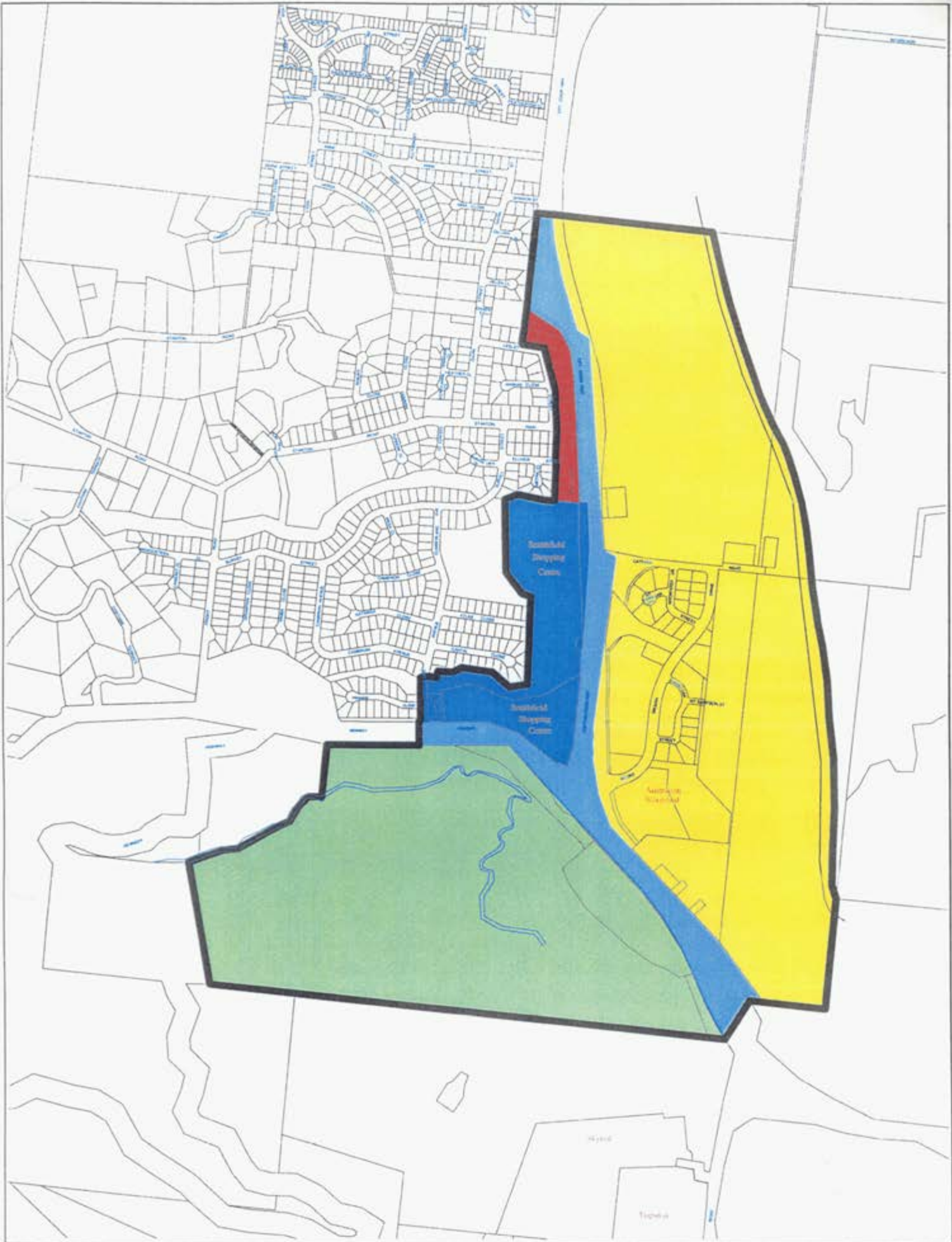
LEGEND:

	PEDESTRIAN NETWORK
	OPEN SPACE NETWORK
	PROPOSED ROADS

Cairns City Council  
 Smithfield DCP  
 PRECINCT 4 CONCEPT PLAN

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Dept: TP  
 Author: CB  
 24/5/1995



**LEGEND:**

- Polygon Classes**
- DCP (S'field) Boundary
  - DCP (S'field) Precinct 1
  - DCP (S'field) Precinct 2
  - DCP (S'field) Precinct 3
  - DCP (S'field) Precinct 4
  - DCP (S'field) Precinct 5

- Line Classes**
- Road Boundary
  - Rivers and Creeks
  - Lot Boundary
  - New Subdivision Roads
  - New Subdivision Lots
  - DCP (S'field) Bypass

**Cairns City Council**  
**Smithfield DCP**  
**DCP AREA AND PRECINCTS**

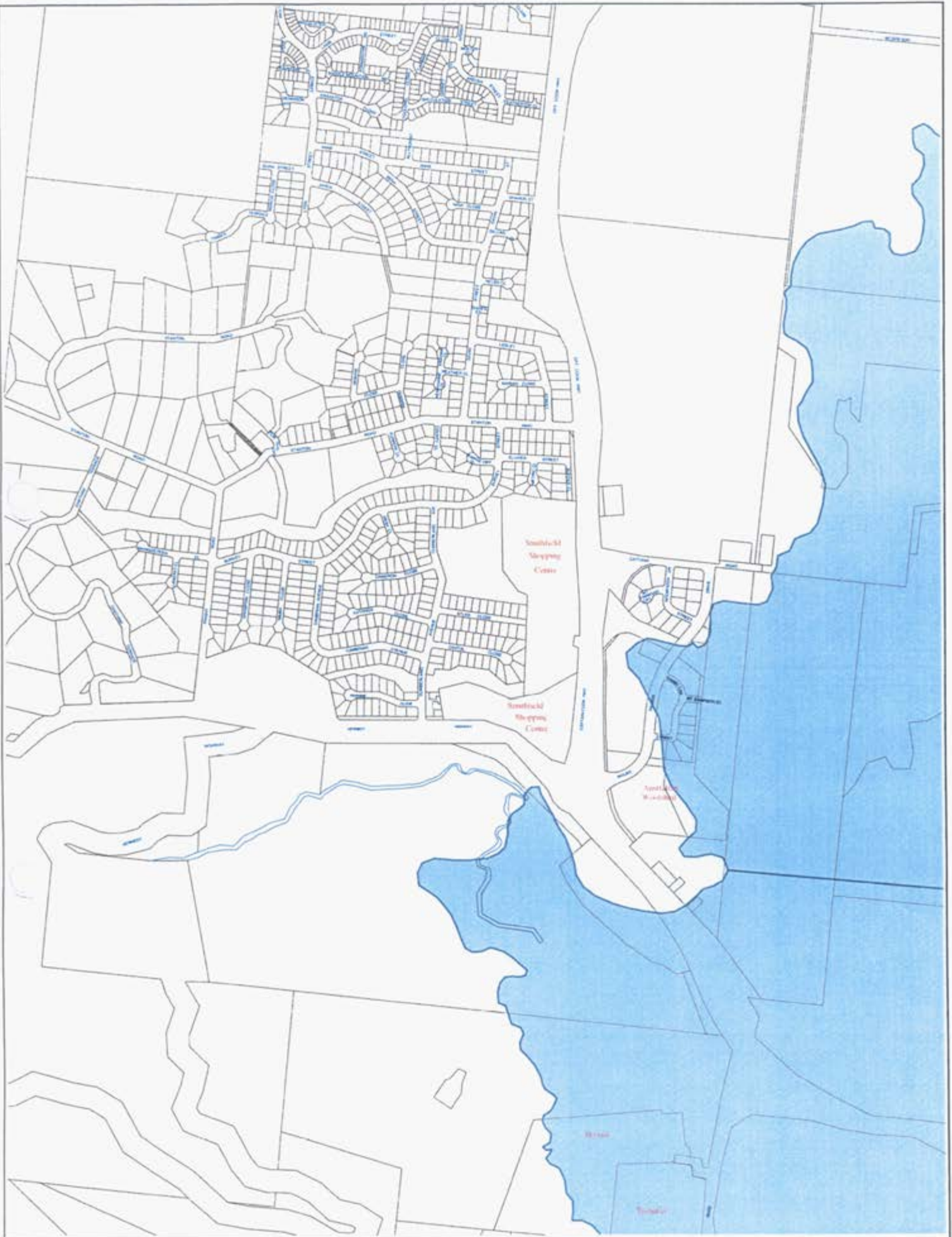
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 Author: RB  
 27/3/2000  
 Sheet: 1



**LEGEND:**  
 Polygon Classes  
 ■ Q100 Flooding

**Cairns City Council**  
 Smithfield DCP  
**FLOOD CONSTRAINED LAND**

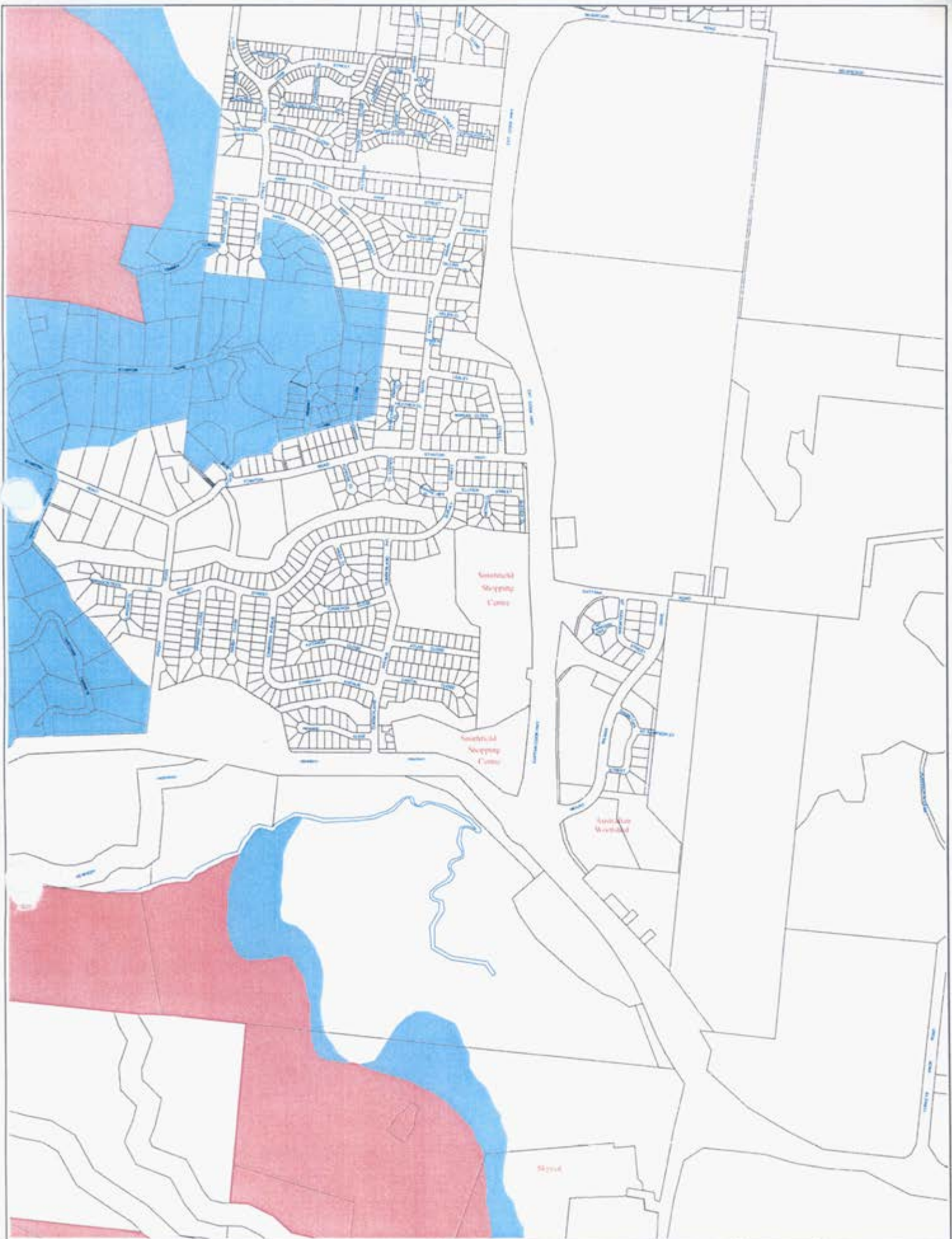
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 27/3/2000  
 Sheet:2



**LEGEND:**  
 Polygon Classes  
 Hillslopes B Urban (BC)  
 Hillslopes C Urban (BC)

**Cairns City Council**  
 Smithfield DCP  
 HILLSLOPES DCP

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 27/3/2000  
 Sheet:3

# **PART C**

## **DEVELOPMENT ZONES**

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## **PART C - DEVELOPMENT IN ZONES**

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## 1.0 INTRODUCTION

- 1.1 The Plan Area is divided into thirteen zones. These zones are identified on the zoning maps and include all land within the Balance of the City of Cairns.
- 1.2 The Table of Zones outlines the allocation of land uses to each zone as follows:
- [a] Column 1 identifies appropriate and compatible uses which are allowed as of right, subject to compliance with Council's relevant performance standards and are also known in the Planning Scheme as "Permitted Development";
  - [b] Column 2 identifies uses that would be appropriate and compatible in the zone subject to reasonable and relevant conditions and Council's relevant performance standards and are also known in the Planning Scheme as "Permitted Development Subject to Conditions";
  - [c] Column 3 identifies uses which may be allowed with Council's consent and subject to compliance with Council's relevant performance standards and any reasonable or relevant conditions imposed by Council at the time of approval and are also known in the Planning Scheme as "Permissible Development";
  - [d] Column 4 identifies uses which are prohibited and are also known in the Planning Scheme as "Prohibited Development".
- 1.3 The zoning maps identify code letters and colour designations of the thirteen zones. The zones are listed in the following Table C-1:

**TABLE C-1**

<b>Code Letter</b>	<b>Name of Zone</b>	<b>Zone Plan Colour</b>
LDR	Low Density Residential	Mid Brown
R1	Residential 1	Light Pink
R2	Residential 2	Pink
R3	Residential 3	Dark Red
V	Village	Dark Tan
C	Commercial	Light Blue
TS	Trades & Services	Mauve
I	Industry	Purple
RU	Rural	Light Brown
OS	Open Space	Dark Green
SR	Sport & Recreation	Light Green
SP	Special Purpose	Yellow
SF	Special Facilities	Yellow with Red Border



## **2.0 GENERAL INTENT**

The intent of the zones is implemented through the Table of Zones. The zones provide for :

- . the orderly growth and development of the Plan Area;
- . the establishment of an appropriate mix of land uses, generally in accordance with the intent of the zones and the intent of the Strategic Plan;
- . the distribution, in suitable locations, of appropriate amounts of land for the various land uses;
- . community confidence in the nature and direction of future development and redevelopment; and
- . the maintenance and improvement of the existing and future amenity of all areas within the Plan Area.

### **3.0 AIM**

It is the aim of each zone to segregate incompatible development and permit those which may establish in relative harmony with each other. Each zone therefore, will specify development which is either permitted, permitted subject to conditions, permissible or prohibited. Permitted developments subject to conditions include uses which, if they were not subject to certain restrictions or specific performance criteria, would not be compatible with the permitted purposes of development in each zone. Permissible developments include uses which require consideration in terms of their appropriateness in specific locations which may, depending upon their merits, be an appropriate development.

In order to achieve this aim and provide a mechanism for guiding and controlling the distribution, mixing and segregation of the various land uses, the Plan Area has been divided into zones.

## **4.0 MISCELLANEOUS ZONING PROVISIONS**

### **4.1 MULTIPLE USES**

Where any premises are used or intended for use for more than one (1) purpose they shall be for the purpose of this Planning Scheme, used or intended for use for each of those purposes, unless in the opinion of the Council, one (1) or more of those purposes are considered to be ancillary development.

### **4.2 LIMITATIONS ON USE RIGHTS CONFERRED**

Notwithstanding that pursuant to Sub-section 1.2, development may be carried out with or without the consent of the Council, the carrying out of any permitted, permitted development subject to conditions or permissible development shall be subject to:

- [a] those provisions contained in this Planning Scheme (including those of any relevant Development Control Plan) applicable to the development and the zone in which it is proposed; and
- [b] all relevant Local Laws and policies.

Where permitted development is development specified in Column 2 of the Table of Development applicable to a particular zone, the carrying out of such permitted development in that zone shall also be in accordance with the conditions of development, if any, imposed by the Council in respect of that permitted development.

The carrying out of any permissible development with the consent of the Council shall also be in accordance with the conditions of development, if any, imposed by the Council in respect of that permissible development.

Where permitted development or permitted development subject to conditions does not comply with all relevant provisions of this Planning Scheme such development shall be deemed to be prohibited development until such time as those provisions are complied with or, where applicable, relaxed pursuant to the Planning Scheme provisions or special approval has been granted.

The inclusion of land in a particular zone under the provisions of this Planning Scheme does not imply that all or part of such land is capable of being subdivided or is suitable for subdivision for development permitted by this Planning Scheme.

### 4.3 PRESERVATION OF EARLIER CONDITIONS OF APPROVAL

Subject to any variation of conditions made under the provisions of the Act, the conditions of any rezoning approval which attach to land immediately prior to the commencement of this Scheme shall continue to attach to that land and bind its owner and the owner's successors in title so long as any one of the following conditions is satisfied:

[a] any use which was a lawful use of the land immediately prior to the commencement of this Scheme continues to be a lawful use of the land; or

[b] any use which was a permitted use of the land immediately prior to the commencement of this Scheme continues to be a permitted use of that land; or

[c] the land retains the same zoning as it had immediately prior to the commencement of this Scheme.

Where a consent use becomes a permitted use then subject to any variation of conditions made under the provisions of the Act, the conditions of any town planning consent which attach to land immediately prior to the commencement of this Scheme shall continue to attach to that land and bind its owner and the owner's successors in title for so long as any use which was contemplated by the town planning consent is a permitted use of that land.

Should the conditions or any of them be varied under the provisions of the Act, the provisions of this clause apply to the conditions as varied.

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## **5.0 INTENT OF ZONES AND TABLE OF ZONES**

### **5.1 RESIDENTIAL**

#### **5.1.1 Low Density Residential Zone**

##### **5.1.1.1 Intent**

The intent of the Low Density Residential zone is to provide for an alternative type of residential living generally on large acreage allotments. The zone is typically located in areas on the urban fringe and in some cases utilised for those areas that are constrained for smaller allotments and subdivisions.

For this reason Council will not approve further applications to rezone land to Low Density Residential unless it has been designated as Low Density Residential on the Strategic Plan Map.

If urban expansion extends past and surrounds pockets of Low Density Residential land such as Plantation Estate at Edmonton and Robb Road at Redlynch, there will be increasing pressure to allow closer residential living. Council, when dealing with development applications to rezone this land, will need to balance the expectations of the residents in those areas with the needs of the wider community in terms of providing a more efficient use of land resources. To facilitate this balancing of different needs Council, when deciding an application to change this zone may favourably consider those areas that exhibit the following:

- [a] capacity to be connected to services that are normally associated with a conventional residential zone; and,
- [b] a logical, orderly extension to and in a sequential manner of the zone sought, that is to say, land abutting residential land is appropriate for approval while land surrounded by the Low Density Residential zone is not.

Council, in the Low Density Residential zone, does not normally require connection to Council's sewer, and road construction is usually limited to the road pavement, gravel shoulders and table drains. This zone essentially caters for residential living and for this reason industrial or commercial uses are not appropriate unless they are rural based and are not likely to impact upon the amenity of the area or pose an undue load upon the traffic network or services of the area.

The keeping and stabling of horses is considered to be appropriate in this zone. The number of horses and the location of any stables on an allotment needs to be in accordance with Part D Section 3.9.5 and 3.9.6 of this Planning Scheme.

**LOW DENSITY RESIDENTIAL ZONE  
TABLE OF DEVELOPMENT C-2**

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject to Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
Dwelling House >600m <sup>2</sup> Family Day Care Home Activity Local Utilities Park Relative's Accommodation Temporary Land and House Sales Office	Animal Husbandry - General Community Care Centre Display Home Dwelling House >600m <sup>2</sup> where all of the land is included in a Category C - Restricted designation on the Hillslopes Development Control Plan Minor Building Work in respect of any development specified in Column 3 where that development exists on the site and has been <i>lawfully</i> established Night Tennis Court Riding School	Any Development other than that referred to in Columns 1, 2 & 4	Accommodation Units Airport Animal Husbandry - Intensive Bulk Store Caravan Park Caretaker's Residence Car Park Catering Shop Cemetery Commercial Laundry Commercial Premises Concrete Batching Crematorium Dwelling House <600m <sup>2</sup> Dual Occupancy Educational Establishment Extractive Industry Forestry Freight Depot Fuel Depot Function Centre Funeral Parlour General Industry Hardware Store Hazardous or Offensive industry Heavy Vehicle Parking Holiday Apartments (Max 3 Storeys)

**LOW DENSITY RESIDENTIAL ZONE  
TABLE OF DEVELOPMENT C-2  
(Cont...)**

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject to Conditions	COLUMN 3		Permissible Development	COLUMN 4 Prohibited Development
					Holiday Apartments (Max 4 Storeys) Hospital Host Farm Hotel Indoor Entertainment Institution Integrated Development Junk Yard Laundromat Light Industry Local Store Major Shopping Development Marina Market Medical Centre Motel Multiple Dwelling (Max 2 Storeys) Multiple Dwelling (Max 3 Storeys) Multiple Dwelling (Max 4 Storeys) Night Club Outdoor Sales Premises Passenger Terminal Recycling Collection Depot Restaurant Roadside Stall Rural Industry Service Industry Service Station Shop Shopping Centre Showroom Tourist Resort Transport and Equipment Depot Vehicle Hire Premises Veterinary Hospital Warehouse

**RESIDENTIAL 1 ZONE  
TABLE OF DEVELOPMENT C-3  
(Cont...)**

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject To Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
	<p>Minor Building Work in respect of any development specified in Column 3 where <i>that</i> development exists on the site and has been <i>lawfully</i> established.</p>		<p>Car Park Catering Shop Cemetery Commercial Laundry Commercial Premises Concrete Batching Plant Crematorium Educational Establishment Extractive Industry Forestry Freight Depot Fuel Depot Function Centre Funeral Parlour General Industry Hardware Store Hazardous or Offensive industry Heavy Vehicle Parking Holiday Apartments (Max 3 Storeys) Holiday Apartments (Max 4 Storeys) Hospital Host Farm Hotel indoor Entertainment Institution integrated Development Junk Yard Laundromat Light Industry Major Shopping Development Marina Market</p>



## 5.1.2 Residential 1 Zone

### 5.1.2.1 Intent

The intent of the Residential 1 zone is to allow for residential development predominantly in the form of single detached dwellings. Council may by consent allow for some higher density housing, however, this will be limited to small lot developments to a minimum site area of 300 m<sup>2</sup> and dual occupancy.

This zone essentially covers existing residential areas and through this Table of Development provides certainty to the existing residents located within these areas that the area will be free from intrusion by incompatible land use and those uses which are not of an appropriate domestic scale. Because of the limited capability of this zone to provide flexibility in the provision of housing stock which might better reflect household formation characteristics, this zone generally will not be expanded beyond the land that is now zoned as Residential 1. The Residential 2 zone will cater for the new greenfield developments.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Permitted Development	Permitted Development Subject To Conditions	Permissible Development	Prohibited Development
Dwelling House >600m <sup>2</sup> Family Day Care Home Activity Local Utilities Park Relative's Accommodation Temporary Land & House Sales Office	Bed & Breakfast Accommodation Community Care Centre Display Home Dwelling House >600m <sup>2</sup> where all of the land is included in a <i>Category C</i> - Restricted designation on the Hillslopes Development Control Plan	Any Development other than that referred to in Columns 1, 2 & 4	Accommodation Units Agriculture Airport Animal Husbandry - General Animal Husbandry - Intensive Aquaculture Bulk Landscape and Garden Supplies Bulk Store Camping Ground Caravan Park Caretaker's Residence

**RESIDENTIAL 1 ZONE  
TABLE OF DEVELOPMENT C-3  
(Cont ...)**

COLUMN 1  Permitted Development	COLUMN 2  Permitted Development Subject To Conditions	COLUMN 3  Permissible Development	COLUMN 4  Prohibited Development
	<p>Minor Building Work in respect of any development specified in Column 3 <i>where</i> that development exists on the site and has been <i>lawfully</i> established.</p>		<p>Car Park Catering Shop Cemetery Commercial Laundry Commercial Premises Concrete Batching Plant Crematorium Educational Establishment Extractive Industry Forestry Freight Depot Fuel Depot Function Centre Funeral Parlour General Industry Hardware Store Hazardous or <b>Offensive Industry</b> Heavy Vehicle Parking Holiday Apartments (Max 3 Storeys) Holiday Apartments (Max 4 Storeys) Hospital Host Farm Hotel Indoor Entertainment Institution <b>Integrated</b> Development Junk Yard Laundromat Light Industry Major Shopping Development Marina Market</p>

**RESIDENTIAL 1 ZONE  
TABLE OF DEVELOPMENT C-3  
(Cont...)**

COLUMN 1  Permitted Development	COLUMN 2  Permitted Development Subject To Conditions	COLUMN 3  Permissible Development	COLUMN 4  Prohibited Development
			Shop Shopping Centre Showroom Sport and Recreation Tourist Attraction and Facilities Tourist Resort Transport and Equipment Depot Vehicle Hire Premises Vehicle Repair Station Veterinary Clinic Veterinary Hospital Warehouse

## 5.1.3 Residential 2 Zone

### 5.1.3.1 Intent

The intent of the Residential 2 zone is to facilitate the building of communities that are sustainable, safe and stimulating.

Good subdivision design is critical to the future functioning of a residential area in terms of safety for people, traffic and property, as well as ensuring that the potential for vandalism and other antisocial activities is minimised.

Good design will also help in the efficient use of scarce fossil fuels and protection of natural assets. Residential areas should minimise travel distances to daily activities, encourage walking and cycling, and should perform well for people who do not have access to or regularly use a car. Development of a stimulating environment can incorporate a sense of place using neighbourhood focal points and linkage with the landscape.

This zone will not only allow for higher densities than the Residential 1 zone but will allow for more innovative housing solutions which in turn will increase housing choice for the community.

Multiple-dwellings and integrated development are permissible developments. Council when considering development applications for integrated development and multiple dwellings shall have regard to the following matters:

- [a] whether the proposal is within reasonable walking distance to good public transport;
- [b] whether the proposal is within reasonable walking distance of shopping and community facilities;
- [c] whether the site poses limitations on increasing densities due to vegetation retention, physical constraints and servicing inadequacies;
- [d] Design Elements 1 to 9 in Part D Section 2 Multiple Dwellings and Integrated Development.

It is intended that support facilities such as child care centres, places of worship and local stores which provide services to residents in the area may be permitted in the Residential 2 zone in appropriate locations and subject to the Housing Objective 6 contained in Part A of the Strategic Plan.

The establishment of tourist accommodation, apart from bed and breakfast accommodation, will not be supported in the areas intended for permanent residential living.

Areas that cater for visitors are identified in the Tourism Development Area (TDA) series of Regulatory Maps. In these areas it is intended to allow tourist accommodation such as hostels, holiday apartments and motels. It is intended that support facilities and some commercial activities such as restaurants, tour booking office and the like will only be considered when ancillary to tourist accommodation and where the uses are located in a TDA.

**RESIDENTIAL 2 ZONE  
TABLE OF DEVELOPMENT C-4**

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Permitted Development	Permitted Development Subject to Conditions	Permissible Development	Prohibited Development
Dwelling House >600m <sup>2</sup> Dwelling House <600m <sup>2</sup> Dual Occupancy Family Day Care Home Activity Local Utilities Park Relative's Accommodation Temporary Land and House Sales Office	Bed and Breakfast Accommodation Community Care Centre Display Home Minor Building Work in respect of any development specified in Column 3 where that development exists on the site and has been <i>lawfully</i> established. Dwelling House >600m <sup>2</sup> where all of the land is included in a Category C - Restricted designation on the Hillslopes Development Control Plan Dwelling House <600m <sup>2</sup> where all of the land is included in a Category C - Restricted designation on the Hillslopes Development Control Plan	Any Development other than that referred to in Columns 1, 2 & 4	Accommodation Units Agriculture Airport Animal Husbandry - General Animal Husbandry - Intensive Aquaculture Bulk Landscape and Garden Supplies Bulk Store Camping Ground Caravan Park Caretaker's Residence Car Park Catering Shop Cemetery Commercial Laundry Commercial Premises Concrete Batching Plant Crematorium Educational Establishment Extractive Industry Forestry Freight Depot Fuel Depot Function Centre Funeral Parlour General Industry Hardware Store Hazardous or Offensive Industry Heavy Vehicle Parking Holiday Apartments (Max 3 Storeys)

**RESIDENTIAL 2 ZONE  
TABLE OF DEVELOPMENT C-4  
(Cont ...)**

COLUMN 1  Permitted Development	COLUMN 2  Permitted Development Subject to Conditions	COLUMN 3  Permissible Development	COLUMN 4  Prohibited Development
			Holiday Apartments (Max 4 Storeys) Hospital Host Farm Hotel Indoor Entertainment Institution Junk Yard Laundromat Light Industry Major Shopping Development Marina Market Medical Centre Motel Multiple Dwelling (Max 3 Storeys) Multiple Dwelling (Max 4 Storeys) Night Club Outdoor Entertainment Outdoor Sales Premises Passenger Terminal Plant Nursery Produce Store Recycling Collection Depot Riding School Roadside Stall Rural Industry Service Industry Service Station Shop Shopping Centre Showroom Sport and Recreation Tourist Attraction and Facilities Tourist Resort Transport & Equipment Depot Vehicle Hire Premises Vehicle Repair Station Veterinary Clinic <b>Veterinary Hospital</b> <b>Warehouse</b>

**RESIDENTIAL 2 ZONE AND A  
TDA DESIGNATION  
TABLE OF DEVELOPMENT C-5**

COLUMN1 Permitted Development	COLUMN2 Permitted Development Subject to Conditions	COLUMN3 Permissible Development	COLUMN 4 Prohibited Development
Dual Occupancy Dwelling House >600 m <sup>2</sup> Dwelling House <600 m <sup>2</sup> Family Day Care Home Activity Local Utilities Park Relative's Accommodation Temporary Land & House Sales Office	Bed & Breakfast Accommodation Community Care Centre Display Home Dwelling House >600m <sup>2</sup> where all of the land is included in a Category C - Restricted designation on the Hillslopes Development Control Plan Dwelling House <600m <sup>2</sup> where all of the land is included in a Category C - Restricted designation on the Hillslopes Development Control Plan Minor Building Work in respect of any development specified in Column 3 where that development exists on the site and has been lawfully established. Night Tennis Court	Any Development other than that referred to in Columns 1, 2 & 4	Agriculture Airport Animal Husbandry- General Animal Husbandry- Intensive Aquaculture Bulk Store Bulk Landscape and Garden Supplies Bulk Store Camping Ground Caravan Park Caretaker's Residence Car Park Cemetery Commercial Laundry Commercial Premises Concrete Batching Plant Crematorium Educational Establishment Extractive Industry Forestry Freight Depot Fuel Depot Function Centre Funeral Parlour General Industry Hardware Store Hazardous or Offensive Industry Heavy Vehicle Parking Holiday Apartments (Max 3 Storeys) Holiday Apartments (Max 4 Storeys) Hospital Host Farm Hotel Institution Junk Yard Laundromat Light Industry

**RESIDENTIAL 2 ZONE AND A  
TDA DESIGNATION  
TABLE OF DEVELOPMENT C-5  
(Cont ...)**

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject to Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
			Major Shopping Development Manna Market Medical Centre Multiple Dwelling (Max 3 Storeys) Multiple Dwelling (Max 4 Storeys) Night Club Outdoor Entertainment Outdoor Sales Premises Passenger Terminal Plant Nursery Produce Store Recycling Collection Depot Riding School Roadside Stall Rural Industry Service Industry Service Station Shopping Centre Showroom Transport & Equipment Depot Vehicle Hire Premises Vehicle Repair Station Veterinary Clinic Veterinary Hospital Warehouse



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## 5.1.4 Residential 3 Zone

### 5.1.4.1 Intent

The intent of the Residential 3 zone is to allow for medium density residential development in a range of accommodation types such as townhouses, units, apartments, hostels and the like in areas that are in reasonable walking distance to good public transport, shopping and community facilities.

The zone will promote a greater range of dwelling types and through the use of the requirements in Part D Section 2 of this Planning Scheme ensure buildings:

- maintain reasonable standards of privacy and access to daylight for residents and neighbours;
- promote more efficient use of energy; and,
- respect streetscape amenity through appropriate design.

It is intended to control the height of buildings through the Table of Development. Buildings of up to four storeys are permissible in areas where the proposal adequately addresses community expectation in terms of the existing height and bulk of buildings in the area and the matters outlined in Part D Section 2, Multiple Dwellings and Integrated Development.

It is intended that support facilities such as child care centres, places of worship and local stores may be permitted in the Residential 3 zone in appropriate locations and subject to the Housing Objective 6 contained in Part A Strategic Plan.

The establishment of tourist accommodation, apart from bed and breakfast accommodation, will not be approved in areas intended for permanent residential living.

Areas that cater for visitors are identified in the Tourism Development Area (TDA) series of Regulatory Maps. In these areas it is intended to allow tourist accommodation such as hostels, holiday apartments and motels.

It is also intended that support facilities and some commercial activities such as restaurants, tour booking office and the like will only be considered when ancillary to tourist accommodation and where these uses are located in a TDA.

Areas that are constrained in some way have been identified as Constrained Development Areas (CDAs on the Regulatory Maps). Constraints may include:-

slope instability;

significant vegetation;

the visual prominence of the site, or;

the particular amenity of the area.

As a result of the CDA designation some developments have been placed in other columns in the Table of Zones to ensure that detailed consideration is given to particular proposals.

Areas contained in both the TDA and CDA designations have further tourism development opportunities available in this zone. However, careful consideration to the constraints must be given by Council.

**RESIDENTIAL 3 ZONE  
TABLE OF DEVELOPMENT C-6**

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject to Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
<p>Dwelling House &gt;600m<sup>2</sup> Dwelling House &lt;600m<sup>2</sup> Dual Occupancy Family Day Care Home Activity Integrated Development Local Utilities Multiple Dwellings (Max. 2 Storeys) Park Relative's Accommodation Temporary Land &amp; House Sales Office</p>	<p>Bed and Breakfast Accommodation Community Care Centre Display Home Dwelling House &gt;600m<sup>2</sup> where all of the land is included in a Category C - Restricted designation on the <i>Hillslopes</i> Development Control Plan Dwelling House &lt;600m<sup>2</sup> where all of the land is included in a Category C - Restricted designation on the <i>Hillslopes</i> Development Control Plan Minor Building Work in respect of any development specified in Column 3 where that development exists on the site and has been lawfully established. Multiple Dwellings (Max. 3 Storeys) Retirement Village</p>	<p>Any development other than that referred to in Columns 1, 2 &amp; 4</p>	<p>Agriculture Airport Animal Husbandry - General Animal Husbandry - Intensive Aquaculture Bulk Landscape &amp; Garden Supplies Bulk Store Camping Ground Caretaker's Residence Car Park Catering Shop <b>Cemetery</b> Commercial Laundry Commercial <b>Premises</b> Concrete Batching Plant Crematorium Extractive Industry Forestry Freight Depot Fuel Depot Function Centre Funeral Parlour General Industry Hardware Store Hazardous or Offensive industry Heavy Vehicle Parking Holiday Apartments (Max 3 Storeys) Holiday Apartments (Max 4 Storeys) Hospital Host Farm Hotel</p>

**RESIDENTIAL 3 ZONE**  
**TABLE OF DEVELOPMENT C-6**  
 (Cont ...)

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject to Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
			Institution Junk Yard Laundromat Light Industry Major Shopping Development Marina Market Medical Centre Motel Night Club Outdoor Entertainment Outdoor Sales Premises Passenger Terminal Plant Nursery Produce Store Recycling Collection Depot Riding School Roadside Stall Rural Industry Service Industry Service Station Shopping Centre Showroom Tourist Attraction and Facilities Tourist Resort Transport & Equipment Depot Vehicle Hire Premises Vehicle Repair Station Veterinary Hospital Warehouse

**RESIDENTIAL 3 ZONE AND  
WITHIN A TDA DESIGNATION  
TABLE OF DEVELOPMENT C-7**

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject to Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
Dwelling House >600m <sup>2</sup> Dwelling House <600m <sup>2</sup> Dual Occupancy Family Day Care Home Activity Integrated Development Local Utilities Multiple Dwellings (Max. 2 Storeys) Park Relative's Accommodation Temporary Land & House Sales Office	Accommodation Units <b>Bed and Breakfast</b> Accommodation Community Care Centre Display Home Dwelling House >600m <sup>2</sup> where all of the land is included in a Category C- Restricted designation on the Hillslopes Development Control Plan Dwelling House <600m <sup>2</sup> where all of the land is included in a Category C- Restricted designation on the Hillslopes Development Control Plan Holiday Apartments (Max 3 Storeys) Minor Building Work in respect of any development specified in Column 3 where that development exists on the site and has been lawfully established. Multiple Dwellings (Max. 3 Storeys) Night Tennis Court Restaurant Retirement Village	<i>Any development            other than that            referred to in Columns            1, 2 &amp; 4</i>	Agriculture Airport Animal Husbandry - General Animal Husbandry- Intensive Aquaculture <b>Bulk Landscape &amp;</b> Garden Supplies Bulk Store Caretaker's Residence Cemetery commercial Laundry Commercial Premises Concrete Batching Plant Crematorium Extractive Industry Forestry Freight Depot Fuel Depot Funeral Parlour General Industry Hardware Store Hazardous or Offensive Industry Heavy Vehicle Parking Hospital Host Farm

**RESIDENTIAL 3 ZONE AND  
WITHIN A TDA DESIGNATION  
TABLE OF DEVELOPMENT C-7  
(Cont...)**

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject to Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
			Institution Junk Yard Light Industry Major Shopping Development Medical Centre Outdoor Sales Premises Passenger Terminal Plant Nursery Produce Store Recycling Collection Depot Riding School Roadside Stall Rural Industry Service Industry Service Station Shopping Centre Showroom Transport & Equipment Depot Vehicle Repair Station Veterinary Hospital Warehouse

**RESIDENTIAL 3 ZONE AND  
WITHIN A CDA DESIGNATION  
TABLE OF DEVELOPMENT C-a**

COLUMN 1  Permitted Development	COLUMN 2  Permitted Development Subject to Conditions	COLUMN 3  Permissible Development	COLUMN 4  Prohibited Development
<p>Dwelling House &gt;600m<sup>2</sup> Dwelling House &lt;600m<sup>2</sup> Dual Occupancy Family Day Care Home Activity Local Utilities Park Relative's <b>Accommodation</b> <b>Temporary Land &amp; House Sales Office</b></p>	<p>Bed and Breakfast Accommodation Community Care Centre Display Home Dwelling House &gt;600m<sup>2</sup> where all of <b>the land is included in a Category C - Restricted designation on the Hillslopes Development Control Plan</b> Dwelling House &lt;600m<sup>2</sup> where all of <b>the land is included in a Category C - Restricted designation on the Hillslopes Development Control Plan</b> Integrated Development Minor Building Work in respect of any development specified in <b>Column 3 where that development exists on the site and has been lawfully established.</b> <b>Multiple Dwellings (Max. 2 Storeys)</b> Retirement Village</p>	<p><i>Any development other than that referred to in Columns 1, 2 &amp; 4</i></p>	<p>Agriculture Airport Animal Husbandry - General <b>Animal Husbandry*</b> Intensive Aquaculture Bulk Landscape &amp; Garden Supplies Bulk Store Camping Ground Caretaker's Residence Car Park Catering Shop Cemetery Commercial Laundry Commercial Premises <b>Concrete Batching Plant</b> Crematorium <b>Extractive Industry</b> Forestry Freight Depot Fuel Depot <b>Function Centre</b> <b>Funeral Parlour</b> General Industry Hardware Store Hazardous or <b>Offensive Industry</b> Heavy Vehicle Parking <b>Holiday Apartments (Max 3 Storeys)</b> <b>Holiday Apartments (Max 4 Storeys)</b> Hospital Host Farm Hotel</p>

**RESIDENTIAL 3 ZONE AND  
WITHIN A CDA DESIGNATION  
TABLE OF DEVELOPMENT C-8  
(Cont...)**

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject to Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
			Institution Junk Yard Laundromat Light Industry Major Shopping Development Marina Market Medical Centre Motel Night Club Outdoor Entertainment Outdoor Sales Premises Passenger Terminal Plant Nursery Produce Store Recycling Collection Depot Riding School Roadside Stall Rural Industry Service Industry Service Station Shopping Centre Showroom Tourist Attraction and Facilities Tourist Resort Transport & Equipment Depot Vehicle Hire Premises Vehicle Repair Station Veterinary Hospital Warehouse



**RESIDENTIAL 3 ZONE AND  
WITHIN A TDA & CDA DESIGNATION  
TABLE OF DEVELOPMENT C-9**

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject to Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
Dual Occupancy Dwelling House >600 m <sup>2</sup> Dwelling House <600 m <sup>2</sup> Family Day Care Home Activity Local Utilities Park Relative's Accommodation Temporary Land & House Sales Office	Bed & Breakfast Accommodation Community Care Centre Display Home Dwelling House >600m <sup>2</sup> where all of the land is included in a Category C - Restricted designation on the Hillslopes Development Control Plan Dwelling House <600m <sup>2</sup> where all of the land is included in a Category C - Restricted designation on the Hillslopes Development Control Plan Integrated Development Minor Building Work in respect of any development specified in Column 3 where that development exists on the <i>site</i> and has been lawfully established. Multiple Dwelling (Max 2 Storeys)	Any development other than that referred to in Columns 1, 2 & 4	Agriculture Airport Animal Husbandry - General Animal Husbandry - Intensive Aquaculture Bulk Landscape & Garden Supplies Bulk Store Caretaker's Residence Car Park Cemetery Commercial Laundry Commercial Premises Concrete Batching Plant Crematorium Extractive Industry Forestry Freight Depot Fuel Depot Funeral Parlour General Industry Hardware Store Hazardous or Offensive Industry Heavy Vehicle Parking Hospital Host Farm

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject to Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
			Institution Junk Yard Light Industry Major Shopping Development Marina Market Medical Centre Night Club Outdoor Entertainment Outdoor Sales Premises Passenger Terminal Plant Nursery Produce Store Recycling Collection Depot Riding School Roadside Stall Rural Industry Service Industry Service Station Shopping Centre Showroom Transport & Equipment Depot Vehicle Repair Station Veterinary Hospital Warehouse

## **5.1.5 Village Zone**

### **5.1.5.1 Intent**

The intent of the Village zone is to allow for a flexible development control provision over areas of urban settlement within the rural parts of the Plan Area. These areas are characterised by little or no growth in recent years and, because of mixed land use patterns established well before the Planning Scheme, do not conform with the general zoning intents for the remainder of the Plan Area.

The 'Village' consists generally of close-knit, small communities where the economic base is almost totally dependent upon the provision of services for the surrounding rural area. Council shall not zone further areas for Village outside the existing townships, however, Council may increase the size of the areas zoned Village where there is a demonstrated need for further expansion of the township.

When assessing a development application for the expansion of these existing townships Council shall consider the relevant matters outlined in other Parts of the Planning Scheme.

The Table of Development provides for a large number of consent uses. Development applications will be considered on the merits and the ability of the proposal to limit the impacts on surrounding land uses and to be capable of being established and serviced by appropriate infrastructure.

**VILLAGE ZONE  
TABLE OF DEVELOPMENT C-10**

COLUMN 1  Permitted Development	COLUMN 2  Permitted Development Subject to Conditions	COLUMN 3  Permissible Development	COLUMN 4  Prohibited Development
Dwelling House >600m <sup>2</sup> Family Day Care Home Activity Local Utilities Park Relative's Accommodation Temporary Land and House Sales Office	Bed and Breakfast Accommodation Caretaker's Residence Community Care Centre Display Home Minor Building Work in respect of any development <i>specified in</i> Column 3 where that development exists on the site and has been lawfully established.	Any development other than that referred to in Columns 1, 2 & 4	Airport Animal Husbandry - Intensive Aquaculture Cemetery Concrete Batching Plant Extractive Industry Forestry Hazardous or Offensive Industry Holiday Apartments (Max. 3 Storeys) Holiday Apartments (Max. 4 Storeys) Host Farm Junk Yard Major Shopping Development Marina Multiple Dwellings (Max 3 Storeys) Multiple Dwellings (Max 4 Storeys) Riding School Tourist Resort Veterinary Hospital

## **5.2 COMMERCIAL AND INDUSTRIAL**

### **5.2.1 Commercial Zone**

#### **5.2.1.1 Intent**

This zone is intended to provide for a broad range of retail, commercial and business developments which serve the needs of the community in locations convenient and accessible to the community being serviced by the particular development. This zone is also intended to accommodate entertainment and recreational developments which service community demand, as well as service type industries which cater predominantly to residential needs. Other industrial developments which are not directly linked to residential needs will not be permitted.

Stringent conditions will be applied to developments including major shopping developments and shopping centres. Such proposed developments will have regard, amongst other things, to the adequacy of existing and future urban areas to service the developments and the relationship between the type and intensity of the development and existing and future road systems. This is to ensure that vehicular traffic generated causes minimal detriment and that a high standard of accessibility exists to the surrounding residential catchment area. In this zone proposed development will be considered in terms of its impact on adjacent development and any public benefit that may accrue from the development.

The Commercial zone is intended to not only provide local facilities and services in convenient locations, but also to serve a larger residential catchment area by developing where appropriate in accordance with major community focal points and providing a range of goods and services.

**COMMERCIAL ZONE  
TABLE OF DEVELOPMENT - C-7**

COLUMN 1  Permitted Development	COLUMN 2  Permitted Development Subject to Conditions	COLUMN 3  Permissible Development	COLUMN 4  Prohibited Development
Car Park Catering Shop Commercial Premises Hardware Store Home Activity Home Occupation Indoor Entertainment Laundromat Local Store Local Utilities Market Medical Centre Night Tennis Court Outdoor Sales Premises Park Place of Worship Plant Nursery Produce Store Public Building Public Purpose Public Utilities Restaurant Roadside Stall Service Industry Shop Shopping Centre Showroom Sport and Recreation Temporary Land and House Sales Office Vehicle Hire Premises Veterinary Clinic Veterinary Hospital Warehouse	Bulk Landscape and Garden Supplies Caretaker's Residence Community Care Centre Function Centre Hotel Motel Minor Building Work in respect of any development specified in Column 3 where that development exists on the site and has been lawfully established. Outdoor Entertainment Tourist Attraction and Facilities	Any development other than that referred to in Columns 1, 2 & 4	Agriculture Airport Animal Husbandry- General Animal Husbandry- Intensive Aquaculture Bed and Breakfast Accommodation Camping Ground Caravan Park Cemetery Concrete Batching Plant Extractive Industry Forestry Fuel Depot General Industry Hazardous or Offensive Industry Host Farm Institution Junk Yard Recycling Collection Depot Relative's Accommodation Retirement Village Riding School Rural Industry Transport and Equipment Depot

## 5.2.2 Trades & Services Zone

### 5.2.2.1 Intent

The Trades and Services zone is intended to provide for those activities that necessarily serve the needs of the local community, particularly those activities that entail the sale of products to trades people or the repair and servicing of domestic machinery and the like or where only bulk goods are sold that necessarily have low customer attraction all of which directly serve a residential district but do not produce excessive noise, vibration, odour, fumes, dust, vapours and waste products and do not generate excessive road traffic.

In some cases, the zone is located near residential and commercial areas, and development conditions will be imposed to protect the amenity of areas where this occurs.

It is intended also that development in the Trades and Services zone will be of such a standard that environmental impact will be reduced by ensuring appropriate standards of industrial activity, architectural design and appropriate landscaping and buffering, particularly where it is adjacent to or close to other uses with which it would otherwise be incompatible. In appropriate cases, the Trades and Services zone has been used as a partial buffer between residential and other industrial developments.

To achieve the intended landscaping, buffering, screening and the appropriate standard of external appearance, suitably prepared landscape plans will be required under the provisions of the Planning Scheme.

Residential development, other than caretaker's residences, are not intended to be permitted nor are other urban uses except recreation facilities likely to be used predominantly by workers in the zoned area. It is intended that all urban services shall be provided.

Shops will only be permitted where they function primarily to serve the employees in the zone or otherwise satisfy the intent of this zone.

**TRADES AND SERVICES ZONE  
TABLE OF DEVELOPMENT - C-8**

COLUMN 1  Permitted Development	COLUMN 2  Permitted Development Subject to Conditions	COLUMN 3  Permissible Development	COLUMN 4  Prohibited Development
<p>Car Park Catering Shop Commercial Laundry Commercial Premises Freight Depot Hardware Store Home Activity Home Occupation Light Industry Local Store Local Utilities Medical Centre Night Tennis Court Outdoor Sales Premises Park Passenger Terminal Place of Worship Plant Nursery Produce Store Public Building Public Purpose Public Utility Recycling Collection Depot Restaurant Roadside Stall Service Industry Shop Showroom Sport &amp; Recreation Temporary Land and Sales Office Transport and Equipment Depot Vehicle Hire Premises Vehicle Repair Station Veterinary Clinic Veterinary Hospital Warehouse</p>	<p>Bulk Landscape and Garden Supplies Caretaker's Residence Community Care Centre Crematorium Function Centre Funeral Parlour Indoor Entertainment Laundromat Market Minor Building Work <i>in respect of any development specified in Column 3 where that development exists on the site and has been lawfully established.</i> Outdoor Entertainment</p>	<p><i>Any development other than that referred to in Columns 1, 2 &amp; 4</i></p>	<p>Accommodation Units Agriculture Airport Animal Husbandry- General Animal Husbandry- Intensive Bed and Breakfast Accommodation Camping Ground Caravan Park Cemetery Child Care Centre Concrete Batching Plant Display Home Dwelling House &gt;600m<sup>2</sup> Dwelling House &lt;600 m<sup>2</sup> Dual Occupancy Extractive Industry Family Day Care Forestry General Industry Hazardous or Offensive Industry Heavy Vehicle Parking Holiday Apartments (Max 3 Storeys) Holiday Apartments (Max 4 Storeys) Host Farm Institution Integrated Development Junk Yard</p>



**TRADES AND SERVICES ZONE  
TABLE OF DEVELOPMENT - C-8  
(Cont ...)**

COLUMN 1  Permitted Development	COLUMN 2  Permitted Development Subject to Conditions	COLUMN 3  Permissible Development	COLUMN 4  Prohibited Development
			Multiple Dwelling (Max 2 Storeys) Multiple Dwelling (Max 3 Storeys) Multiple Dwelling (Max 4 Storeys) Relative's Accommodation Retirement Village Rural Industry Tourist Resort

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## 5.2.3 Industry Zone

### 5.2.3.1 Intent

The intent of the Industry zone is to provide specific areas to accommodate a broad range of industrial developments and related industrial development. It is intended that these areas will provide suitable locations for small scale uses to intensive developments with industries ranging from light, general, heavy and hazardous or offensive industry. These diverse industrial activities are generally compatible developments and will be located within the same zone. To ensure an orderly and functionally efficient development, light industries which are generally small scale and non-offensive activities will be located on the fringe of the zone. The more intensive or heavy industries which require larger sites and/or where the potential impact of the activity is of a greater magnitude, will be located adjacent to such light industrial uses and areas which are not designed for development or for future urban use. It is intended that this will produce a gradual transition from less intensive to more intensive industrial developments, and minimise any impacts industrial development has on the surrounding area.

Development conditions will be imposed in this zone to improve the built environment, the image of the Industry zone and to protect the amenity of the surrounding area. These conditions may relate to among other things, the appropriate design of buildings, street tree planting and the provisions of landscaped buffer areas. The buffer will delineate an identifiable boundary of industrial developments which shall not intrude into incompatible land use areas.

In circumstances where an industrial development is adjacent to or close to other developments, particularly residential developments, the site will be developed in such a way that landscaping, buffering and screening should be provided on appropriate parts of the site.

The Industry zone is intended to be established in areas which are readily accessible to existing and future road and rail systems. This zone shall provide for the increased needs of industry such that work opportunities can be afforded to people residing in various localities.

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject to Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
<p>Car Park Commercial Laundry Freight Depot Heavy Vehicle Parking Home Activity Home Occupation Junk Yard Local Utilities Night Tennis Court Outdoor Sales Premises Park Place of Worship Plant Nursery Produce Store Public Purpose Public Utility Recycling Collection Depot Roadside Stall Temporary Land and Sales Office Transport and Equipment Depot Vehicle Hire Premises Vehicle Repair Station Warehouse</p>	<p>Bulk Landscape and Garden Supplies Caretaker's Residence Community Care Centre Concrete Batching Plant General Industry Minor Building Work in respect of any development specified in Column 3 where that development exists on the site and has been <i>lawfully</i> established. Service Station</p>	<p><i>Any development other than that referred to in Columns 1, 2 &amp; 4</i></p>	<p>Accommodation Units Agriculture Airport Animal Husbandry - General Bed and Breakfast Accommodation Camping Ground Caravan Park Cemetery Display Home Dwelling House &gt;600 m<sup>2</sup> Dwelling House &lt;600 m<sup>2</sup> Dual Occupancy Educational Establishment Extractive Industry Family Day Care Forestry Function Centre Holiday Apartments (Max 3 Storeys) Holiday Apartments (Max 4 Storeys)</p>

COLUMN 1  Permitted Development	COLUMN 2  Permitted Development Subject to Conditions	COLUMN 3  Permissible Development	COLUMN 4  Prohibited Development
			Hospital Host Farm Institution Integrated Development Major Shopping Development Medical Centre Motel Multiple Dwelling (Max 2 Storeys) Multiple Dwelling (Max 3 Storeys) Multiple Dwelling (Max 4 Storeys) Night Club Relative's Accommodation Restaurant Retirement Village Rural Industry Tourist Attraction and Facilities Tourist Resort

## 5.3 RURAL

### 5.3.1 Rural Zone

#### 5.3.1.1 Intent

The intent of the Rural zone is to conserve areas of agricultural, open space and scenic significance and to allow for the conduct of a broad range of rural activities. The zone includes land used or suitable for use for agricultural production or the raising of animals. It also includes large areas of land which are to be protected from urban or other uses because of:

- [a] its importance to the Plan Area's landscape;
- [b] steepness;
- [c] difficulty in the economic provision of services;
- [d] susceptibility to flooding or drainage problems including difficulties associated with high ground-water table levels;
- [e] the need to protect water supply catchments; and
- [f] the need to buffer certain existing and future uses, particularly noxious industries, from urban development.

Development in the Rural zone is intended to be for the husbandry of plants or animals. The exception to this is where land is located within the Category B or C areas of the Hillslopes Development Control Plan. This land is considered constrained in some manner and therefore the precautionary principle has necessitated the placement of most developments in the Permitted Development Subject to Conditions column.

To ensure the implementation of the Tourism Objective 4 which relates to diversity of the tourism product and the Agriculture Objective 3 which facilitates the increase of employment prospects in the rural areas, the Table of Zones allows for a large number of consent uses. Development applications will be assessed in accordance with Agriculture Objective 3 and in particular whether the proposal exhibits several or all of the following characteristics :-

- [a] siting on poor quality agricultural land;
- [b] adequate access with regard to transport efficiency, future transport infrastructure expansion, transport related amenity conflicts and safety;
- [c] adequate services;
- [d] compatible with City Image Part A Subsection 3.3; and,

[e] compatible to surrounding agricultural land uses.

It is not intended to allow industrial or commercial developments within the rural areas unless there is a necessity to locate in rural areas because of a direct nexus with adjacent rural activities.

Extractive industries may locate in this zone subject to other parts of this Planning Scheme.

It is intended that most Rural zoned land will remain in that zone and only land suitable for Urban purposes that is identified as Urban or Low Density Residential Preferred Dominant Land Use on the Strategic Plan Map and satisfies the intents of the Strategic Plan and can be economically converted to Urban purposes, will be excluded from the zone.

**RURAL ZONE  
TABLE OF DEVELOPMENT C-12**

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject To Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
Agriculture except where the use is an orchard and is within Area 1 as depicted on the Protection of Airport Installations DCP Map B-2.2, then Column 3 Animal Husbandry - General Dwelling House >600m <sup>2</sup> Family Day Care Forestry Home Activity Home Occupation Host Farm Local Utilities Park Public Utilities Relative's Accommodation Roadside Stall	Bed and Breakfast Accommodation Caretaker's Residence Community Care Centre Dwelling House >600m <sup>2</sup> where all of the land is included in a Category C - Restricted designation on the Hillslopes Development Control Plan Minor Building Work in respect of any development specified in Column 3 where that development exists on the site and has been <i>lawfully</i> established. Night Tennis Court Riding School	Any development other than that referred to in Columns 1, 2 & 4	Accommodation Units Car Park Catering Shop Child Care Centre Commercial Laundry Commercial Premises Display Home Dwelling House <600 m <sup>2</sup> Dual Occupancy Fuel Depot Funeral Parlour General Industry Hardware Store Hazardous or Offensive Industry Holiday Apartments (Max 3 Storeys) Holiday Apartments (Max 4 Storeys) Integrated Development Laundromat Light Industry

**RURAL ZONE**  
**TABLE OF DEVELOPMENT C-12**  
 (Cont...)

COLUMN 1  Permitted Development	COLUMN 2  Permitted Development Subject To Conditions	COLUMN 3  Permissible Development	COLUMN 4  Prohibited Development
			Local Store Major Shopping Development Medical Centre Multiple Dwellings (Max 2 Storeys) Multiple Dwellings (Max 3 Storeys) Multiple Dwellings (Max 4 Storeys) Night Club Outdoor Sales Premises Passenger Terminal Retirement Village Service Industry Shop Shopping Centre Showroom Temporary Land and House Sales Office Vehicle Repair Station Warehouse
<p><b><i>Delete -</i></b></p> Agriculture Animal Husbandry - General Forestry	<p><b><i>Add-</i></b></p> Animal Husbandry - General Agriculture Forestry		

## 5.4 RECREATION

### 5.4.1 Open Space Zone

#### 5.4.1.1 Intent

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject To Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
Agriculture Animal Husbandry- General Car Park Local Utilities Park Public Utilities Sport and Recreation	Caretaker's Residence Community Care Centre Minor Building Work in respect of any development specified in Column 3 where that development exists on the site and has been lawfully established. Night Tennis Court	<i>Any development            other than that            referred to in            Columns 1, 2 &amp; 4</i>	Accommodation Units Airport Aquaculture Bed and Breakfast Accommodation Bulk Landscape and Garden Supplies Cemetery Commercial Laundry Commercial Premises Concrete Batching Plant Crematorium Display Home Dwelling House <600m <sup>2</sup> Dual Occupancy Extractive Industry Family Day Care Forestry Freight Depot Fuel Depot Funeral Parlour General Industry Hardware Store



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COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject To Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject To Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
			Shopping Centre Showroom Temporary Land and House Sales Office Tourist Resort Transport and Equipment Depot Vehicle Hire Premises Vehicle Repair Station Veterinary Clinic Veterinary Hospital Warehouse

## 5.4.2 Sport and Recreation Zone

### 5.4.2.1 Intent

The intent of the Sport and Recreation zone is to provide areas for active sport and recreational pursuits. This zone provides for playing fields, sporting complexes and other active recreation facilities, including commercial recreational establishments. Land within this zone may be publicly or privately owned and access by the general public may be restricted or controlled.

Sporting clubs using playing fields in this zone will be permitted to establish club facilities, subject to appropriate conditions which may relate, amongst other things, to siting, buffering and landscaping, access and hours of operation. Use of club facilities other than in connection with club activities (for example, for rental as function rooms) will be permitted only with the consent of the Council in appropriate circumstances, where it can be demonstrated to the satisfaction of the Council that the proposed use will not significantly adversely affect the amenity of nearby land use.

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject To Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
Agriculture Animal Husbandry - General Car Park Local Utilities Park Public Utilities Sport and Recreation	Caretaker's Residence Community Care Centre Minor Building Work in respect of any development specified in Column 3 where that development exists on the site and has been lawfully established. Night Tennis Court	Any development other than that referred to in Columns 1, 2 & 4	Accommodation Units Airport Aquaculture Bed and Breakfast Accommodation Bulk Landscape and Garden Supplies Bulk Store Cemetery Commercial Laundry Commercial Premises Concrete Batching Plant Crematorium Display Home Dwelling House <600 m <sup>2</sup> Dual Occupancy Educational Establishment Extractive Industry

(Cont ...)

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject To Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
			Family Day Care Forestry Freight Depot Fuel Depot Funeral Parlour General Industry Hardware Store Hazardous or Offensive Industry Heavy Vehicle Parking Holiday Apartments (Max 3 Storeys) Holiday Apartments (Max 4 Storeys) Home Activity Home Occupation Hospital Host Farm Hotel Institution Integrated Development Junk Yard Laundromat Light Industry Local Store Major Shopping Development Marina Medical Centre Motel Multiple Dwelling (Max 2 Storeys) Multiple Dwelling (Max 3 Storeys) Multiple Dwelling (Max 4 Storeys) Night Club Outdoor Sales Premises Produce Store Recycling Collection Depot Relative's Accommodation

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COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject To Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
			Warehouse

## **5.5 MISCELLANEOUS**

### **5.5.1 Special Purpose Zone**

#### **5.5.1.1 Intent**

The intent of the Special Purpose zone is to generally acknowledge the ownership of land by the Crown, an instrumentality of the Crown, or the Council, or another corporate body set up under the authority of legislation. Generally, such land is intended for use for the provision of public services such as education, railways, health, defence facilities, airports, communications and utility services.

Apart from some Council owned land included in this zone, other lands are effectively beyond the control of Council. It is the responsibility of the Crown or public corporation concerned to ensure that development of such lands is compatible with surrounding areas and satisfies normal Council developmental requirements.

Where land included in a Special Purpose zone is no longer required for the purpose for which it was included in that zone, and where the Crown or public corporation divests itself of the ownership of that land, then generally it is intended the land be included in another appropriate zone to allow for an alternative form of development. However, in certain circumstances, Council may consent to other forms of development, including community purposes, welfare purposes, or recreational purposes without the need for a rezoning of the land.

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject To Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
Agriculture Animal Husbandry- General Car Park Caretaker's Residence Cemetery Dwelling House >600m <sup>2</sup> Educational Establishment Hospital Institution Local Utilities Park Public Building Public Purpose Public Utilities	Community Care Centre Minor Building Work in respect of any development specified in Column 3 where that development exists on the site and has been lawfully established. Night Tennis Court	Any development other than that referred to in Columns 1, 2 & 4	Aquaculture Bed and Breakfast Accommodation Bulk Landscape and Garden Supplies Catering Shop Commercial Laundry Commercial Premises Concrete Batching Plant Display Home Dwelling House <600 m <sup>2</sup> Dual Occupancy Family Day Care Freight Depot Fuel Depot Hardware Store Hazardous or Offensive Industry Holiday Apartments (Max 3 Storeys) Holiday Apartments (Max 4 Storeys) Home Activity Home Occupation Host Farm Integrated Development Laundromat Local Store Major Shopping Development Motel Multiple Dwellings (Max 2 Storeys) Multiple Dwellings (Max 3 Storeys) Multiple Dwellings (Max 4 Storeys) Night Club Outdoor Sales Premises Produce Store Relative's Accommodation

COLUMN 1 Permitted Development	COLUMN 2 Permitted Development Subject To Conditions	COLUMN 3 Permissible Development	COLUMN 4 Prohibited Development
			Restaurant Rural industry Service Industry Service Station Shop Shopping Centre Showroom Temporary Land and House Sales Office Tourist Resort Transport and Equipment Depot Vehicle Hire Premises Vehicle Repair Station Warehouse



**5.5.2 Special Facilities Zone**

**5.5.2.1 Intent**

The intent of the Special Facilities zone is to accommodate a particular form of development on a particular site, where such development is considered in the circumstances to be desirable, but where the inclusion of the land within any of the other zones may enable an undesirable form of development or a wider range of uses than that being considered. It may also be used to permit a combination of uses which might not otherwise be allowed.

**SPECIAL FACILITIES ZONE  
TABLE OF DEVELOPMENT C-16**

<p>COLUMN 1</p> <p><i>Permitted Development</i></p>	<p>COLUMN 2</p> <p><i>Permitted Development Subject To Conditions</i></p>	<p>COLUMN 3</p> <p><i>Permissible Development</i></p>	<p>COLUMN 4</p> <p><i>Prohibited Development</i></p>
<p><i>Local Utilities Park Plan of Development</i></p> <p><i>The particular development indicated by red lettering on the Scheme Maps.</i></p> <p><i>The particular development where a plan of development exists, in accordance with that plan unless where the development in that plan of development is indicated as a permissible development then that development will be a Column 3 development.</i></p> <p><i>For land included in a CDA, the above particulars apply, amended as follows:</i></p> <p><b><u>Delete -</u></b></p> <ul style="list-style-type: none"> <li>- <i>The particular development indicated by red lettering on the Scheme Maps</i></li> </ul>	<p><i>Minor Building Work in respect of any development specified in Column 3 where that development exists on the site and has been lawfully established.</i></p> <p><b><u>Add:</u></b></p> <ul style="list-style-type: none"> <li>- <i>The particular development indicated by red lettering on the Scheme Maps</i></li> </ul>	<p><i>When carried out in conjunction with the particular development indicated on the Zoning Maps, any other development which, in the opinion of the Council, is allied to and compatible with, but supplementary to, that particular development,</i></p>	<p><i>Any development other than that referred to in Columns 1, 2 and 3.</i></p>

## **6.0 REGULATORY MAPS**

### **6.1 INTRODUCTION**

The purpose of the Regulatory Maps is to provide a mechanism to identify individual parcels of land that Council wishes to either:

have a greater involvement in controlling adverse impacts that may be caused by developments as in the case of Constrained Development Areas; or

expand the range of uses available in the zone which better reflects the needs of the visitors to the Plan Area; or

a combination of both.

There are two types of Regulatory Maps; the series dealing with Tourism Development Areas (TDAs) and the series dealing with Constrained Development Areas (CDAs).

It is possible to have one site which is designated as both a TDA and CDA and this would normally occur where a site is constrained, is zoned R3 and has been identified for tourism purposes.

Notwithstanding the above, there may be other areas that are not zoned Residential 2, Residential 3 or Special Facilities and as such are not shown on the series of Regulatory Maps within which there are, in the opinion of Council, areas of land that are suitable for Tourism Development or are Constrained or a combination of both. Where such land areas are identified, it shall be necessary for the applicant to provide sufficient justification to warrant the use of land for the purpose intended having regard to the particular features of the site and Council's stated intent for the zone and the subject locality.

## 6.2 TOURISM DEVELOPMENT AREAS

TDA's have been identified on the Regulatory Map Series C-1.

The purpose of TDA's is to identify land usually zoned R2 and R3 which has been identified as catering generally for tourists. The Table of Development for both R2 and R3 identified as TDA's allow for a wider number of developments to cater for the needs of visitors to the Plan Area.

Council when considering an application for a permissible development under the TDA designation shall consider, amongst other things, the following:

Part A Strategic Plan

- [a] 5.4.1.3 Tourism Objective 3; and
- [b] whether the site is designated CDA, and if so the requirements of Subsection 6.3 below.

## 6.3 CONSTRAINED DEVELOPMENT AREAS

CDA's have been identified on the Regulatory Map Series C-2.

The purpose of CDA's is to identify land which by virtue of its zoning and the particular circumstances of the site, requires careful management of the developments allowable on the site.

The zones covered by a CDA are the R3 and Special Facilities zones.

The particular circumstances or constraints on the site are generally as follows:

- [a] identified by the Natural Resources Register as having stands of significant vegetation;
- [b] comprises or adjoins an area that has high conservation value;
- [c] is visually prominent and has implications to the City Image; and
- [d] requires special attention to ensure the residential amenity of the area is not adversely impacted upon;

Council when considering an application for a permissible development under the CDA designation shall consider, amongst other things, the following:

- [a] Part A 5.2 Natural Resources;
- [b] Part A 5.3 City Image; and
- [c] the existing amenity of the area.

Council when considering an application for a permitted development subject to conditions shall have regard to the matters set out above when formulating those conditions.

Column 3 identifies uses that may be appropriate within the particular zone. The particular circumstances which exist in respect to a particular proposal, including but not limited to matters such as:

- site features;
- the nature and extent of adjoining and surrounding land uses;
- the nature and extent of the particular use proposed;
- the intent of the zone within which the use is proposed; and,
- the provisions of Parts A (Strategic Plan) and F (Administration) of the Planning Scheme

shall determine whether the use in question shall be approved by Council and if so what conditions shall be imposed upon an approval if granted.

# BALANCE OF THE CITY OF CAIRNS

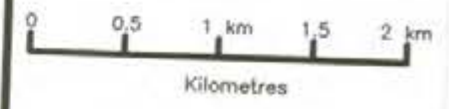
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## REGULATORY MAPS

### Tourism Development Area

SHEET  
1 of 6

SCALE  
1:40000



MAP SERIES C1.1



JOINS MAP SERIES C1.2

# BALANCE OF THE CITY OF CAIRNS

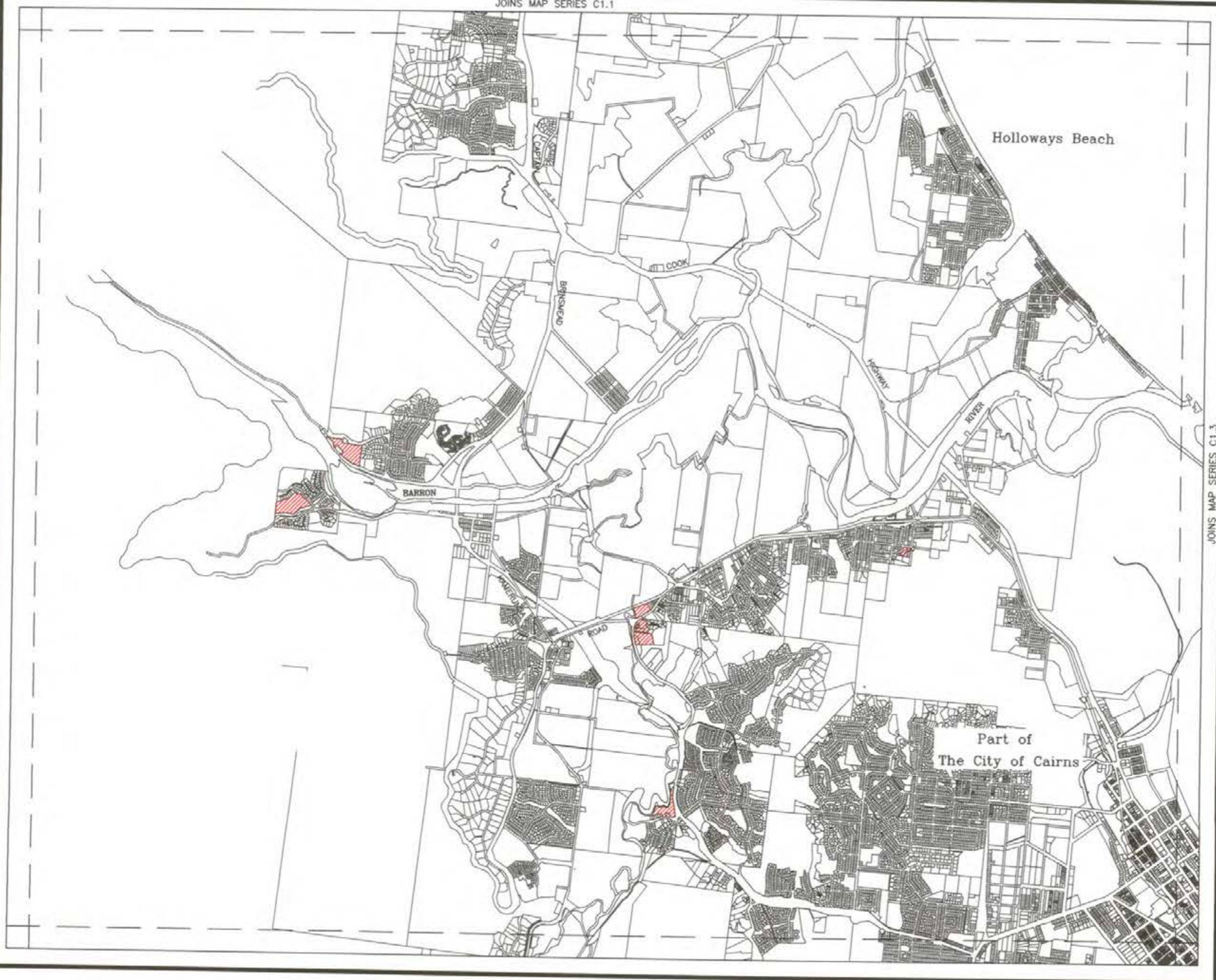
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## REGULATORY MAPS

### Tourism Development Area

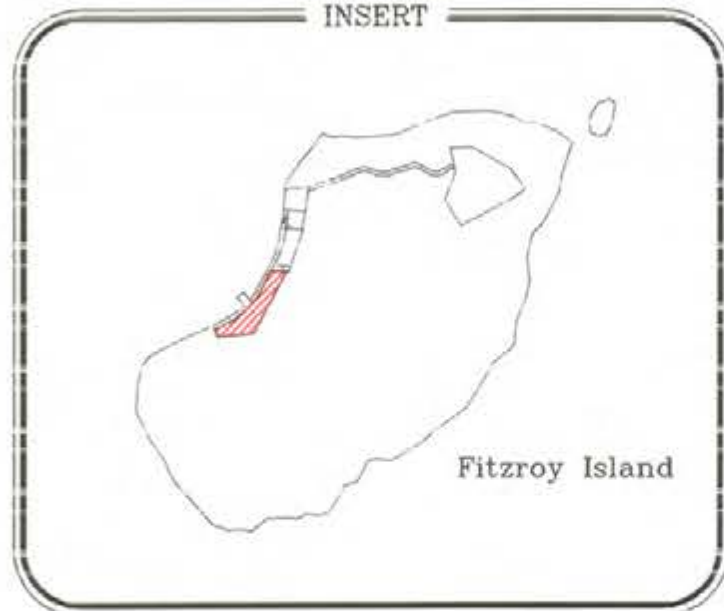
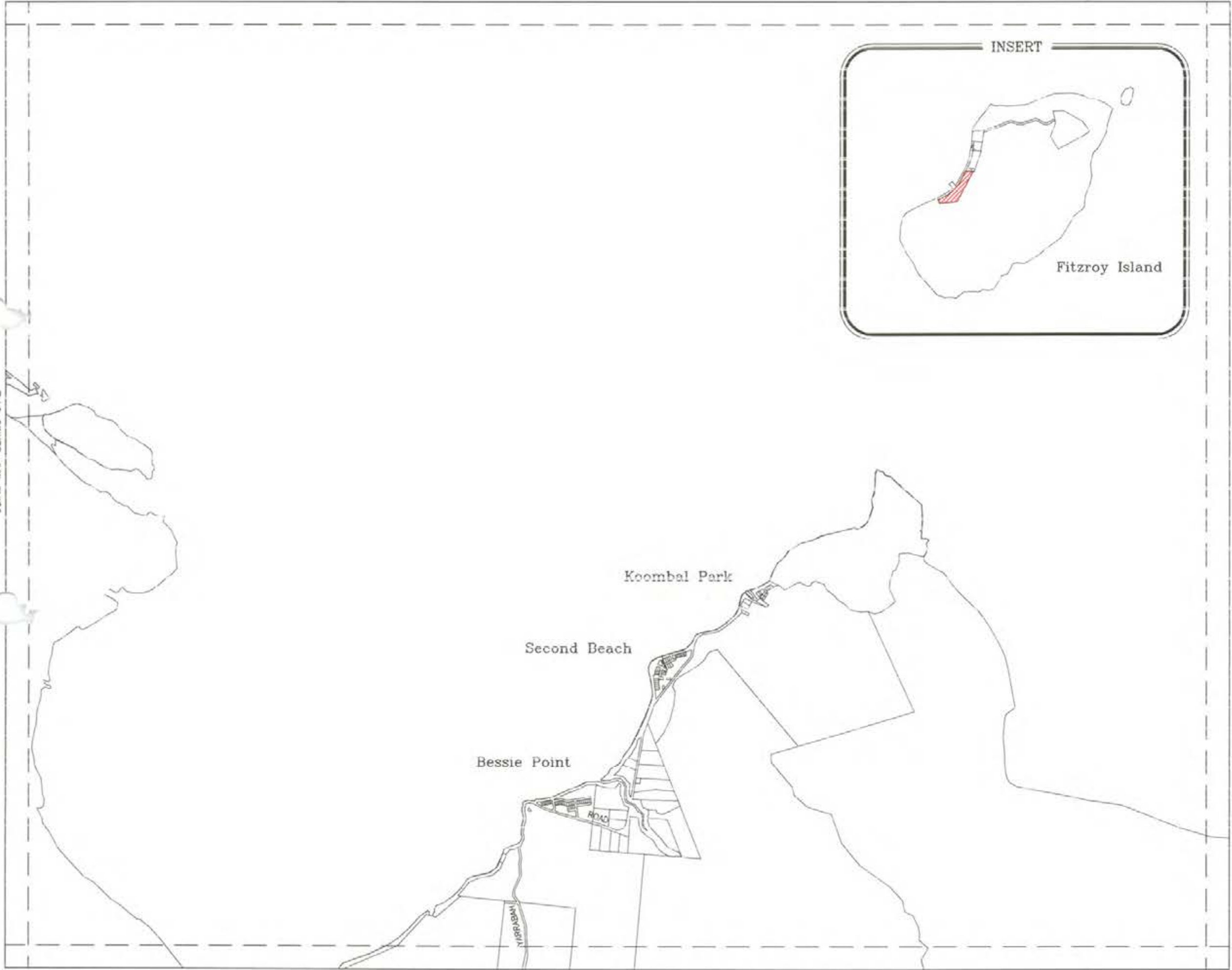
SHEET  
2 of 6

SCALE  
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JOINS MAP SERIES C1.3

JOINS MAP SERIES C1.2



**BALANCE  
OF  
THE CITY  
OF  
CAIRNS**

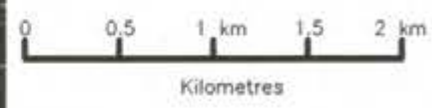
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**REGULATORY  
MAPS**

**Tourism  
Development  
Area**

**SHEET  
3 of 6**

SCALE  
1:40000



**MAP SERIES C1.3**

# BALANCE OF THE CITY OF CAIRNS



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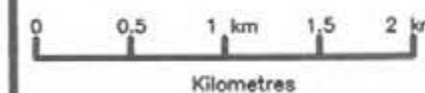
## REGULATORY MAPS

### Tourism Development Area

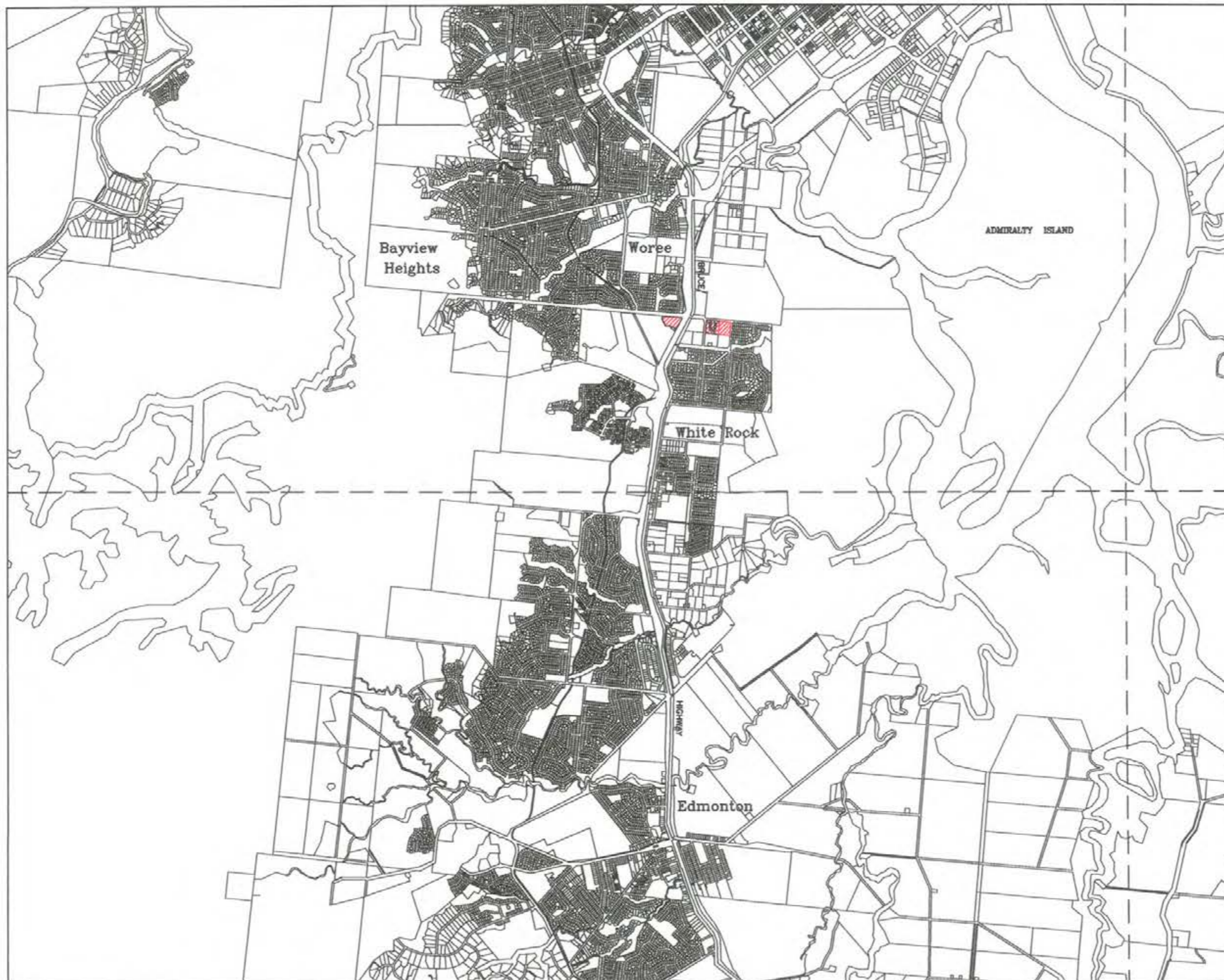
SHEET  
4/2 of 6

Amendments		
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SCALE  
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MAP SERIES C1.4/2





# BALANCE OF THE CITY OF CAIRNS

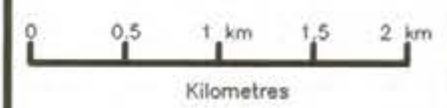
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## REGULATORY MAPS

### Tourism Development Area

SHEET  
5 of 6

SCALE  
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MAP SERIES C1.5



# BALANCE OF THE CITY OF CAIRNS

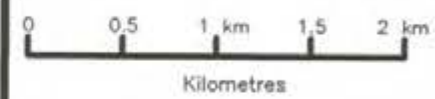
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## REGULATORY MAPS

### Tourism Development Area

SHEET  
6 of 6

SCALE  
1:40000



MAP SERIES C1.6



BALANCE  
OF  
THE CITY  
OF  
COUNCIL

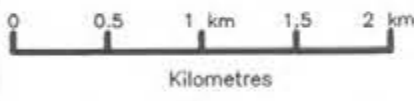
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REGULATORY  
MAPS

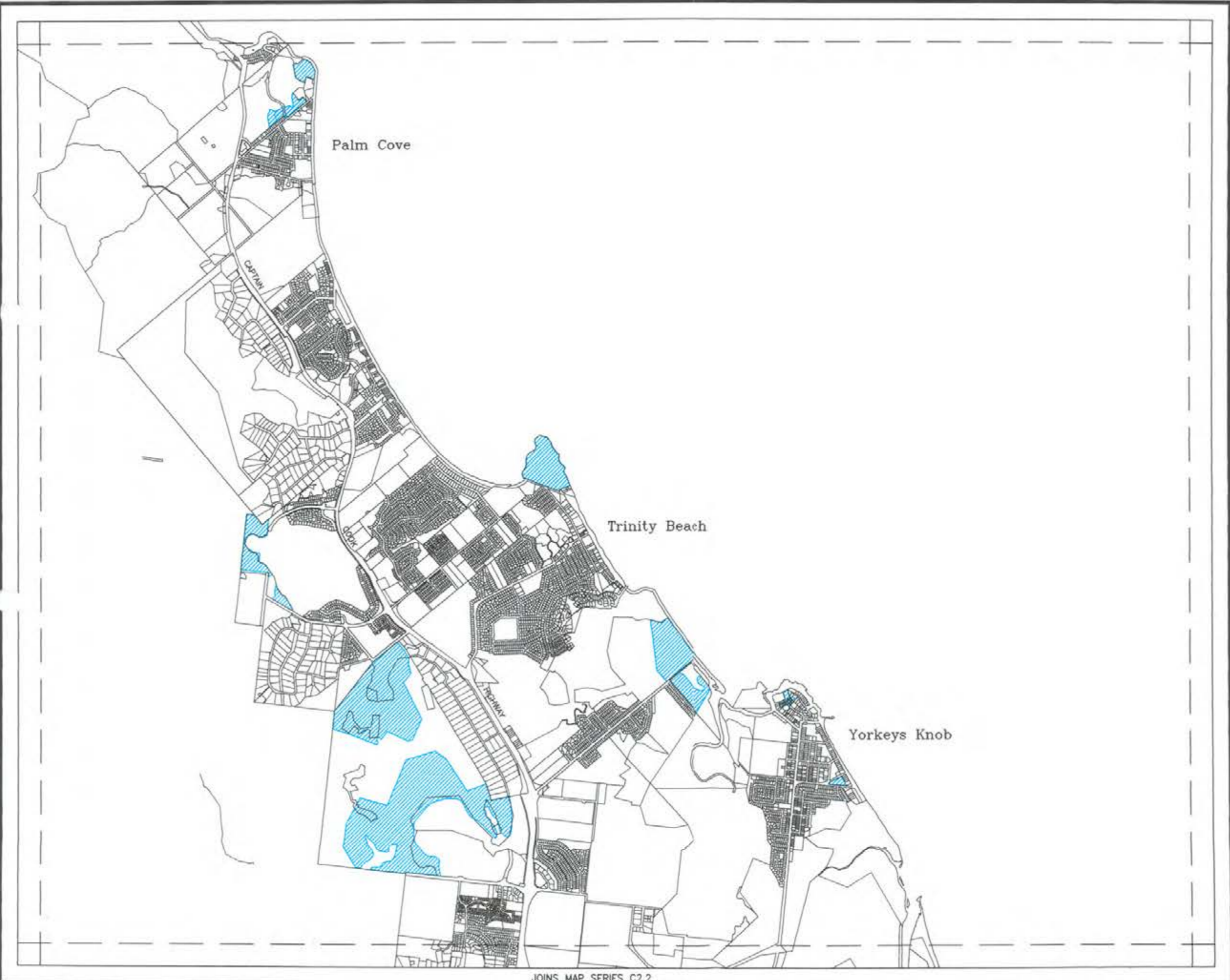
Constrained  
Development  
Area

SHEET  
1 of 3

SCALE  
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MAP SERIES C2.1



JOINS MAP SERIES C2.2

Holloways Beach

# BALANCE OF THE CITY OF CAIRNS

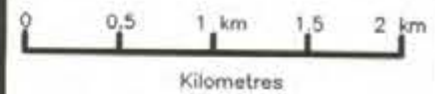
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## REGULATORY MAPS

## Constrained Development Area

SHEET  
2 of 3

SCALE  
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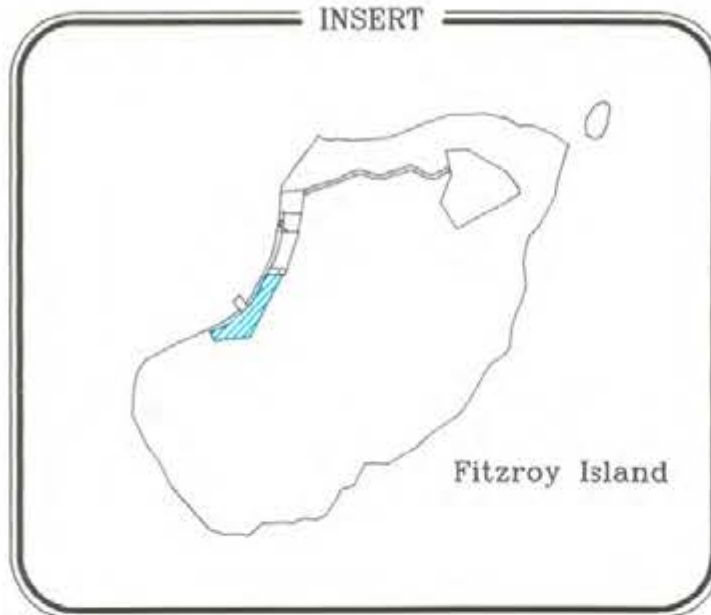
MAP SERIES C2.2

Part of  
The City of Cairns

JOINS MAP SERIES C2.3



JOINS MAP SERIES C2.2



**BALANCE  
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THE CITY  
OF  
CAIRNS**

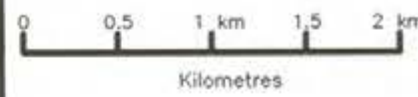
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**REGULATORY  
MAPS**

**Constrained  
Development  
Area**

**SHEET  
3 of 3**

SCALE  
1:40000

**MAP SERIES C2.3**

# **PART D**

## **PERFORMANCE STANDARDS AND SPECIFIC PROVISIONS IN RELATION TO PARTICULAR DEVELOPMENTS**

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**PART D - PERFORMANCE STANDARDS AND SPECIFIC  
PROVISIONS IN RELATION TO PARTICULAR  
DEVELOPMENTS**

**I N D E X**

**1.0 GENERAL DEVELOPMENT PROVISIONS**

- 1.1 Introduction
- 1.2 Infrastructure and Construction Provisions
- 1.3 Parking, Loading, Unloading and Access Requirements
- 1.4 Landscaping
- 1.5 Site Coverage
- 1.6 Height of Buildings and Structures
- 1.7 Density
- 1.8 Setbacks

**2.0 PROVISIONS APPLYING TO MULTIPLE DWELLINGS  
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- 3.12 Tennis Courts
- 3.13 Storage Sheds

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## 1.0 GENERAL DEVELOPMENT PROVISIONS

### 1.1 INTRODUCTION

The requirements of this Part along with Part E where applicable, shall apply to all development whether or not the approval of the Council is required under the Planning Scheme.

Without limiting the generality of any provision contained in this Section or in any Local Law of the Council, no provision of this Section shall be deemed to confer any right to erect or use premises, or part thereof, for any purpose other than subject to the requirements specified in this Section or in the Local Laws and Local Planning Policies provided that:-

- [a] The requirements of this Section shall not apply to uses which were existing lawful uses on the appointed day.
- [b] Where an existing building or other structure occupied by an existing lawful use is extended or the area of land occupied by an existing lawful use is increased, the requirements of this Section shall only apply to the extension of the building or other structure or to the use of additional land.
- [c] Where, prior to the coming into force of this Section, approval has been obtained from the Council for a development and the rights conferred by that approval had not been exercised on the appointed day, such rights may be exercised in accordance with that approval.

### 1.2 INFRASTRUCTURE AND CONSTRUCTION PROVISION

Any development, except for Animal Husbandry, Advertising Signs, Agriculture, Dwelling House >600m<sup>2</sup>, Dwelling House <600m<sup>2</sup>, Home Activity or Home Occupation, Relative's Accommodation or Park, commenced after the appointed day (whether or not the approval of the Council is required for such development under the Planning Scheme) shall be subject to the requirement that the use shall not be commenced unless the required external works, internal requirements and contributions have been provided or carried out at the expense of the owner of the site.

#### 1.2.1 Roadworks and Footway Areas

All developments shall provide the following where required by the Director Technical Services:

- [a] land required for road widening purposes dedicated free of charge to the Crown unless widening is associated with a Traffic Management Plan:



- [b] construction of road pavement, kerb and channel and pedestrian and bicycle pavement in accordance with the requirements of the Director Technical Services;
- [c] construction of medians or median breaks in accordance with the requirements of the Director Technical Services;
- [d] provision of traffic control devices; and
- [e] any other road works necessitated by the development.

A suitable paved footway shall be provided for the full length of all frontages of the site, provided that the Director Technical Services may relax this provision having regard to the nature of adjacent development.

Where development abuts an unformed or partly formed road, the following works shall be carried out by the applicant:

- [a] concrete kerb and channel constructed for the whole or part of the road frontages;
- [b] a suitable footway between the road reserve and any existing or required kerb and channel; and
- [c] the road pavement between the existing or required kerb and channel and the existing road pavement or centre line of the road.

Any drainage works or alterations to public utilities, road **signage** or traffic control devices necessitated by the works required by Provision 1.2.1 shall be undertaken by the applicant at no cost to the Council and to the satisfaction of the Director Technical Services.

All works included in Provision 1.2.1 shall be carried out in accordance with the Council's design and specifications and to the satisfaction of the Director Technical Services.

Where a development is located in an area included within a Traffic Management Plan (TMP) the applicant shall pay a contribution in accordance with Part **H** Sub-section 2.4 of this Planning Scheme, unless the applicant has previously paid or deemed to have paid.

## 1.2.2 Stormwater Drainage

Stormwater drainage from and traversing the site shall be collected on site in an underground drainage system and discharged into an approved stormwater drainage system. This system shall be constructed to a lawful point of discharge at the time of development of the site, to the satisfaction of the Director Technical Services. Where required by the Director Technical Services, easements shall be provided within and or external to the site at no expense to the Council to ensure that a drainage path to the ultimate outlet of the catchment is obtained.

Development shall ensure minimal downstream siltation during construction by intercepting the flow from the sub-catchment and returning that flow to the natural gullies and downstream gullies or stormwater drainage system at a volume and velocity not exceeding the existing condition. In addition, the following requirements shall be met to the satisfaction of the Director Technical Services :

- [a] construction of silt traps at the downstream end of the construction area;
- [b] stabilisation of earth batters using fast-growing vegetation techniques or turfing;
- [c] natural drainage alignments should be retained and any re-aligned drainage channels shall be protected from scouring as construction proceeds;
- [d] drainage channels shall be wide based, where possible;
- [e] construction of temporary bunds throughout the site; and
- [f] Council's Local Planning Policy - Erosion and Sediment Control Guidelines.

Soil exposure during the construction phase shall be minimised and restoration of exposed areas shall be carried out to the satisfaction of the Director Technical Services and in accordance with the Council's Local Planning Policy - Erosion and Sediment Control Guidelines.

Where a development is located in an area included within a Drainage Management Plan (DMP) the applicant shall pay a contribution in accordance with Part H Sub-section 3.4 of this Planning Scheme unless the applicant has previously paid or deemed to have paid.

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### **1.2.3 Water Supply & Sewerage & Trade Waste Disposal**

- [a] Adequate waste reticulation shall be provided to the development to the satisfaction of the Director Technical Services and in accordance with the Local Planning Policy -Water & Sewerage.
- [b] The applicant shall be responsible for all costs involved with the connection of the development to the existing Council water supply mains.
- [c] The applicant shall pay a contribution towards the water supply headworks for the area in accordance with the Local Planning Policy unless the applicant has previously paid or deemed to have paid.
- [d] Adequate sewerage reticulation shall be provided to the development to the satisfaction of the Director Technical Services and in accordance with the Local Planning Policy -Water & Sewerage.
- [e] The applicant shall be responsible for all costs involved with the connection of the development to the existing Council sewer main.
- [f] The applicant shall pay a contribution towards the sewerage headworks for the area in accordance with the Local Planning Policy unless the applicant has previously paid or deemed to have paid.
- [g] Any disposal of trade waste into the sewerage system shall be to the satisfaction of the Director Technical Services. Where required by the Director Technical Services, waste interception shall be provided prior to such disposal.
- [h] Where water supply is proposed to be sourced from a watercourse, written authorisation under the Water Resources Act is required.

### **1.2.4 Parkland**

Where a development is located in an area included within an Open Space Management Plan (OSMP) the applicant shall pay a contribution in accordance with Part H Sub-section 4 of this Planning Scheme unless the applicant has previously paid or deemed to have paid.

### **1.2.5 Geotechnical Considerations**

Where in the opinion of the Director Technical Services, the proposed construction requires investigation of a geotechnical nature, the applicant shall submit a geotechnical report prior to the issue of the Building Permit. This report shall be developed in accordance with the requirements contained within the Development Control Plan - Hillslopes.

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All developments shall comply with the geotechnical report and any other conditions that the Director Technical Services may place upon the development application.

### 1.2.6 Dust and Noise Control

All developments shall:-

- [a] provide and maintain at all times adequate dust control measures to the satisfaction of the Director Technical Services which shall incorporate a schedule of works which minimises the area of cleared land or open excavation at any one time; and
- [b] limit construction activity to the hours of 7.00 am to 6.00 pm Monday to Friday and 7.00 am to 1 pm Saturday and no activity on Sundays or public holidays unless otherwise approved by the Director Technical Services; and
- [c] meet Department of Transport and Main Roads' requirements on noise and visual amenity treatments where a development fronts a State-controlled road.

### 1.2.7 Access and Provision for Traffic During Construction

- [a] Construction activities, including the storage of materials, shall not encroach on any footway or road. Unloading, storage or movement of construction material or equipment shall take place within the site, unless otherwise approved by the Director Technical Services.
- [b] Access to the site during construction shall be in accordance with Council's Local Planning Policy - Requirements for Construction on Development Sites.
- [c] Any alterations to public utility mains, services or installations rendered necessary by a development shall be undertaken by the applicant, at no cost to the Council and to the satisfaction of the Director Technical Services.

## 1.3 PARKING, LOADING, UNLOADING AND ACCESS REQUIREMENTS

### 1.3.1 Carparking Requirements

Where land is developed and used for any purpose set out in Column 1 of Table D-1 below, car parking spaces shall be provided in accordance with the requirements shown in Column 2 of the Table, corresponding to the particular use and in accordance with the requirements of this section.

Where the number of parking spaces is calculated using Table D-1 is not a whole number, the number required shall be the next highest whole number.

**TABLE D-1 - CAR PARKING REQUIREMENTS**

<b>COLUMN 1 Use</b>	<b>COLUMN 2 Minimum Carpark Requirements</b>
Accommodation Units	1 space per 3 beds plus a bus parking space
Airport	As determined by Council
Bed & Breakfast Accommodation	One space plus 1 space per bedroom approved for bed & breakfast accommodation
Bulk Landscape and Garden Supplies	As determined by Council
Camping Ground	1 space per tent site plus 1 visitor space per 10 tent sites
Caravan Park	1 space per caravan site plus 1 visitor space per 10 caravan sites, plus 1 vehicle washing space per 20 caravan sites
Catering Shop	1 space per 25m <sup>2</sup> of gross floor area
Cemetery	As determined by Council
Child Care Centre	1 space per full time staff member plus 1 space per 10 children, to be used for setting down and picking up of children. A minimum of 3 spaces will be required to be reserved for both the setting down and collection of children.
Commercial Laundry	1 space per 90m <sup>2</sup> of gross floor area

COLUMN 1 Use	COLUMN 2 Minimum Carpark Requirements
Commercial Premises	1 space per 20m <sup>2</sup> of gross floor area on ground floor
Concrete Batching Plant	1 space per 30m <sup>2</sup> of GFA area on levels other than ground floor level
Crematorium	As determined by Council, with a minimum provision of not less than 3 spaces
Display Home	Provision must be made for truck access, queuing and loading areas on site
Dual Occupancy	As determined by Council.
Educational Establishment:	As determined by Council with a minimum of two spaces which may be in tandem
[a] Pre-School, Primary and Secondary School	1 covered space for each detached dwelling unit plus one visitor space for each dwelling unit may be in tandem.
[b] Post-Secondary (Tertiary and Further Education)	1 space per 2 staff members
[c] For all Establishments	1 space per 2 staff members plus 1 space per 10 students
Extractive Industry	Provision of bus bays for loading & unloading of passengers in addition to the requirements in [a] and [b] above to the satisfaction of Council.
Freight Depot	As determined by Council
Fuel Depot	As determined by Council.
Function Centre	As determined by Council
Function Centre	1 space per 20m <sup>2</sup> of gross floor area

COLUMN 1 Use	COLUMN 2 Minimum Carpark Requirements
General Industry	1 space per 90m <sup>2</sup> of gross floor area, plus 1 space for delivery vehicles per 800m <sup>2</sup> gross floor area for sites up to 8000m <sup>2</sup> gross floor area and one space per 1000m <sup>2</sup> thereafter [all delivery spaces adequate for trucks].
Holiday Apartments:  [Maximum 3 Storeys and Maximum 4 Storeys]	1 covered space per apartment plus 1 visitor space per 5 apartments plus 1 space for the manager
Home Occupation	1 space in addition to the parking requirements for a dwelling unit
Hospital	1 space per 4 beds plus 1 space per two staff members plus 1 space per doctor, plus 1 space per emergency vehicle
Hotel	1 space per 10m <sup>2</sup> of bar, lounge, beer garden and other public area, plus 1 space per 50m <sup>2</sup> of gross floor area of bulk liquor sales area,  A hotel with gaming machines will be required to provide 1 space per 5m <sup>2</sup> of the total useable area for gaming machines.
Drive Through Bottle Shop	A queuing lane on site for 12 vehicles, plus 1 truck delivery space.

<b>COLUMN 1 Use</b>	<b>COLUMN 2 Minimum Carpark Requirements</b>
Indoor Entertainment	
- Amusement Machines	1 space per two machines
- Court Game	4 spaces per court
- Indoor Cricket	20 spaces per pitch
- Bowling Alley	3 spaces per bowling lane
- Swimming Pool	10 spaces plus 1 space per 100m <sup>2</sup> of gross floor area
- Gymnasium	1 bay per 15m <sup>2</sup> of gross floor area
- Other	As determined by Council
Industrial Showroom	1 space per 50m <sup>2</sup> of gross floor area
Junk Yard	1 space per 200m <sup>2</sup> of gross floor area with a minimum of 5 spaces
Laundromat	1 space per two washing machines
Light Industry	1 space per 90m <sup>2</sup> of gross floor area, plus 1 space for delivery vehicles per 800m <sup>2</sup> gross floor area for sites up to 8000m <sup>2</sup> gross floor area and one space per 1000m <sup>2</sup> thereafter [all delivery spaces adequate for trucks].
Local Store	1 space per 25m <sup>2</sup> of GFA
Local Utilities	As determined by Council
Major Shopping Development:	
- Gross Floor Area m <sup>2</sup>	
Zero - 10000	6.1 spaces per 100m <sup>2</sup> GFA
10000 - 20000	5.6 spaces per 100m <sup>2</sup> GFA
20000 - 30000	4.3 spaces per 100m <sup>2</sup> GFA
Over 30000	4.1 spaces per 100m <sup>2</sup> GFA



<b>COLUMN 1 Use</b>	<b>COLUMN 2 Minimum Carpark Requirements</b>
Marina	1 space per 3 berths plus 1 space per 50m <sup>2</sup> of total use area of ancillary activities associated with the marina, unless otherwise determined by Council
Market	1 space per 25m <sup>2</sup> of area occupied by stalls, retail outlets, etc.
Medical Centre	4 spaces per consulting room
Motel	2 spaces per 3 rooms plus 1 space for motel manager plus 1 space per 2 staff members for motel over 100 rooms or 1 space per 3 staff members for motel less than 100 rooms
Multiple Dwellings:	
- Maximum 2 Storeys	1 covered space per unit plus 1 uncovered space per 2 units plus 1 vehicle washing space
- Maximum 3 Storeys	1 covered space per unit plus 1 uncovered space per 2 units plus 1 vehicle washing space
- Maximum 4 Storeys	1 covered space per unit plus 1 uncovered space per 2 units plus 1 vehicle washing space
Night Club	1 space per 25m <sup>2</sup> of GFA
Outdoor Entertainment	As determined by Council
Outdoor Sales Premises	1 space per 30m <sup>2</sup> of gross floor area with a minimum of 4 spaces per 500m <sup>2</sup> of total use area, plus 2 spaces per 5 staff members

COLUMN 1 Use	COLUMN 2 Minimum Carpark Requirements
Passenger Terminal	1 space per 10m <sup>2</sup> of lounge area plus 1 bus space per 10m <sup>2</sup> of lounge area
Place of Worship	1 space per 15m <sup>2</sup> of gross floor area
Plant Nursery	1 space per 25m <sup>2</sup> of sales area plus 1 space per 200m <sup>2</sup> of nursery area
Produce Store	<b>As determined by Council</b>
Public Building	<b>As determined by Council</b>
Recycling Collection Depot	1 space per staff member plus the unloading and manoeuvring space on site as required.
Relocatable Home Park	1 space per relocatable home site, plus 1 space per 5 Relocatable Home sites, plus 1 space per 100 Relocatable Home sites for a washbay
Restaurant	15 spaces per 100m <sup>2</sup> gross floor area or 1 space per 3 seats, whichever is greater
Retirement Village	1 space per unit plus either 1 visitor space per 5 units for self-contained units or 1 visitor's space per 10 beds plus 1 space per two staff members plus 1 space per ambulance for nursing and convalescent homes.

<b>COLUMN 1 Use</b>	<b>COLUMN 2 Minimum Carpark Requirements</b>
Riding School	1 space per every 2 horses for hire
Rural Industry	As determined by Council
Service Industry	1 space per 30m <sup>2</sup> of gross floor area on ground floor
Service Station	1 space per 50m <sup>2</sup> of gross floor area on levels other than ground floor level
Service Station	3 staff spaces, plus queuing area for 2 spaces per bowser, plus 3 spaces per work bay, plus 1 space per 20m <sup>2</sup> GFA of any convenience store
Service Station	If a mechanical carwash facility then a queuing area for 5 vehicles
Service Station	If a truck stop facility then truck spaces are to be as determined by Council
Service Station	If a restaurant is present, then the greater of 10 spaces per 100m <sup>2</sup> GFA or 1 space per 3 seats
Shop	1 space per 25m <sup>2</sup> of gross floor area
Shopping Centre Development	6.1 spaces per 100m <sup>2</sup> GFA
Showroom:	
[a] For carpet, caterer's supplies, electrical goods, furniture, motor accessories, tiles , and the like:	1 space per 50m <sup>2</sup> of GFA
[b] For boats, caravans, machinery, motor vehicles and the like:	1 space per 100m <sup>2</sup> of GFA

COLUMN 1 Use	COLUMN 2 Minimum <b>Carpark</b> Requirements
Sport and Recreation	
- Football	50 spaces per field
- Lawn Bowls	30 spaces per green
- Swimming Pools	15 spaces plus 1 space per 100m <sup>2</sup> of useable site area
- Tennis or other Court	4 spaces per Court
- Golf Course	4 spaces per tee on the course plus parking for club as per indoor entertainment
- Other Activities	As determined by Council
Temporary Land & House Sales Office	1 space per 30m <sup>2</sup> of gross floor area with a minimum of 3 spaces
Tourist Resort	<b>As</b> determined by Council (regard is to be made to the carparking requirements for each land use component proposed for the tourist resort)
Transport & Equipment Depot	<b>As</b> determined by Council
Vehicle Hire Premises	A minimum of 10 spaces for hire vehicles plus 1 space per 30m <sup>2</sup> of gross floor area
Vehicle Repair Station	1 space per employee plus 1 space per vehicle awaiting repair <b>and/or</b> collection
Veterinary Clinic	1 space per 25m <sup>2</sup> of gross floor area plus 1 space per 2 staff members, plus 1 space per veterinarian
Veterinary Hospital	1 space per 25m <sup>2</sup> of gross floor area plus 1 space per 2 staff members, plus 1 space per veterinarian

Warehouse	:	1 space per 90m <sup>2</sup> of gross floor area and 1 delivery space per 1000m <sup>2</sup> of site area.
Any other purpose not specified in this Table		Sufficient space to accommodate the amount of vehicular traffic likely in the opinion of Council to be generated by the development.

### 1.3.2 Car Parking Standards

- [a] Carparking spaces, carparking areas, access aisles, access driveways, auxiliary lanes, internal roads, turning areas, shall be designed in accordance with Council's Local Planning Policy - Carparking Standards.
- [b] Except as specified in Table D-1 one tandem parking space will be permitted where the minimum number of parking spaces required for the use is provided, other than in tandem.
- [c] Provision of areas for delivery and service vehicles shall be made in accordance with Council's Local Planning Policy.

### 1.3.3 Design, Construction and Maintenance of Carparking Areas

- [a] A parking area as required by this sub-section shall:-
  - [i] be of such gradient as in the opinion of the Director of Planning and Development to be suitable for vehicular parking but in any case not exceed 10%;
  - [ii] be laid out to the satisfaction of the Director of Planning and Development in such manner as to provide adequate access to each parking space and to permit free circulation of vehicles entering, leaving and parking;
  - [iii] be laid out to the satisfaction of the Director of Planning and Development so that vehicular and pedestrian traffic may conveniently connect with and travel through adjoining allotments where this is considered appropriate by Council.
  - [iv] be laid out to include provision for parking for disabled persons to the satisfaction of the Director of Planning and Development. Such parking spaces should be clearly marked and readily accessible by disabled persons.

- 
- [v] have access to all parking areas maintaining minimum vertical clearance of 2.1 metres.
  - [vi] be provided with sufficient manoeuvring areas to allow for all vehicles to leave the premises in a forward gear.
  - [b] The Director of Planning and Development may require that access to the parking area be provided from more than one dedicated road.
  - [c] A parking area required shall be:-
    - [i] kept exclusively for parking;
    - [ii] used exclusively for parking;
    - [iii] maintained in a fit and proper condition for parking purposes.
  - [d] When a parking area is required in respect of a development on a site, the Council may accept or require from the person carrying out the proposed development a monetary contribution towards the cost of establishing public carparking facilities. The contribution shall be held in trust and expended only for the provision and/or improvement of public carparking facilities. The amount of the contribution shall be determined by the Council by resolution from time to time.
  - [e] Notwithstanding any of the provisions herein, the Council may require the construction of a greater or lesser number of parking spaces or dispense with or modify any of the requirements contained herein if it considers that such modification or dispensation is justified having regard to the particular circumstances including:-
    - [i] the likelihood of generation of a greater or less than normal peak parking demand, including requirements for staff;
    - [ii] the location of the site in relation to existing or proposed public carparking areas and other parking areas;
    - [iii] level of pedestrian accessibility;
    - [iv] the nature of the proposed use including hours of operation and anticipated intensity;
    - [v] the existing use on the site;
    - [vi] the topography, shape, levels or depth of the allotment;
    - [vii] the convenience and safety of vehicle access:

- [viii] the proposed layout and size of parking spaces;
  - [ix] the provisions of any Development Control Plan affecting the site;
  - [x] the retention of significant trees, significant groups of trees and significant species of trees.
- [f] **As** a condition of approval, the Council may require that kerb and channel, bitumen widening, footpaths, construction of roads, relocation of public utilities or other similar works be provided by the applicant at full cost to the applicant.

## 1.4 LANDSCAPING

These provisions are landscaping requirements applying to all developments where landscaping is required.

### 1.4.1 General Objective

To ensure that a satisfactory standard of landscaping is provided and maintained in all developments where landscaping is required.

1.4.1.1 The implementation of the general objective shall be achieved by requiring:

- [a] That any area requiring landscaping be developed to the landscaping requirements contained in the Planning Scheme, including any Development Control Plans affecting the site, relevant Local Law or Local Planning Policy.
- [b] That a landscaping plan be submitted to and approved by the Director of Planning and Development prior to the issue of a building approval or, where a building approval is not required, the commencement of development.

1.4.1.2 Unless otherwise determined by the Director of Planning and Development, landscape plans submitted to Council shall be in the following format and provide the following detail:

- [a] preferred plan scale 1:100 or 1:200;
- [b] existing and proposed levels;
- [c] site and dwelling boundaries;

- 
- [d] outline of buildings, showing windows, doors and ground-floor levels; and
  - [e] location and canopy of existing trees, adjacent streets and trees, noting any trees that overhang the site;
  - [f] contours or spot levels if required; and
  - [g] soil moisture type and condition.

**1.4.1.3** The landscape plan shall also include the following:

- [a] **Statement of landscape intent-**
  - [i] purpose and function of landscape; and
  - [ii] desired character theme
- [b] **Landscape Structure-**
  - [i] any connection to open space networks;
  - [ii] intended location of all open space (eg communal areas, service and storage);
  - [iii] delineation of the principal area of private open space for each dwelling;
  - [iv] identification of major tree planting; and
  - [v] scale of trees relative to buildings.
- [c] **Soft Landscaping-**
  - [i] planting concept, showing lawn areas, graded areas, trees and planting themes, and ultimate tree canopy, with botanical and common names;
  - [ii] planting proposed for privacy screening; and
  - [iii] overland drainage proposals.
- [d] **Hard landscape surfaces-**
  - [i] outline of all hard paved areas (including communal streets, driveways and paths) and identification of purposes; and
  - [ii] paving materials and drainage treatment.



- 
- [e] Hard landscape structures-
    - [i] details of all fencing and walls;
    - [ii] any proposed privacy screens;
    - [iii] location of gates, seating, play equipment; and
    - [iv] materials and levels of steps and ramps.
  
  - [f] Site Facilities-
    - [i] details of garbage bin storage or standing areas;
    - [ii] location and details of mail boxes;
    - [iii] details of any proposed signs; and
    - [iv] concept details of additional facilities, such as barbecues and swimming pools.
  
  - [g] Services-
    - [i] lighting for vehicle areas, cycle and pedestrian paths;
    - [ii] location of underground services; and
    - [iii] location and treatment of substations and meters.

All landscaping is to be completed in accordance with the approved Landscape Plan prior to the use being commenced unless otherwise approved by the Director of Planning and Development.

The Director of Planning and Development may also require that a security bond be submitted to the Council prior to the development commencing operation to ensure that the landscaping that has been provided is maintained and has adequate time to become established.

The security will be returned when the Director of Planning and Development is satisfied that the landscaping has been provided and has become permanently established.

All landscaping shall be maintained at all times to the satisfaction of the Director of Planning and Development.

## 1.5 SITE COVERAGE

- 1.5.1 The maximum site coverage permitted in various zones shall be as indicated in Table D-2 unless where the site coverage is otherwise determined in this Planning Scheme.

TABLE D-2  
SITE COVERAGE

Column 1 Zone	Column 2 No. of Storeys	Column 3 Maximum Coverage
R1, R2	-	50%
R3	2	50%
	3	40%
	4	30%
	buildings with various storeys	the maximum for the building with the most storeys
Commercial		To be determined by compliance with Section 3.1.4 Part E and Performance Standards for Commercial Section 3.3 Part E but not exceeding 80%
Industry, Trades & Services		To be determined by compliance with Section 3.1.4 Part E and Performance Standards for Industry Section 3.4 Part E but not exceeding 60%
For any other zone		As determined by Council <b>but not exceeding 50%</b>

**1.5.2** Notwithstanding Provision 1.5.1 Council may allow a greater site coverage where it considers that such relaxation is justified having regard to the particular circumstances including:

- [a] the existing use on the site;
- [b] the topography, shape, levels or depth of the allotment;
- [c] the City Image Objectives;
- [d] to achieve the retention of significant trees, significant groups of trees and significant species of trees;
- [e] the provisions of Section 2 Multiple Dwellings and Integrated Development.

## **1.6 HEIGHT OF BUILDINGS AND STRUCTURES**

The maximum height of buildings or structures from natural ground level shall be as indicated in Table D-3 except where the height of the building or structure from natural ground level is otherwise determined in this Planning Scheme.

Notwithstanding Table D-3 and the provisions of this Section, no building or structure shall be erected such that it extends above the surrounding tree canopy, or in Council's opinion, is or likely to be clearly visible or become a conspicuous and intrusive element of the surrounding area when viewed from a point along the beach, beachfront esplanade, arterial road, scenic tourist route or an established residential area.

**1.6.1** Notwithstanding Subsection 1.6 Council may allow a greater height or require a lesser height where it considers that such height is justified having regard to the particular circumstances including:

- [a] the existing use on the site;
- [b] the topography, shape, levels or depth of the allotment;
- [c] the City Image Objectives;
- [d] the nature and extent of adjoining and surrounding land uses;
- [e] the provisions of Section 2 Multiple Dwellings and Integrated Development
- [f] the nature and extent of the particular land use proposed;

**TABLE D-3  
HEIGHT OF BUILDINGS AND STRUCTURES**

<b>Column 1 Zone</b>	<b>Column 2 Maximum Height to the Underside of the Uppermost Ceiling of a Building or Where a Structure the highest point</b>
LDR or R1	7m
Village or R2	7m
R3	11.5m
Commercial, Industry, or Trades & Services	10m
All other zones	8 m
Special Purpose	As determined by Council
Special Facilities zone	As determined by the title or plan of development but not exceeding 11.5m

## 1.7 DENSITY

The site density permitted in various zones shall be indicated in Table D4 except when the site density is otherwise determined in this Planning Scheme.

**TABLE D-4  
SITE DENSITY**

<b>Column 1 Zone</b>	<b>Column 3 Maximum Site Density Persons per Hectare</b>
R1 or Village	70
R2	90 If the use is for an integrated development or multiple dwelling then 120 Persons per Hectare
R3	200
Commercial	120
LDR	20
Rural	10 If the use is for a Tourist Resort then the density shall be as determined by Council but shall not exceed 200 Persons per Hectare
Special Facilities	Unless otherwise restricted in an approved Development, then 20
Other Zones	As determined by Council

**1.7.1** Notwithstanding Subsection 1.7 Council may allow a higher site density where it considers that such density is justified having regard to the particular circumstances including:

- [a] the existing use on the site;
- [b] the topography, shape, levels or depth of the allotment;
- [c] the City Image Objectives;
- [d] the nature and extent of adjoining and surrounding land uses;
- [e] the provisions of Section 2 Multiple Dwellings and Integrated Development;

- [f] the nature and extent of the particular land use proposed.

### 1.7.2

- [a] For the purpose of Subsection 1.7, every habitable room, with the exception of a living room, kitchen, dining room or a combination of the above shall be deemed a bedroom.
- [b] For the purpose of Subsection 1.7, any motel suite that has more than one habitable room shall be assessed as if it was a multiple dwelling.

## 1.7.3

For the purpose of assessing residential density, each of the forms of accommodation set out in Column 1 of Table D-5 shall be deemed to be able to accommodate the number of persons set out in Column 2 opposite that form of accommodation.

**TABLE D-5  
POPULATION ALLOCATION**

<b>Column 1 Form of Accommodation</b>	<b>Column 2 Number of Persons</b>
<b>Dwelling House</b>	3
<b>Dual Occupancy</b>	3 per dwelling unit
<b>Multiple Dwellings or Holiday Apartments</b>	
a bedsitter or single bedroom unit	2
a two bedroom unit	3
a unit of more than two bedrooms	1+1 per bedroom
<b>Motel Room or Suite</b>	
1 single bed motel room	0.75
1 double bed motel room	1.5
more than 1 bed motel room	1.5 + 0.5 per additional bed
<b>Holiday Cabins and Accommodation Units</b>	
per single bed	0.75
per double bed	1.5
<b>Caravan Park</b>	
per caravan bay/mobile home	3
<b>Camping Ground</b>	
per ten (10) sq metres of camping area	2

1.8 **SETBACKS**

The minimum setbacks permitted in various zones or by various developments shall be indicated in Table D6 unless the minimum setbacks are otherwise determined in this Planning Scheme.

In the Rural zone, the Department of Transport and Main Roads requires a 40 metre setback for all buildings and structures from State-controlled roads.

**TABLE D-6  
SETBACKS**

Column 1 Zone	Column 2 Minimum Setback From Road Alignment
LDR	6m
Village	As determined by Council but not less than 6m unless the existing character of the street warrants a lesser setback
R1, R2, R3	As determined by the relevant provisions of Part D Section 2.0 and Part E Section 3.0
Commercial	6m or in keeping with the existing or intended streetscape as determined by Council
Trades and Services	6m where the site does not front a highway, tourist route or non-industrial road (as determined by Council), otherwise 10m
Industry	10m
All other zones	As determined by Council
Special Facilities zone	As determined by the title or plan of development but not less than 6m



- 1.8.1** Notwithstanding Subsection 1.8 Council may allow a lesser setback where it considers that such setbacks are justified having regard to the particular circumstances including:
- [a] the existing use on the site;
  - [b] the topography, shape, levels or depth of the allotment;
  - [c] the City Image Objectives;
  - [d] the nature and extent of adjoining and surrounding land uses;
  - [e] the provisions of Section 2 Multiple Dwellings and Integrated Development;
  - [f] the nature and extent of the particular land use proposed;
  - [g] Any streetscape plan that may be adopted by Council for the locality.
  - [h] The relevant provisions of the Building Act.

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## **2.0 PROVISIONS APPLYING TO MULTIPLE DWELLINGS AND INTEGRATED DEVELOPMENT**

### **2.1 INTRODUCTION**

This section has been prepared as a basis for the design and assessment of multiple dwellings and integrated development applications. This section aims to:

- [a] encourage good quality, cost-effective design;
- [b] promote an increase in the number and affordability of multiple dwelling developments;
- [c] promote a greater range of dwelling types to meet the varied needs of households in the Plan Area
- [d] maintain reasonable standards of privacy and daylight for residents and neighbours;
- [e] promote more efficient use of energy;
- [f] respect streetscape amenity through appropriate design;
- [g] encourage more efficient use of existing physical and social infrastructure.

#### **2.1.1 Application and Scope**

This section applies to:

- [a] infill development of two or more dwellings in existing residential areas;
- [b] residential components of retirement villages and mixed-use projects;
- [c] sites suitable for multi-unit development, integrated development or medium density housing in new urban fringe estates;
- [d] individual dwellings or specification of detailed building envelopes on dwelling sites of less than 300m<sup>2</sup> ;
- [e] extensions to the above dwellings and developments.

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## 2.2 MULTIPLE DWELLINGS & INTEGRATED DEVELOPMENT

### 2.2.1 Site Layout Element 1

#### Objectives

- 01.** To achieve a coherent layout that provides a pleasant, manageable and energy-efficient living environment and respects areas of valued and definable neighbourhood character.

#### Performance Criteria

##### [a] Neighbourhood Integration

**PC1** The development is well connected into the neighbourhood through adequate vehicle and pedestrian links which maintain or enhance local accessibility.

**PC2** The development contributes to or enhances neighbourhoods of valued and definable character through layout, massing and detailing that integrates well with its surroundings.

**PC3** The design and layout of dwellings enhances existing streets, maintains amenity for adjacent residents, and provides a sense of address and privacy for residents. This may be achieved by:

- [i] ensuring that most dwellings front existing and proposed streets;
- [ii] minimising principal private open space in front of dwellings, as this often results in high fencing for privacy;
- [iii] amalgamating two or more residential lots for redevelopment so a central street or driveway can be created;
- [iv] using a mews street arrangement so that dwellings can front other dwellings where they cannot relate directly to a street;
- [v] varying the alignment of accessways to provide visual interest and avoid a 'gun-barrel' effect;

- [vi] arranging the development to minimise outlook over side boundaries by ensuring that main upper-storey windows face the street, interior or back of the development;
- [vii] locating the multi-storey component of a development towards the street to limit impact on the amenity of adjacent private open space.

**PC4** In larger scale new developments, varied dwelling types and forms are integrated along both sides of streets. This may be achieved by:

- [i] providing a similar type or mix of buildings on both sides of a street to generate a consistent streetscape;
- [ii] ensuring dwelling fronts face dwelling fronts, not backs, across a street;
- [iii] not locating large-scale strongly contrasting dwelling types across the street from each other. Major changes in dwelling types should occur across rear site boundaries.

**[b] Site features and constraints**

**PC5** The development capitalises on views from the site, incorporates existing significant vegetation and site features, and overcomes site constraints such as steep slope, unstable soils, poor drainage or bushfire risk.

**PC6** The development retains buildings of identified conservation significance and buildings with efficient recycling potential.

**PC7** In areas with significant off-site noise, the development is designed to minimise entry of noise and to limit the number of dwellings that are exposed to high noise levels.

**[c] Community safety**

**PC8** The layout contributes to community and property safety, and to the security of the neighbourhood. This may be achieved by:

- [i] ensuring dwellings abutting streets and public open spaces have windows that enable surveillance of the area;

- [ii] minimising high fences and walls along streets;
- [iii] providing lighting, good visibility and surveillance of lanes;
- [iv] protecting private spaces from inappropriate use as public thoroughfares;
- [v] minimising obscured, overgrown and shrubby areas along streets and paths.

**[d] Energy and environmental management**

**PC9** The layout contributes to energy efficiency of the development. This may be achieved by:

- [i] establishing a pleasant, safe and connected street network, supporting walking and cycling to public transport and local facilities;
- [ii] orientating habitable rooms to limit solar radiation and maximise circulation of breezes.

**PC10** The layout facilitates environmental management, for example by:

- [i] providing for infiltration of stormwater run-off by limiting paved surfaces and providing on-site retention basins;
- [ii] retaining existing large trees where practicable and providing space for additional large trees. A setback of 4 metres to buildings is a useful guide.

**[e] Car parking**

**PC11** The layout provides for car parking and garages that do not dominate the development or street frontage. This may be achieved by:

- [i] locating parking well within the development;
- [ii] breaking up large parking areas with trees, buildings or different surface treatments;
- [iii] providing car parking underground or in semi-basements where practicable;
- [iv] providing or widening rear or side access lanes;

- [v] providing visitor parking within existing or proposed public streets.

**[f] Public open space**

**PC12** Where appropriate, the development provides and improves land for public open space. New open space reserves should:

- [i] be large enough and physically suitable for a local park or recreational facility;
- [ii] be substantially bounded by streets and fronted by dwellings;
- [iii] provide outlook for as many dwellings as practicable;
- [iv] protect any valuable natural features on a site;
- [v] be clearly accessible, useable and available to the broader community.

**PC13** Where the development is next to existing public open space, it is to be designed to:

- [i] complement the character and use of the adjacent open space;
- [ii] front the space by provision of a street along the boundary wherever practicable;
- [iii] enhance surveillance of urban open spaces;
- [iv] avoid 'claiming' or privatisation of the park by residents gardens or overflow uses from abutting dwellings.

---

## 2.2.2 Streetscape Character Element 2

1

### Objectives

- 01.** To design multiple dwelling developments to complement existing streetscape and neighbourhood character, particularly in areas of identified and valued character.

### Performance Criteria

#### [a] Built form

**PC1** In streetscapes of identified and valued character, the building frontage of an infill development is designed with reference to the major features that determine the character of the surrounding streetscape. Design elements to consider include:

- [i] massing and proportions;
- [ii] ground-floor height above ground level;
- [iii] floor-to-ceiling height;
- [iv] roof form and pitch;
- [v] facade articulation and detailing;
- [vi] window and door proportions;
- [vii] features such as verandahs, towers, eaves, parapets;
- [viii] building materials, patterns, textures and colours;
- [ix] decorative elements;
- [x] kerb crossovers, fence styles and alignment.

**PC2** In streets which do not have an identified or valued character, new development is designed to have an appropriate residential character, and detailed to enhance the streetscape.

**PC3** Street frontage setbacks are in accordance with *Element 3* Building Envelope.

**PC4** To complement the scale of residential streetscapes, changes of building height between existing dwellings and adjacent walls of a new development are normally not more than one storey.

**PC5** Large walls which are highly visible from the street are adequately detailed for visual interest. This may be achieved, for example, by recesses, windows, projections, or variations of colour, texture or materials.

[b] **Fences and street frontage**

**PC6** Front fences enable outlook from dwellings to the street for safety and surveillance. As a guide, they should be a maximum of 1.2 metres high if solid, or 1.5 metres high if more than 50% transparent.

**PC7** Solid front fences to 1.8 metres high are to be minimised. Where used, they are limited to part of the frontage, and used only where appropriate to the streetscape character; where the principal private open space is in front of and to the north of the dwelling; and some surveillance of the street from dwelling windows is maintained.

**PC8** Garages and parking structures are sited and detailed to ensure they do not dominate the street frontage.

**PC9** Facilities in the frontage area such as gates, letter boxes, garbage bin enclosures, housing for meters and service connections and kerb crossovers are compatible in design with the fences and character of the development.

### 2.2.3 Building Envelope Element 3

#### Objectives

01. To ensure that the building frontage alignment and the height and length of walls relative to the side and rear boundaries are of appropriate residential character and visual bulk.
02. To enable dwelling layout on the site to be efficient and to maximise the useable outdoor area.
03. To limit stormwater run-off and the 'heatbank' effects of sealed surfaces.
04. To ensure habitable rooms of dwellings within the development have protection from solar radiation.



- 05.** To ensure dwelling layout on the site maximises breeze circulation and does not inhibit breezes to neighbours.

*Performance Criteria*

**[a]** Built form

**PC1** The setback of dwellings from the street frontage is appropriate to the efficient use of the site, the comfort of residents and the streetscape.

**PC2** Dwelling and outbuilding walls are constructed in locations and of a length and height to ensure that there is no significant loss of amenity to adjacent residents.

**PC3** The building form and site layout are designed to limit the amount of impervious surfaces and to maximise on-site stormwater infiltration or detention.

**[b]** Daylight and sunlight

**PC4** Habitable rooms within the development receive adequate daylight for carrying out daily tasks.

**[c]** Breezes

**PC5** The building form and site layout are designed to maximise breezes while not inhibiting breeze circulation to adjoining properties.

*Deemed-to-Comply Criteria*

The following provide one way of meeting the design element objectives and performance criteria:

**[a]** Building street setbacks

**D1** New development with frontage setbacks from existing streets a minimum of 3 metres, or:

**[i]** 4 metres, where adjacent dwellings are set back 4.5m or more; or

**[ii]** 5 metres, where adjacent dwellings are set back 7m or more; or

- [iii] 6 metres, where adjacent dwellings are set back **9** metres or more (and this is the prevailing setback in the area); or
- [iv] where adjacent development is set back less than 3 metres, the new development may have the same minimum setback.

The setback is measured to the wall face of the dwelling. Eaves, porches and open verandahs may project forward of this line.

[b] **Buildings on boundaries**

**D2** Buildings located on side and rear boundaries\* as follows:

- [i] the maximum length of new boundary walls is 50% of the length of any adjacent residential boundary; or
- [ii] where a wall of an existing dwelling or outbuilding on an adjacent lot abuts the boundary, the maximum length of new boundary walls is that abutting the existing walls plus 50% of the length of the remaining boundary; or
- [iii] where slope and retaining walls or fences would result in the effective height of a wall built to the boundary being less than 2 metres on the adjacent property boundary.

\*A building on a boundary includes a building set back up to 150 mm from a boundary.

[c] **Height and setbacks**

**D3** Buildings complying with the following heights and side and rear setbacks:

- [i] the maximum height of a wall built on the boundary not exceeding an average of 3 metres with no part higher than 3.6 metres unless:
  - abutting a higher existing or simultaneously constructed wall; or
  - in accord with an approved building envelope on a plan of subdivision; or

- [ii] if not on the boundary, the setback of any wall being 1 metre minimum plus 0.3 metres for every 1 metres of height over 3.6 metres up to a height of 6.9 metres;
- [iii] that part of the wall over 6.9 metres in height having a minimum setback of 1 metre for every 1 metre of height.

**[d] Allowable encroachments to setbacks**

**D4** Eaves, fascias, gutters, downpipes, masonry, chimneys, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services may encroach beyond the building envelope defined in D3 provided that the distance to the boundary is not less than 0.5m. Such items may be located less than 0.5m from the boundary if relevant fire protection requirements of the BCA are satisfied.

Light fittings, electricity or gas meters, aerials or antennae, pergolas, screens or sun blinds are not restricted. Terraces, landings, steps or ramps not more than 1 metre in height are not restricted.

**[e] Site coverage**

**D5** Development is to be undertaken in accordance with Table D-2 Site Coverage.

**[f] Daylight and visual bulk**

**D6** Dwellings where each habitable room has clear windows totalling in area at least 10% of the room's floor area, and such windows are located to face a light court (of minimum area 3m<sup>2</sup> and dimension 1 metre), or other outdoor space open to the sky, or an open veranda or open carport, and are not less than a horizontal distance of 1 metre clear to the sky from any boundary or other building measured perpendicular to the face of the window

**D7** Walls higher than 3m opposite existing walls containing principal habitable room windows limited in height to twice the horizontal distance between the two walls for a distance defined by a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the window.

Where the existing window is above ground level, the height restriction is calculated from the floor level of the room containing the window.

#### **2.2.4 Energy Efficiency Element 4**

##### Objective

- 01.** To facilitate through design and layout, comfortable living conditions in a hot humid tropical region without the reliance of airconditioning.

##### Performance Criteria

The objective may be achieved where design takes into consideration the following:

- PC1** The protection of walls and windows from sun and rain by:

careful attention to roof design and in particular the use of wide eaves, overhangs and the provision of balconies;  
walls and windows shaded as much as possible especially those facing east or west.

- PC2** The promotion of cooling breezes by:

allowing cross ventilation of building;  
provide rooms with window openings on at least two walls;  
provide ventilation by convection by the use of high level window openings and louvres and the ventilation of roof spaces.

- PC3** The use of light coloured, lightweight and well insulated materials for construction of buildings to ensure day time heat storage is lower and re-radiation into the buildings is minimised. Where material with high mass is used such as blockwork, particular attention to reduce solar radiation on these surfaces needs to be paid.

#### **2.2.5 Dwelling Entry and Interior Element 5**

##### Objective

- 01.** To provide each dwelling with an entry that creates a clear sense of individual identity.
- 02.** To provide adequate personal security for residents.

- 
- 03.** To provide dwelling forms and internal layouts suitable for a range of household types.

Performance Criteria

The objectives may be achieved where:

**PC1** Entries to dwellings:

- [i] are clearly visible from streets or internal driveways so that visitors can easily identify a particular dwelling;
- [ii] provide a sense of personal address, shelter and transitional space around the entry;
- [iii] at ground-floor level are or can be easily made accessible to disabled people.

**PC2** The dwelling layout provides for personal security. This may be attained by ensuring:

- [i] general surveillance of the site and approaches to entries is possible from inside dwellings;
- [ii] visitors can be seen from inside the dwelling without opening the door;
- [iii] shared entries such as exterior or interior stairways, corridors or balcony walkways are limited to serving a maximum of eight dwellings;
- [iv] the number of dwellings within secured courtyard developments is limited so that the residents can reasonably expect to recognise each other;
- [v] using window types that allow good control for both ventilation and security.

**PC3** Dwellings overlooking a street or public open space provide for outlook from a room suitable for use as a living area.

**PC4** Larger multiple dwelling developments provide a range of dwelling types, sizes and layouts to suit a variety of household types.

- PC5** Internal layout of dwellings designed for more than one person can be adapted to a range of household types by maximising potential for personal space and privacy. This may be achieved through:
- [i] reducing the difference between master and subsidiary bedrooms to have at least two bedrooms of similar size and amenity;
  - [ii] separating bedrooms from each other with bathrooms or other rooms, or walls with minimum noise transmission;
  - [iii] providing more than one living space or a living/kitchen/dining space that can be functionally divided;
  - [iv] arranging rooms off a central circulation space directly connected to the entry.
- PC6** Detailing of dwellings ensures that they are functional and adaptable. This may be achieved by providing:
- [i] regular room shapes, with window location and dimensions that allow flexibility in use and furniture arrangement;
  - [ii] entries, doors and passageways wide enough and arranged for ease of furniture movement;
  - [iii] opportunities for adequate internal storage.
- PC7** Dwellings, particularly those that are small, are designed to provide a sense of spaciousness. This may be achieved by:
- [i] increasing floor-to-ceiling heights;
  - [ii] locating and designing windows to provide good outlook to outdoor spaces or views;
  - [iii] minimising outlook from main rooms onto narrow spaces or high walls;
  - [iv] using more open-plan layouts in dwellings for singles;
  - [v] providing windows such as double-hung or casement style that can be wide open in good weather.

## 2.2.6 Open Space Element 6

### Objective

- 01.** To provide sufficient outdoor private open space for the reasonable recreational, service and storage needs of residents.

- 
02. To ensure that private open space is designated and located to receive sunlight and provide shelter from solar-radiation and rain and is well integrated with a living area of a dwelling.
  03. To ensure that communal open space or recreation facilities provided for the use of residents is of real benefit and can be economically and effectively maintained.
  04. Where appropriate, to provide a contribution towards public open space.

*Performance Criteria*

**[a] Private Open Space**

**PC1** Dwellings are provided with private open space, except where conversion of an existing building precludes provision or where appropriate communal open space is provided.

**PC2** Private open spaces have:

- [i] amenity, slope and dimensions suited to users;
- [ii] adequate privacy for residents;
- [iii] protection from direct sunlight and rain;
- [iv] convenient access from a main living room.

**PC3** The location of principal private open spaces at ground level between dwelling fronts and streets is minimised. Where provided it is detailed to create a good physical and visual connection between the dwelling and the street.

**[b] Communal Open Space**

**PC4** The site layout maximises allocation of outdoor areas to individual dwellings and limits communal outdoor space to land for access and services or for residents' recreation facilities and use.

**PC5** Any communal open space provided is to be appropriate for use by residents, cost-effective to manage, and designed to ensure the safety and security of residents.

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**[c] Public Open Space**

**PC6** A public open space contribution is provided in accordance with Part H of this Planning Scheme.

**PC7** Land provided for public open space as part of the development is designed in accordance with PC12 of *Element 1 Site Layout*.

***Deemed-to-Comply Criteria***

The following provide one way of meeting the design element objectives and performance criteria:

**D1** Dwellings with minimum private open space consisting of:

- [i] ground-level area totalling 40m<sup>2</sup>, with one part at the side or rear and conveniently accessible from a living room having an area of 25m<sup>2</sup> with a width of 3m; or
- [ii] a balcony conveniently accessible from a living room of the dwelling, having an area of 8m<sup>2</sup> with a width of 1.6m; or a roof-top area directly connected to the dwelling, having a minimum area of 10m<sup>2</sup> with a width of 2m.

**2.2.7 Car Parking and Vehicle Access Element 7*****Objective***

- 01.** To provide sufficient and convenient parking for residents, visitors and service vehicles, taking into account the availability of car parking off the site.
- 02.** To ensure streets and accessways provide safe and convenient vehicle access to dwellings, and can be efficiently managed.
- 03.** To minimise detrimental impacts of vehicle accommodation and access on the amenity of the development, streetscape and neighbourhood.



## Performance Criteria

The objectives may be achieved where:

**PC1** Resident and visitor parking is provided according to projected user needs, and takes into account:

- [i] the number, size and type of dwellings proposed;
- [ii] the availability of public transport;
- [iii] the availability of on-street or nearby parking;
- [iv] local traffic and parking management plans and safety considerations;
- [v] the reduction of on-street spaces associated with provision of off-street spaces;
- [vi] the availability of land where existing buildings are being converted to residential use.

**PC2** Car parking facilities are designed and located:

- [i] reasonably close and convenient to dwellings;
- [ii] to be secure or allow surveillance from dwellings;
- [iii] to be lit at night;
- [iv] to be well-ventilated if enclosed;
- [v] to not obscure the view between the street and front windows of dwellings;
- [vi] to clearly define any visitor parking;
- [vii] to be separated from habitable room windows to minimise noise and fumes entering dwellings.

**PC3** Car parks, accessways, driveways and streets allow comfortable, safe and efficient vehicle movement and good connections to the existing street network, while minimising loss of on-street parking.

**PC4** Developments abutting arterial roads minimise the number of access points, provide safe access, and ensure vehicles egress in a forwards direction.

- PC5** Surface parking areas and accessways are designed, surfaced and graded to facilitate stormwater infiltration on-site, and landscaped with shade trees and screening vegetation where practicable.
- PC6** The layout and site management will enable appropriate use of any car spaces not specifically allocated to a dwelling.
- PC7** Car parking facilities, including accessways, carports and garages do not dominate the view of the development from the street, and are visually compatible with the development.

#### Deemed-to-Comply *Criteria*

The following provide one way of meeting the design element objectives and performance criteria:

**[a] Number of spaces**

In accordance with Table D-1 Carparking Requirements for Multiple Dwellings.

**[b] Provision of streets**

**D2** Vehicle accessways longer than 60m able to be designated as public streets, and designated to incorporate visitor parking, passing bays and space for service and emergency vehicle access. Where 40 or fewer multiple dwellings are served, and the street length is 100m or less, the carriageway shall be in accordance with Part E 3.1.9 Traffic & Transport.

**[c] Driveways and access points**

**D3** Driveways not less than 3m wide as provided for in D7 (iii) of this Section, and:

- [i]** where at changes of direction or at intersections, the internal radius of the driveway is at least 4m;
- [ii]** where 5 or more car spaces (or 3 or more dwellings) are served or a driveway connects to an arterial road manoeuvring space is provided to make it unnecessary for cars to reverse on to or off the road;
- [iii]** where more than 10 car spaces are served, and the driveway connects to an arterial road, the entrance is at least 5m wide for a distance of 7m to allow vehicles to pass each other

- D4** The number of access points onto arterial roads and State-controlled roads is not greater than the number of existing access points.

**[d] Parking space and access dimensions**

- D5** Car spaces a minimum of 4.9m long and 2.6m wide, or, where access is from the side, at least 6.7m long and 2.3m wide. An adjoining building may project into the space if it is at least 2.1m above the space.

Car spaces within garages or contained by walls have minimum dimensions (measured internally) of 6m x 3m for a single space and 6m x 5.5m for a double space.

- D6** If entry to a car space is from the end (other than direct from a street), minimum width of the access lane as follows:

<u>Car Space Width</u>	<u>Accessway Width</u>
2.8m	5.8m
3.0m	5.2m

Notwithstanding D5 & D6 the Australian Standards for carspaces is an acceptable solution.

**[e] Surface treatment**

- D7** To reduce the amount of hard surface and increase on-site stormwater infiltration, the amount of paved surface may be modified as follows:

- [i] the paved length of 90 degree car spaces may be reduced from 4.9m to 4.6m where the additional 0.3m is provided as lawn or garden bed suitable for the overhang of vehicles;
- [ii] the paved width of access lanes for 90 degree parking may be reduced from 6.4m to 6.1m provided that the accessway is at least 0.3m from a wall, fence or other solid barrier greater than 100 mm high;
- [iii] paved widths in 3m wide driveways may be reduced to 2.6m, provided 0.2m either side remains unobstructed;

**D8** Car spaces, access lanes and driveways which are formed, defined and drained so that they can be used in accordance with the plan, and are surfaced with:

- [i] an all-weather seal such as concrete, asphalt or mortared pavers; or
- [ii] stable, smooth, semi-porous paving material (such as brick, stone or concrete pavers) laid to the paving standard for light vehicle use; or
- [iii] combined impervious and partially porous paving material such as grasscrete paving (on site visitor carparking spaces only) and are drained where practical to direct stormwater run-off to on-site porous surfaces.

**[f] Accessways in the frontage**

**D9** Driveways, access lanes and car parking spaces limited to a maximum of:

- [i] 40% of the frontage length, where the total site frontage to streets is 20m or less; or
- [ii] 33% of the frontage length where the total site frontage to streets is greater than 20m.

**[g] Location of accessways and garages**

**D10** Garage doors and carports fronting a street set back behind the alignment of the front facade of a dwelling. Where the dwelling is set back less than 5m, the garage doors have a minimum setback of 5m where practicable to provide an additional on-site car space.

**D11** Shared driveways, access lanes and car parks of other dwellings set back a minimum of 1.5m from windows to habitable rooms of dwellings, unless the floor level of the dwelling is at least 1m above the driveway. The setback may be reduced to 1m when the driveway etc is bounded by a screen fence of 1.5m height.

## 2.2.8 Visual and Acoustic Privacy Element 8

### *Objective*

- O1.** To limit overlooking of private open space and views into neighbouring dwellings.
- O2.** To substantially contain noise within each dwelling and to limit noise from communal areas or shared facilities affecting nearby dwellings.
- O3.** To protect internal living and sleeping areas from high levels of off-site noise.

### *Performance Criteria*

The objectives may be achieved where:

#### **[a] Visual privacy**

**PC1** The private open spaces and living rooms of adjacent dwellings are protected from direct overlooking by dwelling layout, screening devices, distance or landscaping.

**PC2** Windows of one dwelling are not located opposite the window of another dwelling unless direct views are restricted or windows are offset or sufficiently distant.

#### **[b] Acoustic privacy**

**PC3** The transmission of noise between dwellings is minimised. This may be achieved by:

- [i]** living rooms or garages of one dwelling not abutting bedrooms of adjacent dwellings;
- [ii]** plumbing for each dwelling being separated and contained sufficiently to prevent the transmission of noise between dwellings.
- [iii]** use of appropriate noise-resistant wall, ceiling and floor materials.

**PC4** Active recreation facilities including swimming pools, spas, tennis courts and barbecue areas and services such as garbage chutes, pumps, compressors and other plant which generate high noise levels are located away from bedrooms of adjacent dwellings.

**PC5** Driveways and parking areas are located away from bedroom windows of adjacent dwellings, unless acoustically screened by a solid fence or other means.

**PC6** Dwellings abutting major roads, railway lines, airport flight paths or other uses that emit high levels of noise are designed to locate noise-sensitive uses away from the source and are protected by appropriate noise-shielding devices.

#### *Deemed-to-Comply Criteria*

The following provide one way of meeting the design element objectives and performance criteria:

#### **[a] Visual privacy**

**D1.** Outlook from windows, balconies, stairs, landings, terraces, and decks or other private communal or public areas within a development screened or obscured where a direct view is available into private open space of an existing dwelling unit.

If screening is used, the view of the area overlooked must be obscured within 9m and beyond a 45 degree angle from the plane of the wall containing the opening, measured from a height of 1.6m above floor level.

No screening is required if windows are:

- [i] to bathrooms, toilets, laundries, storage rooms or other non-habitable rooms and have translucent glazing or sill heights of at least 1.6m above floor level; or
- [ii] to habitable rooms and have sill heights of 1.6m or greater above floor level or translucent glazing to any window less than 1.6m above floor level; or
- [iii] to habitable rooms facing a property boundary where there is a visual barrier of at least 1.6m high and the floor level of the room is less than 0.6m above the level of the ground at the boundary.

**D2.** Windows and balconies of an upper-level dwelling designed to prevent overlooking of more than 50% of the private open space of a lower-level dwelling directly below and within the same development.

**D3.** Direct views described in D1 and D2 obscured by screens which are solid, translucent or perforated panels or trellis and which:

- [i] have a maximum of 25% openings in its face area;
- [ii] are permanent and fixed;
- [iii] are of durable materials such as galvanised steel or anodised aluminium or treated timber;
- [iv] are painted or coloured to blend in with the surrounding environment.

**D4.** Habitable room windows with a direct outlook to habitable room windows in an adjacent dwelling within 9m:

- [i] being offset a minimum of 1 m from the edge of the opposite window to the edge of the window in the proposed development; or
- [ii] having sill heights of 1.6m above floor level; or
- [iii] having fixed obscure glazing in any window pane below 1.6m above floor level.

**[b] Acoustic privacy**

**D5.** Electrical, mechanical or hydraulic equipment or plant generating a noise level no greater than 5dB(A) above ambient L90 sound level at the boundaries of any development at any time of the day.

**D6.** Dividing walls and floors between dwellings constructed to limit noise transmission to 40-45dB(A) in accord with Part **F(5)** of the Building Code of Australia.

**D7.** Dwelling layout where garages or carports of one dwelling are not located abutting bedrooms of another dwelling, and shared driveways satisfy PC4 of Element 7 Car parking and vehicle access.

**D8.** Habitable rooms of dwellings adjacent to high levels of external noise designed to limit internal noise levels to a maximum of 45dB(A) in accordance with relevant Australian Standards for acoustics control, (including AS3677 - Road Traffic and AS2027 - Aircraft Noise). This may be assisted in relation to road noise by:

- [i] locating bedrooms and other noise-sensitive rooms away from the road;
- [ii] using thick glass panes or double glazing to windows fronting the road;
- [iii] using solid-core doors and appropriate seals to vents and other openings;

and in relation to aircraft noise by:

- [i] use of terracotta *roof* tiles with special detailing of gutters and eaves;
- [ii] bedroom ceilings of 10 mm thick plasterboard and 100 mm thick high-density fibreglass insulation between joists;
- [iii] external walls of brick or brick veneer with 10 mm plaster linings;
- [iv] double-glazed bedroom windows, or 4 mm thick glass panes with opening mechanisms that seal airtight against compressible seals, and capacity for any single thickness bedroom windows to have an additional 6 mm glass pane added at a minimum distance of 75 mm at a later stage.

## 2.2.9 Landscaping Element 9

Objective

- 01.** To create a pleasant, safe and attractive living environment.
- 02.** To blend new development into the streetscape and neighbourhood.



## Performance Criteria

The objectives may be achieved where:

- PC1** Open space around dwellings is allocated to individual units as far as practicable to facilitate management, and to minimise communal space and associated body corporate maintenance costs.
- PC2** Unpaved or unsealed landscaped areas are maximised and are designed to facilitate on-site infiltration of stormwater run-off.
- PC3** Major existing trees are retained wherever practicable, and buildings are located and designed to protect both buildings and trees from damage.
- PC4** The landscape design specifies the location and species of trees, shrubs and ground cover in a way that:
- [i] uses vegetation types and landscaping styles that blend the development in with the streetscape;
  - [ii] should not affect the structure of the proposed buildings;
  - [iii] contributes appropriate planting to streets fronted by the development;
  - [iv] considers personal safety, by ensuring good visibility along streets, paths and driveways and avoiding shrubby landscaping near dwelling entries;
  - [v] contributes to energy efficiency and amenity by providing substantial shade in summer especially to west-facing windows and open car park areas;
  - [vi] improves privacy between dwellings;
  - [vii] minimise risk of damage to overhead and underground power lines and other services;
  - [viii] considers sightlines for vehicles and pedestrians, especially near street corners and intersections.

- PC5** Paving is provided to driveways, walkways, entries, and in the vicinity of garbage bin enclosures, letter boxes and shared clothes lines. Such paving should be:
- [i] semi-porous or graded to maximise on-site infiltration of stormwater;
  - [ii] in materials and colours which complement the development;
  - [iii] of adequate strength and in non-slip finishes;
  - [iv] suitable for use by the infirm or disabled.
- PC6** Lighting is provided to pedestrian ways, dwelling entries, driveways and carparks to ensure a high level of safety and security for residents and visitors at night. Lights are designed to minimise light entering adjacent dwellings.
- PC7** Requirements for maintenance are minimised where appropriate, and are practical taking into account the ownership and proposed management of the landscaped area.

## 2.2.10 Site Facilities Element 10

### Objective

- 01.** To provide for site facilities such as garbage bin enclosures, mail boxes, service meters, clothes drying areas and external storage.
- 02.** To design facilities to be physically convenient and visually attractive, blend with the development and street character, and require minimal maintenance.

### Performance Criteria

The objectives may be achieved where:

- PC1** Garbage bin enclosures, mail boxes and external storage facilities are constructed from durable materials such as masonry, are waterproof, rot-resistant and designed to blend in with the development.
- PC2** Garbage bin enclosures are located for convenient access and are of dimensions required by the Council for garbage collection bins. Facilities for collection of recyclable materials may also be required. Where garbage collection is not on the street frontage, adequate loading and turning areas for service vehicles will be required. For commercial garbage bins Council's policy will apply.

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- PC3** Mail boxes are located for convenient access by residents and Australia Post. Where a body corporate is created, an additional mail box should be provided for body corporate correspondence.
- PC4** Each dwelling is provided with a lockable external store of waterproof construction. As a guide it should have a minimum volume of 6m<sup>3</sup>, and may be a garage or a locker in a carport.
- PC5** Open air clothes dryer facilities are provided where practicable, and are screened from view from the street.
- PC6** A hard paved area with a tap suitable for washing cars is provided.
- PC7** Car parking areas and pedestrian accessways to dwelling entries are adequately lit at night for safety and security of residents and visitors.
- PC8** The number of television antennae and other receiving structures is kept to a minimum or, where appropriate, a receiver is provided to serve all dwellings within a single building.
- PC9** Standing and turning areas for service, emergency or delivery vehicles are provided where access to any dwelling from a public street is remote or difficult.

### **2.2.1 1 Infrastructure Element 11**

#### *Objective*

- 01.** To encourage multi-dwelling development in areas where it can take advantage of existing physical and social infrastructure.
- 02.** To ensure infrastructure has the capacity or can be adapted to accommodate new residential development.
- 03.** To efficiently provide developments with appropriate physical services.
- 04.** To minimise the impact of increased stormwater run-off on drainage systems.

#### *Performance Criteria*

- PC1** The multiple dwelling development will not overload the capacity of public infrastructure, including but not limited to reticulated services, streets, open space and human services.

**PC2** The design and layout of multiple dwelling development provides space (and easements where required) and facilities to enable efficient and cost-effective provision of reticulated services.

**PC3** The development is connected to a reticulated sewerage system

**PC4** In areas where drainage infrastructure has marginal or no excess capacity, developments which would generate stormwater run-off beyond that equivalent to 40% site cover (or beyond that presently generated by the site if greater) provide for stormwater drainage mitigation by:

construction of on-site stormwater detention with delayed release into the stormwater system; or

site design to minimise impervious areas and maximise on-site infiltration so increased run-off does not reach the stormwater system; or

- a contribution to a Drainage Management Plan in accordance with Part H of this Planning Scheme; or
- a combination of the above.

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## **3.0 PROVISIONS APPLYING TO SPECIFIC DEVELOPMENT**

1

### **3.1 INTRODUCTION**

The requirements of this section shall apply to all nominated development whether or not approval, consent permission or authority of the Council is required under the Planning Scheme and are additional to any other relevant provisions of this Planning Scheme or Council's Local Laws.

### **3.2 BED AND BREAKFAST ACCOMMODATION**

#### **3.2.1 Bed and Breakfast Objective 1**

- 01.** To ensure an adequate standard in the provision of an alternative form of tourist accommodation which is of a low key and low occupancy basis.

##### Implementation

- [a] Bed & Breakfast Accommodation shall be limited to a dwelling house which is occupied by the owner or Lessee and wherein one or two bedrooms are made available to the travelling public.
- [b] Visitors are to be provided with a bedroom capable of being enclosed to prevent visual or other intrusion by members of the host family.
- [c] The bedroom provided for visitors shall be in the same building as the kitchen, bathing and toilet facilities provided for the visitor and the accommodation of the owner.
- [d] The only cooking facilities provided and available to the visitor shall be those within and normally associated with the residents of the owner and at least one substantial meal shall be offered to the visitor each day.
- [e] Not more than two (2) on site car parking spaces are to be provided for the exclusive use of visitors in addition to car parking provided for the owner and his family. The owner shall not accept visitors or offer accommodation to visitors who travel to the site by private vehicle if it means that more cars are to be parked in association with the establishment than the number of car parking spaces available on site.
- [f] All kitchen, bathroom and toilet facilities shall be kept in a satisfactory state to the requirements and satisfaction of the Director Health & Community Services.

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- [g] All premises shall comply with Council's Local Laws - Rental Accommodation.
  - [h] The owner shall display in a prominent position the street number of the premises and shall display on the fence of the premises or the building the approved bed and breakfast logo provided that such logo shall not exceed a size of 0.25m<sup>2</sup> and may only be illuminated if it is displayed on the building and then only with an incandescent globe with a wattage not exceeding 40 watts. No other sign indicating the nature or use of the premises shall be displayed.

### 3.3 RELATIVE'S ACCOMMODATION

Premises shall not be erected or used for the purpose of relative's accommodation unless the following requirements are met:-

- [a] No more than one (1) relative's accommodation unit capable of being used as a single functional household is to be erected on any site.
- [b] Site coverage of the dwelling house and relative's accommodation is not to exceed fifty per cent (50%).
- [c] Height of the dwelling house and relative's accommodation is not to exceed two (2) storeys.
- [d] The relative's accommodation may not be rented as a dwelling unit.
- [e] A register of relative's accommodation shall be kept by the Council and an annual inspection may be carried out.
- [f] Relative's accommodation must be attached to the dwelling house and designed to give the general appearance of a single dwelling house. The architectural style and colours of the dwelling house are to be continued in the relative's accommodation.
- [g] Upon completion of the use of the building area for a Relative's Apartment, any kitchen and cooking facilities as determined by the Director Planning and Development are to be removed such that the unit reverts to a room of the dwelling house.

### **3.4 HOST FARMS**

#### **3.4.1 Host Farm**

Objective

- 01.** To establish accommodation and operational standards of a farm or active enterprise within the Rural zone.

#### *Implementation*

- [a] Visitors are to be provided with a bedroom capable of being enclosed to prevent visual or other intrusion by members of the host family.
- [b] The bedroom provided for visitors shall be in the same building as the bathing and toilet facilities provided for the visitors.
- [c] The only cooking facilities available to the visitor shall be those within and normally associated with the residence of the host family and normal meals shall be made available to the visitor at least three times each day.
- [d] Where the bedroom is located in a building remote from the kitchen, access between the two buildings shall be by way of a sealed pathway with a minimum width of one metre provided with appropriate under-drainage and where necessary for safety, the installation of night lighting.
- [e] All kitchen, bathroom and toilet facilities shall be kept in a satisfactory state to the requirements and satisfaction of the Director Health & Community Services.
- [f] All premises shall comply with Council's Local Laws - Rental Accommodation.

### **3.5 CARAVAN PARKS AND CAMPING GROUNDS**

#### **3.5.1 Introduction**

This sub-section only relates to the locational considerations of caravan parks and camping grounds. The Development and Operational Criteria are contained in Council's Local Law - Caravan Parks.

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### 3.5.2 Site Location

#### Objective

01. To facilitate development of caravan parks and camping grounds and their use by tourists and long term occupants, where sites are appropriate for either short term or long term occupation.

### 3.5.3 Land Capability

#### Objective

01. To ensure that sites for caravan parks and camping grounds are free from hazard: and
02. To limit the use of environmentally sensitive land for human occupation.

#### Performance Criteria

- PC1** Caravan parks and camping grounds shall be located only in areas that are flood free, or capable of being filled to levels which render them flood free, provided that such filling does not create a discharge of flood water or stormwater drainage producing an adverse effect on other property.
- PC2** Sites shall not be in areas of known ground instability, but rather shall be in areas where stability can be assured by specific survey.
- PC3** Filled land shall be rendered fit for human occupation on health and safety grounds, with remedial action as necessary to achieve this.
- PC4** Sites shall have sufficient area for development without necessitating the clearing of vegetation that is significant as a habitat, wildlife corridor, scenic or passive recreational area, including vegetation on ridges and along water courses.

#### Deemed-to-Comply Criteria

- D1** By demonstrating the site or the part of the site to be developed is outside the 1 in 100 year flood limit, and outside or removed from designated drainage problem areas. Refer to Part A Strategic Plan 5.7.1 Hazards Objective and Drainage Strategy.
- D2** By demonstrating the site or the part of the site to be developed is outside the areas identified as Rural Constrained Land or Conservation Preferred Dominant Land Use by Part A Strategic Plan.



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- D3** Compliance with Geotechnical considerations Provision 1.2.5 of this Part.

### 3.5.4 Roads and Traffic

#### Objective

- O1.** To permit the development of caravan parks and camping grounds only where they do not prejudice safety and where the road infrastructure can absorb the increased traffic load.
- O2.** To ensure that developers of caravan parks and camping grounds contribute to the upgrading of adjacent roads and footpaths in relation to the increased road usage that their development generates.
- O3.** To reduce any existing traffic hazards so as to better accommodate development.

#### *Performance Criteria*

- PC1** Caravan parks and camping grounds shall be located only on roads with moderate traffic volumes per lane of traffic, such that the flow of traffic will not be disrupted to a dangerous extent by entrance and exit of caravans.
- PC2** Entrance and exit points shall be located such that there is adequate sight distance to allow a vehicle to stop if travelling at the maximum permitted speed in that zone.
- PC3** Caravan parks and camping ground shall be located only where the road system is (or can be upgraded to be) capable of accepting the increased traffic load from the development.
- PC4** Caravan parks shall be located only where the access road has (or can be upgraded to have) a paved pedestrian/cycle path connected to other areas. The width of this path shall be sufficient for a pedestrian and cyclist to pass one another with ease.
- PC5** Development of a caravan park or camping ground shall not produce new or increased traffic hazards. Developers shall be required to contribute, undertaking works or making a contribution to the removal of hazards in the road system affected by their development.

### Deemed-fo-Comply Criteria

- D1** By complying with Traffic Volume Objectives Part E.
- D2** By complying with Infrastructure and Construction Provision 1.2.1 of this Part.
- D3** By complying with the Traffic Management Plan for the locality.

### 3.5.5 Neighbourhood Amenity

#### Objective

- 01.** To permit the development of caravan parks and camping grounds only where they will not detract from the visual amenity of residential neighbourhoods.

#### Performance *Criteria*

- PC1** Sites which are visually prominent by virtue of their topography are not suitable for caravan parks or camping grounds.
- PC2** Caravan parks and camping grounds shall present a view from the street which is compatible with the prevailing built form and landscape quality. Visible buildings should not be notably different in height or bulk from surrounding buildings, including single detached dwellings, and visible roof forms should be similar. Sharp contrasts in texture or colour of building materials should be avoided. The aim should be for the caravan park or camping ground to blend into the surrounding area, without calling attention to itself other than by signage.
- PC3** A site shall be large enough to provide a good range of shared and individual site facilities as well as meeting required development standards.

#### Deemed-to-Comply Criteria

- D1** A minimum site area of 2 hectares.

### 3.5.6 Community Facilities

#### Objective

- 01.** To provide for long term occupation of caravan parks only where there is adequate access to community services.

#### *Performance Criteria*

**PC1** Caravan parks providing for long term occupation shall have convenient access to schools, shops, child care facilities, neighbourhood centres and other meeting places.

**PC2** Caravan parks providing for long term occupation shall, in urban centres with public transport services, be located within convenient walking distance of public transport routes.

#### Deemed-to-Comply Criteria

**D1** A walking distance of less than 500m to public transport routes

**D2** The following walking distances from:

- schools	1.5km
- shops	1.5km
- child care centres	3 km
- neighbourhood centres	2 km
- other meeting place	4 km

**D3** On site provision of facilities may replace the need for access to external facilities.

## 3.6 CHILD CARE CENTRES

### 3.6.1 Access

#### Objective

01. To ensure neighbourhood and community harmony, minimising traffic generation and ensure noise is limited to their location.

#### Implementation

Council shall consider the following criteria in determining appropriate locations for the establishment of Child Care Centres.

- [a] Any application for a Child Care Centre must be accompanied by appropriate information demonstrating need for the centre in the particular locality. This may be achieved through identifying the catchment for the centre, the location of other child care centres, determining the demographic profile and statistical information of the locality and analysing need. The submission is to examine the likely future population projections for the area, in particular the number of children (aged **0-4**) to determine the future demand for an additional Child Care Centre. Such report should estimate expected impacts upon any existing centres within the locality.
- [b] Child Care Centres are to be located where they are readily accessible (by pedestrians and vehicles) to the community they intend to serve.
- [c] A Child Care Centre should preferably be located in close proximity to similar facilities such as a school or library and where located in residential areas, the site would ideally abut useable parkland (see Figure A-2).
- [d] Child Care Centres should be located close to existing or likely future public transport roads or along public transport routes.
- [e] New Child Care Centres should be located on a road of collector or higher status in the road hierarchy so as to avoid introducing traffic into local residential streets, and ideally sites would have frontage to two streets. Child Care Centres which are likely to introduce non-local residential traffic onto residential streets are considered undesirable.

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- [f] Levels of noise associated with Child Care Centres are to be considered when appropriately locating Child Care Centres. Council would prefer the establishment of Child Care Centres in subdivisions that are at the early stages of development so prospective neighbours may be aware of the adjacent land use. The centre is to erect a sign advising the public of the proposed development of the site immediately upon obtaining Council approval.
- [g] Child Care Centres should not be located where potentially hazardous vehicular or pedestrian movements will be encouraged on nearby streets. The site should be able to accommodate safe ingress and egress of vehicles to and from the site at the design speed of the particular road upon which the facility is located.
- [h] Child Care Centres should be located so as to ensure that the children and staff are not exposed to air of unacceptable quality. Maximum concentrations of air pollutants should not exceed those recommended by the National Health and Medical Research Council.
- [i] Applicants should ensure that sites will be classified as "Disqualified Premises" under the Child Care Centres, i.e., any premises adjacent to activities that:-
- [i] generate excessive heat, noise or environment pollution; or
  - [ii] are likely to expose children to spray or other drift from aerial spraying, crop dusting or fertilising; or
  - [iii] are used for the manufacture or storage of flammable or combustible materials or dangerous chemicals;
- [j] Child Care Centres should be designed and located so as to ensure children and staff at the centre are protected from excessive noise. For traffic noise, the following criteria are recommended (measured as a maximum  $L_{10}$  (1 hour)):
- [i] indoor noise levels should not exceed **48dB(A)**; and
  - [ii] outdoor noise levels should not generally exceed a range of **55 to 60dB(A)** when measured at 1.5 metres above the ground in the centre of any outdoor play area.

Other sources of noise pollution shall be assessed on an individual basis having regard to Part A Strategic Plan Noise Objective 1.

### 3.6.2 Site Area and Frontage

1

#### *Objective*

- 01.** To ensure sufficient area and frontage to accommodate the development, associated car parking and vehicle manoeuvring, as well as necessary buffers to adjoining residential sites.

#### *Implementation*

- [a] The site of a proposed Child Care Centre shall generally be flat and have a minimum site area of 1500 square metres. Council may approve of a lesser area depending upon the centre's capacity, special requirements of the site and its location and where the general intent of these provisions are able to be achieved in accordance with the compliance of all other criteria.
- [b] The site shall have a minimum frontage of 40 metres and preferably be designed with separate points of ingress and egress in accordance with good traffic engineering practice. The minimum frontage requirements may be relaxed in exceptional circumstances as long as the general intent of these provisions is achieved.

### 3.6.3 Setbacks and Buffering

#### *Objective*

- 01.** To minimise any conflict with adjoining residential development and street frontage.

#### *Implementation*

- [a] All buildings, car parking and vehicle manoeuvring areas and playground areas shall be set back a minimum of six (6) metres from all frontages, provided that in respect of sites with more than one (1) frontage the Council may modify this provision to a minimum of three (3) metres to any secondary road frontage. The setback area shall be landscaped and maintained to the satisfaction of the Director of Planning and Development.
- [b] All buildings, structures, car parking and vehicle manoeuvring areas shall be set back at least three (3) metres from all side and rear site boundaries, unless otherwise approved by the Council.
- [c] A screen fence two (2) metres high shall be erected on all side and rear boundaries unless otherwise approved by the Council having regard to the objective of 3.6.3.

- [d] The prescribed setback distances are to be appropriately landscaped to the satisfaction of the Director of Planning and Development and should include non-poisonous varieties to ensure the safety of children. Further care should be taken in the location of species so as not to create climbing structures that children may use to climb over fences.

### 3.6.4 Building Aesthetics

#### Objective

- O1.** To enhance the appearance of buildings and to ensure that the building aesthetics and **signage** do not conflict with existing residential architecture.

#### Implementation

- [a] Child Care Centre designs must comply with 1991 Child Care (Child Care Centres) Regulations.
- [b] The architectural style and design of the proposed centre is to blend into the character of the surrounding area so as to preserve or enhance the amenity of the locality.
- [c] Plans submitted for development approval are to clearly communicate the design concept. Plans must clearly indicate the total gross and nett areas of indoor play, outdoor play, roofed shade as well as other outdoor shade. Buffer zones indoor and outdoor storage areas should be discounted when calculating the total indoor and outdoor play areas.

### 3.6.5 Car Parking and **Setdown** Areas

#### Objective

- O1.** To ensure adequate, safe and convenient car parking and vehicle movement on the site having regard to the operation of child care centres.

#### Implementation

- [a] Provision is to be made on site for carparking and passenger **setdown** and pickup areas, which should be located between the front of the building and the primary road frontage to ensure that such areas are visible from the road.

- [b] Provision is to be made on the site for vehicular carparking at a rate of one (1) space per full-time employee plus a passenger setdown area at a rate of one space for every 10 children or part thereof. The design of all carparking spaces shall be in accordance with Australian Standard 2890.1-1986 and be to the requirements and satisfaction of the Director Technical Services.
- [c] The setdown area shall be designed so as to permit the 'nose to tail' standing of the required number of vehicles subject to sufficient lanes existing to permit the reasonable free-flow of any vehicles from the setdown area and shall operate in a one-way direction.
- [d] The minimum length of any single vehicle standing space shall be six (6) metres allowing that the leading standing space of the setdown area may be 5.4 metres in length.
- [e] Vehicular crossings and ingress and egress points shall have a minimum width of 4 metres and be constructed to the satisfaction of the Director Technical Services. They shall be located no closer than 2 metres from any adjoining property boundary and preferably be separated as far as possible so as not to create points of conflict with other road users.

### **3.6.6 Miscellaneous**

- 3.6.6.** All Child Care Centres shall be required to be connected to Council's water and sewerage reticulation scheme. Where no such scheme exists or is not proposed, the applicant will be required to demonstrate the suitability of water supply and effluent disposal to the satisfaction of the Director Technical Services.
- 3.6.6.2** All Child Care Centres shall be required to make suitable provision for disabled access in accordance with Australian Standard 1428.1.



## **3.7 SERVICE STATIONS**

### **3.7.1 Site Area and Dimensions**

Objective

- O1.** To ensure that the site proposed for a service station is large enough to accommodate the development together with adequate buffer strips and that it has a frontage which is wide enough to accommodate safe vehicle crossovers.

Implementation

- [a] The area of the site shall be at least 1500 square metres, provided that the Council may approve a smaller area having regard to Objective 3.7.1.
- [b] Any frontage of the site shall be at least 40 metres, provided that where the site has more than one (1) frontage the Council may modify this provision for any secondary road frontage having regard to Objective 3.7.1.

### **3.7.2 Site Layout**

Objective

- O1.** To ensure that the service station provides for safe and easy vehicle movement on the site.

Implementation:

- [a] Fuel pumps shall be located on the site and no closer than eight (8) metres to any frontage.
- [b] Inlets to bulk fuel storage tanks shall be situated on the site so that fuel delivery vehicles, while discharging fuel into the tanks, are standing wholly within the site.
- [c] Any liquid petroleum gas tanks shall be located to the satisfaction of the Director of Planning and Development.
- [d] The layout of the site shall ensure that vehicles entering or leaving the site diverge from and merge with the flow of traffic on the adjoining road, to the satisfaction of the Director of Technical Services.

### 3.7.3 Vehicle Crossovers

#### Objective

- 01.** To provide for safe and convenient vehicle movement to and from the site consistent with minimising disruption to the flow of traffic on the adjoining roads and to provide for pedestrian safety about the site.

#### Implementation

- [a] The width of any vehicle crossover across a footway shall not exceed nine (9) metres.
- [b] Any vehicle crossover across a footway shall be at least 12 metres from any road intersection. Provided that where the road intersection is controlled by traffic lights the Council may require greater separation from the intersection having regard to Objective 3.7.3.
- [c] Vehicle crossovers shall be separated by a distance of at least 14 metres.
- [d] Separate entrances to and exits from the site shall be provided, unless otherwise approved by the Director of Technical Services. All entrances and exits shall be clearly identified by signs to the satisfaction of the Director of Technical Services.
- [e] In the case of a corner site, the Director of Technical Services may require separate entrances and exits to ensure that vehicles exit to the same road from which entrance was taken.

### 3.7.4 Landscaped Open Space

#### Objective

- 01.** To aesthetically complement development on the site, to create a pleasant streetscape and to provide a buffer to surrounding development.

#### Implementation

- [a] An area at least three (3) metres in width adjoining all frontages of the site shall be landscaped and maintained to the satisfaction of the Director of Planning and Development.

- [b] A landscaped buffer strip at least three (3) metres in width shall be provided within the subject site and adjoining the side boundaries of the site, as determined by the Director of Planning and Development, for a distance of ten (10) metres, measured from the frontage. The landscaped buffer strip shall be planted and maintained with screen landscaping to the satisfaction of the Director of Planning and Development.
- [c] Where a service station adjoins land included in a residential zone, an area at least five (5) metres in width shall be provided within the site and located along all boundaries of the site, including any frontages. This area shall be planted with advanced trees and shrubs and maintained to the satisfaction of the Director of Planning and Development.

A solid fence of a height and materials satisfactory to Council shall be constructed along any boundary common with residential sites to the satisfaction of the Director of Planning and Development.

### 3.7.5 Works External to the Site

#### Objective

- 01. To ensure that roads and utility services required by the service station are sufficient to meet the needs of the development.

#### *Implementation*

- [a] The Council may require the applicant to dedicate as road, free of cost to the Crown, land for any necessary corner truncation or deceleration lane. The area which may be required to be dedicated shall be as follows:
  - [i] deceleration lane - six (6) metres wide along any frontage of the site; and
  - [ii] corner truncation - nine (9.0) metres by three (3) equal chords at a right angled corner.
- [b] The applicant shall be responsible amongst other things for the following works:
  - [i] form, grade, pave and landscape the footway for the full length of the frontage of the site; and
  - [ii] form, grade and seal the deceleration lane; and
  - [iii] provide concrete kerb and channelling.

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All works shall be completed to the satisfaction of the Director of Technical Services. ;

### **3.8 JUNK YARDS**

#### **3.8.1 Boundary Setbacks & Screening**

##### Objective

- 01.** To minimise the visual impact of development upon the surrounding area and adjacent roads.

##### Implementation

- [a] Premises shall not be erected or used for the purpose of a junk yard unless the following requirements are satisfied:

- [i] A landscaped buffer 10 metres in width shall be provided adjoining each road frontage and a landscaped buffer 5 metres in width shall be provided along the full length of other boundaries. The buffers shall be planted and maintained to form an effective visual screen to the junk yard.

The development shall be screened by a solid fence along all site boundaries.

Screen fencing shall only be erected between the buffer area and the use and not between the buffer area and the roadway.

- [ii] No materials whatsoever shall be stacked or stored such that the height of the stack or materials stored exceeds 3 metres or such other height as the Council may resolve taking into account the effectiveness of the visual screen around the development.
- [iii] The loading, unloading or storage of goods or materials in conjunction with the junk yard shall only be carried out on site, within the screened area.
- [iv] Where the use involves the dismantling of vehicles, machinery or the like, such activity shall take place within an enclosed building and all dismantled parts and materials with the exception of vehicle body shells, shall be stored within the buildings.

**3.8.2** Carparking

## Objective

- 01.** Carparking is to be provided in accordance with Table D-1 of the Planning Scheme.

**3.9** ANIMALS**3.9.1** Bird Aviary

Shall not be erected within fifteen (15) metres of any residential building or six (6)metres of the boundary of an adjoining residential allotment.

**3.9.2** Goat Farms or Poultry Farms

Shall not be established on allotments with an area less than eight (**8**) hectares. Stock shall not be kept within fifteen (15) metres of any residential building on the property of 30m of any boundary to an adjoining lot with an area of less than one (1) hectare. Any non-residential buildings or structures associated with the use shall be located not less than one hundred (100) metres from any property boundary.

**3.9.3** Kennel or Cattery

To be in accordance with Council's Local Law - Control of Animals.

**3.9.4** Animal Husbandry - intensive

Other than elsewhere contained in this Provision:

- [a] Subject to paragraph (b) premises used for Animal Husbandry - Intensive, expansion of premises used for Animal Husbandry - Intensive shall not be located at a distance less than the separation requirements set out in Table **D-7**.

**TABLE D-7  
SEPARATIONS FOR ANIMAL, HUSBANDRY - INTENSIVE**

<b>Number of Animals</b>	<b>3-80</b>	<b>81-200</b>	<b>201-1000</b>	<b>1001-5000</b>	<b>Greater Than 5000</b>
Distance of the Use from Constructed	100 m	150 m	200 m	400 m	400 m
Distance of the Use from Unconstructed Roads	100 m	150 m	200 m	200 m	200 m
Distance of the Use from property boundaries of the site. (Other than roads as described above or where there is a neighbouring dwelling-house as described below).	100 m	100 m	200 m	400 m	400 m
Distance of the Use from Watercourses, Wells or Bores	200 m	200 m	400 m	400 m	400 m
Distance from dwelling-houses not associated with the Use.	100 m	150 m	200 m	400 m	400 m

[b] Council may permit the establishment or expansion of a piggery or feedlot at distances **less** than those set out in Table **D-7** if, in the opinion of Council, special circumstances exist which warrant such modification. In determining whether special circumstances exist, Council shall have regard to the following factors:

- [i] prevailing winds,
- [ii] topography of the area,
- [iii] number of animals to be kept,
- [iv] soil condition of the land,
- [v] waste disposal methods, or
- [vi] any other matter relevant to the proposal.

Provided that no piggery or feedlot shall be located closer than four hundred (400) metres to a Village zone, Residential 1, 2 or 3 zone or Low Density Residential zone; and provided further that any piggery or feed lot containing more than one thousand (1,000) animals shall not be located closer than 1 km to a Village zone, Residential 1, 2 or 3 zone or Low Density Residential zone.

- [c] No person shall establish a piggery or feedlot on a site which is less than forty (40) hectares in area.
- [d] A piggery or feedlot established after the date of the coming into force of this planning scheme shall include an area for the disposal of wastes in accordance with Table D-8.

**TABLE D-8**

Waste Type	Land Disposal Area (Ha per pig or head of cattle)
Raw Waste Slurry	0.04
Treated Solid Waste	0.01
Treated Liquid Waste	0.002

For the purposes of calculating the land disposal area as required by Table D-8 any areas which are steep, rocky or low-lying shall not be included.

- [e] Notwithstanding the requirements of paragraphs (c) and (d), a person may be permitted by the Council to establish a piggery or feedlot on a lesser area than required by this Clause, if, in the opinion of Council following consideration of any or all of the matters contained in paragraph (b) of special circumstances exist which warrant such modification.

### **3.9.5 Stables**

Premises shall not be used for the purpose of stables unless the land abuts the R1, R2 and R3 zone, the allotment has an area of not less than zero point four (0.4) hectares, non-residential buildings and other structures are so located that they are less than fifteen (15) metres from any of the allotment boundaries and ten (10) metres from any residential building on the site.

Requirements relating to water supply, drainage and disposal of wastes as set out by the Director Health & Community Services shall be complied with at all times.

### 3.9.6 Horses

No person shall keep a horse on a parcel of land with an area less than two thousand (2000) square metres, no persons shall keep more than two horses on a parcel of land with an area less than four thousand (4000) square metres and no person shall keep more than three horses on a parcel of land with an area less than one (1) hectare.

### 3.10 DUAL OCCUPANCY

- [a] Where a Dual Occupancy development is proposed to be established on a vacant allotment specific design criteria relating to the existing streetscape and the existing style and character of detached dwellings in the immediate area shall apply.
- [b] Dwelling units are encouraged to not be attached by a common wall and instead are to be separated by the use of a pergola or such other structural attachment that is acceptable to Council.
- [c] Dwelling units are encouraged to be positioned upon an allotment such that, when viewed from a given frontage, the rear dwelling unit is predominantly obscured by the front dwelling unit, landscaping, existing vegetation or a combination of the above.
- [d] All buildings and structures are to be set back at least 6 metres from the road boundary and a minimum 3 metre wide landscape strip is to be provided along the property frontage clear of driveways and paths. Landscaping rather than pathways or driveways is to dominate the street frontage.
- [e] All side and rear boundaries are to be fenced with an appropriate screen fence of 1.8 metres in height and constructed of materials, that in the opinion of Council, are in keeping with any residential property fences in the immediate locality.
- [f] A lesser height to a minimum of 1.2 metres may be provided along a street frontage.
- [g] For corner allotments, Council will encourage the positioning of dwelling units upon the allotment such that a separate driveway access is provided from each street.
- [h] Where there is an intersection, the height of the fence or the vegetation proposed is to prevent sightlines to other traffic approaching the intersection from being obscured.



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- [i] Where a site is located on a collector, distributor or higher function road or a road that has poor visibility as determined by Council, vehicles must leave the premises in a forward gear. Vehicles shall not be driven in reverse on a site over a distance which in the opinion of Council is considered excessive.
  - [j] Battle-axe or hatchet lots in either the Village, Residential 1 (R1) or Residential 2 (R2) zones are not appropriate for dual occupancy.
  - [k] Council may permit the construction of a second dwelling unit upon a given allotment where the minimum lot size is achieved and other relevant criteria pertaining to the site are satisfied and where in Council's opinion there is an opportunity for a structural connection between the existing dwelling unit and the proposed dwelling unit. The existing dwelling unit and the new dwelling unit generally shall be complementary in exterior finishes, colours and materials;
  - [l] Any outbuildings including garages, carports and sheds shall be designed to complement the character of the residential dwelling units and incorporate a similar roof pitch and other architectural features as are present on the exterior of the dwelling units on the site.
  - [m] Where the dwelling units are to be erected on a corner allotment and access is to be gained from individual driveways from each frontage of the property, a minimum 3 metre unobstructed width driveway shall service each of the dwelling units.
  - [n] Where the dwelling units are to be serviced by the same driveway, a minimum **4.6** metre unobstructed width shall be provided to service the dwelling units.
  - [o] The surface treatment of any driveway or hardstand areas shall be either brick, concrete or pavers capable of being drained and maintained and is to be in keeping with the domestic residential scale of the locality. Bitumen, crusher dust or unsealed covering are not acceptable forms of surface treatment for driveways or pathways. Grass pavers may be acceptable where it is demonstrated to Council's satisfaction that the grass paved areas can be maintained and appropriately drained.
  - [p] The provision of carparking is to comply with Part D Subsection **1.3**.

- [q] Preference will be given to properties which are likely to be influenced by one or more of the following:
- other forms of multiple dwellings or accommodation buildings located close to the subject land;
  - higher than normal traffic volumes experienced upon a road to which the site is to obtain access (eg, a collector, distributor or higher function road);
  - the presence of non-residential land use (e.g. commercial, retail, trades and services or tourism activity) in close proximity;
  - a property that is a corner allotment and meets the minimum site area of 800m<sup>2</sup>;
  - a property that has one or more boundaries to areas of open space or parkland.

### 3.11 ACCOMMODATION UNITS, MOTELS AND HOLIDAY APARTMENTS

The following provisions apply to all activities listed under or associated with premises used for the nominated use of either Holiday Apartments (max 3 Storeys), Holiday Apartments (max 4 Storeys), Accommodation Units and Motels.

- [a] All developments in this section are to be undertaken so as to contribute to or enhance the definable character and amenity of the locality through the proposed development's layout, built form, detailing, scale, height and architectural merit.
- [b] Development of types referred to in this section shall not be erected on land:
- [i] having a frontage less than 20 metres; or
  - [ii] having an area less than 1000m<sup>2</sup>; or
  - [iii] where the road providing frontage has a reserve width less than 20 metres.

- [c] In the case where Section 1.8 does not specify setbacks for the nominated uses, the following setbacks shall apply :
- [i] setback from main street frontage:- 6 metres
  - [ii] setback from secondary street frontage:- 3 metres
  - [iii] setback from side and rear boundaries:-
    - \* building not exceeding **4.5** metres in height:- 1.5 metres;
    - building over **4.5** metres but not exceeding 7.5 metres in height:- 2 metres;
    - building over 7.5 metres in height:- 2 metres plus 0.5 metres or part thereof by which the building exceeds 7.5 metres in height.
- [d] Where the proposed development is far more than six units, a recreation device such as a fenced swimming pool or unlit tennis court shall be provided. In certain circumstances and where Council is satisfied that the intended long term use of the development is provided for in the body corporate's by-laws for a specific social group (e.g. senior citizen's accommodation), Council may permit the substitution of the above recreational facilities with appropriate ornamental or landscaped gardens for enjoyment of the occupants.
- [e] A minimum three (3) metre wide landscape strip is to be provided, clear of any pathways or driveways, to each road frontage of the property. The landscape strip may include refuse collection areas, fences, walls, letterboxes and other ancillary features where these are identified on a landscape plan and approved by Council.
- [f] A minimum 3 metre wide landscape strip is to be provided along all other property boundaries except for where the site adjoins land within the Residential 1 or Residential 2 zone whereby the minimum landscaping strip width shall be **5** metres.
- [g] Where a driveway is along a side boundary which does not adjoin land zoned Residential 1 or Residential 2, an appropriate screen fence of **1.8** metres in height and a 1.5 metre wide landscape strip is to be erected to Council's satisfaction.
- [h] Council may require a greater setback of landscaping where the particular circumstances of the location and amenity warrant such an increase.

- [i] Communal open space areas shall be provided at a rate of 10 percent of the site or 20m<sup>2</sup> per unit whichever is greater.
- [j] At least 40% of the communal open space requirement shall be contained in one area with a maximum length to breadth ratio of 2:1 and such that all balconies, verandahs, covered walkway and the like do not encroach this area;

The communal open space is to:-

- [i] be screened by landscaping and/or fencing to maintain privacy, to the satisfaction of Council;
  - [ii] be exclusive of driveways, carparking, garbage collection points, clothes drying areas and other utilities;
  - [iii] be properly designed and developed for recreation use to the satisfaction of Council. The area may be developed to provide for a variety of passive and active outdoor recreation pursuits; and
  - [iv] be landscaped in accordance with the requirements of an approved landscape plan, in particular to ensure that privacy, security and segregation of incompatible uses are achieved.
- [k] Provision shall be made for the storage and removal of refuse to the satisfaction of Council. Facilities for the storage of refuse shall be so designed and located as to permit access by Council's waste management operators. Facilities shall be screened and where necessary, covered to the satisfaction of Council.
- [l] Generally, access shall be available from each unit to a clothes drying area which shall be located and screened to the satisfaction of Council.
- [m] Outbuildings, carports, garages and the like shall not occupy more than 15% of the balance area of the site which is unoccupied by the Accommodation Units or Holiday Apartments or Motel development.

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- [n] Where more than one building is to be erected, the design of the buildings shall ensure that a habitable room in one building does not face directly into a habitable room of another building except where one or more of the following criteria are satisfied:
- [i] the buildings are separated by a minimum distance of **9** metres;
  - [ii] at ground level the minimum separation distance may be reduced to 3 metres provided that screen fencing to the satisfaction of the Council is constructed and windows are above 1.6 metres from the floor; or
  - [iii] at ground level the minimum separation may be reduced to 6 metres provided that landscaped buffers are provided to the satisfaction of the Council.
- [o] Carparking shall be provided and constructed for each respective use in accordance with Section 1.3.
- [p] Council may, where it is of the opinion that traffic generation by the residential component of the development will be low due to a free courtesy coach services being offered to resident guests for transport on a regular basis each day to scheduled tour, airline, rail or coach transport facilities, grant a reduction in carparking to a maximum of **10** percent of resident carparking only for each coach/bus bay provided and up to a maximum of two bays.
- [q] Where there is an intersection, the height of the fence or the vegetation proposed is to prevent sightlines to other traffic approaching the intersection from being obscured.
- [r] Sufficient manoeuvring areas are to be provided on site to enable all vehicles to leave the premises in a forward gear. Vehicles shall not be driven in reverse on a site over a distance which in the opinion of Council is considered excessive.
- [s] The surface treatment of any driveway or hardstand areas shall be either brick, concrete or pavers capable of being drained and maintained. Bitumen, crusher dust or unsealed covering are not acceptable forms of surface treatment for driveways or pathways. Grass pavers may be acceptable for required visitor carparking only where it is demonstrated to Council's satisfaction that the grass paved areas can be maintained and appropriately drained.

- [t] Where Council has adopted a local planning policy that has relevance to the development such as in relation to landscaping, compliance with such policy in addition to the above will also be required.

### **3.12 TENNIS COURTS**

Premises shall not have tennis courts erected for either private or commercial use on an allotment within or adjoining a residential zone or on an adjoining allotment used for residential purposes unless the following requirements are met:

- [a] the tennis court is set back at least 6 metres from any residential building not located upon the subject site. The setback area is to be landscaped to the requirements and satisfaction of Council.
- [b] The location of the tennis court shall be such that the use of the tennis court will not in the opinion of Council, have or be likely to have a detrimental effect on the amenity of any existing or likely future residential area by reason of:
  - [i] any noise associated with the use or with associated activities;
  - [ii] the illumination of the tennis court;
  - [iii] the generation of traffic; or
  - [iv] carparking associated with the use of the tennis court or associated activities.

### **3.13 STORAGE SHEDS**

- [a] Council will only permit the establishment of storage and similar sheds in areas zoned Residential 1, Residential 2, Residential 3 or the Village zone or upon properties used for residential purposes where the following criteria are met to Council's satisfaction:
  - [i] the storage shed is to be used for a purpose that is ancillary to and necessarily associated with the predominant use of the land for the purpose of a dwelling house or a use that can be lawfully conducted on the property.

- 
- [ii] the maximum size of all sheds that Council will allow upon one allotment is up to 15 percent of the floorspace of the existing dwelling house;
    - [iii] the shed is to be located on the property in a position which is or is capable of being screened from immediate view of a street frontage. Council prefers that such sheds are located at the rear of the dwelling house away from any street frontage and in a position which does not adversely affect adjoining residents.
    - [iv] Unless a garden shed is proposed (a maximum of 30 m<sup>2</sup>) and located at the rear of the premises, the exterior finish, colours and appearance of a shed is to be generally in keeping with the existing dwelling house.
  - [b] Where a storage shed or sheds are proposed in a Low Density Residential zone, then the following criteria are to be met to Council's satisfaction:
    - [i] the storage shed is to be used for a purpose that is ancillary to and necessarily associated with the predominant use of the land for the purpose of a dwelling house or a use that can be lawfully conducted on the property.
    - [ii] the shed is to be located on the property in a position which is or is capable of being screened from immediate view of a street frontage or only allow filtered views to surrounding residential properties
    - [iii] the shed is to be of a size appropriate for the intended use as particularly specified on a building application that is approved by Council.
    - [iv] Unless a garden shed is proposed (a maximum of 30 m<sup>2</sup>) and located at the rear of the premises, the exterior finish, colours and appearance of a shed is to be generally in keeping with the existing dwelling house.
  - [c] No shed is to be erected on land where a dwelling house has not been erected and the shed is suitable for occupancy unless Council has issued a temporary approval for the use of a shed as a Class I building for the time period specified in the Permit in order for the main dwelling house to be completed. Upon this time being reached, the shed is to be reclassified to a Class X building and not to be used for human habitation.





# **PART E**

## **HOUSING, INDUSTRY AND COMMERCIAL SUBDIVISION AND AMALGAMATION OF LAND**

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## **PART E - HOUSING, INDUSTRY AND COMMERCIAL SUBDIVISION AND AMALGAMATION OF LAND**

### **I N D E X**

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5.1 Introduction

5.2 Objective

## 1.0 INTRODUCTION

1

The need to reunite land development with housing, commercial and industrial design has necessitated the introduction of design objectives within the subdivision provisions. For this reason the design requirements of this part apply in conjunction with those of Part D, to all development whether or not the approval of Council is required under the Planning Scheme.

The subdivision and amalgamation provisions in this part are provisions applying to the subdivision of land under the Act.

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## 2.0 GENERAL REQUIREMENTS

I

### 2.1 ALLOTMENT SIZE, DIMENSIONS & ACCESS

#### 2.1.1 Allotment Size and Dimensions

##### *Objective*

To ensure that allotments resulting from the subdivision of land have an area and dimensions suited to their intended development.

##### *Implementation*

- [a] The minimum area and dimensions for any proposed allotment within any zone shall be in accordance with the relevant requirements of Table E-1, provided that Council may modify the provisions contained in Table E-1 having regard to the following:
- [i] the topography of the land;
  - [ii] the zoning of the land and adjoining land;
  - [iii] existing vegetation and fauna species;
  - [iv] the area, dimensions and shape of the proposed allotment;
  - [v] the suitability of the proposed allotment for its intended development;
  - [vi] the amount of on-street parking adjacent to the frontage;
  - [vii] any other matters considered relevant by Council.

TABLE E-1

NUMBER OF ZONES	ZONES	MINIMUM AREA (METRES)	AVERAGE AREA (METRES)	**MINIMUM RECTANGLE (METRES)
1 a	Low Density Residential	4000 m <sup>2</sup>	6000 m <sup>2</sup>	40m x 50m
refer also to Part E Section 3.2.1				
#1b	Low Density Residential	4000 m <sup>2</sup>	-	40m x 50m
refer also to Part E Section 3.2.1				
2	Residential 1	600 m <sup>2</sup>		15m x 20m
3	Residential 2			
4	Residential 3			
5	Village	600 m <sup>2</sup>		15m x 20m
6	Commercial	800 m <sup>2</sup>		20m x 40m
7	Trades & Services	800 m <sup>2</sup>	-	20m x 30m
8	Industry	1000 m <sup>2</sup>	-	20m x 40m
9	Rural	40 hectares	-	250m x 250m
10	Open Space	AS DETERMINED BY COUNCIL		
11	Sport & Recreation	AS DETERMINED BY COUNCIL		
12	Special Purpose	AS DETERMINED BY COUNCIL		
13	Special Facilities	AS DETERMINED BY COUNCIL		

#Note: For the purposes of this Table any land in the Low Density Residential zone in excess of 2 hectares and subdivided after the Appointed Day is to be subject to the provisions of 1 b in this Table. All other land zoned Low Density Residential is subject to the provisions of 1 a in this Table.

\*\*Note: For the site to comply, it must be capable of having a complete rectangle of the dimensions as specified in Table E-1 for the respective zone, included within the property boundary lines.

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## 2.2 RETENTION OF TREES AND VEGETATION

### 2.2.1 Retention of Trees and Vegetation

objective

To preserve existing trees by the use of environmentally sensitive design and enhance existing growth with additional planting.

Implementation

- [a] The removal or altering of trees within a proposed subdivision shall be subject to the provisions of the Council's Local Law - Vegetation Protection.
- [b] Any person who desires to subdivide land shall identify, in the proposal plan or on a separate plan all trees, with a girth of 90 cm or more or any substantial stands of trees on the subject land.
- [c] In considering an application for subdivision the Council may require amendments to the proposal plan which may include, but not be limited to, modifications to allotment layout, road layout, drainage, water supply and sewerage provision so as to minimise the **loss** of trees identified in provision [b].
- [d] Where an application for subdivision is approved by the Council, the Council shall identify on the proposal plan those trees identified in provision [b] which may be removed. Where trees are to be removed, the Council may require the planting of advanced specimens of a suitable species elsewhere on the land.

## 2.3 DESIGN, CONSTRUCTION AND INSPECTION OF WORKS

### 2.3.1 Design, Construction and Inspection of Works

Objective

To ensure that the design, construction and inspection of works is undertaken to an adequate standard and does not unreasonably affect persons or property in the locality.

Implementation

- [a] No works associated with a subdivision shall be undertaken except in accordance with Part F Administration Provision 1.10.8.

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- [b] The designs, drawings, schedules and specifications for the construction of all canal, road, drainage, water supply, sewerage and fill works shall be prepared by, and the construction inspected by, an engineer registered in accordance with the provisions of the Professional Engineers Act.
- [c] Approval by the Director of Technical Services of engineering drawings and specifications for a subdivision does not waive any responsibilities of the applicant in respect of any relevant provisions of this Planning Scheme, the Act or any other Act or regulations thereto or any condition of any approval granted.

Neither the Council nor the Director of Technical Services accepts any responsibility for the accuracy of such plans and specifications as approved.

- [d] The consulting engineer appointed by the person subdividing the land must bear full responsibility for the design of the works and the implementation of the Council's approved Inspection and Test Plan (ITP) for the construction of all works as set out in the Development Manual.
- [e] Prior to the commencement of construction for any subdivision where construction involves earthworks, sewerage, water supply, drainage or structural construction, at least one (1) identifying notice shall be erected in accordance with the following provisions:
- [i] the notice shall display the following information to the satisfaction of the Director of Technical Services.
    - the name or description of the subdivision as shown on the Council's records; and
    - name, address and telephone number of the applicant; and
    - name, address and telephone number of the consulting engineer for the subdivision; and
    - name, address and telephone number of the contractor for the subdivision; and
    - name and telephone number of the person to be contacted in regard to any matter arising from the construction of the subdivision; and
  - [ii] the notice shall be not less than 1200 x 900mm and not more than 2.2 square metres in area;

- [iii] re-aligned drainage channels shall be protected from scouring as construction proceeds, and
- [iv] drainage channels shall be wide based, if possible;
- [v] construction of temporary bunds throughout the site; and
- [vi] sediment control plan addressing all stages of construction as well as ongoing sedimentation/erosion control strategies for the completed development.

- [i] Soil exposure during construction works shall be minimised and restoration of exposed areas shall be carried out within seven (7) days or such other time that is accepted by the Director of Technical Services.

For the purpose of this provision "construction area" means that section of the land which is required for the carrying out of works associated with the subdivision and the storage of equipment and materials associated with such works.

- [j] The Council holds the owner of the land responsible for the adequate control of dust. The owner and the person wishing to subdivide the land shall ensure all subdivisions involving works shall:
  - [i] provide and maintain at all times adequate dust control measures to the satisfaction of the Director of Technical Services.
  - [ii] provide a specification for works which shall incorporate requirements for the contractor to minimise the area of cleared land or open excavation at any one time; and
  - [iii] ensure that all waste material including vegetation is transported from the site and disposed of in a location approved by the Director of Technical Services; and
  - [iv] limit construction activity to the hours of 7.00 am to 6.00 pm Monday to Friday and 7.00 am to 1.00 pm Saturday unless otherwise approved by the Director of Technical Services.

- [k] Public roads and services shall be protected against damage during any filling or excavation operation. Any damage caused to these roads and services shall be repaired at the applicant's expense and to the satisfaction of the Director of Technical Services. All works and repairs to Council's water supply and sewerage services that are in use shall be undertaken by Council staff at the applicant's expense.



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- [iii] the notice shall not contain any advertising which in the opinion of the Director of Technical Services, detracts from the intention to identify to the public those who are responsible for the construction of the subdivision. Any sign which, in the opinion of the Director of Technical Services, is in breach of this provision shall be subject to the Council's licensing requirements for advertising signs and any applicable fees;
  - [iv] the notice shall be erected on the subdivision, adjacent to and facing the major road frontage unless, in the opinion of the Director of Technical Services, another location would better serve the public interest;
  - [v] if the notice is removed at any time to make way for construction activities, it shall be re-erected within 24 hours; and
  - [vi] the notice shall be maintained in good condition until the subdivision is accepted on maintenance by the Council.
- [f] All material supplied and all work performed by the applicant shall be to the reasonable satisfaction of the Director of Technical Services and shall comply in all respects with the provisions of all relevant statutes, statutory regulations, Local Laws and Policies and the Act. The Director of Technical Services may, by himself or his nominated delegate, audit and/or generally inspect all materials and work but no audit, testing or inspection shall relieve the applicant of any obligation imposed pursuant to this part.
- [g] The applicant shall be responsible for the costs involved in the relocation or adjustment of any services necessitated by the subdivision. Design plans shall clearly show all existing services and details of any alternations required. Where there is the likelihood of conflict between services, the engineering plans shall clearly indicate the levels of each service and the clearance between them.
- [h] All works associated with a subdivision shall be such as to ensure minimal downstream siltation during construction by intercepting the flow from the sub-catchment and returning that flow to the natural gullies and downstream gullies with minimal transportation of eroded material. In addition, the following provisions shall be complied with to the satisfaction of the Director of Technical Services:
- [i] construction of silt traps at the downstream end of the construction area, and
  - [ii] stabilisation of earth batters using quick growing vegetation or turfing; and

- [j] Where fill material, construction material or excavated material are to be transported into the subdivision or from the subdivision, the following shall apply:
  - [i] all trucks hauling such material shall have their loads covered unless otherwise approved by the Director of Technical Services; and
  - [ii] a daily clean-up of roads used by haulage vehicles shall be undertaken to remove any spillage; and
  - [iii] the provisions of the Council Local Laws in regard to extraordinary traffic shall apply to the subdivision and the necessary permits shall be obtained from the Council.
  
- [m] All erosion and sediment control plans shall include a staged compliance checklist to be signed by the construction manager. This checklist must be made available for inspection by Council and presented to Council at the final inspection.

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## 3.0 LAND USES

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### 3.1 RESIDENTIAL

Residential in this context is the generic term for all of the following zones:

- [a] Low Density Residential;
- [b] Residential 1;
- [c] Residential 2;
- [d] Residential 3;
- [e] Village

#### 3.1.1 Application and Key Related Design Elements

##### 3.1.1.1 Application and Key Related Design Elements

###### Objective

To ensure residential development applications that are submitted for areas ranging from two allotments to a very large number of allotments are accompanied by the appropriate level of information for the particular size of the proposal.

###### Implementation

- [a] Four broad area categories have been identified and are described as follows:
  - [i] Site: any individual household site allotment for a single dwelling;
  - [ii] Precinct: any area which contains more than one dwelling abutting or contained by an access place or access street, but which does not involve the creation, and/or use of an existing collector street.
  - [iii] *Neighbourhood*: any area which comprises more than one precinct and includes all or a portion of a collector street, but does not involve the creation, and/or the use of an existing road with an sub-arterial function; and,
  - [iv] *District*: any area containing one or more neighbourhoods and which is bounded by arterial roads and/or major non-residential land uses.

[b] The broad area categories and the level of information which relate to these are as follows: <sup>1</sup>

- [i] Key site-related design elements:
  - .E1 Allotment size and orientation (3.1.3)
  - .E2 Building siting and design (3.1.4)
  - .E3 Private Open Space (3.1.5)
  - .E4 Vehicle Parking (3.1.6)
  - .E6 Streetscape (3.1.8)
  - .E9 Drainage Network (3.1.11)
  
- [ii] Key precinct-related design elements:
  - .E1 Allotment size and orientation (3.1.3)
  - .E4 Vehicle Parking (3.1.6)
  - .E5 Public Open Space (3.1.7)
  - .E6 Streetscape (3.1.8)
  - .E7 Traffic & Transport (3.1.9.1, 3.1.9.2, 3.1.9.3)
  - .E8 Utilities provision (3.1.10)
  - .E9 Drainage network (3.1.11)
  
- [iii] Key neighbourhood-related design elements:
  - .E0 Community Design (3.1.2)
  - .E1 Allotment Size and orientation (3.1.3)
  - .E5 Public Open Space (3.1.7)
  - .E7 Traffic & Transport (3.1.9.3, 3.1.9.4)
  - .E8 Utilities provision (3.1.10)
  - .E9 Drainage network (3.1.11)
  
- [iv] Key district-related design elements:
  - .E0 Community Design (3.1.2)
  - .E5 Public Open Space (3.1.7)
  - .E7 Traffic & Transport (3.1.9.3, 3.1.9.4)
  - .E8 Utilities provision (3.1.10)
  - .E9 Drainage network (3.1.11)

[c] Council when considering which information should accompany development application or when requesting further information from an applicant, shall have regard to clause [a] and [b] above.

### 3.1.2 Community Design

The primary objective in planning one or more parts of the Plan Area is to design a framework for a community that is sustainable, safe and stimulating.

This design element outlines the objectives and design criteria that should guide the planning of residential areas before applying the detailed provisions in design elements 1 to 9.

The production of an outline development plan may be undertaken by the Council or a developer.

Good subdivision design is critical to the future functioning of a residential area in terms of personal, traffic and property safety, as well as ensuring that the potential for vandalism and other antisocial activities is minimised.

Good design will also help in the efficient use of scarce fossil fuels and protection of natural assets. Residential areas should minimise travel distances to daily activities, encourage walking and cycling, and should perform well for people who do not have any access to a car. Development of a stimulating environment can incorporate a sense of place using neighbourhood focal points and links with the landscape.

### 3.1.2.1 Community Design Element

#### *Objective*

- 01.** To provide residential areas that encourage community development through neighbourhood focal points, and special character and identity.
- 02.** To facilitate an ecologically sustainable approach to urban development by minimising fossil fuel use, protecting environmental assets, and providing for higher densities.
- 03.** To provide a movement network (including pedestrian and cyclist modes of transport) which establishes good internal and external access for residents, maximises safety, encourages public transport patronage and minimises the impact of through traffic.
- 04.** To provide residential areas which meet the diverse needs of the community with a wide choice in housing and associated public and commercial uses.
- 05.** To provide a public open space network, including appropriate land for recreation, that can meet the diverse needs of today's residents, and be adapted to the needs of future users.
- 06.** To ensure that design of residential areas takes into account environmental constraints including soil erosion, flooding and bushfire risk.

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### Performance Criteria

- PC1** The subdivision layout to give a residential environment a strong and positive identity, by responding to site characteristics, setting, landmarks and views, and through the street and open space network.
- PC2** Neighbourhood identity to be reinforced by locating focal points for community and retail facilities within reasonable walking distance of most residents.
- PC3** The street network to provide a high level of internal accessibility and good external connections for local vehicle movements, with traffic management to restrain vehicle speed and deter through traffic.
- PC4** The street layout and allotment density to minimise fossil fuel use by reducing local vehicle travel distances, maximising public transport effectiveness, and encouraging walking and cycling as daily activities.
- PC5** The street and allotment layout to enable efficient provision of physical services.
- PC6** The street and allotment orientation and allotment dimensions to facilitate the siting and design of dwellings which minimise fossil fuel use and maximise use of passive solar energy.
- PC7** The allotment layout to provide for a variety of housing types and other compatible land uses, arranged to encourage provision of local services, facilities and employment, while minimising land use conflicts.
- PC8** The allotment layout to provide a mix of lot sizes and include smaller residential lots and integrated medium density housing in areas close to services, public transport and public open space, or with good views.
- PC9** The layout to provide well-distributed public open spaces that will contribute to the legibility and character of that development, provide for a range of uses and activities, are cost-effective to maintain, and contribute to effective and efficient management of stormwater runoff.
- PC10** The layout to retain significant vegetation and habitat areas, incorporate natural and cultural features, minimise soil erosion, encourage on-site water retention, avoid development on flood plains and use drainage methods that protect and enhance streams.

- PC11** The layout to integrate with the surrounding urban environment, and encourage development to front higher order streets, through use of service roads, side or rear access.
- PC12** The layout to ensure that major linear or regional open spaces are located to define the boundaries of neighbourhoods, rather than dissect them.
- PC13** The layout to enhance personal safety and minimise potential for crime, vandalism and fear, by avoiding blank walls or high fences to streets, and providing for urban open spaces to be under surveillance.
- PC14** The pedestrian network to be safe, attractive and efficient, running largely along streets fronted by houses, and avoiding uses that generate major breaks in surveillance on routes to and from public transport and other routes used at night.
- PC15** The layout of residential development abutting areas of high bushfire hazard compromising the long term urban edge or conservation areas to ensure that *streets* are designed, located and connected to allow safe and efficient movement of fire emergency vehicles, and lots are configured to facilitate siting and design of houses incorporating bushfire protection measures.

### 3.1.3 Allotment Size and Orientation Element 1

#### Objective

01. To provide a range of allotment sizes to suit a variety of dwelling, household types and zones, with areas and dimensions that meet user requirements.
02. To provide allotments which are orientated where practicable to enable microclimate management, including the application of energy conservation principles.
03. To provide allotments with area and dimensions that protect environmental features and take account of site constraints.
04. To arrange allotments in a manner that enhances personal and property safety and security.

#### *Performance Criteria*

- PC1** Allotment sizes to conform with expected lot sizes in certain zones.

**PC2** Allotment sizes to meet the projected requirements of people with different housing needs, and to provide for housing diversity and choice.

**PC3** Allotments to have the appropriate area and dimensions to enable the siting and construction of a dwelling and ancillary outbuildings, the provision of private outdoor space, convenient vehicle access and parking.

**PC4** Allotments to be orientated to facilitate siting of dwellings to minimise solar radiation by:

- ensuring the long axes of *allotments* are within the range N20°W to N30°E, or E20°N to E30°S; and
- dimensions of allotments are adequate to cater for housing designs that minimise solar radiation on-site, taking into account likely dwelling size and the relationship of each lot to the street.

such that a minimum of 70 per cent of all allotments have appropriate solar orientation, except where significant constraints limit achievement of such a target.

**PC5** Allotment size and dimensions to enable dwellings to be sited to:

- protect natural or cultural features
- acknowledge site constraints including soil erosion, poor drainage, saline soils or bushfire risk.

**PC6** Allotment frontages to be oriented to streets, including higher order streets, and to open spaces such that personal and property security, deterrence of crime and vandalism, and surveillance of footpaths and public open space is facilitated.

#### Deemed-to-Comply *Criteria*

- [i] The following lot sizes are deemed to meet the objectives and performance criteria for the R2 and R3 zones.

#### **Allotment Size**

**D1** Allotments with an area greater than 450 square metres capable of containing a rectangle suitable for building purposes measuring 10 metres by 15 metres.



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- D2** Allotments with an area of between 300 square metres and 450 square metres, capable of containing a rectangle measuring 10 metres by 15 metres, or 9m by 15m where a boundary is nominated as part of the building envelope, and where a plan has been approved showing a building envelope which conforms to the performance criteria of Element 2 - Building Siting, and the Deemed-to-Comply requirements of control Element 3 - Private open space, and Element 4 - Vehicle Parking.
- D3** Allotments with an area of between 300 square metres and 450 square metres where a plan has been approved designating the long axis of the allotment in an approximately north-south direction and describing building envelopes to ensure that dwellings will be semi-detached.
- D4** Allotments less than 300 square metres in area forming part of an approved Integrated Development and shall conform to the requirements of Part D Section 2.
- [ii] The minimum area and dimensions for any proposed allotment within the Village or R1 zone shall be in accordance with the relevant requirements of Table E-1.
- 

- D5** The majority of allotments in new residential areas with orientation so that dwellings can be built on them to take advantage of the south east prevailing breeze and northerly and north-easterly summer breezes or the modification of those patterns caused by the local topography.
- D6** The majority of allotments in new residential areas with orientation so that dwellings can be built on them to ensure minimum exposure of the walls and windows of the habitable rooms to low angle eastern and western sun.

### **3.1.4 Building Siting and Design Element 2**

#### Objective

- 01.** To site buildings to meet the projected user requirements for privacy and daylight.
- 02.** To site and design buildings to promote energy efficiency.

- 03.** To ensure scale, *height* and length of a building and walls relative to front, side and rear boundaries are of appropriate residential character.
- 04.** To site buildings to take account of site features, constraints and hazards.

*Performance Criteria*

- PC1** Habitable *rooms* to be capable of receiving adequate daylight.
- PC2** The privacy of existing dwellings and private outdoor spaces to be protected taking into account local community expectations, and new dwellings and private outdoor areas to be designed and sited to minimise overlooking from adjacent development.
- PC3** Dwelling and outbuilding walls to be sited and be of length and height to ensure no significant loss of amenity to adjacent dwellings, private open space or streetscape.
- PC4** The site coverage of buildings and sealed surfaces to be limited to help limit increases in stormwater runoff.
- PC5** Buildings sited and designed to:
- retain, where practical, existing significant vegetation or other features
  - minimise soil erosion and surface disturbance
  - take account of flood risk, poor drainage or salt-affected soil
  - incorporate bushfire protection measures in areas of high bushfire hazard.
- PC6** Dwellings to be sited and habitable rooms to be located to allow cross ventilation of habitable rooms.
- PC7** Roofs to be ventilated and insulated, and walls and openings protected from solar radiation.

## Deemed-to-Comply Criteria

The following are considered to meet the design element objectives and performance criteria:

### **[a] Daylight**

**D1** Dwellings sited in compliance with the Building Code of Australia by location of windows:

- to face a court or other outdoor space to the sky or an open verandah, open carport or the like; or
- not less than a horizontal distance of 1 metre from any building of an adjoining lot that they face.

### **[b] Privacy**

**D2** Windows located in walls on side or rear boundaries are of translucent materials, except where the boundary is onto a street or lane.

**D3** Dwellings sited in accordance with the relevant performance measures of Elements 2, 3 and 4.

### **[c] Site Coverage**

**D4** Buildings occupying a maximum of 50 per cent of site coverage.

### **[d] Land subject to inundation**

**D5** Habitable room floor levels in areas subject to inundation in accordance with Element 9(a) Minor Stormwater Flows and Element 9(b) Major Stormwater Flows.

### **[e] Street setbacks**

**D6** The building line setback from the street boundary for allotments of not less than 450m<sup>2</sup> is in accordance with requirements set out in **Table E-2**. Where a streetscape plan has been prepared, setbacks less than those indicated below may be agreed between Council and the applicant.

**Table E-2 RELATIONSHIP BETWEEN STREET TYPES & BUILDING SETBACK**

Street Type	Minimum Front Setback *	Minimum Side Street #
Access Place	4 metres	2 metres
Access Street	5 metres	3 metres
Collector Street	6 metres	4 metres
Trunk Collector	**	6 metres **

# For corner lots  
Pavios and open verandas may project forward of the building line

\*\* The minimum setback may be varied according to the streetscape design objectives of the trunk collector and the design of any noise abatement measures.

For streets created prior to the Appointed Day, a minimum frontage setback of 4.5m shall apply, unless adjacent development is set back more than 7m then the minimum setback shall be 6m.

**[f] Height and building siting**

**D7** Buildings with a maximum *height* of 7m and external *wall height* complying with the following setbacks from side or rear boundaries are suitable.

- 1m minimum setback for walls up to 3.6m in *height* unless the wall is built to the boundary.
- for that part of the wall over 3.6m in *height* a minimum setback of 1 m plus 0.3m for each 1 m of *height* over 3.6m up to a *height* of 6.9m.

**[g] Building to the boundary**

**D8** Dwellings and outbuildings on lots over 450m<sup>2</sup> may be built to the boundary (a setback of up to 150mm from the boundary is deemed to be on the boundary) under the following conditions:

- maximum building *height* of 3.6m on and within 1 m of the boundary
- a maximum of 20m total wall length (including carports) along a side or rear boundary.

**D9** Dwellings and outbuildings on lots between 300m<sup>2</sup> and 450m<sup>2</sup> or less may be built to the boundary:

- as specified in D8 along boundaries nominated on a two dimensional **building envelope** plan; or
- in accordance with a nominated three dimensional **building envelope** which may provide for built to boundary or party **wall** heights of up to 7 metres.

**D10** Built to the boundary conditions restrict openings on boundaries. Walls within 1 m from the boundary must not contain any openings unless they comply with the fire resistance levels specified in the Building Code of Australia (BCA).

**[h]** Allowable encroachments

**D11** Eaves, fascias and gutters, masonry chimneys, flues, pipes, domestic fuel tanks, cooling or heating appliances or other **services** may encroach beyond the building envelope in D8 provided that the distance between the outermost point in the structure and the boundary is not less than 0.5m. Such items may be located less than 0.5 m from the boundary if relevant fire protection and town planning amenity considerations are satisfied.

The following items are not restricted:

- light fittings, electricity or gas meters, aerials or antennae, pergolas or sun blinds
- unroofed terraces, landings, steps or ramps, not more than 1m in height
- roof lighting and ventilation.

### 3.1.5 Private Open Space Element 3

#### Objective

- 01.** To provide each dwelling with private open space that meets the reasonable recreational, service and storage needs of residents.

#### Performance Criteria

- PC1** Private open space areas to be of dimensions to suit the projected requirements of the dwelling occupants and to accommodate outdoor recreation needs as well as providing space for service functions such as clothes drying and domestic storage.
- PC2** Part of the private open space to be capable of enabling an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play, and be directly accessible from the dwelling.
- PC3** Location of private open space to take advantage of outlook and natural features of the site, take account of the impact of adjacent buildings on privacy and overshadowing, and address surveillance, privacy and security issues where private open space abuts public open space.
- PC4** Orientation of private open space to provide for maximum year round use.

#### Deemed-to-Comply Criteria

The following is considered to meet the design element objective and performance criteria.

- D1** Private open space of the dwelling having a minimum area equivalent to 20 per cent of the lot area or 80m<sup>2</sup>, whichever is the greater, and where:
- the minimum dimension of private open space is 2.5m
  - one part of the private open space comprises an area of 25m<sup>2</sup> with a minimum dimension of 4m, and is conveniently accessible from a major living area of the dwelling.

### 3.1.6 Vehicle Parking Element 4

#### Objective

01. To provide sufficient and convenient parking for residents, visitors and service vehicles.
02. To ensure that parked vehicles do not obstruct the passage of vehicles on the *carrageway* or create *traffic hazards*.
03. To ensure that parking facilities do not detract from streetscape amenity and surveillance of the street.

#### *Performance Criteria*

- PC1** Resident and visitor carparking to be provided according to projected needs and by taking into account:

the safety of pedestrians, cyclists and vehicles  
 availability of public transport  
 the provision of public carparking easily accessible to visitors  
 the location of higher density forms of housing  
 the location of non-residential uses such as schools and local shops in, or likely to be developed in the area  
 the effect of sloping land in reducing parking opportunities  
 the street network and related objectives  
 the effects of on-street parking to slow vehicle speeds and enhance the pedestrian environment  
 the possible use of street parking to slow vehicle speeds and enhance the pedestrian environment  
 the occasional need for overflow parking  
 the projected requirements of people of differing socio-economic status, age, cultural background and stage of family life cycle  
 efficient use of car spaces and accessways including adequate manoeuvrability for vehicles between the street and the allotment  
 the need to minimise impervious surface to reduce stormwater runoff.

- PC2** On-street parking to not restrict the safe passage of moving vehicles and the manoeuvring of vehicles to and from driveways.

- PC3** Garages and carports to be located and designed to maintain streetscape amenity, complement dwelling design and allow surveillance of the street from within dwellings.

**PC4** Vehicle crossovers to be designed to allow efficient access to and from the driveways, taking into consideration the width of the street, be paired where practical, and located to ensure efficient provision of on-street parking.

**PC5** Permanent parking bays for all residential development are to have a 100 year ARI flood immunity.

*Deemed-to-Comply Criteria*

The following are considered to meet the design element objectives and performance criteria.

**[a] Parking on site**

**D1** Provision of two car parking spaces per dwelling, which may be in tandem, one capable of being covered.

**D2** Minimum dimensions for car parking spaces (with entry from the end) in accordance with Council Local Planning Policy - Carparking and Vehicle Access.

**D3** Accessway width of 3m minimum to baffle axe *lots*.

**D4** Vehicle access to allotments fronting existing trunk collector streets to permit vehicles to enter an exit in a forward direction.

**D5** Carports not restricted, but where located between the building line and the street boundary, design compatible with that of the dwelling.

**D6** Garages on or behind the building line of the side street or on or behind the lot boundary abutting an access lane.

**[b] Parking off-site**

**D7** The dimensions of car parking spaces complying with ***Australian Standard 2890.1 (1993)***.

**D8** Access place single lane carriageways with one parking space for each two dwellings located in the verge within an average distance of 25m of each lot.

**D9** Access place single lane carriageways, having short-term service vehicle parking provided on the carriageway or on combined verge space within 40m of any lot.



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**D10** On two-lane carriageways parking located to provide a minimum of one on-street space for each two dwellings.

### 3.1.7 Public Open Space Element 5

#### Objective

- 01.** To ensure that public open space of appropriate quality and quantity is provided to contribute towards meeting the recreational and social needs of the community in convenient locations.
- 02.** To incorporate natural and cultural features, where appropriate, into areas of public open space.

#### Implementation

- [a] The multi-functional role of open space and its joint usage with other community facilities to be recognised and promoted through the Open Space Management Team referred to in the Strategic Plan Recreation Objective 2.
- [b] Areas of open space are to be provided in accordance with the Open Space Management Plan. (Strategic Plan Recreation Objective 1).
- [c] Contributions for Open Space are to be made in accordance with the Open Space Management Plan. (Strategic Plan Recreation Objective 1(b)).
- [d] Where a Local Area Open Space Management Plan has not been undertaken for the locality, Council shall in accordance with the Strategic Plan Recreation Objective 1 (d) require one to be undertaken.
- [e] The location and layout of public open space are to minimise problems relating to personal security and surveillance, property security and vandalism in relation to the park and its boundaries.

### 3.1.8 Streetscape Element 6

#### Objective

- 01.** To provide attractive streetscapes which reinforce the functions of a street and enhance the amenity of dwellings

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*Performance Criteria*

**PC1** The road reserve together with dwelling fronts and front garden to:

- [a] create an attractive streetscape and establish a clear character and identity for the street or precinct;
- [b] provide for appropriate street tree planting taking into account the image and role of the street, solar access requirements, soils and services;
- [c] encourage use of the street for walking, cycling, interaction between residents and other appropriate community functions;
- [d] ensure that informal surveillance of the public space is possible from within dwellings;
- [e] manage the speed and behaviour of traffic in accord with the street type to retain safety and amenity;
- [f] respond to the features of the site in terms of views, vistas, existing vegetation and landmarks;
- [g] ensure that the road reserve width is adequate for the proposed pavement, paths, planting, drainage and services;
- [h] facilitate the effective and efficient management of stormwater *run-off*;
- [i] take into account maintenance responsibilities, requirements and costs;

**PC2** A streetscape plan to be prepared in accord with PC1 for all new *streets* showing:

- [a] the road reserve together with typical cross sections;
- [b] location and detailing of carriageway pavement, parking bays, **bus** stops, kerbs, footpaths, cycle paths and speed control devices;
- [c] location and species of proposed trees or other vegetation;
- [d] location of existing vegetation to be retained and proposed treatment to ensure its health:

- [e] typical dwelling front alignments including any setback variations together with any building detailing proposed to promote special character or identity;
- [f] any relevant details for front garden treatment, eg fences, driveways, landscape themes etc, and suitable locations for letterboxes;
- [g] any relevant details for the design and location of street furniture - lighting, seats, bus stops, telephone boxes, mail boxes, etc.

**PC3** The setback of buildings from the street frontage to be appropriate to the streetscape character, the efficient use of the site and the amenity of residents.

**PC4** The location and design of garages, carports and parked cars to minimise detriment to streetscape amenity and to personal security and surveillance, and to not dominate the view of the dwelling from the street.

**PC5** Fences in the frontage to be permitted, and be of height and design that takes into account the amenity of the street, surveillance and safety, the security of children, pets and property, and the use of the front garden space.

*Deemed-to-Comply Criteria*

The following are considered to meet the design element objectives and performance criteria:

- D1** Submission of an appropriately detailed *streetscape plan* to the requirements of Council for all new streets created by a subdivision.
- D2** The *building line* setback from the street boundary in accord with Element 2 (PC7).
- D3** Garages and carports located in accordance with PC 3 of Element 4 and PC4 of Element 6
- D4** Fences and walls less than 1.2 metres in height and to a maximum of 1.5 metres high along the street frontage and only if the fence is greater than 50 percent transparent.

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**3.1.9 Traffic & Transport Element 7**

## Objective

- 01.** To provide a high level of safety for all street users.
- 02.** To provide acceptable levels of residential amenity and protection from the impact of traffic.
- 03.** To provide a reasonable level of convenience for all street users.
- 04.** To provide maximum possible economy of construction, consistent with the other objectives.

*Performance Criteria*

- PC1** Limitation of traffic speed and volume in residential streets to levels which are compatible with the safety and amenity of other street users and residents.
- PC2** Frontage of residential lots to be permitted only to streets where these limitations of traffic speed and volume can be attained.
- PC3** Limitation of carriageway width to the minimum necessary to satisfactorily provide for required traffic functions.

*Deemed-to-Comply Criteria*

- D1** Conformity with the provisions of Sections 2.2 to 2.12 of Queensland Streets Design Guidelines for Subdivisional Street Works except as varied by the Development Manual.

[a] **Traffic Volume**

## Objective

- 01.** To provide acceptable levels of access, safety and convenience for all street users in residential areas, which ensuring acceptable levels of amenity, and protection from the impact of traffic.

- 02.** To avoid streets within any residential neighbourhood from operating as through traffic routes for externally generated traffic.

*Performance Criteria*

- PC1** The design features of each type of residential street to convey its primary function and encourage appropriate driver behaviour.
- PC2** With any network in a residential development, the component streets conform to the adopted functions set out in Table 2A.3.1 of Development Manual.
- PC3** Street layout which provides that no dwelling fronts a street which carries an unacceptable volume of traffic.
- PC4** Street layout which provides that a maximum percentage of dwellings front streets which carry a minimum volume of traffic.

*Deemed-to-Comply Criteria*

- D1** Street layout which provides that no dwelling fronts a street with a traffic catchment exceeding 500 equivalent dwellings, or a traffic volume exceeding 5000 vehicles per day.
- D2** Street layout which provides that the majority of dwellings front a street with a traffic catchment of less than 200 equivalent dwellings.
- D3** Street layout which positively excludes through traffic.
- D4** Traffic volumes to be calculated in accordance with Tables 2.2.E and 2.2.F of the Queensland Streets Design Guidelines for Subdivisional Street Works except as varied by the Development Manual.
- D5** Conformity with Acceptable Solutions as set out in Section 3.0, Street System for the Queensland Streets Design Guidelines for Subdivisional Street Works except as varied by the Development Manual.

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**[b] Traffic Speed***Objective*

- 01** To provide a street environment which allows all users - motorists, pedestrians and cyclists, - to proceed safely and without unreasonable delays.

*Performance Criteria*

- PC1** The design features of each type of residential street to convey its primary function and encourage appropriate driver behaviour.
- PC2** Design of the carriageway to discourage motorists from travelling above the intended speed by reflecting the functions of the street in the network: in particular, the width and horizontal and vertical alignment not to be conducive to excessive speeds.
- PC3** Street geometry design which effectively restricts vehicular speeds to appropriate limits.

*Deemed-to-Comply Criteria*

- D1** Selection of an appropriate design speed for each street, in accordance with Table 2A.3.1 of the Development Manual.
- D2** Where the street length is limited in order to control the vehicle speed, the lengths specified in Table 2.3.B of the Queensland Streets Design Guidelines for Subdivisional Street Works.
- D3** Where the bends are introduced, the radius of the bend in relation to the maximum speed shall be as set out in table 2.3.C of the Queensland Streets Design Guidelines for Subdivisional Street Works.
- D4** Where combination alignments are introduced the street length and bend radii and their relationship to maximum speed shall be as set out in Table 2.3.D of Queensland Streets Design Guidelines for Subdivisional Streetworks.

**[c] Passing**

## Objective

- 01** To provide sufficient and convenient provision for vehicles to pass vehicles travelling in the opposite direction.

*Performance Criteria*

- PC1** Passing provision to be such that delays resulting from meeting opposing traffic are kept to a level acceptable to the majority of drivers.

## Deemed-to-Comply Criteria

**D1 For a Single Lane Carriageway**

- \* Number of allotments in traffic catchment - 30 maximum\*  
Passing places to be **specifically designed** for sole or dual use. (See **Sec 2.5** of the Queensland Streets Design Guidelines for Subdivisional Works).
- \* Minimum length of each passing place - 10.0m\* maximum spacing of passing places (length of constriction) in accordance with **Figure 2.5.D** of the Queensland Streets Design Guidelines for Subdivisional Works.

**D2 Two-Lane Carriageway**

- \* Number of allotments in traffic catchment- 200 maximum total lane lengths to be provided in accordance with **Figure 2.6.G.** of the Queensland Streets Design Guidelines for Subdivisional Works
- \* Additionally, where lot frontages are less than 17m, either:-
  - design passing spaces to be provided as for a single lane carriage way, or
  - Additional parking spaces to be provided in accordance with **Table 2.5.E.** of the Queensland Streets Design Guidelines for Subdivisional Works.

**D3** Three-Lane Carriageway

- \* Number of allotments in traffic catchment - 500 maximum  
Total lane lengths to be provided in accordance with Figure 2.6.G of the Queensland Streets Design Guidelines for Subdivisional Works
- \* Minimum of two lanes to be provided at any point, unless a "Slow Point" is deliberately designed.
- \* Where three lanes are provided, the minimum length of three lane section to be 35m. (illustrated in Fig 2.5F of the Queensland Streets Design Guidelines for Subdivisional Works).

**[d]** Carriageway Width

## Objective

- 01** To provide sufficient width of carriageway and verge to allow streets to perform their designated functions within the street network.
- 02** To minimise street construction and life cycle costs without compromising other objectives.
- 03** Carriageway width to be sufficient to enable the street to efficiently and conveniently fulfil its required traffic and parking functions, but in the interests of safety, amenity and economy to be no greater than necessary for this purpose.

## Performance Criteria

- PC1** The number of vehicle lane widths in any street length to be sufficient to provide for:-
  - A single moving lane.
  - The design level of on-carriageway parking.
  - Reasonable opportunity for passing of opposing vehicles.



**PC2** Carriageway width to be the minimum necessary for normal traffic movements to be carried out at the design speed with abnormal movements possible at reduced speed.

#### Deemed-to-Comply Criteria

**D1** Carriageway width of each street length, in terms of the number of lanes, to be not less than as shown in Figure 2.6.G of the Queensland Streets Design Guidelines for Subdivisional Street Works and subject to compliance with the carriageway width of Table 2A.3.1 of the Development Manual.

**D2** Classification of the number of lanes for a carriageway width (measured between channel inverts) shall be:-

<b>Single Lane</b>	<b>3.5m</b>
<b>Two Lane</b>	<b>5.5m</b>
<b>Three Lane</b>	<b>7.5m</b>

#### **[e] Verge**

##### Objective

**01** To provide a buffer area between the street carriageway and the residential allotments, sufficient for the functions of Safety, Amenity and Convenience, but in the interests of economy of no greater width than necessary.

##### Performance Criteria

**PC1** Verge Width adequate for:

- Safety Visibility
- Pedestrian Movement
- Landscaping for amenity
- Noise reduction
- Parking
- Allotment access
- Utility services

**PC2 Verge Crossfall** suitable for:

- Allotment access
- Pedestrian movement
- Drainage
- Overspill parking

## Deemed-to-Comply Criteria

**D1 Minimum verge width**

Access Place	3.0m
Access Street	3.0m
Collector Street -	4.0m
Trunk Collector -	4.5m

**D2 Verge Cross-Section**

As per Council Standard Drawings S1005, S1006, S1007 and S1008.

**[f] Street Reserve Width**

## Objective

- 01** Appropriate street reserve width to be provided to enable the safe location, construction and maintenance of required paths and public utility services (above or below ground) and to accommodate the required level of landscaping.
- 02** In the interests of economy, street reserve width to be no greater width than necessary.

*Performance Criteria*

**PC1 Minimum** street reserve width at any point to be not less than the sum of the minimum widths for the carriageway and the verge, as identified in Table 2A.3.1 of the Development Manual.

**PC2 Average** street reserve width to be sufficient to provide varied reserve width to allow for landscaping, parking areas, etc.

Deemed-to-Comply *Criteria*

**D1** Minimum reserve widths shall be in accordance with the requirements of Table 2A.3.1 of the Development Manual.

## **D2 Nominal Reserve Width**

Access Place	-	14.0m
Access Street	-	14.0m
Collector Street	-	16.0m to 20m
Trunk Collector	-	28.0m

## **[g] Geometric Design**

### Objective

- 01** Geometric design criteria for the detailed design of the street to provide safety, amenity and convenience for all users, with maximum consistent economy of construction and maintenance.

### *Performance Criteria*

- PC1** Speed restrictive alignment to restrict vehicle operating speeds to minimum practical, consistent with a reasonable travel time.
- PC2** Sight Distance-Sufficient for safe vehicle operation at the design speed.
- PC3** Grades-Sufficient for drainage of the carriageway, but otherwise minimum possible, for safety and convenience of all road users.
- PC4** Carriageway Cross-Section - Suitable for surface drainage, driver comfort, and allotment access.

### *Deemed-to-Comply Criteria*

## **D1 Design Speed**

. Access Place	15km/h
. Access Street	40km/h
. Collector Street	50km/h
. Trunk Collector Street	60+km/h

## **D2 Sight Distance**

Compliance with the Section 2.10 of Queensland Streets.

**D3** Horizontal Alignment

- Speed restrictive design in accordance with Section 2.3 of Queensland Streets Design Guidelines for Subdivisional Street Works.
- Minimum curve radii and curve widening in accordance with Section 2.10 of Queensland Streets Design Guidelines for Subdivisional Street Works:

**D4** Grades

Compliance with the Development Manual Table 2A 3.1

**D5** Vertical Curves

- Minimum Radii and Lengths  
See Tables 2.10C, 2.10D, 2.10E and Figures 2.10G, 2.10H, 2.10J and 2.10K of the Queensland Streets Design Guidelines for Subdivisional Street Works.

**D6** Carriageway Crossfall

- Minimum 1 in 40
- Maximum 1 in 25

**[h]** Intersections

## Objective

- 01** To provide intersections between streets with maximum possible safety and convenience of operation, with minimum possible construction and operation cost.

*Performance Criteria***PC1** Safety of operation

- Geometry clearly establishing approach vehicle priority.
- Adequate approach sight distance.
- Slow speed of negotiation, consistent with convenience.

**PC2** Intersections generally only between streets of the same classification, or classification one above or below.

**PC3** Sufficient spacing of intersections to avoid driver confusion.

**PC4** Design to reinforce street classification and network legibility.

Deemed-to-Comply Criteria

**D1** T-junctions or Roundabouts designed in accordance with Section 2.1.1 of the Queensland Streets Design Guidelines for Subdivisional Street Works, and the requirements of relevant Austroads design codes.

## **[i] Turning Areas**

*Objective*

**O1** To provide for the turning of vehicles at the end of cul-de-sac streets with maximum safety and convenience of operation, visual and noise amenity, at minimum construction cost and land area requirement.

*Performance Criteria*

**PC1** Area for either Single-Movement or Three-Point Turn to be provided at the end of every cul-de-sac.

**PC2** Turning area to accommodate design vehicle appropriate for the street.

**PC3** Turning area to have minimum necessary area of carriageway, and require minimum necessary area of land.

**PC4** Design to discourage parking within the area for turning movement.

Deemed-to-Comply Criteria

**D1** Standard turning areas as illustrated in Section 2.12, or designs which conform to criteria of Section 2.12 of the Queensland Streets Design Guidelines for Subdivisional Street Works and Section 2A.3.8 of the Development Manual.

## **[ ] Speed Control Devices**

### Objective

- 01** To safely restrict maximum traffic speed at any point in the street to an appropriate limit.

### Performance Criteria

- PC1** Restriction of vehicle speed at any point in the street to the Maximum Design Speed appropriate for the street classification.

### Deemed-to-Comply *Criteria*

- D1** Conformity with the principles of Section 2.13 of the Queensland Streets Design Guidelines for Subdivisional Street Works.
- D2** Detailed design to reduce vehicle negotiation speed to 20km/h.

### **3.1.9.1 The Street System**

#### Objective

- 01.** To provide acceptable levels of access, safety and convenience for all street users in residential areas, while ensuring acceptable levels of amenity, and protection from the impact of traffic;
- 02.** To provide a network of streets with clear physical distinctions between each type of street, based on function, legibility, convenience, traffic volumes, vehicle speeds, public safety and amenity;
- 03.** To avoid streets within any residential neighbourhood from operating as through traffic routes for externally-generated traffic;
- 04.** To control the maximum length of time travelled in a low speed environment;
- 05.** To provide for the safe and convenient movement of pedestrians and cyclists throughout the development;
- 06.** To provide for bus routes which are both accessible from all dwellings and activity centres, and efficient to operate;

- 
07. To establish a street and pedestrian network which provides convenient linkages to activity centres;
  08. To provide the basis for cost-effective design and construction of the street network.

*Performance Criteria*

- PC1** The internal street layout to conform to the requirements of the external arterial road network and satisfy the transport provisions of an outline or concept development plan which conforms to the principles of Queensland Streets Design Guidelines for Subdivisional Streetworks.
- PC2** The design features of each type of residential street to convey its primary functions and encourage appropriate driver behaviour.
- PC3** Streets to link with other streets that are no more than two levels higher or lower in the hierarchy.
- PC4** Connections between residential streets to be T-junctions or controlled by roundabouts.
- PC5** Where access streets or places form part of a pedestrian or cycle network, access links should provide suitable connections to adjoining access streets or open space system so that the pedestrian and cycle networks are functional, cost-effective and have visual supervision.
- PC6** The street and road network to provide for bus routes within acceptable walking distance from all dwellings.
- PC7** Neighbourhood areas which can each support its own primary school and shopping facilities.
- PC8** Minimum number of intersections to the major road system.
- PC9** Street layout to minimise travel time and traffic volumes on neighbourhood streets.
- PC10** Street layout providing a reasonable degree of internal connectivity.
- PC11** Low permeability of street layout, to positively discourage through traffic.
- PC12** Street layout to be "legible"

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**PC13** Traffic volume on all streets to be reasonably accessible.

**PC14** Street layout to provide maximum economy of construction.

*Deemed-to-Comply Criteria*

- D1** Neighbourhood areas within the range of 1200 to 1800 allotments.
- D2** Intersection spacing of Neighbourhood Streets to Major Roads in accordance with Table 3.3A of the Queensland Streets Design Guidelines for Subdivisional Street Works.
- D3** Design to intersectionsto State Controlled Roads in accordance with Queensland Transport and/or Austroads standards.
- D4** Maximum travel time of 90 seconds on low-speed streets (ie less than 60km/h design speed).
- D5** Maximum traffic volume of 5000 v.p.d. on any street with direct residential access.
- D6** All lots with vehicular access to neighbourhood facilities without need to use major roads.
- D7** Street layout not exceeding "3rd Order" - i.e. no lot requiring more than three turns, or use of more than three streets, from the neighbourhood collector street system.
- D8** All "precincts" of more than 100 lots having an alternative street access.
- D9** Potential bus route located within 400m of 90% of allotments.
- D10** Minimum possible length of trunk collector streets.
- D11** Design of all other streets in accordance with Section 2.0 of the Queensland Streets Design Guidelines for Subdivisional Street Works and the Development Manual.



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### 3.1.9.2 Pedestrians and Cyclists

#### Objective

- 01.** To provide for the safe and convenient movement of pedestrians and cyclists throughout the development.

#### *Performance Criteria*

- PCI** A network of pedestrian ways and cycle ways to be in accordance with the Traffic Management Plan:

- projected travel demand;
- opportunities to link open space networks, community facilities and public services; and
- environment, location, safety and weather factors.

- PC2** Design of street network to accommodate pedestrian and cyclist use of street pavements in access places and access streets.

- PC3** Design of access places, access streets and collector streets to accommodate cyclist use of street pavements.

- PC4** Where shared use of street pavement is not appropriate, provision to be made for the construction of a non-skid durable path of sufficient width and strength for:

- use by pedestrians;
- use by cyclists where warranted

- PC5** Design to facilitate ease of use by the disabled and aged

- PC6** Maximum longitudinal gradient of cycle paths to be no greater than any adjacent street pavement and to provide for safe sight distances at crossings.

- PC7** Alignment of paths to be varied to preserve trees and other significant features and to add to visual interest.

- PC8** Widening of paths to be provided at conflict points on high use facilities to allow for passing of **pedestrians/cyclists** in opposite directions.

- PC9** Crossing of pedestrian and cycle paths across major roads to be minimised, and where crossings are necessary to be carefully designed.

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Deemed-to-Comply *Criteria* :

- D1** Design and construction of pedestrian and cycle routes in accordance with Section 4.0 of the Queensland Streets Design Guidelines for Subdivisional Street Works and the Development Manual.

**3.1.10 Utilities Provision Element 8**

Objective

- 01.** To provide for the location of public utilities to each allotment and within street reserves in an efficient and cost-effective manner.
- 02.** To maximise the opportunities for shared (common) trenching and reduced constraints on landscaping within road reserves
- 03.** To provide a sewerage system which is adequate for the maintenance of public health and the disposal of effluent in an environmentally appropriate manner.
- 04.** To provide street lighting to ensure safety of both vehicles and pedestrians.
- 05.** To provide an adequate, reliable, safe, efficient and potable supply of water.
- 06.** To ensure residential areas are adequately serviced with electricity and telephone in a timely, cost-effective co-ordinated and efficient manner.

Performance Criteria

- PC1** The design and provision of public utilities, including sewerage, water, electricity, street lighting and telephone to conform to the cost-effective performance measures of the relevant servicing authorities.
- PC2** Compatible public utility services to be co-ordinated in common trenching in order to minimise construction costs for underground services.
- PC3** Provision to be made for the treatment and disposal of sewage wastes to the satisfaction of Council and where relevant the State Government.

**PC4** Development to be within locations where adequate water supply services for domestic and fire fighting purposes is available.

Deemed-to-Comply *Criteria*

The following are deemed to meet the control element objectives and performance criteria:

**[i]** Sewerage

**D1** Sewage disposed of by a reticulated system.

**D2** The design and construction of sewerage facilities conforming to the specific standards and requirements of Council as set out in the Development Manual.

**D3** Designed by a person qualified to certify the design as required by the provisions of Part E Sub-section 2.3.1 and the Development Manual.

**[ii]** Water supply

**D4** Provision made in accordance with the requirements of the council for an adequate supply of water to all allotments in the development.

**D5** The design and construction of water supply mains and fixtures which conform to the specific standards of Council by a qualified person as required by the provisions of Part E Sub-section 2.3.1 and the Development Manual.

**D6** Development having water supply for fire fighting purposes in accordance with Specification **E1.2** of the Building Code of Australia.

**[iii]** Electricity

**D7** Designed by a qualified person in accordance with the requirements of the Far North Queensland Electricity Commission (referred to as the FNQEB).

**[iv]** Telephone

**D8** Designed in accordance with a recognised telecommunications carrier requirements.

**[v] Gas**

**D9** Designed by a qualified person in accordance with the requirements of the relevant gas supply agency.

**[vi] Street lighting**

**D10** Designed in accordance with AS.1158.1 1986.

**3.1.11 Drainage Network Element 9****[a]. Minor Stormwater***Objective*

- 01.** To prevent damage by stormwater to property such as houses and gardens.
- 02.** To reduce nuisance flows to a level which is acceptable to the community.
- 03.** To provide a stormwater system which can be economically maintained.
- 04.** To provide a stormwater system which **utilises** open space and other dual use opportunities in a manner which does not detract from its principal function.
- 05.** To reduce the occurrence of minor **traffic** accidents during minor storm events.
- 06.** To prevent environmental degradation of receiving waters.
- 07** To provide a stormwater system which acknowledges and enhances, where possible, the fisheries value of drainage waterways.

*Performance Criteria*

- PC1** The minor drainage system to have the capacity to control stormwater flows under normal operating conditions for an Annual Recurrence Interval (ARI) of 2 years.
- PC2** The minor drainage system to be designed to provide a failsafe mechanism to ensure that blockages or failure of the system will not cause damage to property nor affect the safety of people.

- PC3** The minor drainage system to be designed to ensure that existing downstream systems are not adversely affected.
- PC4** The minor drainage system to enable the safe passage of vehicles at reduced operating speeds on streets which have been affected by runoff from an ARI of 2 years.
- PC5** The drainage network to be accessible and easily maintainable.
- PC6** Drainage networks to be designed to prevent accumulation of silts and blockages by debris.
- PC7** Drainage networks to be well defined to ensure there are no hidden flow paths which could reduce the incorporation of failsafe mechanisms.
- PC8** Materials used in drainage networks to be durable, maintainable and cost-effective to the community.
- PC9** The design of drainage systems to be undertaken by properly qualified personnel, using recognised hydrologic, hydraulic and ecological parameters and design methodology.
- PC10** Where a portion of the drainage system lies within an allotment, access to be available for maintenance.

#### Deemed-to-Comply Criteria

The following are deemed to meet the control element objectives and performance criteria:

- D1** Design based on the Queensland Urban Drainage Manual and its references cited therein and the Development Manual.
- D2** The rainfall intensity derived for the area in which the design is proposed based on an Annual Recurrence Interval (ARI) of 2 years for suburban residential lots.
- D3** All allotment house drainage is to be directed to the front of the allotment discharge into the street gutter, unless the topography of the allotment deems it necessary to do otherwise.
- D4** Where the topography of the allotment deems it necessary to discharge to the rear of the allotment, rear allotment catchment drains which are designed to accept the runoff from its catchment are to be provided in accordance with the requirements of the Development Manual.

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[b] Major Stormwater

Objective

- 01.** To prevent inundation of dwellings.
- 02.** To prevent damage to the built and natural environment.
- 03.** To control flooding and enable access to allotments.
- 04.** To stabilise the land form and control erosion.
- 05.** To reduce the occurrence of traffic accidents during and after major storm events.
- 06.** To provide a stormwater system which utilises open space in a manner which does not detract from its principal function.
- 07.** To prevent the degradation of the built environment downstream of the proposed residential development.
- 08.** To prevent the environmental degradation of receiving waters.
- 09.** To provide a stormwater system which acknowledges and enhances, where possible, the fisheries value of drainage waterways.

*Performance Criteria*

- PC1** The Major Drainage Network to have the capacity to control stormwater flows under normal and minor system blockage conditions for an ARI of 100 years.
- PC2** No dwelling to be inundated during a flood of 100 year ARI.
- PC3** Habitable rooms to have floor levels 150mm above the estimated flood level resultant from a flood of 100 year ARI.
- PC4** Floodways to be restricted to areas where there is no damage to property, and to discharge all gap flows.
- PC5** The design of drainage systems to be undertaken by properly qualified personnel, using recognised hydrologic, hydraulic, ecological parameters and design methodology.

### Deemed-to-ComplyCriteria

:

The following are deemed to meet the control element objectives and performance criteria:

- D1** Design based on the Queensland Urban Drainage Manual and its references cited therein and the Development Manual.
- D2** The rainfall intensity derived for the area in which the design is proposed based on an ARI of 100 years.
- D3** *Habitable* rooms have floor levels 150 mm above the estimated flood level resulting from a flood of 100 year ARI.

## 3.2 LOW DENSITY RESIDENTIAL

### 3.2.1 Allotment Size and Orientation

#### Objective

- 01.** To ensure that allotments on land zoned Low Density Residential have an area and dimensions suited to their intended development.
- 02.** To ensure low density residential subdivisional development maintains an open rural character/amenity.

#### Performance Criteria

- PC1** Allotments to have the appropriate area and dimensions to enable the siting and construction of a dwelling and ancillary outbuildings, the provision of private outdoor space, convenient vehicle access and parking.
- PC2** Subdivisional design shall account for existing or likely future adjacent/adjoining land uses which may be detrimental to the amenity of the land.

**PC3** Allotment size and dimensions to enable dwellings to be sited to:

- protect natural or cultural features
- acknowledge site constraints including soil erosion, poor drainage, saline soils or bushfire risk.

**Deemed-to-Comply Criteria**

The following lot sizes are deemed to meet the Objectives and Performance Criteria for the Low Density Residential zone.

**D1** The size of allotments shall be in accordance with Table E-1.

**D2** Variations in Table E-1 may be permitted in the following circumstances:

- Low Density Residential allotments have frontage to the head of a cul-de-sac or a curve not greater than 25 metres radius shall be permitted to have a minimum frontage of 13 metres, providing a minimum width of 30 metres is provided between the points of the allotments side boundaries situated no more than 20 metres from the road alignment.
- Battle-axe low density allotments shall be permitted providing the following requirements are satisfied:
  - [a] the minimum width of the access strip measured square to the length of the access strip shall be 10 metres and shall consist of a suitable gradient to allow an allotment access of maximum longitudinal gradient of **1:5** to be constructed;
  - [b] the number of battle-axe allotments in any subdivision shall not exceed 10% of the total number of allotments;
  - [c] the battle-axe allotment, exclusive of the access strip shall comply with the minimum standards stated in Table E-1 of this Part;
  - [d] the allotment access is to be provided within the access strip and shall be constructed of a 24 metre wide bitumen, concrete or other approved surface, including the connection to the adjoining road access, the access being designed and constructed to the satisfaction of the Director Technical Services prior to the endorsement of the survey plans unless the allotment access shall have a gradient of **1** in 8 or less;



- 
- [e] an allotment access may be permitted to serve more than one allotment, but not more than three allotments and shall only be permitted where:
    - [i] the access may be designed and constructed in accord with Council's requirements including the provision of passing bays;
    - [ii] a suitable level of privacy and amenity should be achieved away from the shared allotment access for the development of a dwelling;
    - [iii] easements are provided, as required, to ensure access is available to each allotment;
    - [iv] an access provided to 3 lots is constructed to a minimum width of 3.0 metres; and
    - [v] where the allotment access is intended to serve more than one allotment the access strip of each allotment utilising the shared allotment access may be reduced to 6 metres in width, providing points [d] & [e] are complied with and to Council's satisfaction.
  - Where existing allotments are less than the minimum area permitted, provided the subdivision involves only the relocation of an existing boundary between lots so as to improve the shape of the allotments or the amenity of the buildings constructed on the allotments.
  - Where the allotment is required for a public utility, landscaped buffer strip, access restriction strip or similar purpose.
  - Where Council considers the variation is appropriate providing the open rural character and amenity of the locality shall be maintained.
- D3** Low Density Residential subdivision development shall be protected from existing and likely future adjacent/adjoining land uses, which may be of detriment to the amenity of the Low Density Residential development, by the inclusion of the following protective measures in the subdivisional design:

- ten metre wide landscaped buffers shall be provided adjacent to extractive industry haul routes and major roads (ie, Captain Cook Highway, Gillies Highway or as determined by Council). The buffer strip may be provided as an easement or as a separate allotment to be transferred to Council;
- buffers to agricultural land; and
- other protective measures as required by Council.

### 3.2.2 Access and Services

#### Objective

- 01.** To ensure low density residential subdivisional development is provided with an adequate standard of service infrastructure for a rural residential lifestyle.

#### Performance *Criteria*

- PC1** Road access shall be designed such that an adequate form of access is provided for the expected traffic flows and the type of traffic to be generated, whilst ensuring the maintenance of a rural residential character/amenity.
- PC2** Reticulated water supply, electricity supply and telephone services shall be provided to each low density residential allotment.
- PC3** Low density residential allotments shall have available an adequate means for the disposal of effluent.
- PC4** Stormwater drainage shall be provided within the subdivisional design so that stormwater generated within a low density residential allotment does not detrimentally impact on adjoining low density residential allotments.


#### Deemed-to-Comply Criteria

The following are deemed to meet the objectives and performance within:

- D1** Road access shall be designed in accord with Council's Low Density Residential Subdivisions - Design Concept Guidelines unless otherwise approved by Council.

- D2** Notwithstanding D1, road access within hillside subdivisions consisting of land situated above RL 40 metres AHD and/or land of steeper gradient than 1:6 where, in the opinion of Council, such relaxation would not lead to an unacceptable downgrading in the level of service or safety of the road and the applicant can demonstrate that works carried out in accordance with the relaxed standards better satisfy Council's intent for development of the land, the provisions set out in Table E-3 may apply.

**TABLE E-3  
LOW DENSITY RESIDENTIAL - ROAD WIDTH REQUIREMENTS**

<b>COLUMN 1 Road Function</b>	<b>COLUMN 2 Reserve Width (Minimum)</b>	<b>COLUMN 3 Bitumen Pavement Standards</b>
Minor Residential	Twelve (12) metres	a pavement width of 5.5 metres: in a cul-de-sac a vehicle turn around for rigid body trucks with a wheel base not less than five (5) metres must be provided;
Residential Road	Fifteen (15) metres	on land steeper than one  six (6), a pavement width of six (6) metres;
Other Roads	Fifteen (15) metres on land steeper than one (1) in six (6)	pavement widths as for a residential or minor residential road depending upon the type of development it is to serve;

With regard to Table E-3 the following is noted.

- Council shall not relax its requirements for road access below that set out in Table E-3.
- The terms in Column 1 of the Table shall mean as follows:
  - [a] Minor Residential Road means a road that gives access to dwellings but which usually is a cul-de-sac, does not give access through the neighbourhood and serves less than 20 dwellings;
  - [b] Residential Road means a road that gives access to residential lots but provides for movement through the neighbourhood to other streets or access to more than 20 dwellings;

[c] Other road means a road which may or may not provide for access to dwellings but conveys traffic to or through a neighbourhood or to non-residential facilities or gives access to non-residential facilities.

- The reserve width shown in Column 2 of Table E-3 refers to the dedicated reserve width of a road that is a public road.
- Construction standards shown in Column 3 of Table E-3 are the minimum dimensions and characteristics to which the road indicated opposite in Column 1 is to be designed and constructed.

**D3** Reticulated water supply, electricity supply and telephone services shall be provided to each rural residential allotment.

**D4** Reticulated water supply shall be provided by means of connection into Council's existing reticulated supply, in accord with Council's Low Density Residential Subdivisions - Design Concept Guidelines, unless otherwise approved by Council.

**D5** Each low density residential allotment shall be assessed as to its suitability for the disposal of waste water through the use of a septic system, unless another means of disposal is otherwise approved by Council.

**D6** Stormwater drainage shall be designed in accord with Council's Low Density Residential Subdivision - Design Concept Guidelines, unless otherwise approved by Council.

### 3.2.3 Objective

**01.** To ensure low density residential subdivisions occur in a manner and location which takes into account the landscape character and visual quality of the hillslopes and is able to be developed in a safe and serviceable manner.

#### Deemed-fo-Comply *Criteria*

The following are deemed to meet the objectives and performance criteria:

**D1** For land identified in the DCP-1 Hillslopes or land consisting of slopes with grades steeper than 1:6, the proposal shall be prepared in accordance with the requirements of DCP-1 Hillslopes.

*Performance Criteria*

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**PC1** Undertaken in a manner sympathetic and sensitive to the surrounding natural environment.

**PC2** Would maintain the environmental and visual integrity of the hillslopes.

**PC3** Not impact on areas of rainforest or remnant rainforest.

**PC4** Acknowledges local constraints and opportunities in its planning.

*Deemed to Comply Criteria*

**D1** For land identified in the *DCP-1 - Hillslopes* or land consisting of slopes with grades steeper than 1:6, the proposal shall be prepared in accordance with the requirements of *DCP-1 - Hillslopes*.

**3.2.4 Objective**

**01** To ensure low density residential subdivision development has a minimal detrimental impact on the land's environmental features.

*Performance Criteria*

**PC1** The environmental features of the site shall be identified and incorporated into the low density residential subdivisional design so that development of the land shall have a minimal impact on the environmental features of the site.

*Deemed-to-Comply Criteria*

The following are deemed to meet the objectives and performance criteria.

**D1** ~~To~~ ensure the protection of stream environments and to provide adequate access for maintenance and recreational purposes the following shall be provided.

- In the case of a river or natural perennial stream, creek or water course a road reserve shall be provided which includes the area of the river/stream and extends 20 metres beyond the high bank of the river/stream or as determined by Council considering the existing topography and vegetation adjacent to the river/stream and the impact subdivisional development is likely to have on the stream environment.

In the case of a natural non-perennial stream, creek or watercourse a drainage reserve shall be provided which includes the area of the stream and extends 10 metres beyond the high bank of the stream or as determined by Council considering the existing topography and vegetation adjacent to the stream and the impact subdivisional development is likely to have on the stream environment.

Where the additional road reserve or drainage reserve is required to ensure that the impact of subdivisional development on the stream environment is minimised, water quality and riparian vegetation in particular, the additional setback for development (ie, dwellings, earthworks, etc) may be otherwise secured by an environmental easement or similar means to Council's satisfaction.

- D2** Rainforest areas of significant conservation values are to be left undisturbed. This may be achieved by including areas of rainforest in parkland, scenic reserves or road widening reserves.

### **3.2.5 Objective**

- 01.** To ensure that public open space of appropriate quality and quantity is provided to contribute towards meeting the recreational and social needs of the community in convenient locations.
- 02.** To incorporate natural and cultural features, where appropriate, into areas of public open space.

#### Implementation

- [a]** The multi-functional role of open space and its joint usage with other community facilities to be recognised and promoted through the Open Space Management Team referred to in the Strategic Plan Recreation Objective 2.
- [b]** Areas of open space to be provided in accordance with the Open Space Management Plan. (Strategic Plan Recreation Objective 1).
- [c]** Contributions for Open Space are to be made in accordance with the Open Space Management Plan. (Strategic Plan Recreation Objective 1(b)).
- [d]** Where a Local Area Open Space Management Plan has not been undertaken for the locality, Council shall in accordance with the Strategic Plan Recreation Objective 1(d) require one to be undertaken.

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- [e] The location and layout of public open space are minimised problems relating to personal security and surveillance, property security and vandalism in relation to the park and its boundaries.

### **3.3 COMMERCIAL**

#### **3.3.1 Allotment Size**

##### Objective

To ensure that allotments within the Commercial zone have an area and configuration suited to their intended use.

##### *Implementation*

- [a] The minimum size and configuration of any allotment within the Commercial zone shall be in accordance with the provisions of Table E-1 as they relate to the Commercial zone.

#### **3.3.2 Building Siting and Design**

##### Objective

To ensure that the siting and design of any building within the Commercial zone, or intended to be used for commercial purposes, is appropriate, having regard to the intended use of that building and sympathetic to the surrounding natural and built environment.

##### *Implementation*

- [a] The maximum site coverage of any building within the Commercial zone shall be in accordance with Provision 1.5 of Part D.
- [b] The maximum height of any building within the Commercial zone shall be in accordance with Provision 1.7 of Part D.
- [c] The minimum setback of any building within the Commercial zone shall be in accordance with Provision 1.8 of Part D.
- [d] The scale of individual building and other site elements, including car parking areas, should be sympathetic and subordinate to the natural environment. Individual building and site elements should be interspersed by less intrusive natural vegetation and/or new planting to ensure that the built form does not become pre-eminent to the natural environment.

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### 3.3.3 Open Space Provision

#### Objective

To ensure the amenity of the site and the surrounding area is protected and enhanced.

#### Implementation

- [a] An area of at least 10% of the site shall be provided as landscaped open space, of which at least half shall comprise deep planting. The remaining part of this open space requirement may be paved and used for pedestrian or recreation uses.
- [b] The area of landscaped open space required pursuant to Section 3.3.3 [a] shall include an area at least three (3) metres in width along all property boundaries. With the exception of vehicular and pedestrian access points, this area shall be planted.
- [c] Where the site adjoins land zoned for residential purposes, the width of the landscaped buffer strip along a boundary to a residential zone shall be increased to provide a minimum width of six (6) metres.  
  
This strip shall be planted and maintained with screen planting and shall include a screen fence on the site boundary.
- [d] Council may relax the provisions of Sections 3.3.3[a], [b] and [c], having regard to:
  - [i] the nature and character of surrounding development; and/or
  - [ii] the size and dimensions of the site: and/or
  - [iii] the number of roads to which the site has frontage and the function of those roads; and/or
  - [iv] the width of any existing or proposed footpath or other buffer adjoining the site; and
  - [v] the intent of Objective 3.3.3.



### 3.3.4 Access

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#### Objective

To ensure that there is adequate provision for pedestrian and vehicular access, movement and parking to meet the needs of the development.

#### Implementation

- [a] Car parking shall be provided in accordance with Provision 1.3 of Part D and shall be located and designed to facilitate its usage in a safe and convenient manner. Shade tree planting shall be provided within carparking areas in accordance with an approved landscape plan.
- [b] Provision shall be made for the on-site loading and unloading of goods, with the configuration of such loading facilities to be determined by Council having regard to:
  - [i] the size and dimensions of the site;
  - [ii] the nature and character of development existing or proposed for the site; and
  - [iii] the availability of alternative off-site loading and/or unloading facilities without adverse impact upon the transport efficiency of the State-controlled road network.

Such facilities shall be located so as to be visually screened from off-site observation.

- [c] Commercial development shall be linked to any existing ~~footpath~~/bicycle path network in the locality, and provision shall be made on site for the secure storage of bicycles. The provision of storage facilities shall be determined by Council having regard to the nature and scale of the development.

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### **3.3.5 Utilities**

#### *Objective*

To ensure all lots and common areas are adequately serviced with appropriate service infrastructure.

#### *Implementation*

- [a] Public toilet facilities shall be provided in accordance with the requirements of the Building Code of Australia and to Council's satisfaction.
- [b] Required public toilet facilities shall be open and readily accessible to the general public during normal trading hours.
- [c] Council may vary these requirements having regard to the existing provision of such facilities in the locality and the nature of adjoining and surrounding land uses.

## **3.4 INDUSTRIAL**

### **3.4.1 Allotment Size**

#### *Objective*

To ensure that allotments within the Industry and Trades and Services zones have an area and configuration suited to their intended use.

#### *Implementation*

- [a] The minimum area and dimensions of any allotment within the Industry or Trades and Services zone shall be in accordance with the provisions of Table D-2 as they relate to the Industry and Trades and Services zones respectively.

### **3.4.2 Building Siting and Design**

#### *Objective*

To ensure that the siting and design of any building within the Industry or Trades and Services zones, or intended to be used for industrial purposes, is appropriate, having regard to the intended use of that building, and sympathetic to the surrounding natural and built environment.

#### *Implementation*

- [a] The maximum site coverage of any building within the Industry or Trades and Services zones shall be in accordance with Provision 1.5 of Part D.
- [b] The maximum height of any building within the Industry or Trades and Services zones shall be in accordance with Provision 1.7 of Part D, excepting that Council may permit a greater height where the needs of the particular use warrant such increases in height and where Council is satisfied that the increased height will not compromise the objectives of this Scheme, particularly in respect of the City Image.
- [c] The scale of individual building and other site elements, including car parking areas, should be sympathetic and subordinate to the natural environment. Individual building and site elements should be interspersed by less sensitive natural vegetation and/or new planting to ensure that the built form does not become pre-eminent to the natural environment.
- [d] The minimum setback of any building within the Industry or Trades and Services zones shall be in accordance with Provision 1.8 of Part D.

### **3.4.3 Open Space Provision**

#### *Objective*

To ensure adequate areas of public open space are provided to meet the needs of the workforce.

#### *Implementation*

- [a] It will be a requirement of any approval for the subdivision of land for industrial purposes that an area(s) of land be dedicated to Council for public open space purposes.

- [b] The location, form and function of areas so dedicated shall be in accordance with any Open Space Management Plan which includes the land the subject of the particular development proposal.
- [c] In considering any application for the subdivision of land for industrial purposes, Council shall ensure that such development complies with the provisions of Section 6.10 of Part A - Strategic Plan.

#### **3.4.4 Buffering**

##### *Objective*

To ensure that non-industrial land uses are protected from the impacts of industry.

##### *Implementation*

- [a] Development on sites which adjoin land in any zone other than the Industry, Trades and Services, Public Open Space or Sport and Recreation Zones shall provide a landscape buffer strip within the site for the full length of the common boundary between the zones. This buffer strip shall be:
  - [i] a minimum of three (3) metres wide for sites within the Trades and Services Zone; and
  - [ii] a minimum of six (6) metres wide for sites within the Industry Zone.
- [b] Any buffer strip required pursuant to Section 3.4.4[a] shall incorporate mounding and a suitable screen fence and shall be planted and maintained with dense planting sufficient to provide a definite and effective visual buffer.
- [c] Council may vary these requirements where it considers it to be justified, having regard to:
  - [i] the nature of the adjoining zone;
  - [ii] the existing and proposed amenity of the adjacent area;
  - [iii] any existing buffering between the zones in the locality;
  - [iv] the existing and proposed nature of the industrial area; and
  - [v] Objective 3.4.4 of Part E.

### 3.4.5 Landscaped Open Space

#### *Objective*

To create a pleasant streetscape and to enhance the attractiveness of development.

#### *Implementation*

- [a] Within any site proposed to be used for industrial purposes, it will be a requirement that a landscaped open space area at least six (6) metres wide be provided along the principal road frontage to the site. On secondary road frontages, a landscaped strip at least three (3) metres wide will also be required. Access to the site shall be provided through this landscaped open space.
- [b] All vehicle parking, machinery or material storage areas within the site shall be visually screened from all frontages.
- [c] A minimum of 10 percent of the site is to be landscaped in accordance with an approved landscape plan.

### 3.4.6 Access

#### *Objective*

To ensure adequate provision of car parking, loading/unloading facilities and access to industrial development appropriate to the needs of industry and the requirements of heavy vehicles.

#### *Implementation*

- [a] Reinforced industrial crossings shall be constructed from the kerb and channelling to the property boundary. The width of the driveway shall be a 6 metre minimum.
- [b] Car parking shall be provided in accordance with Provision 1.3 of Part D. Council may however accept part of the required car parking provision to remain unconstructed where it can be demonstrated that the specific use proposed for the site is likely to generate substantially less demand than that required by Provision 1.3 of Part D.

Council will only accept this where an appropriate area of sufficient size remains available on site to accommodate the shortfall in required parking. Council may, at any time, require the construction of all or part of the balance of the shortfall.

- [c] Provision shall be made for the on-site loading and unloading of goods in accordance with Local Planning Policy - Carparking and Vehicle Access.
- [d] Where a use is likely to attract a higher demand for off-street parking and loading/unloading facilities than that provided for under Provisions 1.3 of Part D, Council may require provision of on-site parking and loading/unloading facilities greater than that provided for by Provision 1.3 of Part D, to a level considered necessary to accommodate the higher demand.

### **3.4.7 Utilities**

#### *Objective*

To ensure that adequate services are provided to meet the particular requirements of industrial development.

#### *Implementation*

- [a] The provision of service infrastructure shall be in accordance with Provision 1.2 of Part D.
- [b] In addition to these works, drainage works shall provide for the isolation of on-site drainage from Council's stormwater system.
- [c] Provision shall be made on site for the storage of and appropriate access for the removal of refuse. A refuse storage area may be provided within the six (6) metre landscaped open space area required along the property frontage provided:
  - [i] the storage area is no closer than three (3) metres and 1.5 metres from the frontage or side property boundary respectively;
  - [ii] the storage area is enclosed on three sides by a screen wall extending 0.2 metres above the height of the refuse container; and
  - [iii] the storage area is screened by dense planting and mounding.

## **4.0 GROUP TITLE SUBDIVISION**

### **4.1 INTRODUCTION**

The provisions of this Section are provisions applying to the subdivision of land through the registration of a Group Title Plan under the Building Units and Group Title Act or replacement legislation.

### **4.2 GENERAL PROVISIONS**

Group title subdivisions may occur in the Residential 1, Residential 2 Residential 3, Commercial, Trades and Services, Industrial, Village, Rural or Special Facilities zones in accordance with the following.

#### **4.2.1 Allotment Size and Orientation**

##### *Objective*

To ensure that allotments resulting from the subdivision of land by Group Title Plan have an area and dimensions suited to their intended development.

##### *Implementation*

- [a] The size of lots other than allotments formed as common property be in accordance with Table E-1.
- [b] Allotment orientation for residential land to be in accordance with Provision 3.1.2.

#### **4.2.2 Building Siting & Design**

##### *Objective*

To ensure appropriate building siting and design for its intended use.

##### *Implementation*

- [a] Building siting and design for residential uses to be in accordance with Provision 3.1.4.
- [b] Building siting and design for commercial uses to be in accordance with Provision 3.3.2.
- [c] Building siting and design for Trades and Services or industry uses to be in accordance with Provision 3.4.2.

- [d] Building, siting and design for the Village or the Special Facilities zone uses shall be as determined by Council having regard to [a], [b] and [c] above as relevant to the land use intended.

#### **4.2.3 Private Open Space**

*Objective*

To provide each residential dwelling with private open space that meets the reasonable recreational services and storage needs of residents.

*Implementation*

- [a] Private open space to be provided in accordance with Provision 3.1.5.

#### **4.2.4 Commercial and Industrial Open Space**

*Objective*

To ensure adequate areas of common open space are provided.

*Implementation*

- [a] The provision of commercial open space to be provided in accordance with Provision 3.3.3.
- [b] The provision of industrial open space to be provided in accordance with Provisions 3.4.3. and 3.4.5.

#### **4.2.5 Access and Carparking**

*Objective*

To ensure there is adequate provision for pedestrian and vehicle movement and carparking within the subdivision.

*Implementation*

- [a] The provision of access and carparking for residential purposes are to be provided in accordance with Provision 3.1.6 where for the purpose of this Provision, the subdivision is considered conventional and without common area.
- [b] The provision of access and carparking for commercial purposes are to be provided in accordance with Provision 3.3.4 where, for the purpose of this provision, the subdivision is considered conventional and without common area.



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- [c] The provision of access and carparking for industrial purposes are to be provided in accordance with Provision 3.4.4 where, for the purpose of this provision, the subdivision is considered conventional and without common area.

#### **4.2.6 Utilities**

##### *Objective*

To ensure all lots and common property are adequately serviced with all necessary utility services.

##### *Implementation*

- [a] The provision of utilities to be in accordance with Provisions 3.3.5 and 3.1.10.

#### **4.2.7 Drainage**

##### *Objective*

To ensure the site and lots are adequately drained.

##### *Implementation*

- [a] Drainage planning to be in accordance with Provision 3.1.11.

#### **4.2.8 Landscaping**

##### *Objective*

To ensure the amenity of the land and the surrounding area is protected and enhanced.

##### *Implementation*

- [a] Landscaping for residential purposes to be in accordance with Council's Local Planning Policy - Landscaping.

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## 5.0 AMALGAMATION OF LAND

### 5.1 INTRODUCTION

The provisions of sub-section 5.2 are provisions applying to the amalgamation of land under the Act or the Building Units and Group Titles Act.

### 5.2 OBJECTIVE

To ensure that the amalgamation of land results in allotments or lots suited to their intended purpose and that do not unduly restrict the potential of adjoining development and that any necessary works are carried out.

Implementation

- [a] Any person wishing to amalgamate existing allotments or lots shall, at the discretion of the Director of Technical Services.
  - [i] disconnect or relocate water supply and sewerage connection points and conduits; and
  - [ii] remove or relocate vehicle access points; and
  - [iii] relocate any electricity supply mains to the satisfaction of the relevant statutory authority; and
  - [iv] where necessary relocate or disconnect stormwater drainage lines; and
  - [v] remove any building structures to ensure compliance with this Planning Scheme.

All works required to be carried out shall be completed to a standard to the satisfaction of the Director of Technical Services.

- [b] Council may not approve the amalgamation of lots where it is shown that such amalgamation would render the development of an adjoining lot impossible in terms of the potential for development in the zone in which the land is included. The applicant shall submit evidence to this effect with the application for amalgamation.

# **PART F**

# **ADMINISTRATION**

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## **PART F -ADMINISTRATION**

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### **I N D E X**

#### **1.0 APPLICATIONS**

- 1.1 Application for an Amendment of the Planning Scheme  
or the Conditions Attached to an Amendment
- 1.2 Application for Consent
- 1.3 Application for Permitted Development Subject  
to Conditions
- 1.4 Application for Relaxation or Modification of Scheme  
Provisions
- 1.5 Modification of Certain Applications and Approvals
- 1.6 Combined Applications
- 1.7 Requirements for Plans, Reports or Studies Submitted  
in Connection with Applications
- 1.8 Withdrawal of Applications or Objections
- 1.9 Compliance with Provisions and Conditions
- 1.10 Application for Subdivision Pursuant to the Act
- 1.11 Group Title Subdivision
- 1.12 Amalgamation
- 1.13 Miscellaneous Provisions

#### **2.0 ADMINISTRATIVE PROVISIONS CERTIFICATE/COMPENSATION**

- 2.1 Application for Town Planning Certificates
- 2.2 Claim for Compensation

#### **3.0 EXISTING LAWFUL USES**

- 3.1 Rights to Continue an Existing Lawful Use
- 3.2 Provisions in Respect of an Existing Lawful Use
- 3.3 Application for Consent Applying to Existing  
Lawful Non-Conforming Uses
- 3.4 Register of Existing Lawful Non-Conforming Uses

#### **4.0 SAVINGS**

- 4.1 Savings Concerning Development
- 4.2 Savings Concerning Scheme Maps and Roads

#### **5.0 OFFENCES**

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## ADMINISTRATION

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### 1.0 APPLICATIONS

#### 1.1 APPLICATION FOR AMENDMENT OF THE PLANNING SCHEME OR THE CONDITIONS ATTACHED TO AN AMENDMENT

##### 1.1.1 Procedure

**1.1.1.1** Any person who desires to amend this Planning Scheme or the conditions attached to an amendment in accordance with the Act shall make application to the Council in the form required by the Chief Executive Officer and shall accompany such application with an application fee of an amount in accordance with a scale of fees determined by the Council by resolution. In the scale of fees, different fees may be determined for different classes of application.

**1.1.1.2** An application made pursuant to Clause 1.1.1.1 shall be limited to:

- [a] the zoning or rezoning of land including the staged rezoning of land;
- [b] the amendment of conditions attached to an approval for an amendment of this Planning Scheme;
- [c] the amendment of a use:-
  - [i] however specified in respect of the 'particular zoning which relates to the land the subject of the application; and
  - [ii] noted on the relevant zoning map;
- [d] the amendment of a regulatory map;
- [e] the amendment of a development control plan map in respect of the land the subject of the application where the map confers use rights.

**1.1.1.3** The application shall be:

- [a] in writing;
- [b] signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or in the case of a body corporate, or an unincorporated association or incorporated association, by an authorised officer thereof; and

- [c] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the premises subject of the application; and
- [d] addressed to the Chief Executive Officer and shall truly set forth the following particulars-
  - [i] the name and postal address of the applicant; and
  - [ii] the property address and real property description of the land to which the application relates or applies; and
  - [iii] the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown or from the Council for a leasehold estate; and
  - [iv] the area of land: and
  - [v] the length of the frontage (frontage to each road, if more than one (1), to be shown separately), and
  - [vi] the nature of the proposed development; and
  - [vii] the nature of the development on the land at the date of the application; and
  - [viii] the zone or zones in which the land is situated at the date of the application; and
  - [ix] details of the application including, where applicable, the zone or zones in which the land is proposed to be included and, if in more than one (1) zone, details of the apportionment, where necessary described by a metes and bounds description of the land, to each proposed zone;
  - [x] the grounds upon which the applicant requests that the Planning Scheme be amended: and
  - [xi] the number of storeys and extent of site coverage of any proposed building and other structure to be erected on the site; and

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- [e] accompanied, where required, by the following-
- [i] copies of development plans in accordance with Clause 1.7 including contours and detailed levels of the natural surface of the land; and
  - [ii] an environmental, social and/or economic impact statement; and
  - [iii] a geotechnical report; and
  - [iv] a traffic study; and
  - [v] a site contamination report; and
  - [vi] any other report as required by the Council on any relevant matters including but not limited to, flooding, wind effects, visual impact, solar reflections, shadow impacts, land stability, community consultation or cultural heritage.

**1.1.1.4** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing. Such additional information report or study shall be submitted within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer.

**1.1.1.5** The applicant shall advertise the application in accordance with the Act and this Planning Scheme and shall provide the Council with a Statutory Declaration prescribed by Regulation and annexing copies of notices and advertisements as evidence that the provisions of the Act, the Local Government (Planning and Environment) Regulations and this Planning Scheme have been complied with in full.

**1.1.1.6** An application made pursuant to Sub-section 1.1 shall be deemed not to have been made unless the requirements of Clauses 1.1.1.1, 1.1.1.3, 1.1.1.4 and 1.1.1.5 and the Act have been complied with in full.

**1.1.1.7** An application made pursuant to Provision 1.1.1 shall, if it complies with the requirements of this Planning Scheme and the Act, be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall be then referred to the Council, and the Council shall, subject to and in accordance with the Act, decide the application.

## 1.1.2 Determination of Applications

1.1.2.1 In deciding an application made pursuant to Sub-section 1.1 the Council shall:

- [a] approve the application; or
- [b] approve the application subject to conditions; or
- [c] refuse to approve the application.

1.1.2.2 Before determining any application made pursuant to Sub-section 1.1 and without limiting the discretion of the Council, the Council shall take into consideration all matters set out in the Act together with the following matters to the extent they are relevant to the application:

- [a] whether adequate provision has been made for the safe and efficient movement of pedestrians and cyclists; and
- [b] the findings of any planning study, traffic study, environmental impact statement or economic impact assessment submitted in connection with an application; and
- [c] whether any plan of development attached to the application, pursuant to any requirements of the Planning Scheme, should be altered.
- [d] whether there are any local planning policies adopted by the Council which are applicable to the proposal and whether the proposal would accord with, or conflict with, any such policies: and
- [e] any representation made by any government department or statutory authority in relation to the application or to the development of the area and the rights and powers of any such department or authority; and
- [f] where subdivision is proposed following rezoning, the design of the allotments or lots and of the pattern of the roads or accessways which provide access to the land; and
- [g] whether the land or any part thereof is, or is likely to be required for any future road system or road widening or stormwater drainage network or other public purpose; and
- [h] where the land comprises more than one (1) allotment or lot, the amalgamation of those allotments or lots into one (1) allotment or lot; and
- [i] all objections which have been duly lodged with the Council; and



- 
- [j] the particular circumstances of the proposal in relation to the overall public interest; and ,
  - [k] any town planning consideration relevant to the duration of any approval granted.
- 1.1.2.3** Without limiting the generality of the Council's discretion to refuse to approve an application, it shall be sufficient reason to refuse to approve an application to rezone land where such rezoning would be in conflict with any requirement of this Planning Scheme applicable to the area in which the land sought to be rezoned is located.
- 1.1.3 Application for Rezoning of Land in Stages**
- 1.1.3.1** A person may make application to the Council for the rezoning of land in stages.
- 1.1.3.2** An application shall-
- [a] comply with Clauses 1.1.1.1, 1.1.1.3, 1.1.1.4, 1.1.1.5 and 1.1.1.6; and
  - [b] be accompanied by a staged development plan which is to-
    - [i] depict in schematic form the proposed development (including any proposed road network) of the whole of the land, the subject of the application; and
    - [ii] identify (in the proposed order of development) the land incorporated in each stage of the proposed development.
- 1.1.3.3** An application for the rezoning of land in stages shall, if it complies with the requirements of this Planning Scheme and the Act, be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to the Council, and the Council shall, subject to and in accordance with the Act, decide the application.

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**1.1.4** Determination of Applications for Rezoning of Land in Stages

**1.1.4.1** In deciding an application being made pursuant to Clause 1.1.3.1 the Council shall -

- [a] approve the application; or
- [b] approve the application, subject to conditions in respect of the staged development plan or stage 1 (or both); or
- [c] refuse to approve the application.

**1.1.4.2** Without limiting the discretion of the Council, before determining any application made pursuant to Clause 1.1.3.1, the Council shall take into consideration any of the matters contained in Clause 1.1.2.2 to the extent they are relevant to the application and such other matters, having regard to the nature of the application, as are considered relevant.

**1.1.4.3** Without limiting the generality of the Council's discretion to refuse to approve an application, it shall be sufficient reason to refuse to approve an application to rezone land in stages where such rezoning would be in conflict with any requirement of this Planning Scheme applicable to the area sought to be rezoned.

**1.1.5** Subsequent Staged Rezoning Approvals

**1.1.5.1** A person may make application to the Council to rezone land in subsequent stages of a staged development plan.

**1.1.5.2** An application shall-

- [a] comply with Clauses 1.1.1.1, 1.1.1.3 and 1.1.1.4; and
- [b] be made within the time period specified by the Act; and
- [c] be in accordance with the staged development plan approved pursuant to the Act for the land the subject of the application

**1.1.5.3** An application for subsequent staged rezoning approval shall, if it complies with the provisions of this Planning Scheme and the Act, be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to the Council, and the Council shall, subject to and in accordance with the Act, decide the application.

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**1.1.5.4** In deciding an application being made pursuant to Clause 1.1.5.1 the Council shall-

- [a] approve the application; or
- [b] approve the application subject to conditions.

**1.1.6** Referral of Applications to Amend the Planning Scheme to the Minister

**1.1.6.1** Where, in any decision to amend the Planning Scheme, conditions attached to the approval are required to be met prior to the Council referring the application to the Minister, then until such conditions are met the Council shall not refer the application to the Minister.

**1.1.6.2** Subject to Clause 1.1.6.1, the Council shall refer the application to the Chief Executive Officer in accordance with the Act.

## **1.2** APPLICATIONS FOR CONSENT

### **1.2.1** Procedure

**1.2.1.1** Any person who desires to obtain the consent of the Council under this Planning Scheme shall make application to the Council in the form required by the Chief Executive Officer and shall accompany such application with an application fee of an amount in accordance with a scale of fees determined by the Council by resolution. In the scale of fees, different fees may be determined for different classes of application.

**1.2.1.2** The application shall be:

- [a] in writing; and
- [b] signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or in the case of a body corporate, or an unincorporated association or incorporated association, by an authorised officer thereof; and
- [c] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the premises subject of the application; and

- 
- [d] addressed to the Chief Executive Officer and shall truly set forth the following particulars: <sup>1</sup>
- [i] the name and postal address of the applicant; and
  - [ii] the property address and real property description of the land to which the application relates or applies; and
  - [iii] the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the crown or from the Council for a leasehold estate; and
  - [iv] the area of land; and
  - [v] the length of the frontage (frontage to each road, if more than one (1), to be shown separately); and
  - [vi] the nature of the proposed development; and
  - [vii] the nature of any development on the land at the date of the application; and
  - [viii] the nature of any buildings proposed to be erected on the site including the gross floor area, number of storeys and dimensions of such buildings; and
  - [ix] the number of motor vehicles for which car parking is or will be provided; and
  - [x] the number of persons engaged and proposed to be engaged in the particular development; and
  - [xi] the type of machinery proposed to be employed in the particular development; and
  - [xii] the total connected load of any mechanical power proposed to be employed in the particular development; and
  - [xiii] copies of development plans in accordance with sub-section 1.7 including an elevation, of any building or other structures proposed to be erected on the site; and

- 
- [e] accompanied, where required, by the following-
- [i] an environmental, social and/or economic impact statement; and
  - [ii] a geotechnical report; and
  - [iii] a traffic study; and
  - [iv] a landscaping plan; and
  - [v] shadow diagrams; and
  - [vi] any other report as required by the Council on any relevant matter including, but not limited to, flooding, wind effects, solar reflections, visual impact or land stability, community consultation or cultural heritage.

- 1.2.1.3** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing. Such additional information, report or study shall be submitted within such time as specified in the request *or* within such further time as *is* allowed by the Chief Executive Officer.
- 1.2.1.4** The applicant shall advertise the application in accordance with the Act and this Planning Scheme, and shall provide the Council with a Statutory Declaration prescribed by Regulation and annexing copies of notices and advertisements as evidence that the provisions of the Act, the Local Government (Planning and Environment) Regulations and this Planning Scheme have been complied with in full.
- 1.2.1.5** An application made pursuant to Clause **1.2.1.1** shall be deemed not to have been made unless the requirements of Clause **1.1.1.1, 1.1.1.3, 1.1.1.4, 1.1.1.5** and the Act have been complied with in full.
- 1.2.1.6** An application made pursuant to Clause **1.2.1.1** shall, if it complies with the requirements of this Planning Scheme and the Act, be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to the Council, and the Council shall, subject to and in accordance with the Act, decide the application.

## 1.2.2 Determination of Applications

1.2.2.1 In deciding an application made pursuant to Clause 1.2.1.1 the Council shall:

- [a] approve the application; or
- [b] approve the application subject to conditions; or
- [c] refuse to approve the application.

1.2.2.2 Before determining any application made pursuant to Clause 1.2.1.1 and without limiting the discretion of the Council, the Council shall take into consideration the following matters to the extent they are relevant to the application.

- [a] whether the proposal would create a traffic problem or increase an existing traffic problem and whether adequate provision has been made for the safe and efficient movement of pedestrians and cyclists; and
- [b] whether the roads giving access to the site are constructed to a standard sufficient to carry motor vehicle traffic of the type and volume likely to be generated by the proposed development; and
- [c] whether the proposed means of ingress to, *or* egress from the site are adequate and whether adequate provision has been made for the loading, unloading, standing, parking and fuelling of vehicles on the site; and
- [d] whether the site or any part thereof is, or is likely to be, required for any future road system, stormwater drainage network or other public purpose; and
- [e] whether the proposal would be likely to detrimentally affect the existing or future amenity of the locality including any detriment likely to be caused by the proposed development by way of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, waste products, traffic generation, radio or electrical interference, or otherwise; and
- [f] whether any deleterious effect on the environment might be occasioned by the proposal and, if so, whether adequate safeguards have been or will be implemented to prevent pollution and protect the environment of the locality; and

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- [g] the character of the proposed development in relation to the character of development on adjacent sites; and
  - [h] the size and shape of the site, the siting of the proposed development and the area to be occupied by the development, in relation to the size and shape of the adjacent sites and any development thereon; and
  - [i] any drainage or flooding problems associated with the site and any measures which may be undertaken to alleviate such problems or whether the existing system of drainage collecting stormwater from the site, in the opinion of the Council, is constructed to a standard sufficient to carry off the stormwater runoff from the proposed development; and
  - [j] whether adequate water, sewerage, electricity and other essential services are available to the site; and
  - [k] whether the proposed development is premature having regard to its plans for the provision of water supply and sewerage infrastructure; and
  - [l] whether, in the opinion of the Council, the proposed development can be connected to existing water supply, sewerage and other essential services in an orderly and efficient manner; and
  - [m] whether the applicant shall contribute towards the cost incurred to be incurred in providing water supply or sewerage headworks; and
  - [n] whether the applicant shall meet the cost incurred or to be incurred in providing water supply works external or sewerage works external to the site; and
  - [o] whether satisfactory provisions are made for the storage and disposal of waste; and
  - [p] whether the proposal would be in accord with, or conflict with any of the provisions of the Strategic Plan or any Development Control Plan; and
  - [q] any relevant provisions of the Planning Scheme, particularly the intent of the zone in which the land is situated; and
  - [r] whether there are any local planning policies adopted by the Council which are applicable to the proposal and whether the proposal would be in accord with, or conflict with any such policies; and

- [s] the findings of any planning study, traffic study, environmental impact statement or economic impact assessment submitted in connection with an application; and
- [t] any representation made by any government department or statutory authority in relation to the application or to the development of the area and the rights and powers of any such department or authority; and
- [u] whether there is sufficient need and demand for the proposal; and
- [v] whether adequate provision has been made for the landscaping of the site, the retention of existing vegetation and for buffer areas; and
- [w] where the site comprises more than one (1) allotment the amalgamation of those allotments into one (1) allotment; and
- [x] whether the proposal is likely to cause or encourage ribbon development; and
- [y] all objections which have been duly lodged with the Council; and
- [z] the particular circumstances of the proposal in relation to the public interest: and
- [aa] any town planning consideration relevant to the duration of any approval granted; and
- [ab] other considerations as required by the Act or determined by the Council as being relevant or reasonably required.

**1.2.2.3** The local authority shall refuse to approve the application if:

- [a] the application conflicts with the Strategic Plan or Development Control Plans or other parts of this Planning Scheme or matters raised in Clause 1.2.2.2.
- [b] there are not sufficient planning grounds to justify approving the application despite the conflict.

**1.2.2.4** Any consent given by the Council pursuant to Clause 1.2.2.1 may be limited as to its duration or the hours during which the consent may be exercised.

### **1.2.3 Revocation of Consent**

**1.2.3.1** The Council may revoke the consent.



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### 1.3 APPLICATIONS FOR PERMITTED DEVELOPMENT SUBJECT TO CONDITIONS

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#### 1.3.1 Procedure

1.3.1.1 Any person who desires to obtain Council's requirements for permitted developments shall make application to the Council in the form required by the Chief Executive Officer and shall accompany such application with an application fee of an amount in accordance with a scale of fees determined by the Council by resolution. In the scale of fees, different fees may be determined for different classes of application.

#### 1.3.1.2 The **application** shall be:

- [a] in writing; and
- [b] signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or in the case of a body corporate, or an unincorporated association or incorporated association, by an authorised officer thereof; and
- [c] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the premises subject of the application; and
- [d] addressed to the Chief Executive Officer and shall truly set forth the following particulars-
  - [i] the name and postal address of the applicant;
  - [ii] the property address and real property description of the land to which the application relates or applies; and
  - [iii] the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown or from the Council for a leasehold estate; and
  - [iv] the area of land; and
  - [v] the length of the frontage (frontage to each road, if more than one (1), to be shown separately); and
  - [vi] the nature of the proposed development; and
  - [vii] the nature of any development on the land at the date of the application; and

- [viii] the nature of any buildings proposed to be erected on the site including the gross floor area, number of storeys and dimensions of such buildings; and
  - [ix] the number of motor vehicles for which car parking is *or* will be provided; and
  - [x] the number of persons engaged and proposed to be engaged in the particular development; and
  - [xi] the type of machinery proposed to be employed in the particular development; and
  - [xii] the total connected load of any mechanical power proposed to be employed in the particular development; and
  - [xiii] such other information relative to the application that may be requested by the Chief Executive Officer or the Council; and
  - [xiv] copies of development plans in accordance with sub-section 1.7 including an elevation, of any building or other structures proposed to be erected on the site; and
- [e] accompanied, where required, by the following-
- [i] an environmental, cultural **and/or** economic impact statement; and
  - [ii] a geotechnical report; and
  - [iii] a traffic study; and
  - [iv] a landscaping plan; and
  - [v] shadow diagrams; and
  - [vi] any other report as required by the Council on any relevant matter including, but not limited to, flooding, wind effects, solar reflections, visual impact, land stability, community consultation or cultural heritage.

**1.3.1.3** The Chief Executive Officer may, within the time period specified by the Act, request in writing the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application. Such additional information, report or study shall be submitted within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer.

**1.3.1.4** An application made pursuant to sub-section 1.3 shall be deemed not to have been made unless ~~clauses~~ 1.3.1.1 and 1.3.1.2 have been complied with in full and where applicable, such further particulars as requested in Clause 1.3.1.3 have been submitted to the reasonable satisfaction of the Chief Executive Officer, within the time period specified.

**1.3.1.5** An application made pursuant to sub-section 1.3 shall, if it complies with the requirements of this Planning Scheme be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to the Council, and the Council shall, subject to and in accordance with the Act and this Planning Scheme decide the application.

### **1.3.2 Determination of Applications**

**1.3.2.1** Upon the application being referred to the Council pursuant to sub-section 1.3 the Council shall:

- [i] approve the application; or
- [ii] approve the application subject to conditions.

**1.3.2.2** Before determining any application made pursuant to this section and without limiting the discretion of the Council, the Council shall take into consideration the following matters in determining conditions of approval, if any, to the extent that they are relevant to the application:

- [a] whether the proposal would create a traffic problem or increase an existing traffic problem, and whether adequate provisions has been made for the safe and efficient movement of pedestrians and cyclists;
- [b] whether the proposed means of ingress to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, standing, parking and fuelling of vehicles on the site;
- [c] whether the proposal would be likely to detrimentally affect the existing or future amenity of the locality including any detriment likely to be caused by the proposed development by way of noise, vibration, smell fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, waste products, traffic generation, radio or electrical interference, or otherwise;
- [d] whether any deleterious effect on the environment might be occasioned by the proposal and if so, whether adequate safeguards have been or will be implemented to prevent pollution and protect the environment of the locality;

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- [e] the character of the proposed development in relation to the character of development of adjacent sites;
  - [f] the size and shape of the site, the siting of the proposed development and the area to be occupied by the development, in relation to the size and shape of the adjacent sites and any development thereon;
  - [g] whether satisfactory provisions are made for the storage and disposal of waste;
  - [h] the provisions of the Planning Scheme including the Strategic Plan and any Development Control Plan:
  - [i] any relevant local planning policies adopted by the Council; and
  - [j] the findings of any planning study, traffic study or environmental impact statement submitted in connection with an application; and
  - [k] whether adequate provision has been made for the landscaping of the site, the retention of existing vegetation and for buffer areas to screen the proposed development from nearby premises; and
  - [l] any representation made by any government department or statutory authority in relation to the applicants or to the development of the area and the rights and powers of any such department of authority; and
  - [m] whether the site should be drained or filled or both drained and filled to make it satisfactory for the erection and use of any building or other structure proposed thereon; and
  - [n] whether the site or any part thereof is, or is likely to be, subject to inundation by floodwaters; and
  - [o] the particular circumstances of the proposal in relation to the overall public interest; and
  - [p] any town planning consideration relevant to the duration of any approval granted; and
  - [q] other considerations determined by the Council a being reasonable and relevant.

- 1.3.2.3** The Council shall not, in approving an application, subject such approval to a condition other than one which provides for:
- [a] the development conforming to a development plan in accordance with sub-section 1.7 including dimensions, floor area, building setback, design and orientation of buildings, and number of storeys, to the satisfaction of the Council; or
  - [b] control over the external appearance of any buildings or other structures, including control over materials used in external cladding and roofs, in a specified form which relates to the character of the locality in which the development is proposed which relates to any provision of this Planning Scheme, including the Strategic Plan and any Development Control Plan; or
  - [c] landscaping of the site in a specified form including the retention of existing vegetation; or
  - [d] buffering of the site in a specified form: or
  - [e] maintenance of the site in a clean and tidy condition; or
  - [f] specified plans on ingress to and egress from the site for motor vehicles and provision of car parking to the requirements and satisfaction of the Council; or
  - [g] traffic control and the provision of **footways** and bikeways in a specified manner within the site and in immediate proximity to the site; or
  - [h] control in a specified manner of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, spray, soot, ash, dust, grit, oil, waste water, waste products, light, glare, radio and television interference, and interference by other forms of radiation, and mitigation in a specified manner of the effect of any one (1) or more of them on the existing and future amenity of the locality whether or not such provision includes the restriction of any activity. Such controls may relate to the findings of any environmental impact statement required by the Council; or
  - [i] the restriction of any activity on the site to any particular time; or
  - [j] the connection of the proposed development to available services such as water supply, sewerage, electricity and other essential services; and

- [k] compliance with the requirements of relevant government departments or statutory authorities; and
- [l] control in a specified manner of provision for waste storage and disposal; or
- [m] compliance with all relevant provisions of the Council's Local Laws and the Planning Scheme, including the Strategic Plan and any Development Control Plan; or
- [n] control in a specified manner of advertising signs; or
- [o] amalgamation of the site into one (1) allotment, or lot; or
- [p] the duration of any approval granted; or
- [q] and condition which would be lawful under the Act.

**1.3.2.4** The approval issued upon the determination shall contain:

- [i] where the application was determined as provided in Clause 1.3.2.1 [i], a notation of the approval and such other requirements as the Chief Executive Officer considers necessary or desirable; or
- [ii] where the applicant was determined as provided in Clause 1.3.2.1 [ii], a notification of the approval, the conditions to which the approval is subject and such other requirements as the Chief Executive Officer considers necessary or desirable.

**1.3.2.5** Where the Council has not determined the application within the time period specified by the Act, the application shall have been deemed to have been approved without conditions.

**1.3.3 Duration of Approval Granted**

**1.3.3.1** Where an approval has been granted pursuant to Sub-section 1.3 and the development has not commenced within two (2) years of the date of the Council's decision or the Court's Order, as the case may be, or such longer period as may be agreed to by the Council, the decision in respect of the application shall be void.

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## 1.4 APPLICATIONS FOR RELAXATION OR MODIFICATION OF SCHEME PROVISIONS

### 1.4.1 Procedure

1.4.1.1 Any person who desires to obtain the approval of the Council for the relaxation or modification of any provision of this Planning Scheme which the Council is empowered to relax or modify, shall make application to the Council in the form required by the Chief Executive Officer and shall accompany such application with an application fee of an amount as determined by the Council by resolution. Different fees may be determined for different types of application.

1.4.1.2 The application shall be:

- [a] in writing; and
- [b] signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or, in the case of a body corporate, or an unincorporated association, by an authorised officer thereof; and
- [c] addressed to the Chief Executive Officer and shall truly set forth the following particulars:
  - [i] the name and postal address of the applicant; and
  - [ii] the property address and real property description of the land to which the application relates or applies; and
  - [iii] the area of the land; and
  - [iv] the grounds upon which the application is made and the facts and circumstances in support of those grounds; and
  - [v] copies of development plans in accordance with sub-section 1.7 including an elevation of any building or other structures proposed to be erected on the land.

1.4.1.3 After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing. Such additional information, report or study shall be submitted within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer.

- 1.4.1.4** An application made pursuant to sub-section 1.4 shall be deemed not to have been made unless the requirements of clauses 1.4.1.1, 1.4.1.2 and 1.4.1.3 have been complied with in full.
- 1.4.1.5** An application made under sub-section 1.4 may be made at the same time as another application pursuant to this Section is made.
- 1.4.1.6** An application made pursuant to sub-section 1.4 shall be referred to the Department of Planning and Development for a report and recommendation thereon, or where appropriate to the Department of Technical Services.
- 1.4.2** Determination of Applications
- 1.4.2.1** Where the granting of a relaxation or modification is at the discretion of the Council, the Department of Planning and Development report and recommendation shall be referred to the Council and the Council shall, having regard to this Planning Scheme decide the application.
- 1.4.2.2** Where the granting of a relaxation or modification is at the discretion of the Director of Planning and Development or the Director Technical Services, that particular person shall, having regard to this Planning Scheme, decide the application.
- 1.4.2.3** Any determination made pursuant to Clause 1.4.2.1 shall:
- [a] approve the application; or
  - [b] approve the application subject to conditions; or
  - [c] refuse to approve the application.
- 1.4.2.4** The Chief Executive Officer shall, within 10 days after the determination of the application, notify the applicant of the determination.



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## **1.5 MODIFICATION OF CERTAIN APPLICATIONS AND APPROVALS**

### **1.5.1 Procedure**

**1.5.1.1** Any person who desires to obtain the Council's approval to modify an application or approval in accordance with the Act shall make application to the Council in the form required by the Chief Executive Officer, and shall accompany such application with an application fee of an amount determined by the Council by resolution.

**1.5.1.2** The application shall be:

- [a] in writing; and
- [b] signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or in the case of a body corporate, or an unincorporated association or incorporated association, by an authorised officer thereof; and
- [c] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the land the subject of the application; and
- [d] addressed to the Chief Executive Officer and shall truly set forth the following particulars-
  - [i] the name and postal address of the applicant; and
  - [ii] the property address and real property description of the land to which the application relates or applies; and
  - [iii] the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown or from the Council for a leasehold estate; and
  - [iv] full details of any modifications desired to be made to the proposal to enable assessment of the requirements of the Act; and
  - [v] copies of development plans in accordance with Sub-section **1.7** including an elevation of any building or other structures proposed to be erected on the land.

**1.5.1.3** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing. Such additional information, report or study shall be submitted within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer.

**1.5.1.4** An application made pursuant to Sub-section 1.5 shall be deemed not to have been made unless the requirements of Clauses 1.5.1.1, 1.5.1.2 and 1.5.1.3 have been complied with in full.

**1.5.1.5** An application made pursuant to Sub-section 1.5 shall, if it complies with the requirements of the Planning Scheme and the Act, be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to the Council, and the Council shall, subject to and in accordance with the Act and this Planning Scheme, decide the application.

## **1.5.2** Determination of Applications

**1.5.2.1** In deciding an application the Council shall:

- [a] approve the application; or
- [b] approve the application subject to conditions; or
- [c] refuse to approve the application.

**1.5.2.2** The Council shall, within 10 days after the decision, notify the applicant of the decision.

## **1.6** COMBINED APPLICATIONS

**1.6.1** A person may make a combined application to the Council for approval at the same time in respect of two (2) or more of the following applications where such applications are in respect of the same land:

- [a] for the zoning or rezoning of land pursuant to Section 4.3 (2)(a) of the Act; and
- [b] for the amendment of the Planning Scheme pursuant to paragraph (c), (d) or (e) of Section 4.3(2) of the Act; and

- [c] for the issue of a town planning consent permit pursuant to Section 4.12 of the Act; and
- [d] for the subdivision of land pursuant to Section 5.1 of the Act where a subdivision is proposed in conjunction with paragraph (a), (b), (c) or (e); and
- [e] for any other approval or decision required pursuant to the Planning Scheme and/or the Act.

**1.6.2** An application made under Sub-section 1.6 shall-

- [a] be on the forms determined by the Council in respect of the relevant applications; and
- [b] contain the prescribed information in respect of the relevant applications; and
- [c] be accompanied by the appropriate fee; and
- [d] clearly state that the application is a combined application and identify the component parts; and
- [e] identify the whole of the lands the subject of the application and, where appropriate, the areas for which different approvals by the Council and if applicable the Governor in Council are being sought.

**1.6.3** Subject to the following requirements and to any necessary modifications, where a component of a combined application would, if it were made as a separate application, be subject to any of the requirements of this Planning Scheme or the Act, the combined application shall also be subject to those requirements.

**1.6.4** Any public notice given in respect of a combined application shall-

- [a] identify the whole of the land the subject of the combined application; and
- [b] state that the proposal is a combined application and identify the component parts of the combined application.

**1.6.5** Where a component of a combined application would, if it were made as a separate application, be open to public inspection, the whole of the combined application shall be open to inspection and the provisions of the Act which relate to obtaining copies of a separate application or part thereof shall apply to all components of the combined application.

## 1.7 REQUIREMENTS FOR PLANS, REPORTS OR STUDIES SUBMITTED IN CONNECTION WITH APPLICATIONS

### 1.7.1 Development plans submitted to the Council in connection with applications made in accordance with this Section shall:

- [a] be numbered, dated and contain a north point; and
- [b] be drawn to a metric scale of 1:10, 1:50, 1:100, 1:200 or 1:500 or such other scale as may be approved by the Director of Planning and Development;
- [c] be produced on a standard A1, A2, A3 or A4 sheet or otherwise as approved by the Director of Planning and Development with at least one set of plans produced on A3 size media;
- [d] Show the boundaries of the land to which the application relates or applies referring to their lengths in metres and bearings, the road or roads to which the land or any part thereof abuts, the size and location of all buildings or other structures both existing and proposed to be erected on the land and the distance in metres from the nearest point of every such building or other structure to the boundary of the site. Where the proposal comprises part of an allotment or part of more than one (1) allotment or more than one (1) allotment, the boundaries of that allotment or those allotments shall also be shown; and
- [e] show the details of the internal layout of all buildings or other structures both existing and proposed, to which the application relates and elevations of any new buildings or other structures, indicating the position of all doors, windows, roof and wall projections, balconies, verandahs, steps and outbuildings; and
- [f] show the position and layout of all vehicular accessways, driveways, and parking areas and provisions for pedestrians and cyclists; and
- [g] show the location of all proposed landscaping and recreation areas including the type and location of outdoor recreation facilities, details of existing vegetation and the extent of proposed clearing of such vegetation; and
- [h] show the location of all clothes drying areas and provision for waste storage and removal; and

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- [i] include, where requested by the Director of Planning and Development, the Chief Executive Officer or the Council, the following-
    - [i] contour information and spot levels; and
    - [ii] the location of any services within or adjacent to the site: and
    - [iii] the location of all buildings on adjoining allotments or lots; and
  - [j] include any further information as required by the provisions of this Planning Scheme including the Strategic Plan, any Development Control Plan and any local planning policy and any State planning policy; and
  - [k] include such other information relative to the application as may be requested by the Director of Planning and Development, the Chief Executive Officer or the Council.

**1.7.2** Any plans, drawing or diagrams lodged with the Council in respect of any application whether or not such plans, drawings or diagrams are referred to in any conditions of any subsequent approval in respect of applications made to the Council, shall become the property of the Council. The Council reserves the right to copy or reproduce such plans, drawings or diagrams by whatever process for any reason whatsoever having regard to the normal functions and duties of the Council.

**1.7.3** Any report, study or statement required to be lodged in respect of any application made pursuant to this Planning Scheme shall be prepared by a suitably qualified professional person. The submission of a report, study or statement shall not constitute compliance with the provisions of this Planning Scheme if, in the opinion of the Director of Planning and Development, the person who prepared the report, study or statement is not suitably qualified.

## **1.8 WITHDRAWAL OF APPLICATIONS OR OBJECTIONS**

**1.8.1** An application made pursuant to this Section may be withdrawn by the applicant, in writing, prior to the determination by the Council of such application.

**1.8.2** Where an application is withdrawn pursuant to this Provision 1.8.1, the amount of any refund of fees paid, if any, shall be at the discretion of the Director of Planning and Development.

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**1.8.3** Where an application is withdrawn pursuant to Provision 1.8.1, the Council shall-

- [a] not be required to decide that application; and
- [b] where objections have been made, notify the principal objectors that the application has been withdrawn.

**1.8.4** An objector may, by notice in writing, withdraw an objection made to the Council pursuant to the Planning Scheme and the Act where that notice is received by the Council prior to its determination of the application.

**1.8.5** Where an objection is made by more than one (1) person, the notice of withdrawal referred to in Provision 1.8.4 shall be signed by all persons who made the objection.

**1.8.6** Where an objection is withdrawn pursuant to Provision 1.8.4 it is, for the purposes of the Planning Scheme and the Act, to be taken not to have been made.

## **1.9 COMPLIANCE WITH PROVISIONS AND CONDITIONS**

**1.9.1** A person shall not contravene or fail to comply with any requirement of this Planning Scheme or conditions imposed in respect of any approval pursuant to an application made under this Section.

**1.9.2** Any person, who being required to do so, fails to comply fully with any condition within or during the time for compliance shall be guilty of an offence which shall be taken to continue until the condition/s are complied with.

## **1.10 APPLICATIONS FOR SUBDIVISION PURSUANT TO THE ACT**

### **1.10.1 General Provisions for Application for Subdivision**

**1.10.1.1** Any person who desires to subdivide land, including a staged subdivision, subdivision incorporating a lake, canal or harbour, subdivision by lease and the creation of an access easement, or to open any road shall make application to the Council and shall accompany such application with an application fee of an amount in accordance with a scale of fees determined by the Council by resolution. In the scale of fees, different fees may be determined for different classes of application.

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**1.10.1.2** The application shall be:-

- [a] in writing; and
- [b] signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or in the case of a body corporate, or an unincorporated association or incorporated association, by an authorised officer thereof; and
- [c] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the premises subject of the application; and
- [d] addressed to the Chief Executive Officer and shall truly set forth the following particulars to the extent that they are relevant to the proposal:
  - [i] the real property description of the land to which the application relates or applies together with the property address thereof; and
  - [ii] the area of the land; and
  - [iii] the full name of the owner of the land; and
  - [iv] the number of allotments, if any, into which the land is proposed to be subdivided; and
  - [v] the current zoning of the land; and
  - [vi] the use being made of the subject land (including the use of any building or structure on the land) at the time of lodgement of the application; and
  - [vii] if applicable, the use desired to be made of the land following subdivision; and
  - [viii] the area to be surrendered to the Crown for use as parks; and
  - [ix] particulars of any existing easement over the land and its purpose; and
  - [x] particulars of any proposed easement over the land and its purpose; and
  - [xi] whether the land is affected by any road realignment; and

- [xii] the length, width and area of any road proposed to be opened together with particulars of the type or types of such road; and
- [xiii] whether the application relates to staged development or subdivision for lease purposes; and
- [xiv] details of any proposal to fill the subject land and the nature of the filling; and
- [xv] details of any encumbrances which may affect the subject land; and
- [xvi] if required by the Act - an environmental impact statement.

**1.10.1.3** The application shall be accompanied by a proposal plan which shall:

- [a] be properly drafted, prepared, submitted in quadruplicate and printed or reproduced on a medium which is durable and stable in dimension; and
- [b] be accurately plotted, with the north point indicated, at an acceptable scale to determine and show allotment dimensions; and
- [c] have an identification plan number; and
- [d] show the following information and particulars to the extent that they are relevant to the proposal:
  - [i] the real property description of the Title and the name of the owner of the land proposed to be subdivided; and
  - [ii] the boundaries of the Title of the land to be subdivided together with all abuttals of the subject land upon neighbouring lands: and
  - [iii] the location and names of all existing roads and easements on, abutting on, or in the vicinity of, the subject land, and also the allotments into which such land has already been subdivided, marked with distinct numbers or symbols, and the measurements of each allotment *or* reserve and the areas thereof; and
  - [iv] the line and banks of any watercourse or creek, and the position of any waterholes on the subject land and the high water mark of any tidal water; and
  - [v] the position of all existing buildings or structures on the subject land, and on adjoining lands within 30 metres of the boundary of the subject land; and



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- [vi] the lines of any existing sewers or drains, septic tanks or soakage trenches, or any existing pipes or mains for the supply of water, gas or electricity on the subject land; and
  - [vii] the contours of the natural surface of the subject land, to a suitable contour interval, above Council's adopted datum and Australian Height Datum; and
  - [viii] where applicable, the highest recorded flood level on the subject land drainage patterns and catchment areas; and
  - [ix] the number of and boundaries of each separate proposed allotment or reserve, the proposed measurements and areas thereof, and the proposed means of access thereto; and
  - [x] in the case of a subdivision where it is probable that part thereof will be subdivided into other allotments at some later time, that part of the subject land shall be designed and shown by broken lines on the proposed plan, together with all the necessary topographical information, so as to show the existing and proposed means of access to each allotment so shown and to any adjoining land; and
  - [xi] all existing and proposed new roads, truncations, lanes, pathways, easements and reserves, within and on the boundaries of the subject land; and
  - [xii] the extent of filling and excavation proposed to be carried out on the subject land; and
  - [xiii] if applicable, the area to be dedicated for park shall be shown in the location proposed by the applicant; and
  - [xiv] a schedule of proposed road names; and
  - [xv] any separate ownerships indicated clearly by light shading; and
  - [xvi] the location of significant vegetation on the subject land; and
  - [xvii] areas of the subject land which are subject to subsidence, slip or erosion.

**1.10.1.4** Where a subdivision has frontage to a declared road under the provisions of the Transport Infrastructure Act, the applicant shall submit a copy of a letter from the Department of Transport and Main Roads indicating its requirements in respect of the subdivision.

**1.10.1.5** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing within such time as specified

in the request or within such further time as is allowed by the Chief Executive Officer. Such information, report or study may include:

- [a] an environmental impact statement, a geotechnical report, a traffic study and a site contamination report; or
- [b] further copies of the proposal plan whereon are shown any one (1) or more of the following:
  - [i] the levels of the present surface of the ground related to Australian Height Datum and shown in the form of spot levels unless the Chief Executive Officer or the Council required levels to be shown in the form of contours; and
  - [ii] the catchment areas of all drainage upon the land and any further information as to drainage required by the Chief Executive Officer or the Council.

**1.10.1.6** An application made pursuant to Sub-section 1.10 shall satisfy the requirements of Clauses 1.10.1.2, 1.10.1.3, 1.10.1.4 and 1.10.1.5. Should the application fail to satisfy the beforementioned provisions, Council may by resolution extend or further extend the period to decide the application as provided for under the Act.

**1.10.1.7** An application made pursuant to Sub-section 1.10 shall, if it complies with the provisions of this Planning Scheme and the Act, be referred to the Director of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred by the Chief Executive Officer to the Council, and the Council shall, subject to and in accordance with the Act, decide the application.

## **1.10.2 Further Provisions for Staged Subdivision**

**1.10.2.1** In addition to the clause contained under the General Provisions for Applications at 1.10.1 an application to subdivide land in stages shall -

- [a] include the following:
  - [i] an application for approval of the overall plan of subdivision; and
  - [ii] an application for approval of Stage 1 of the subdivision; or

- 
- [iii] an application for approval of Stage 1 and any subsequent stages of the subdivision; and
  - [b] be accompanied by a staged subdivision plan which shall show;
    - [i] the proposed layout of the road system for the whole subdivision; and
    - [ii] where required by the Director of Planning and Development, the layout of the existing and proposed road system through adjoining lands; and
    - [iii] the boundaries of each of the proposed stages of the subdivision marked in numerical order to indicate the proposed order of subdivision; and
    - [iv] the respective dates for the commencement and completion of each stage of the subdivision.

**1.10.2.2** Applications for subsequent stages as shown on the overall plan for subdivision shall be submitted in accordance with the provisions contained under the heading of Provision 1.10.1.

### **1.10.3 Further Provisions For a Subdivision by Lease**

**1.10.3.1** In addition to the clause contained under the heading of Provision 1.10.1, an application to subdivide land by lease shall include the following:

- [a] three (3) copies of the lease documents duly signed by the lessee and proposed lessor; and
- [b] one (1) copy of the lease documents unsigned; and
- [c] three (3) copies of the proposed lease area layout plan.

**1.10.3.2** The proposed lease area layout plan shall be in a form acceptable to the Chief Executive Officer and the Registrar of Titles. The boundaries of the proposed subdivision shall be clearly identified and shall be shown in relation to the boundaries of the whole of the allotment of which the subdivision forms part. The boundaries of the whole allotment shall also be identified.

**1.10.3.3** The correct real property description of all of the relevant allotments shall be shown on the copies of the proposed lease area layout plan submitted to the Council.

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**1.10.4 Further Provisions for Creation of an Access Easement**

**1.10.4.1** In addition to the clause contained under the heading of Provision 1.10.1, an application to create an access easement shall:

- [a] be accompanied by a copy of the proposed terms and conditions of the access easement: and
- [b] set forth the grounds upon which the application is made.

**1.10.5 Application Deemed Not To Be Made**

**1.10.5.1** An application made pursuant to Sub-section 1.10 shall be deemed not to have been made unless the provisions of Sub-section 1.10 and the Act have been complied with in full.

**1.10.6 Determination of Application**

**1.10.6.1** An application made pursuant to Sub-section 1.10 shall be determined by the Council in accordance with the provisions of the Act and where relevant any other Act.

**1.10.6.2** In deciding an application made pursuant to this sub-section, the Council shall:

- [a] approve the application; or
- [b] except for an application for the creation of an access easement, approve the application subject to conditions; or
- [c] refuse to approve the application.

**1.10.6.3** Before determining any application pursuant to this sub-section and without limiting the discretion of the Council, the Council shall take into consideration the following matters to the extent they are relevant to the application:

- [a] the nature of development proposed for each of the proposed allotments; and
- [b] whether any of the proposed allotments would be unsuitable for development because of existing or possible inundation, subsidence, slip or erosion; and
- [c] the size, shape, utility and amenity of each of the proposed allotments; and

- 
- [d] the impact of the proposal on the environment (whether or not an environmental impact statement has been prepared); and
  - [e] whether public utility services should be made available to the proposed allotments; and
  - [f] the proposed method of disposal of drainage and whether this would have a detrimental effect upon adjacent lands; and
  - [g] whether drainage reserves are required and whether land for these should be surrendered free of cost to the Crown; and
  - [h] any possible traffic generation and the effect of this upon the road system in the locality; and
  - [i] the length of road frontage to each of the proposed allotments; and
  - [j] the proposed means of access to each of the proposed allotments; and
  - [k] whether, the planning or road junctions and intersections of roads will facilitate the safe flow of traffic and whether truncation of land abutting road junctions and intersections will be required; and
  - [l] whether kerbing and channelling should be provided; and
  - [m] whether, in accordance with the Act, provisions should be made for parks; and
  - [n] whether the applicant should be required to destroy any noxious weed or plant existing on the proposed allotments; and
  - [o] whether, in accordance with this Planning Scheme, underground electricity should be required; and
  - [p] whether the applicant should contribute towards the capital cost of road lighting to serve the proposed allotments; and
  - [q] whether the position of water, sewerage, telephone or electricity mains and kerb and channelling or road stormwater or ground water drains should be provided; and
  - [r] whether provisions should be made for conduits across any road as will enable water, sewerage, gas, electricity or telephone service lines to be laid to connect the mains with the proposed allotments fronting the road; and

- [s] the nature and location of development on the land and subject to the proposal plan and on adjoining land; and
  - [t] whether any rates or charges levied by the Council have been paid; and
  - [u] the suitability of connections proposed to existing and future subdivisions and the suitability of the existing road network to cater for proposed subdivision including provision for road widening where required; and
  - [v] whether provision has been made for suitable easements for any necessary utility service main; and
  - [w] the findings of any report, study or statement required in connection with the application; and
  - [x] whether the proposed subdivision would restrict *or* limit the Council's approved or planned flood mitigation or retardation systems; and
  - [y] the provisions of the Planning Scheme which regulate the subdivision of land and its development; and
  - [z] whether an approval is required pursuant to another Act; and
  - [aa] any town planning considerations relevant to the duration of any approval granted; and
  - [ab] the recommendations or findings of a Site Contamination Report relating to the land, and if one has not been completed whether such an assessment should be carried out: and
  - [ac] any relevant State or local planning policies; and
  - [ad] such other matters, having regard to the nature of the application, as are considered relevant by the Council.
- 1.10.6.4** Where an application in respect of a subdivision by a lease or the relevant lease document indicates that the subject premises is proposed to be leased for a permissible development or a permitted development subject to conditions, the Council shall defer consideration of the proposed subdivision until an application in respect of such development has been determined. If the lease is for a prohibited development, approval of the proposed subdivision by lease shall be refused. An approval of a subdivision by lease shall not imply any development rights.

**1.10.6.5** Where the Council approves an application under this sub-section subject to conditions, it may require as a condition the lodgement of a security in accordance with Sub-section 1.11 to ensure that the applicant will execute work to be done in relation to the application and the decision pursuant to it.

### **1.10.7 Dependent Application**

**1.10.7.1** Where an application to subdivide land is dependent upon the obtaining of approval granted in respect of a separate application made pursuant to this Planning Scheme, the Council shall not determine the application until such time as the approval upon which it depends has been obtained, being-

[a] where the approval of the Governor-in-Council is required - the date of the publication of the Order in Council notifying the Governor-in-Council's approval; or

[b] where the approval of the Governor-in-Council is not required:

[i] where the time for institution of an appeal has expired and no appeal has been instituted - the day immediately following the last day when an appeal could have been instituted; or

[ii] where an appeal has been instituted and withdrawn from the Court - the day immediately following the date of withdrawal; or

[iii] where an appeal has been instituted and determined - the date of that determination.

**1.10.7.2** Where a dependent application is made and the application upon which it depends is refused by either the Council, the Court or the Governor-in-Council, the dependent application shall be taken to have been also refused and the applicant shall have no further rights or remedies in respect of the dependent application.

### **1.10.8 Subdivisions Involving Works**

**1.10.8.1** Where the Council has approved an application for subdivision subject to conditions which include the construction of works to be undertaken by the applicant, the applicant shall submit engineering drawings and specifications for the required works together with an application for approval of such drawings and specifications within the time period specified by the Act. The engineering specifications shall contain references to any relevant conditions of subdivision approval to the satisfaction of the Director Technical Services.

**1.10.8.2** An application made pursuant to Clause 1.10.8.1 shall:

- [a] be on a form as determined by the Council; and
- [b] be accompanied by the engineering drawings and specifications for the required works together with any relevant information including, but not limited to:
  - [i] the location of all service conduits; and
  - [ii] details of the construction schedule; and
  - [iii] details of dust control measures and method of disposal of waste materials including vegetation; and
  - [iv] the extent and finished levels of any proposed filling or excavation operations, the location of batter banks, the source and nature of all fill materials and details of the route external to the site to be used by haulage vehicles; and
- [c] be accompanied by a report from a soil testing organisation acceptable to the Director Technical Services showing compaction requirements and settlement characteristics for any fill material to be used in the subdivision; and
- [d] be accompanied by such Certificates as required by the Council under the provisions of this Planning Scheme; and
- [e] be accompanied by written approval from the adjoining property owners consenting to accept any necessary stormwater discharge and authorising any engineering works on their property; and
- [f] be accompanied by a copy of letters from the relevant telecommunications authority and electricity authority indicating present and future underground conduit requirements within the subdivision; and
- [g] be accompanied by an application fee of an amount in accordance with a scale of fees determined by the Council in resolution.

**1.10.8.3** After submission of an application made pursuant to Clause 1.10.8.1, the Director Technical Services may, in writing, request the submission of calculations or of additional or amended engineering drawings or specifications.



- 1.10.8.4** An application made pursuant to this provision shall be deemed not to have been received unless the requirements of Clauses 1.10.8.2, 1.10.8.3 and the Act have been complied with in full.
- 1.10.8.5** In accordance with the Act, the Council herein delegates its powers to make decisions pursuant to this provision to the Director Technical Services who may approve of the engineering drawings and specifications with or without conditions. Provided that-
- [a] where a subdivision has frontage to a State-controlled Road under the provisions of the Transport Infrastructure Act, such approval shall not be granted until any necessary approval has been obtained from the Department of Transport and Main Roads and such approval shall include any conditions imposed by the Department of Transport and Main Roads; and
  - [b] no works shall be commenced until approval of the engineering drawings and specifications has been granted.
- 1.10.8.6** Any works required to be carried out in respect of an approval granted for subdivision may be carried out either by the applicant or by the Council at the request and cost of the applicant. Such works shall be performed in accordance with the relevant provisions of the Act.
- 1.10.8.7** At its discretion, the Council may permit the construction of subdivisional works in stages upon the submission of a staged construction plan to the satisfaction of the Director Technical Services. In granting such approval the Council may impose conditions necessary to ensure the satisfactory staging and completion of such works.
- 1.10.8.8** Any person who desires to subdivide land shall notify the Council of the following information at least one (1) week prior to the date of commencement of construction:
- [a] name, address and telephone number (including after hours number) of the Consulting Engineers for the subdivision; and
  - [b] name, address and telephone number of the contractors and major sub-contractors for the subdivision; and
  - [c] name and telephone numbers of the person to be contacted in regard to any matter arising from the construction of the subdivision; and
  - [d] date of commencement of works; and
  - [e] list of plant to be used by the contractors; and

**1.10.8.9** Where the applicant undertakes the works required to be carried out in respect of an approval granted for subdivision, the Council shall issue, upon completion of the works in accordance with the engineering drawings and specifications approved pursuant to Clause 1.10.8.5 to the satisfaction of the Director Technical Services, a certificate of practical completion.

**1.10.8.10** Upon completion of the engineering works for a subdivision, "As-Constructed Drawings" shall be submitted to the Council before the original plan of survey is sealed by the Council.

**1.10.9 Lapsed Approval**

**1.10.9.1** Where an applicant fails to lodge with the Council satisfactory engineering drawings and specifications for the required works or satisfactory survey plans for registration within the time periods specified in the Act, the approval granted in respect of the subdivision shall be void. Where a fresh application is submitted for subdivision approval the Council shall not be bound by its previous decision, and shall reconsider the proposal and impose such new conditions as it considers reasonable or relevant in accordance with the provisions of this Planning Scheme.

**1.10.10 Security for Uncompleted Works**

**1.10.10.1** At its discretion the Council may accept security for uncompleted works required to be carried out in respect of an approval granted for a subdivision in order to enable a plan of survey for the subdivision to be sealed by the Council. Should the Council decide to accept such security the applicant shall either:

- [a] give to the Council security to the satisfaction of the Council equal to the estimated value as approved by the Director of Technical Services of the uncompleted works plus 50 percent of such value to ensure that the required works will be completed within such time as may be specified by the Council. No security shall be given to or accepted by the Council until an agreement in writing is made between the applicant and the Council. Such agreement shall include statements pertaining to the nature and extent of the works to be undertaken and the date on or before which such works shall be completed; or

- [b] pay to the Council where the Council agrees to undertake the uncompleted works, an amount as may be agreed upon with the Council as the cost to the Council of undertaking the required works. No money shall be paid to or accepted by the Council until an agreement in writing is made between the applicant and the Council in respect of any required works. Such agreement shall include statements pertaining to the nature and extent of the works to be executed by the Council including a specification thereof, the amount which the applicant agrees to pay to the Council, the date on or before which the Council is to commence to construct the works, and the date on or before which those works are to be completed by the Council.

**1.10.10.2** Acceptance by the Council of uncompleted works pursuant to Clause 1.10.10.1 shall be subject to:

- [a] completion of the following works to the satisfaction of the Director of Technical Services:
- [i] alteration to existing utility services as required; and
  - [ii] placement of property survey marks; and
  - [iii] completion of downstream stormwater drainage and securing of downstream drainage discharge rights; and
  - [iv] approval from relevant Authorities for any works that may come under their jurisdiction; and
  - [v] payment to the electricity authority of the required amount to enable the authority to provide an electricity supply to all allotments and road-lighting facilities and written acknowledgment by the electricity authority that an agreement has been entered into to have the supply installed; and
  - [vi] certification by a qualified professional engineer addressed to the Council in respect of practical completion for any major structure that may have been constructed within the subdivision; and
- [b] the Director of Technical Services being satisfied that all required works will be completed within eight (8) weeks of the date upon which the agreement is executed by the Council; and
- [c] the provisions of the Act.

**1.10.10.3** The Council shall not seal any plan of survey until any agreements have been duly executed.

**1.10.10.4** If the Council has endorsed its approval on the plan of survey before the works have been completed, it may refuse to release any security given to it for the due performance of the works until all survey marks have been reinstated and new survey marks installed in their correct position in accordance with the plan of surveys and such work is certified in writing by a licensed surveyor.

**1.10.11 Sealing of Plans of Survey**

**1.10.11.1** Upon satisfactory completion of any works required to be undertaken pursuant to clauses under the heading Provision 1.10.8 or lodgement of satisfactory security pursuant to clauses under the heading Provision 1.10.10, the applicant shall submit to the Council an accurate plan of survey for the subdivision within the relevant time period specified by the Act.

**1.10.11.2** A plan of survey submitted in accordance with this Clause shall-

- [a] comprise an original plan certified by a licensed surveyor and signed by the owner of the land plus two (2) copies of that plan; and
- [b] be suitable for lodgement in the office of the relevant registering authority; and
- [c] be accompanied by a copy of a certificate of practical completion where security for uncompleted works has not been lodged pursuant to Clause 1.10.10.1; and
- [d] be accompanied by an application fee of an amount in accordance with a scale of fees determined by resolution of the Council; and
- [e] be accompanied by three copies of the easement documents duly endorsed by all owners of the land subject to the easement.

**1.10.11.3** Prior to the submission of a plan of survey the applicant shall-

- [a] reinstate survey marks and install new survey marks in their correct position in accordance with the plan of survey. Such work shall be certified in writing by a licensed surveyor; and
- [b] in respect of the land the subject of the plan of survey, pay to the Council any rates or charges levied by the Council or any expenses being a charge over the land under any Act that is outstanding at the time of the submission of the plan.

- 1.10.11.4** Prior to the sealing of a plan of survey by the Council for a subdivision involving works, the applicant shall lodge a security for the maintenance of such works in accordance with Clause 1.10.12.1.
- 1.10.11.5** The Council shall note its approval under seal on the original plan of survey in accordance with the requirements of the Registrar of Titles provided it is satisfied that-
- [a] any relevant provisions of Part E, the Act and any other relevant Act have been complied with in full; and
  - [b] the plan of survey conforms with the approval granted and that all required works have been completed to its satisfaction.
- 1.10.11.6** The Council shall seal a conforming plan of survey in accordance with the Act as soon as practicable after it is submitted and return the plan of survey to the applicant for lodgement in the office of the relevant registering authority.
- 1.10.11.7** In the event that the relevant registering authority, upon lodgement of a plan of subdivision approved by the Council, requires the alteration of such plan in any particular, the licensed surveyor who prepared the plan shall, within a period of one (1) month from the date of effecting the required alterations, notify the Council in writing of such alterations and forward to the Council copies of the altered plans.
- 1.10.11.8** A licensed surveyor shall not amend any plan of survey after it has been submitted to the Council for approval and sealing, without informing the Council of such amendments and amending any copies of the plan to conform therewith. In no case shall such amendments be made as would contravene the conditions of the Council's approval.

#### **1.10.12 Security for Maintenance of Works**

- 1.10.12.1** Prior to the sealing of the plan of survey by the Council and upon the issue of a certificate of practical completion, the applicant shall lodge with the Council security acceptable to it and equal to a minimum of 10 percent of the cost of the works as certified by the Director of Technical Services against any defects in material or construction which may develop or become apparent during a maintenance period of minimum 12 months from the date of acceptance of the works on maintenance by the Council.

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## **1.11 GROUP TITLE SUBDIVISION**

### **1.11.1 Procedures**

**1.11.1.1** Any person who desires to subdivide or re-subdivide land into lots and common property in accordance with the provisions of the Building Units and Group Titles Act shall make application to the Council in the form required by the Chief Executive Officer, and shall accompany such application with an application fee of an amount in accordance with a scale of fees determined by the Council by resolution. In the scale of fees, different fees may be determined for different classes of application.

**1.11.1.2** The application shall be:

- [a] in writing; and
- [b] signed by the applicant or applicants; or in the case of a partnership, by one of the partners thereof or, in the case of a body corporate or an unincorporated association, by an authorised officer thereof; and
- [c] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the premises the subject of the application; and
- [d] accompanied, where appropriate, by copies of any approval, consent or permission required pursuant to this Planning Scheme for any development proposed on the land; and
- [e] addressed to the Chief Executive Officer and shall truly set forth the following particulars-
  - [i] the name and postal address of the applicant; and
  - [ii] the property address and real property description of the land to which the application relates or applies; and
  - [iii] the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown or from the Council for a leasehold estate; and
  - [iv] the area of land; and
  - [v] the number of lots into which the land or part of the land is proposed to be divided; and
  - [vi] the current zoning of the land; and

- [vii] the use desired to be made of the land following subdivision; and
- [viii] the area of the land proposed as common property, if any; and
- [ix] particulars of any existing or proposed easement over the land and its purpose; and
- [x] whether the land is affected by any road realignment; and
- [xi] the length and width of any access way proposed.

**1.11.1.3** The application shall be accompanied by three (3) copies of a proposal plan which shall:

- [a] be of a scale satisfactory to the Director of Planning and Development and properly drafted, prepared and printed or reproduced on a medium which is durable and stable in dimension; and
- [b] be accurately plotted with the north point towards the top of the page; and
- [c] be signed and dated by the person who prepared it and have an identification plan number; and
- [d] show the following information and particulars-
  - [i] the real property description of the Title and the name of the owner of the land proposed to be subdivided; and
  - [ii] the boundaries of the Title of the land to be subdivided together with all abutments of the subject land upon neighbouring lands; and
  - [iii] the location and names of all existing roads and easements abutting on, or in the vicinity of, the subject land, and also the allotments into which such land has already been subdivided, marked with distinct numbers or symbols, and the measurements of each allotment or reserve and the areas thereof; and
  - [iv] the line and banks of any watercourse or creek, and the position of any waterholes on the subject land, and the high water mark of any tidal water; and
  - [v] the position of all existing structures on the subject land, and on adjacent lands within 30 metres of the boundary of the subject land; and

- [vi] the lines of any existing sewers or drains, septic tanks or soakage trenches, or any existing pipes or mains for the supply of water, gas or electricity on the subject land; and
- [vii] the contours of the natural surface of the subject land, to a suitable contour interval, above some known or stated datum; and
- [viii] where applicable, the highest recorded flood level on the subject land; and
- [ix] the extent of filling proposed to be carried out on the subject land; and
- [x] all proposed lots, each lot marked with a distinct lot number and the approximate measures and area thereof as determined by preliminary survey and design; and
- [xi] the proposed common property, if any, and the approximate measures and area thereof as determined by preliminary survey and design; and
- [xii] if the land comprises more than one (1) allotment details of such allotments and the numbers or symbols relating thereto shown by broken lines; and
- [xiii] where the land to which the application relates or applies is in separate ownerships, show by light shading in different colours the land in each separate ownership.

**1.11.1.4** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer. Such information, report or study may include:

- [a] an environmental impact statement, a geotechnical report, a traffic study and a site contamination report; or
- [b] further copies of the proposal plan whereon are shown any one or more of the following-
  - [i] the levels of the present surface of the ground related to Australian Height Datum and shown in the form of spot levels unless the Council requires levels to be shown in the form of contours; and



- [ii] the catchment areas of all drainage upon the land and any further information as to drainage required by the Council.

**1.11.1.5** An application made pursuant to this sub-section shall be deemed not to have been made unless the requirements of Clauses 1.11.1.1, 1.11.1.2, 1.11.1.3 and 1.11.1.4 and the Building Units and Group Titles Act have been complied with in full.

**1.11.1.6** An application made pursuant to this sub-section shall, if it complies with the provisions of this Planning Scheme and the Building Units and Group Titles Act, be referred to the Director of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to by the Chief Executive Officer to the Council.

### **1.11.2 Determination of Council**

**1.11.2.1** An application made pursuant to this sub-section shall be determined by the Council in accordance with the provisions of the Building Units and Group Titles Act.

**1.11.2.2** In deciding an application made pursuant to this sub-section, the Council shall-

- [a] approve the application; or
- [b] approve the application subject to conditions; or
- [c] refuse to approve the application

**1.11.2.3** Before determining any application made pursuant to this Section and without limiting the discretion of the Council, the Council shall take into consideration the following matters to the extent they are relevant to the application:

- [a] the nature of development proposed for each of the proposed lots and common property; and
- [b] whether any of the proposed lots would be unsuitable for development because of existing or possible inundation, subsidence, slip or erosion; and
- [c] the size, shape, utility and amenity of each of the proposed lots; and
- [d] the impact of the proposal on the environment (whether or not an environmental impact statement has been prepared); and

- [e] whether public utility services should be made available to the proposed lots; and
- [f] the proposed method of disposal of drainage and whether this would have a detrimental effect upon adjacent lands; and
- [g] whether drainage reserves are required and whether land for these should be surrendered free of cost to the Crown; and
- [h] any possible traffic generation and the effect on this upon the road system in the locality; and
- [i] the proposed means of access to each of the proposed lots and whether suitable provisions has been made for car parking and pedestrian access; and
- [j] whether points of access to public road will facilitate the safe flow of traffic; and
- [k] whether kerbing and channelling should be provided; and
- [l] whether in accordance with the Act, provision should be made for parks; and
- [m] whether the applicant should be required to destroy any noxious weed or plant existing on the proposed lots; and
- [n] whether the applicant should contribute towards the capital cost of road lighting to serve the proposed lots; and
- [o] whether the position of water, sewerage, gas, telephone or electricity mains and kerb and channelling or road drains should be indicated on the proposal plan; and
- [p] the nature, layout and location of development on the land the subject of the proposal plan and on adjoining land; and
- [q] provision of private open space; and
- [r] the fact that the body corporate may, at some future date, make application for the extinguishment of the Group Titles Plan; and
- [s] whether any rates or charges levied by the Council may have been paid; and

- [t] the suitability of connections proposed to existing and future subdivisions and the suitability of the existing road network to cater for the proposed subdivision including provision for road widening where required; and
- [u] whether provision has been made for suitable easements for any necessary utility service main; and
- [v] the findings of any report, study or statement required in connection with the application; and
- [w] whether the proposed subdivision would restrict or limit the Council's approved or planned flood mitigation or retardation systems; and
- [x] the provisions of the Planning Scheme which regulate the subdivision of land and its development; and
- [y] whether an approval is required pursuant to the Act and any other Act; and
- [z] such other matters, having regard to the nature of the application as are considered relevant by the Council.

**1.11.2.4** The Council shall only approve or approve subject to conditions, a proposal plan which is-

- [a] in accordance with development on the land lawfully existing at the time the application for subdivision is made; or
- [b] in accordance with proposed development on the land which is permitted development specified in Column 1 of the Table of Development applicable to the zone in which the land is included; or
- [c] in accordance with proposed development on the land which is permitted development specified in Column 2 of the Table of Development applicable to the zone in which the land is included and an application for approval of permitted development subject to conditions has been determined by the Council in accordance with Sub-section 1.3; or
- [d] in accordance with proposed development on the land which is permissible development specified in Column 3 of the Table of Development applicable to the zone in which the land is included and the relevant consent of the Council has been obtained in accordance with Sub-section 1.2; or

- [e] in accordance with a combined application where approval has been granted by the Council for a rezoning of the land included in the proposal plan and where such rezoning will result in the proposed development of the land being permitted development specified in Column 1 of the Table of Development provided that the Council shall not issue a Certificate of Approval pursuant to Clause 1.11.5.1 until such rezoning has been approved by the Governor-in-Council.

**1.11.2.5** Where the Council approves an application or approves an application subject to conditions in accordance with this provision, the Council may require amendments to the proposal plan and cause it to be returned to the applicant, or it may require the applicant to prepare a new proposal plan incorporating the amendments, and submit the necessary copies of it to the Council.

### **1.11.3 Notification of Completion of Subdivision**

**1.11.3.1** Not later than two (2) years after notification of approval of an application made pursuant to this sub-section or within such longer period as the Council may approve, the applicant shall forward to the Council-

- [a] a notice in writing specifying that the conditions, if any, applicable to such approval and the provisions of sub-section 1.10 and 1.11 applicable thereto have been complied with; and
- [b] the relevant Group Titles Plan, completed in accordance with the Building Units and Group Titles Act except to the extent that it requires completion by the Council, together with two (2) copies thereof, such copies being to a standard of reproduction satisfactory to the Council.

### **1.11.4 Lapsed Approval**

**1.11.4.1** Where an applicant fails to lodge with the Council the notice and plans specified in Provision 1.11.3 within two (2) years after notification of approval, the approval granted in respect of the subdivision shall be void. Where a fresh application is submitted for subdivision approval the Council shall not be bound by its previous decision, and shall reconsider the proposal and impose such new conditions as it may consider relevant or reasonably required in accordance with the provisions of this Planning Scheme and the Act.

### 1.11.5 Certificate of Approval

1.11.5.1 Where, in respect of an application for subdivision which has been approved or approved subject to conditions pursuant to this sub-section, and where the Council is satisfied that-

- [a] any necessary approval under the Standard Building By-laws made pursuant to the Building Act has been obtained; and
- [b] for other than applications to subdivide vacant land, that all buildings and structures are completed in accordance with the Standard Building By-laws and this Planning Scheme to the satisfaction of the Director of Planning and Development except for lots which are subject to re-subdivision as part of an approved development being constructed in stages; and
- [c] the provisions of this Planning Scheme and the conditions, if any, applicable to the approval for subdivision have been complied with; and
- [d] the provisions of this Planning Scheme and the conditions of any approval pursuant to this Planning Scheme or the Act applicable to development on the land included within the proposal plan, have been complied with;

it shall, within **14** days thereafter, approve the relevant group titles plan and shall be thereby deemed to have directed that a Certificate for the purposes of Subsection (7) of Section 9 of the Building Units and Group Titles Act be issued in respect of that Group Titles Plan.

## 1.12 AMALGAMATION

### 1.12.1 Applications for Amalgamation of Land Under the Act

1.12.1.1 Any person who desires to amalgamate separate allotments shall-

- [a] where such amalgamation is required to be effected as a condition of approval granted by the Council in respect of an application made pursuant to this Planning Scheme, lodge a plan of survey for sealing pursuant to the clauses contained under Provision 1.10.11 and the Act; or

- [b] in any other case make application to the Council in the form required by the Chief Executive Officer and shall accompany such application with an application fee of an amount in accordance with a scale of fees determined by the Council by resolution.

**1.12.1.2** For the purposes of this provision an application for amalgamation of separate allotments shall be limited to the amalgamation of separate and adjoining allotments whether or not the allotments are less than the minimum allotment size prescribed in Part E.

**1.12.1.3** The application shall be:

- [a] in writing; and
- [b] signed by the applicant or applicants, or in the case of a partnership, by one of the partners thereof or, in the case of a body corporate or an unincorporated association, by an authorised officer thereof; and
- [c] accompanied by the consent in writing of the owners, where the application is made by a person other than the owners of the premises subject of the application; and
- [d] addressed to the Chief Executive Officer and shall truly set forth the following particulars to the extent that they are relevant to the proposal-
  - [i] the real property description of the land to which the application relates or applies together with the property address thereof; and
  - [ii] the area of the land; and
  - [iii] the full name of the owners of the land; and
  - [iv] the current zoning of the land; and
  - [v] if applicable, the use desired to be made of the land following amalgamation; and
  - [vi] particulars of any existing or proposed easement over the land and its purpose; and
  - [vii] whether the land is affected by any road realignment.

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**1.12.1.4** The applicant shall be accompanied by a proposal plan which shall:

- [a] be properly drafted, prepared, submitted in quadruplicate and printed on reproduced on a medium which is durable and stable in dimension; and
- [b] be accurately plotted with the north point indicated, at an acceptable scale to determine and show allotment dimensions; and
- [c] have an identification plan number; and
- [d] show the following information and particulars:-
  - [i] the real property descriptions of the land to be amalgamated and the name of the owners of the land; and
  - [ii] the boundaries of the land to be amalgamated together with all abutments of the subject land upon neighbouring lands; and
  - [iii] the location and names of all existing roads and easements within or abutting on, or in the vicinity of, the subject land, and also the allotments into which such land has already been subdivided, marked with distinct numbers or symbols, and the measurements of each allotment or reserve and the areas thereof; and
  - [iv] the line and banks of any watercourse or creek, and the position of any waterholes on the subject land and the high water mark of any tidal water; and
  - [v] the position of all existing structures on the subject land; and
  - [vi] the lines of any existing sewers or drains, septic tanks or soakage trenches, or any existing pipes or mains for the supply of water, gas or electricity on the subject land; and
  - [vii] the extent of filling proposed to be carried out on the subject land.

**1.12.1.5** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer.

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- 1.12.1.6** An application made pursuant to this provision shall be deemed not to have been made unless the requirements of Clauses 1.12.1.1 (b), 1.12.1.2, 1.12.1.3, 1.12.1.5.
- 1.12.1.7.** An application made pursuant to this provision shall, if it complies with the provisions of this Planning Scheme and the Act, be referred to the Director of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred by the Chief Executive Officer to the Council.
- 1.12.1.8** An application made pursuant to this provision shall be determined by the Council in accordance with the provisions of the Act and, where relevant any other Act.
- 1.12.1.9** In deciding an application made pursuant to this provision, the Council shall-
- [a] approve the application; or
  - [b] approve the application subject to conditions; or
  - [c] refuse to approve the application
- 1.12.1.10** Before determining any application made pursuant to this provision, and without limiting the discretion of the Council, the Council shall take into consideration the following matters to the extent they are relevant to the application:
- [a] the nature of development proposed for the land and the number and type of buildings erected on the land; and
  - [b] the zoning of the land and the location of any zone boundaries; and
  - [c] whether the applicant should be required to destroy any noxious weed or plant existing on the proposed allotment; and
  - [d] whether any rates or charges levied by the Council have been paid; and
  - [h] whether the proposed amalgamation would restrict or limit the Council's approved or planned flood mitigation or retardation systems; and
  - [i] the provisions of the Planning Scheme which regulate the subdivision of land and its development; and



- [j] whether the proposed amalgamation will result in development which does not comply with the provisions of this Planning Scheme; and
- [k] whether an approval is required pursuant to another Act; and
- [l] any relevant State or local planning policies; and
- [m] such other matters, having regard to the nature of the application, as are considered relevant by the Council.

**1.12.1.11** Where the Council has approved an application for amalgamation subject to conditions which include the construction of works to be undertaken by the applicant, the applicant shall comply with the requirements of this Planning Scheme to the extent that they are relevant to the proposal.

**1.12.1.12** Upon satisfactory completion of any works or other requirements to be undertaken pursuant to Clause 1.12.1.11, the applicant shall lodge a plan of survey for sealing pursuant to the requirements of contained under the heading Provision 1.10.11 and the Act.

## **1.13 MISCELLANEOUS PROVISIONS**

**1.13.1** The Council shall keep a record of-

- [a] all consents, permissions and approvals, granted by the Council under this Planning Scheme and of all conditions attached to such consents, permissions and approvals: and
- [b] all approvals and decisions made by it under the Planning Scheme; and
- [c] all orders made by any court in relation to this Planning Scheme.



## **2.0 ADMINISTRATIVE PROVISIONS CERTIFICATE/COMPENSATION**

### **2.1 APPLICATIONS FOR TOWN PLANNING CERTIFICATES**

**2.1.1** An application for any town planning certificate, made pursuant to the Act, shall be in such form as the Council may from time to time determine.

**2.1.2** The fee payable to the Council for the preparation and issue of any town planning certificate shall be as determined by the Council from time to time by resolution.

**2.2 CLAIM FOR COMPENSATION**

**2.2.1** A claim for compensation made pursuant to the Act shall be set out in accordance with the form below.

The Local Government (Planning & Environment) Act  
Section 3.5(7)

**CLAIM FOR COMPENSATION**

I, ..... (Name)  
of .....  
(Address) having an interest in premises described  
as .....

.....(Real Property  
Description of the land) hereby claim compensation from the Cairns City Council pursuant to the provisions of  
the Local Government (Planning & Environment) Act.

The amount of the claim is .....

The date upon which the claim arose is .....

\* My interest in the said premises has been injuriously affected by:-

- \* [a] the coming into force of a provision contained in the Planning Scheme for Council of the City of Cairns
- \* [b] a prohibition or restriction imposed by or under the Planning Scheme for Council of the City of Cairns

\* I have incurred expenditure pursuant to a Town Planning Certificate given to me by the Cairns City Council which expenditure is rendered abortive (in whole or in part) by reason of an error, omission or inaccuracy in that certificate.

The basis on which this claim for compensation is made is as follows:

.....  
.....  
.....  
.....

and documentary evidence relevant to the claim is attached.

\* Use the applicable clause.

Signature of Claimant(s)

Date .....

.....

.....

### 3.0 EXISTING LAWFUL USES

#### 3.1 RIGHTS TO CONTINUE AN EXISTING LAWFUL USE

3.1.1 A lawful use made of premises, immediately prior to the day when the Planning Scheme or an amendment to the Planning Scheme commences to apply to the premises, shall continue to be a lawful use of the premises for so long as the premises are so used, notwithstanding.

[a] any provision of the Planning Scheme or amendment of the Planning Scheme to the contrary; or

[b] that the use is a prohibited development.

#### 3.2 PROVISIONS IN RESPECT OF AN EXISTING LAWFUL USE

3.2.1 An existing lawful use shall be subject to the relevant requirements of any Planning Scheme applicable at the time of its establishment together with any conditions attached to any approval, consent or permission granted in respect of such use.

#### 3.3 APPLICATIONS FOR CONSENT APPLYING TO EXISTING LAWFUL NON-CONFORMING USES.

3.3.1 The Council upon application being made to it for town planning consent in respect of an existing lawful use to which the requirements of Provision 3.1.1(b) applies, may consent to -

[a] the change of the use to one which is, in the opinion of the Council, **less** injurious to the amenity of the area, notwithstanding that the changed use may also be prohibited development; or

[b] the modification, alteration or repair of the building or structure to which the use applies where these works would not increase the gross floor area for that use by more than 10 percent above the gross floor area for that use existed at the time the requirements of this section commenced to apply to the use; and

[c] the re-establishment of a use where the use has been discontinued (whether through the destruction of a building or structure or otherwise) and where application is made to the Council within 12 months from the day the use is discontinued.

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### 3.4 REGISTER OF EXISTING LAWFUL NON-CONFORMING USES

3.4.1 The Chief Executive Officer shall maintain and keep open to inspection a register to be called the "Register of Existing Lawful Non-Conforming Uses" in accordance with the requirements of the Act.

3.4.2 Any person:-

- [a] claiming to be lawfully using any premises for an existing lawful non-conforming use; or
- [b] who is the owner of premises which he or she claims are being lawfully used for an existing lawful non-conforming use;

may make application to the Council for the use of those premises to be included in the Register of Existing Lawful Non-Conforming Uses.

3.4.3 An application pursuant to Provision 3.4.2 shall be:

- [a] in writing and in the form required by the Chief Executive Officer; and
- [b] accompanied by an application fee of an amount determined by the Council from time to time by resolution; and
- [c] signed by the applicant or applicants, or in the case of a partnership, by one of the partners thereof or, in the case of a body corporate or an unincorporated association, by an authorised officer thereof; and
- [d] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the premises the subject of the application; and
- [e] addressed to the Chief Executive Officer and shall truly set forth the following particulars-
  - [i] the name and postal address of the applicant; and
  - [ii] the property address and real property description of the site to which the application relates or applies;
  - [iii] the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown or from the Council for a leasehold estate; and
  - [iv] the area of the site; and

- [v] the nature, type and classification of the use which is claimed to be the existing lawful non-conforming use of the site or of any building or other structure erected on the site: and
- [vi] the particulars by way of documentary evidence relied on to support the claim that the subject is an existing lawful non-conforming use which has been continued to the date of the application; and
- [vii] the date (if available) that the use was established and details of any relevant approvals granted: and

[f] accompanied by a plan of the premises which generally accords with the requirements of sub-section 1.7 and which clearly shows details of any buildings or part thereof or any other areas or other structures used as part of the existing lawful non-conforming use including the size and scale of operation of each of the exiting uses on the premises.

**3.4.4** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application as requested in writing within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer.

**3.4.5** An application may pursuant to this section shall be deemed not to have been made unless the requirements of Provisions 3.4.3 , **3.4.4** and the Act have been complied with in full.

**3.4.6** An application made pursuant to this section shall, if it complies with the requirements of this section and the Act, be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to the Council, and the Council shall, subject to and in accordance with the Act and this section, decide the application.

**3.4.7** An application made pursuant to this section shall be determined by the Council in accordance with the requirements of the Act.

**3.4.8** Upon an application pursuant to this section, being referred to the Council the Council may:-

- [a] approve the application: or
- [b] refuse to approve the application.

**3.4.9** In respect of an existing use which constitutes prohibited development under the requirements of this Planning Scheme and where -

- [a] an application has not been made pursuant to this section and the Council proposed to record the use in the Register; or
- [b] the Council proposed to amend the details of an existing lawful non-conforming use recorded in the Register; or
- [c] the Council proposed to remove the use from the Register.

the council may take action in accordance with the Act to record or amend in the Register or remove from the Register details of such use.

**3.4.10** Where the Council grants any consent pursuant to the Act in relation to any existing lawful non-conforming use under this Planning Scheme, it shall cause particulars thereof to be entered in the Register.



## 4.0 SAVINGS

### 4.1 SAVINGS CONCERNING DEVELOPMENT

- 4.1.1 Nothing in the Planning Scheme shall be read so as to prejudice or otherwise affect in any way howsoever the operation of the Beach Protection Act 1968 and any Act which amends the Beach Protection Act 1968 or any Act in substitution for that Act.
- 4.1.2 Nothing in the Planning Scheme shall be construed as restricting prohibiting or enabling the Council to restrict or prohibit the carrying out of development of any description specified in Table 4-1.

**Table 4-1**

- [a] The carrying out, on land owned by Council, of any road transport undertaking including depots, maintenance facilities, terminals and uses related directly thereto.
- [b] The carrying out by Council, on land controlled by Council of any public utility undertaking including depots, construction work, maintenance, administration and related works for the supply or continuation of supply, treating, delivery, disposal or otherwise of water, sewerage, gas, electronic or other communications systems, electricity, drainage, traffic control or for the provision of cultural, educational or entertainment facilities provided by the Council or a licensee of the Council on Council's behalf.
- [c] Where the nature of the use or erection and the land upon which it may be carried out is designated specifically by an Act, the **use** of any land and the erection or use of any building or other structure which **is** authorised by an Act.
- [d] The use of any land and the erection and **use** of any building or other structure for or in connection with the carrying out, maintenance and operation or functioning of any works being beach protection works within the meaning of that term in the Beach Protection Act 1968 for the purposes of compliance with the requirements of Section **43** of that Act.
- [e] The Council or any person authorised by it who **is** undertaking works on behalf of the Council, conducting an Extractive Industry on any land, the resulting materials being necessary for the construction, making and maintenance of any works which the Council is authorised to construct, make or maintain, provided that such operations are not carried out at any particular location for a longer time than two (2) days in any seven (7) day period, or such longer period as is necessary where the Council resolves the work is necessary because of an emergency or natural disaster.

**4.1.3** Nothing in the Planning Scheme shall be construed as restricting or prohibiting or enabling the Council to restrict or prohibit:

- [a] the erection and use of, on a construction site during construction, any temporary office, shed or other structure together with the use of any land in connection therewith where:
  - [i] that erection and use are by a builder or by the Council or some statutory authority or corporation of a public character exercising public function, its officers, employees or contractors;
  - [ii] that erection and use are on, or in close proximity to, the site of some building or other structure to be, or being, lawfully erected by that builder or are on the site of, or in close proximity to, works to be, or being carried out by the Council or that statutory authority or corporation;
  - [iii] that erection and use are exclusively for or in connection with that building or other structure or those works; and
  - [iv] that use does not continue beyond a time which is reasonable in the circumstances and in any case not beyond practical completion of the works;
- [b] a temporary use of any premises by a licensed victualler pursuant to an order by the Licensing Commission under Section 21 of the Liquor Act 1912.

**4.1.4** [a] Subject to this provision, nothing in the Planning Scheme shall be construed as requiring that the carrying out of any particular development be for only one purpose.

- [b] The purpose for which any erection of a building or other structure is carried out shall be taken to be the purpose for which it is intended that building or other structure be used upon completion of the building or other structure that erection:

Provided that where the purpose for which it is intended a building or other structure be used upon completion of the building or other structure its erection is not known, the purpose for which the erection of that building or other structure is carried out shall be taken to be the purpose for which it is most likely that building or other structure will be used having regard to its design, construction and character as determined by Council.

- 4.1.5** Where there is public land used for some public purpose abutting a park and Council agrees that access to that public land for vehicles or pedestrians or both may be gained across the park then nothing in this Planning Scheme shall be held to prohibit the park being used for access purposes.
- 4.1.6** For the avoidance of doubt, where the carrying out of the same activities in a particular case may properly be regarded as a use for the purpose of home based business and may also properly be regarded as a use for some purpose other than a home based business, the carrying out of those activities shall be taken to be only a use for the purpose of a home based business.
- 4.1.7** [a] For the purpose of determining of any use on a site which abuts a boundary of the Plan Area, it shall be proper to have regard to the use in connection therewith of:
- [i] any part of any river, creek or stream not within the Plan Area;
  - [ii] any land lying beneath the sea and adjacent to foreshores within the Plan Area; and
  - [iii] any other land not within the Plan Area;
- abutting that site together with any building or other structure erected on that land.
- [b] Paragraph (a) shall have effect notwithstanding that in a particular case the use on a parcel of land would thereby be development for a purpose which is not characterised by activities carried *out* wholly or in part on that land.
- [c] Paragraph (a) shall be read subject to any other provision of the Planning Scheme which expressly provides to the contrary or otherwise.
- 4.1.8** [a] Where with respect to any development a requirement of this Planning Scheme is relaxed, varied or waived:
- [i] in a case where that requirement has been relaxed, varied or waived otherwise than by being dispensed with, that provision in its application to that development shall be read as if it were amended to the extent necessary to give effect to that relaxation, variation or waiver: and

- [ii] in a case where that provision has been relaxed, varied or waived by being dispensed with, that provision shall be read as if that development were development to which that scheme provision to the extent of the relaxation waiver or variance does not apply.
- [b] Paragraph (a) shall be read subject to the requirements of any Development Control Plan.
- [c] Council may impose conditions on its decision to relax or waive any provision of this Scheme including but not limited conditions that impose time limits.

## **4.2 SAVINGS CONCERNING SCHEME MAPS AND ROADS**

- 4.2.1** Where there is any inconsistency between two or more zoning maps by reasons of one of those zoning maps indicating in accordance with Part C that certain land is in a zone and the other or others of those zoning maps indicating in accordance with Part C that the land is not in a zone, the contents of that zoning map which indicate in accordance with Part C that that land is in a zone shall in the respect prevail.
- 4.2.2** Where there is any inconsistency between two zoning maps by reason of one of those zoning maps indicating in accordance with Part C that certain land is in a particular zone and the other of those zoning maps indicating in accordance with Part C that that land is in another zone, the contents of that zoning map which is the later of those two zoning maps to be included in the Planning Scheme shall in that respect prevail.
- 4.2.3** While any land remains open as road which has been dedicated for public use as such, any one or more zoning scheme maps whereon that land is indicated in a zone shall have effect as if that land were not thereon indicated as being included in such zone.
- 4.2.4** Notwithstanding that any land being road, river, foreshore or the like, is not shown in a zone on any zoning map it shall be deemed to be included in the Rural zone if it is to be used by any person (other than the Crown) by virtue of any lease, licence or approval of the Crown or statutory authority.

- 4.2.5** Where any part of a road, but for a truncation of the corner formed where the alignments parallel to the general directions of the respective roads or parts of an extended road meet, would form part of a corner allotment or corner site, to the extent that the area of the length of any frontage of that corner allotment or corner site is relevant for the purpose of determining whether any development complies with development standards applicable to it, the area of that truncation shall be deemed to form part of that corner allotment or corner site provided that the area of the truncation deemed to be part of the lot shall not exceed 10 square metres.

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## **5.0 OFFENCES**

- 5.1** Any person who does, or causes or procures to be done, or is knowingly concerned in doing, or permits or allows anything contrary to this Planning Scheme or any condition imposed by the Council, the Planning and Environment Court or Appeal Court pursuant to this Planning Scheme or the Act, or who fails to or omits to carry out any act or thing required under this Planning Scheme or who fails to or omits to carry out any condition imposed by the Council, the Planning and Environment Court pursuant to this Planning Scheme or the Act required to be done by him, within the time provided (if any) shall be guilty of an offence.
- 5.2** Any person who executes, provides, or does or causes or procures to be executed, provided, or done or is knowingly concerned in execution providing or doing any work, material, or thing contrary to this Planning Scheme or any condition imposed by the Council, the Planning and Environment Court or an Appeal Court or the Act and every person who fails to or omits to execute, provide or do any act, work, material, or thing required under this Planning Scheme or any condition imposed by the Council or the Planning and Environment Court or Appeal Court pursuant to this Planning Scheme or the Act required to be executed, provided or done by him and who does not, within a reasonable time specified after being served with a notice in writing by the Council directing such person (which notice it is hereby authorised to be served, and which may be renewed), to pull down and remove such work, material, or thing or to execute, provide or do the work, material or thing as required by this Planning Scheme or any condition imposed by the Council or the Planning and Environment Court or an Appeal Court pursuant to this Planning Scheme or the Act, as the case may be, shall be guilty of an offence.
- 5.3** Any person who makes an application under this Scheme or furnishes or provides a document, letter or statement to the Council any part of which is false or misleading whether by way of a statement therein or omission therefrom, shall be guilty of an offence.
- 5.4** Any offence under this Planning Scheme may be prosecuted in a summary way under the Justices Act or by way of declarations and orders by the Planning and Environment Court under the Act.

- 5.5** Where an expense is incurred by the Council in consequence of a contravention of or a failure to comply with any of the provisions of this Planning Scheme or a condition imposed by the Council or the Planning and Environment Court pursuant to this Planning Scheme or the Act, or in the execution of work required by this Planning Scheme or any condition imposed by the Council or the Planning and Environment Court or an Appeal Court pursuant to this Planning Scheme or the Act or to be executed by a person and not executed by him or not executed by him in a proper manner, then in addition to a penalty to which the person contravening or failing to comply with such provision or condition or failing to execute such work may be liable, he shall also be liable for all such expenses as shall be paid or incurred by the Council in rectifying such failure or contravention, execution such work or rectifying such work where the same has not been carried out in accordance with such provision or condition and the amount of such expenses shall be a debt recoverable at law in a Court of competent jurisdiction from the person contravening or failing to comply with a provision or execution of such work in a proper manner, as the case may be. The certificate in writing of the Chief Executive Officer as to the amount of such expenses paid or incurred shall be prima facie evidence of their correctness.
- 5.6** Any rights or remedy had by the Council in respect of any act or omission of or by any person shall not be prejudiced or affected in any way by the fact that such act or omission constitutes an offence under the Planning Scheme for which no person has been prosecuted.
- 5.7** The allegation or averment in any complaint that at any time or date mentioned in the complaint:
- [a] that land is included in a particular zone: or
  - [b] that a building or other structure was erected on land: or
  - [c] that land was vacant land: or
  - [d] that a development exists on any site or land: or
  - [e] that works have or have not been carried out in accordance with any provision of this Planning Scheme or any condition imposed by the Council or the Planning and Environment Court or an Appeal Court pursuant to this Planning Scheme or the Act: and
  - [f] that a matter or thing required in accordance with any provision of this Planning Scheme or any condition imposed by the Council or the Planning and Environment Court or an Appeal Court pursuant to this Planning Scheme or the Act has not been carried: or

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- [g] that a person is the owner of the land; or
  - [h] that a person is the occupier of the land; or
  - [i] that a particular use was conducted on land or any part thereof; or
  - [j] that no existing lawful non-conforming use existed on land; or
  - [k] that no existing lawful use existed on land; or
  - [l] that a particular condition has been imposed by the Council pursuant to this Planning Scheme; or
  - [m] that a particular expense has been paid or incurred by the Council; or
  - [n] that a particular individual carries on business or trades under a particular business name or style; or
  - [o] that a notice in writing has been sent by the Council to a particular person; or
  - [p] that a notice has not been complied with in the time specified therein;

shall be prima facie evidence of the matter or matters so alleged or averred.

**5.8** Sub-section 5.7 shall apply to any matter or matters so alleged or averred although;

- [i] evidence in support or rebuttal of the matter alleged or averred or of any other matter is given; or
- [ii] the matter alleged or averred is a mixed question of law and fact, but in that case, the allegation or averment shall be prima facie evidence of the fact only.

**5.9** Sub-section 5.7 shall not lessen or affect any onus of proof otherwise falling on the defendant.

**5.10** Sub-section 5.7 shall not derogate from the averment provisions of any Council Local Law.



# **PART G**

## **DEFINITIONS**

## **PART G - DEFINITIONS**

### **I N D E X**

#### **1.0 INTRODUCTION**

1.1 Undefined Terms of Development

#### **2.0 SUMMARY OF EXPLANATORY DEFINITIONS**

2.1 Explanatory Definitions

#### **3.0 SUMMARY OF LAND USE DEFINITIONS**

3.1 Land Use Definitions

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## DEFINITIONS

1

### 1.0 INTRODUCTION

The definitions are arranged in two groups.

Section 2 contains the explanatory definitions which are used in the Planning Scheme, but do not have specified land use meaning in the Tables of Development.

Section 3 contains land use definitions which have a specific meaning in the Tables of Development.

### 1.1 UNDEFINED TERMS OF DEVELOPMENT

**1.1.1** Each section contains a list of the definitions within that section. These definitions are applicable to all parts of the Planning Scheme area. Any dispute as to whether a use is contained within a definition, or a class of uses defined in this section shall be determined by the Council.

**1.1.2** Where any term used in this Planning Scheme is not herein defined but is defined in the Act or in a Council Local Law, the term shall, for the purpose of this Planning Scheme and unless the context otherwise indicates or requires, have the meaning assigned to it by the Act or Local Law.

**1.1.3** Where in this Planning Scheme any reference is made to any Act of Parliament such reference shall be deemed to include all amendments and regulations made thereunder and all amendments made from time to time to such Acts and Regulations and all such Acts and Regulations passed or promulgated in substitution thereof.

**1.1.4** Any development which is not otherwise specifically defined in Section 3 shall be dealt with as set out in the Table of Development of Part C of this Planning Scheme.

**1.2** Where any term defined in this Planning Scheme is also defined in any Act of Parliament that term shall have the meaning set out in this Planning Scheme.

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## 2.0 SUMMARY OF EXPLANATORY DEFINITIONS

The following definitions are terms used in the Planning Scheme that do not have a specific land use meaning in the Table of Zones.

ACCESS PLACE

ACCESS STREET

ACT

AMCORD

ANCILLARY

APPLICANT

APPOINTED DAY

APPROVED

ARTERIAL ROAD

BUILDING

BCA

BUILDING ENVELOPE

BUILDING LINE

CABIN

CARAVAN

CARRIAGEWAY

COLLECTOR STREET

COUNCIL

CURTILAGE

DEEP PLANTING

DENSE PLANTING

DESIGN ELEMENTS

DEVELOPMENT

DEVELOPMENT APPLICATION

DISTRIBUTOR ROAD

DOMESTIC PETS

DWELLING UNIT

ERECT

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ESPLANADE  
EXISTING NON-CONFORMING USE  
EXISTING USE  
FARM DWELLING HOUSE  
FRONTAGE  
GROSS FLOOR AREA  
GROUND LEVEL  
GROUP TITLE LOT  
HABITABLE ROOM  
HEIGHT  
HEIGHT OF A WALL  
HOUSEHOLD  
INDUSTRY  
INOFFENSIVE  
INTRUSIVE  
LANDSCAPING  
LANDSCAPE PLAN  
LAYBY  
LOT  
MAJOR STORMWATER FLOWS  
MINOR STORMWATER FLOWS  
MINOR FARMWORK IMPROVEMENTS  
MOTOR VEHICLE  
OFF - STREET PARKING  
ON - STREET PARKING  
PLAN AREA  
PLAN OF DEVELOPMENT  
PLOT RATIO  
PREMISES  
PRIVATE OPEN SPACE  
PUBLIC OPEN SPACE

RELOCATABLE HOME <sup>1</sup>  
RESIDENTIAL DEVELOPMENT  
RESIDENTIAL USE  
ROADRESERVE  
SCHEME  
SELF-CONTAINED  
SETBACK  
SITE  
SITE COVERAGE  
STATE-CONTROLLED ROADS  
STOREY  
STREET  
STREETSCAPE PLAN  
TRUNK COLLECTOR STREET  
USE  
VERGE  
ZONES  
ZONING & REGULATORY MAPS

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## 2.1 EXPLANATORY DEFINITIONS

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### Access Place

A minor cul-de-sac street providing local residential access, with shared traffic, pedestrian and recreation use.

### Access Street

A street providing local residential access with shared traffic, pedestrian and recreation use with local traffic access priority.

### *Act*

The Local Government [Planning & Environment] Act, as amended, or any Act superseding this Act.

### **AMCORD**

The Australian Model Code for Residential Development and all amendments that are made from time to time to this document or any substituting instrument that may replace this document.

### **Ancillary**

Necessarily associated with a particular development but incidental to that development.

### Applicant

A person who has lawfully made any application to the Council.

### Appointed Day

The day upon which the Order in Council approving this Planning Scheme is published in the Gazette.

### Approved

Approved by the Council, or where delegated authority has been given to a particular committee, officer or officers approved by that particular Committee, officer or officers.

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**Arterial Road**

A road serving through traffic, with origin and destination relatively remote from the residential area under consideration.

**Building**

Any fixed or relocatable structure which is either wholly or partly enclosed by walls and which is roofed. The term includes any part of a building where the context permits.

**BCA**

Building Code of Australia or its replacement code.

**Building Envelope**

Means a diagram drawn on an allotment of a subdivision plan to the requirements of the responsible authority defining the limits for the siting and wall height of any dwelling and/or outbuildings.

**Building Line**

Referto "setback".

**Cabin**

Means a single dwelling which is not a Class 1 building under the Building Code of Australia.

**Caravan**

Means a vehicle designed for use as a residence which:

- [a] is or is designed to be fitted with wheels for immediate towing by a motor vehicle; or
- [b] may be driven immediately under its own power.

**Carriageway**

The area of street or road reserve which is provided for the movement or parking of vehicles.

**Collector Street**



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**A** street providing for local residential access and local traffic movement within performance limits defined in this Planning Scheme.

### Council

Cairns City Council.

### Curtillaae

With respect to a building or other structure, means the property surrounding that building or structure, within the boundary of the property.

### Deeu Planting

Deep planting is the planting of large shrubs and trees within natural ground.

### Dense Planting

Dense Planting is the massed planting of shrubs and trees to provide privacy, screening and a landscaped buffer.

### Develoument

The use of any site or land or the erection or use of any building or other structure. The term does not include:

- [a] the erection or use of any temporary office or shed by a builder on the site of any building or other structure being lawfully erected or on the site of any public works undertaking; or
- [b] the use of land for works in connection with the subdivision of land or the opening of a new road; or
- [c] the use of any land or the erection or use of any building or other structure for undertakings related to flood and drainage mitigation works, beach protection works and any works related to the maintenance, protection, renewal and operation of any public undertakings where such works or undertakings are of a temporary nature.

Provided that the exclusions in [a] and [b] above shall be limited to six (6) months or the time required to complete the building, other structure, public works undertaking or other work, whichever is the shorter period unless the Director of Planning and Development otherwise approves;

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**Development Application**

Any application made to Council pursuant to the Act or this Planning Scheme.

**Design Elements**

Design elements means the items in this Planning Scheme wherein objectives, performance criteria and deemed to comply are specified.

**Distributor Road**

A road whose primary purposes are to provide connection between the residential area and the arterial road system, and circulation within a major residential area.

**Domestic Pets**

An animal which is kept as a companion pet in accordance with the Council's Local Laws and any other relevant legislation in or about a dwelling unit for the interest, enjoyment or protection of residents in the dwelling unit. The term does not include the keeping of venomous animals.

**Dwelling Unit**

Any building or part of a building comprising a self-contained unit intended for the exclusive residential use of one (1) household. Where a dwelling unit is capable of being used as two (2) or more separate dwelling units, then each such unit shall be deemed to be a dwelling unit. The term includes the keeping of domestic pets.

**Erect**

Includes:

- [a] erect or commence or continue to erect;
- [b] do, or commence or continue to do, any work in the course of or for the purpose of erecting;
- [c] perform any structural work or make any alteration, addition or rebuilding;
- [d] move any structure from one position on an allotment to another position on or partly on the same allotment or another allotment;

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- [e] re-erect with or without alteration on or partly on the same or another allotment: or
  - [f] where a building or structure is located on more than one allotment-
    - [i] move to another position on the same allotments or any of them or to another allotment or allotments; or
    - [ii] re-erect with or without alteration on another position on the same allotments or any of them or on another allotment or allotments.

### **Esplanade**

Esplanade is a descriptive term referring to those roads and reserves which abut a foreshore, beach, watercourse or provide for a scenic outlook and the like. Roads included in the meaning of this term, without limiting the generality of this definition, are as follows:

Williams, Upolu, Arlington, Vasey, Sims and O'Shea Esplanades; Casuarina Street, Hibiscus Lane, Cinderella Street; Lake Placid Road, Lake Morris Road, Barron Gorge Road, Brinsmead Road, Brinsmead-Kamerunga Road and Redlynch Intake Road south of Redlynch.

### **Existing Non-Conforming Use**

An existing use which, had it not been in existence before the appointed day would, having regard to the zone in which it is carried on, constitute a purpose for which any building or other structure may not be erected or used or land may not be used in that zone.

### **Existing Use**

The use of premises for the purpose for which they were lawfully used immediately before the appointed day or for which a permit was granted before the appointed day provided that such permit has not expired or been revoked.

Means any dwelling house on a farm either used for the proprietor, or used or intended for use as a residence for persons related to the landowner by blood or marriage or persons employed by the landowner either permanently or on a seasonal basis or persons whom are not related to the proprietor but are employed on a full time basis to facilitate the efficient operation of the farm and in accordance with Part A Section 5.4.2.4.

3

Any boundary line, or part thereof, of an allotment which coincides with the alignment of a road.

### **Gross Floor Area**

The sum of the areas (inclusive of all walls, columns, balconies whether roofed or not) of all storeys of a building or buildings, excluding:-

- [a] the area of lift motor rooms or air conditioning or other mechanical or electrical plant and equipment rooms;
- [b] the area of any unenclosed private balcony (whether roofed or not) and accessible only from one (1) accommodation unit up to a maximum of twenty (20) per centum of the gross floor area of the floor upon which the subject balcony is situated;
- [c] the area of any building or other structure (inclusive of all walls and columns) which extends less than one (1) metre above the ground level at any location measured from the underside of the slab, which forms the roof to the basementkemi-basement carparking area, to mean ground level. Should the ground level of a site be or be proposed to be substantially changed from its state, then the Director of Planning and Development may stipulate the level which shall be regarded as the natural ground level for this calculation having regard to the general level of the surrounding land and roadways;
- [d] ground level parking and parking areas within the envelope of the building and associated vehicular access areas; however, multi-level parking areas outside the building envelope shall not be excluded;
- [e] toilets and stairwells, and other ancillary and service facilities (whether roofed or not) which in the opinion of Council are not a source for attendance to a given premises by the public.

### **Ground Level**

Unless the context otherwise requires, means:

- [a] in a case where any lawful material excavation or lawful depositing of material with respect to the land the ground level of which is to be determined has been carried out to facilitate the erection of a building or other structure and that building or part thereof is erected at the appointed day, the likely or probable ground level had that building or other structure or part thereof not been erected.

[b] in any other case, the level at the appointed day.

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### **Group Title Lot**

A lot shown on a group title plan registered pursuant to the Building Units and Group Titles Act.

### **Habitable Room**

Means a room used for normal domestic activities, and:

includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom and sunroom; but

excludes a bathroom, laundry, water closet, food-storage pantry, walk-in-wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

### **Height**

The distance in metres measured in a vertical axis from any point from ground level to the underside of the ceiling of the topmost level or in the case of a structure, the highest point.

### **Height of a Wall**

The distance in metres measured in a vertical axis from any point from ground level to the uppermost point of the wall.

### **Household**

An individual or group of individuals whether related or unrelated, who occupy or share the same dwelling unit as provided below:

- [a] two or more persons related by blood, marriage or adoption;
- [b] not more than six persons not related by blood, marriage or adoption;
- [c] not more than six persons under the age of eighteen years and not related by blood, marriage or adoption, and a married couple having the care and control of these persons either with or without domestic servants;

For the purposes of this definition, a group of persons shall not be deemed to be maintaining a household by a common discipline unless one or more of the members of the group retains the power in and domination over the whole of the abode occupied by the group.

**Industry**

Includes any of the following operations:

- [a] any manufacturing process, whether or not such process results in the production of a finished article:
- [b] the breaking up or dismantling of any goods or articles for trade, sale or gain or ancillary to any business:
- [c] the extraction or processing of sand, gravel, soil, rocks, stone or similar substances from land:
- [d] repairing and servicing of articles including vehicles, machinery, buildings or other structures, laundering of articles, but not including on-site work on buildings or other structures:
- [e] any operations connected with the installation of equipment and services and the extermination of pests, but not including on-site work on buildings or other structures on land; or
- [f] the dismantling of motor vehicles, whether the dismantling is carried out by one operation or by a series of operations for any purpose other than that of a service station.

When carried out on any premises upon which any of the above operations are carried on the ancillary use of such premises for:-

- [a] the storage of goods used in connection with or resulting from any of the above operations;
- [b] the provision of amenities for persons engaged in such operations;
- [c] the sale of goods resulting from such operations;
- [d] administration or accounting in connection with such operations.

**Inoffensive**

Means any activity or land use which, in the opinion of Council, does not cause any interference with the amenity of the zone in which it is located by reason of the emission of noise, odour, smoke, soot, vibration, fumes, vapours, steam, ash, dust, waste water, waste products, grit, oil, silt, building form or materials or otherwise, or because of hazards either during normal operations or in the event of an accident or damage likely to cause undue disturbance, distress or annoyance or a combination of these to persons or adversely affect property not connected with the use.

### Intrusive

Means any activity or land use conducted that is, in the opinion of Council, not in keeping with a particular locality or the intent of the predominant zone of the locality by virtue of the nature, scale, density, height or impact of the activity.

### Landscaaing

The treatment of land for the purpose of enhancing or protecting the amenity of a site and the locality within which it is situated by one or more of the following:

- [a] screening by fences, walls or other acceptable means;
- [b] planting of trees, hedges, shrubs or grass as appropriate;
- [c] formation of banks, terraces or other appropriate earthworks,
- [d] laying out of garden areas or courts; or
- [e] other recognised and acceptable landscape features or activities.

### Landscaae Plan

Means a plan prepared as part of a development proposal showing planting, paving and other detailing of external areas of the site and where appropriate, streets and parks.

Means that part of a road which abuts the carriageway of that road and has been constructed and drained for the purpose carparking or to allow for traffic movements to and from the carriageway.

### Lot

Lot on Plan descriptions of parcels of land defined on Survey Plans deposited in the Department of Natural Resources.

### Maior Stormwater Flows

Means those flows derived from rainfall intensities in excess of Annual Exceedance Probability (AEP) of 50 percent, 20 percent and 10 percent as specified and which are controlled by the use of trunk drainage, floodway, channels, street pavements, reserves, retarding basins, large water quality control systems, streams and open areas serving a dual purpose.

**Minor Stormwater Flows**

Means those flows derived from rainfall intensities of Annual Exceedance Probability (AEP) of 50 percent, 20 percent and 10 percent as specified and which are controlled by the use of piped drainage, gutters, swales, soakage pits or small on-site retarding basins and small water quality control systems.

**Minor Farm Work Improvements**

Means the removal of insitu materials including stones, rock, clay and sand material not exceeding 2000 m<sup>3</sup> and which, in the opinion of Council, requires only minor earthworks to be conducted for the express purpose of improving the said land for agriculture or grazing activities.

**Motor Vehicle**

Any motor car, truck, motor cycle, moped, trailer, or other vehicle registered or able to be registered with the Queensland Department of Transport and Main Roads for use on public roads.

**Off-Street Parking**

Vehicle parking within the boundaries of an allotment or lot.

**On-Street Parking**

Vehicle parking within the street or road reserve, on the carriageway, in constructed parking bays, or on the verge.

**Plan Area**

The area contained within the former Council of the Shire of Mulgrave and herein referred to as the Balance of the City of Cairns.

**Plan of Development**

Any plan or document which is referred to in the Plan having been approved by Council as part of the approval of the rezoning of a particular site for inclusion in the Special Facilities zone. Such plan describes the proposed development for that particular site.

**Plot Ratio**

Plot Ratio means the ratio between the total floor area of all levels of a building and the area of the site upon which the building is located.



**Premises**

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Any land, building or other structure or any part thereof

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Means any area of land suitable for private outdoor living activities.

**Public Open Space**

Means land used or intended for use for recreational purposes by the public and includes parks, public gardens, riverside reserves, pedestrian and cyclist accessways, playgrounds and sports grounds.

**Relocatable Home**

Means a Class 1 building under the Building Code of Australia which is:

- [a] constructed away from the site at which it is erected;
  - [b] designed to be moved away from one location to another; and
  - [c] ordinarily able to be moved within 24 hours of commencement of work associated with the move.
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Any development which provides residential accommodation of any form.

**Residential Use**

Includes the use of any premises for the purposes of accommodation units, caravan park, caretaker's residence, dual occupancy, dwelling unit or retirement village or the accommodation component of any hotel or motel.

**Road Reserve**

The land dedicated to the Crown for the purpose of a road or street, and incorporating the full width from property line to property line.

**Scheme**

The Planning Scheme for the Balance of the City of Cairns.

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**Self-Contained**

Means a dwelling unit capable of being occupied independently and on a permanent basis by residents such that the dwelling unit must at least contain the following:

- [a] a kitchen area including food preparation, cooking (not a microwave oven solely), cleaning, food storage and refrigeration facilities (not a bar fridge);
- [b] a toilet;
- [c] a laundry;
- [d] a bathroom including wash basin, shower and/or bath; and
- [e] sleeping areas:

all of which are designed or appropriately adapted for human use.

**Setback**

Means the minimum distance which a wall face or window is required to be from a property boundary or another window to a habitable room. It is measured as the horizontal distance between the proposed wall or window and the boundary or other window plus any amount greater than 600 millimetres that any eaves extend beyond the wall face.

**Site**

Any land over which subdivision is proposed or on which development is carried out or is proposed to be carried out whether such land comprises the whole or part of one allotment or more than one allotment if each of such allotments is contiguous with the other or another of such allotments.

**Site Coverage**

Site Coverage is defined as the largest area of the site occupied by the building at any level projected on to a horizontal plane and is expressed as a percentage of total site area.

In the calculation of site coverage, the area of land occupied by the building shall be calculated by measuring along the external perimeter of the buildings including all verandahs, balconies, patios, passageways, staircases, etc.

In all zones, the percentage of site coverage shall include all ancillary buildings (eg. restaurants, foyers, reception areas) except where, in the opinion of the Council, such ancillary buildings are considered to be outbuildings ( garage, carports, pergolas and the like).

For development where several buildings of different storeys are proposed to be erected on the one (1) site, the applicable site coverage for the entire development will be based on the particular site coverage requirements for the tallest structure.

### **State-controlled Roads**

Has the meaning as defined under Section 21 of the Transport Infrastructure Act 1994.

### **Storey**

Storey means that space within a building which is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above. A level used partly or solely for car parking is included as a storey, other than basement or semi-basement carparking which is excluded.

### **Street**

Means any street, lane, footway, square, court, alley, right of way or passage incorporating the full width from property line to opposite property line as well as the street pavement and the verge.

### **Streetscape Plan**

Means a plan showing the visible components within a street (or part of a street) between facing buildings, including the form of buildings, setbacks, fencing, landscaping, driveway and street surfaces, utility services and street furniture such as lighting, signs, barriers and bus shelters.

### **Trunk Collector Street**

Means a street connecting the internal street network serving residential development with the external arterial road network.

### **Use**

In relation to land, includes the carrying out of excavation works in or under land and the placing on land of any material or thing which is not a building or structure and any use which is incidental to or necessarily associated with the lawful use of the relevant land.

**Verge**

That part of the street or road reserve between the carriageway and the boundary of adjacent allotments (or other limit to street reserve). It may accommodate public utilities, footpaths, stormwater flows, street lighting poles and planting.

**Zones**

The divisions respectively into which the Plan Area is divided by this Planning Scheme for the purpose thereof.

**Zonina and Regulatory Maps**

The maps respectively forming part of this Planning Scheme approved by the Governor in Council and signed for identification by the Clerk of the Executive Council, copies whereof are open for inspection at the office of the Council and at the Office of the Chief Executive of the Department of Local Government & Planning.

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### **3.0 SUMMARY OF LAND USE DEFINITIONS**

The following definitions are terms used in the Planning Scheme that have a specific land use meaning in the Tables of Development.

ACCOMMODATION UNITS

AGRICULTURE

AIRPORT

ANIMAL HUSBANDRY - GENERAL

ANIMAL HUSBANDRY - INTENSIVE

AQUACULTURE

BED & BREAKFAST ACCOMMODATION

BULK LANDSCAPE & GARDEN SUPPLIES

BULK STORE

CAMPING GROUND

CARAVAN PARK

CARETAKERS RESIDENCE

CAR PARK

CATERING SHOP

CEMETERY

CHILD CARE CENTRE

COMMERCIAL LAUNDRY

COMMERCIAL PREMISES

COMMUNITY CARE CENTRE

CONCRETE BATCHING PLANT

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CREMATORIUM  
DISPLAY HOME  
DUAL OCCUPANCY  
DWELLING HOUSE >600 m<sup>2</sup>  
DWELLING HOUSE <600 m<sup>2</sup>  
EDUCATIONAL ESTABLISHMENT  
EXTRACTIVE INDUSTRY  
FAMILY DAY CARE  
FORESTRY  
FREIGHT DEPOT  
FUEL DEPOT  
FUNCTION CENTRE  
FUNERAL PARLOUR  
GENERAL INDUSTRY  
HARDWARE STORE  
HAZARDOUS OR OFFENSIVE INDUSTRY  
HEAVY VEHICLE PARKING  
HOLIDAY APARTMENTS (MAX 3 STOREYS)  
HOLIDAY APARTMENTS (MAX 4 STOREYS)  
HOME ACTIVITY  
HOME OCCUPATION  
HOSPITAL  
HOST FARM  
HOTEL

INDOOR ENTERTAINMENT  
INSTITUTION  
INTEGRATED DEVELOPMENT  
JUNK YARD  
LAUNDROMAT  
LIGHT INDUSTRY  
LOCAL STORE  
LOCAL UTILITIES  
MAJOR SHOPPING DEVELOPMENT  
MARINA  
MARKET  
MEDICAL CENTRE  
MINOR BUILDING WORKS  
MOTEL  
MULTIPLE DWELLING (MAX 2 STOREYS)  
MULTIPLE DWELLING (MAX 3 STOREYS)  
MULTIPLE DWELLING (MAX 4 STOREYS)  
NIGHT CLUB  
NIGHT TENNIS COURT  
OUTDOOR ENTERTAINMENT  
OUTDOOR SALES PREMISES  
PARK  
PASSENGER TERMINAL  
PLACE OF WORSHIP

PLANT NURSERY  
PRODUCE STORE  
PUBLIC BUILDING  
PUBLIC PURPOSE  
PUBLIC UTILITIES  
RECYCLING COLLECTION DEPOT  
RELATIVES ACCOMMODATION  
RESTAURANT  
RETIREMENT VILLAGE  
RIDING SCHOOL  
ROADSIDE STALL  
RURAL INDUSTRY  
SERVICE INDUSTRY  
SERVICE STATION  
SHOP  
SHOPPING CENTRE  
SHOWROOM  
SPORT AND RECREATION  
TEMPORARY LAND & HOUSE SALES OFFICE  
TOURIST ATTRACTION AND FACILITIES  
TOURIST RESORT  
TRANSPORT & EQUIPMENT DEPOT  
VEHICLE HIRE PREMISES  
VEHICLE REPAIR STATION



VETERINARY CLINIC

1

VETERINARY HOSPITAL

WAREHOUSE

### 3.1 LAND USE DEFINITIONS

7

#### **Accommodation Units**

Any premises used or intended for use as a boarding house, guest house, hostel, hotel (unlicensed or private), residential club (unlicensed), serviced rooms, student's accommodation or the like where residential accommodation is provided in a room or rooms and where food preparation or cooking facilities are limited. The term does not include premises used for a purpose defined elsewhere in this section.

#### **Aariculture**

Any premises used or intended for use for the growing of crops, fruit, vegetables and the like. The term includes horticulture, and the storage or packing of produce on the land on which it is grown and the preparation of such produce for consignment to market and/or elsewhere. The term includes the carrying out of irrigation and drainage works and any other physical improvements used in conjunction with agriculture, including any extractive industry for minor farm work improvements, providing no material is sold or removed from the site. The term does not include the use of premises for a purpose defined elsewhere in this section.

#### **Airoort**

Any premises used or intended for use as an authorised public landing area for aircraft, including facilities for the-

- [a] housing, servicing, maintenance and repair of aircraft:
- [b] assembly of passengers or goods prior to, or the dispersal of passengers or goods subsequent to the embarkation or disembarkation, of such passengers or goods; and
- [c] convenience and refreshment of passengers and their guests.

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Any premises used or intended for use for the keeping or breeding of animals, birds, insects or reptiles and where the animal is venomous. The term does not include animal husbandry - intensive, or aquaculture as herein defined, or the keeping of domestic pets as a use ancillary to a dwelling unit.

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### **Animal Husbandry - Intensive**

1

Any premises used or intended for use for any one or more of the purposes defined in the following paragraphs of this definition;

"Cattery" - the keeping for boarding or breeding of 2 or more cats (excluding kittens under the age of 3 months);

"Goat Farm" - the keeping or breeding of 3 or more goats;

"Kennel" - the keeping for boarding or breeding of 3 or more dogs (excluding pups under the age of 3 months);

"Lot Feeding of Stock" - the keeping of cattle in pens or at a density greater than 30 beasts per hectare;

"Piggery" - the keeping of 2 or more pigs

"Poultry Farm" - the keeping of 10 or more birds;

"Stable" - the keeping or stabling of 3 or more horses, ponies, donkeys or mules. The term includes the veterinary treatment of such animals, but does not include a **veterinary** surgery as herein defined.

The term also includes any use that both falls within the definition "animal husbandry - general" and **constitutes** a designated development within the meaning of that term in the Local Government (Planning and Environment) Act or its replacement legislation.

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Any premises used or intended for use for the keeping and breeding of fish and other aquatic species and the preparation of such species for consignment to market and/or elsewhere. The term includes the handling, processing, packaging and treating of produce on site derived from the operation of the use.

### **Bed & Breakfast Accommodation**

A dwelling house with the owner living on site which may provide overnight accommodation for tourists or the travelling public on an occasional basis and in accordance with Part D Section 3.2.

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**Bulk Landscape and Garden Supplies**

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Any premises used or intended for use for the sale or distribution of sand, soil, screenings and other such garden materials where such material is received on the site in quantities greater than 3 cubic metres. The term includes the sale of timber logs, sleepers and other such garden and landscaping materials. The term does not include extractive industry, hardware store or plant nursery as herein defined.

**Bulk Store**

Any premises used or intended for use for the bulk storage of goods where the goods stored are not required for use in a shop or commercial premises on the same parcel of land. The term includes a group of separate storage units but does not include a warehouse as defined herein.

**Camping Ground**

Any premises used or intended for use for the pitching of tents for the purpose of providing short term accommodation and for the purpose of rendering services to travellers or tourists and in accordance with Part D Section 3.5. The term includes the erection and use, within the camping ground, of an office, a caretaker's residence, a kiosk and amenity buildings for the exclusive use of the occupants of the camping ground. The term does not include a caravan park as herein defined.

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Means land on which residential accommodation is provided or facilitated by provision of:-

- [a] sites for the parking of caravans;
- [b] caravans parked permanently on the land;
- [c] sites for the erection of relocatable homes;
- [d] cabins, whether self-contained or not; or
- [e] as an adjunct to one or more of the above (but not otherwise), sites for the erection of tents and other demountable or readily transportable accommodation.

and in accordance with Part D Section 3.5

**Caretaker's Residence**

Any residential premises used or intended for use for caretaker or management purposes only, in connection with any industry or other non-residential use conducted on the same site.

**Car Park**

Any premises used or intended for use for the parking of motor vehicles, where such parking is not ancillary to some other use on the same site.

**Caterina Shop**

Any premises used or intended for use for the sale by retail of refreshments or meals which is included in but not limited to Appendix 1 hereto "

**APPENDIX 1**

Cafe  
Expresso bar  
Kiosk  
Milk bar  
Snack bar  
Take-away food premises  
Tea garden  
Tea room

The term does not include a Hotel or Restaurant or Tourist Attraction & Facilities as herein defined.

**Cemetery**

Any premises used or intended for use for the interment of the deceased. The term includes any funeral chapel or parlour or columbarium erected on such premises and work in connection therewith.

**Child Care Centre**

Any premises used or intended for use for the minding, education or care, but not residence of children under school age. The term includes a kindergarten, a creche or pre-school centre. The term does not include family day care as herein defined.

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### Commercial Laundry

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Any premises used or intended for use for the mechanical washing, drying and ironing of clothing and materials on a large commercial basis and which is not available for direct usage by the public.

### Commercial Premises

Any premises used or intended for use as a business office or for other business or commercial purposes. The term does not include a shop, medical centre, restaurant, service station, shopping centre or showroom as defined herein.

### Community Care Centre

Any premises that has the principal purpose of providing physical and emotional care and support to residents in the surrounding community. The use is to be contained within a dwelling unit or within the curtilage of a dwelling unit, so that the existing or future streetscape is retained, and comply with the following criteria:

- [a] no load is imposed on any public utility greater than that which is normally required by other uses allowed without consent of Council in the zone in which the dwelling unit is situated.
- [b] there is no operation of the use between the hours of 6.00 pm and 8.00 am weekdays and no operations on the weekends unless in an emergency.
- [c] the care and support is provided to no more than six persons at any one time, with no more than two staff or carers required to provide this service.
- [d] adequate car parking is available for two cars to be accommodated on site. These spaces may be provided in tandem.

This term includes the use of the premises as a dwelling unit both during and after the operation of the care and support services.

### Concrete ~~Batching~~ Plant

Any premises used or intended for use for the mixing of concrete for use elsewhere. The definition includes concrete product works only where ancillary to the main function of **batching**.

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**Crematorium**

Any premises used or intended for the reduction of the human body to ashes after death. The term includes any funeral chapel or parlour or columbarium erected on such premises and work in connection therewith.

**Display Home**

Any premises designed for use as a detached dwelling house but used or intended for use for the display of the premises to the public or for the display of the type of construction or design offered by a builder or developer. The term does not include Commercial Premises or Temporary Land and Home Sales Office as herein defined.

**Dual Occupancy**

Any premises comprising two (2) dwelling units on any one allotment that is not less than 800m<sup>2</sup>.

**Dwelling House:** Wherein the following land use definitions apply:-

**Dwelling House >600 m<sup>2</sup>**

Any premises which comprises of a single dwelling unit occupied by one family; and outbuildings or structures that are incidental to or necessarily associated with a dwelling house, on any one allotment or lot with an area of 600 m<sup>2</sup> or greater.

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Any premises which comprises of a single dwelling unit occupied by one family; and outbuildings or structures that are incidental to or necessarily associated with a dwelling house, on any one allotment or lot with an area of less than 600 m<sup>2</sup> and greater than 300m<sup>2</sup>. The term does not include an Integrated Development as herein defined.

**Educational Establishment**

Any premises used or intended for use as a school, college, university, technical institute, academy, or other educational centre or lecture hall. The term does not include a child care centre or an institution as herein defined.

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### **Extractive Industry**

Any industry involving and consisting of the extraction or quarrying of sand, gravel, rock, soil, stone or the like from the land and/or a watercourse. The term includes the primary treatment and storage of such material when carried out on the same site as the use.

The term does not include:

- [a] the removal of material outlined by Chapter 11 Part 2 Section 656 of the Local Government Act, as amended;
- [b] the removal of materials as defined in the Mineral Resources Act 1989 or successive legislation;
- [c] the removal of material with or as a consequence of:-
  - [i] an approval to subdivide land and to open a new road in accordance with the Act and this Planning Scheme; or
  - [ii] an approval pursuant to the Building Act, where such works comply with that approval; or
  - [iii] excavation for minor farm work improvements as defined elsewhere in this Part.

### **Family Day Care**

That part of a detached dwelling house or dual occupancy building used or intended for use for the reception and the minding or care, of children for a day or part of a day for fee or reward by a person residing on the premises and which is conducted in accordance with "The Family Day Care Regulations", as amended from time to time.

### **Forestry**

Any premises used or intended for use for the planting, growing and harvesting of trees as a commercial venture. The term does not include a State Forest within the meaning of the Forestry Act 1959 or successive legislation.



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**Freight Depot**

Any premises used or intended for use for any or all of the following purposes -

- [a] the receipt, storage and distribution of goods for transport by any means and the loading and unloading of such goods;
- [b] the transfer of goods from one form of transport or container to another form of transport or container.

The term includes the storage of goods for collection following their transportation and the loading, unloading and storage of containers, and the garaging, refuelling, cleansing, servicing and repair of road transport vehicles, when carried out in conjunction with any of the above uses.

The term does not include the receipt and dispatch of goods where such use is ancillary to some other lawful use, or a transport and equipment depot as herein defined.

**Fuel Depot**

Any premises used or intended for use for the bulk storage for wholesale distribution of petroleum products or other flammable fuels. The term does not include a service station as herein defined.

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Any premises used or intended for use for the holding of functions or receptions at which food or drink is served. The term does not include a Hotel, Indoor Entertainment, Nightclub or Restaurant as herein defined.

**Funeral Parlour**

Any premises used or intended for use by an undertaker in the carrying out of that occupation. The term includes a mortuary, a funeral chapel or office/administration area used in connection with the funeral parlour.

**General Industry**

Any industry which:-

- [a] imposes a demand on Council's water supply not in excess of 2200 litres per square metre of site area per annum or peak flows in excess of 10 litres per day per square metre of site area;
- [b] produces liquid or solid waste that does not require special treatment or transport or would impose a load on Council's sewage treatment plant other than for which it was designated;
- [c] require buildings or structures with a height not in excess of ten metres;
- [d] would generate traffic at rates not in excess of 100 movements of vehicles in excess of 4 tonnes (gross) per hectare per day or 500 movements of all types of vehicles per hectare per day;
- [e] generate noise when measured at the boundary of the site in excess of the noise levels set out in the Table G1 below :

**Table G1**

Level	Weekdays	Weekdays	All Night
	0700-1800	1800-2100	2100-0700
	Saturday	Saturday	Saturday
	0700-1200	1200-1800	1800-2100
		Sunday	Sunday
		0700-1800	1800-2100
<b>L<sub>10</sub>dB(A)</b>	<b>65</b>	<b>55</b>	<b>50</b>
<b>L<sub>90</sub>dB(A)</b>	<b>55</b>	<b>45</b>	<b>42</b>

- [f] generate noise when measured at any boundary of the site to a noise sensitive development in excess of the noise levels set out in the table M2 below:

**Table M2**

Level	Weekdays	Weekdays	All Night
	0700-1800	1800-2100	2100-0700
	Saturday	Saturday	Saturday
	0700-1200	1200-1800	1800-2100
		Sunday	Sunday
		0700-1800	1800-2100
<b>L<sub>10</sub>dB(A)</b>	<b>50</b>	<b>45</b>	<b>40</b>
<b>L<sub>90</sub>dB(A)</b>	<b>45</b>	<b>40</b>	<b>38</b>

- [g] does not involve the use or storage of goods on site that are not prescribed as Minor Storage in accordance with the Australian Standard 1940-1988. The Storage & Handling of Flammable and Combustible Liquids.
- [h] involves any activities that would generate a need for car parking for more than 5% in excess of the number of spaces provided on site.

The term may include but is not limited to the industries listed in Appendix 2 provided they comply with the preceding provisions of this definition.

## APPENDIX 2

Industries listed in Light Industry (Appendix 6) or Service Industry (Appendix 10) but which do not comply with the performance criteria contained therein, or;

Asphaltic product works (not a pre-mix asphalt or bitumen plant)  
 Battery works  
 Boat hull defouling or similar works  
 Boiler works  
 Brewery  
 Brick works  
 Cannery  
 Cement  
 Cement product works  
 Concrete batching plant  
 Concrete product manufacturing  
 Cooperage  
 Distillery  
 Electric welding works  
 Engineering works  
 Felt goods manufacturing  
 Fibrous plaster manufacturing  
 Fish and seafood processing or storage.  
 Fishing gear manufacturing  
 Flour mill  
 Food processing and preserving works  
 Foundry  
 Fruit produce works  
 Glass works  
 Grinding mill  
 Joinery works  
 Knitting mills  
 Metal and machinery works  
 Motor body builders  
 Panel beaters

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Paper mill  
Power house  
Recycled material processing plant  
Refrigeration material processing plant  
Rubber products manufacturing  
Sand and gravel depots  
Sawmill  
Sheet metal works  
Spinning and weaving mills  
Spray painting (in an enclosed building or booth)  
Spring works  
Sugar refinery  
Textile mills  
Timber mill  
Toolmaking works  
Wooldumping and store

### **Hardware Store**

Any premises used or intended for use for the sale or display or offering for sale by retail of any of the articles included in but not limited to Appendix 3 hereto.

The term includes -

- [a] incidental use of the premises for the hire and storage pending hire of any machines, tools or other equipment;
- [b] any ancillary storage.

### **APPENDIX 3**

Building supplies  
Domestic hardware  
Fencing materials  
Painting and decorating products  
Plumbing supplies  
Timber

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**Hazardous or Offensive Industry**

- [a] Any industry:
- [i] which generates noise exceeding 58dB(A) Leq, when measured at the site boundary; or
  - [ii] which involves the use or storage of hazardous goods or goods that could become hazardous if accidentally burnt, dissolved in water or mixed with other goods likely to be kept on site; or
  - [iii] which due to the nature of goods stored on the site or processes undertaken on the site may emit odours, gases or particulate matter which may be injurious, offensive, hazardous or cause nuisance to surrounding properties or occupants; or
  - [iv] which requires isolation from other buildings or areas of human activity for safety or amenity reasons, or because of the emission of radiation or electromagnetic radiation that may interfere with normal broadcast facilities or be harmful to health; or
  - [v] which produces liquid or solid wastes that require special treatment and disposal or would impose a load on Council's Sewage Treatment Plant in excess of that expected of domestic wastewaters;
- [b] or any other industry, which, by reason of the processes or method used or produced, requires isolation from other buildings or areas of human activity or occupation, other than the separation of offensive industry from other offensive industry;

The term may include but is not limited to the following and those industries in Appendix 4 below;

A brewery or distillery but not a mini-brewery.

Cleaning, descaling or treatment <sup>A</sup> of metal or masonry or other articles by abrasive blasting other than by a wet process or other than in a totally enclosed booth or building.

Cleaning, descaling or treatment of ferrous metal in an acid bath.

Conduct of a poultry dressing house where other than for poultry raised on the same site.

Conduct of a pre-mix bitumen plant.

Crushing or screening stone, gravel or sand.

Fibreglass manufacture or application.

Handling coal, gravel, sand or crushed stone by a mechanical installation except where all such materials are fully enclosed.

Heat treatment in a kiln of minerals (including clay), timber, or the products of powder metallurgical processes.

Hot dip galvanising, sherardising, electroplating, electrostatic coating with metals or processes of a like nature.

Incineration where the incinerator or incinerators used is or are capable of consuming in excess of one tonne of material per hour and where not in the use of a crematorium.

#### APPENDIX 4

##### Manufacturina of -

Acids

Ammunition

Asbestos products

Bleaches

Calcium carbide

Celluloid or celluloid products

Cement or lime

Chemicals where there is a risk of explosion or the escape of toxic gas

Disinfectants

Explosives (including fireworks)

Fertilisers

Flammable or combustible liquids by refining and including any products composed of flammable or combustible liquid and resins, waxes or pigments

Gas as defined in the Gas Act 1965-1985 but not including:

carburetted water gas, producer gas or water gas where those gases are immediately used by a gas engine

Matches

Organic compounds of mercury

Oxygen

Photographic film other than non flammable film

Poisons listed in Schedule 5, Schedule 6 or Schedule 7 of the Poisons Regulations of 1973 as amended

Raw plastic

Rubber products

Soap (where there is an extraction of fat)

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Solder  
Tar  
Vaccines bearing live virus  
Zinc oxide by the continuation of a smelting process

Preparation of foods for animal consumption by cooking, refining, purifying, extracting, smoking, curing, salting, dehydrating, conserving or like means but not including the hammer milling of grain.

Processing of rubber

Processing or treatment of animal, fish or bird carcasses or parts of them by boiling heating, washing, crushing, burial, tanning or scouring other than in the production of food, and including extraction of fat and production of animal by-products including glue

Slaughtering of livestock at an abattoir, slaughterhouse or knackery

Smelting, alloying or refining of metals, ores or semi-processed ores (including the reclamation of metal from scrap)

Storage of bones, hides, skins or tallow

Any industry requiring the storage of petroleum products and or other flammable substances, where the nature and volume of material stored may be injurious to life and property in case of fire or explosion or is located below a Q100 ARI flood level.

### **Heavy Vehicle Parking**

Any premises not elsewhere defined in this Part, that is used or intended for use for the storage, garaging or parking of heavy vehicles. The term includes running repairs, servicing and cleaning of a type which does not normally immobilise a vehicle for a period longer than 2 hours.

### **Holiday Apartments (Max. 3 Storeys)**

Any premises which comprise three or more dwelling units whether self-contained or not and a manager's unit on any one allotment used or intended for use by travellers or tourists on a short term basis and where the building does not exceed 3 storeys in height.

The definition does not include accommodation units, dwelling house >600 m<sup>2</sup> or dwelling house <600 m<sup>2</sup>, dual occupancy, relative's accommodation, integrated development, holiday apartments (max. 4 storeys), multiple dwellings (max. 2 storeys), multiple dwellings (max. 3 storeys), multiple dwellings (max. 4 storeys), motel, caretakers residence, display home, hotel, retirement village or host farm.

#### **Holiday Apartments (Max. 4 Storeys)**

Any premises which comprise three or more dwelling units whether self-contained or not and a manager's unit on any one allotment used or intended for use by travellers or tourists on a short term basis and does not exceed 4 storeys in height.

The definition does not include accommodation units, dwelling house >600 m<sup>2</sup> or dwelling house <600 m<sup>2</sup>, dual occupancy, relatives accommodation, integrated development, holiday apartments (max. 3 storeys), multiple dwellings (max. 2 storeys), multiple dwellings (max. 3 storeys), multiple dwellings (max. 4 storeys), motel, caretaker's residence, display home, hotel, retirement village or host farm.

#### **Home Activity**

Any occupation, vocation or profession (whether or not carried on for pecuniary gain) conducted within a dwelling unit or within the curtilage of the dwelling unit:-

- [a] where the total use area does not exceed 30m<sup>2</sup>;
- [b] which does not involve the use of a sign on the premises;
- [c] which does not involve the presence of customers on the premises;
- [d] which is conducted only by a resident or residents of the dwelling unit;
- [e] which imposes no greater load on any public utility than that imposed by the residential use of the dwelling unit;
- [f] which is conducted only between the hours of 8.00 am and 6.00 pm Mondays to Saturdays and not at all on Sundays;
- [g] which does not involve any source of power other than an electric motor of no more than 400 watts;
- [h] which does not involve the repair or service of motor vehicles;



- [i] which does not involve the repair, storage or sale of machinery, materials or equipment for use in industry or the building trade.

The term does not include an industry nor any other use which has or is capable of having a prejudicial effect upon the amenity of the locality in which it is carried on due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil or waste products.

### **Home Occupation**

Any occupation, vocation or profession (whether or not carried on for pecuniary gain) conducted within a dwelling unit or within the curtilage of the dwelling unit:-

- [a] where the total use area does not exceed 30m<sup>2</sup>;
- [b] in respect of which no sign is displayed other than a sign not exceeding 0.3m<sup>2</sup> in area and bearing only the name of the occupant, a telephone number and a description of the occupation, vocation or profession;
- [c] which imposes no greater load on any public utility than that imposed by the residential use of the dwelling unit;
- [d] which is conducted only between the hours of 8.00 am and 6.00 pm Monday to Saturdays and not at all on Sundays or Public Holidays;
- [e] which does not involve any source of power other than an electric motor of no more than 400 watts;
- [f] which does not involve the repair or service of motor vehicles;
- [g] which does not involve the repair, sale of machinery, materials or equipment for use in industry or the building trade.

The term does not include an industry nor any other use which has or is capable of having a prejudicial effect upon the amenity of the locality in which it is carried on due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil or waste products.

### Hospital

Any premises used or intended for use for the medical care or treatment of sick or injured persons residing on the premises, whether or not the premises are also used for the medical care *or* treatment *of* sick or injured persons not resident on the premises. The term includes the residential use of the premises by any persons employed at or engaged by the hospital. The term does not include an institution or retirement village as herein defined.

### Host Farm

Any farm used or intended for use as overnight tourist accommodation, where such accommodation is provided in conjunction with rural activities being conducted upon the same site and in accordance with Part D Section 3.4

The term does not include accommodation units, aged persons' home, caravan park, dual occupancy, hotel, institution, motel, multiple dwelling, holiday units or retirement village as herein defined.

### Hotel

Any premises the subject of a licensed victualler's license, limited hotel license, historic inn license or a tavern license issued under the Liquor Act or successive legislation. The term includes a mini-brewery, liquor barn and a TAB agency where these uses are ancillary to the hotel.

### Indoor Entertainment

Any premises used or intended for use for-

- [a] purposes or pursuits included in but not limited to Appendix 5; or
- [b] viewing or partaking in a sport or game where the use is conducted primarily indoors; or
- [c] a meeting place or club for a group or association engaged in social, sporting, athletic, literary, political or like purposes; or
- [d] a licensed club.

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The term includes an ancillary TAB agency.

1  
**APPENDIX 5**

Amusement halls and parlours

Art galleries

Billiards saloons

Bowling centre

Cinemas

Circuses (indoors)

Concert halls

Indoor swimming pools (public)

Dance halls

Exhibitions (indoor)

Gymnasiums

Meeting halls other than places of public worship

Museum

Music halls

Schools of art

Side shows (indoor)

Skating rinks (indoor)

Squash courts (indoor)

Stadiums (indoor)

Tennis Courts (covered)

Theatres (indoor)

Youth centres

**Institution**

Any premises used or intended for use as-

- [a] an institution for the care, treatment and/or accommodation of the mentally ill or mentally or physically handicapped; or
- [b] a penal institution, a reformatory, a prison or any other institution for the reform or training of persons committed thereto by a Court; or
- [c] any other similar use.

The term includes any buildings, structures or uses which in the opinion of the Council are ancillary to the predominant use. The term does not include a hospital or retirement village as herein defined.

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### **Integrated Development**

Any premises which comprises a single dwelling unit on any one allotment or lot where the area of the allotment or lots is 300m<sup>2</sup> or less and where the subdivision and development of allotments or lots (and streets) for which development approval is given concurrently for subdivision, construction of streets, services and landscaping, and the siting and design of buildings.

Any premises used or intended for use in the collection, storage, abandonment, salvage or sale of scrap materials or scrap goods, or used for the collection, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery and for the sale of parts thereof.

### **Laundromat**

Any premises used or intended for use for the mechanical washing, drying and ironing of clothing and materials by any member of the public. The term does not include a commercial laundry as defined herein.

### **Light Industry**

Any industry which includes use that:

- [a] impose a demand on Council's water supply not in excess of 550 litres per square metre site area per annum or a peak flow demand in excess of 3 litres per day square metre of site area; or
- [b] produce liquid or solid waste that does not require special treatment or transport of which would impose a load on Council's sewage treatment plant different in type to domestic wastes; or
- [c] require buildings or structures of a height not in excess of nine (9) metres; or
- [d] generate traffic at rates not in excess of 100 movements of vehicles in excess of 4 tonnes (gross) per hectare per day or 300 movements of all types of vehicles per hectare per day; or

- [e] generates noise when measured at the boundary of the site not exceeding the noise levels set out in Table LI below:

Table LI

Level	Weekdays	Weekdays	All Night
	0700-1800	1800-2100	2100-0700
	Saturday	Saturday	Saturday
	0700-1200	1200-1800	1800-2100
		Sunday	Sunday
		0700-1800	1800-2100
L <sub>10</sub> dB(A)	50	45	40
L <sub>90</sub> dB(A)	45	40	38

or:

- 9 does not result in dust, fumes, odours or other omission that are not contained at all times within the site:

The term includes but is not limited to industries listed in Appendix 6 provided they comply with the preceding provisions of this definition.

### APPENDIX 6

Boat building and repairing (not fibreglass application)  
 Bookbinding  
 Glass cutting or silvering

Making any of the following -

Aids and appliances for disabled persons  
 Artificial flowers  
 Blinds (not including lead substances)  
 Brooms, brushes, bristle or hair goods  
 Cameras  
 Clocks, watches  
 Cork goods  
 Drawing or writing goods  
 Felt goods  
 Fur goods  
 Leadlights  
 Musical instruments  
 Optical goods (other than spectacles or the like)  
 Paper goods, paper board goods  
 Scientific instruments  
 Sports equipment (other than ammunition, vehicles and water craft)  
 String, string goods  
 Textile Bags

Therapeutic and life support aids, appliances, garments and equipment  
Travelling bags

Twine, twine goods

Umbrellas

Wire goods (other than barbed wire, wire mesh, wire netting, wire rope and cable)

**Mixing, blending or packing any -**

Food for human consumption, drink or tobacco

Stock or poultry foods

Printing

**Repairing any -**

Furniture

Gas appliances for domestic use

Shop fitting

Stereo equipment making

Upholstering vehicles or furniture

**Local Store**

Any premises used or intended for use for the sale, display or offering for sale by retail of general merchandise, including food, for the day to day needs of the surrounding neighbourhood, ~~where-~~

[a] the total area so used is not greater than 200 m<sup>2</sup>; and

[b] the premises are not open for business before 6.00 am or after 9.00 pm on any day.

The term includes the use of the premises for ancillary storage or any other purpose which in the opinion of the Council is ancillary to such use of the premises, including the preparation of food and the incidental sale of newspapers, books and magazines and other similar articles.

For the purpose of this definition, the "total area" shall include the gross floor area of any building so used together with the area of any other space so used, except for area set aside for the parking and access of vehicles and landscaping.

The term does not include a shop, shopping centre or market as herein defined.

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### **Local Utilities**

Any premises used or intended for use by a Government, Semi-Government, Statutory or Local Authority in the course of a minor public utility undertaking relating to the provision of water supply, sewerage, electricity, gas, telecommunications, transport or drainage services where these activities do not involve the following-

- [a] the construction of electricity power lines, transformers or switching stations operating at or in excess of 60,000 volts; or
- [b]- the construction or use of any building or other structure having a floor area greater than 50 m<sup>2</sup> or a height greater than 5 metres; or
- [c] the use of land in excess of 800 m<sup>2</sup> in area.

### **Major Shopping Development**

Any premises used or intended for use predominantly for the purpose of shops, where:-

- [a] the area of land proposed to be used is in excess of 2.5 hectares in area, or such other area as the Governor in Council may prescribe from time to time; or
- [b] the building(s) or other structure(s) or part thereof has a gross-floor area exceeding 6000 m<sup>2</sup>, or such other area as the Governor in Council may prescribe from time to time.

### **Marina**

Any premises used or intended for use for the launching, landing, berthing or storage of boats. The term includes ancillary facilities for the fuelling, servicing, maintenance and the parking of boat trailers, public amenities, ancillary offices, chandlery, provisions shop and caretaker's residence.

The term does not include any residential use of the premises except for a caretaker's residence.

The term does not include major repairs to vessels or industrial marine-based activities or the defouling of boat hulls.

### **Market**

Any premises used or intended for use, on a regular basis, for the sale of home or farm produced products, artefacts or general merchandise in stalls or similar display areas.

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**Medical Centre**

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Any premises used or intended for use for the medical or para-medical care or treatment of persons not resident on the site. The term includes premises used or intended for use by an acupuncturist, chiroprapist, naturopath, chiropractor, dentist, medical practitioner, optometrist, pathologist, physiotherapist or radiologist, in the practice of that profession. The term does not include a home activity, home occupation, a hospital, an institution or a retirement village as herein defined.

**Minor Building Works**

J

Erection in relation to an existing building whereby:

- [a] the proposed gross floor area does not exceed the gross floor area of the existing building by more than five (5) percent; and,
- [b] the number of storeys of the building is not added to; and,
- [c] the location of any existing ingress to or egress from the site is not substantially altered; and,
- [d] the ingress to or egress from the site is not from or to roads where there is no existing ingress or egress; and,
- [e] the amenity or likely future amenity of the locality is not, in the opinion of the Director of Planning and Development, adversely affected.

**Motel**

Any premises used or intended for use for the temporary accommodation of travellers, where such accommodation is provided in serviced guest rooms or suites each containing its own bathroom. The term includes a manager's unit and office, ancillary dining room and facilities for the provision of meals to such travellers and not the general public.

**Multiple Dwelling (max. 2 storeys)**

Any premises which comprise three or more self-contained dwelling units on any one allotment and do not exceed 2 storeys in height.

The definition does not include accommodation units, dwelling house >600 m<sup>2</sup> or dwelling house <600 m<sup>2</sup>, dual occupancy, relative's accommodation, integrated development, holiday apartments (max. 3 storeys), holiday apartments (max. 4 storeys), motel, caretaker's residence, display home, hotel, retirement village, host farm or tourist resort.



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### Multiple Dwelling (max. 3 storeys)

1

Any premises which comprise three or more self-contained dwelling units on any one allotment and do not exceed 3 storeys in height.

The definition does not include accommodation units, dwelling house >600 m<sup>2</sup> or dwelling house <600 m<sup>2</sup>, dual occupancy, relative's accommodation, integrated development, holiday apartments (max. 3 storeys), holiday apartments (max. 4 storeys), motel, caretaker's residence, display home, hotel, retirement village, host farm or tourist resort.

### Multiple Dwelling (max. 4 storeys)

Any premises which comprise three or more self-contained dwelling units on any one allotment and do not exceed 4 storeys in height.

The definition does not include accommodation units, dwelling house >600 m<sup>2</sup> or dwelling house <600 m<sup>2</sup>, dual occupancy, relatives accommodation, integrated development, holiday apartments (max. 3 storeys), holiday apartments (max. 4 storeys), motel, caretakers residence, display home, hotel, retirement village, host farm or tourist resort.

### Niahtclub

Any premises used or intended for use as a cabaret or nightclub, where entertainment is regularly provided to members of the public and which is the subject of a licence under the provisions of the Liquor Act 1992 or successive legislation. The term includes the provision of music and dancing facilities for the persons attendant upon the premises. The term does not include a function centre, hotel, indoor entertainment or restaurant as herein defined.

### Niaht Tennis Court

An outdoor tennis court which is ancillary to a residential use on land or within common property that is at least 1000m<sup>2</sup> in area and which is provided with lighting to facilitate night play but which is not used for commercial purposes and is in accordance with Part D Section 3.12.

### Outdoor Entertainment

Any premises used or intended for use for any outdoor activity, purpose or pursuit for commercial purposes which affords or is calculated to afford interest or amusement to the general public and in the opinion of Council is likely to cause a nuisance or annoyance to persons or adversely affect properties not associated with the activity.

Without limiting the generality of the foregoing, the term includes the use of any premises for any of the activities, purposes or pursuits included in, but not limited to, Appendix 7 hereto and temporary facilities for providing refreshments to those engaged in the activity. The term does not include sport and recreation as herein defined.

### **APPENDIX 7**

Boating  
Circus  
Commercial or community swimming pool  
Coursing track  
court  
Drive in theatre  
Exhibition  
Fair  
Mini golf courses  
Model car, boat or aeroplane operation  
Museum  
Picnic race  
Pleasure fair  
Race track  
Rifle or other shooting range facility  
Showground  
Side show  
Speedway  
Sporting arena  
Stadium  
Theatre  
Trotting track  
Velodrome  
Waterslide  
Zoological garden

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### **Outdoor Sales Premises**

Any premises used or intended for use for the display and retail sale of goods in a predominantly outdoor setting.

The term may include but is not limited to the display and retail sale of the goods listed in Appendix 8.

The term includes an ancillary office, servicing area and the ancillary indoor display and retail sale of goods.

The term does not include bulk landscape and garden supplies, plant nursery or showroom as herein defined.

### **APPENDIX 8**

Agriculture equipment  
Boats  
Caravans  
Machinery  
Motor vehicles  
Modular swimming pools  
Trucks  
Trailers

### **Park**

Any land which is normally open to the public without charge, which-

- [a] has been ornamentally laid out or prepared; and/or
- [b] is maintained so as to preserve or enhance its beauty, including its flora, fauna and geological or physiographical features; and/or
- [c] has been prepared or is maintained as a grassed area either with or without trees or shrubbery; and/or
- [d] has been prepared or is maintained other than according to [a] to [c] above, but in such a way as to be, in the opinion of the Council, suitable for informal outdoor recreation;

and which is used or intended for use for outdoor recreation.

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The term includes any of the following facilities, provided for the enjoyment or convenience of the public at such premises and any other buildings, structures or uses, which are ancillary to the predominant use -

- [i] kiosks for the supply of light refreshments to patrons on the premises;
- [ii] picnic places, scenic lookouts, routes for nature study, carparking areas;
- [iii] information and display areas for promotion of such land;
- [iv] shelters and other public conveniences;
- [v] children's play areas;
- [vi] structures, surfacing or equipment for informal sport or physical exercise;
- [vii] sculptures, fountains, ponds or other decorative devices;
- [viii] band stands.

The term also includes the occasional use of the premises for fairs, exhibitions and similar activities where such use is approved by the Council. The term does not include indoor entertainment or outdoor entertainment as herein defined.

### **Passenger Terminal**

Any premises used or intended to be used for the assembly and dispersal of passengers prior to or subsequent to their transportation irrespective of the mode of transport. The term includes facilities for providing refreshments and reading material to passengers, but does not include the storing, servicing or repairing of passenger transport vehicles or an airport as herein defined.

### **Place of Worship**

Any premises used or intended for use primarily for public religious activities of a religious organisation, community or association. The term includes any buildings, structures or other uses which are ancillary to the primary use, but does not include an educational establishment or institution as herein defined.

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### **Plant Nursery**

Any premises used or intended for use for the propagation and sale by retail of plants, shrubs and trees suitable for use in gardening or landscaping. The term includes the ancillary use of such premises for the sale, or displaying or offering for sale of any one or more of the following where suitable for use in gardening or landscaping-

- [a] seeds or other propagative plant material;
- [b] landscaping materials where such material is stored in bins in quantities of less than 3 cubic metres and received in quantities not exceeding one cubic metre;
- [c] garden tools or equipment, where no such tool or item of equipment has a motor with an output of more than 1kW.

The term does not include bulk landscape and garden supplies or extractive industry, as herein defined, or the storage, servicing or maintenance of vehicles, plant or equipment used in the business of a landscaping contractor. The term also does not include the use of any earth moving machinery of any kind whatsoever no matter how large or small in conjunction with the business.

### **Produce Store**

Any premises used or intended for use for the sale of grain, stockfeeds, agricultural chemicals and other goods used in agriculture.

The term does not include the sale of machinery.

### **Public Building**

Any building or other structure used or intended for use for the purpose of a government department, statutory body representing the Crown or other corporate body under the authority of some Act (including the Council) as offices for administrative or for other like purposes. Any use for the purpose of a public building includes the use, not being for a purpose elsewhere specifically defined in this Part, of any land and any outbuilding or other structure within the curtilage of such building being ancillary to and for the enjoyment of such building as a building for office, administrative or other like purposes and any erection for that purpose shall be likewise construed.

**Public Purpose**

Any premises used or intended for use for any purpose included in but not limited to Appendix 9 hereto. The term does not include institution, local utilities or public utilities as herein defined.

**APPENDIX 9**

Federal government purposes  
Local government purposes  
State government purposes  
Statutory authority purposes  
Any other public purposes not separately defined in this Part

**Public Utilities**

Any premises used for a major public utility undertaking by a Government, Semi-Government, Statutory or Local Authority relating to the provision of water supply, sewerage, electricity, gas, telecommunications, transport, refuse disposal or drainage services and which does not comprise local utilities as herein defined.

**Recycling Collection Depot**

Any premises used or intended for use for the collection and storage of dry goods and materials expressly for the purpose of recycling and which are awaiting redistribution or transfer. The term does not include the storage of vegetable, rotting or decaying material and any other material that may give rise to offensive odours. Temporary storage in the context of this definition means not longer than 90 days. The term does not include a junk yard or a recycled material processing plant.

**Relative's Accommodation**

Any premises used or intended for use as a dwelling unit within the curtilage of a dwelling house where the dwelling unit is used or intended for use for occupation by a member or members of the immediate family and/or by personal staff or servants necessary for the health or wellbeing of, a member or members of the immediate family. Such a use is to be conducted in accordance with Part D Section 3.3.

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### **Restaurant**

Any premises used or intended for used for the preparation and sale of meals to the public, where those meals are consumed on the premises. The term includes the ancillary provision of entertainment or dancing and the ancillary sale of take away food for consumption other than on the premises. The term does not include a catering shop, hotel, indoor entertainment, nightclub or shop as defined herein.

### **Retirement Village**

Any premises used or intended for use as permanent residential accommodation by persons aged fifty years or over and which consists of a grouping of self-contained dwelling units and/or serviced units and/or nursing home accommodation together with ancillary facilities provided for use by residents or staff of the community and which may include staff accommodation, chapels, medical consulting rooms, meeting rooms, recreational facilities, therapy rooms, and meal preparation facilities.

### **Ridina School**

Means any premises whether or not those premises include one or more stables, used or intended for use for:

- [a] the letting out or hire for riding of horses or the like; and
- [b] the provision, in return for payment and by the use of horses or the like, of instruction in riding.

### **Roadside Stall**

Any premises whether fixed or mobile not exceeding 20 m<sup>2</sup> in total use area, used or intended for use for the retail sale of local produce grown on the site. In this context, local produce includes goods produced from crops grown on the site.

### **Rural Industry**

Any industry that:-

- [a] is not a hazardous or offensive industry; and,
- [b] by its nature is more appropriately located close to rural rather than industrial land; and,
- [c] includes handling, treating, processing, or packing primary products; or

- [d] provides a necessary service to uses defined as Agriculture or Animal Husbandry herein.

### **Service Industry**

Any industry which does not;

- [a] require water supply in excess of 550 kl per annum per 1,000 square metres of site;
- [b] produce liquid or solid wastes that require special treatment or disposal of which would impose a load on Council's Sewage Treatment Plant in excess of that imposed by a dwelling house per 1,000 square metres;
- [c] generate traffic in excess of two (2) movements of vehicle over 4 tonne gross or total of twenty (20) movements of all types of vehicles per day.
- [d] generate noise measured at the site boundary in excess of 40 dB (A) Leq;
- [e] require buildings or structures with a height in excess of 7.5 m;
- [f] involve the employment permanently on site of more than four (4) people;
- [g] does not involve the use or storage of goods on site that are not prescribed as Minor Storage in accordance with the Australian Standard 1940-1988 The Storage & Handling of Flammable and Combustible Liquids; and/or require a gross floor area in excess of 200 m<sup>2</sup>.

The term may include but is not limited to uses listed in Appendix 10, and includes the ancillary sale of any articles related to the principal use.

### **APPENDIX 10**

Auction room  
 Barber shop  
 Cleaning contractor's establishment  
 Cleaning or detailing of motor vehicles  
 Computer services  
 Document copying  
 Dressmaking  
 Driving instruction establishment  
 Dry cleaning or dyeing



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Engraving by hand  
Hairdressing salon

The making of -

Bread, cakes and/or pastry  
Clothing and clothing accessories  
Confectionery  
Curtains  
Dental goods  
Footwear  
Jewellery  
Keys  
Leather goods  
Millinery  
Optical goods  
Soft furnishings  
Toys  
Photographic film developing and printing  
Photographic plate making, etching and like photographic processes  
Photographic sign making  
Photographic framing  
Picture framing  
Plan printing  
Printing

The repair or servicing of -

Bicycles  
Cameras  
Clocks and watches  
Clothing  
Electrical appliances for domestic or office use  
Footwear  
Jewellery  
Locks  
Mowers (including motor mowers)  
Musical instruments  
Office machines  
Portable office machinery or equipment  
Precision or scientific instruments  
Sewing machines  
Sporting goods  
Tools  
Toys

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Restoration of any of the following -

Antiques (other than furniture)  
Articles of historic or cultural interest (other than vehicles, machinery and plant and other non portable items)  
Works of art  
Screen printing  
Signwriting  
Tailoring  
Upholstering furniture

**Service Station**

Any premises used or intended for use for the fuelling of motor vehicles involving the sale by retail of motor fuel, whether or not the premises are also used or intended for use for any one or more of the following:

1. The sale by retail of-

- [a] motor fuel for boats;
- [b] lubricating oils and greases;
- [c] batteries;
- [d] tyres;
- [e] spare parts, tools and accessories for motor vehicles, motor cycles, boats, motor mowers or any of them;
- [f] power and lighting kerosene, or any of these
- [g] goods for the comfort and convenience of travellers by motor vehicle.

2. The carrying out of any or all of the following-

- [a] the removal, exchange and fitting of tyres;
- [b] minor repairs of tyres and tubes or either
- [c] the supply of air;
- [d] the charging of batteries;
- [e] the lubrication of motor vehicles;
- [f] the adjustment of carburettors;
- [g] the cleaning, adjustment and replacement of spark plugs;
- [h] the reception and return of tyres deposited for repair on other premises;
- [i] running repairs to motor vehicles and motor cycles being of a minor nature;
- [j] the installation of accessories for motor vehicles and motor cycles;
- [k] the washing of motor vehicles, motor cycles, boats and trailers, including an automatic mechanical carwash;

- [1] the hiring of trailers provided the capacity of each such trailer is not more than one tonne and are stored in a location satisfactory to the Council.

3. The rendering of minor services incidental to any of the foregoing.

### **Shop**

Any premises used or intended for use for the sale or displaying or offering for sale, of goods to members of the public where the gross floor area of any building used does not exceed 500 m<sup>2</sup>.

The term includes a video outlet and the ancillary storage of goods on the same premises **as** the shop but does not include a hardware store, shopping centre, major shopping development, or showroom as herein defined, or any other purpose elsewhere specifically defined herein.

### **Shopping Centre**

Any premises used or intended for use as a shop or group of shops in an integrated manner having a gross floor area exceeding 500m<sup>2</sup>, but less than that which constitutes a major shopping development as herein defined.

### **Showroom**

Any premises comprising a gross floor area greater than 300m<sup>2</sup> used or intended for the purpose of displaying and/or offering for sale to members of the public goods of a similar or bulky nature where the activity is conducted predominantly indoors. The term includes but is not limited to the uses listed in Appendix 11 hereto. The term does not include an outdoor sales premises as herein defined.

## **APPENDIX 11**

Carpet showrooms  
Caterer's supplies  
Electrical showrooms  
Furniture showrooms  
Hardware, handyman and tradesman supplies  
Liquor barns and wine cellars  
Motor accessories showrooms  
Produce stores  
Textile showrooms

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### **Sport and Recreation**

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Any premises used or intended for use for the enjoyment or convenience by way of active recreational use of the public who resort to such land or for the purposes of a sporting club or organised sporting activity and which, in the opinion of Council, is unlikely to cause nuisance or annoyance to persons or adversely affect properties not associated with the activity and is a purpose included in but not limited to Appendix 12 hereto. The term includes amenities, spectator facilities, equipment storage facilities and club facilities not requiring a liquor licence, but does not include an indoor entertainment or outdoor entertainment as herein defined.

### **APPENDIX 12**

Archery  
Athletics  
Baseball  
Basketball  
Boating  
Bowling (other than indoor bowling)  
Cricket  
Croquet  
Cycling  
Football  
Golf  
Hockey  
Lacrosse  
Rowing, sailing and yachting  
Swimming pool  
Tennis court (excluding private unlit tennis courts)

### **Temporary Land and House Sales Office**

Any premises, including a caravan, erected on land which has been subdivided and released as one estate and is used or intended for use for the purposes of promoting and selling the land comprised within that estate only. The premises shall only be permitted to be erected temporarily for a maximum period of twelve months. The term does not include commercial premises, commercial services or a display home as herein defined.

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### Tourist Attraction and Facilities

Any premises used or intended for use for any activity designed to primarily attract tourists which is included in but not limited to Appendix 13 hereto.

### **APPENDIX 13**

Artefacts display and sale  
Art Gallery  
Feature building  
Fun park  
Handweaving and sales  
Historic building or machinery reproduction  
Museum  
Pioneer Village  
Plantation (with tour facilities)  
Pottery works and sale  
Rural industry display and sale  
Sanctuary and animal park  
Tea House  
Tourist information centre  
Waterslide  
zoo

### Tourist Resort

Any premises used or intended for use for the purpose of accommodating holiday makers and members of the touring and travelling public and incorporating, but not limited to, three or more of the following:

- [a] tourist accommodation facilities - incorporating one or more of the following-
  - [i] accommodation building;
  - [ii] holiday cabins;
  - [iii] multiple dwelling;
  - [iv] motel;
- [b] tourist indoor entertainment;
- [c] tourist outdoor entertainment;
- [d] sports and recreation facilities;
- [e] an hotel;

[f] food and refreshment premises (for both resident guests and the general public); the design and criteria of which are subject to approval by Council;

[g] tourist restaurant: and

[h] tourist shopping;

The design and criteria of which are subject to approval by Council.

### **Transport & Equipment Depot**

Any premises used or intended to be used for the garaging, storing and maintenance of vehicles and equipment including trucks, buses, taxi fleets, earthmoving equipment or any other vehicle or equipment used for hire or reward. The term does not include a freight depot or trade storage as herein defined.

### **Vehicle Hire Premises**

Any premises used or intended for use for the hiring of motor vehicles. The term includes facilities for cleaning, servicing and effecting minor repairs to the motor vehicles available for hire from those premises.

### **Vehicle Repair Station**

Any premises used or intended for use for the purpose of carrying out, either with or without servicing, of repairs to motor vehicles, including motor cycles, trucks and buses, farm machinery, boats or motor mowers. The term includes the sale, fitting and maintenance of wheels and tyres, but does not include any panel beating which involves dismantling or spray painting other than of a minor touching up character.

### **Veterinary Clinic**

Any premises used or intended for use in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animal and household pet out-patients provided that no patients remain on the premises overnight, except for emergency cases.

### **Veterinary Hospital**

Any premises used or intended for use or in connection with the treatment of sick or injured animals where such animals are accommodated overnight or for longer periods in premises constructed of sound proof materials. The term does not include animal husbandry - general or animal husbandry - intensive as herein defined.

**Warehouse**

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Any premises used or intended for use for storage of goods, merchandise or materials in large stocks whether or not such storage is required for an adjoining shop or other commercial premises. The term includes a milk depot and mini storage facilities.

# **PART H**

## **LOCAL AREA MANAGEMENT**



## **PART H - LOCAL AREA MANAGEMENT**

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  - 4.4.3 Time for Payment
- 4.5 Land Contribution for Public Parkland (Park Contribution Performance Criteria)
  - 4.5.1 Flooding and Waterways
  - 4.5.2 Land with Limited Utility as Parkland
  - 4.5.3 Land Unsuitable as Park
  - 4.5.4 Condition of Land Upon Transfer to Council

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## LOCAL AREA MANAGEMENT

### 1.0 INTRODUCTION

#### 1.1 OVERVIEW

In response to concerns regarding the provision and management of public sector services and facilities within urban areas, Council has implemented a number of Management Plans. These address the provisions and management of a range of urban services, including roadworks, stormwater drainage and public open space provision.

Each of these Management Plans identifies the broad objectives adopted by Council with respect to the issues sought to be managed by the particular Management Plan, and then identifies appropriate implementation mechanisms to ensure that these objectives are achieved.

The three sectors of urban public services currently addressed by Management Plans relate to traffic and transport, stormwater drainage and public open space. The basis for development of individual management plans within each of these three sectors is as set out below.

#### 1.2 TRAFFIC AND TRANSPORT

In order to provide for the establishment of appropriate traffic and transport hierarchies, the provision of public transport and cycle/pedestrian paths, Traffic Management Plans have been developed for the urban designated areas within the Plan Area. These areas will ultimately be developed for urban purposes and it is important that the Traffic Management Plans are established as early as possible to identify those corridors which are required to perform higher order functions and which should therefore have restricted access. This permits the identification of appropriate road corridor widths to cater for the future demands which will be imposed on particular roads. Traffic Management Plans are based on an identified catchment and assessment of ultimate land use within that catchment in accordance with the provisions of the Strategic Plan. Ultimate traffic volumes can then be predicted.

Road network capacities are then identified and the standard and cost of construction is estimated. This forms the basis for the establishment of contributions from development within the catchment which is serviced by the road network.

### **1.3 DRAINAGE AND FLOODING**

Drainage Management Plans for existing and likely future catchments within the Urban designated areas under the Strategic Plan are being developed. These will identify the ultimate developed catchment and therefore the works which are or will be required to accommodate for increased run-off and other effects resulting from urbanisation within the catchment. The extent of works required to mitigate the effects of urbanisation in each catchment are identified and appropriate contributions applied to development applications to ensure that sufficient funds are made available to provide for the future upgrading works required so that the ultimate extent of drainage works can be completed.

Drainage Management Plans enable the full extent of works to be identified and appropriate contributions to be acquired through the imposition of conditions of approval upon applications within each catchment. For any proposed development not within an Urban designated area under the Strategic Plan, Council requires that the impacts of that development, in terms of increased run-off and effects to fisheries habitat, concentration of flows etc and appropriate mitigation works, are fully assessed in the development application when submitted to Council.

### **1.4 OPEN SPACE**

Open Space Management Plans for existing and likely future catchments within the Urban designated areas under the Strategic Plan are being developed by Council. These plans are intended to ensure that public open space provision within each area, once fully developed, is sufficient to meet the needs and expectations of residents from within those areas.

Within each area covered by a Open Space Management Plan, the ultimate resident population has been determined. The ultimate recreation and open space needs of those residents, present and future, is then identified in terms of recreation, sporting, cultural, environmental and aesthetic functions. An assessment is then undertaken to determine the existing provision of open space facilities, thus allowing Council to identify shortfalls and to implement appropriate strategies and measures to assist Council to identify, acquire, manage and maintain appropriate open spaces within the plan area.

Each Open Space Management Plan presents a clear vision of the recreation and sporting areas and facilities required to service the plan area and its community, and have been formulated to ensure an Open Space network which:-

- supplies and sustains community needs;
- defines character, culture and visual amenity;
- protects and enhances the natural environment;
- connects with the wider regional Open Space network; and
- increases the quality of life for the city residents and visitors.

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## 2.0 TRAFFIC MANAGEMENT

### 2.1 OBJECTIVES

Council of the City of Cairns has developed Traffic Management Plans for areas of the Plan Area, having an "Urban" preferred dominant land use designation in the Strategic Plan. Each of these Plans is based upon consideration of the following issues:-

- road networks;
- road hierarchy;
- intersuburban links;
- public transport;
- tramway/transport corridors;
- interaction with the State-controlled arterial roads; and
- pedestrian/cyclepath networks.

Traffic Management Plans relate to those streets which perform a higher order function than a residential street (ie. collector roads, trunk collectors and distributor roads). These include roads in subdivision developments which perform the function of providing for traffic external to the particular subdivision, by providing links to community services, schools, commercial centres, etc, within an identified catchment, or which provide links to the major arterial (State-controlled) roads external to the catchment.

Council of the City of Cairns has adopted **Queensland Streets (Design Guidelines for Subdivisional Streets)** which identifies appropriate performance criteria for the design of streets in urban areas.

The goals and objectives of Queensland Streets is to promote and encourage design and construction practices which will provide an optimum combination of:

- safety;
- amenity;
- convenience; and
- economy

for the residents, street users and the community generally. These goals reveal the following primary objectives:

**Safety**

- Road accident prevention (obviously the major component in the case of streetworks design).
- Emergency and service vehicle access (fire, ambulance, garbage).
- Crime prevention (neighbourhood planning, safe pedestrian routes).

**Amenity**

- Traffic noise reduction, visual amenity, social planning.

**Convenience**

- Minimum travel distances to major destinations.
- Minimum travel times in low speed environments.
- Legible street layout.

**Economy**

- Capital cost of subdivision construction, maintenance cost, user costs.

**Queensland Streets** refers to design criteria for residential streets and it is appropriate that the Council of the City of Cairns has adopted the provisions of **Queensland Streets** in relation to the design of residential streets which perform the function of access streets and access places within residential areas. These provisions have been incorporated in the Development Manual.

In relation to higher order streets (ie. streets which provide for connection to major arterial roads and which are generally defined as sub-arterial, trunk collectors and collector streets) the objectives of **Queensland Streets** are consistent with the objectives of AMCORD (the Australian Model Code For Residential Development). These are as follows:

### **The Street System**

- To provide acceptable levels of access, safety and convenience for all street users in residential areas while ensuring acceptable levels of amenity and protection from the negative impact of traffic.
- To provide a network of streets with clear, physical distinctions between each type of street based on function, legibility, convenience, traffic volumes, vehicle speeds, public safety and amenity.
- To avoid streets within any residential neighbourhood from operating as through traffic routes for externally generated traffic.
- To control the maximum length of time travelled in a low speed environment.
- To provide for the safe and convenient movement of pedestrian and cyclists throughout the development.
- To provide for bus routes which are both accessible from all dwellings and activity centres and efficient to operate.
- To establish a street and pedestrian network which provides convenient linkages to activity centres.
- To provide the basis for a cost effective design and construction of the street network.

The overall objectives of Traffic Management Plans in relation to the higher order streets is as follows:

- To provide an efficient system of traffic routes external to the residential street system.



Traffic Management Plans are based on performance criteria for the establishment of a road hierarchy, in particular for the higher order roads catering for traffic external to residential development. Volumes of traffic which would be permitted as the maximum on streets with direct residential access (<5000 v.p.d.) also defines peak volumes for which no access streets will be required. The guiding principle used in the determination of road hierarchies within each Plan area has been the need to provide for the safe and efficient movement of traffic from within the catchment accessing community facilities and services, such as schools, commercial centres, etc, without the need to travel on main arterial roads.

Each Traffic Management Plan provides for the collection of contributions from individual developments, on a pro-rata basis, for the construction of the higher order road network within the areas covered by the plan. An appropriate road hierarchy is identified to enable for the safe and efficient movement of traffic within the catchment to access community facilities such as schools, commercial areas, etc, without the need for access onto the main arterial road.

## **2.2 TRAFFIC MANAGEMENT PLANS**

Traffic Management Plans have been developed for the following Urban designated areas:

- Marlin Coast
- Freshwater Valley/Redlynch
- Barron River (Stratford, Freshwater, Brinsmead)
- Edmonton to Red Hill (West of Bruce Highway)
- Edmonton to Red Hill (East of Bruce Highway)
- Bayview/White Rock
- Gordonvale/Goldsbrough Valley

## **2.3 DEPARTMENT OF TRANSPORT AND MAIN ROADS REQUIREMENTS**

As well as the requirements set out in the relevant Traffic Management Plans, The Queensland Department of Transport and Main Roads has particular requirements for developments in relation to noise and visual buffer requirements and also for monetary contributions towards State-controlled Roads infrastructure.

### 2.3.1 Noise and Visual Buffer Requirements

Development adjacent to arterial roads is to include sufficient noise attenuation and visual enhancement works to ameliorate any conflicts between the development and arterial traffic flows.

At least the following will be required along highway "frontages" of residential development adjacent to State-controlled arterial roads.

- a 10 metre wide buffer strip which is transferred to Council ownership;
- an earth sound mound to a minimum height of 2.7 metres above the existing natural surface level or any adjacent building platforms, whichever is higher; and
- landscaping of the mound to Council's requirements.

The Department of Transport and Main Roads is presently carrying out a noise assessment to determine if additional works are required (eg. a wall on top of the mound). Should buildings higher than single storey dwellings/units be proposed, additional measures (eg. appropriate building insulation and orientation) may be required for those buildings in the affected area.

### 2.3.2 Monetary Contributions Towards State-controlled Road Infrastructure

Contributions towards State-controlled road infrastructure have been established by The Department of Transport and Main Roads as follows:

- [a] Contributions towards roads.
  - [i] \$R per allotment. This shall be paid to The Department of Transport and Main Roads prior to Council sealing any plan of subdivision.
  - [ii] Where a single dwelling unit is constructed on an allotment, no further contribution is required at the building application stage.

- [iii] Where a building application for other than a single dwelling unit is submitted (eg. duplex, multiple dwellings, group housing) to Council for approval, a further contribution is to be paid in accordance with the following formula:

$$\text{Further contribution} = (M \times U - 1.0) \times \$R$$

where M is the number of units/houses and U is defined as:

- 0.5 for a single bedroom unit;
- 0.75 for a two bedroom unit; and
- 1.0 for a three bedroom unit.

The contribution is to be paid to The Department of Transport and Main Roads prior to Council approving any building application.

All contribution amounts shall be re-calculated at the time of payment to reflect changes in The Department of Transport and Main Roads' Roadworks Input Cost Index (RICI).

- [b] Contributions towards walking and cycling paths located within the Arterial Road Reserves.
- [c] Contributions towards the construction of walking and cycling paths along and across/under/over the Arterial Road Reserve.

The level of contribution is to be determined by Council resolution.

In terms of determining the required contribution level for one, two and three bedroom units/houses, the same formula as specified in 2.3.2 [a] above shall be adopted.

## 2.4 CONTRIBUTIONS

Traffic Management Plans are based upon an identified catchment area and assessment of ultimate land use within that in accordance with the Strategic Plan. Ultimate traffic volumes are then predicted. The appropriate level of service and roadwork capacities are identified, corridor acquisition costs evaluated and the standard of construction and its cost estimated. This forms the basis for the establishment of contributions from within the catchment area which the road network will serve.

Contributions are established on the following basis.

**[a] Existing Roads**

The component of construction/upgrading required solely for the development should be funded by that particular developer. Additional upgrading requirements would be funded by contributions made to the network either by the particular developer involved or by other developers within the area.

**[b] Internal Roads**

Upgrading of internal roads over and above that required for the development due to the external traffic should be funded from the network contribution.

**[c] Higher Order Roads**

Contributions towards higher order roads within each Traffic Management Plan area shall be made in accordance with the following schedule:-

The traffic analysis for Traffic Management Plans is based on traffic generation rates of 8 daily trips and 0.8 trips in the peak hour per residential allotment. The road network capacities relate in large part to peak hour requirements. Traffic impacts for other uses are expressed as Equivalent Residential Lots on the relative peak period traffic generation. For non-residential uses this generation is sometimes development specific requiring consideration of the actual proposal. Uses in this category include shops, schools and extractive industry.

For the purposes of establishing contributions required under the relevant Local Area Traffic Management Plan the following equivalent uses should be adopted:

### EQUIVALENT RESIDENTIAL LOTS

<b>Use</b>	<b>Equiv Lots</b>
Detached dwelling or multiple dwelling,	1
Townhouse with 3 or more bedrooms	0.75
Multiple dwellings <3 bedrooms	0.5
Multiple dwellings <2 bedrooms	0.4
Retirement Villages per units	3.75/100 sq.m GFA
Office/Commercial	1.35/100 sq.m GFA
Light Industry	1/room
Hotel/Motel (Accommodation element)	To be determined by the
Other Uses	Director Technical Services

## 2.5 TIME FOR PAYMENT

Unless Council decides otherwise, contributions required under a Traffic Management Plan shall either be made or secured in accordance with the following requirements:-

- Applications for rezoning - prior to the application being referred by Council to the Chief Executive Officer for approval by the Governor in Council.
- Application for Town Planning Consent Approval - prior to issue by Council of the Town Planning Consent Permit.
- Applications for Notification of Conditions - prior to the issue by Council of the building approval.
- Applications for Subdivision of Land - prior to the endorsement by Council of any Plan of Survey.

Where monetary contributions are required, the contribution shall be calculated at the rate current within the Planning Scheme at the time of payment or otherwise as may specified in any Development Agreement entered into between Council and the applicant.

If the payment is made at the time of endorsement of plans of subdivision, allowance shall be made for the likely ultimate number of equivalent dwellings to be developed on any single parcel of land. In the case where land has been subject of a development and contributions have been paid for traffic management works and a further application lodged, the new contribution shall be discounted by the value of any contributions previously paid to Council in relation to the subject land.

Where developers dedicate land for road corridors and/or carry out construction of links or intersections in the network, the value of such works and for land dedication, as estimated in the supporting documentation, shall be credited against contributions required under the Traffic Management Plan.

Credits for works or land dedication shall be applied at the time when contributions are due.

Where a developer proposes to dedicate land or carry out works with a value in excess of contributions applicable to a particular development, the value of works to be undertaken shall be approved by the Director Technical Services.

In the situation when the value of the land or works, as determined in the supporting documentation, exceeds contributions required under this policy from the subject land, the Council will refund the value of the works in excess of contributions required when sufficient funds are available from contributions received from other parties to whom the Traffic Management Plan applies.

## **2.6 REVIEW OF TRAFFIC MANAGEMENT PLANS**

A review of each Traffic Management Plan will be carried out annually by Council. This review will incorporate but not be limited to the following:

- change in the value of works due to increases in material costs and plant and labour charges;
- updated or new planning studies;
- works completed;

- proposed new works;
- revisions to the works programme and the financial programme; and/or
- other Council policies and decisions or Council or the Queensland Department of Transport and Main Roads

## 2.7 SUPPORTING INFORMATION

Traffic Management Plans are supported by Traffic Studies which include, but are not limited to, consideration of the following:-

- Assessment of the current and future proposed sub-arterial/collector road network and determination of modifications that may be appropriate including connection to adjoining subdivision and Department of Transport and Main Roads declared roads.
- Determination of road infrastructure costings including bridges, resumptions, etc, for the sub-arterial/collector networks and intersuburban links.
- The allocation of costs/contributions to individual catchments in accordance with the methodology determined.

Reference shall be made to the following documents in relation to supporting information to the individual Traffic Management Plans.

Reference: *Edmonton to Red Hill Traffic Study* - Pat Flanagan & Associates, Feb 1993 incorporating *Cairns, Red Hill, Edmonton LATM* - Eppell Consultants, Nov 1993.

### **3.0 DRAINAGE MANAGEMENT**

#### **3.1 OBJECTIVES**

The Council of the City of Cairns objectives in respect to the development of drainage for the urban designated areas of the Plan Area are that the drainage system should:-

- collect and convey stormwater from a catchment to its receiving waters with minimal nuisance, danger or damage and at a development and environmental cost which is acceptable to the community as a whole;
- limit flooding of public and private property both within the catchment and downstream to acceptable levels as defined by Council policy;
- to control and temporarily detain within each catchment as much incidental rainfall and runoff as possible to reduce the impact of urbanisation; and
- minimise pollutant inflows to receiving waters by controlling scour and depositional effects.

With regard to major stormwater flow systems such as natural creeks, gullies, etc, the Council of the City of Cairns objectives are as follows:-

- to prevent both short term and long term inundation of habitable dwellings within the catchment;
- to prevent damage to built and natural environments;
- to control flooding and enable access to allotments;
- to stabilise the land forms and erosion control;
- to provide stormwater system that utilises open space in a manner which does not detract from its principal function;
- to prevent the degradation of the built environment downstream of proposed residential development;
- to prevent the environmental degradation of receiving waters; and
- to maintain natural drainage lines.

It is Council's intention to develop a Drainage Management Plan for each significant catchment within the Urban designated areas of the Strategic Plan.



### 3.2 DRAINAGE MANAGEMENT PLANS

Drainage Management Plans are based upon an assessment of the ultimate development of individual catchments in accordance with the Strategic Plan, and an identification of works required to provide for increased run-off and other effects arising from that development. The extent of works required to mitigate the effects of urbanisation within the catchment is identified and forms the basis for the establishment of appropriate contributions. These are applied to development applications to ensure that funds are available to provide for the future upgrading works required and to ensure that the ultimate extent of drainage works required can be completed.

Each Drainage Management Plan is based upon an analysis of drainage catchments and creek systems, to determine existing flow capacity as well as design discharges for average recurrence intervals of 10, 50 and 100 years.

Existing control structures, service crossings, etc are identified and included in the analysis, together with the identification of proposed future control structures, such as service crossings.

The effects of urbanisation on flood flows and levels are then identified, including the impacts of flood flows and flood levels on existing development within the catchment.

Following analysis of stream flow, capacity and potential impacts, alternative works to mitigate the effects of development are identified. Works to mitigate the effects may include:

- acquisition of drainage reserves and easements;
- upgrading of cross sections;
- stream modification works;
- provision of linings;
- armouring of works;
- construction of outlet works;
- dissipation structures; /or
- retarding and retention basins.

- establishment of an adequate riparian zone;
- creation of flow retarding devices (e.g. meanders, riffles, settlement ponds) throughout and as high in Cairns regional catchments as possible.

The appropriate works identified and adopted by Council to mitigate the impacts of development should be consistent with Council's overall objectives for drainage works and in particular its specific objectives of maintaining natural drainage lines within the Plan Area.

Assessment is made of the contributions required from development applications on an area basis from contributing catchments upstream of each element of the flood mitigation works proposed.

Within each Drainage Management Plan area the Q100 flood levels that are anticipated subsequent to drainage works being implemented are identified.

Drainage management plans to be developed for drainage catchments within urban areas of the Strategic Plan are shown on the attached maps and include the following:-

1. Palm Cove
2. Delaney's Creek
3. Deadman's Gully
4. Deep Creek
5. Cayley Street Drain
6. Trinity Beach
7. Moore's Gully
8. Chinaman's Creek
9. Moon River/Half Moon Creek
10. Knight's Creek
11. Avondale Creek
12. Barron Delta
13. Stoney Creek
14. Kamerunga
15. Freshwater Creek
16. Clarke Creek
17. Gordon Creek
18. Cowley's Creek
19. Saw Pit Gully
20. Skeleton Creek
21. Blackfellow Creek
22. McKinnon Creek
23. O'Leary's Creek

In areas where a Drainage Management Study has not been completed or undertaken by Council, the applicant for development within the catchment will be required to undertake a Drainage Management Study. The costs for the conduct of the study will then be credited against contributions required from that development under the Drainage Management Plan once implemented.

For developments not within the Urban designated area of the Strategic Plan, it is a requirement of any application that the impact of development or stormwater run-off are identified in terms of increased run-off, conversion of flow etc and appropriate mitigation works are included in the development application when lodged with Council.

### **3.3 FLOODING AND DRAINAGE**

#### **3.3.1 Limit of Development**

Drainage Management Plans for identified catchments will identify the Q100 flood levels for existing and ultimate development subsequent to identified flood mitigation works being carried out. Development will not be permitted in areas below the identified Q100 flood line.

In the case of subdivision occurring adjacent to a stream, creek or water course that is a perennial stream, such as the Barron River, Redden Creek, Thomatis Creek, Freshwater Creek or Richters Creek, provision shall be made for a drainage reserve extending over the stream, creek or water course and for a distance of at least 20m beyond the high bank of such stream, creek or water course. In certain circumstances Council may decide that, due to the topography or vegetation existing in the area prior to the subdivision taking place, access for maintenance purposes etc. will be constrained to such an extent that the drainage reserve should extend a distance in excess of 20m from the high bank. In the case where an increased width is required, the Director Technical Services shall determine the required boundary of the drainage reserve, taking into consideration the nature of maintenance vehicles and equipment that may be required to use such area.

Provided always that the Council may determine that, where topographic situations suit and there is likely to be no adverse effect on streambank vegetation, the width of the drainage reserve so dedicated may be reduced to extend not less than 10m beyond the high bank of the creek, stream or water course.

Where a creek, stream or water course is adjacent to or passes through any land proposed to be subdivided and that stream, creek or water course is not perennial, provision shall be made for the dedication of a drainage reserve within the land to be subdivided extending over the full width of the creek, stream or water course and to align 10m beyond the high bank of the creek, stream or water course. Council may, in certain circumstances, decide that, due to the topography or vegetation existing in the area prior to the subdivision taking place, access for maintenance purposes etc. will be sufficiently constrained such that the drainage reserve should extend a distance in excess of 10m from the high bank. In the case where an increased width is required, the Director of Technical Services shall determine the required boundary of the drainage reserve, taking into consideration the nature of maintenance vehicles and equipment that may be required to use such area

### 3.3.2 Flood Immunity Levels

Council has established the following minimum flood immunity requirements for proposed and existing development.

#### **New Development (Requiring Rezoning, Subdivision or Town Planning Consent Approval)**

<b>Land Use</b>	<b>Fill Level</b>	<b>Floor Level</b>
[a] Residential, Tourist, Special Facilities	Immunity to 1 in 100 year A.R.I. Flood/Storm Tide Event	150mm above 1 in 100 year A.R.I. immunity
[b] Commercial, Industrial	Immunity to 1 in 100 year A.R.I. Flood/Storm Tide Event	Immunity 1 in 100 year A.R.I. Flood Event
[c] Road Access, Car Parks	Immunity to 1 in 5 year A.R.I. Flood/ Storm Tide Event	
[d] Recreational Parks and open space	Existing surface but to be free draining	

#### **Existing Development (Residential, Tourist, Commercial, Industrial)**

Existing development known to have a Flood/Storm Tide immunity of less than 1 in 100 years A.R.I. will be recorded on Council's rate search information. In the absence of studies sustaining the flood immunity of a particular area, owners and purchasers shall be responsible for ascertaining the flood risk of the property.

Council's Department of Technical Services retains information in relation to local and major flooding problems and this information is available upon request.

In addition to the above requirements and in areas below 4.5m AHD, within 60m of the toe of the frontal dune, below existing contour 2.50m AHD or within the Barron Delta, the following minimum levels shall apply to all residential, commercial, industrial and tourist development.

Location	Fill Level	Floor Level
a. Barron River Delta	Immunity from Q100 flood level as determined from Barron River Delta Flood Study (Connell Wagner Report).	150mm Freeboard from fill level
b. Within 60m of the toe the frontal dune or below existing contour 2.50m A.H.D.	3.40m A.H.D. (a)	3.55m A.H.D. (a)
c. Below existing Contour 4.50m A.H.D.	3.40m A.H.D. plus hydraulic grade effect	150mm Freeboard from fill level

NOTE (a) Erosion and structural matters to be considered with any proposed development in these areas.

Council requires to be submitted with any application for approval under the Local Law - Filling and Excavation of Land, rezoning, subdivision, town planning consent or an application for notification of conditions, sufficient survey information to enable accurate assessment of the elevation of the land in question to A.H.D.

Engineering advice is also required in respect to how the land in question will be drained and protected from the effects of inundation by water should mean sea level increase by 1.0 metres over a period of 100 years commencing from the year 1990.

This allowance is to be in addition to the determined flood height from other effects such as storm, tide, wave run-up, wave set-up, wave action, river and watercourse flooding (hydraulic grade). Table 1 sets out criteria for determining "still water" heights for coastal development inclusive of long term "greenhouse" predication. The additional effects of hydraulic grade, erosion control and structural considerations shall be assessed and determined by a suitably qualified professional engineer prior to submission to Council.

It shall be a condition of any approval that works identified as being necessary to protect the subject land and other affected land (if applicable) from inundation shall be carried out as part of the development.

### **3.3.3 Development in the Barron River Delta**

Council intends to control the management of future development within the Barron River Delta in particular the effects of flooding. It is intended that the findings of the Barron River Delta Study will form the basis on which Council will consider development proposals with regard to flooding.

The documents "Barron River Delta Flood Study - Development in the Delta" Parts A and B are a guide by which potential developers, consultants and other technical users can gain an understanding of how Council will deal with future development and provide protection to existing properties.

This shall apply to the development of all residential, commercial, industrial and tourist land within the Barron River Delta.

The "Barron River Delta Flood Study-Development in the Delta" Parts A and B (Revision A October 94) includes the following components.

#### **Part A - Technical Guide**

Part A explains the aims and results of the Study and describes the computer model which was developed as part of the study. Various drawings are included to provide information on design flows and flood levels.

#### **Part B - Rezoning, Subdivision and Building Policy**

This document sets out Council's policy on development in the Barron River Delta. Included with this document are details of the procedure to be followed in using the model in association with any development application or when undertaking detail design.

Council has adopted the numerical hydraulic model developed during the Barron River Flood Study and subsequently updated as the yardstick by which all development proposals are judged. The adoption of a single model operated and interpreted by those skilled in its development and use is intended to ensure that all proposals are dealt with in a consistent and objective manner.

Council policy is that individual development applications are to be considered in detail by Council's hydraulic engineers using the Barron Delta Flood Model so that the effects on flooding can be assessed both in respect to the project itself and to other areas within the delta.

### 3.4 CONTRIBUTIONS

Drainage Management Plans are supported by individual Drainage Studies which include, but are not limited to, consideration of the following:

- Assessment of the current and future development with the drainage catchment and determination of mitigation works that may be appropriate.
- Determination of costings including land, design and construction costs for mitigation of works within the catchment.
- The allocation of costs / contributions to individual catchments on a contributing area basis upstream of each control or mitigation structure or facility.

Contributions within individual drainage management plan areas have been established as follows:

**TABLE H-2**

Catchment	Subcatchment	Contribution \$/Ha
1	Palm Cove	*TBA
2	Delaney's Creek	"
3	Deadman's Gully	"
4	Deep Creek	"
5	Cayley Street Drain	"
6	Trinity Beach	"
7	Moore's Gully	"
8	Chinaman's Creek	"
9	Moon River/Half Moon Creek	"
10	Knight's Creek	"
11	Avondale Creek	"
12	Barron Delta	"
13	Stoney Creek	"
14	Kamerunga	"
15	Freshwater Creek	"
16	Clarke Creek	"
17	Gordon Creek	"
18	Cowleys Creek	"
19	Saw Pit Gully	"
20	Skeleton Creek	"
21	Blackfellow Creek	"
22	McKinnon Creek	"
23	O'Leary's Creek	"

**\*TBA**

The particular rate of contribution payable shall be as determined by Council resolution made from time to time.



### 3.5 TIME FOR PAYMENT

Unless Council decides otherwise, contributions required under a Drainage Management Plan shall either be made or secured in accordance with the following requirements:-

- Applications for rezoning
  - prior to the application being referred by Council to the Chief Executive Officer for approval by the Governor in Council.
- Application for Town Planning Consent Approval
  - prior to issue by Council of the Town Planning Consent Permit.
- Applications for Notification of Conditions
  - prior to the issue by Council of the building approval.
- Applications for Subdivision
  - prior to the endorsement by Council of any Plan of Survey.

Where monetary contributions are required, the contribution shall be calculated at the rate current within the Planning Scheme at the time of payment or otherwise as may specified in any Development Agreement entered into between Council and the applicant.

In the cases where land has been subject of a development and contributions have been paid for drainage management works and a further application lodged, the new contribution shall be discounted by the value of any contributions previously paid to Council in relation to the subject land.

Where developers dedicate land for drainage works and/or carry out construction of drainage works, the value of such works and land dedication, as estimated in the supporting documentation, shall be credited against contributions required under the Drainage Management Plan.

Credits for works or land dedication shall be applied at the time when contributions are due.

Where a developer proposes to dedicate land or carry out works with a value in excess of contributions applicable to a proposed development, the value of works to be undertaken shall be approved by the Director of Technical Services.

In the situation when the value of the land or works, as determined in the supporting documentation, exceeds contributions required from the subject land, the Council will refund the value of the works in excess of contributions required when sufficient funds are available from contributions received from other parties to whom the Drainage Management Plan applies.

### **3.6 REVIEW OF DRAINAGE MANAGEMENT PLANS**

A review of each Drainage Management Plan will be carried out annually by Council. This review will incorporate, but not be limited to, the following:

- change in the value of works due to increase in materials costs, plant and labour charges;
- updated or new planning studies;
- works completed;
- proposed new works;
- revisions to the works programme and the financial programme; and/or
- other Council policies and decisions.

Any amendments to Drainage Management Plans arising from the annual review will be effective from 1 July of that year.

### 3.7 SUPPORTING INFORMATION

Reference shall be made to the following documents in relation to supporting information to the DMP.

*Refer to Drainage Studies completed*

*ie., Barron Delta Flood Study - Connell Wagner*

*McKinnon Creek Drainage Management Plan - McPherson MacLean*

*Wargon Chapman*

*Blackfellow Creek Drainage Management Plan - Kinhill Kramer*

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## **4.1 OPEN SPACE MANAGEMENT**

### **4.1.1 Introduction**

As part of planning for the City of Cairns' growth the Cairns City Council intends to ensure that all communities have sufficient access to public park land to cater for the diverse sporting and recreational needs of the community.

Including the need for public parkland at an early stage in planning and ensuring provision is timed to meet emergent demand is seen as critical in meeting this intent. In addition the Council recognises the role of open space in defining the city's image and protecting the natural and landscape values of the area.

To meet the need for planned provision of public parkland and the protection of natural areas of conservation, landscape and cultural significance, Cairns City Council proposes to develop an open space system for the city that will act as a framework for urban development.

To guide the provision of public park and the development of an open space system for the city Council has developed these provisions to provide explanation and guidance on achieving an integrated open space system..

### **4.1.2 Objectives**

Cairns City Council has defined the following objectives for the development of the open space system within the plan area.

The open space system will:

- ◆ Be fundamental in achieving a balanced provision of quality park based recreation, social, cultural and sporting opportunities appropriate to the needs of each district.
- ◆ Be planned and provided so that the cost to the community is minimised but without the quality of supply being compromised.
- ◆ Ensure that residents can participate in a variety of recreation, sporting, social and cultural activities.
- ◆ Protect natural areas of conservation and cultural significance including wetlands and waterways.

- ◆ Assist in maintaining or re-establishing connectivity between natural areas.
- ◆ Ensure that provision of public parkland is equitable and that all communities have safe and convenient access to parks and facilities.
- ◆ Encourage multiple use of parks through appropriate design, size and location.
- ◆ Identify a minimum standard of development and design that should apply to public parkland according to function and hierarchy.
- ◆ Ensure that local and citywide planning for an open space system and public parkland is integrated with other city and regional planning.
- ◆ Ensure a minimum level of provision of parkland based on performance criteria, which maintain or enhance existing levels of provision across the city.

#### **4.1.3 The Open Space System**

The city's open space system can contain the following components:

- ◆ public park land including sporting fields, informal parks and other public land used for sport and recreation.
- ◆ State owned reserves used for parks, recreation, conservation and other recreation or conservation related purposes.
- ◆ Council owned conservation areas, habitat reserves and protected natural areas
- ◆ Waterways, wetlands and rivers
- ◆ beaches and foreshores.

#### **4.2 LOCAL AREA OPEN SPACE MANAGEMENT PLANS**

To achieve the open space objectives, Council has developed the mechanism of Local Area Open Space Management Plans (LAOSMP). LAOSMP have been prepared for several catchments within the city and a program to prepare plans for the remaining catchments is ongoing.

The catchments within the plan area for the LAOSMP are:

- ◆ Northern Beaches (plan completed)
- ◆ Redlynch Valley (draft completed)
- ◆ White Rock – Edmonton (planning underway)
- ◆ Mt Peter Valley
- ◆ Rural South.

The catchments are shown on map one.

#### **4.2.1 Purpose of Local Area Open Space Management Plans**

LAOSMP detail Council's plan for the current and future provision of public park land to service existing and future communities within a defined catchment. LAOSMP identify a preferred system of public parks and sporting fields as well as areas of conservation, social, cultural or landscape significance.

To ensure that public park land is provided according to emerging community needs, Council requires a contribution from developers towards the development of the public park component of the open space system. A fundamental purpose of the LAOSMP is to guide this contribution, which may be provided in land, works, money or a combination of these.

The objectives for the preparation of LAOSMP are to:

- ◆ Ensure the level and quality of provision of public parks reflects Council's open space objectives and park planning performance criteria.
- ◆ Ensure design and location recognises opportunities for linkage with other social infrastructure.
- ◆ Identify and protect areas of environmental, landscape or cultural importance and identify opportunities for public parks to enhance this protection.
- ◆ Provide detailed guidance to Council Officers in planning and assessing development and in providing pre-lodgement advice to developers.
- ◆ Provide advice on the developer contribution for public park land for the catchment, including preferred sites and quantum of monetary contribution.

#### 4.2.2 Preparation of LAOSMP

The LAOSMP are prepared according to a defined process, which involves:

1. Study area overview.
2. Analysis of constraints and opportunities.
3. Analysis of existing open space values including form, function and potential of existing parks.
4. Assessment of existing community need and supply of open space.
5. Identification of areas where development must consider areas of environmental and cultural significance and other environmental issues (such as protection of waterways).
6. Establishing likely future urban form, demographics and anticipated community need.
7. Addressing anticipated demand and supply.
8. Identification of a preferred open space infrastructure plan for the catchment.
9. Calculation of the cost of providing the land for additional parks and sporting parks required.

#### 4.2.3 Review of LAOSMP

A full review of all LAOSMP shall be carried out every six years or at a lesser period as identified by Council. Annual reviews of the financial basis for the contribution amounts described in each LAOSMP will be undertaken by Council to ensure rates remain relevant to the real cost of acquiring land for public parks.

The six yearly reviews will include but are not limited to, consideration of the following:

- (a) change in value of works due to increase in materials, land and labour costs
- (b) update of new planning studies
- (c) works completed
- (d) proposed new works

- (e) revisions to works programs
- (f) progress in the development of the open space system including public parks
- (g) changes in Council's open space and park planning objectives.
- (h) Cost of land to be acquired for public parks

**4.3 PARK PLANNING PERFORMANCE CRITERIA**

The preparation of LAOSMP, assessment of development proposals and general park planning and development is guided by these performance criteria. The purpose of the performance criteria is to ensure that communities are provided with a minimum level of supply of public parkland that meets a range of passive and active needs.

**4.3.1 Summary of Performance Criteria**

The following table summarises the main criteria guiding the development of the park system. A more detailed discussion of the Park Planning Performance Criteria can be found in Cairns City Council's Development Manual (Section 4).

**Table 1: Summary of Performance Criteria for Park Planning**





Criteria	Performance measurement		Comment
	Internal parks	Starting Parks	
Space	<ul style="list-style-type: none"> <li>1. Short narrow</li> <li>2. Long narrow</li> <li>3. Wide open</li> <li>4. Unusable</li> <li>5. Minimal space</li> <li>6. Minimal</li> <li>7. Accessible</li> <li>8. Well lit</li> </ul>	<ul style="list-style-type: none"> <li>1. Regular</li> <li>2. Shape</li> <li>3. Area</li> <li>4. Minimal</li> <li>5. Substantial</li> <li>6. Available</li> <li>7. Well lit</li> <li>8. Well lit</li> <li>9. Well lit</li> <li>10. Well lit</li> <li>11. Well lit</li> <li>12. Well lit</li> <li>13. Well lit</li> <li>14. Well lit</li> <li>15. Well lit</li> <li>16. Well lit</li> <li>17. Well lit</li> <li>18. Well lit</li> <li>19. Well lit</li> <li>20. Well lit</li> <li>21. Well lit</li> <li>22. Well lit</li> <li>23. Well lit</li> <li>24. Well lit</li> <li>25. Well lit</li> <li>26. Well lit</li> <li>27. Well lit</li> <li>28. Well lit</li> <li>29. Well lit</li> <li>30. Well lit</li> <li>31. Well lit</li> <li>32. Well lit</li> <li>33. Well lit</li> <li>34. Well lit</li> <li>35. Well lit</li> <li>36. Well lit</li> <li>37. Well lit</li> <li>38. Well lit</li> <li>39. Well lit</li> <li>40. Well lit</li> <li>41. Well lit</li> <li>42. Well lit</li> <li>43. Well lit</li> <li>44. Well lit</li> <li>45. Well lit</li> <li>46. Well lit</li> <li>47. Well lit</li> <li>48. Well lit</li> <li>49. Well lit</li> <li>50. Well lit</li> <li>51. Well lit</li> <li>52. Well lit</li> <li>53. Well lit</li> <li>54. Well lit</li> <li>55. Well lit</li> <li>56. Well lit</li> <li>57. Well lit</li> <li>58. Well lit</li> <li>59. Well lit</li> <li>60. Well lit</li> <li>61. Well lit</li> <li>62. Well lit</li> <li>63. Well lit</li> <li>64. Well lit</li> <li>65. Well lit</li> <li>66. Well lit</li> <li>67. Well lit</li> <li>68. Well lit</li> <li>69. Well lit</li> <li>70. Well lit</li> <li>71. Well lit</li> <li>72. Well lit</li> <li>73. Well lit</li> <li>74. Well lit</li> <li>75. Well lit</li> <li>76. Well lit</li> <li>77. Well lit</li> <li>78. Well lit</li> <li>79. Well lit</li> <li>80. Well lit</li> <li>81. Well lit</li> <li>82. Well lit</li> <li>83. Well lit</li> <li>84. Well lit</li> <li>85. Well lit</li> <li>86. Well lit</li> <li>87. Well lit</li> <li>88. Well lit</li> <li>89. Well lit</li> <li>90. Well lit</li> <li>91. Well lit</li> <li>92. Well lit</li> <li>93. Well lit</li> <li>94. Well lit</li> <li>95. Well lit</li> <li>96. Well lit</li> <li>97. Well lit</li> <li>98. Well lit</li> <li>99. Well lit</li> <li>100. Well lit</li> </ul>	<ul style="list-style-type: none"> <li>1. Long narrow</li> <li>2. Parks are</li> <li>3. Generally</li> <li>4. Acceptable</li> <li>5. Distance</li> <li>6. Suitable for</li> <li>7. Activities</li> <li>8. Which may be</li> <li>9. Improved</li> <li>10. Improved</li> <li>11. Improved</li> <li>12. Improved</li> <li>13. Improved</li> <li>14. Improved</li> <li>15. Improved</li> <li>16. Improved</li> <li>17. Improved</li> <li>18. Improved</li> <li>19. Improved</li> <li>20. Improved</li> <li>21. Improved</li> <li>22. Improved</li> <li>23. Improved</li> <li>24. Improved</li> <li>25. Improved</li> <li>26. Improved</li> <li>27. Improved</li> <li>28. Improved</li> <li>29. Improved</li> <li>30. Improved</li> <li>31. Improved</li> <li>32. Improved</li> <li>33. Improved</li> <li>34. Improved</li> <li>35. Improved</li> <li>36. Improved</li> <li>37. Improved</li> <li>38. Improved</li> <li>39. Improved</li> <li>40. Improved</li> <li>41. Improved</li> <li>42. Improved</li> <li>43. Improved</li> <li>44. Improved</li> <li>45. Improved</li> <li>46. Improved</li> <li>47. Improved</li> <li>48. Improved</li> <li>49. Improved</li> <li>50. Improved</li> <li>51. Improved</li> <li>52. Improved</li> <li>53. Improved</li> <li>54. Improved</li> <li>55. Improved</li> <li>56. Improved</li> <li>57. Improved</li> <li>58. Improved</li> <li>59. Improved</li> <li>60. Improved</li> <li>61. Improved</li> <li>62. Improved</li> <li>63. Improved</li> <li>64. Improved</li> <li>65. Improved</li> <li>66. Improved</li> <li>67. Improved</li> <li>68. Improved</li> <li>69. Improved</li> <li>70. Improved</li> <li>71. Improved</li> <li>72. Improved</li> <li>73. Improved</li> <li>74. Improved</li> <li>75. Improved</li> <li>76. Improved</li> <li>77. Improved</li> <li>78. Improved</li> <li>79. Improved</li> <li>80. Improved</li> <li>81. Improved</li> <li>82. Improved</li> <li>83. Improved</li> <li>84. Improved</li> <li>85. Improved</li> <li>86. Improved</li> <li>87. Improved</li> <li>88. Improved</li> <li>89. Improved</li> <li>90. Improved</li> <li>91. Improved</li> <li>92. Improved</li> <li>93. Improved</li> <li>94. Improved</li> <li>95. Improved</li> <li>96. Improved</li> <li>97. Improved</li> <li>98. Improved</li> <li>99. Improved</li> <li>100. Improved</li> </ul>

Criteria	Performance measurement		Comments
	Informal parks	Sportsparks	
Land quality	<ul style="list-style-type: none"> <li>a. Maximum open space</li> <li>b. Land cannot be constrained by rezoning for public use conservation contribution</li> <li>c. Land is not available for residential development</li> <li>d. Land is not available for commercial development</li> <li>e. Land is not available for industrial development</li> <li>f. Land is not available for other uses</li> </ul>	<ul style="list-style-type: none"> <li>a. Maximum open space</li> <li>b. Land cannot be constrained by rezoning for public use conservation contribution</li> <li>c. Land is not available for residential development</li> <li>d. Land is not available for commercial development</li> <li>e. Land is not available for industrial development</li> <li>f. Land is not available for other uses</li> </ul>	<ul style="list-style-type: none"> <li>a. Special provisions apply to land quality and will contain constraints that may be acceptable at this stage</li> <li>b. The quality and condition of the land may be suitable for development</li> <li>c. The quality and condition of the land may be suitable for development</li> <li>d. The quality and condition of the land may be suitable for development</li> <li>e. The quality and condition of the land may be suitable for development</li> <li>f. The quality and condition of the land may be suitable for development</li> </ul>





## **4.3.2 Notes Regarding Performance Criteria**

### **4.3.2.1 Minimum Level of Supply**

The minimum level of supply acts as a broad measure to determine the adequacy of supply for a defined population. It is not intended to operate as a single measure of adequate supply as the other performance criteria have substantial impact on quality of supply. For example, this broad measure does not establish how accessible the parks are, how useable they are or how numerous they are. A single park of 40 ha 3 km from a suburb of 10 000 people would not be seen as sufficient.

The figure of 4 ha per 1 000 persons (2 ha informal park and 2 ha Sporting park) has been determined by a review of other planning standards and criteria and an estimate of current supply levels across the city. Council has determined a minimum level of supply to ensure that there is equitable provision of parkland for all communities. However, to be effective in meeting community needs, this supply of parkland must be safe, accessible, provide a diverse range of opportunities and be affordable to maintain.

### **4.3.2.2 Minimum Size**

In general the minimum sizes should be taken to be the higher of the range outlined in the table. These minimums are important as they allow parks to be developed in a way that optimises cost savings to the community. A larger local park is cheaper to develop and maintain than two smaller ones. District parks must service a larger population and require more area. The most effective design for a district park is one that allows a range of uses, multiple access points and sharing of services and facilities between use nodes.

In the case of sporting parks the minimum 1.2 ha refers to actual space for a multi-use field (a full multi-use field supporting senior level sport would require 1.6 ha). If you consider the need for buffering around the field, shade, parking and facilities such as toilets or change rooms the 2 ha size is a more realistic minimum.

It is acknowledged that where good urban design proposes a well-integrated open space system that adjacent park and other open space components (eg creeks) can provide some of these functions.

Therefore the lower figure in the range may be considered where this is the case.

#### **4.3.2.3 Access and Visibility**

To provide effectively for a community's park needs, parkland must be safe and easily accessible. This means that a minimum distance should apply to access a park. For local parks pedestrian and cycle access is critical. To ensure access is reasonable criteria regarding minimum road frontage and access corridor widths have been developed. The potential constraints on access from creeks, major roads, residential boundaries, drainage works and other elements must be considered when choosing park locations.

In addition it is desirable that local parks have high visibility from surrounding houses. This visibility is important in an aesthetic sense but is mandatory if issues of personal and community safety are to be addressed. Part 4 of the Development Manual (Landscaping) provides more detail on specific design issues and outlines Council's CPTED ("Crime Prevention Through Environmental Design") policy.

Access to the park for maintenance vehicles is also important. Selection of main and secondary entry points should consider the size, weight and operation of service vehicles.

#### **4.3.2.4 Shape**

Shape of the park area has a major impact both on development and maintenance costs and on functionality of the park. In sporting parks it is particularly important to have a shape that allows an efficient use of the space. In general regular shapes perform best allowing for multi-use fields or spaces. For example an oval with a radius of 80 m (2 ha) will enable most field sports at senior level and 60 m (1.2 ha) will enable most junior sports. In addition the shape should consider the presence of constrained portions of the land or the intrusion of other open space elements (eg drainage reserves, flood constraints, road buffers).

#### **4.3.2.5 Land Quality**

The quality of the land to be used for park purposes is a critical factor. Suitable land does not have to be the best land available but it does have to be suitable for the intended use. Often a mix of localised conditions will represent the best result. To minimise acquisition cost to the community, opportunities to use constrained land should be pursued. However this must be balanced with the likely development costs.

Land for district sporting uses must be able to provide some stable, flood free land to allow for the development of shared club facilities or built sporting facilities. The topography of the site is also critical with flat land more suitable as it minimises development costs.

In some circumstances sub-standard land may be considered a suitable location but will require significant work before it meets quality criteria.

#### **4.3.2.6 Diversity of Settings**

To ensure the community is adequately provided for with a public park system, the development of a range of park – outdoor recreation settings is essential. This range should encompass highly natural- undeveloped settings through to developed – structured settings. The park estate should allow for passive – informal activity (eg bushwalking) through to active – organised activity (eg organised sport).

A diverse land base also provides for a greater range of response to changing community needs. Ensuring that park land is of good quality and not constrained means that future costs to the community are minimised. Responding to changing demands of existing populations will normally mean reconfiguring existing park rather than purchasing additional land.

#### **4.3.2.7 Minimising Cost**

It is important to consider the costs to the community associated with park land. The location, shape, quality and use of parkland has significant impact on development and maintenance costs.

The cost impact of the various performance criteria are discussed under each criteria.

The main objective of this criteria is to ensure that land provided by developers for parkland or land purchased for parkland represents land of good quality. The land should not require unreasonable expenditure to be developed to a standard suitable for community use and that this land is not impeded or constrained in such a way so as to make ongoing cost of maintenance or future redevelopment unreasonable.



## 4.4 DEVELOPMENT CONTRIBUTION FOR PARKS

### 4.4.1 Introduction

The community has a recognised a need for public park land, which provides a range of recreational opportunities and visual amenity at local, district and metropolitan levels. Public parks are part of a city wide open space system.

Council intends to ensure that sufficient, conveniently located and suitable quality park is provided to meet the needs of the community. To achieve this and to ensure that parkland is available for communities when need arises, Council may require a contribution from developers as a condition of any application for reconfiguration of a lot (subdivision).

The need for parkland arises from a range of development activities. New urban and residential areas need park land for recreation and sport and as part of an open space system that enhances the local environment. Commercial areas need parks for casual use by staff, shoppers and visitors as well as to beautify the commercial area. Industrial areas need parks for the use of workers and to provide relief from the industrial landscape.

Redevelopment and renewal of areas, particularly where residential densities are being increased creates need for upgrading of existing parkland or additional land. In some cases additional land is not feasible and therefore facilities have to be improved to cope with demand generated by the proposed development.

In order to satisfy the need for public parkland generated by the increased population as a result of development it is reasonable to require a contribution. This contribution will take the place of land, works, money or a combination of these.

To ensure that the development of a network of public parks occurs according to Council's objectives and performance criteria, land required for public park should be identified during planning for the development and provided at the time of final approvals relating to the development (in most cases plan sealing).

Acquiring land through developer contribution (either as a direct land contribution or as a contribution to the purchase price of appropriate land), is seen as the most efficient way to provide the land base for a network of public parks.

The alternative of purchasing land (where available) after developments are completed and homes built, is not feasible as acquisition costs would be multiplied, residents would have had no opportunity to choose blocks on the basis of park location and servicing the park would be more difficult once development was complete. This approach would also limit the use of integrated urban design in providing equitable access to quality park land.

#### **4.4.1.1 Determination of Contribution**

In determining an application for reconfiguration of a lot by way of subdivision Council may require that in accordance with section 5.6 of the LGP&E Act 1990:

- (a) an area of land be transferred to Council for use as park land
- (b) a monetary contribution be paid in lieu of that land
- (c) works be provided for the improvement of land to be used as a park
- (d) any combination of (a), (b), and (c).

In determining whether to accept land, works, money or a combination of these, Council will consider:

- (a) compliance with any LAOSMP affecting the subject land
- (b) compliance with the Park Planning Performance Criteria ( as detailed in the Development Manual) and the Land Contribution for public park- performance criteria (section 1.8)
- (c) the quantum of land offered
- (d) existing provision of parkland in the area
- (e) the possibility of connecting the proposed park with the existing or proposed open space system
- (f) the type and style of development and likely demand generated
- (g) the size of the block to be developed.
- (h) The location of preferred areas of major open space indicated in the Strategic Plan and in Development Control Plan 4.
- (i) Section 5.6 of the LGP&E Act 1990
- (j) Any planning scheme policy prepared regarding this matter.

#### **4.4.2 Contribution Rates**

The quantum of contribution is determined by Planning Scheme Policy No 6 and any relevant LAOSMP. Any land contribution proposed by the applicant or requested by Council is subject to Park Contribution Performance Criteria and relevant LAOSMP as detailed later in this section.

Any works proposed as part of a contribution towards public park land must be undertaken in accordance with a Landscape Plan which has been endorsed by Council or its delegate.

#### **4.4.3 Time for Payment**

Unless Council decides otherwise, all contributions required, whether monetary, works or land shall either be made or secured prior to the Council's approval of the plan of subdivision.

#### **4.5 LAND CONTRIBUTION FOR PUBLIC PARKLAND (PARK CONTRIBUTION PERFORMANCE CRITERIA)**

In regard to land contribution, the land must be suitable for the purpose intended by the LAOSMP (if applicable) or purpose agreed to by Council. The land must comply with the Park Planning Performance Criteria which assists in determining suitability. Should sub-standard land be proposed, any works required to develop the land to a suitable standard would not be included in the calculation of the contribution. The following performance criteria for land contributions will also apply.

##### **4.5.1 Flooding and Waterways**

Flood liable land will only be considered as suitable for a public park land contribution where Council agrees this would result in significant recreational benefit. In general land within the waterway corridor is not acceptable as parkland and would normally be considered part of a drainage reserve or other open space component.

Unless indicated otherwise on an LAOSMP or according to any Planning Scheme Policy or other strategy adopted by Council, a waterway corridor is deemed to be that land which includes the waterway itself and an amount of land forming a 20 m corridor on from the top of each bank.

Land adjacent to waterways or subject to flooding may be considered suitable if it:

- ◆ is identified as desirable for parkland in an LAOSMP
- ◆ is free of regular inundation being generally above the Q 5 level
- ◆ can be demonstrated to provide useful recreation opportunity
- ◆ does not comprise part of a high velocity overland flow path, which would pose a danger to the public or require higher levels of maintenance and development due to flood damage, and does not consist of areas required for long duration storage of flood waters
- ◆ does not comprise the total contribution of land

- ◆ does not represent a need for costly development and maintenance standards
- ◆ integrates with an existing or proposed parks and open space system.

#### **4.5.2 Land with Limited Utility as Parkland**

Part of a land contribution may be comprised of land with limited utility as parkland providing that this is agreed to by Council and that such part does not represent a greater amount than 30% of the total area to be contributed.

Such land, which is deemed to be substandard by the Land Contribution for Public Parkland Performance Criteria, may be accepted on a discounted basis. Such acceptability and rate of discount to be determined by:

- (a) A detention basin may be accepted at a discounted rate of 50% of the actual area provided that:
  - ◆ It is agreed that there is a complementary benefit to existing or proposed open space.
  - ◆ The size and design of the basin allows active recreation.
  - ◆ The design provides for the water level to rise to a maximum in no less than 60 minutes and to drain in no longer than 2- 3 hours after rain has ceased.
  - ◆ Underground drainage is provided to at least Q 1 and suitable sub-surface drainage has been provided to ensure that the surface can be drained and dry within 24 hours of a rain event.
  - ◆ Slopes are generally less than 1:6. In some cases a mix of treatments may be used but several access and egress points must be provided along all boundaries.
  - ◆ The basin is designed and landscaped as to look like a park.
  - ◆ The basin is constructed according to a landscape plan which has had prior endorsement from Council (such endorsement to be no greater than six months prior).

- (a) A water body may be acceptable at a rate of 50% of the total area providing that it is able to comply with water quality criteria established for the proposal by Council. Any water body will not be accepted until a reasonable period of compliance with water quality criteria has been demonstrated. In general the minimum period would be two years after construction has been completed. Any water body can only be included as part of a larger park area (ie. there must be a substantial land component) and appropriate treatment of any and all stormwater and run-off affecting the water body must be constructed. The cost of such construction is not included in any calculation of park contribution.
- (b) Land below Q 5 may be accepted at a rate of 10% of the area (below Q 5) to be contributed. In most cases this will be considered if the land is part of a planned open space system and is not comprised of modified waterways and drains. Naturally vegetated, unmodified and rehabilitated waterways are likely to be considered.
- (c) Any land steeper than 1:4 may be accepted at a rate of 50% of the area affected providing that Council determines there is benefit in doing so. Such benefit may arise from protecting significant landscape features and areas of natural vegetation.

#### 4.5.3 Land Unsuitable as Park

Some types of land should never be considered as suitable for park contribution. Council may decide to accept the land under other requirements or at the request of the applicant but the area of land will not be considered as part of a park contribution. The following areas are considered unsuitable for parkland:

- ◆ Land likely to serve primarily as a buffer to a transport corridor.
- ◆ Land affected by powerlines, in particular high voltage transmission lines. A buffer of at least 50 m from the lines would be appropriate for any land proposed adjacent to such affected land.
- ◆ Land affected by contamination of any sort.
- ◆ Areas of land less than 10 m wide.
- ◆ Land comprising stormwater drainage of a highly constructed nature (eg concrete culverts, gross pollutant traps).

#### 4.5.4 Condition of Land Upon Transfer to Council

Applicants must make every effort to protect the values of the land proposed for park contribution. Any works proposed for the land (including any remediation or rehabilitation) must be carried out according to an approved landscape plan (details on the preparation of landscape plans can be found in part 4, section 2.5 of Council's development manual).

The following general conditions apply to all land to be provided as park contribution:

- (a) Existing natural vegetation and in particular mature trees are to be retained.
- (b) No modification of the topography, soil or landform.
- (c) The park area is not to be used for storage of materials, machinery or equipment during construction. Fencing of the area during construction to avoid damage is advised.
- (d) Water is to be provided to the boundaries of the park on the basis of one 40 mm connection per every 2 000 square metres of park.
- (e) Power is to be provided to boundaries on the basis of one connection per every 4 000 square meters of park.
- (f) The park must be adequately fenced with bollards or top rails so as to prevent vehicular access.
- (g) No landscape works or modification is to take place unless according to a landscape plan approved by Council
- (h) The park must be maintained to a reasonable standard and for a duration determined by Council in the assessment of the application. At the least clearing of weed species and mowing of grassed areas would be required prior to hand-over.

Applicants not complying with these conditions will be bonded for an amount equal to the works required to be completed. Such bond to be expended on their behalf if works are not completed within 1 year.

# **PART E**

## **HOUSING, INDUSTRY AND COMMERCIAL SUBDIVISION AND AMALGAMATION OF LAND**

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## **PART E - HOUSING, INDUSTRY AND COMMERCIAL SUBDIVISION AND AMALGAMATION OF LAND**

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## **1.0 INTRODUCTION**

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The need to reunite land development with housing, commercial and industrial design has necessitated the introduction of design objectives within the subdivision provisions. For this reason the design requirements of this part apply in conjunction with those of Part D, to all development whether or not the approval of Council is required under the Planning Scheme.

The subdivision and amalgamation provisions in this part are provisions applying to the subdivision of land under the Act.

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## 2.0 GENERAL REQUIREMENTS

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### 2.1 ALLOTMENT SIZE, DIMENSIONS & ACCESS

#### 2.1.1 Allotment Size and Dimensions

##### *Objective*

To ensure that allotments resulting from the subdivision of land have an area and dimensions suited to their intended development.

##### *Implementation*

- [a] The minimum area and dimensions for any proposed allotment within any zone shall be in accordance with the relevant requirements of Table E-1, provided that Council may modify the provisions contained in Table E-1 having regard to the following:
- [i] the topography of the land;
  - [ii] the zoning of the land and adjoining land;
  - [iii] existing vegetation and fauna species;
  - [iv] the area, dimensions and shape of the proposed allotment;
  - [v] the suitability of the proposed allotment for its intended development;
  - [vi] the amount of on-street parking adjacent to the frontage;
  - [vii] any other matters considered relevant by Council.

TABLE E-1

NUMBER OF ZONES	ZONES	MINIMUM AREA (METRES)	AVERAGE AREA (METRES)	**MINIMUM RECTANGLE (METRES)
1 a	Low Density Residential	4000 m <sup>2</sup>	6000 m <sup>2</sup>	40m x 50m
refer also to Part E Section 3.2.1				
#1b	Low Density Residential	4000 m <sup>2</sup>	-	40m x 50m
refer also to Part E Section 3.2.1				
2	Residential 1	600 m <sup>2</sup>		15m x 20m
3	Residential 2			
4	Residential 3			
5	Village	600 m <sup>2</sup>		15m x 20m
6	Commercial	800 m <sup>2</sup>		20m x 40m
7	Trades & Services	800 m <sup>2</sup>	-	20m x 30m
8	Industry	1000 m <sup>2</sup>	-	20m x 40m
9	Rural	40 hectares	-	250m x 250m
10	Open Space	AS DETERMINED BY COUNCIL		
11	Sport & Recreation	AS DETERMINED BY COUNCIL		
12	Special Purpose	AS DETERMINED BY COUNCIL		
13	Special Facilities	AS DETERMINED BY COUNCIL		

#Note: For the purposes of this Table any land in the Low Density Residential zone in excess of 2 hectares and subdivided after the Appointed Day is to be subject to the provisions of 1 b in this Table. All other land zoned Low Density Residential is subject to the provisions of 1 a in this Table.

\*\*Note: For the site to comply, it must be capable of having a complete rectangle of the dimensions as specified in Table E-1 for the respective zone, included within the property boundary lines.

## 2.2 RETENTION OF TREES AND VEGETATION

### 2.2.1 Retention of Trees and Vegetation

objective

To preserve existing trees by the use of environmentally sensitive design and enhance existing growth with additional planting.

Implementation

- [a] The removal or altering of trees within a proposed subdivision shall be subject to the provisions of the Council's Local Law - Vegetation Protection.
- [b] Any person who desires to subdivide land shall identify, in the proposal plan or on a separate plan all trees, with a girth of 90 cm or more or any substantial stands of trees on the subject land.
- [c] In considering an application for subdivision the Council may require amendments to the proposal plan which may include, but not be limited to, modifications to allotment layout, road layout, drainage, water supply and sewerage provision so as to minimise the **loss** of trees identified in provision [b].
- [d] Where an application for subdivision is approved by the Council, the Council shall identify on the proposal plan those trees identified in provision [b] which may be removed. Where trees are to be removed, the Council may require the planting of advanced specimens of a suitable species elsewhere on the land.

## 2.3 DESIGN, CONSTRUCTION AND INSPECTION OF WORKS

### 2.3.1 Design, Construction and Inspection of Works

Objective

To ensure that the design, construction and inspection of works is undertaken to an adequate standard and does not unreasonably affect persons or property in the locality.

Implementation

- [a] No works associated with a subdivision shall be undertaken except in accordance with Part F Administration Provision 1.10.8.

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- [b] The designs, drawings, schedules and specifications for the construction of all canal, road, drainage, water supply, sewerage and fill works shall be prepared by, and the construction inspected by, an engineer registered in accordance with the provisions of the Professional Engineers Act.
- [c] Approval by the Director of Technical Services of engineering drawings and specifications for a subdivision does not waive any responsibilities of the applicant in respect of any relevant provisions of this Planning Scheme, the Act or any other Act or regulations thereto or any condition of any approval granted.

Neither the Council nor the Director of Technical Services accepts any responsibility for the accuracy of such plans and specifications as approved.

- [d] The consulting engineer appointed by the person subdividing the land must bear full responsibility for the design of the works and the implementation of the Council's approved Inspection and Test Plan (ITP) for the construction of all works as set out in the Development Manual.
- [e] Prior to the commencement of construction for any subdivision where construction involves earthworks, sewerage, water supply, drainage or structural construction, at least one (1) identifying notice shall be erected in accordance with the following provisions:
- [i] the notice shall display the following information to the satisfaction of the Director of Technical Services.
    - the name or description of the subdivision as shown on the Council's records; and
    - name, address and telephone number of the applicant; and
    - name, address and telephone number of the consulting engineer for the subdivision; and
    - name, address and telephone number of the contractor for the subdivision; and
    - name and telephone number of the person to be contacted in regard to any matter arising from the construction of the subdivision; and
  - [ii] the notice shall be not less than 1200 x 900mm and not more than 2.2 square metres in area;

- [iii] re-aligned drainage channels shall be protected from scouring as construction proceeds, and
- [iv] drainage channels shall be wide based, if possible;
- [v] construction of temporary bunds throughout the site; and
- [vi] sediment control plan addressing all stages of construction as well as ongoing sedimentation/erosion control strategies for the completed development.

- [i] Soil exposure during construction works shall be minimised and restoration of exposed areas shall be carried out within seven (7) days or such other time that is accepted by the Director of Technical Services.

For the purpose of this provision "construction area" means that section of the land which is required for the carrying out of works associated with the subdivision and the storage of equipment and materials associated with such works.

- [j] The Council holds the owner of the land responsible for the adequate control of dust. The owner and the person wishing to subdivide the land shall ensure all subdivisions involving works shall:
  - [i] provide and maintain at all times adequate dust control measures to the satisfaction of the Director of Technical Services.
  - [ii] provide a specification for works which shall incorporate requirements for the contractor to minimise the area of cleared land or open excavation at any one time; and
  - [iii] ensure that all waste material including vegetation is transported from the site and disposed of in a location approved by the Director of Technical Services; and
  - [iv] limit construction activity to the hours of 7.00 am to 6.00 pm Monday to Friday and 7.00 am to 1.00 pm Saturday unless otherwise approved by the Director of Technical Services.

- [k] Public roads and services shall be protected against damage during any filling or excavation operation. Any damage caused to these roads and services shall be repaired at the applicant's expense and to the satisfaction of the Director of Technical Services. All works and repairs to Council's water supply and sewerage services that are in use shall be undertaken by Council staff at the applicant's expense.

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- [iii] the notice shall not contain any advertising which in the opinion of the Director of Technical Services, detracts from the intention to identify to the public those who are responsible for the construction of the subdivision. Any sign which, in the opinion of the Director of Technical Services, is in breach of this provision shall be subject to the Council's licensing requirements for advertising signs and any applicable fees;
  - [iv] the notice shall be erected on the subdivision, adjacent to and facing the major road frontage unless, in the opinion of the Director of Technical Services, another location would better serve the public interest;
  - [v] if the notice is removed at any time to make way for construction activities, it shall be re-erected within 24 hours; and
  - [vi] the notice shall be maintained in good condition until the subdivision is accepted on maintenance by the Council.
- [f] All material supplied and all work performed by the applicant shall be to the reasonable satisfaction of the Director of Technical Services and shall comply in all respects with the provisions of all relevant statutes, statutory regulations, Local Laws and Policies and the Act. The Director of Technical Services may, by himself or his nominated delegate, audit and/or generally inspect all materials and work but no audit, testing or inspection shall relieve the applicant of any obligation imposed pursuant to this part.
- [g] The applicant shall be responsible for the costs involved in the relocation or adjustment of any services necessitated by the subdivision. Design plans shall clearly show all existing services and details of any alternations required. Where there is the likelihood of conflict between services, the engineering plans shall clearly indicate the levels of each service and the clearance between them.
- [h] All works associated with a subdivision shall be such as to ensure minimal downstream siltation during construction by intercepting the flow from the sub-catchment and returning that flow to the natural gullies and downstream gullies with minimal transportation of eroded material. In addition, the following provisions shall be complied with to the satisfaction of the Director of Technical Services:
- [i] construction of silt traps at the downstream end of the construction area, and
  - [ii] stabilisation of earth batters using quick growing vegetation or turfing; and

- [j] Where fill material, construction material or excavated material are to be transported into the subdivision or from the subdivision, the following shall apply:
  - [i] all trucks hauling such material shall have their loads covered unless otherwise approved by the Director of Technical Services; and
  - [ii] a daily clean-up of roads used by haulage vehicles shall be undertaken to remove any spillage; and
  - [iii] the provisions of the Council Local Laws in regard to extraordinary traffic shall apply to the subdivision and the necessary permits shall be obtained from the Council.
  
- [m] All erosion and sediment control plans shall include a staged compliance checklist to be signed by the construction manager. This checklist must be made available for inspection by Council and presented to Council at the final inspection.



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## 3.0 LAND USES

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### 3.1 RESIDENTIAL

Residential in this context is the generic term for all of the following zones:

- [a] Low Density Residential;
- [b] Residential 1;
- [c] Residential 2;
- [d] Residential 3;
- [e] Village

#### 3.1.1 Application and Key Related Design Elements

##### 3.1.1.1 Application and Key Related Design Elements

###### Objective

To ensure residential development applications that are submitted for areas ranging from two allotments to a very large number of allotments are accompanied by the appropriate level of information for the particular size of the proposal.

###### Implementation

- [a] Four broad area categories have been identified and are described as follows:
  - [i] Site: any individual household site allotment for a single dwelling;
  - [ii] Precinct: any area which contains more than one dwelling abutting or contained by an access place or access street, but which does not involve the creation, and/or use of an existing collector street.
  - [iii] *Neighbourhood*: any area which comprises more than one precinct and includes all or a portion of a collector street, but does not involve the creation, and/or the use of an existing road with an sub-arterial function; and,
  - [iv] *District*: any area containing one or more neighbourhoods and which is bounded by arterial roads and/or major non-residential land uses.

[b] The broad area categories and the level of information which relate to these are as follows: <sup>1</sup>

- [i] Key site-related design elements:
  - .E1 Allotment size and orientation (3.1.3)
  - .E2 Building siting and design (3.1.4)
  - .E3 Private Open Space (3.1.5)
  - .E4 Vehicle Parking (3.1.6)
  - .E6 Streetscape (3.1.8)
  - .E9 Drainage Network (3.1.11)
  
- [ii] Key precinct-related design elements:
  - .E1 Allotment size and orientation (3.1.3)
  - .E4 Vehicle Parking (3.1.6)
  - .E5 Public Open Space (3.1.7)
  - .E6 Streetscape (3.1.8)
  - .E7 Traffic & Transport (3.1.9.1, 3.1.9.2, 3.1.9.3)
  - .E8 Utilities provision (3.1.10)
  - .E9 Drainage network (3.1.11)
  
- [iii] Key neighbourhood-related design elements:
  - .E0 Community Design (3.1.2)
  - .E1 Allotment Size and orientation (3.1.3)
  - .E5 Public Open Space (3.1.7)
  - .E7 Traffic & Transport (3.1.9.3, 3.1.9.4)
  - .E8 Utilities provision (3.1.10)
  - .E9 Drainage network (3.1.11)
  
- [iv] Key district-related design elements:
  - .E0 Community Design (3.1.2)
  - .E5 Public Open Space (3.1.7)
  - .E7 Traffic & Transport (3.1.9.3, 3.1.9.4)
  - .E8 Utilities provision (3.1.10)
  - .E9 Drainage network (3.1.11)

[c] Council when considering which information should accompany development application or when requesting further information from an applicant, shall have regard to clause [a] and [b] above.

### 3.1.2 Community Design

The primary objective in planning one or more parts of the Plan Area is to design a framework for a community that is sustainable, safe and stimulating.

This design element outlines the objectives and design criteria that should guide the planning of residential areas before applying the detailed provisions in design elements 1 to 9.

The production of an outline development plan may be undertaken by the Council or a developer.

Good subdivision design is critical to the future functioning of a residential area in terms of personal, traffic and property safety, as well as ensuring that the potential for vandalism and other antisocial activities is minimised.

Good design will also help in the efficient use of scarce fossil fuels and protection of natural assets. Residential areas should minimise travel distances to daily activities, encourage walking and cycling, and should perform well for people who do not have any access to a car. Development of a stimulating environment can incorporate a sense of place using neighbourhood focal points and links with the landscape.

### 3.1.2.1 Community Design Element

#### *Objective*

- 01.** To provide residential areas that encourage community development through neighbourhood focal points, and special character and identity.
- 02.** To facilitate an ecologically sustainable approach to urban development by minimising fossil fuel use, protecting environmental assets, and providing for higher densities.
- 03.** To provide a movement network (including pedestrian and cyclist modes of transport) which establishes good internal and external access for residents, maximises safety, encourages public transport patronage and minimises the impact of through traffic.
- 04.** To provide residential areas which meet the diverse needs of the community with a wide choice in housing and associated public and commercial uses.
- 05.** To provide a public open space network, including appropriate land for recreation, that can meet the diverse needs of today's residents, and be adapted to the needs of future users.
- 06.** To ensure that design of residential areas takes into account environmental constraints including soil erosion, flooding and bushfire risk.

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### Performance Criteria

- PC1** The subdivision layout to give a residential environment a strong and positive identity, by responding to site characteristics, setting, landmarks and views, and through the street and open space network.
- PC2** Neighbourhood identity to be reinforced by locating focal points for community and retail facilities within reasonable walking distance of most residents.
- PC3** The street network to provide a high level of internal accessibility and good external connections for local vehicle movements, with traffic management to restrain vehicle speed and deter through traffic.
- PC4** The street layout and allotment density to minimise fossil fuel use by reducing local vehicle travel distances, maximising public transport effectiveness, and encouraging walking and cycling as daily activities.
- PC5** The street and allotment layout to enable efficient provision of physical services.
- PC6** The street and allotment orientation and allotment dimensions to facilitate the siting and design of dwellings which minimise fossil fuel use and maximise use of passive solar energy.
- PC7** The allotment layout to provide for a variety of housing types and other compatible land uses, arranged to encourage provision of local services, facilities and employment, while minimising land use conflicts.
- PC8** The allotment layout to provide a mix of lot sizes and include smaller residential lots and integrated medium density housing in areas close to services, public transport and public open space, or with good views.
- PC9** The layout to provide well-distributed public open spaces that will contribute to the legibility and character of that development, provide for a range of uses and activities, are cost-effective to maintain, and contribute to effective and efficient management of stormwater runoff.
- PC10** The layout to retain significant vegetation and habitat areas, incorporate natural and cultural features, minimise soil erosion, encourage on-site water retention, avoid development on flood plains and use drainage methods that protect and enhance streams.

- PC11** The layout to integrate with the surrounding urban environment, and encourage development to front higher order streets, through use of service roads, side or rear access.
- PC12** The layout to ensure that major linear or regional open spaces are located to define the boundaries of neighbourhoods, rather than dissect them.
- PC13** The layout to enhance personal safety and minimise potential for crime, vandalism and fear, by avoiding blank walls or high fences to streets, and providing for urban open spaces to be under surveillance.
- PC14** The pedestrian network to be safe, attractive and efficient, running largely along streets fronted by houses, and avoiding uses that generate major breaks in surveillance on routes to and from public transport and other routes used at night.
- PC15** The layout of residential development abutting areas of high bushfire hazard compromising the long term urban edge or conservation areas to ensure that *streets* are designed, located and connected to allow safe and efficient movement of fire emergency vehicles, and lots are configured to facilitate siting and design of houses incorporating bushfire protection measures.

### 3.1.3 Allotment Size and Orientation Element 1

#### Objective

- 01.** To provide a range of allotment sizes to suit a variety of dwelling, household types and zones, with areas and dimensions that meet user requirements.
- 02.** To provide allotments which are orientated where practicable to enable microclimate management, including the application of energy conservation principles.
- 03.** To provide allotments with area and dimensions that protect environmental features and take account of site constraints.
- 04.** To arrange allotments in a manner that enhances personal and property safety and security.

#### *Performance Criteria*

- PC1** Allotment sizes to conform with expected lot sizes in certain zones.

- 
- PC2** Allotment sizes to meet the projected requirements of people with different housing needs, and to provide for housing diversity and choice.
- PC3** Allotments to have the appropriate area and dimensions to enable the siting and construction of a dwelling and ancillary outbuildings, the provision of private outdoor space, convenient vehicle access and parking.
- PC4** Allotments to be orientated to facilitate siting of dwellings to minimise solar radiation by:
- ensuring the long axes of *allotments* are within the range N20°W to N30°E, or E20°N to E30°S; and
  - dimensions of allotments are adequate to cater for housing designs that minimise solar radiation on-site, taking into account likely dwelling size and the relationship of each lot to the street.

such that a minimum of 70 per cent of all allotments have appropriate solar orientation, except where significant constraints limit achievement of such a target.

- PC5** Allotment size and dimensions to enable dwellings to be sited to:
- protect natural or cultural features
  - acknowledge site constraints including soil erosion, poor drainage, saline soils or bushfire risk.
- PC6** Allotment frontages to be oriented to streets, including higher order streets, and to open spaces such that personal and property security, deterrence of crime and vandalism, and surveillance of footpaths and public open space is facilitated.

#### Deemed-to-Comply *Criteria*

- [i] The following lot sizes are deemed to meet the objectives and performance criteria for the R2 and R3 zones.

#### **Allotment Size**

- D1** Allotments with an area greater than 450 square metres capable of containing a rectangle suitable for building purposes measuring 10 metres by 15 metres.

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- D2** Allotments with an area of between 300 square metres and 450 square metres, capable of containing a rectangle measuring 10 metres by 15 metres, or 9m by 15m where a boundary is nominated as part of the building envelope, and where a plan has been approved showing a building envelope which conforms to the performance criteria of Element 2 - Building Siting, and the Deemed-to-Comply requirements of control Element 3 - Private open space, and Element 4 - Vehicle Parking.
- D3** Allotments with an area of between 300 square metres and 450 square metres where a plan has been approved designating the long axis of the allotment in an approximately north-south direction and describing building envelopes to ensure that dwellings will be semi-detached.
- D4** Allotments less than 300 square metres in area forming part of an approved Integrated Development and shall conform to the requirements of Part D Section 2.
- [ii] The minimum area and dimensions for any proposed allotment within the Village or R1 zone shall be in accordance with the relevant requirements of Table E-1.
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- D5** The majority of allotments in new residential areas with orientation so that dwellings can be built on them to take advantage of the south east prevailing breeze and northerly and north-easterly summer breezes or the modification of those patterns caused by the local topography.
- D6** The majority of allotments in new residential areas with orientation so that dwellings can be built on them to ensure minimum exposure of the walls and windows of the habitable rooms to low angle eastern and western sun.

### **3.1.4 Building Siting and Design Element 2**

#### Objective

- 01.** To site buildings to meet the projected user requirements for privacy and daylight.
- 02.** To site and design buildings to promote energy efficiency.

- 03.** To ensure scale, *height* and length of a building and walls relative to front, side and rear boundaries are of appropriate residential character.
- 04.** To site buildings to take account of site features, constraints and hazards.

*Performance Criteria*

- PC1** Habitable *rooms* to be capable of receiving adequate daylight.
- PC2** The privacy of existing dwellings and private outdoor spaces to be protected taking into account local community expectations, and new dwellings and private outdoor areas to be designed and sited to minimise overlooking from adjacent development.
- PC3** Dwelling and outbuilding walls to be sited and be of length and height to ensure no significant loss of amenity to adjacent dwellings, private open space or streetscape.
- PC4** The site coverage of buildings and sealed surfaces to be limited to help limit increases in stormwater runoff.
- PC5** Buildings sited and designed to:
- retain, where practical, existing significant vegetation or other features
  - minimise soil erosion and surface disturbance
  - take account of flood risk, poor drainage or salt-affected soil
  - incorporate bushfire protection measures in areas of high bushfire hazard.
- PC6** Dwellings to be sited and habitable rooms to be located to allow cross ventilation of habitable rooms.
- PC7** Roofs to be ventilated and insulated, and walls and openings protected from solar radiation.



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## Deemed-to-Comply Criteria

The following are considered to meet the design element objectives and performance criteria:

### **[a] Daylight**

**D1** Dwellings sited in compliance with the Building Code of Australia by location of windows:

- to face a court or other outdoor space to the sky or an open verandah, open carport or the like; or
- not less than a horizontal distance of 1 metre from any building of an adjoining lot that they face.

### **[b] Privacy**

**D2** Windows located in walls on side or rear boundaries are of translucent materials, except where the boundary is onto a street or lane.

**D3** Dwellings sited in accordance with the relevant performance measures of Elements 2, 3 and 4.

### **[c] Site Coverage**

**D4** Buildings occupying a maximum of 50 per cent of site coverage.

### **[d] Land subject to inundation**

**D5** Habitable room floor levels in areas subject to inundation in accordance with Element 9(a) Minor Stormwater Flows and Element 9(b) Major Stormwater Flows.

### **[e] Street setbacks**

**D6** The building line setback from the street boundary for allotments of not less than 450m<sup>2</sup> is in accordance with requirements set out in **Table E-2**. Where a streetscape plan has been prepared, setbacks less than those indicated below may be agreed between Council and the applicant.

**Table E-2 RELATIONSHIP BETWEEN STREET TYPES & BUILDING SETBACK**

Street Type	Minimum Front Setback *	Minimum Side Street #
Access Place	4 metres	2 metres
Access Street	5 metres	3 metres
Collector Street	6 metres	4 metres
Trunk Collector	**	6 metres **

# For corner lots  
Pavios and open verandas may project forward of the building line

\*\* The minimum setback may be varied according to the streetscape design objectives of the trunk collector and the design of any noise abatement measures.

For streets created prior to the Appointed Day, a minimum frontage setback of 4.5m shall apply, unless adjacent development is set back more than 7m then the minimum setback shall be 6m.

**[f] Height and building siting**

**D7** Buildings with a maximum *height* of 7m and external *wall height* complying with the following setbacks from side or rear boundaries are suitable.

- 1m minimum setback for walls up to 3.6m in *height* unless the wall is built to the boundary.
- for that part of the wall over 3.6m in *height* a minimum setback of 1 m plus 0.3m for each 1 m of *height* over 3.6m up to a *height* of 6.9m.

**[g] Building to the boundary**

**D8** Dwellings and outbuildings on lots over 450m<sup>2</sup> may be built to the boundary (a setback of up to 150mm from the boundary is deemed to be on the boundary) under the following conditions:

- maximum building *height* of 3.6m on and within 1 m of the boundary
- a maximum of 20m total wall length (including carports) along a side or rear boundary.

**D9** Dwellings and outbuildings on lots between 300m<sup>2</sup> and 450m<sup>2</sup> or less may be built to the boundary:

- as specified in D8 along boundaries nominated on a two dimensional **building envelope** plan; or
- in accordance with a nominated three dimensional **building envelope** which may provide for built to boundary or party **wall** heights of up to 7 metres.

**D10** Built *to* the boundary conditions restrict openings on boundaries. Walls within 1 m from the boundary must not contain any openings unless they comply with the fire resistance levels specified in the Building Code of Australia (BCA).

**[h]** Allowable encroachments

**D11** Eaves, fascias and gutters, masonry chimneys, flues, pipes, domestic fuel tanks, cooling or heating appliances or other **services** may encroach beyond the building envelope in D8 provided that the distance between the outermost point in the structure and the boundary is not less than 0.5m. Such items may be located less than 0.5 m from the boundary if relevant fire protection and town planning amenity considerations are satisfied.

The following items are not restricted:

- light fittings, electricity or gas meters, aerials or antennae, pergolas or sun blinds
- unroofed terraces, landings, steps or ramps, not more than 1m in height
- roof lighting and ventilation.

### 3.1.5 Private Open Space Element 3

#### Objective

- 01.** To provide each dwelling with private open space that meets the reasonable recreational, service and storage needs of residents.

#### Performance Criteria

- PC1** Private open space areas to be of dimensions to suit the projected requirements of the dwelling occupants and to accommodate outdoor recreation needs as well as providing space for service functions such as clothes drying and domestic storage.
- PC2** Part of the private open space to be capable of enabling an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play, and be directly accessible from the dwelling.
- PC3** Location of private open space to take advantage of outlook and natural features of the site, take account of the impact of adjacent buildings on privacy and overshadowing, and address surveillance, privacy and security issues where private open space abuts public open space.
- PC4** Orientation of private open space to provide for maximum year round use.

#### Deemed-to-Comply Criteria

The following is considered to meet the design element objective and performance criteria.

- D1** Private open space of the dwelling having a minimum area equivalent to 20 per cent of the lot area or 80m<sup>2</sup>, whichever is the greater, and where:
- the minimum dimension of private open space is 2.5m
  - one part of the private open space comprises an area of 25m<sup>2</sup> with a minimum dimension of 4m, and is conveniently accessible from a major living area of the dwelling.

### 3.1.6 Vehicle Parking Element 4

#### Objective

01. To provide sufficient and convenient parking for residents, visitors and service vehicles.
02. To ensure that parked vehicles do not obstruct the passage of vehicles on the *carrageway* or create *traffic hazards*.
03. To ensure that parking facilities do not detract from streetscape amenity and surveillance of the street.

#### *Performance Criteria*

- PC1** Resident and visitor carparking to be provided according to projected needs and by taking into account:

the safety of pedestrians, cyclists and vehicles  
 availability of public transport  
 the provision of public carparking easily accessible to visitors  
 the location of higher density forms of housing  
 the location of non-residential uses such as schools and local shops in, or likely to be developed in the area  
 the effect of sloping land in reducing parking opportunities  
 the street network and related objectives  
 the effects of on-street parking to slow vehicle speeds and enhance the pedestrian environment  
 the possible use of street parking to slow vehicle speeds and enhance the pedestrian environment  
 the occasional need for overflow parking  
 the projected requirements of people of differing socio-economic status, age, cultural background and stage of family life cycle  
 efficient use of car spaces and accessways including adequate manoeuvrability for vehicles between the street and the allotment  
 the need to minimise impervious surface to reduce stormwater runoff.

- PC2** On-street parking to not restrict the safe passage of moving vehicles and the manoeuvring of vehicles to and from driveways.

- PC3** Garages and carports to be located and designed to maintain streetscape amenity, complement dwelling design and allow surveillance of the street from within dwellings.

**PC4** Vehicle crossovers to be designed to allow efficient access to and from the driveways, taking into consideration the width of the street, be paired where practical, and located to ensure efficient provision of on-street parking.

**PC5** Permanent parking bays for all residential development are to have a 100 year ARI flood immunity.

#### Deemed-to-Comply *Criteria*

The following are considered to meet the design element objectives and performance criteria.

#### [a] Parking on site

**D1** Provision of two car parking spaces per dwelling, which may be in tandem, one capable of being covered.

**D2** Minimum dimensions for car parking spaces (with entry from the end) in accordance with Council Local Planning Policy - Carparking and Vehicle Access.

**D3** Accessway width of 3m minimum to baffle axe *lots*.

**D4** Vehicle access to allotments fronting existing trunk collector streets to permit vehicles to enter an exit in a forward direction.

**D5** Carports not restricted, but where located between the building line and the street boundary, design compatible with that of the dwelling.

**D6** Garages on or behind the building line of the side street or on or behind the lot boundary abutting an access lane.

#### [b] Parking off-site

**D7** The dimensions of car parking spaces complying with ***Australian Standard 2890.1 (1993)***.

**D8** Access place single lane carriageways with one parking space for each two dwellings located in the verge within an average distance of 25m of each lot.

**D9** Access place single lane carriageways, having short-term service vehicle parking provided on the carriageway or on combined verge space within 40m of any lot.

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**D10** On two-lane carriageways parking located to provide a minimum of one on-street space for each two dwellings.

### 3.1.7 Public Open Space Element 5

#### Objective

- 01.** To ensure that public open space of appropriate quality and quantity is provided to contribute towards meeting the recreational and social needs of the community in convenient locations.
- 02.** To incorporate natural and cultural features, where appropriate, into areas of public open space.

#### Implementation

- [a] The multi-functional role of open space and its joint usage with other community facilities to be recognised and promoted through the Open Space Management Team referred to in the Strategic Plan Recreation Objective 2.
- [b] Areas of open space are to be provided in accordance with the Open Space Management Plan. (Strategic Plan Recreation Objective 1).
- [c] Contributions for Open Space are to be made in accordance with the Open Space Management Plan. (Strategic Plan Recreation Objective 1(b)).
- [d] Where a Local Area Open Space Management Plan has not been undertaken for the locality, Council shall in accordance with the Strategic Plan Recreation Objective 1 (d) require one to be undertaken.
- [e] The location and layout of public open space are to minimise problems relating to personal security and surveillance, property security and vandalism in relation to the park and its boundaries.

### 3.1.8 Streetscape Element 6

#### Objective

- 01.** To provide attractive streetscapes which reinforce the functions of a street and enhance the amenity of dwellings

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*Performance Criteria*

**PC1** The road reserve together with dwelling fronts and front garden to:

- [a] create an attractive streetscape and establish a clear character and identity for the street or precinct;
- [b] provide for appropriate street tree planting taking into account the image and role of the street, solar access requirements, soils and services;
- [c] encourage use of the street for walking, cycling, interaction between residents and other appropriate community functions;
- [d] ensure that informal surveillance of the public space is possible from within dwellings;
- [e] manage the speed and behaviour of traffic in accord with the street type to retain safety and amenity;
- [f] respond to the features of the site in terms of views, vistas, existing vegetation and landmarks;
- [g] ensure that the road reserve width is adequate for the proposed pavement, paths, planting, drainage and services;
- [h] facilitate the effective and efficient management of stormwater *run-off*;
- [i] take into account maintenance responsibilities, requirements and costs;

**PC2** A streetscape plan to be prepared in accord with PC1 for all new *streets* showing:

- [a] the road reserve together with typical cross sections;
- [b] location and detailing of carriageway pavement, parking bays, **bus** stops, kerbs, footpaths, cycle paths and speed control devices;
- [c] location and species of proposed trees or other vegetation;
- [d] location of existing vegetation to be retained and proposed treatment to ensure its health:



- [e] typical dwelling front alignments including any setback variations together with any building detailing proposed to promote special character or identity;
- [f] any relevant details for front garden treatment, eg fences, driveways, landscape themes etc, and suitable locations for letterboxes;
- [g] any relevant details for the design and location of street furniture - lighting, seats, bus stops, telephone boxes, mail boxes, etc.

**PC3** The setback of buildings from the street frontage to be appropriate to the streetscape character, the efficient use of the site and the amenity of residents.

**PC4** The location and design of garages, carports and parked cars to minimise detriment to streetscape amenity and to personal security and surveillance, and to not dominate the view of the dwelling from the street.

**PC5** Fences in the frontage to be permitted, and be of height and design that takes into account the amenity of the street, surveillance and safety, the security of children, pets and property, and the use of the front garden space.

*Deemed-to-Comply Criteria*

The following are considered to meet the design element objectives and performance criteria:

- D1** Submission of an appropriately detailed *streetscape plan* to the requirements of Council for all new streets created by a subdivision.
- D2** The *building line* setback from the street boundary in accord with Element 2 (PC7).
- D3** Garages and carports located in accordance with PC 3 of Element 4 and PC4 of Element 6
- D4** Fences and walls less than 1.2 metres in height and to a maximum of 1.5 metres high along the street frontage and only if the fence is greater than 50 percent transparent.

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**3.1.9 Traffic & Transport Element 7**

## Objective

- 01.** To provide a high level of safety for all street users.
- 02.** To provide acceptable levels of residential amenity and protection from the impact of traffic.
- 03.** To provide a reasonable level of convenience for all street users.
- 04.** To provide maximum possible economy of construction, consistent with the other objectives.

*Performance Criteria*

- PC1** Limitation of traffic speed and volume in residential streets to levels which are compatible with the safety and amenity of other street users and residents.
- PC2** Frontage of residential lots to be permitted only to streets where these limitations of traffic speed and volume can be attained.
- PC3** Limitation of carriageway width to the minimum necessary to satisfactorily provide for required traffic functions.

*Deemed-to-Comply Criteria*

- D1** Conformity with the provisions of Sections 2.2 to 2.12 of Queensland Streets Design Guidelines for Subdivisional Street Works except as varied by the Development Manual.

[a] **Traffic Volume**

## Objective

- 01.** To provide acceptable levels of access, safety and convenience for all street users in residential areas, which ensuring acceptable levels of amenity, and protection from the impact of traffic.

- 
- 02.** To avoid streets within any residential neighbourhood from operating as through traffic routes for externally generated traffic.

*Performance Criteria*

- PC1** The design features of each type of residential street to convey its primary function and encourage appropriate driver behaviour.
- PC2** With any network in a residential development, the component streets conform to the adopted functions set out in Table 2A.3.1 of Development Manual.
- PC3** Street layout which provides that no dwelling fronts a street which carries an unacceptable volume of traffic.
- PC4** Street layout which provides that a maximum percentage of dwellings front streets which carry a minimum volume of traffic.

*Deemed-to-Comply Criteria*

- D1** Street layout which provides that no dwelling fronts a street with a traffic catchment exceeding 500 equivalent dwellings, or a traffic volume exceeding 5000 vehicles per day.
- D2** Street layout which provides that the majority of dwellings front a street with a traffic catchment of less than 200 equivalent dwellings.
- D3** Street layout which positively excludes through traffic.
- D4** Traffic volumes to be calculated in accordance with Tables 2.2.E and 2.2.F of the Queensland Streets Design Guidelines for Subdivisional Street Works except as varied by the Development Manual.
- D5** Conformity with Acceptable Solutions as set out in Section 3.0, Street System for the Queensland Streets Design Guidelines for Subdivisional Street Works except as varied by the Development Manual.

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**[b] Traffic Speed***Objective*

- 01** To provide a street environment which allows all users - motorists, pedestrians and cyclists, - to proceed safely and without unreasonable delays.

*Performance Criteria*

- PC1** The design features of each type of residential street to convey its primary function and encourage appropriate driver behaviour.
- PC2** Design of the carriageway to discourage motorists from travelling above the intended speed by reflecting the functions of the street in the network: in particular, the width and horizontal and vertical alignment not to be conducive to excessive speeds.
- PC3** Street geometry design which effectively restricts vehicular speeds to appropriate limits.

*Deemed-to-Comply Criteria*

- D1** Selection of an appropriate design speed for each street, in accordance with Table 2A.3.1 of the Development Manual.
- D2** Where the street length is limited in order to control the vehicle speed, the lengths specified in Table 2.3.B of the Queensland Streets Design Guidelines for Subdivisional Street Works.
- D3** Where the bends are introduced, the radius of the bend in relation to the maximum speed shall be as set out in table 2.3.C of the Queensland Streets Design Guidelines for Subdivisional Street Works.
- D4** Where combination alignments are introduced the street length and bend radii and their relationship to maximum speed shall be as set out in Table 2.3.D of Queensland Streets Design Guidelines for Subdivisional Streetworks.

**[c] Passing**

## Objective

- 01** To provide sufficient and convenient provision for vehicles to pass vehicles travelling in the opposite direction.

*Performance Criteria*

- PC1** Passing provision to be such that delays resulting from meeting opposing traffic are kept to a level acceptable to the majority of drivers.

## Deemed-to-Comply Criteria

**D1 For a Single Lane Carriageway**

- \* Number of allotments in traffic catchment - 30 maximum\*  
Passing places to be **specifically designed** for sole or dual use. (See **Sec 2.5** of the Queensland Streets Design Guidelines for Subdivisional Works).
- \* Minimum length of each passing place - 10.0m\* maximum spacing of passing places (length of constriction) in accordance with **Figure 2.5.D** of the Queensland Streets Design Guidelines for Subdivisional Works.

**D2 Two-Lane Carriageway**

- \* Number of allotments in traffic catchment- 200 maximum total lane lengths to be provided in accordance with **Figure 2.6.G.** of the Queensland Streets Design Guidelines for Subdivisional Works
- \* Additionally, where lot frontages are less than 17m, either:-
  - design passing spaces to be provided as for a single lane carriage way, or
  - Additional parking spaces to be provided in accordance with **Table 2.5.E.** of the Queensland Streets Design Guidelines for Subdivisional Works.

**D3** Three-Lane Carriageway

- \* Number of allotments in traffic catchment - 500 maximum  
Total lane lengths to be provided in accordance with Figure 2.6.G of the Queensland Streets Design Guidelines for Subdivisional Works
- \* Minimum of two lanes to be provided at any point, unless a "Slow Point" is deliberately designed.
- \* Where three lanes are provided, the minimum length of three lane section to be 35m. (illustrated in Fig 2.5F of the Queensland Streets Design Guidelines for Subdivisional Works).

**[d]** Carriageway Width

## Objective

- 01** To provide sufficient width of carriageway and verge to allow streets to perform their designated functions within the street network.
- 02** To minimise street construction and life cycle costs without compromising other objectives.
- 03** Carriageway width to be sufficient to enable the street to efficiently and conveniently fulfil its required traffic and parking functions, but in the interests of safety, amenity and economy to be no greater than necessary for this purpose.

## Performance Criteria

- PC1** The number of vehicle lane widths in any street length to be sufficient to provide for:-
  - A single moving lane.
  - The design level of on-carriageway parking.
  - Reasonable opportunity for passing of opposing vehicles.

**PC2** Carriageway width to be the minimum necessary for normal traffic movements to be carried out at the design speed with abnormal movements possible at reduced speed.

#### Deemed-to-Comply Criteria

**D1** Carriageway width of each street length, in terms of the number of lanes, to be not less than as shown in Figure 2.6.G of the Queensland Streets Design Guidelines for Subdivisional Street Works and subject to compliance with the carriageway width of Table 2A.3.1 of the Development Manual.

**D2** Classification of the number of lanes for a carriageway width (measured between channel inverts) shall be:-

<b>Single Lane</b>	<b>3.5m</b>
<b>Two Lane</b>	<b>5.5m</b>
<b>Three Lane</b>	<b>7.5m</b>

#### **[e] Verge**

##### Objective

**01** To provide a buffer area between the street carriageway and the residential allotments, sufficient for the functions of Safety, Amenity and Convenience, but in the interests of economy of no greater width than necessary.

##### Performance Criteria

**PC1** Verge Width adequate for:

- Safety Visibility
- Pedestrian Movement
- Landscaping for amenity
- Noise reduction
- Parking
- Allotment access
- Utility services

**PC2 Verge Crossfall** suitable for:

- Allotment access
- Pedestrian movement
- Drainage
- Overspill parking

## Deemed-to-Comply Criteria

**D1 Minimum verge width**

Access Place	3.0m
Access Street	3.0m
Collector Street -	4.0m
Trunk Collector -	4.5m

**D2 Verge Cross-Section**

As per Council Standard Drawings S1005, S1006, S1007 and S1008.

**[f] Street Reserve Width**

## Objective

- 01** Appropriate street reserve width to be provided to enable the safe location, construction and maintenance of required paths and public utility services (above or below ground) and to accommodate the required level of landscaping.
- 02** In the interests of economy, street reserve width to be no greater width than necessary.

*Performance Criteria*

**PC1 Minimum** street reserve width at any point to be not less than the sum of the minimum widths for the carriageway and the verge, as identified in Table 2A.3.1 of the Development Manual.

**PC2 Average** street reserve width to be sufficient to provide varied reserve width to allow for landscaping, parking areas, etc.

Deemed-to-Comply *Criteria*

**D1** Minimum reserve widths shall be in accordance with the requirements of Table 2A.3.1 of the Development Manual.



**D2 Nominal Reserve Width**

Access Place	-	14.0m
Access Street	-	14.0m
Collector Street	-	16.0m to 20m
Trunk Collector	-	28.0m

**[g] Geometric Design****Objective**

- 01** Geometric design criteria for the detailed design of the street to provide safety, amenity and convenience for all users, with maximum consistent economy of construction and maintenance.

***Performance Criteria***

- PC1** Speed restrictive alignment to restrict vehicle operating speeds to minimum practical, consistent with a reasonable travel time.
- PC2** Sight Distance-Sufficient for safe vehicle operation at the design speed.
- PC3** Grades-Sufficient for drainage of the carriageway, but otherwise minimum possible, for safety and convenience of all road users.
- PC4** Carriageway Cross-Section - Suitable for surface drainage, driver comfort, and allotment access.

***Deemed-to-Comply Criteria*****D1 Design Speed**

. Access Place	15km/h
. Access Street	40km/h
. Collector Street	50km/h
. Trunk Collector Street	60+km/h

**D2 Sight Distance**

Compliance with the Section 2.10 of Queensland Streets.

**D3** Horizontal Alignment

- Speed restrictive design in accordance with Section 2.3 of Queensland Streets Design Guidelines for Subdivisional Street Works.
- Minimum curve radii and curve widening in accordance with Section 2.10 of Queensland Streets Design Guidelines for Subdivisional Street Works:

**D4** Grades

Compliance with the Development Manual Table 2A 3.1

**D5** Vertical Curves

- Minimum Radii and Lengths  
See Tables 2.10C, 2.10D, 2.10E and Figures 2.10G, 2.10H, 2.10J and 2.10K of the Queensland Streets Design Guidelines for Subdivisional Street Works.

**D6** Carriageway Crossfall

- Minimum 1 in 40
- Maximum 1 in 25

**[h]** Intersections

## Objective

- 01** To provide intersections between streets with maximum possible safety and convenience of operation, with minimum possible construction and operation cost.

*Performance Criteria***PC1** Safety of operation

- Geometry clearly establishing approach vehicle priority.
- Adequate approach sight distance.
- Slow speed of negotiation, consistent with convenience.

**PC2** Intersections generally only between streets of the same classification, or classification one above or below.

**PC3** Sufficient spacing of intersections to avoid driver confusion.

**PC4** Design to reinforce street classification and network legibility.

Deemed-to-Comply Criteria

**D1** T-junctions or Roundabouts designed in accordance with Section 2.1.1 of the Queensland Streets Design Guidelines for Subdivisional Street Works, and the requirements of relevant Austroads design codes.

**(i) Turning Areas**

*Objective*

**O1** To provide for the turning of vehicles at the end of cul-de-sac streets with maximum safety and convenience of operation, visual and noise amenity, at minimum construction cost and land area requirement.

*Performance Criteria*

**PC1** Area for either Single-Movement or Three-Point Turn to be provided at the end of every cul-de-sac.

**PC2** Turning area to accommodate design vehicle appropriate for the street.

**PC3** Turning area to have minimum necessary area of carriageway, and require minimum necessary area of land.

**PC4** Design to discourage parking within the area for turning movement.

Deemed-to-Comply Criteria

**D1** Standard turning areas as illustrated in Section 2.12, or designs which conform to criteria of Section 2.12 of the Queensland Streets Design Guidelines for Subdivisional Street Works and Section 2A.3.8 of the Development Manual.

## **[ ] Speed Control Devices**

### Objective

- 01** To safely restrict maximum traffic speed at any point in the street to an appropriate limit.

### Performance Criteria

- PC1** Restriction of vehicle speed at any point in the street to the Maximum Design Speed appropriate for the street classification.

### Deemed-to-Comply *Criteria*

- D1** Conformity with the principles of Section 2.13 of the Queensland Streets Design Guidelines for Subdivisional Street Works.
- D2** Detailed design to reduce vehicle negotiation speed to 20km/h.

### **3.1.9.1 The Street System**

#### Objective

- 01.** To provide acceptable levels of access, safety and convenience for all street users in residential areas, while ensuring acceptable levels of amenity, and protection from the impact of traffic;
- 02.** To provide a network of streets with clear physical distinctions between each type of street, based on function, legibility, convenience, traffic volumes, vehicle speeds, public safety and amenity;
- 03.** To avoid streets within any residential neighbourhood from operating as through traffic routes for externally-generated traffic;
- 04.** To control the maximum length of time travelled in a low speed environment;
- 05.** To provide for the safe and convenient movement of pedestrians and cyclists throughout the development;
- 06.** To provide for bus routes which are both accessible from all dwellings and activity centres, and efficient to operate;

- 
07. To establish a street and pedestrian network which provides convenient linkages to activity centres;
  08. To provide the basis for cost-effective design and construction of the street network.

*Performance Criteria*

- PC1** The internal street layout to conform to the requirements of the external arterial road network and satisfy the transport provisions of an outline or concept development plan which conforms to the principles of Queensland Streets Design Guidelines for Subdivisional Streetworks.
- PC2** The design features of each type of residential street to convey its primary functions and encourage appropriate driver behaviour.
- PC3** Streets to link with other streets that are no more than two levels higher or lower in the hierarchy.
- PC4** Connections between residential streets to be T-junctions or controlled by roundabouts.
- PC5** Where access streets or places form part of a pedestrian or cycle network, access links should provide suitable connections to adjoining access streets or open space system so that the pedestrian and cycle networks are functional, cost-effective and have visual supervision.
- PC6** The street and road network to provide for bus routes within acceptable walking distance from all dwellings.
- PC7** Neighbourhood areas which can each support its own primary school and shopping facilities.
- PC8** Minimum number of intersections to the major road system.
- PC9** Street layout to minimise travel time and traffic volumes on neighbourhood streets.
- PC10** Street layout providing a reasonable degree of internal connectivity.
- PC11** Low permeability of street layout, to positively discourage through traffic.
- PC12** Street layout to be "legible"

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**PC13** Traffic volume on all streets to be reasonably accessible.

**PC14** Street layout to provide maximum economy of construction.

*Deemed-to-Comply Criteria*

- D1** Neighbourhood areas within the range of 1200 to 1800 allotments.
- D2** Intersection spacing of Neighbourhood Streets to Major Roads in accordance with Table 3.3A of the Queensland Streets Design Guidelines for Subdivisional Street Works.
- D3** Design to intersectionsto State Controlled Roads in accordance with Queensland Transport and/or Austroads standards.
- D4** Maximum travel time of 90 seconds on low-speed streets (ie less than 60km/h design speed).
- D5** Maximum traffic volume of 5000 v.p.d. on any street with direct residential access.
- D6** All lots with vehicular access to neighbourhood facilities without need to use major roads.
- D7** Street layout not exceeding "3rd Order" - i.e. no lot requiring more than three turns, or use of more than three streets, from the neighbourhood collector street system.
- D8** All "precincts" of more than 100 lots having an alternative street access.
- D9** Potential bus route located within 400m of 90% of allotments.
- D10** Minimum possible length of trunk collector streets.
- D11** Design of all other streets in accordance with Section 2.0 of the Queensland Streets Design Guidelines for Subdivisional Street Works and the Development Manual.

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### 3.1.9.2 Pedestrians and Cyclists

#### Objective

- 01.** To provide for the safe and convenient movement of pedestrians and cyclists throughout the development.

#### *Performance Criteria*

**PCI** A network of pedestrian ways and cycle ways to be in accordance with the Traffic Management Plan:

- projected travel demand;
- opportunities to link open space networks, community facilities and public services; and
- environment, location, safety and weather factors.

**PC2** Design of street network to accommodate pedestrian and cyclist use of street pavements in access places and access streets.

**PC3** Design of access places, access streets and collector streets to accommodate cyclist use of street pavements.

**PC4** Where shared use of street pavement is not appropriate, provision to be made for the construction of a non-skid durable path of sufficient width and strength for:

- use by pedestrians;
- use by cyclists where warranted

**PC5** Design to facilitate ease of use by the disabled and aged

**PC6** Maximum longitudinal gradient of cycle paths to be no greater than any adjacent street pavement and to provide for safe sight distances at crossings.

**PC7** Alignment of paths to be varied to preserve trees and other significant features and to add to visual interest.

**PC8** Widening of paths to be provided at conflict points on high use facilities to allow for passing of **pedestrians/cyclists** in opposite directions.

**PC9** Crossing of pedestrian and cycle paths across major roads to be minimised, and where crossings are necessary to be carefully designed.

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Deemed-to-Comply *Criteria* :

- D1** Design and construction of pedestrian and cycle routes in accordance with Section 4.0 of the Queensland Streets Design Guidelines for Subdivisional Street Works and the Development Manual.

**3.1.10 Utilities Provision Element 8**

Objective

- 01.** To provide for the location of public utilities to each allotment and within street reserves in an efficient and cost-effective manner.
- 02.** To maximise the opportunities for shared (common) trenching and reduced constraints on landscaping within road reserves
- 03.** To provide a sewerage system which is adequate for the maintenance of public health and the disposal of effluent in an environmentally appropriate manner.
- 04.** To provide street lighting to ensure safety of both vehicles and pedestrians.
- 05.** To provide an adequate, reliable, safe, efficient and potable supply of water.
- 06.** To ensure residential areas are adequately serviced with electricity and telephone in a timely, cost-effective co-ordinated and efficient manner.

Performance Criteria

- PC1** The design and provision of public utilities, including sewerage, water, electricity, street lighting and telephone to conform to the cost-effective performance measures of the relevant servicing authorities.
- PC2** Compatible public utility services to be co-ordinated in common trenching in order to minimise construction costs for underground services.
- PC3** Provision to be made for the treatment and disposal of sewage wastes to the satisfaction of Council and where relevant the State Government.



**PC4** Development to be within locations where adequate water supply services for domestic and fire fighting purposes is available.

Deemed-to-Comply *Criteria*

The following are deemed to meet the control element objectives and performance criteria:

**[i]** Sewerage

**D1** Sewage disposed of by a reticulated system.

**D2** The design and construction of sewerage facilities conforming to the specific standards and requirements of Council as set out in the Development Manual.

**D3** Designed by a person qualified to certify the design as required by the provisions of Part E Sub-section 2.3.1 and the Development Manual.

**[ii]** Water supply

**D4** Provision made in accordance with the requirements of the council for an adequate supply of water to all allotments in the development.

**D5** The design and construction of water supply mains and fixtures which conform to the specific standards of Council by a qualified person as required by the provisions of Part E Sub-section 2.3.1 and the Development Manual.

**D6** Development having water supply for fire fighting purposes in accordance with Specification **E1.2** of the Building Code of Australia.

**[iii]** Electricity

**D7** Designed by a qualified person in accordance with the requirements of the Far North Queensland Electricity Commission (referred to as the FNQEB).

**[iv]** Telephone

**D8** Designed in accordance with a recognised telecommunications carrier requirements.

**[v] Gas**

**D9** Designed by a qualified person in accordance with the requirements of the relevant gas supply agency.

**[vi] Street lighting**

**D10** Designed in accordance with AS.1158.1 1986.

**3.1.11 Drainage Network Element 9****[a]. Minor Stormwater***Objective*

- 01.** To prevent damage by stormwater to property such as houses and gardens.
- 02.** To reduce nuisance flows to a level which is acceptable to the community.
- 03.** To provide a stormwater system which can be economically maintained.
- 04.** To provide a stormwater system which **utilises** open space and other dual use opportunities in a manner which does not detract from its principal function.
- 05.** To reduce the occurrence of minor **traffic** accidents during minor storm events.
- 06.** To prevent environmental degradation of receiving waters.
- 07** To provide a stormwater system which acknowledges and enhances, where possible, the fisheries value of drainage waterways.

*Performance Criteria*

- PC1** The minor drainage system to have the capacity to control stormwater flows under normal operating conditions for an Annual Recurrence Interval (ARI) of 2 years.
- PC2** The minor drainage system to be designed to provide a failsafe mechanism to ensure that blockages or failure of the system will not cause damage to property nor affect the safety of people.

- PC3** The minor drainage system to be designed to ensure that existing downstream systems are not adversely affected.
- PC4** The minor drainage system to enable the safe passage of vehicles at reduced operating speeds on streets which have been affected by runoff from an ARI of 2 years.
- PC5** The drainage network to be accessible and easily maintainable.
- PC6** Drainage networks to be designed to prevent accumulation of silts and blockages by debris.
- PC7** Drainage networks to be well defined to ensure there are no hidden flow paths which could reduce the incorporation of failsafe mechanisms.
- PC8** Materials used in drainage networks to be durable, maintainable and cost-effective to the community.
- PC9** The design of drainage systems to be undertaken by properly qualified personnel, using recognised hydrologic, hydraulic and ecological parameters and design methodology.
- PC10** Where a portion of the drainage system lies within an allotment, access to be available for maintenance.

#### Deemed-to-Comply Criteria

The following are deemed to meet the control element objectives and performance criteria:

- D1** Design based on the Queensland Urban Drainage Manual and its references cited therein and the Development Manual.
- D2** The rainfall intensity derived for the area in which the design is proposed based on an Annual Recurrence Interval (ARI) of 2 years for suburban residential lots.
- D3** All allotment house drainage is to be directed to the front of the allotment discharge into the street gutter, unless the topography of the allotment deems it necessary to do otherwise.
- D4** Where the topography of the allotment deems it necessary to discharge to the rear of the allotment, rear allotment catchment drains which are designed to accept the runoff from its catchment are to be provided in accordance with the requirements of the Development Manual.

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[b] Major Stormwater

Objective

- 01.** To prevent inundation of dwellings.
- 02.** To prevent damage to the built and natural environment.
- 03.** To control flooding and enable access to allotments.
- 04.** To stabilise the land form and control erosion.
- 05.** To reduce the occurrence of traffic accidents during and after major storm events.
- 06.** To provide a stormwater system which utilises open space in a manner which does not detract from its principal function.
- 07.** To prevent the degradation of the built environment downstream of the proposed residential development.
- 08.** To prevent the environmental degradation of receiving waters.
- 09.** To provide a stormwater system which acknowledges and enhances, where possible, the fisheries value of drainage waterways.

*Performance Criteria*

- PC1** The Major Drainage Network to have the capacity to control stormwater flows under normal and minor system blockage conditions for an ARI of 100 years.
- PC2** No dwelling to be inundated during a flood of 100 year ARI.
- PC3** Habitable rooms to have floor levels 150mm above the estimated flood level resultant from a flood of 100 year ARI.
- PC4** Floodways to be restricted to areas where there is no damage to property, and to discharge all gap flows.
- PC5** The design of drainage systems to be undertaken by properly qualified personnel, using recognised hydrologic, hydraulic, ecological parameters and design methodology.

### Deemed-to-Comply Criteria

The following are deemed to meet the control element objectives and performance criteria:

- D1** Design based on the Queensland Urban Drainage Manual and its references cited therein and the Development Manual.
- D2** The rainfall intensity derived for the area in which the design is proposed based on an ARI of 100 years.
- D3** *Habitable* rooms have floor levels 150 mm above the estimated flood level resulting from a flood of 100 year ARI.

## 3.2 LOW DENSITY RESIDENTIAL

### 3.2.1 Allotment Size and Orientation

#### Objective

- 01.** To ensure that allotments on land zoned Low Density Residential have an area and dimensions suited to their intended development.
- 02.** To ensure low density residential subdivisional development maintains an open rural character/amenity.

#### Performance Criteria

- PC1** Allotments to have the appropriate area and dimensions to enable the siting and construction of a dwelling and ancillary outbuildings, the provision of private outdoor space, convenient vehicle access and parking.
- PC2** Subdivisional design shall account for existing or likely future adjacent/adjointing land uses which may be detrimental to the amenity of the land.

**PC3** Allotment size and dimensions to enable dwellings to be sited to:

- protect natural or cultural features
- acknowledge site constraints including soil erosion, poor drainage, saline soils or bushfire risk.

**Deemed-to-Comply Criteria**

The following lot sizes are deemed to meet the Objectives and Performance Criteria for the Low Density Residential zone.

**D1** The size of allotments shall be in accordance with Table E-1.

**D2** Variations in Table E-1 may be permitted in the following circumstances:

- Low Density Residential allotments have frontage to the head of a cul-de-sac or a curve not greater than 25 metres radius shall be permitted to have a minimum frontage of 13 metres, providing a minimum width of 30 metres is provided between the points of the allotments side boundaries situated no more than 20 metres from the road alignment.
- Battle-axe low density allotments shall be permitted providing the following requirements are satisfied:
  - [a] the minimum width of the access strip measured square to the length of the access strip shall be 10 metres and shall consist of a suitable gradient to allow an allotment access of maximum longitudinal gradient of **1:5** to be constructed;
  - [b] the number of battle-axe allotments in any subdivision shall not exceed 10% of the total number of allotments;
  - [c] the battle-axe allotment, exclusive of the access strip shall comply with the minimum standards stated in Table E-1 of this Part;
  - [d] the allotment access is to be provided within the access strip and shall be constructed of a 24 metre wide bitumen, concrete or other approved surface, including the connection to the adjoining road access, the access being designed and constructed to the satisfaction of the Director Technical Services prior to the endorsement of the survey plans unless the allotment access shall have a gradient of **1** in 8 or less;

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- [e] an allotment access may be permitted to serve more than one allotment, but not more than three allotments and shall only be permitted where:
    - [i] the access may be designed and constructed in accord with Council's requirements including the provision of passing bays;
    - [ii] a suitable level of privacy and amenity should be achieved away from the shared allotment access for the development of a dwelling;
    - [iii] easements are provided, as required, to ensure access is available to each allotment;
    - [iv] an access provided to 3 lots is constructed to a minimum width of 3.0 metres; and
    - [v] where the allotment access is intended to serve more than one allotment the access strip of each allotment utilising the shared allotment access may be reduced to 6 metres in width, providing points [d] & [e] are complied with and to Council's satisfaction.
  - Where existing allotments are less than the minimum area permitted, provided the subdivision involves only the relocation of an existing boundary between lots so as to improve the shape of the allotments or the amenity of the buildings constructed on the allotments.
  - Where the allotment is required for a public utility, landscaped buffer strip, access restriction strip or similar purpose.
  - Where Council considers the variation is appropriate providing the open rural character and amenity of the locality shall be maintained.
- D3** Low Density Residential subdivision development shall be protected from existing and likely future adjacent/adjoining land uses, which may be of detriment to the amenity of the Low Density Residential development, by the inclusion of the following protective measures in the subdivisional design:

- ten metre wide landscaped buffers shall be provided adjacent to extractive industry haul routes and major roads (ie, Captain Cook Highway, Gillies Highway or as determined by Council). The buffer strip may be provided as an easement or as a separate allotment to be transferred to Council;
- buffers to agricultural land; and
- other protective measures as required by Council.

### 3.2.2 Access and Services

#### Objective

- 01.** To ensure low density residential subdivisional development is provided with an adequate standard of service infrastructure for a rural residential lifestyle.

#### Performance *Criteria*

- PC1** Road access shall be designed such that an adequate form of access is provided for the expected traffic flows and the type of traffic to be generated, whilst ensuring the maintenance of a rural residential character/amenity.
- PC2** Reticulated water supply, electricity supply and telephone services shall be provided to each low density residential allotment.
- PC3** Low density residential allotments shall have available an adequate means for the disposal of effluent.
- PC4** Stormwater drainage shall be provided within the subdivisional design so that stormwater generated within a low density residential allotment does not detrimentally impact on adjoining low density residential allotments.

#### Deemed-to-Comply Criteria


The following are deemed to meet the objectives and performance within:

- D1** Road access shall be designed in accord with Council's Low Density Residential Subdivisions - Design Concept Guidelines unless otherwise approved by Council.



- D2** Notwithstanding D1, road access within hillside subdivisions consisting of land situated above RL 40 metres AHD and/or land of steeper gradient than 1:6 where, in the opinion of Council, such relaxation would not lead to an unacceptable downgrading in the level of service or safety of the road and the applicant can demonstrate that works carried out in accordance with the relaxed standards better satisfy Council's intent for development of the land, the provisions set out in Table E-3 may apply.

**TABLE E-3  
LOW DENSITY RESIDENTIAL - ROAD WIDTH REQUIREMENTS**

<b>COLUMN 1 Road Function</b>	<b>COLUMN 2 Reserve Width (Minimum)</b>	<b>COLUMN 3 Bitumen Pavement Standards</b>
Minor Residential	Twelve (12) metres	a pavement width of 5.5 metres: in a cul-de-sac a vehicle turn around for rigid body trucks with a wheel base not less than five (5) metres must be provided;
Residential Road	Fifteen (15) metres	on land steeper than one  six (6), a pavement width of six (6) metres;
Other Roads	Fifteen (15) metres on land steeper than one (1) in six (6)	pavement widths as for a residential or minor residential road depending upon the type of development it is to serve;

With regard to Table E-3 the following is noted.

- Council shall not relax its requirements for road access below that set out in Table E-3.
- The terms in Column 1 of the Table shall mean as follows:
  - [a] Minor Residential Road means a road that gives access to dwellings but which usually is a cul-de-sac, does not give access through the neighbourhood and serves less than 20 dwellings;
  - [b] Residential Road means a road that gives access to residential lots but provides for movement through the neighbourhood to other streets or access to more than 20 dwellings;

[c] Other road means a road which may or may not provide for access to dwellings but conveys traffic to or through a neighbourhood or to non-residential facilities or gives access to non-residential facilities.

- The reserve width shown in Column 2 of Table E-3 refers to the dedicated reserve width of a road that is a public road.
- Construction standards shown in Column 3 of Table E-3 are the minimum dimensions and characteristics to which the road indicated opposite in Column 1 is to be designed and constructed.

**D3** Reticulated water supply, electricity supply and telephone services shall be provided to each rural residential allotment.

**D4** Reticulated water supply shall be provided by means of connection into Council's existing reticulated supply, in accord with Council's Low Density Residential Subdivisions - Design Concept Guidelines, unless otherwise approved by Council.

**D5** Each low density residential allotment shall be assessed as to its suitability for the disposal of waste water through the use of a septic system, unless another means of disposal is otherwise approved by Council.

**D6** Stormwater drainage shall be designed in accord with Council's Low Density Residential Subdivision - Design Concept Guidelines, unless otherwise approved by Council.

### 3.2.3 Objective

**01.** To ensure low density residential subdivisions occur in a manner and location which takes into account the landscape character and visual quality of the hillslopes and is able to be developed in a safe and serviceable manner.

#### Deemed-fo-Comply *Criteria*

The following are deemed to meet the objectives and performance criteria:

**D1** For land identified in the DCP-1 Hillslopes or land consisting of slopes with grades steeper than 1:6, the proposal shall be prepared in accordance with the requirements of DCP-1 Hillslopes.

*Performance Criteria*

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**PC1** Undertaken in a manner sympathetic and sensitive to the surrounding natural environment.

**PC2** Would maintain the environmental and visual integrity of the hillslopes.

**PC3** Not impact on areas of rainforest or remnant rainforest.

**PC4** Acknowledges local constraints and opportunities in its planning.

*Deemed to Comply Criteria*

**D1** For land identified in the *DCP-1 - Hillslopes* or land consisting of slopes with grades steeper than 1:6, the proposal shall be prepared in accordance with the requirements of *DCP-1 - Hillslopes*.

**3.2.4 Objective**

**01** To ensure low density residential subdivision development has a minimal detrimental impact on the land's environmental features.

*Performance Criteria*

**PC1** The environmental features of the site shall be identified and incorporated into the low density residential subdivisional design so that development of the land shall have a minimal impact on the environmental features of the site.

*Deemed-to-Comply Criteria*

The following are deemed to meet the objectives and performance criteria.

**D1** ~~To~~ ensure the protection of stream environments and to provide adequate access for maintenance and recreational purposes the following shall be provided.

- In the case of a river or natural perennial stream, creek or water course a road reserve shall be provided which includes the area of the river/stream and extends 20 metres beyond the high bank of the river/stream or as determined by Council considering the existing topography and vegetation adjacent to the river/stream and the impact subdivisional development is likely to have on the stream environment.

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In the case of a natural non-perennial stream, creek or watercourse a drainage reserve shall be provided which includes the area of the stream and extends 10 metres beyond the high bank of the stream or as determined by Council considering the existing topography and vegetation adjacent to the stream and the impact subdivisional development is likely to have on the stream environment.

Where the additional road reserve or drainage reserve is required to ensure that the impact of subdivisional development on the stream environment is minimised, water quality and riparian vegetation in particular, the additional setback for development (ie, dwellings, earthworks, etc) may be otherwise secured by an environmental easement or similar means to Council's satisfaction.

- D2** Rainforest areas of significant conservation values are to be left undisturbed. This may be achieved by including areas of rainforest in parkland, scenic reserves or road widening reserves.

### **3.2.5 Objective**

- 01.** To ensure that public open space of appropriate quality and quantity is provided to contribute towards meeting the recreational and social needs of the community in convenient locations.
- 02.** To incorporate natural and cultural features, where appropriate, into areas of public open space.

#### Implementation

- [a]** The multi-functional role of open space and its joint usage with other community facilities to be recognised and promoted through the Open Space Management Team referred to in the Strategic Plan Recreation Objective 2.
- [b]** Areas of open space to be provided in accordance with the Open Space Management Plan. (Strategic Plan Recreation Objective 1).
- [c]** Contributions for Open Space are to be made in accordance with the Open Space Management Plan. (Strategic Plan Recreation Objective 1(b)).
- [d]** Where a Local Area Open Space Management Plan has not been undertaken for the locality, Council shall in accordance with the Strategic Plan Recreation Objective 1(d) require one to be undertaken.

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- [e] The location and layout of public open space are minimised problems relating to personal security and surveillance, property security and vandalism in relation to the park and its boundaries.

### **3.3 COMMERCIAL**

#### **3.3.1 Allotment Size**

##### Objective

To ensure that allotments within the Commercial zone have an area and configuration suited to their intended use.

##### *Implementation*

- [a] The minimum size and configuration of any allotment within the Commercial zone shall be in accordance with the provisions of Table E-1 as they relate to the Commercial zone.

#### **3.3.2 Building Siting and Design**

##### Objective

To ensure that the siting and design of any building within the Commercial zone, or intended to be used for commercial purposes, is appropriate, having regard to the intended use of that building and sympathetic to the surrounding natural and built environment.

##### *Implementation*

- [a] The maximum site coverage of any building within the Commercial zone shall be in accordance with Provision 1.5 of Part D.
- [b] The maximum height of any building within the Commercial zone shall be in accordance with Provision 1.7 of Part D.
- [c] The minimum setback of any building within the Commercial zone shall be in accordance with Provision 1.8 of Part D.
- [d] The scale of individual building and other site elements, including car parking areas, should be sympathetic and subordinate to the natural environment. Individual building and site elements should be interspersed by less intrusive natural vegetation and/or new planting to ensure that the built form does not become pre-eminent to the natural environment.

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### 3.3.3 Open Space Provision

#### Objective

To ensure the amenity of the site and the surrounding area is protected and enhanced.

#### Implementation

- [a] An area of at least 10% of the site shall be provided as landscaped open space, of which at least half shall comprise deep planting. The remaining part of this open space requirement may be paved and used for pedestrian or recreation uses.
- [b] The area of landscaped open space required pursuant to Section 3.3.3 [a] shall include an area at least three (3) metres in width along all property boundaries. With the exception of vehicular and pedestrian access points, this area shall be planted.
- [c] Where the site adjoins land zoned for residential purposes, the width of the landscaped buffer strip along a boundary to a residential zone shall be increased to provide a minimum width of six (6) metres.  
  
This strip shall be planted and maintained with screen planting and shall include a screen fence on the site boundary.
- [d] Council may relax the provisions of Sections 3.3.3[a], [b] and [c], having regard to:
  - [i] the nature and character of surrounding development; and/or
  - [ii] the size and dimensions of the site: and/or
  - [iii] the number of roads to which the site has frontage and the function of those roads; and/or
  - [iv] the width of any existing or proposed footpath or other buffer adjoining the site; and
  - [v] the intent of Objective 3.3.3.

### 3.3.4 Access

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#### Objective

To ensure that there is adequate provision for pedestrian and vehicular access, movement and parking to meet the needs of the development.

#### Implementation

- [a] Car parking shall be provided in accordance with Provision 1.3 of Part D and shall be located and designed to facilitate its usage in a safe and convenient manner. Shade tree planting shall be provided within carparking areas in accordance with an approved landscape plan.
- [b] Provision shall be made for the on-site loading and unloading of goods, with the configuration of such loading facilities to be determined by Council having regard to:
  - [i] the size and dimensions of the site;
  - [ii] the nature and character of development existing or proposed for the site; and
  - [iii] the availability of alternative off-site loading and/or unloading facilities without adverse impact upon the transport efficiency of the State-controlled road network.

Such facilities shall be located so as to be visually screened from off-site observation.

- [c] Commercial development shall be linked to any existing ~~footpath~~/bicycle path network in the locality, and provision shall be made on site for the secure storage of bicycles. The provision of storage facilities shall be determined by Council having regard to the nature and scale of the development.

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### **3.3.5 Utilities**

#### *Objective*

To ensure all lots and common areas are adequately serviced with appropriate service infrastructure.

#### *Implementation*

- [a] Public toilet facilities shall be provided in accordance with the requirements of the Building Code of Australia and to Council's satisfaction.
- [b] Required public toilet facilities shall be open and readily accessible to the general public during normal trading hours.
- [c] Council may vary these requirements having regard to the existing provision of such facilities in the locality and the nature of adjoining and surrounding land uses.

## **3.4 INDUSTRIAL**

### **3.4.1 Allotment Size**

#### *Objective*

To ensure that allotments within the Industry and Trades and Services zones have an area and configuration suited to their intended use.

#### *Implementation*

- [a] The minimum area and dimensions of any allotment within the Industry or Trades and Services zone shall be in accordance with the provisions of Table D-2 as they relate to the Industry and Trades and Services zones respectively.



### 3.4.2 Building Siting and Design

#### *Objective*

To ensure that the siting and design of any building within the Industry or Trades and Services zones, or intended to be used for industrial purposes, is appropriate, having regard to the intended use of that building, and sympathetic to the surrounding natural and built environment.

#### *Implementation*

- [a] The maximum site coverage of any building within the Industry or Trades and Services zones shall be in accordance with Provision 1.5 of Part D.
- [b] The maximum height of any building within the Industry or Trades and Services zones shall be in accordance with Provision 1.7 of Part D, excepting that Council may permit a greater height where the needs of the particular use warrant such increases in height and where Council is satisfied that the increased height will not compromise the objectives of this Scheme, particularly in respect of the City Image.
- [c] The scale of individual building and other site elements, including car parking areas, should be sympathetic and subordinate to the natural environment. Individual building and site elements should be interspersed by less sensitive natural vegetation and/or new planting to ensure that the built form does not become pre-eminent to the natural environment.
- [d] The minimum setback of any building within the Industry or Trades and Services zones shall be in accordance with Provision 1.8 of Part D.

### 3.4.3 Open Space Provision

#### *Objective*

To ensure adequate areas of public open space are provided to meet the needs of the workforce.

#### *Implementation*

- [a] It will be a requirement of any approval for the subdivision of land for industrial purposes that an area(s) of land be dedicated to Council for public open space purposes.

- [b] The location, form and function of areas so dedicated shall be in accordance with any Open Space Management Plan which includes the land the subject of the particular development proposal.
- [c] In considering any application for the subdivision of land for industrial purposes, Council shall ensure that such development complies with the provisions of Section 6.10 of Part A - Strategic Plan.

#### **3.4.4 Buffering**

##### *Objective*

To ensure that non-industrial land uses are protected from the impacts of industry.

##### *Implementation*

- [a] Development on sites which adjoin land in any zone other than the Industry, Trades and Services, Public Open Space or Sport and Recreation Zones shall provide a landscape buffer strip within the site for the full length of the common boundary between the zones. This buffer strip shall be:
  - [i] a minimum of three (3) metres wide for sites within the Trades and Services Zone; and
  - [ii] a minimum of six (6) metres wide for sites within the Industry Zone.
- [b] Any buffer strip required pursuant to Section 3.4.4[a] shall incorporate mounding and a suitable screen fence and shall be planted and maintained with dense planting sufficient to provide a definite and effective visual buffer.
- [c] Council may vary these requirements where it considers it to be justified, having regard to:
  - [i] the nature of the adjoining zone;
  - [ii] the existing and proposed amenity of the adjacent area;
  - [iii] any existing buffering between the zones in the locality;
  - [iv] the existing and proposed nature of the industrial area; and
  - [v] Objective 3.4.4 of Part E.

### 3.4.5 Landscaped Open Space

#### *Objective*

To create a pleasant streetscape and to enhance the attractiveness of development.

#### *Implementation*

- [a] Within any site proposed to be used for industrial purposes, it will be a requirement that a landscaped open space area at least six (6) metres wide be provided along the principal road frontage to the site. On secondary road frontages, a landscaped strip at least three (3) metres wide will also be required. Access to the site shall be provided through this landscaped open space.
- [b] All vehicle parking, machinery or material storage areas within the site shall be visually screened from all frontages.
- [c] A minimum of 10 percent of the site is to be landscaped in accordance with an approved landscape plan.

### 3.4.6 Access

#### *Objective*

To ensure adequate provision of car parking, loading/unloading facilities and access to industrial development appropriate to the needs of industry and the requirements of heavy vehicles.

#### *Implementation*

- [a] Reinforced industrial crossings shall be constructed from the kerb and channelling to the property boundary. The width of the driveway shall be a 6 metre minimum.
- [b] Car parking shall be provided in accordance with Provision 1.3 of Part D. Council may however accept part of the required car parking provision to remain unconstructed where it can be demonstrated that the specific use proposed for the site is likely to generate substantially less demand than that required by Provision 1.3 of Part D.

Council will only accept this where an appropriate area of sufficient size remains available on site to accommodate the shortfall in required parking. Council may, at any time, require the construction of all or part of the balance of the shortfall.

- [c] Provision shall be made for the on-site loading and unloading of goods in accordance with Local Planning Policy - Carparking and Vehicle Access.
- [d] Where a use is likely to attract a higher demand for off-street parking and loading/unloading facilities than that provided for under Provisions 1.3 of Part D, Council may require provision of on-site parking and loading/unloading facilities greater than that provided for by Provision 1.3 of Part D, to a level considered necessary to accommodate the higher demand.

### **3.4.7 Utilities**

#### *Objective*

To ensure that adequate services are provided to meet the particular requirements of industrial development.

#### *Implementation*

- [a] The provision of service infrastructure shall be in accordance with Provision 1.2 of Part D.
- [b] In addition to these works, drainage works shall provide for the isolation of on-site drainage from Council's stormwater system.
- [c] Provision shall be made on site for the storage of and appropriate access for the removal of refuse. A refuse storage area may be provided within the six (6) metre landscaped open space area required along the property frontage provided:
  - [i] the storage area is no closer than three (3) metres and 1.5 metres from the frontage or side property boundary respectively;
  - [ii] the storage area is enclosed on three sides by a screen wall extending 0.2 metres above the height of the refuse container; and
  - [iii] the storage area is screened by dense planting and mounding.

## **4.0 GROUP TITLE SUBDIVISION**

### **4.1 INTRODUCTION**

The provisions of this Section are provisions applying to the subdivision of land through the registration of a Group Title Plan under the Building Units and Group Title Act or replacement legislation.

### **4.2 GENERAL PROVISIONS**

Group title subdivisions may occur in the Residential 1, Residential 2 Residential 3, Commercial, Trades and Services, Industrial, Village, Rural or Special Facilities zones in accordance with the following.

#### **4.2.1 Allotment Size and Orientation**

##### *Objective*

To ensure that allotments resulting from the subdivision of land by Group Title Plan have an area and dimensions suited to their intended development.

##### *Implementation*

- [a] The size of lots other than allotments formed as common property be in accordance with Table E-1.
- [b] Allotment orientation for residential land to be in accordance with Provision 3.1.2.

#### **4.2.2 Building Siting & Design**

##### *Objective*

To ensure appropriate building siting and design for its intended use.

##### *Implementation*

- [a] Building siting and design for residential uses to be in accordance with Provision 3.1.4.
- [b] Building siting and design for commercial uses to be in accordance with Provision 3.3.2.
- [c] Building siting and design for Trades and Services or industry uses to be in accordance with Provision 3.4.2.

- [d] Building, siting and design for the Village or the Special Facilities zone uses shall be as determined by Council having regard to [a], [b] and [c] above as relevant to the land use intended.

#### **4.2.3 Private Open Space**

##### *Objective*

To provide each residential dwelling with private open space that meets the reasonable recreational services and storage needs of residents.

##### *Implementation*

- [a] Private open space to be provided in accordance with Provision 3.1.5.

#### **4.2.4 Commercial and Industrial Open Space**

##### *Objective*

To ensure adequate areas of common open space are provided.

##### *Implementation*

- [a] The provision of commercial open space to be provided in accordance with Provision 3.3.3.
- [b] The provision of industrial open space to be provided in accordance with Provisions 3.4.3. and 3.4.5.

#### **4.2.5 Access and Carparking**

##### *Objective*

To ensure there is adequate provision for pedestrian and vehicle movement and carparking within the subdivision.

##### *Implementation*

- [a] The provision of access and carparking for residential purposes are to be provided in accordance with Provision 3.1.6 where for the purpose of this Provision, the subdivision is considered conventional and without common area.
- [b] The provision of access and carparking for commercial purposes are to be provided in accordance with Provision 3.3.4 where, for the purpose of this provision, the subdivision is considered conventional and without common area.

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- [c] The provision of access and carparking for industrial purposes are to be provided in accordance with Provision 3.4.4 where, for the purpose of this provision, the subdivision is considered conventional and without common area.

#### **4.2.6 Utilities**

##### *Objective*

To ensure all lots and common property are adequately serviced with all necessary utility services.

##### *Implementation*

- [a] The provision of utilities to be in accordance with Provisions 3.3.5 and 3.1.10.

#### **4.2.7 Drainage**

##### *Objective*

To ensure the site and lots are adequately drained.

##### *Implementation*

- [a] Drainage planning to be in accordance with Provision 3.1.11.

#### **4.2.8 Landscaping**

##### *Objective*

To ensure the amenity of the land and the surrounding area is protected and enhanced.

##### *Implementation*

- [a] Landscaping for residential purposes to be in accordance with Council's Local Planning Policy - Landscaping.

## **5.0 AMALGAMATION OF LAND**

### **5.1 INTRODUCTION**

The provisions of sub-section 5.2 are provisions applying to the amalgamation of land under the Act or the Building Units and Group Titles Act.

### **5.2 OBJECTIVE**

To ensure that the amalgamation of land results in allotments or lots suited to their intended purpose and that do not unduly restrict the potential of adjoining development and that any necessary works are carried out.

Implementation

- [a] Any person wishing to amalgamate existing allotments or lots shall, at the discretion of the Director of Technical Services.
  - [i] disconnect or relocate water supply and sewerage connection points and conduits; and
  - [ii] remove or relocate vehicle access points; and
  - [iii] relocate any electricity supply mains to the satisfaction of the relevant statutory authority; and
  - [iv] where necessary relocate or disconnect stormwater drainage lines; and
  - [v] remove any building structures to ensure compliance with this Planning Scheme.

All works required to be carried out shall be completed to a standard to the satisfaction of the Director of Technical Services.

- [b] Council may not approve the amalgamation of lots where it is shown that such amalgamation would render the development of an adjoining lot impossible in terms of the potential for development in the zone in which the land is included. The applicant shall submit evidence to this effect with the application for amalgamation.



# **PART F**

# **ADMINISTRATION**

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## **PART F -ADMINISTRATION**

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### **I N D E X**

#### **1.0 APPLICATIONS**

- 1.1 Application for an Amendment of the Planning Scheme  
or the Conditions Attached to an Amendment
- 1.2 Application for Consent
- 1.3 Application for Permitted Development Subject  
to Conditions
- 1.4 Application for Relaxation or Modification of Scheme  
Provisions
- 1.5 Modification of Certain Applications and Approvals
- 1.6 Combined Applications
- 1.7 Requirements for Plans, Reports or Studies Submitted  
in Connection with Applications
- 1.8 Withdrawal of Applications or Objections
- 1.9 Compliance with Provisions and Conditions
- 1.10 Application for Subdivision Pursuant to the Act
- 1.11 Group Title Subdivision
- 1.12 Amalgamation
- 1.13 Miscellaneous Provisions

#### **2.0 ADMINISTRATIVE PROVISIONS CERTIFICATE/COMPENSATION**

- 2.1 Application for Town Planning Certificates
- 2.2 Claim for Compensation

#### **3.0 EXISTING LAWFUL USES**

- 3.1 Rights to Continue an Existing Lawful Use
- 3.2 Provisions in Respect of an Existing Lawful Use
- 3.3 Application for Consent Applying to Existing  
Lawful Non-Conforming Uses
- 3.4 Register of Existing Lawful Non-Conforming Uses

#### **4.0 SAVINGS**

- 4.1 Savings Concerning Development
- 4.2 Savings Concerning Scheme Maps and Roads

#### **5.0 OFFENCES**

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## ADMINISTRATION

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### 1.0 APPLICATIONS

#### 1.1 APPLICATION FOR AMENDMENT OF THE PLANNING SCHEME OR THE CONDITIONS ATTACHED TO AN AMENDMENT

##### 1.1.1 Procedure

**1.1.1.1** Any person who desires to amend this Planning Scheme or the conditions attached to an amendment in accordance with the Act shall make application to the Council in the form required by the Chief Executive Officer and shall accompany such application with an application fee of an amount in accordance with a scale of fees determined by the Council by resolution. In the scale of fees, different fees may be determined for different classes of application.

**1.1.1.2** An application made pursuant to Clause 1.1.1.1 shall be limited to:

- [a] the zoning or rezoning of land including the staged rezoning of land;
- [b] the amendment of conditions attached to an approval for an amendment of this Planning Scheme;
- [c] the amendment of a use:-
  - [i] however specified in respect of the 'particular zoning which relates to the land the subject of the application; and
  - [ii] noted on the relevant zoning map;
- [d] the amendment of a regulatory map;
- [e] the amendment of a development control plan map in respect of the land the subject of the application where the map confers use rights.

**1.1.1.3** The application shall be:

- [a] in writing;
- [b] signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or in the case of a body corporate, or an unincorporated association or incorporated association, by an authorised officer thereof; and

- [c] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the premises subject of the application; and
- [d] addressed to the Chief Executive Officer and shall truly set forth the following particulars-
  - [i] the name and postal address of the applicant; and
  - [ii] the property address and real property description of the land to which the application relates or applies; and
  - [iii] the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown or from the Council for a leasehold estate; and
  - [iv] the area of land: and
  - [v] the length of the frontage (frontage to each road, if more than one (1), to be shown separately), and
  - [vi] the nature of the proposed development; and
  - [vii] the nature of the development on the land at the date of the application; and
  - [viii] the zone or zones in which the land is situated at the date of the application; and
  - [ix] details of the application including, where applicable, the zone or zones in which the land is proposed to be included and, if in more than one (1) zone, details of the apportionment, where necessary described by a metes and bounds description of the land, to each proposed zone;
  - [x] the grounds upon which the applicant requests that the Planning Scheme be amended: and
  - [xi] the number of storeys and extent of site coverage of any proposed building and other structure to be erected on the site; and

- 
- [e] accompanied, where required, by the following-
- [i] copies of development plans in accordance with Clause 1.7 including contours and detailed levels of the natural surface of the land; and
  - [ii] an environmental, social and/or economic impact statement; and
  - [iii] a geotechnical report; and
  - [iv] a traffic study; and
  - [v] a site contamination report; and
  - [vi] any other report as required by the Council on any relevant matters including but not limited to, flooding, wind effects, visual impact, solar reflections, shadow impacts, land stability, community consultation or cultural heritage.

**1.1.1.4** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing. Such additional information report or study shall be submitted within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer.

**1.1.1.5** The applicant shall advertise the application in accordance with the Act and this Planning Scheme and shall provide the Council with a Statutory Declaration prescribed by Regulation and annexing copies of notices and advertisements as evidence that the provisions of the Act, the Local Government (Planning and Environment) Regulations and this Planning Scheme have been complied with in full.

**1.1.1.6** An application made pursuant to Sub-section 1.1 shall be deemed not to have been made unless the requirements of Clauses 1.1.1.1, 1.1.1.3, 1.1.1.4 and 1.1.1.5 and the Act have been complied with in full.

**1.1.1.7** An application made pursuant to Provision 1.1.1 shall, if it complies with the requirements of this Planning Scheme and the Act, be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall be then referred to the Council, and the Council shall, subject to and in accordance with the Act, decide the application.

## 1.1.2 Determination of Applications

1.1.2.1 In deciding an application made pursuant to Sub-section 1.1 the Council shall:

- [a] approve the application; or
- [b] approve the application subject to conditions; or
- [c] refuse to approve the application.

1.1.2.2 Before determining any application made pursuant to Sub-section 1.1 and without limiting the discretion of the Council, the Council shall take into consideration all matters set out in the Act together with the following matters to the extent they are relevant to the application:

- [a] whether adequate provision has been made for the safe and efficient movement of pedestrians and cyclists; and
- [b] the findings of any planning study, traffic study, environmental impact statement or economic impact assessment submitted in connection with an application; and
- [c] whether any plan of development attached to the application, pursuant to any requirements of the Planning Scheme, should be altered.
- [d] whether there are any local planning policies adopted by the Council which are applicable to the proposal and whether the proposal would accord with, or conflict with, any such policies: and
- [e] any representation made by any government department or statutory authority in relation to the application or to the development of the area and the rights and powers of any such department or authority; and
- [f] where subdivision is proposed following rezoning, the design of the allotments or lots and of the pattern of the roads or accessways which provide access to the land; and
- [g] whether the land or any part thereof is, or is likely to be required for any future road system or road widening or stormwater drainage network or other public purpose; and
- [h] where the land comprises more than one (1) allotment or lot, the amalgamation of those allotments or lots into one (1) allotment or lot; and
- [i] all objections which have been duly lodged with the Council; and

- 
- [j] the particular circumstances of the proposal in relation to the overall public interest; and ,
  - [k] any town planning consideration relevant to the duration of any approval granted.
- 1.1.2.3** Without limiting the generality of the Council's discretion to refuse to approve an application, it shall be sufficient reason to refuse to approve an application to rezone land where such rezoning would be in conflict with any requirement of this Planning Scheme applicable to the area in which the land sought to be rezoned is located.
- 1.1.3 Application for Rezoning of Land in Stages**
- 1.1.3.1** A person may make application to the Council for the rezoning of land in stages.
- 1.1.3.2** An application shall-
- [a] comply with Clauses 1.1.1.1, 1.1.1.3, 1.1.1.4, 1.1.1.5 and 1.1.1.6; and
  - [b] be accompanied by a staged development plan which is to-
    - [i] depict in schematic form the proposed development (including any proposed road network) of the whole of the land, the subject of the application; and
    - [ii] identify (in the proposed order of development) the land incorporated in each stage of the proposed development.
- 1.1.3.3** An application for the rezoning of land in stages shall, if it complies with the requirements of this Planning Scheme and the Act, be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to the Council, and the Council shall, subject to and in accordance with the Act, decide the application.

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**1.1.4 Determination of Applications for Rezoning of Land in Stages**

7

**1.1.4.1** In deciding an application being made pursuant to Clause 1.1.3.1 the Council shall -

- [a] approve the application; or
- [b] approve the application, subject to conditions in respect of the staged development plan or stage 1 (or both); or
- [c] refuse to approve the application.

**1.1.4.2** Without limiting the discretion of the Council, before determining any application made pursuant to Clause 1.1.3.1, the Council shall take into consideration any of the matters contained in Clause 1.1.2.2 to the extent they are relevant to the application and such other matters, having regard to the nature of the application, as are considered relevant.

**1.1.4.3** Without limiting the generality of the Council's discretion to refuse to approve an application, it shall be sufficient reason to refuse to approve an application to rezone land in stages where such rezoning would be in conflict with any requirement of this Planning Scheme applicable to the area sought to be rezoned.

**1.1.5 Subsequent Staged Rezoning Approvals**

**1.1.5.1** A person may make application to the Council to rezone land in subsequent stages of a staged development plan.

**1.1.5.2** An application shall-

- [a] comply with Clauses 1.1.1.1, 1.1.1.3 and 1.1.1.4; and
- [b] be made within the time period specified by the Act; and
- [c] be in accordance with the staged development plan approved pursuant to the Act for the land the subject of the application

**1.1.5.3** An application for subsequent staged rezoning approval shall, if it complies with the provisions of this Planning Scheme and the Act, be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to the Council, and the Council shall, subject to and in accordance with the Act, decide the application.



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**1.1.5.4** In deciding an application being made pursuant to Clause 1.1.5.1 the Council shall-

- [a] approve the application; or
- [b] approve the application subject to conditions.

**1.1.6** Referral of Applications to Amend the Planning Scheme to the Minister

**1.1.6.1** Where, in any decision to amend the Planning Scheme, conditions attached to the approval are required to be met prior to the Council referring the application to the Minister, then until such conditions are met the Council shall not refer the application to the Minister.

**1.1.6.2** Subject to Clause 1.1.6.1, the Council shall refer the application to the Chief Executive Officer in accordance with the Act.

## **1.2** APPLICATIONS FOR CONSENT

### **1.2.1** Procedure

**1.2.1.1** Any person who desires to obtain the consent of the Council under this Planning Scheme shall make application to the Council in the form required by the Chief Executive Officer and shall accompany such application with an application fee of an amount in accordance with a scale of fees determined by the Council by resolution. In the scale of fees, different fees may be determined for different classes of application.

**1.2.1.2** The application shall be:

- [a] in writing; and
- [b] signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or in the case of a body corporate, or an unincorporated association or incorporated association, by an authorised officer thereof; and
- [c] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the premises subject of the application; and

- 
- [d] addressed to the Chief Executive Officer and shall truly set forth the following particulars: <sup>1</sup>
- [i] the name and postal address of the applicant; and
  - [ii] the property address and real property description of the land to which the application relates or applies; and
  - [iii] the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the crown or from the Council for a leasehold estate; and
  - [iv] the area of land; and
  - [v] the length of the frontage (frontage to each road, if more than one (1), to be shown separately); and
  - [vi] the nature of the proposed development; and
  - [vii] the nature of any development on the land at the date of the application; and
  - [viii] the nature of any buildings proposed to be erected on the site including the gross floor area, number of storeys and dimensions of such buildings; and
  - [ix] the number of motor vehicles for which car parking is or will be provided; and
  - [x] the number of persons engaged and proposed to be engaged in the particular development; and
  - [xi] the type of machinery proposed to be employed in the particular development; and
  - [xii] the total connected load of any mechanical power proposed to be employed in the particular development; and
  - [xiii] copies of development plans in accordance with sub-section 1.7 including an elevation, of any building or other structures proposed to be erected on the site; and

- 
- [e] accompanied, where required, by the following-
- [i] an environmental, social and/or economic impact statement; and
  - [ii] a geotechnical report; and
  - [iii] a traffic study; and
  - [iv] a landscaping plan; and
  - [v] shadow diagrams; and
  - [vi] any other report as required by the Council on any relevant matter including, but not limited to, flooding, wind effects, solar reflections, visual impact or land stability, community consultation or cultural heritage.

**1.2.1.3** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing. Such additional information, report or study shall be submitted within such time as specified in the request *or* within such further time as *is* allowed by the Chief Executive Officer.

**1.2.1.4** The applicant shall advertise the application in accordance with the Act and this Planning Scheme, and shall provide the Council with a Statutory Declaration prescribed by Regulation and annexing copies of notices and advertisements as evidence that the provisions of the Act, the Local Government (Planning and Environment) Regulations and this Planning Scheme have been complied with in full.

**1.2.1.5** An application made pursuant to Clause **1.2.1.1** shall be deemed not to have been made unless the requirements of Clause **1.1.1.1, 1.1.1.3, 1.1.1.4, 1.1.1.5** and the Act have been complied with in full.

**1.2.1.6** An application made pursuant to Clause **1.2.1.1** shall, if it complies with the requirements of this Planning Scheme and the Act, be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to the Council, and the Council shall, subject to and in accordance with the Act, decide the application.

## 1.2.2 Determination of Applications

1.2.2.1 In deciding an application made pursuant to Clause 1.2.1.1 the Council shall:

- [a] approve the application; or
- [b] approve the application subject to conditions; or
- [c] refuse to approve the application.

1.2.2.2 Before determining any application made pursuant to Clause 1.2.1.1 and without limiting the discretion of the Council, the Council shall take into consideration the following matters to the extent they are relevant to the application.

- [a] whether the proposal would create a traffic problem or increase an existing traffic problem and whether adequate provision has been made for the safe and efficient movement of pedestrians and cyclists; and
- [b] whether the roads giving access to the site are constructed to a standard sufficient to carry motor vehicle traffic of the type and volume likely to be generated by the proposed development; and
- [c] whether the proposed means of ingress to, *or* egress from the site are adequate and whether adequate provision has been made for the loading, unloading, standing, parking and fuelling of vehicles on the site; and
- [d] whether the site or any part thereof is, or is likely to be, required for any future road system, stormwater drainage network or other public purpose; and
- [e] whether the proposal would be likely to detrimentally affect the existing or future amenity of the locality including any detriment likely to be caused by the proposed development by way of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, waste products, traffic generation, radio or electrical interference, or otherwise; and
- [f] whether any deleterious effect on the environment might be occasioned by the proposal and, if so, whether adequate safeguards have been or will be implemented to prevent pollution and protect the environment of the locality; and

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- [g] the character of the proposed development in relation to the character of development on adjacent sites; and
  - [h] the size and shape of the site, the siting of the proposed development and the area to be occupied by the development, in relation to the size and shape of the adjacent sites and any development thereon; and
  - [i] any drainage or flooding problems associated with the site and any measures which may be undertaken to alleviate such problems or whether the existing system of drainage collecting stormwater from the site, in the opinion of the Council, is constructed to a standard sufficient to carry off the stormwater runoff from the proposed development; and
  - [j] whether adequate water, sewerage, electricity and other essential services are available to the site; and
  - [k] whether the proposed development is premature having regard to its plans for the provision of water supply and sewerage infrastructure; and
  - [l] whether, in the opinion of the Council, the proposed development can be connected to existing water supply, sewerage and other essential services in an orderly and efficient manner; and
  - [m] whether the applicant shall contribute towards the cost incurred to be incurred in providing water supply or sewerage headworks; and
  - [n] whether the applicant shall meet the cost incurred or to be incurred in providing water supply works external or sewerage works external to the site; and
  - [o] whether satisfactory provisions are made for the storage and disposal of waste; and
  - [p] whether the proposal would be in accord with, or conflict with any of the provisions of the Strategic Plan or any Development Control Plan; and
  - [q] any relevant provisions of the Planning Scheme, particularly the intent of the zone in which the land is situated; and
  - [r] whether there are any local planning policies adopted by the Council which are applicable to the proposal and whether the proposal would be in accord with, or conflict with any such policies; and

- [s] the findings of any planning study, traffic study, environmental impact statement or economic impact assessment submitted in connection with an application; and
- [t] any representation made by any government department or statutory authority in relation to the application or to the development of the area and the rights and powers of any such department or authority; and
- [u] whether there is sufficient need and demand for the proposal; and
- [v] whether adequate provision has been made for the landscaping of the site, the retention of existing vegetation and for buffer areas; and
- [w] where the site comprises more than one (1) allotment the amalgamation of those allotments into one (1) allotment; and
- [x] whether the proposal is likely to cause or encourage ribbon development; and
- [y] all objections which have been duly lodged with the Council; and
- [z] the particular circumstances of the proposal in relation to the public interest: and
- [aa] any town planning consideration relevant to the duration of any approval granted; and
- [ab] other considerations as required by the Act or determined by the Council as being relevant or reasonably required.

**1.2.2.3** The local authority shall refuse to approve the application if:

- [a] the application conflicts with the Strategic Plan or Development Control Plans or other parts of this Planning Scheme or matters raised in Clause 1.2.2.2.
- [b] there are not sufficient planning grounds to justify approving the application despite the conflict.

**1.2.2.4** Any consent given by the Council pursuant to Clause 1.2.2.1 may be limited as to its duration or the hours during which the consent may be exercised.

### **1.2.3 Revocation of Consent**

**1.2.3.1** The Council may revoke the consent.

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### 1.3 APPLICATIONS FOR PERMITTED DEVELOPMENT SUBJECT TO CONDITIONS

1

#### 1.3.1 Procedure

1.3.1.1 Any person who desires to obtain Council's requirements for permitted developments shall make application to the Council in the form required by the Chief Executive Officer and shall accompany such application with an application fee of an amount in accordance with a scale of fees determined by the Council by resolution. In the scale of fees, different fees may be determined for different classes of application.

#### 1.3.1.2 The **application** shall be:

- [a] in writing; and
- [b] signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or in the case of a body corporate, or an unincorporated association or incorporated association, by an authorised officer thereof; and
- [c] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the premises subject of the application; and
- [d] addressed to the Chief Executive Officer and shall truly set forth the following particulars-
  - [i] the name and postal address of the applicant;
  - [ii] the property address and real property description of the land to which the application relates or applies; and
  - [iii] the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown or from the Council for a leasehold estate; and
  - [iv] the area of land; and
  - [v] the length of the frontage (frontage to each road, if more than one (1), to be shown separately); and
  - [vi] the nature of the proposed development; and
  - [vii] the nature of any development on the land at the date of the application; and

- [viii] the nature of any buildings proposed to be erected on the site including the gross floor area, number of storeys and dimensions of such buildings; and
  - [ix] the number of motor vehicles for which car parking is *or* will be provided; and
  - [x] the number of persons engaged and proposed to be engaged in the particular development; and
  - [xi] the type of machinery proposed to be employed in the particular development; and
  - [xii] the total connected load of any mechanical power proposed to be employed in the particular development; and
  - [xiii] such other information relative to the application that may be requested by the Chief Executive Officer or the Council; and
  - [xiv] copies of development plans in accordance with sub-section 1.7 including an elevation, of any building or other structures proposed to be erected on the site; and
- [e] accompanied, where required, by the following-
- [i] an environmental, cultural **and/or** economic impact statement; and
  - [ii] a geotechnical report; and
  - [iii] a traffic study; and
  - [iv] a landscaping plan; and
  - [v] shadow diagrams; and
  - [vi] any other report as required by the Council on any relevant matter including, but not limited to, flooding, wind effects, solar reflections, visual impact, land stability, community consultation or cultural heritage.

**1.3.1.3** The Chief Executive Officer may, within the time period specified by the Act, request in writing the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application. Such additional information, report or study shall be submitted within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer.



**1.3.1.4** An application made pursuant to sub-section 1.3 shall be deemed not to have been made unless clauses 1.3.1.1 and 1.3.1.2 have been complied with in full and where applicable, such further particulars as requested in Clause 1.3.1.3 have been submitted to the reasonable satisfaction of the Chief Executive Officer, within the time period specified.

**1.3.1.5** An application made pursuant to sub-section 1.3 shall, if it complies with the requirements of this Planning Scheme be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to the Council, and the Council shall, subject to and in accordance with the Act and this Planning Scheme decide the application.

### **1.3.2 Determination of Applications**

**1.3.2.1** Upon the application being referred to the Council pursuant to sub-section 1.3 the Council shall:

- [i] approve the application; or
- [ii] approve the application subject to conditions.

**1.3.2.2** Before determining any application made pursuant to this section and without limiting the discretion of the Council, the Council shall take into consideration the following matters in determining conditions of approval, if any, to the extent that they are relevant to the application:

- [a] whether the proposal would create a traffic problem or increase an existing traffic problem, and whether adequate provisions has been made for the safe and efficient movement of pedestrians and cyclists;
- [b] whether the proposed means of ingress to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, standing, parking and fuelling of vehicles on the site;
- [c] whether the proposal would be likely to detrimentally affect the existing or future amenity of the locality including any detriment likely to be caused by the proposed development by way of noise, vibration, smell fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, waste products, traffic generation, radio or electrical interference, or otherwise;
- [d] whether any deleterious effect on the environment might be occasioned by the proposal and if so, whether adequate safeguards have been or will be implemented to prevent pollution and protect the environment of the locality;

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- [e] the character of the proposed development in relation to the character of development of adjacent sites;
  - [f] the size and shape of the site, the siting of the proposed development and the area to be occupied by the development, in relation to the size and shape of the adjacent sites and any development thereon;
  - [g] whether satisfactory provisions are made for the storage and disposal of waste;
  - [h] the provisions of the Planning Scheme including the Strategic Plan and any Development Control Plan;
  - [i] any relevant local planning policies adopted by the Council; and
  - [j] the findings of any planning study, traffic study or environmental impact statement submitted in connection with an application; and
  - [k] whether adequate provision has been made for the landscaping of the site, the retention of existing vegetation and for buffer areas to screen the proposed development from nearby premises; and
  - [l] any representation made by any government department or statutory authority in relation to the applicants or to the development of the area and the rights and powers of any such department of authority; and
  - [m] whether the site should be drained or filled or both drained and filled to make it satisfactory for the erection and use of any building or other structure proposed thereon; and
  - [n] whether the site or any part thereof is, or is likely to be, subject to inundation by floodwaters; and
  - [o] the particular circumstances of the proposal in relation to the overall public interest; and
  - [p] any town planning consideration relevant to the duration of any approval granted; and
  - [q] other considerations determined by the Council a being reasonable and relevant.

- 1.3.2.3** The Council shall not, in approving an application, subject such approval to a condition other than one which provides for:
- [a] the development conforming to a development plan in accordance with sub-section 1.7 including dimensions, floor area, building setback, design and orientation of buildings, and number of storeys, to the satisfaction of the Council; or
  - [b] control over the external appearance of any buildings or other structures, including control over materials used in external cladding and roofs, in a specified form which relates to the character of the locality in which the development is proposed which relates to any provision of this Planning Scheme, including the Strategic Plan and any Development Control Plan; or
  - [c] landscaping of the site in a specified form including the retention of existing vegetation; or
  - [d] buffering of the site in a specified form: or
  - [e] maintenance of the site in a clean and tidy condition; or
  - [f] specified plans on ingress to and egress from the site for motor vehicles and provision of car parking to the requirements and satisfaction of the Council; or
  - [g] traffic control and the provision of **footways** and bikeways in a specified manner within the site and in immediate proximity to the site; or
  - [h] control in a specified manner of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, spray, soot, ash, dust, grit, oil, waste water, waste products, light, glare, radio and television interference, and interference by other forms of radiation, and mitigation in a specified manner of the effect of any one (1) or more of them on the existing and future amenity of the locality whether or not such provision includes the restriction of any activity. Such controls may relate to the findings of any environmental impact statement required by the Council; or
  - [i] the restriction of any activity on the site to any particular time; or
  - [j] the connection of the proposed development to available services such as water supply, sewerage, electricity and other essential services; and

- [k] compliance with the requirements of relevant government departments or statutory authorities; and
- [l] control in a specified manner of provision for waste storage and disposal; or
- [m] compliance with all relevant provisions of the Council's Local Laws and the Planning Scheme, including the Strategic Plan and any Development Control Plan; or
- [n] control in a specified manner of advertising signs; or
- [o] amalgamation of the site into one (1) allotment, or lot; or
- [p] the duration of any approval granted; or
- [q] and condition which would be lawful under the Act.

**1.3.2.4** The approval issued upon the determination shall contain:

- [i] where the application was determined as provided in Clause 1.3.2.1 [i], a notation of the approval and such other requirements as the Chief Executive Officer considers necessary or desirable; or
- [ii] where the applicant was determined as provided in Clause 1.3.2.1 [ii], a notification of the approval, the conditions to which the approval is subject and such other requirements as the Chief Executive Officer considers necessary or desirable.

**1.3.2.5** Where the Council has not determined the application within the time period specified by the Act, the application shall have been deemed to have been approved without conditions.

**1.3.3 Duration of Approval Granted**

**1.3.3.1** Where an approval has been granted pursuant to Sub-section 1.3 and the development has not commenced within two (2) years of the date of the Council's decision or the Court's Order, as the case may be, or such longer period as may be agreed to by the Council, the decision in respect of the application shall be void.

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## **1.4 APPLICATIONS FOR RELAXATION OR MODIFICATION OF SCHEME PROVISIONS**

### **1.4.1 Procedure**

**1.4.1.1** Any person who desires to obtain the approval of the Council for the relaxation or modification of any provision of this Planning Scheme which the Council is empowered to relax or modify, shall make application to the Council in the form required by the Chief Executive Officer and shall accompany such application with an application fee of an amount as determined by the Council by resolution. Different fees may be determined for different types of application.

**1.4.1.2** The application shall be:

- [a] in writing; and
- [b] signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or, in the case of a body corporate, or an unincorporated association, by an authorised officer thereof; and
- [c] addressed to the Chief Executive Officer and shall truly set forth the following particulars:
  - [i] the name and postal address of the applicant; and
  - [ii] the property address and real property description of the land to which the application relates or applies; and
  - [iii] the area of the land; and
  - [iv] the grounds upon which the application is made and the facts and circumstances in support of those grounds; and
  - [v] copies of development plans in accordance with sub-section 1.7 including an elevation of any building or other structures proposed to be erected on the land.

**1.4.1.3** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing. Such additional information, report or study shall be submitted within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer.

- 1.4.1.4** An application made pursuant to sub-section 1.4 shall be deemed not to have been made unless the requirements of clauses 1.4.1.1, 1.4.1.2 and 1.4.1.3 have been complied with in full.
- 1.4.1.5** An application made under sub-section 1.4 may be made at the same time as another application pursuant to this Section is made.
- 1.4.1.6** An application made pursuant to sub-section 1.4 shall be referred to the Department of Planning and Development for a report and recommendation thereon, or where appropriate to the Department of Technical Services.
- 1.4.2** Determination of Applications
- 1.4.2.1** Where the granting of a relaxation or modification is at the discretion of the Council, the Department of Planning and Development report and recommendation shall be referred to the Council and the Council shall, having regard to this Planning Scheme decide the application.
- 1.4.2.2** Where the granting of a relaxation or modification is at the discretion of the Director of Planning and Development or the Director Technical Services, that particular person shall, having regard to this Planning Scheme, decide the application.
- 1.4.2.3** Any determination made pursuant to Clause 1.4.2.1 shall:
- [a] approve the application; or
  - [b] approve the application subject to conditions; or
  - [c] refuse to approve the application.
- 1.4.2.4** The Chief Executive Officer shall, within 10 days after the determination of the application, notify the applicant of the determination.

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## 1.5 MODIFICATION OF CERTAIN APPLICATIONS AND APPROVALS

2

### 1.5.1 Procedure

**1.5.1.1** Any person who desires to obtain the Council's approval to modify an application or approval in accordance with the Act shall make application to the Council in the form required by the Chief Executive Officer, and shall accompany such application with an application fee of an amount determined by the Council by resolution.

**1.5.1.2** The application shall be:

- [a] in writing; and
- [b] signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or in the case of a body corporate, or an unincorporated association or incorporated association, by an authorised officer thereof; and
- [c] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the land the subject of the application; and
- [d] addressed to the Chief Executive Officer and shall truly set forth the following particulars-
  - [i] the name and postal address of the applicant; and
  - [ii] the property address and real property description of the land to which the application relates or applies; and
  - [iii] the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown or from the Council for a leasehold estate; and
  - [iv] full details of any modifications desired to be made to the proposal to enable assessment of the requirements of the Act; and
  - [v] copies of development plans in accordance with Sub-section 1.7 including an elevation of any building or other structures proposed to be erected on the land.

**1.5.1.3** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing. Such additional information, report or study shall be submitted within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer.

**1.5.1.4** An application made pursuant to Sub-section 1.5 shall be deemed not to have been made unless the requirements of Clauses 1.5.1.1, 1.5.1.2 and 1.5.1.3 have been complied with in full.

**1.5.1.5** An application made pursuant to Sub-section 1.5 shall, if it complies with the requirements of the Planning Scheme and the Act, be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to the Council, and the Council shall, subject to and in accordance with the Act and this Planning Scheme, decide the application.

## **1.5.2** Determination of Applications

**1.5.2.1** In deciding an application the Council shall:

- [a] approve the application; or
- [b] approve the application subject to conditions; or
- [c] refuse to approve the application.

**1.5.2.2** The Council shall, within 10 days after the decision, notify the applicant of the decision.

## **1.6** COMBINED APPLICATIONS

**1.6.1** A person may make a combined application to the Council for approval at the same time in respect of two (2) or more of the following applications where such applications are in respect of the same land:

- [a] for the zoning or rezoning of land pursuant to Section 4.3 (2)(a) of the Act; and
- [b] for the amendment of the Planning Scheme pursuant to paragraph (c), (d) or (e) of Section 4.3(2) of the Act; and



- [c] for the issue of a town planning consent permit pursuant to Section 4.12 of the Act; and
- [d] for the subdivision of land pursuant to Section 5.1 of the Act where a subdivision is proposed in conjunction with paragraph (a), (b), (c) or (e); and
- [e] for any other approval or decision required pursuant to the Planning Scheme and/or the Act.

**1.6.2** An application made under Sub-section 1.6 shall-

- [a] be on the forms determined by the Council in respect of the relevant applications; and
- [b] contain the prescribed information in respect of the relevant applications; and
- [c] be accompanied by the appropriate fee; and
- [d] clearly state that the application is a combined application and identify the component parts; and
- [e] identify the whole of the lands the subject of the application and, where appropriate, the areas for which different approvals by the Council and if applicable the Governor in Council are being sought.

**1.6.3** Subject to the following requirements and to any necessary modifications, where a component of a combined application would, if it were made as a separate application, be subject to any of the requirements of this Planning Scheme or the Act, the combined application shall also be subject to those requirements.

**1.6.4** Any public notice given in respect of a combined application shall-

- [a] identify the whole of the land the subject of the combined application; and
- [b] state that the proposal is a combined application and identify the component parts of the combined application.

**1.6.5** Where a component of a combined application would, if it were made as a separate application, be open to public inspection, the whole of the combined application shall be open to inspection and the provisions of the Act which relate to obtaining copies of a separate application or part thereof shall apply to all components of the combined application.

## 1.7 REQUIREMENTS FOR PLANS, REPORTS OR STUDIES SUBMITTED IN CONNECTION WITH APPLICATIONS

### 1.7.1 Development plans submitted to the Council in connection with applications made in accordance with this Section shall:

- [a] be numbered, dated and contain a north point; and
- [b] be drawn to a metric scale of 1:10, 1:50, 1:100, 1:200 or 1:500 or such other scale as may be approved by the Director of Planning and Development;
- [c] be produced on a standard A1, A2, A3 or A4 sheet or otherwise as approved by the Director of Planning and Development with at least one set of plans produced on A3 size media;
- [d] Show the boundaries of the land to which the application relates or applies referring to their lengths in metres and bearings, the road or roads to which the land or any part thereof abuts, the size and location of all buildings or other structures both existing and proposed to be erected on the land and the distance in metres from the nearest point of every such building or other structure to the boundary of the site. Where the proposal comprises part of an allotment or part of more than one (1) allotment or more than one (1) allotment, the boundaries of that allotment or those allotments shall also be shown; and
- [e] show the details of the internal layout of all buildings or other structures both existing and proposed, to which the application relates and elevations of any new buildings or other structures, indicating the position of all doors, windows, roof and wall projections, balconies, verandahs, steps and outbuildings; and
- [f] show the position and layout of all vehicular accessways, driveways, and parking areas and provisions for pedestrians and cyclists; and
- [g] show the location of all proposed landscaping and recreation areas including the type and location of outdoor recreation facilities, details of existing vegetation and the extent of proposed clearing of such vegetation; and
- [h] show the location of all clothes drying areas and provision for waste storage and removal; and

- 
- [i] include, where requested by the Director of Planning and Development, the Chief Executive Officer or the Council, the following-
    - [i] contour information and spot levels; and
    - [ii] the location of any services within or adjacent to the site: and
    - [iii] the location of all buildings on adjoining allotments or lots; and
  - [j] include any further information as required by the provisions of this Planning Scheme including the Strategic Plan, any Development Control Plan and any local planning policy and any State planning policy; and
  - [k] include such other information relative to the application as may be requested by the Director of Planning and Development, the Chief Executive Officer or the Council.

**1.7.2** Any plans, drawing or diagrams lodged with the Council in respect of any application whether or not such plans, drawings or diagrams are referred to in any conditions of any subsequent approval in respect of applications made to the Council, shall become the property of the Council. The Council reserves the right to copy or reproduce such plans, drawings or diagrams by whatever process for any reason whatsoever having regard to the normal functions and duties of the Council.

**1.7.3** Any report, study or statement required to be lodged in respect of any application made pursuant to this Planning Scheme shall be prepared by a suitably qualified professional person. The submission of a report, study or statement shall not constitute compliance with the provisions of this Planning Scheme if, in the opinion of the Director of Planning and Development, the person who prepared the report, study or statement is not suitably qualified.

## **1.8 WITHDRAWAL OF APPLICATIONS OR OBJECTIONS**

**1.8.1** An application made pursuant to this Section may be withdrawn by the applicant, in writing, prior to the determination by the Council of such application.

**1.8.2** Where an application is withdrawn pursuant to this Provision 1.8.1, the amount of any refund of fees paid, if any, shall be at the discretion of the Director of Planning and Development.

**1.8.3** Where an application is withdrawn pursuant to Provision 1.8.1, the Council shall-

- [a] not be required to decide that application; and
- [b] where objections have been made, notify the principal objectors that the application has been withdrawn.

**1.8.4** An objector may, by notice in writing, withdraw an objection made to the Council pursuant to the Planning Scheme and the Act where that notice is received by the Council prior to its determination of the application.

**1.8.5** Where an objection is made by more than one (1) person, the notice of withdrawal referred to in Provision 1.8.4 shall be signed by all persons who made the objection.

**1.8.6** Where an objection is withdrawn pursuant to Provision 1.8.4 it is, for the purposes of the Planning Scheme and the Act, to be taken not to have been made.

## **1.9 COMPLIANCE WITH PROVISIONS AND CONDITIONS**

**1.9.1** A person shall not contravene or fail to comply with any requirement of this Planning Scheme or conditions imposed in respect of any approval pursuant to an application made under this Section.

**1.9.2** Any person, who being required to do so, fails to comply fully with any condition within or during the time for compliance shall be guilty of an offence which shall be taken to continue until the condition/s are complied with.

## **1.10 APPLICATIONS FOR SUBDIVISION PURSUANT TO THE ACT**

### **1.10.1 General Provisions for Application for Subdivision**

**1.10.1.1** Any person who desires to subdivide land, including a staged subdivision, subdivision incorporating a lake, canal or harbour, subdivision by lease and the creation of an access easement, or to open any road shall make application to the Council and shall accompany such application with an application fee of an amount in accordance with a scale of fees determined by the Council by resolution. In the scale of fees, different fees may be determined for different classes of application.

**1.10.1.2** The application shall be:-

- [a] in writing; and
- [b] signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or in the case of a body corporate, or an unincorporated association or incorporated association, by an authorised officer thereof; and
- [c] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the premises subject of the application; and
- [d] addressed to the Chief Executive Officer and shall truly set forth the following particulars to the extent that they are relevant to the proposal:
  - [i] the real property description of the land to which the application relates or applies together with the property address thereof; and
  - [ii] the area of the land; and
  - [iii] the full name of the owner of the land; and
  - [iv] the number of allotments, if any, into which the land is proposed to be subdivided; and
  - [v] the current zoning of the land; and
  - [vi] the use being made of the subject land (including the use of any building or structure on the land) at the time of lodgement of the application; and
  - [vii] if applicable, the use desired to be made of the land following subdivision; and
  - [viii] the area to be surrendered to the Crown for use as parks; and
  - [ix] particulars of any existing easement over the land and its purpose; and
  - [x] particulars of any proposed easement over the land and its purpose; and
  - [xi] whether the land is affected by any road realignment; and

- [xii] the length, width and area of any road proposed to be opened together with particulars of the type or types of such road; and
- [xiii] whether the application relates to staged development or subdivision for lease purposes; and
- [xiv] details of any proposal to fill the subject land and the nature of the filling; and
- [xv] details of any encumbrances which may affect the subject land; and
- [xvi] if required by the Act - an environmental impact statement.

**1.10.1.3** The application shall be accompanied by a proposal plan which shall:

- [a] be properly drafted, prepared, submitted in quadruplicate and printed or reproduced on a medium which is durable and stable in dimension; and
- [b] be accurately plotted, with the north point indicated, at an acceptable scale to determine and show allotment dimensions; and
- [c] have an identification plan number; and
- [d] show the following information and particulars to the extent that they are relevant to the proposal:
  - [i] the real property description of the Title and the name of the owner of the land proposed to be subdivided; and
  - [ii] the boundaries of the Title of the land to be subdivided together with all abuttals of the subject land upon neighbouring lands; and
  - [iii] the location and names of all existing roads and easements on, abutting on, or in the vicinity of, the subject land, and also the allotments into which such land has already been subdivided, marked with distinct numbers or symbols, and the measurements of each allotment *or* reserve and the areas thereof; and
  - [iv] the line and banks of any watercourse or creek, and the position of any waterholes on the subject land and the high water mark of any tidal water; and
  - [v] the position of all existing buildings or structures on the subject land, and on adjoining lands within 30 metres of the boundary of the subject land; and

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- [vi] the lines of any existing sewers or drains, septic tanks or soakage trenches, or any existing pipes or mains for the supply of water, gas or electricity on the subject land; and
  - [vii] the contours of the natural surface of the subject land, to a suitable contour interval, above Council's adopted datum and Australian Height Datum; and
  - [viii] where applicable, the highest recorded flood level on the subject land drainage patterns and catchment areas; and
  - [ix] the number of and boundaries of each separate proposed allotment or reserve, the proposed measurements and areas thereof, and the proposed means of access thereto; and
  - [x] in the case of a subdivision where it is probable that part thereof will be subdivided into other allotments at some later time, that part of the subject land shall be designed and shown by broken lines on the proposed plan, together with all the necessary topographical information, so as to show the existing and proposed means of access to each allotment so shown and to any adjoining land; and
  - [xi] all existing and proposed new roads, truncations, lanes, pathways, easements and reserves, within and on the boundaries of the subject land; and
  - [xii] the extent of filling and excavation proposed to be carried out on the subject land; and
  - [xiii] if applicable, the area to be dedicated for park shall be shown in the location proposed by the applicant; and
  - [xiv] a schedule of proposed road names; and
  - [xv] any separate ownerships indicated clearly by light shading; and
  - [xvi] the location of significant vegetation on the subject land; and
  - [xvii] areas of the subject land which are subject to subsidence, slip or erosion.

**1.10.1.4** Where a subdivision has frontage to a declared road under the provisions of the Transport Infrastructure Act, the applicant shall submit a copy of a letter from the Department of Transport and Main Roads indicating its requirements in respect of the subdivision.

**1.10.1.5** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing within such time as specified

in the request or within such further time as is allowed by the Chief Executive Officer. Such information, report or study may include:

- [a] an environmental impact statement, a geotechnical report, a traffic study and a site contamination report; or
- [b] further copies of the proposal plan whereon are shown any one (1) or more of the following:
  - [i] the levels of the present surface of the ground related to Australian Height Datum and shown in the form of spot levels unless the Chief Executive Officer or the Council required levels to be shown in the form of contours; and
  - [ii] the catchment areas of all drainage upon the land and any further information as to drainage required by the Chief Executive Officer or the Council.

**1.10.1.6** An application made pursuant to Sub-section 1.10 shall satisfy the requirements of Clauses 1.10.1.2, 1.10.1.3, 1.10.1.4 and 1.10.1.5. Should the application fail to satisfy the beforementioned provisions, Council may by resolution extend or further extend the period to decide the application as provided for under the Act.

**1.10.1.7** An application made pursuant to Sub-section 1.10 shall, if it complies with the provisions of this Planning Scheme and the Act, be referred to the Director of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred by the Chief Executive Officer to the Council, and the Council shall, subject to and in accordance with the Act, decide the application.

## **1.10.2 Further Provisions for Staged Subdivision**

**1.10.2.1** In addition to the clause contained under the General Provisions for Applications at 1.10.1 an application to subdivide land in stages shall -

- [a] include the following:
  - [i] an application for approval of the overall plan of subdivision; and
  - [ii] an application for approval of Stage 1 of the subdivision; or



- 
- [iii] an application for approval of Stage 1 and any subsequent stages of the subdivision; and
  - [b] be accompanied by a staged subdivision plan which shall show;
    - [i] the proposed layout of the road system for the whole subdivision; and
    - [ii] where required by the Director of Planning and Development, the layout of the existing and proposed road system through adjoining lands; and
    - [iii] the boundaries of each of the proposed stages of the subdivision marked in numerical order to indicate the proposed order of subdivision; and
    - [iv] the respective dates for the commencement and completion of each stage of the subdivision.

**1.10.2.2** Applications for subsequent stages as shown on the overall plan for subdivision shall be submitted in accordance with the provisions contained under the heading of Provision 1.10.1.

### **1.10.3 Further Provisions For a Subdivision by Lease**

**1.10.3.1** In addition to the clause contained under the heading of Provision 1.10.1, an application to subdivide land by lease shall include the following:

- [a] three (3) copies of the lease documents duly signed by the lessee and proposed lessor; and
- [b] one (1) copy of the lease documents unsigned; and
- [c] three (3) copies of the proposed lease area layout plan.

**1.10.3.2** The proposed lease area layout plan shall be in a form acceptable to the Chief Executive Officer and the Registrar of Titles. The boundaries of the proposed subdivision shall be clearly identified and shall be shown in relation to the boundaries of the whole of the allotment of which the subdivision forms part. The boundaries of the whole allotment shall also be identified.

**1.10.3.3** The correct real property description of all of the relevant allotments shall be shown on the copies of the proposed lease area layout plan submitted to the Council.

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**1.10.4 Further Provisions for Creation of an Access Easement**

**1.10.4.1** In addition to the clause contained under the heading of Provision 1.10.1, an application to create an access easement shall:

- [a] be accompanied by a copy of the proposed terms and conditions of the access easement; and
- [b] set forth the grounds upon which the application is made.

**1.10.5 Application Deemed Not To Be Made**

**1.10.5.1** An application made pursuant to Sub-section 1.10 shall be deemed not to have been made unless the provisions of Sub-section 1.10 and the Act have been complied with in full.

**1.10.6 Determination of Application**

**1.10.6.1** An application made pursuant to Sub-section 1.10 shall be determined by the Council in accordance with the provisions of the Act and where relevant any other Act.

**1.10.6.2** In deciding an application made pursuant to this sub-section, the Council shall:

- [a] approve the application; or
- [b] except for an application for the creation of an access easement, approve the application subject to conditions; or
- [c] refuse to approve the application.

**1.10.6.3** Before determining any application pursuant to this sub-section and without limiting the discretion of the Council, the Council shall take into consideration the following matters to the extent they are relevant to the application:

- [a] the nature of development proposed for each of the proposed allotments; and
- [b] whether any of the proposed allotments would be unsuitable for development because of existing or possible inundation, subsidence, slip or erosion; and
- [c] the size, shape, utility and amenity of each of the proposed allotments; and

- 
- [d] the impact of the proposal on the environment (whether or not an environmental impact statement has been prepared); and
  - [e] whether public utility services should be made available to the proposed allotments; and
  - [f] the proposed method of disposal of drainage and whether this would have a detrimental effect upon adjacent lands; and
  - [g] whether drainage reserves are required and whether land for these should be surrendered free of cost to the Crown; and
  - [h] any possible traffic generation and the effect of this upon the road system in the locality; and
  - [i] the length of road frontage to each of the proposed allotments; and
  - [j] the proposed means of access to each of the proposed allotments; and
  - [k] whether, the planning or road junctions and intersections of roads will facilitate the safe flow of traffic and whether truncation of land abutting road junctions and intersections will be required; and
  - [l] whether kerbing and channelling should be provided; and
  - [m] whether, in accordance with the Act, provisions should be made for parks; and
  - [n] whether the applicant should be required to destroy any noxious weed or plant existing on the proposed allotments; and
  - [o] whether, in accordance with this Planning Scheme, underground electricity should be required; and
  - [p] whether the applicant should contribute towards the capital cost of road lighting to serve the proposed allotments; and
  - [q] whether the position of water, sewerage, telephone or electricity mains and kerb and channelling or road stormwater or ground water drains should be provided; and
  - [r] whether provisions should be made for conduits across any road as will enable water, sewerage, gas, electricity or telephone service lines to be laid to connect the mains with the proposed allotments fronting the road; and

- [s] the nature and location of development on the land and subject to the proposal plan and on adjoining land; and
- [t] whether any rates or charges levied by the Council have been paid; and
- [u] the suitability of connections proposed to existing and future subdivisions and the suitability of the existing road network to cater for proposed subdivision including provision for road widening where required; and
- [v]- whether provision has been made for suitable easements for any necessary utility service main; and
- [w] the findings of any report, study or statement required in connection with the application; and
- [x] whether the proposed subdivision would restrict *or* limit the Council's approved or planned flood mitigation or retardation systems; and
- [y] the provisions of the Planning Scheme which regulate the subdivision of land and its development; and
- [z] whether an approval is required pursuant to another Act; and
- [aa] any town planning considerations relevant to the duration of any approval granted; and
- [ab] the recommendations or findings of a Site Contamination Report relating to the land, and if one has not been completed whether such an assessment should be carried out: and
- [ac] any relevant State or local planning policies; and
- [ad] such other matters, having regard to the nature of the application, as are considered relevant by the Council.

**1.10.6.4** Where an application in respect of a subdivision by a lease or the relevant lease document indicates that the subject premises is proposed to be leased for a permissible development or a permitted development subject to conditions, the Council shall defer consideration of the proposed subdivision until an application in respect of such development has been determined. If the lease is for a prohibited development, approval of the proposed subdivision by lease shall be refused. An approval of a subdivision by lease shall not imply any development rights.

**1.10.6.5** Where the Council approves an application under this sub-section subject to conditions, it may require as a condition the lodgement of a security in accordance with Sub-section 1.11 to ensure that the applicant will execute work to be done in relation to the application and the decision pursuant to it.

### **1.10.7 Dependent Application**

**1.10.7.1** Where an application to subdivide land is dependent upon the obtaining of approval granted in respect of a separate application made pursuant to this Planning Scheme, the Council shall not determine the application until such time as the approval upon which it depends has been obtained, being-

[a] where the approval of the Governor-in-Council is required - the date of the publication of the Order in Council notifying the Governor-in-Council's approval; or

[b] where the approval of the Governor-in-Council is not required:

[i] where the time for institution of an appeal has expired and no appeal has been instituted - the day immediately following the last day when an appeal could have been instituted; or

[ii] where an appeal has been instituted and withdrawn from the Court - the day immediately following the date of withdrawal; or

[iii] where an appeal has been instituted and determined - the date of that determination.

**1.10.7.2** Where a dependent application is made and the application upon which it depends is refused by either the Council, the Court or the Governor-in-Council, the dependent application shall be taken to have been also refused and the applicant shall have no further rights or remedies in respect of the dependent application.

### **1.10.8 Subdivisions Involving Works**

**1.10.8.1** Where the Council has approved an application for subdivision subject to conditions which include the construction of works to be undertaken by the applicant, the applicant shall submit engineering drawings and specifications for the required works together with an application for approval of such drawings and specifications within the time period specified by the Act. The engineering specifications shall contain references to any relevant conditions of subdivision approval to the satisfaction of the Director Technical Services.

**1.10.8.2** An application made pursuant to Clause 1.10.8.1 shall:

- [a] be on a form as determined by the Council; and
- [b] be accompanied by the engineering drawings and specifications for the required works together with any relevant information including, but not limited to:
  - [i] the location of all service conduits; and
  - [ii] details of the construction schedule; and
  - [iii] details of dust control measures and method of disposal of waste materials including vegetation; and
  - [iv] the extent and finished levels of any proposed filling or excavation operations, the location of batter banks, the source and nature of all fill materials and details of the route external to the site to be used by haulage vehicles; and
- [c] be accompanied by a report from a soil testing organisation acceptable to the Director Technical Services showing compaction requirements and settlement characteristics for any fill material to be used in the subdivision; and
- [d] be accompanied by such Certificates as required by the Council under the provisions of this Planning Scheme; and
- [e] be accompanied by written approval from the adjoining property owners consenting to accept any necessary stormwater discharge and authorising any engineering works on their property; and
- [f] be accompanied by a copy of letters from the relevant telecommunications authority and electricity authority indicating present and future underground conduit requirements within the subdivision; and
- [g] be accompanied by an application fee of an amount in accordance with a scale of fees determined by the Council in resolution.

**1.10.8.3** After submission of an application made pursuant to Clause 1.10.8.1, the Director Technical Services may, in writing, request the submission of calculations or of additional or amended engineering drawings or specifications.

- 1.10.8.4** An application made pursuant to this provision shall be deemed not to have been received unless the requirements of Clauses 1.10.8.2, 1.10.8.3 and the Act have been complied with in full.
- 1.10.8.5** In accordance with the Act, the Council herein delegates its powers to make decisions pursuant to this provision to the Director Technical Services who may approve of the engineering drawings and specifications with or without conditions. Provided that-
- [a] where a subdivision has frontage to a State-controlled Road under the provisions of the Transport Infrastructure Act, such approval shall not be granted until any necessary approval has been obtained from the Department of Transport and Main Roads and such approval shall include any conditions imposed by the Department of Transport and Main Roads; and
  - [b] no works shall be commenced until approval of the engineering drawings and specifications has been granted.
- 1.10.8.6** Any works required to be carried out in respect of an approval granted for subdivision may be carried out either by the applicant or by the Council at the request and cost of the applicant. Such works shall be performed in accordance with the relevant provisions of the Act.
- 1.10.8.7** At its discretion, the Council may permit the construction of subdivisional works in stages upon the submission of a staged construction plan to the satisfaction of the Director Technical Services. In granting such approval the Council may impose conditions necessary to ensure the satisfactory staging and completion of such works.
- 1.10.8.8** Any person who desires to subdivide land shall notify the Council of the following information at least one (1) week prior to the date of commencement of construction:
- [a] name, address and telephone number (including after hours number) of the Consulting Engineers for the subdivision; and
  - [b] name, address and telephone number of the contractors and major sub-contractors for the subdivision; and
  - [c] name and telephone numbers of the person to be contacted in regard to any matter arising from the construction of the subdivision; and
  - [d] date of commencement of works; and
  - [e] list of plant to be used by the contractors; and

**1.10.8.9** Where the applicant undertakes the works required to be carried out in respect of an approval granted for subdivision, the Council shall issue, upon completion of the works in accordance with the engineering drawings and specifications approved pursuant to Clause 1.10.8.5 to the satisfaction of the Director Technical Services, a certificate of practical completion.

**1.10.8.10** Upon completion of the engineering works for a subdivision, "As-Constructed Drawings" shall be submitted to the Council before the original plan of survey is sealed by the Council.

### **1.10.9 Lapsed Approval**

**1.10.9.1** Where an applicant fails to lodge with the Council satisfactory engineering drawings and specifications for the required works or satisfactory survey plans for registration within the time periods specified in the Act, the approval granted in respect of the subdivision shall be void. Where a fresh application is submitted for subdivision approval the Council shall not be bound by its previous decision, and shall reconsider the proposal and impose such new conditions as it considers reasonable or relevant in accordance with the provisions of this Planning Scheme.

### **1.10.10 Security for Uncompleted Works**

**1.10.10.1** At its discretion the Council may accept security for uncompleted works required to be carried out in respect of an approval granted for a subdivision in order to enable a plan of survey for the subdivision to be sealed by the Council. Should the Council decide to accept such security the applicant shall either:

- [a] give to the Council security to the satisfaction of the Council equal to the estimated value as approved by the Director of Technical Services of the uncompleted works plus 50 percent of such value to ensure that the required works will be completed within such time as may be specified by the Council. No security shall be given to or accepted by the Council until an agreement in writing is made between the applicant and the Council. Such agreement shall include statements pertaining to the nature and extent of the works to be undertaken and the date on or before which such works shall be completed; or



- [b] pay to the Council where the Council agrees to undertake the uncompleted works, an amount as may be agreed upon with the Council as the cost to the Council of undertaking the required works. No money shall be paid to or accepted by the Council until an agreement in writing is made between the applicant and the Council in respect of any required works. Such agreement shall include statements pertaining to the nature and extent of the works to be executed by the Council including a specification thereof, the amount which the applicant agrees to pay to the Council, the date on or before which the Council is to commence to construct the works, and the date on or before which those works are to be completed by the Council.

**1.10.10.2** Acceptance by the Council of uncompleted works pursuant to Clause 1.10.10.1 shall be subject to:

- [a] completion of the following works to the satisfaction of the Director of Technical Services:
- [i] alteration to existing utility services as required; and
  - [ii] placement of property survey marks; and
  - [iii] completion of downstream stormwater drainage and securing of downstream drainage discharge rights; and
  - [iv] approval from relevant Authorities for any works that may come under their jurisdiction; and
  - [v] payment to the electricity authority of the required amount to enable the authority to provide an electricity supply to all allotments and road-lighting facilities and written acknowledgment by the electricity authority that an agreement has been entered into to have the supply installed; and
  - [vi] certification by a qualified professional engineer addressed to the Council in respect of practical completion for any major structure that may have been constructed within the subdivision; and
- [b] the Director of Technical Services being satisfied that all required works will be completed within eight (8) weeks of the date upon which the agreement is executed by the Council; and
- [c] the provisions of the Act.

**1.10.10.3** The Council shall not seal any plan of survey until any agreements have been duly executed.

**1.10.10.4** If the Council has endorsed its approval on the plan of survey before the works have been completed, it may refuse to release any security given to it for the due performance of the works until all survey marks have been reinstated and new survey marks installed in their correct position in accordance with the plan of surveys and such work is certified in writing by a licensed surveyor.

**1.10.11 Sealing of Plans of Survey**

**1.10.11.1** Upon satisfactory completion of any works required to be undertaken pursuant to clauses under the heading Provision 1.10.8 or lodgement of satisfactory security pursuant to clauses under the heading Provision 1.10.10, the applicant shall submit to the Council an accurate plan of survey for the subdivision within the relevant time period specified by the Act.

**1.10.11.2** A plan of survey submitted in accordance with this Clause shall-

- [a] comprise an original plan certified by a licensed surveyor and signed by the owner of the land plus two (2) copies of that plan; and
- [b] be suitable for lodgement in the office of the relevant registering authority; and
- [c] be accompanied by a copy of a certificate of practical completion where security for uncompleted works has not been lodged pursuant to Clause 1.10.10.1; and
- [d] be accompanied by an application fee of an amount in accordance with a scale of fees determined by resolution of the Council; and
- [e] be accompanied by three copies of the easement documents duly endorsed by all owners of the land subject to the easement.

**1.10.11.3** Prior to the submission of a plan of survey the applicant shall-

- [a] reinstate survey marks and install new survey marks in their correct position in accordance with the plan of survey. Such work shall be certified in writing by a licensed surveyor; and
- [b] in respect of the land the subject of the plan of survey, pay to the Council any rates or charges levied by the Council or any expenses being a charge over the land under any Act that is outstanding at the time of the submission of the plan.

- 1.10.11.4** Prior to the sealing of a plan of survey by the Council for a subdivision involving works, the applicant shall lodge a security for the maintenance of such works in accordance with Clause 1.10.12.1.
- 1.10.11.5** The Council shall note its approval under seal on the original plan of survey in accordance with the requirements of the Registrar of Titles provided it is satisfied that-
- [a] any relevant provisions of Part E, the Act and any other relevant Act have been complied with in full; and
  - [b] the plan of survey conforms with the approval granted and that all required works have been completed to its satisfaction.
- 1.10.11.6** The Council shall seal a conforming plan of survey in accordance with the Act as soon as practicable after it is submitted and return the plan of survey to the applicant for lodgement in the office of the relevant registering authority.
- 1.10.11.7** In the event that the relevant registering authority, upon lodgement of a plan of subdivision approved by the Council, requires the alteration of such plan in any particular, the licensed surveyor who prepared the plan shall, within a period of one (1) month from the date of effecting the required alterations, notify the Council in writing of such alterations and forward to the Council copies of the altered plans.
- 1.10.11.8** A licensed surveyor shall not amend any plan of survey after it has been submitted to the Council for approval and sealing, without informing the Council of such amendments and amending any copies of the plan to conform therewith. In no case shall such amendments be made as would contravene the conditions of the Council's approval.

**1.10.12 Security for Maintenance of Works**

- 1.10.12.1** Prior to the sealing of the plan of survey by the Council and upon the issue of a certificate of practical completion, the applicant shall lodge with the Council security acceptable to it and equal to a minimum of 10 percent of the cost of the works as certified by the Director of Technical Services against any defects in material or construction which may develop or become apparent during a maintenance period of minimum 12 months from the date of acceptance of the works on maintenance by the Council.

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**1.11 GROUP TITLE SUBDIVISION****1.11.1 Procedures**

**1.11.1.1** Any person who desires to subdivide or re-subdivide land into lots and common property in accordance with the provisions of the Building Units and Group Titles Act shall make application to the Council in the form required by the Chief Executive Officer, and shall accompany such application with an application fee of an amount in accordance with a scale of fees determined by the Council by resolution. In the scale of fees, different fees may be determined for different classes of application.

**1.11.1.2** The application shall be:

- [a] in writing; and
- [b] signed by the applicant or applicants; or in the case of a partnership, by one of the partners thereof or, in the case of a body corporate or an unincorporated association, by an authorised officer thereof; and
- [c] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the premises the subject of the application; and
- [d] accompanied, where appropriate, by copies of any approval, consent or permission required pursuant to this Planning Scheme for any development proposed on the land; and
- [e] addressed to the Chief Executive Officer and shall truly set forth the following particulars-
  - [i] the name and postal address of the applicant; and
  - [ii] the property address and real property description of the land to which the application relates or applies; and
  - [iii] the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown or from the Council for a leasehold estate; and
  - [iv] the area of land; and
  - [v] the number of lots into which the land or part of the land is proposed to be divided; and
  - [vi] the current zoning of the land; and

- [vii] the use desired to be made of the land following subdivision; and
- [viii] the area of the land proposed as common property, if any; and
- [ix] particulars of any existing or proposed easement over the land and its purpose; and
- [x] whether the land is affected by any road realignment; and
- [xi] the length and width of any access way proposed.

**1.11.1.3** The application shall be accompanied by three (3) copies of a proposal plan which shall:

- [a] be of a scale satisfactory to the Director of Planning and Development and properly drafted, prepared and printed or reproduced on a medium which is durable and stable in dimension; and
- [b] be accurately plotted with the north point towards the top of the page; and
- [c] be signed and dated by the person who prepared it and have an identification plan number; and
- [d] show the following information and particulars-
  - [i] the real property description of the Title and the name of the owner of the land proposed to be subdivided; and
  - [ii] the boundaries of the Title of the land to be subdivided together with all abutments of the subject land upon neighbouring lands; and
  - [iii] the location and names of all existing roads and easements abutting on, or in the vicinity of, the subject land, and also the allotments into which such land has already been subdivided, marked with distinct numbers or symbols, and the measurements of each allotment or reserve and the areas thereof; and
  - [iv] the line and banks of any watercourse or creek, and the position of any waterholes on the subject land, and the high water mark of any tidal water; and
  - [v] the position of all existing structures on the subject land, and on adjacent lands within 30 metres of the boundary of the subject land; and

- [vi] the lines of any existing sewers or drains, septic tanks or soakage trenches, or any existing pipes or mains for the supply of water, gas or electricity on the subject land; and
- [vii] the contours of the natural surface of the subject land, to a suitable contour interval, above some known or stated datum; and
- [viii] where applicable, the highest recorded flood level on the subject land; and
- [ix] the extent of filling proposed to be carried out on the subject land; and
- [x] all proposed lots, each lot marked with a distinct lot number and the approximate measures and area thereof as determined by preliminary survey and design; and
- [xi] the proposed common property, if any, and the approximate measures and area thereof as determined by preliminary survey and design; and
- [xii] if the land comprises more than one (1) allotment details of such allotments and the numbers or symbols relating thereto shown by broken lines; and
- [xiii] where the land to which the application relates or applies is in separate ownerships, show by light shading in different colours the land in each separate ownership.

**1.11.1.4** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer. Such information, report or study may include:

- [a] an environmental impact statement, a geotechnical report, a traffic study and a site contamination report; or
- [b] further copies of the proposal plan whereon are shown any one or more of the following-
  - [i] the levels of the present surface of the ground related to Australian Height Datum and shown in the form of spot levels unless the Council requires levels to be shown in the form of contours; and

- [ii] the catchment areas of all drainage upon the land and any further information as to drainage required by the Council.

**1.11.1.5** An application made pursuant to this sub-section shall be deemed not to have been made unless the requirements of Clauses 1.11.1.1, 1.11.1.2, 1.11.1.3 and 1.11.1.4 and the Building Units and Group Titles Act have been complied with in full.

**1.11.1.6** An application made pursuant to this sub-section shall, if it complies with the provisions of this Planning Scheme and the Building Units and Group Titles Act, be referred to the Director of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to by the Chief Executive Officer to the Council.

### **1.11.2 Determination of Council**

**1.11.2.1** An application made pursuant to this sub-section shall be determined by the Council in accordance with the provisions of the Building Units and Group Titles Act.

**1.11.2.2** In deciding an application made pursuant to this sub-section, the Council shall-

- [a] approve the application; or
- [b] approve the application subject to conditions; or
- [c] refuse to approve the application

**1.11.2.3** Before determining any application made pursuant to this Section and without limiting the discretion of the Council, the Council shall take into consideration the following matters to the extent they are relevant to the application:

- [a] the nature of development proposed for each of the proposed lots and common property; and
- [b] whether any of the proposed lots would be unsuitable for development because of existing or possible inundation, subsidence, slip or erosion; and
- [c] the size, shape, utility and amenity of each of the proposed lots; and
- [d] the impact of the proposal on the environment (whether or not an environmental impact statement has been prepared); and

- [e] whether public utility services should be made available to the proposed lots; and
- [f] the proposed method of disposal of drainage and whether this would have a detrimental effect upon adjacent lands; and
- [g] whether drainage reserves are required and whether land for these should be surrendered free of cost to the Crown; and
- [h] any possible traffic generation and the effect on this upon the road system in the locality; and
- [i] the proposed means of access to each of the proposed lots and whether suitable provisions has been made for car parking and pedestrian access; and
- [j] whether points of access to public road will facilitate the safe flow of traffic; and
- [k] whether kerbing and channelling should be provided; and
- [l] whether in accordance with the Act, provision should be made for parks; and
- [m] whether the applicant should be required to destroy any noxious weed or plant existing on the proposed lots; and
- [n] whether the applicant should contribute towards the capital cost of road lighting to serve the proposed lots; and
- [o] whether the position of water, sewerage, gas, telephone or electricity mains and kerb and channelling or road drains should be indicated on the proposal plan; and
- [p] the nature, layout and location of development on the land the subject of the proposal plan and on adjoining land; and
- [q] provision of private open space; and
- [r] the fact that the body corporate may, at some future date, make application for the extinguishment of the Group Titles Plan; and
- [s] whether any rates or charges levied by the Council may have been paid; and



- [t] the suitability of connections proposed to existing and future subdivisions and the suitability of the existing road network to cater for the proposed subdivision including provision for road widening where required; and
- [u] whether provision has been made for suitable easements for any necessary utility service main; and
- [v] the findings of any report, study or statement required in connection with the application; and
- [w] whether the proposed subdivision would restrict or limit the Council's approved or planned flood mitigation or retardation systems; and
- [x] the provisions of the Planning Scheme which regulate the subdivision of land and its development; and
- [y] whether an approval is required pursuant to the Act and any other Act; and
- [z] such other matters, having regard to the nature of the application as are considered relevant by the Council.

**1.11.2.4** The Council shall only approve or approve subject to conditions, a proposal plan which is-

- [a] in accordance with development on the land lawfully existing at the time the application for subdivision is made; or
- [b] in accordance with proposed development on the land which is permitted development specified in Column 1 of the Table of Development applicable to the zone in which the land is included; or
- [c] in accordance with proposed development on the land which is permitted development specified in Column 2 of the Table of Development applicable to the zone in which the land is included and an application for approval of permitted development subject to conditions has been determined by the Council in accordance with Sub-section 1.3; or
- [d] in accordance with proposed development on the land which is permissible development specified in Column 3 of the Table of Development applicable to the zone in which the land is included and the relevant consent of the Council has been obtained in accordance with Sub-section 1.2; or

- [e] in accordance with a combined application where approval has been granted by the Council for a rezoning of the land included in the proposal plan and where such rezoning will result in the proposed development of the land being permitted development specified in Column 1 of the Table of Development provided that the Council shall not issue a Certificate of Approval pursuant to Clause 1.11.5.1 until such rezoning has been approved by the Governor-in-Council.

**1.11.2.5** Where the Council approves an application or approves an application subject to conditions in accordance with this provision, the Council may require amendments to the proposal plan and cause it to be returned to the applicant, or it may require the applicant to prepare a new proposal plan incorporating the amendments, and submit the necessary copies of it to the Council.

### **1.11.3 Notification of Completion of Subdivision**

**1.11.3.1** Not later than two (2) years after notification of approval of an application made pursuant to this sub-section or within such longer period as the Council may approve, the applicant shall forward to the Council-

- [a] a notice in writing specifying that the conditions, if any, applicable to such approval and the provisions of sub-section 1.10 and 1.11 applicable thereto have been complied with; and
- [b] the relevant Group Titles Plan, completed in accordance with the Building Units and Group Titles Act except to the extent that it requires completion by the Council, together with two (2) copies thereof, such copies being to a standard of reproduction satisfactory to the Council.

### **1.11.4 Lapsed Approval**

**1.11.4.1** Where an applicant fails to lodge with the Council the notice and plans specified in Provision 1.11.3 within two (2) years after notification of approval, the approval granted in respect of the subdivision shall be void. Where a fresh application is submitted for subdivision approval the Council shall not be bound by its previous decision, and shall reconsider the proposal and impose such new conditions as it may consider relevant or reasonably required in accordance with the provisions of this Planning Scheme and the Act.

### 1.11.5 Certificate of Approval

1.11.5.1 Where, in respect of an application for subdivision which has been approved or approved subject to conditions pursuant to this sub-section, and where the Council is satisfied that-

- [a] any necessary approval under the Standard Building By-laws made pursuant to the Building Act has been obtained; and
- [b] for other than applications to subdivide vacant land, that all buildings and structures are completed in accordance with the Standard Building By-laws and this Planning Scheme to the satisfaction of the Director of Planning and Development except for lots which are subject to re-subdivision as part of an approved development being constructed in stages; and
- [c] the provisions of this Planning Scheme and the conditions, if any, applicable to the approval for subdivision have been complied with; and
- [d] the provisions of this Planning Scheme and the conditions of any approval pursuant to this Planning Scheme or the Act applicable to development on the land included within the proposal plan, have been complied with;

it shall, within **14** days thereafter, approve the relevant group titles plan and shall be thereby deemed to have directed that a Certificate for the purposes of Subsection (7) of Section 9 of the Building Units and Group Titles Act be issued in respect of that Group Titles Plan.

## 1.12 AMALGAMATION

### 1.12.1 Applications for Amalgamation of Land Under the Act

1.12.1.1 Any person who desires to amalgamate separate allotments shall-

- [a] where such amalgamation is required to be effected as a condition of approval granted by the Council in respect of an application made pursuant to this Planning Scheme, lodge a plan of survey for sealing pursuant to the clauses contained under Provision 1.10.11 and the Act; or

- [b] in any other case make application to the Council in the form required by the Chief Executive Officer and shall accompany such application with an application fee of an amount in accordance with a scale of fees determined by the Council by resolution.

**1.12.1.2** For the purposes of this provision an application for amalgamation of separate allotments shall be limited to the amalgamation of separate and adjoining allotments whether or not the allotments are less than the minimum allotment size prescribed in Part E.

**1.12.1.3** The application shall be:

- [a] in writing; and
- [b] signed by the applicant or applicants, or in the case of a partnership, by one of the partners thereof or, in the case of a body corporate or an unincorporated association, by an authorised officer thereof; and
- [c] accompanied by the consent in writing of the owners, where the application is made by a person other than the owners of the premises subject of the application; and
- [d] addressed to the Chief Executive Officer and shall truly set forth the following particulars to the extent that they are relevant to the proposal-
  - [i] the real property description of the land to which the application relates or applies together with the property address thereof; and
  - [ii] the area of the land; and
  - [iii] the full name of the owners of the land; and
  - [iv] the current zoning of the land; and
  - [v] if applicable, the use desired to be made of the land following amalgamation; and
  - [vi] particulars of any existing or proposed easement over the land and its purpose; and
  - [vii] whether the land is affected by any road realignment.

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**1.12.1.4** The applicant shall be accompanied by a proposal plan which shall:

- [a] be properly drafted, prepared, submitted in quadruplicate and printed on reproduced on a medium which is durable and stable in dimension; and
- [b] be accurately plotted with the north point indicated, at an acceptable scale to determine and show allotment dimensions; and
- [c] have an identification plan number; and
- [d] show the following information and particulars:-
  - [i] the real property descriptions of the land to be amalgamated and the name of the owners of the land; and
  - [ii] the boundaries of the land to be amalgamated together with all abutments of the subject land upon neighbouring lands; and
  - [iii] the location and names of all existing roads and easements within or abutting on, or in the vicinity of, the subject land, and also the allotments into which such land has already been subdivided, marked with distinct numbers or symbols, and the measurements of each allotment or reserve and the areas thereof; and
  - [iv] the line and banks of any watercourse or creek, and the position of any waterholes on the subject land and the high water mark of any tidal water; and
  - [v] the position of all existing structures on the subject land; and
  - [vi] the lines of any existing sewers or drains, septic tanks or soakage trenches, or any existing pipes or mains for the supply of water, gas or electricity on the subject land; and
  - [vii] the extent of filling proposed to be carried out on the subject land.

**1.12.1.5** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application, including further supporting information to justify any aspect of the application, as requested in writing within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer.

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- 1.12.1.6** An application made pursuant to this provision shall be deemed not to have been made unless the requirements of Clauses 1.12.1.1 (b), 1.12.1.2, 1.12.1.3, 1.12.1.5.
- 1.12.1.7.** An application made pursuant to this provision shall, if it complies with the provisions of this Planning Scheme and the Act, be referred to the Director of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred by the Chief Executive Officer to the Council.
- 1.12.1.8** An application made pursuant to this provision shall be determined by the Council in accordance with the provisions of the Act and, where relevant any other Act.
- 1.12.1.9** In deciding an application made pursuant to this provision, the Council shall-
- [a] approve the application; or
  - [b] approve the application subject to conditions; or
  - [c] refuse to approve the application
- 1.12.1.10** Before determining any application made pursuant to this provision, and without limiting the discretion of the Council, the Council shall take into consideration the following matters to the extent they are relevant to the application:
- [a] the nature of development proposed for the land and the number and type of buildings erected on the land; and
  - [b] the zoning of the land and the location of any zone boundaries; and
  - [c] whether the applicant should be required to destroy any noxious weed or plant existing on the proposed allotment; and
  - [d] whether any rates or charges levied by the Council have been paid; and
  - [h] whether the proposed amalgamation would restrict or limit the Council's approved or planned flood mitigation or retardation systems; and
  - [i] the provisions of the Planning Scheme which regulate the subdivision of land and its development; and

- [j] whether the proposed amalgamation will result in development which does not comply with the provisions of this Planning Scheme; and
- [k] whether an approval is required pursuant to another Act; and
- [l] any relevant State or local planning policies; and
- [m] such other matters, having regard to the nature of the application, as are considered relevant by the Council.

**1.12.1.11** Where the Council has approved an application for amalgamation subject to conditions which include the construction of works to be undertaken by the applicant, the applicant shall comply with the requirements of this Planning Scheme to the extent that they are relevant to the proposal.

**1.12.1.12** Upon satisfactory completion of any works or other requirements to be undertaken pursuant to Clause 1.12.1.11, the applicant shall lodge a plan of survey for sealing pursuant to the requirements of contained under the heading Provision 1.10.11 and the Act.

## **1.13 MISCELLANEOUS PROVISIONS**

**1.13.1** The Council shall keep a record of-

- [a] all consents, permissions and approvals, granted by the Council under this Planning Scheme and of all conditions attached to such consents, permissions and approvals: and
- [b] all approvals and decisions made by it under the Planning Scheme; and
- [c] all orders made by any court in relation to this Planning Scheme.





## **2.0 ADMINISTRATIVE PROVISIONS CERTIFICATE/COMPENSATION**

### **2.1 APPLICATIONS FOR TOWN PLANNING CERTIFICATES**

**2.1.1** An application for any town planning certificate, made pursuant to the Act, shall be in such form as the Council may from time to time determine.

**2.1.2** The fee payable to the Council for the preparation and issue of any town planning certificate shall be as determined by the Council from time to time by resolution.

**2.2 CLAIM FOR COMPENSATION**

**2.2.1** A claim for compensation made pursuant to the Act shall be set out in accordance with the form below.

The Local Government (Planning & Environment) Act  
Section 3.5(7)

**CLAIM FOR COMPENSATION**

I, ..... (Name)  
of .....  
(Address) having an interest in premises described  
as .....

.....(Real Property  
Description of the land) hereby claim compensation from the Cairns City Council pursuant to the provisions of  
the Local Government (Planning & Environment) Act.

The amount of the claim is .....

The date upon which the claim arose is .....

\* My interest in the said premises has been injuriously affected by:-

- \* [a] the coming into force of a provision contained in the Planning Scheme for Council of the City of Cairns
- \* [b] a prohibition or restriction imposed by or under the Planning Scheme for Council of the City of Cairns

\* I have incurred expenditure pursuant to a Town Planning Certificate given to me by the Cairns City Council which expenditure is rendered abortive (in whole or in part) by reason of an error, omission or inaccuracy in that certificate.

The basis on which this claim for compensation is made is as follows:

.....  
.....  
.....  
.....  
.....

and documentary evidence relevant to the claim is attached.

\* Use the applicable clause.

Signature of Claimant(s)

Date .....

.....

.....

### **3.0 EXISTING LAWFUL USES**

#### **3.1 RIGHTS TO CONTINUE AN EXISTING LAWFUL USE**

**3.1.1** A lawful use made of premises, immediately prior to the day when the Planning Scheme or an amendment to the Planning Scheme commences to apply to the premises, shall continue to be a lawful use of the premises for so long as the premises are so used, notwithstanding.

[a] any provision of the Planning Scheme or amendment of the Planning Scheme to the contrary; or

[b] that the use is a prohibited development.

#### **3.2 PROVISIONS IN RESPECT OF AN EXISTING LAWFUL USE**

**3.2.1** An existing lawful use shall be subject to the relevant requirements of any Planning Scheme applicable at the time of its establishment together with any conditions attached to any approval, consent or permission granted in respect of such use.

#### **3.3 APPLICATIONS FOR CONSENT APPLYING TO EXISTING LAWFUL NON-CONFORMING USES.**

**3.3.1** The Council upon application being made to it for town planning consent in respect of an existing lawful use to which the requirements of Provision 3.1.1(b) applies, may consent to -

[a] the change of the use to one which is, in the opinion of the Council, **less** injurious to the amenity of the area, notwithstanding that the changed use may also be prohibited development; or

[b] the modification, alteration or repair of the building or structure to which the use applies where these works would not increase the gross floor area for that use by more than 10 percent above the gross floor area for that use existed at the time the requirements of this section commenced to apply to the use; and

[c] the re-establishment of a use where the use has been discontinued (whether through the destruction of a building or structure or otherwise) and where application is made to the Council within 12 months from the day the use is discontinued.

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### 3.4 REGISTER OF EXISTING LAWFUL NON-CONFORMING USES

3.4.1 The Chief Executive Officer shall maintain and keep open to inspection a register to be called the "Register of Existing Lawful Non-Conforming Uses" in accordance with the requirements of the Act.

3.4.2 Any person:-

- [a] claiming to be lawfully using any premises for an existing lawful non-conforming use; or
- [b] who is the owner of premises which he or she claims are being lawfully used for an existing lawful non-conforming use;

may make application to the Council for the use of those premises to be included in the Register of Existing Lawful Non-Conforming Uses.

3.4.3 An application pursuant to Provision 3.4.2 shall be:

- [a] in writing and in the form required by the Chief Executive Officer; and
- [b] accompanied by an application fee of an amount determined by the Council from time to time by resolution; and
- [c] signed by the applicant or applicants, or in the case of a partnership, by one of the partners thereof or, in the case of a body corporate or an unincorporated association, by an authorised officer thereof; and
- [d] accompanied by the consent in writing of the owner, where the application is made by a person other than the owner of the premises the subject of the application; and
- [e] addressed to the Chief Executive Officer and shall truly set forth the following particulars-
  - [i] the name and postal address of the applicant; and
  - [ii] the property address and real property description of the site to which the application relates or applies;
  - [iii] the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown or from the Council for a leasehold estate; and
  - [iv] the area of the site; and

- [v] the nature, type and classification of the use which is claimed to be the existing lawful non-conforming use of the site or of any building or other structure erected on the site: and
  - [vi] the particulars by way of documentary evidence relied on to support the claim that the subject is an existing lawful non-conforming use which has been continued to the date of the application; and
  - [vii] the date (if available) that the use was established and details of any relevant approvals granted: and
- [f] accompanied by a plan of the premises which generally accords with the requirements of sub-section 1.7 and which clearly shows details of any buildings or part thereof or any other areas or other structures used as part of the existing lawful non-conforming use including the size and scale of operation of each of the exiting uses on the premises.

**3.4.4** After receipt of the application the Chief Executive Officer or the Council may require the submission of any additional information, report or study relative to the application as requested in writing within such time as specified in the request or within such further time as is allowed by the Chief Executive Officer.

**3.4.5** An application may pursuant to this section shall be deemed not to have been made unless the requirements of Provisions 3.4.3 , **3.4.4** and the Act have been complied with in full.

**3.4.6** An application made pursuant to this section shall, if it complies with the requirements of this section and the Act, be referred to the Department of Planning and Development for a report and recommendation thereon. The report and recommendation shall then be referred to the Council, and the Council shall, subject to and in accordance with the Act and this section, decide the application.

**3.4.7** An application made pursuant to this section shall be determined by the Council in accordance with the requirements of the Act.

**3.4.8** Upon an application pursuant to this section, being referred to the Council the Council may:-

- [a] approve the application: or
- [b] refuse to approve the application.

**3.4.9** In respect of an existing use which constitutes prohibited development under the requirements of this Planning Scheme and where -

- [a] an application has not been made pursuant to this section and the Council proposed to record the use in the Register; or
- [b] the Council proposed to amend the details of an existing lawful non-conforming use recorded in the Register; or
- [c] the Council proposed to remove the use from the Register.

the council may take action in accordance with the Act to record or amend in the Register or remove from the Register details of such use.

**3.4.10** Where the Council grants any consent pursuant to the Act in relation to any existing lawful non-conforming use under this Planning Scheme, it shall cause particulars thereof to be entered in the Register.

## 4.0 SAVINGS

### 4.1 SAVINGS CONCERNING DEVELOPMENT

- 4.1.1 Nothing in the Planning Scheme shall be read so as to prejudice or otherwise affect in any way howsoever the operation of the Beach Protection Act 1968 and any Act which amends the Beach Protection Act 1968 or any Act in substitution for that Act.
- 4.1.2 Nothing in the Planning Scheme shall be construed as restricting prohibiting or enabling the Council to restrict or prohibit the carrying out of development of any description specified in Table 4-1.

**Table 4-1**

- [a] The carrying out, on land owned by Council, of any road transport undertaking including depots, maintenance facilities, terminals and uses related directly thereto.
- [b] The carrying out by Council, on land controlled by Council of any public utility undertaking including depots, construction work, maintenance, administration and related works for the supply or continuation of supply, treating, delivery, disposal or otherwise of water, sewerage, gas, electronic or other communications systems, electricity, drainage, traffic control or for the provision of cultural, educational or entertainment facilities provided by the Council or a licensee of the Council on Council's behalf.
- [c] Where the nature of the use or erection and the land upon which it may be carried out is designated specifically by an Act, the **use** of any land and the erection or use of any building or other structure which **is** authorised by an Act.
- [d] The use of any land and the erection and **use** of any building or other structure for or in connection with the carrying out, maintenance and operation or functioning of any works being beach protection works within the meaning of that term in the Beach Protection Act 1968 for the purposes of compliance with the requirements of Section **43** of that Act.
- [e] The Council or any person authorised by it who **is** undertaking works on behalf of the Council, conducting an Extractive Industry on any land, the resulting materials being necessary for the construction, making and maintenance of any works which the Council is authorised to construct, make or maintain, provided that such operations are not carried out at any particular location for a longer time than two (2) days in any seven (7) day period, or such longer period as is necessary where the Council resolves the work is necessary because of an emergency or natural disaster.

**4.1.3** Nothing in the Planning Scheme shall be construed as restricting or prohibiting or enabling the Council to restrict or prohibit:

- [a] the erection and use of, on a construction site during construction, any temporary office, shed or other structure together with the use of any land in connection therewith where:
  - [i] that erection and use are by a builder or by the Council or some statutory authority or corporation of a public character exercising public function, its officers, employees or contractors;
  - [ii] that erection and use are on, or in close proximity to, the site of some building or other structure to be, or being, lawfully erected by that builder or are on the site of, or in close proximity to, works to be, or being carried out by the Council or that statutory authority or corporation;
  - [iii] that erection and use are exclusively for or in connection with that building or other structure or those works; and
  - [iv] that use does not continue beyond a time which is reasonable in the circumstances and in any case not beyond practical completion of the works;
- [b] a temporary use of any premises by a licensed victualler pursuant to an order by the Licensing Commission under Section 21 of the Liquor Act 1912.

**4.1.4** [a] Subject to this provision, nothing in the Planning Scheme shall be construed as requiring that the carrying out of any particular development be for only one purpose.

- [b] The purpose for which any erection of a building or other structure is carried out shall be taken to be the purpose for which it is intended that building or other structure be used upon completion of the building or other structure that erection:

Provided that where the purpose for which it is intended a building or other structure be used upon completion of the building or other structure its erection is not known, the purpose for which the erection of that building or other structure is carried out shall be taken to be the purpose for which it is most likely that building or other structure will be used having regard to its design, construction and character as determined by Council.



- 4.1.5** Where there is public land used for some public purpose abutting a park and Council agrees that access to that public land for vehicles or pedestrians or both may be gained across the park then nothing in this Planning Scheme shall be held to prohibit the park being used for access purposes.
- 4.1.6** For the avoidance of doubt, where the carrying out of the same activities in a particular case may properly be regarded as a use for the purpose of home based business and may also properly be regarded as a use for some purpose other than a home based business, the carrying out of those activities shall be taken to be only a use for the purpose of a home based business.
- 4.1.7** [a] For the purpose of determining of any use on a site which abuts a boundary of the Plan Area, it shall be proper to have regard to the use in connection therewith of:
- [i] any part of any river, creek or stream not within the Plan Area;
  - [ii] any land lying beneath the sea and adjacent to foreshores within the Plan Area; and
  - [iii] any other land not within the Plan Area;
- abutting that site together with any building or other structure erected on that land.
- [b] Paragraph (a) shall have effect notwithstanding that in a particular case the use on a parcel of land would thereby be development for a purpose which is not characterised by activities carried *out* wholly or in part on that land.
- [c] Paragraph (a) shall be read subject to any other provision of the Planning Scheme which expressly provides to the contrary or otherwise.
- 4.1.8** [a] Where with respect to any development a requirement of this Planning Scheme is relaxed, varied or waived:
- [i] in a case where that requirement has been relaxed, varied or waived otherwise than by being dispensed with, that provision in its application to that development shall be read as if it were amended to the extent necessary to give effect to that relaxation, variation or waiver: and

- [ii] in a case where that provision has been relaxed, varied or waived by being dispensed with, that provision shall be read as if that development were development to which that scheme provision to the extent of the relaxation waiver or variance does not apply.
- [b] Paragraph (a) shall be read subject to the requirements of any Development Control Plan.
- [c] Council may impose conditions on its decision to relax or waive any provision of this Scheme including but not limited conditions that impose time limits.

## **4.2 SAVINGS CONCERNING SCHEME MAPS AND ROADS**

- 4.2.1** Where there is any inconsistency between two or more zoning maps by reasons of one of those zoning maps indicating in accordance with Part C that certain land is in a zone and the other or others of those zoning maps indicating in accordance with Part C that the land is not in a zone, the contents of that zoning map which indicate in accordance with Part C that that land is in a zone shall in the respect prevail.
- 4.2.2** Where there is any inconsistency between two zoning maps by reason of one of those zoning maps indicating in accordance with Part C that certain land is in a particular zone and the other of those zoning maps indicating in accordance with Part C that that land is in another zone, the contents of that zoning map which is the later of those two zoning maps to be included in the Planning Scheme shall in that respect prevail.
- 4.2.3** While any land remains open as road which has been dedicated for public use as such, any one or more zoning scheme maps whereon that land is indicated in a zone shall have effect as if that land were not thereon indicated as being included in such zone.
- 4.2.4** Notwithstanding that any land being road, river, foreshore or the like, is not shown in a zone on any zoning map it shall be deemed to be included in the Rural zone if it is to be used by any person (other than the Crown) by virtue of any lease, licence or approval of the Crown or statutory authority.

- 4.2.5** Where any part of a road, but for a truncation of the corner formed where the alignments parallel to the general directions of the respective roads or parts of an extended road meet, would form part of a corner allotment or corner site, to the extent that the area of the length of any frontage of that corner allotment or corner site is relevant for the purpose of determining whether any development complies with development standards applicable to it, the area of that truncation shall be deemed to form part of that corner allotment or corner site provided that the area of the truncation deemed to be part of the lot shall not exceed 10 square metres.

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## 5.0 OFFENCES

- 5.1 Any person who does, or causes or procures to be done, or is knowingly concerned in doing, or permits or allows anything contrary to this Planning Scheme or any condition imposed by the Council, the Planning and Environment Court or Appeal Court pursuant to this Planning Scheme or the Act, or who fails to or omits to carry out any act or thing required under this Planning Scheme or who fails to or omits to carry out any condition imposed by the Council, the Planning and Environment Court pursuant to this Planning Scheme or the Act required to be done by him, within the time provided (if any) shall be guilty of an offence.
- 5.2 Any person who executes, provides, or does or causes or procures to be executed, provided, or done or is knowingly concerned in execution providing or doing any work, material, or thing contrary to this Planning Scheme or any condition imposed by the Council, the Planning and Environment Court or an Appeal Court or the Act and every person who fails to or omits to execute, provide or do any act, work, material, or thing required under this Planning Scheme or any condition imposed by the Council or the Planning and Environment Court or Appeal Court pursuant to this Planning Scheme or the Act required to be executed, provided or done by him and who does not, within a reasonable time specified after being served with a notice in writing by the Council directing such person (which notice it is hereby authorised to be served, and which may be renewed), to pull down and remove such work, material, or thing or to execute, provide or do the work, material or thing as required by this Planning Scheme or any condition imposed by the Council or the Planning and Environment Court or an Appeal Court pursuant to this Planning Scheme or the Act, as the case may be, shall be guilty of an offence.
- 5.3 Any person who makes an application under this Scheme or furnishes or provides a document, letter or statement to the Council any part of which is false or misleading whether by way of a statement therein or omission therefrom, shall be guilty of an offence.
- 5.4 Any offence under this Planning Scheme may be prosecuted in a summary way under the Justices Act or by way of declarations and orders by the Planning and Environment Court under the Act.

- 5.5** Where an expense is incurred by the Council in consequence of a contravention of or a failure to comply with any of the provisions of this Planning Scheme or a condition imposed by the Council or the Planning and Environment Court pursuant to this Planning Scheme or the Act, or in the execution of work required by this Planning Scheme or any condition imposed by the Council or the Planning and Environment Court or an Appeal Court pursuant to this Planning Scheme or the Act or to be executed by a person and not executed by him or not executed by him in a proper manner, then in addition to a penalty to which the person contravening or failing to comply with such provision or condition or failing to execute such work may be liable, he shall also be liable for all such expenses as shall be paid or incurred by the Council in rectifying such failure or contravention, execution such work or rectifying such work where the same has not been carried out in accordance with such provision or condition and the amount of such expenses shall be a debt recoverable at law in a Court of competent jurisdiction from the person contravening or failing to comply with a provision or execution of such work in a proper manner, as the case may be. The certificate in writing of the Chief Executive Officer as to the amount of such expenses paid or incurred shall be prima facie evidence of their correctness.
- 5.6** Any rights or remedy had by the Council in respect of any act or omission of or by any person shall not be prejudiced or affected in any way by the fact that such act or omission constitutes an offence under the Planning Scheme for which no person has been prosecuted.
- 5.7** The allegation or averment in any complaint that at any time or date mentioned in the complaint:
- [a] that land is included in a particular zone: or
  - [b] that a building or other structure was erected on land: or
  - [c] that land was vacant land: or
  - [d] that a development exists on any site or land: or
  - [e] that works have or have not been carried out in accordance with any provision of this Planning Scheme or any condition imposed by the Council or the Planning and Environment Court or an Appeal Court pursuant to this Planning Scheme or the Act: and
  - [f] that a matter or thing required in accordance with any provision of this Planning Scheme or any condition imposed by the Council or the Planning and Environment Court or an Appeal Court pursuant to this Planning Scheme or the Act has not been carried: or

- [g] that a person is the owner of the land; or
- [h] that a person is the occupier of the land; or
- [i] that a particular use was conducted on land or any part thereof; or
- [j] that no existing lawful non-conforming use existed on land; or
- [k] that no existing lawful use existed on land; or
- [l] that a particular condition has been imposed by the Council pursuant to this Planning Scheme; or
- [m] that a particular expense has been paid or incurred by the Council; or
- [n] that a particular individual carries on business or trades under a particular business name or style; or
- [o] that a notice in writing has been sent by the Council to a particular person; or
- [p] that a notice has not been complied with in the time specified therein;

shall be prima facie evidence of the matter or matters so alleged or averred.

**5.8** Sub-section 5.7 shall apply to any matter or matters so alleged or averred although;

- [i] evidence in support or rebuttal of the matter alleged or averred or of any other matter is given; or
- [ii] the matter alleged or averred is a mixed question of law and fact, but in that case, the allegation or averment shall be prima facie evidence of the fact only.

**5.9** Sub-section 5.7 shall not lessen or affect any onus of proof otherwise falling on the defendant.

**5.10** Sub-section 5.7 shall not derogate from the averment provisions of any Council Local Law.

# **PART G**

## **DEFINITIONS**

## **PART G - DEFINITIONS**

### **I N D E X**

#### **1.0 INTRODUCTION**

1.1 Undefined Terms of Development

#### **2.0 SUMMARY OF EXPLANATORY DEFINITIONS**

2.1 Explanatory Definitions

#### **3.0 SUMMARY OF LAND USE DEFINITIONS**

3.1 Land Use Definitions



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## DEFINITIONS

1

### 1.0 INTRODUCTION

The definitions are arranged in two groups.

Section 2 contains the explanatory definitions which are used in the Planning Scheme, but do not have specified land use meaning in the Tables of Development.

Section 3 contains land use definitions which have a specific meaning in the Tables of Development.

### 1.1 UNDEFINED TERMS OF DEVELOPMENT

**1.1.1** Each section contains a list of the definitions within that section. These definitions are applicable to all parts of the Planning Scheme area. Any dispute as to whether a use is contained within a definition, or a class of uses defined in this section shall be determined by the Council.

**1.1.2** Where any term used in this Planning Scheme is not herein defined but is defined in the Act or in a Council Local Law, the term shall, for the purpose of this Planning Scheme and unless the context otherwise indicates or requires, have the meaning assigned to it by the Act or Local Law.

**1.1.3** Where in this Planning Scheme any reference is made to any Act of Parliament such reference shall be deemed to include all amendments and regulations made thereunder and all amendments made from time to time to such Acts and Regulations and all such Acts and Regulations passed or promulgated in substitution thereof.

**1.1.4** Any development which is not otherwise specifically defined in Section 3 shall be dealt with as set out in the Table of Development of Part C of this Planning Scheme.

**1.2** Where any term defined in this Planning Scheme is also defined in any Act of Parliament that term shall have the meaning set out in this Planning Scheme.

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## 2.0 SUMMARY OF EXPLANATORY DEFINITIONS

The following definitions are terms used in the Planning Scheme that do not have a specific land use meaning in the Table of Zones.

ACCESS PLACE

ACCESS STREET

ACT

AMCORD

ANCILLARY

APPLICANT

APPOINTED DAY

APPROVED

ARTERIAL ROAD

BUILDING

BCA

BUILDING ENVELOPE

BUILDING LINE

CABIN

CARAVAN

CARRIAGEWAY

COLLECTOR STREET

COUNCIL

CURTILAGE

DEEP PLANTING

DENSE PLANTING

DESIGN ELEMENTS

DEVELOPMENT

DEVELOPMENT APPLICATION

DISTRIBUTOR ROAD

DOMESTIC PETS

DWELLING UNIT

ERECT

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ESPLANADE  
EXISTING NON-CONFORMING USE  
EXISTING USE  
FARM DWELLING HOUSE  
FRONTAGE  
GROSS FLOOR AREA  
GROUND LEVEL  
GROUP TITLE LOT  
HABITABLE ROOM  
HEIGHT  
HEIGHT OF A WALL  
HOUSEHOLD  
INDUSTRY  
INOFFENSIVE  
INTRUSIVE  
LANDSCAPING  
LANDSCAPE PLAN  
LAYBY  
LOT  
MAJOR STORMWATER FLOWS  
MINOR STORMWATER FLOWS  
MINOR FARMWORK IMPROVEMENTS  
MOTOR VEHICLE  
OFF - STREET PARKING  
ON - STREET PARKING  
PLAN AREA  
PLAN OF DEVELOPMENT  
PLOT RATIO  
PREMISES  
PRIVATE OPEN SPACE  
PUBLIC OPEN SPACE

RELOCATABLE HOME <sup>1</sup>  
RESIDENTIAL DEVELOPMENT  
RESIDENTIAL USE  
ROADRESERVE  
SCHEME  
SELF-CONTAINED  
SETBACK  
SITE  
SITE COVERAGE  
STATE-CONTROLLED ROADS  
STOREY  
STREET  
STREETSCAPE PLAN  
TRUNK COLLECTOR STREET  
USE  
VERGE  
ZONES  
ZONING & REGULATORY MAPS

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## 2.1 EXPLANATORY DEFINITIONS

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### Access Place

A minor cul-de-sac street providing local residential access, with shared traffic, pedestrian and recreation use.

### Access Street

A street providing local residential access with shared traffic, pedestrian and recreation use with local traffic access priority.

### *Act*

The Local Government [Planning & Environment] Act, as amended, or any Act superseding this Act.

### **AMCORD**

The Australian Model Code for Residential Development and all amendments that are made from time to time to this document or any substituting instrument that may replace this document.

### **Ancillary**

Necessarily associated with a particular development but incidental to that development.

### Applicant

A person who has lawfully made any application to the Council.

### Appointed Day

The day upon which the Order in Council approving this Planning Scheme is published in the Gazette.

### Approved

Approved by the Council, or where delegated authority has been given to a particular committee, officer or officers approved by that particular Committee, officer or officers.

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**Arterial Road**

A road serving through traffic, with origin and destination relatively remote from the residential area under consideration.

**Building**

Any fixed or relocatable structure which is either wholly or partly enclosed by walls and which is roofed. The term includes any part of a building where the context permits.

**BCA**

Building Code of Australia or its replacement code.

**Building Envelope**

Means a diagram drawn on an allotment of a subdivision plan to the requirements of the responsible authority defining the limits for the siting and wall height of any dwelling and/or outbuildings.

**Building Line**

Referto "setback".

**Cabin**

Means a single dwelling which is not a Class 1 building under the Building Code of Australia.

**Caravan**

Means a vehicle designed for use as a residence which:

- [a] is or is designed to be fitted with wheels for immediate towing by a motor vehicle; or
- [b] may be driven immediately under its own power.

**Carriageway**

The area of street or road reserve which is provided for the movement or parking of vehicles.

**Collector Street**

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**A** street providing for local residential access and local traffic movement within performance limits defined in this Planning Scheme.

### Council

Cairns City Council.

### Curtillaae

With respect to a building or other structure, means the property surrounding that building or structure, within the boundary of the property.

### Deeu Planting

Deep planting is the planting of large shrubs and trees within natural ground.

### Dense Planting

Dense Planting is the massed planting of shrubs and trees to provide privacy, screening and a landscaped buffer.

### Develoument

The use of any site or land or the erection or use of any building or other structure. The term does not include:

- [a] the erection or use of any temporary office or shed by a builder on the site of any building or other structure being lawfully erected or on the site of any public works undertaking; or
- [b] the use of land for works in connection with the subdivision of land or the opening of a new road; or
- [c] the use of any land or the erection or use of any building or other structure for undertakings related to flood and drainage mitigation works, beach protection works and any works related to the maintenance, protection, renewal and operation of any public undertakings where such works or undertakings are of a temporary nature.

Provided that the exclusions in [a] and [b] above shall be limited to six (6) months or the time required to complete the building, other structure, public works undertaking or other work, whichever is the shorter period unless the Director of Planning and Development otherwise approves;

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**Development Application**

Any application made to Council pursuant to the Act or this Planning Scheme.

**Design Elements**

Design elements means the items in this Planning Scheme wherein objectives, performance criteria and deemed to comply are specified.

**Distributor Road**

A road whose primary purposes are to provide connection between the residential area and the arterial road system, and circulation within a major residential area.

**Domestic Pets**

An animal which is kept as a companion pet in accordance with the Council's Local Laws and any other relevant legislation in or about a dwelling unit for the interest, enjoyment or protection of residents in the dwelling unit. The term does not include the keeping of venomous animals.

**Dwelling Unit**

Any building or part of a building comprising a self-contained unit intended for the exclusive residential use of one (1) household. Where a dwelling unit is capable of being used as two (2) or more separate dwelling units, then each such unit shall be deemed to be a dwelling unit. The term includes the keeping of domestic pets.

**Erect**

Includes:

- [a] erect or commence or continue to erect;
- [b] do, or commence or continue to do, any work in the course of or for the purpose of erecting;
- [c] perform any structural work or make any alteration, addition or rebuilding;
- [d] move any structure from one position on an allotment to another position on or partly on the same allotment or another allotment;



- [e] re-erect with or without alteration on or partly on the same or another allotment: or
- [f] where a building or structure is located on more than one allotment-
- [i] move to another position on the same allotments or any of them or to another allotment or allotments; or
  - [ii] re-erect with or without alteration on another position on the same allotments or any of them or on another allotment or allotments.

### **Esplanade**

Esplanade is a descriptive term referring to those roads and reserves which abut a foreshore, beach, watercourse or provide for a scenic outlook and the like. Roads included in the meaning of this term, without limiting the generality of this definition, are as follows:

Williams, Upolu, Arlington, Vasey, Sims and O'Shea Esplanades; Casuarina Street, Hibiscus Lane, Cinderella Street; Lake Placid Road, Lake Morris Road, Barron Gorge Road, Brinsmead Road, Brinsmead-Kamerunga Road and Redlynch Intake Road south of Redlynch.

### **Existing Non-Conforming Use**

An existing use which, had it not been in existence before the appointed day would, having regard to the zone in which it is carried on, constitute a purpose for which any building or other structure may not be erected or used or land may not be used in that zone.

### **Existing Use**

The use of premises for the purpose for which they were lawfully used immediately before the appointed day or for which a permit was granted before the appointed day provided that such permit has not expired or been revoked.

Means any dwelling house on a farm either used for the proprietor, or used or intended for use as a residence for persons related to the landowner by blood or marriage or persons employed by the landowner either permanently or on a seasonal basis or persons whom are not related to the proprietor but are employed on a full time basis to facilitate the efficient operation of the farm and in accordance with Part A Section 5.4.2.4.

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Any boundary line, or part thereof, of an allotment which coincides with the alignment of a road.

### **Gross Floor Area**

The sum of the areas (inclusive of all walls, columns, balconies whether roofed or not) of all storeys of a building or buildings, excluding:-

- [a] the area of lift motor rooms or air conditioning or other mechanical or electrical plant and equipment rooms;
- [b] the area of any unenclosed private balcony (whether roofed or not) and accessible only from one (1) accommodation unit up to a maximum of twenty (20) per centum of the gross floor area of the floor upon which the subject balcony is situated;
- [c] the area of any building or other structure (inclusive of all walls and columns) which extends less than one (1) metre above the ground level at any location measured from the underside of the slab, which forms the roof to the basementkemi-basement carparking area, to mean ground level. Should the ground level of a site be or be proposed to be substantially changed from its state, then the Director of Planning and Development may stipulate the level which shall be regarded as the natural ground level for this calculation having regard to the general level of the surrounding land and roadways;
- [d] ground level parking and parking areas within the envelope of the building and associated vehicular access areas; however, multi-level parking areas outside the building envelope shall not be excluded;
- [e] toilets and stairwells, and other ancillary and service facilities (whether roofed or not) which in the opinion of Council are not a source for attendance to a given premises by the public.

### **Ground Level**

Unless the context otherwise requires, means:

- [a] in a case where any lawful material excavation or lawful depositing of material with respect to the land the ground level of which is to be determined has been carried out to facilitate the erection of a building or other structure and that building or part thereof is erected at the appointed day, the likely or probable ground level had that building or other structure or part thereof not been erected.

[b] in any other case, the level at the appointed day.

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### **Group Title Lot**

A lot shown on a group title plan registered pursuant to the Building Units and Group Titles Act.

### **Habitable Room**

Means a room used for normal domestic activities, and:

includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom and sunroom; but

excludes a bathroom, laundry, water closet, food-storage pantry, walk-in-wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

### **Height**

The distance in metres measured in a vertical axis from any point from ground level to the underside of the ceiling of the topmost level or in the case of a structure, the highest point.

### **Height of a Wall**

The distance in metres measured in a vertical axis from any point from ground level to the uppermost point of the wall.

### **Household**

An individual or group of individuals whether related or unrelated, who occupy or share the same dwelling unit as provided below:

- [a] two or more persons related by blood, marriage or adoption;
- [b] not more than six persons not related by blood, marriage or adoption;
- [c] not more than six persons under the age of eighteen years and not related by blood, marriage or adoption, and a married couple having the care and control of these persons either with or without domestic servants;

For the purposes of this definition, a group of persons shall not be deemed to be maintaining a household by a common discipline unless one or more of the members of the group retains the power in and domination over the whole of the abode occupied by the group.

**Industry**

Includes any of the following operations:

- [a] any manufacturing process, whether or not such process results in the production of a finished article:
- [b] the breaking up or dismantling of any goods or articles for trade, sale or gain or ancillary to any business:
- [c] the extraction or processing of sand, gravel, soil, rocks, stone or similar substances from land:
- [d] repairing and servicing of articles including vehicles, machinery, buildings or other structures, laundering of articles, but not including on-site work on buildings or other structures:
- [e] any operations connected with the installation of equipment and services and the extermination of pests, but not including on-site work on buildings or other structures on land; or
- [f] the dismantling of motor vehicles, whether the dismantling is carried out by one operation or by a series of operations for any purpose other than that of a service station.

When carried out on any premises upon which any of the above operations are carried on the ancillary use of such premises for:-

- [a] the storage of goods used in connection with or resulting from any of the above operations;
- [b] the provision of amenities for persons engaged in such operations;
- [c] the sale of goods resulting from such operations;
- [d] administration or accounting in connection with such operations.

**Inoffensive**

Means any activity or land use which, in the opinion of Council, does not cause any interference with the amenity of the zone in which it is located by reason of the emission of noise, odour, smoke, soot, vibration, fumes, vapours, steam, ash, dust, waste water, waste products, grit, oil, silt, building form or materials or otherwise, or because of hazards either during normal operations or in the event of an accident or damage likely to cause undue disturbance, distress or annoyance or a combination of these to persons or adversely affect property not connected with the use.

### Intrusive

Means any activity or land use conducted that is, in the opinion of Council, not in keeping with a particular locality or the intent of the predominant zone of the locality by virtue of the nature, scale, density, height or impact of the activity.

### Landscaaing

The treatment of land for the purpose of enhancing or protecting the amenity of a site and the locality within which it is situated by one or more of the following:

- [a] screening by fences, walls or other acceptable means;
- [b] planting of trees, hedges, shrubs or grass as appropriate;
- [c] formation of banks, terraces or other appropriate earthworks,
- [d] laying out of garden areas or courts; or
- [e] other recognised and acceptable landscape features or activities.

### Landscaae Plan

Means a plan prepared as part of a development proposal showing planting, paving and other detailing of external areas of the site and where appropriate, streets and parks.

Means that part of a road which abuts the carriageway of that road and has been constructed and drained for the purpose carparking or to allow for traffic movements to and from the carriageway.

### Lot

Lot on Plan descriptions of parcels of land defined on Survey Plans deposited in the Department of Natural Resources.

### Maior Stormwater Flows

Means those flows derived from rainfall intensities in excess of Annual Exceedance Probability (AEP) of 50 percent, 20 percent and 10 percent as specified and which are controlled by the use of trunk drainage, floodway, channels, street pavements, reserves, retarding basins, large water quality control systems, streams and open areas serving a dual purpose.

**Minor Stormwater Flows**

Means those flows derived from rainfall intensities of Annual Exceedance Probability (AEP) of 50 percent, 20 percent and 10 percent as specified and which are controlled by the use of piped drainage, gutters, swales, soakage pits or small on-site retarding basins and small water quality control systems.

**Minor Farm Work Improvements**

Means the removal of insitu materials including stones, rock, clay and sand material not exceeding 2000 m<sup>3</sup> and which, in the opinion of Council, requires only minor earthworks to be conducted for the express purpose of improving the said land for agriculture or grazing activities.

**Motor Vehicle**

Any motor car, truck, motor cycle, moped, trailer, or other vehicle registered or able to be registered with the Queensland Department of Transport and Main Roads for use on public roads.

**Off-Street Parking**

Vehicle parking within the boundaries of an allotment or lot.

**On-Street Parking**

Vehicle parking within the street or road reserve, on the carriageway, in constructed parking bays, or on the verge.

**Plan Area**

The area contained within the former Council of the Shire of Mulgrave and herein referred to as the Balance of the City of Cairns.

**Plan of Development**

Any plan or document which is referred to in the Plan having been approved by Council as part of the approval of the rezoning of a particular site for inclusion in the Special Facilities zone. Such plan describes the proposed development for that particular site.

**Plot Ratio**

Plot Ratio means the ratio between the total floor area of all levels of a building and the area of the site upon which the building is located.

---

**Premises**

1

Any land, building or other structure or any part thereof

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Means any area of land suitable for private outdoor living activities.

**Public Open Space**

Means land used or intended for use for recreational purposes by the public and includes parks, public gardens, riverside reserves, pedestrian and cyclist accessways, playgrounds and sports grounds.

**Relocatable Home**

Means a Class 1 building under the Building Code of Australia which is:

- [a] constructed away from the site at which it is erected;
  - [b] designed to be moved away from one location to another; and
  - [c] ordinarily able to be moved within 24 hours of commencement of work associated with the move.
- 

Any development which provides residential accommodation of any form.

**Residential Use**

Includes the use of any premises for the purposes of accommodation units, caravan park, caretaker's residence, dual occupancy, dwelling unit or retirement village or the accommodation component of any hotel or motel.

**Road Reserve**

The land dedicated to the Crown for the purpose of a road or street, and incorporating the full width from property line to property line.

**Scheme**

The Planning Scheme for the Balance of the City of Cairns.

---

**Self-Contained**

Means a dwelling unit capable of being occupied independently and on a permanent basis by residents such that the dwelling unit must at least contain the following:

- [a] a kitchen area including food preparation, cooking (not a microwave oven solely), cleaning, food storage and refrigeration facilities (not a bar fridge);
- [b] a toilet;
- [c] a laundry;
- [d] a bathroom including wash basin, shower and/or bath; and
- [e] sleeping areas:

all of which are designed or appropriately adapted for human use.

**Setback**

Means the minimum distance which a wall face or window is required to be from a property boundary or another window to a habitable room. It is measured as the horizontal distance between the proposed wall or window and the boundary or other window plus any amount greater than 600 millimetres that any eaves extend beyond the wall face.

**Site**

Any land over which subdivision is proposed or on which development is carried out or is proposed to be carried out whether such land comprises the whole or part of one allotment or more than one allotment if each of such allotments is contiguous with the other or another of such allotments.

**Site Coverage**

Site Coverage is defined as the largest area of the site occupied by the building at any level projected on to a horizontal plane and is expressed as a percentage of total site area.

In the calculation of site coverage, the area of land occupied by the building shall be calculated by measuring along the external perimeter of the buildings including all verandahs, balconies, patios, passageways, staircases, etc.

In all zones, the percentage of site coverage shall include all ancillary buildings (eg. restaurants, foyers, reception areas) except where, in the opinion of the Council, such ancillary buildings are considered to be outbuildings ( garage, carports, pergolas and the like).



For development where several buildings of different storeys are proposed to be erected on the one (1) site, the applicable site coverage for the entire development will be based on the particular site coverage requirements for the tallest structure.

### **State-controlled Roads**

Has the meaning as defined under Section 21 of the Transport Infrastructure Act 1994.

### **Storey**

Storey means that space within a building which is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above. A level used partly or solely for car parking is included as a storey, other than basement or semi-basement carparking which is excluded.

### **Street**

Means any street, lane, footway, square, court, alley, right of way or passage incorporating the full width from property line to opposite property line as well as the street pavement and the verge.

### **Streetscape Plan**

Means a plan showing the visible components within a street (or part of a street) between facing buildings, including the form of buildings, setbacks, fencing, landscaping, driveway and street surfaces, utility services and street furniture such as lighting, signs, barriers and bus shelters.

### **Trunk Collector Street**

Means a street connecting the internal street network serving residential development with the external arterial road network.

### **Use**

In relation to land, includes the carrying out of excavation works in or under land and the placing on land of any material or thing which is not a building or structure and any use which is incidental to or necessarily associated with the lawful use of the relevant land.

**Verge**

That part of the street or road reserve between the carriageway and the boundary of adjacent allotments (or other limit to street reserve). It may accommodate public utilities, footpaths, stormwater flows, street lighting poles and planting.

**Zones**

The divisions respectively into which the Plan Area is divided by this Planning Scheme for the purpose thereof.

**Zonina and Regulatory Maps**

The maps respectively forming part of this Planning Scheme approved by the Governor in Council and signed for identification by the Clerk of the Executive Council, copies whereof are open for inspection at the office of the Council and at the Office of the Chief Executive of the Department of Local Government & Planning.

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### **3.0 SUMMARY OF LAND USE DEFINITIONS**

The following definitions are terms used in the Planning Scheme that have a specific land use meaning in the Tables of Development.

ACCOMMODATION UNITS

AGRICULTURE

AIRPORT

ANIMAL HUSBANDRY - GENERAL

ANIMAL HUSBANDRY - INTENSIVE

AQUACULTURE

BED & BREAKFAST ACCOMMODATION

BULK LANDSCAPE & GARDEN SUPPLIES

BULK STORE

CAMPING GROUND

CARAVAN PARK

CARETAKERS RESIDENCE

CAR PARK

CATERING SHOP

CEMETERY

CHILD CARE CENTRE

COMMERCIAL LAUNDRY

COMMERCIAL PREMISES

COMMUNITY CARE CENTRE

CONCRETE BATCHING PLANT

---

CREMATORIUM  
?  
DISPLAY HOME  
DUAL OCCUPANCY  
DWELLING HOUSE >600 m<sup>2</sup>  
DWELLING HOUSE <600 m<sup>2</sup>  
EDUCATIONAL ESTABLISHMENT  
EXTRACTIVE INDUSTRY  
FAMILY DAY CARE  
FORESTRY  
FREIGHT DEPOT  
FUEL DEPOT  
FUNCTION CENTRE  
FUNERAL PARLOUR  
GENERAL INDUSTRY  
HARDWARE STORE  
HAZARDOUS OR OFFENSIVE INDUSTRY  
HEAVY VEHICLE PARKING  
HOLIDAY APARTMENTS (MAX 3 STOREYS)  
HOLIDAY APARTMENTS (MAX 4 STOREYS)  
HOME ACTIVITY  
HOME OCCUPATION  
HOSPITAL  
HOST FARM  
HOTEL

INDOOR ENTERTAINMENT  
INSTITUTION  
INTEGRATED DEVELOPMENT  
JUNK YARD  
LAUNDROMAT  
LIGHT INDUSTRY  
LOCAL STORE  
LOCAL UTILITIES  
MAJOR SHOPPING DEVELOPMENT  
MARINA  
MARKET  
MEDICAL CENTRE  
MINOR BUILDING WORKS  
MOTEL  
MULTIPLE DWELLING (MAX 2 STOREYS)  
MULTIPLE DWELLING (MAX 3 STOREYS)  
MULTIPLE DWELLING (MAX 4 STOREYS)  
NIGHT CLUB  
NIGHT TENNIS COURT  
OUTDOOR ENTERTAINMENT  
OUTDOOR SALES PREMISES  
PARK  
PASSENGER TERMINAL  
PLACE OF WORSHIP

PLANT NURSERY  
PRODUCE STORE  
PUBLIC BUILDING  
PUBLIC PURPOSE  
PUBLIC UTILITIES  
RECYCLING COLLECTION DEPOT  
RELATIVES ACCOMMODATION  
RESTAURANT  
RETIREMENT VILLAGE  
RIDING SCHOOL  
ROADSIDE STALL  
RURAL INDUSTRY  
SERVICE INDUSTRY  
SERVICE STATION  
SHOP  
SHOPPING CENTRE  
SHOWROOM  
SPORT AND RECREATION  
TEMPORARY LAND & HOUSE SALES OFFICE  
TOURIST ATTRACTION AND FACILITIES  
TOURIST RESORT  
TRANSPORT & EQUIPMENT DEPOT  
VEHICLE HIRE PREMISES  
VEHICLE REPAIR STATION

VETERINARY CLINIC

1

VETERINARY HOSPITAL

WAREHOUSE

### 3.1 LAND USE DEFINITIONS

7

#### **Accommodation Units**

Any premises used or intended for use as a boarding house, guest house, hostel, hotel (unlicensed or private), residential club (unlicensed), serviced rooms, student's accommodation or the like where residential accommodation is provided in a room or rooms and where food preparation or cooking facilities are limited. The term does not include premises used for a purpose defined elsewhere in this section.

#### **Aariculture**

Any premises used or intended for use for the growing of crops, fruit, vegetables and the like. The term includes horticulture, and the storage or packing of produce on the land on which it is grown and the preparation of such produce for consignment to market and/or elsewhere. The term includes the carrying out of irrigation and drainage works and any other physical improvements used in conjunction with agriculture, including any extractive industry for minor farm work improvements, providing no material is sold or removed from the site. The term does not include the use of premises for a purpose defined elsewhere in this section.

#### **Airoort**

Any premises used or intended for use as an authorised public landing area for aircraft, including facilities for the-

- [a] housing, servicing, maintenance and repair of aircraft:
- [b] assembly of passengers or goods prior to, or the dispersal of passengers or goods subsequent to the embarkation or disembarkation, of such passengers or goods; and
- [c] convenience and refreshment of passengers and their guests.

---

Any premises used or intended for use for the keeping or breeding of animals, birds, insects or reptiles and where the animal is venomous. The term does not include animal husbandry - intensive, or aquaculture as herein defined, or the keeping of domestic pets as a use ancillary to a dwelling unit.



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### **Animal Husbandry - Intensive**

1

Any premises used or intended for use for any one or more of the purposes defined in the following paragraphs of this definition;

"Cattery" - the keeping for boarding or breeding of 2 or more cats (excluding kittens under the age of 3 months);

"Goat Farm" - the keeping or breeding of 3 or more goats;

"Kennel" - the keeping for boarding or breeding of 3 or more dogs (excluding pups under the age of 3 months);

"Lot Feeding of Stock" - the keeping of cattle in pens or at a density greater than 30 beasts per hectare;

"Piggery" - the keeping of 2 or more pigs

"Poultry Farm" - the keeping of 10 or more birds;

"Stable" - the keeping or stabling of 3 or more horses, ponies, donkeys or mules. The term includes the veterinary treatment of such animals, but does not include a **veterinary** surgery as herein defined.

The term also includes any use that both falls within the definition "animal husbandry - general" and **constitutes** a designated development within the meaning of that term in the Local Government (Planning and Environment) Act or its replacement legislation.

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Any premises used or intended for use for the keeping and breeding of fish and other aquatic species and the preparation of such species for consignment to market and/or elsewhere. The term includes the handling, processing, packaging and treating of produce on site derived from the operation of the use.

### **Bed & Breakfast Accommodation**

A dwelling house with the owner living on site which may provide overnight accommodation for tourists or the travelling public on an occasional basis and in accordance with Part D Section 3.2.

---

**Bulk Landscape and Garden Supplies**

Any premises used or intended for use for the sale or distribution of sand, soil, screenings and other such garden materials where such material is received on the site in quantities greater than 3 cubic metres. The term includes the sale of timber logs, sleepers and other such garden and landscaping materials. The term does not include extractive industry, hardware store or plant nursery as herein defined.

**Bulk Store**

Any premises used or intended for use for the bulk storage of goods where the goods stored are not required for use in a shop or commercial premises on the same parcel of land. The term includes a group of separate storage units but does not include a warehouse as defined herein.

**Camping Ground**

Any premises used or intended for use for the pitching of tents for the purpose of providing short term accommodation and for the purpose of rendering services to travellers or tourists and in accordance with Part D Section 3.5. The term includes the erection and use, within the camping ground, of an office, a caretaker's residence, a kiosk and amenity buildings for the exclusive use of the occupants of the camping ground. The term does not include a caravan park as herein defined.

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Means land on which residential accommodation is provided or facilitated by provision of:-

- [a] sites for the parking of caravans;
- [b] caravans parked permanently on the land;
- [c] sites for the erection of relocatable homes;
- [d] cabins, whether self-contained or not; or
- [e] as an adjunct to one or more of the above (but not otherwise), sites for the erection of tents and other demountable or readily transportable accommodation.

and in accordance with Part D Section 3.5

**Caretaker's Residence**

Any residential premises used or intended for use for caretaker or management purposes only, in connection with any industry or other non-residential use conducted on the same site.

**Car Park**

Any premises used or intended for use for the parking of motor vehicles, where such parking is not ancillary to some other use on the same site.

**Caterina Shop**

Any premises used or intended for use for the sale by retail of refreshments or meals which is included in but not limited to Appendix 1 hereto "

**APPENDIX 1**

Cafe  
Expresso bar  
Kiosk  
Milk bar  
Snack bar  
Take-away food premises  
Tea garden  
Tea room

The term does not include a Hotel or Restaurant or Tourist Attraction & Facilities as herein defined.

**Cemetery**

Any premises used or intended for use for the interment of the deceased. The term includes any funeral chapel or parlour or columbarium erected on such premises and work in connection therewith.

**Child Care Centre**

Any premises used or intended for use for the minding, education or care, but not residence of children under school age. The term includes a kindergarten, a creche or pre-school centre. The term does not include family day care as herein defined.

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### Commercial Laundry

1

Any premises used or intended for use for the mechanical washing, drying and ironing of clothing and materials on a large commercial basis and which is not available for direct usage by the public.

### Commercial Premises

Any premises used or intended for use as a business office or for other business or commercial purposes. The term does not include a shop, medical centre, restaurant, service station, shopping centre or showroom as defined herein.

### Community Care Centre

Any premises that has the principal purpose of providing physical and emotional care and support to residents in the surrounding community. The use is to be contained within a dwelling unit or within the curtilage of a dwelling unit, so that the existing or future streetscape is retained, and comply with the following criteria:

- [a] no load is imposed on any public utility greater than that which is normally required by other uses allowed without consent of Council in the zone in which the dwelling unit is situated.
- [b] there is no operation of the use between the hours of 6.00 pm and 8.00 am weekdays and no operations on the weekends unless in an emergency.
- [c] the care and support is provided to no more than six persons at any one time, with no more than two staff or carers required to provide this service.
- [d] adequate car parking is available for two cars to be accommodated on site. These spaces may be provided in tandem.

This term includes the use of the premises as a dwelling unit both during and after the operation of the care and support services.

### Concrete ~~Batching~~ Plant

Any premises used or intended for use for the mixing of concrete for use elsewhere. The definition includes concrete product works only where ancillary to the main function of **batching**.

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**Crematorium**

Any premises used or intended for the reduction of the human body to ashes after death. The term includes any funeral chapel or parlour or columbarium erected on such premises and work in connection therewith.

**Display Home**

Any premises designed for use as a detached dwelling house but used or intended for use for the display of the premises to the public or for the display of the type of construction or design offered by a builder or developer. The term does not include Commercial Premises or Temporary Land and Home Sales Office as herein defined.

**Dual Occupancy**

Any premises comprising two (2) dwelling units on any one allotment that is not less than 800m<sup>2</sup>.

**Dwelling House:** Wherein the following land use definitions apply:-

**Dwelling House >600 m<sup>2</sup>**

Any premises which comprises of a single dwelling unit occupied by one family; and outbuildings or structures that are incidental to or necessarily associated with a dwelling house, on any one allotment or lot with an area of 600 m<sup>2</sup> or greater.

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Any premises which comprises of a single dwelling unit occupied by one family; and outbuildings or structures that are incidental to or necessarily associated with a dwelling house, on any one allotment or lot with an area of less than 600 m<sup>2</sup> and greater than 300m<sup>2</sup>. The term does not include an Integrated Development as herein defined.

**Educational Establishment**

Any premises used or intended for use as a school, college, university, technical institute, academy, or other educational centre or lecture hall. The term does not include a child care centre or an institution as herein defined.

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### **Extractive Industry**

Any industry involving and consisting of the extraction or quarrying of sand, gravel, rock, soil, stone or the like from the land and/or a watercourse. The term includes the primary treatment and storage of such material when carried out on the same site as the use.

The term does not include:

- [a] the removal of material outlined by Chapter 11 Part 2 Section 656 of the Local Government Act, as amended;
- [b] the removal of materials as defined in the Mineral Resources Act 1989 or successive legislation;
- [c] the removal of material with or as a consequence of:-
  - [i] an approval to subdivide land and to open a new road in accordance with the Act and this Planning Scheme; or
  - [ii] an approval pursuant to the Building Act, where such works comply with that approval; or
  - [iii] excavation for minor farm work improvements as defined elsewhere in this Part.

### **Family Day Care**

That part of a detached dwelling house or dual occupancy building used or intended for use for the reception and the minding or care, of children for a day or part of a day for fee or reward by a person residing on the premises and which is conducted in accordance with "The Family Day Care Regulations", as amended from time to time.

### **Forestry**

Any premises used or intended for use for the planting, growing and harvesting of trees as a commercial venture. The term does not include a State Forest within the meaning of the Forestry Act 1959 or successive legislation.

**Freight Depot**

Any premises used or intended for use for any or all of the following purposes -

- [a] the receipt, storage and distribution of goods for transport by any means and the loading and unloading of such goods;
- [b] the transfer of goods from one form of transport or container to another form of transport or container.

The terms includes the storage of goods for collection following their transportation and the loading, unloading and storage of containers, and the garaging, refuelling, cleansing, servicing and repair of road transport vehicles, when carried out in conjunction with any of the above uses.

The term does not include the receipt and dispatch of goods where such use is ancillary to some other lawful use, or a transport and equipment depot as herein defined.

**Fuel Depot**

Any premises used or intended for use for the bulk storage for wholesale distribution of petroleum products or other flammable fuels. The term does not include a service station as herein defined.

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Any premises used or intended for use for the holding of functions or receptions at which food or drink is served. The term does not include a Hotel, Indoor Entertainment, Nightclub or Restaurant as herein defined.

**Funeral Parlour**

Any premises used or intended for use by an undertaker in the carrying out of that occupation. The term includes a mortuary, a funeral chapel or office/administration area used in connection with the funeral parlour.

**General Industry**

Any industry which:-

- [a] imposes a demand on Council's water supply not in excess of 2200 litres per square metre of site area per annum or peak flows in excess of 10 litres per day per square metre of site area;
- [b] produces liquid or solid waste that does not require special treatment or transport or would impose a load on Council's sewage treatment plant other than for which it was designated;
- [c] require buildings or structures with a height not in excess of ten metres;
- [d] would generate traffic at rates not in excess of 100 movements of vehicles in excess of 4 tonnes (gross) per hectare per day or 500 movements of all types of vehicles per hectare per day;
- [e] generate noise when measured at the boundary of the site in excess of the noise levels set out in the Table G1 below :

**Table G1**

Level	Weekdays	Weekdays	All Night
	0700-1800	1800-2100	2100-0700
	Saturday	Saturday	Saturday
	0700-1200	1200-1800	1800-2100
		Sunday	Sunday
		0700-1800	1800-2100
<b>L<sub>10</sub>dB(A)</b>	<b>65</b>	<b>55</b>	<b>50</b>
<b>L<sub>90</sub>dB(A)</b>	<b>55</b>	<b>45</b>	<b>42</b>

- [f] generate noise when measured at any boundary of the site to a noise sensitive development in excess of the noise levels set out in the table M2 below:

**Table M2**

Level	Weekdays	Weekdays	All Night
	0700-1800	1800-2100	2100-0700
	Saturday	Saturday	Saturday
	0700-1200	1200-1800	1800-2100
		Sunday	Sunday
		0700-1800	1800-2100
<b>L<sub>10</sub>dB(A)</b>	<b>50</b>	<b>45</b>	<b>40</b>
<b>L<sub>90</sub>dB(A)</b>	<b>45</b>	<b>40</b>	<b>38</b>



- [g] does not involve the use or storage of goods on site that are not prescribed as Minor Storage in accordance with the Australian Standard 1940-1988. The Storage & Handling of Flammable and Combustible Liquids.
- [h] involves any activities that would generate a need for car parking for more than 5% in excess of the number of spaces provided on site.

The term may include but is not limited to the industries listed in Appendix 2 provided they comply with the preceding provisions of this definition.

## APPENDIX 2

Industries listed in Light Industry (Appendix 6) or Service Industry (Appendix 10) but which do not comply with the performance criteria contained therein, or;

Asphaltic product works (not a pre-mix asphalt or bitumen plant)  
 Battery works  
 Boat hull defouling or similar works  
 Boiler works  
 Brewery  
 Brick works  
 Cannery  
 Cement  
 Cement product works  
 Concrete batching plant  
 Concrete product manufacturing  
 Cooperage  
 Distillery  
 Electric welding works  
 Engineering works  
 Felt goods manufacturing  
 Fibrous plaster manufacturing  
 Fish and seafood processing or storage.  
 Fishing gear manufacturing  
 Flour mill  
 Food processing and preserving works  
 Foundry  
 Fruit produce works  
 Glass works  
 Grinding mill  
 Joinery works  
 Knitting mills  
 Metal and machinery works  
 Motor body builders  
 Panel beaters

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Paper mill  
Power house  
Recycled material processing plant  
Refrigeration material processing plant  
Rubber products manufacturing  
Sand and gravel depots  
Sawmill  
Sheet metal works  
Spinning and weaving mills  
Spray painting (in an enclosed building or booth)  
Spring works  
Sugar refinery  
Textile mills  
Timber mill  
Toolmaking works  
Wooldumping and store

### **Hardware Store**

Any premises used or intended for use for the sale or display or offering for sale by retail of any of the articles included in but not limited to Appendix 3 hereto.

The term includes -

- [a] incidental use of the premises for the hire and storage pending hire of any machines, tools or other equipment;
- [b] any ancillary storage.

### **APPENDIX 3**

Building supplies  
Domestic hardware  
Fencing materials  
Painting and decorating products  
Plumbing supplies  
Timber

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**Hazardous or Offensive Industry**

- [a] Any industry:
- [i] which generates noise exceeding 58dB(A) Leq, when measured at the site boundary; or
  - [ii] which involves the use or storage of hazardous goods or goods that could become hazardous if accidentally burnt, dissolved in water or mixed with other goods likely to be kept on site; or
  - [iii] which due to the nature of goods stored on the site or processes undertaken on the site may emit odours, gases or particulate matter which may be injurious, offensive, hazardous or cause nuisance to surrounding properties or occupants; or
  - [iv] which requires isolation from other buildings or areas of human activity for safety or amenity reasons, or because of the emission of radiation or electromagnetic radiation that may interfere with normal broadcast facilities or be harmful to health; or
  - [v] which produces liquid or solid wastes that require special treatment and disposal or would impose a load on Council's Sewage Treatment Plant in excess of that expected of domestic wastewaters;
- [b] or any other industry, which, by reason of the processes or method used or produced, requires isolation from other buildings or areas of human activity or occupation, other than the separation of offensive industry from other offensive industry;

The term may include but is not limited to the following and those industries in Appendix 4 below;

A brewery or distillery but not a mini-brewery.

Cleaning, descaling or treatment <sup>A</sup> of metal or masonry or other articles by abrasive blasting other than by a wet process or other than in a totally enclosed booth or building.

Cleaning, descaling or treatment of ferrous metal in an acid bath.

Conduct of a poultry dressing house where other than for poultry raised on the same site.

Conduct of a pre-mix bitumen plant.

Crushing or screening stone, gravel or sand.

Fibreglass manufacture or application.

Handling coal, gravel, sand or crushed stone by a mechanical installation except where all such materials are fully enclosed.

Heat treatment in a kiln of minerals (including clay), timber, or the products of powder metallurgical processes.

Hot dip galvanising, sherardising, electroplating, electrostatic coating with metals or processes of a like nature.

Incineration where the incinerator or incinerators used is or are capable of consuming in excess of one tonne of material per hour and where not in the use of a crematorium.

#### APPENDIX 4

##### Manufacturing of -

Acids

Ammunition

Asbestos products

Bleaches

Calcium carbide

Celluloid or celluloid products

Cement or lime

Chemicals where there is a risk of explosion or the escape of toxic gas

Disinfectants

Explosives (including fireworks)

Fertilisers

Flammable or combustible liquids by refining and including any products composed of flammable or combustible liquid and resins, waxes or pigments

Gas as defined in the Gas Act 1965-1985 but not including:

carburetted water gas, producer gas or water gas where those gases are immediately used by a gas engine

Matches

Organic compounds of mercury

Oxygen

Photographic film other than non flammable film

Poisons listed in Schedule 5, Schedule 6 or Schedule 7 of the Poisons Regulations of 1973 as amended

Raw plastic

Rubber products

Soap (where there is an extraction of fat)

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Solder  
Tar  
Vaccines bearing live virus  
Zinc oxide by the continuation of a smelting process

Preparation of foods for animal consumption by cooking, refining, purifying, extracting, smoking, curing, salting, dehydrating, conserving or like means but not including the hammer milling of grain.

Processing of rubber

Processing or treatment of animal, fish or bird carcasses or parts of them by boiling heating, washing, crushing, burial, tanning or scouring other than in the production of food, and including extraction of fat and production of animal by-products including glue

Slaughtering of livestock at an abattoir, slaughterhouse or knackery

Smelting, alloying or refining of metals, ores or semi-processed ores (including the reclamation of metal from scrap)

Storage of bones, hides, skins or tallow

Any industry requiring the storage of petroleum products and or other flammable substances, where the nature and volume of material stored may be injurious to life and property in case of fire or explosion or is located below a Q100 ARI flood level.

### **Heavy Vehicle Parking**

Any premises not elsewhere defined in this Part, that is used or intended for use for the storage, garaging or parking of heavy vehicles. The term includes running repairs, servicing and cleaning of a type which does not normally immobilise a vehicle for a period longer than 2 hours.

### **Holiday Apartments (Max. 3 Storeys)**

Any premises which comprise three or more dwelling units whether self-contained or not and a manager's unit on any one allotment used or intended for use by travellers or tourists on a short term basis and where the building does not exceed 3 storeys in height.

The definition does not include accommodation units, dwelling house >600 m<sup>2</sup> or dwelling house <600 m<sup>2</sup>, dual occupancy, relative's accommodation, integrated development, holiday apartments (max. 4 storeys), multiple dwellings (max. 2 storeys), multiple dwellings (max. 3 storeys), multiple dwellings (max. 4 storeys), motel, caretakers residence, display home, hotel, retirement village or host farm.

#### **Holiday Apartments (Max. 4 Storeys)**

Any premises which comprise three or more dwelling units whether self-contained or not and a manager's unit on any one allotment used or intended for use by travellers or tourists on a short term basis and does not exceed 4 storeys in height.

The definition does not include accommodation units, dwelling house >600 m<sup>2</sup> or dwelling house <600 m<sup>2</sup>, dual occupancy, relatives accommodation, integrated development, holiday apartments (max. 3 storeys), multiple dwellings (max. 2 storeys), multiple dwellings (max. 3 storeys), multiple dwellings (max. 4 storeys), motel, caretaker's residence, display home, hotel, retirement village or host farm.

#### **Home Activity**

Any occupation, vocation or profession (whether or not carried on for pecuniary gain) conducted within a dwelling unit or within the curtilage of the dwelling unit:-

- [a] where the total use area does not exceed 30m<sup>2</sup>;
- [b] which does not involve the use of a sign on the premises;
- [c] which does not involve the presence of customers on the premises;
- [d] which is conducted only by a resident or residents of the dwelling unit;
- [e] which imposes no greater load on any public utility than that imposed by the residential use of the dwelling unit;
- [f] which is conducted only between the hours of 8.00 am and 6.00 pm Mondays to Saturdays and not at all on Sundays;
- [g] which does not involve any source of power other than an electric motor of no more than 400 watts;
- [h] which does not involve the repair or service of motor vehicles;

- [i] which does not involve the repair, storage or sale of machinery, materials or equipment for use in industry or the building trade.

The term does not include an industry nor any other use which has or is capable of having a prejudicial effect upon the amenity of the locality in which it is carried on due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil or waste products.

### **Home Occupation**

Any occupation, vocation or profession (whether or not carried on for pecuniary gain) conducted within a dwelling unit or within the curtilage of the dwelling unit:-

- [a] where the total use area does not exceed 30m<sup>2</sup>;
- [b] in respect of which no sign is displayed other than a sign not exceeding 0.3m<sup>2</sup> in area and bearing only the name of the occupant, a telephone number and a description of the occupation, vocation or profession;
- [c] which imposes no greater load on any public utility than that imposed by the residential use of the dwelling unit;
- [d] which is conducted only between the hours of 8.00 am and 6.00 pm Monday to Saturdays and not at all on Sundays or Public Holidays;
- [e] which does not involve any source of power other than an electric motor of no more than 400 watts;
- [f] which does not involve the repair or service of motor vehicles;
- [g] which does not involve the repair, sale of machinery, materials or equipment for use in industry or the building trade.

The term does not include an industry nor any other use which has or is capable of having a prejudicial effect upon the amenity of the locality in which it is carried on due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil or waste products.

### Hospital

Any premises used or intended for use for the medical care or treatment of sick or injured persons residing on the premises, whether or not the premises are also used for the medical care *or* treatment *of* sick or injured persons not resident on the premises. The term includes the residential use of the premises by any persons employed at or engaged by the hospital. The term does not include an institution or retirement village as herein defined.

### Host Farm

Any farm used or intended for use as overnight tourist accommodation, where such accommodation is provided in conjunction with rural activities being conducted upon the same site and in accordance with Part D Section 3.4

The term does not include accommodation units, aged persons' home, caravan park, dual occupancy, hotel, institution, motel, multiple dwelling, holiday units or retirement village as herein defined.

### Hotel

Any premises the subject of a licensed victualler's license, limited hotel license, historic inn license or a tavern license issued under the Liquor Act or successive legislation. The term includes a mini-brewery, liquor barn and a TAB agency where these uses are ancillary to the hotel.

### Indoor Entertainment

Any premises used or intended for use for-

- [a] purposes or pursuits included in but not limited to Appendix 5; or
- [b] viewing or partaking in a sport or game where the use is conducted primarily indoors; or
- [c] a meeting place or club for a group or association engaged in social, sporting, athletic, literary, political or like purposes; or
- [d] a licensed club.



The term includes an ancillary TAB agency.

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**APPENDIX 5**

Amusement halls and parlours

Art galleries

Billiards saloons

Bowling centre

Cinemas

Circuses (indoors)

Concert halls

Indoor swimming pools (public)

Dance halls

Exhibitions (indoor)

Gymnasiums

Meeting halls other than places of public worship

Museum

Music halls

Schools of art

Side shows (indoor)

Skating rinks (indoor)

Squash courts (indoor)

Stadiums (indoor)

Tennis Courts (covered)

Theatres (indoor)

Youth centres

**Institution**

Any premises used or intended for use as-

- [a] an institution for the care, treatment and/or accommodation of the mentally ill or mentally or physically handicapped; or
- [b] a penal institution, a reformatory, a prison or any other institution for the reform or training of persons committed thereto by a Court; or
- [c] any other similar use.

The term includes any buildings, structures or uses which in the opinion of the Council are ancillary to the predominant use. The term does not include a hospital or retirement village as herein defined.

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### **Integrated Development**

Any premises which comprises a single dwelling unit on any one allotment or lot where the area of the allotment or lots is 300m<sup>2</sup> or less and where the subdivision and development of allotments or lots (and streets) for which development approval is given concurrently for subdivision, construction of streets, services and landscaping, and the siting and design of buildings.

Any premises used or intended for use in the collection, storage, abandonment, salvage or sale of scrap materials or scrap goods, or used for the collection, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery and for the sale of parts thereof.

### **Laundromat**

Any premises used or intended for use for the mechanical washing, drying and ironing of clothing and materials by any member of the public. The term does not include a commercial laundry as defined herein.

### **Light Industry**

Any industry which includes use that:

- [a] impose a demand on Council's water supply not in excess of 550 litres per square metre site area per annum or a peak flow demand in excess of 3 litres per day square metre of site area; or
- [b] produce liquid or solid waste that does not require special treatment or transport of which would impose a load on Council's sewage treatment plant different in type to domestic wastes; or
- [c] require buildings or structures of a height not in excess of nine (9) metres; or
- [d] generate traffic at rates not in excess of 100 movements of vehicles in excess of 4 tonnes (gross) per hectare per day or 300 movements of all types of vehicles per hectare per day; or

- [e] generates noise when measured at the boundary of the site not exceeding the noise levels set out in Table LI below:

Table LI

Level	Weekdays	Weekdays	All Night
	0700-1800	1800-2100	2100-0700
	Saturday	Saturday	Saturday
	0700-1200	1200-1800	1800-2100
		Sunday	Sunday
		0700-1800	1800-2100
L <sub>10</sub> dB(A)	50	45	40
L <sub>90</sub> dB(A)	45	40	38

or:

- 9 does not result in dust, fumes, odours or other omission that are not contained at all times within the site:

The term includes but is not limited to industries listed in Appendix 6 provided they comply with the preceding provisions of this definition.

### APPENDIX 6

Boat building and repairing (not fibreglass application)  
 Bookbinding  
 Glass cutting or silvering

Making any of the following -

Aids and appliances for disabled persons  
 Artificial flowers  
 Blinds (not including lead substances)  
 Brooms, brushes, bristle or hair goods  
 Cameras  
 Clocks, watches  
 Cork goods  
 Drawing or writing goods  
 Felt goods  
 Fur goods  
 Leadlights  
 Musical instruments  
 Optical goods (other than spectacles or the like)  
 Paper goods, paper board goods  
 Scientific instruments  
 Sports equipment (other than ammunition, vehicles and water craft)  
 String, string goods  
 Textile Bags

Therapeutic and life support aids, appliances, garments and equipment  
Travelling bags

Twine, twine goods

Umbrellas

Wire goods (other than barbed wire, wire mesh, wire netting, wire rope and cable)

**Mixing, blending or packing any -**

Food for human consumption, drink or tobacco  
Stock or poultry foods

Printing

**Repairing any -**

Furniture

Gas appliances for domestic use

Shop fitting

Stereo equipment making

Upholstering vehicles or furniture

**Local Store**

Any premises used or intended for use for the sale, display or offering for sale by retail of general merchandise, including food, for the day to day needs of the surrounding neighbourhood, ~~where-~~

[a] the total area so used is not greater than 200 m<sup>2</sup>; and

[b] the premises are not open for business before 6.00 am or after 9.00 pm on any day.

The term includes the use of the premises for ancillary storage or any other purpose which in the opinion of the Council is ancillary to such use of the premises, including the preparation of food and the incidental sale of newspapers, books and magazines and other similar articles.

For the purpose of this definition, the "total area" shall include the gross floor area of any building so used together with the area of any other space so used, except for area set aside for the parking and access of vehicles and landscaping.

The term does not include a shop, shopping centre or market as herein defined.

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### **Local Utilities**

Any premises used or intended for use by a Government, Semi-Government, Statutory or Local Authority in the course of a minor public utility undertaking relating to the provision of water supply, sewerage, electricity, gas, telecommunications, transport or drainage services where these activities do not involve the following-

- [a] the construction of electricity power lines, transformers or switching stations operating at or in excess of 60,000 volts; or
- [b]- the construction or use of any building or other structure having a floor area greater than 50 m<sup>2</sup> or a height greater than 5 metres; or
- [c] the use of land in excess of 800 m<sup>2</sup> in area.

### **Major Shopping Development**

Any premises used or intended for use predominantly for the purpose of shops, where:-

- [a] the area of land proposed to be used is in excess of 2.5 hectares in area, or such other area as the Governor in Council may prescribe from time to time; or
- [b] the building(s) or other structure(s) or part thereof has a gross-floor area exceeding 6000 m<sup>2</sup>, or such other area as the Governor in Council may prescribe from time to time.

### **Marina**

Any premises used or intended for use for the launching, landing, berthing or storage of boats. The term includes ancillary facilities for the fuelling, servicing, maintenance and the parking of boat trailers, public amenities, ancillary offices, chandlery, provisions shop and caretaker's residence.

The term does not include any residential use of the premises except for a caretaker's residence.

The term does not include major repairs to vessels or industrial marine-based activities or the defouling of boat hulls.

### **Market**

Any premises used or intended for use, on a regular basis, for the sale of home or farm produced products, artefacts or general merchandise in stalls or similar display areas.

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**Medical Centre**

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Any premises used or intended for use for the medical or para-medical care or treatment of persons not resident on the site. The term includes premises used or intended for use by an acupuncturist, chiroprapist, naturopath, chiropractor, dentist, medical practitioner, optometrist, pathologist, physiotherapist or radiologist, in the practice of that profession. The term does not include a home activity, home occupation, a hospital, an institution or a retirement village as herein defined.

**Minor Building Works**

Erection in relation to an existing building whereby:

- [a] the proposed gross floor area does not exceed the gross floor area of the existing building by more than five (5) percent; and,
- [b] the number of storeys of the building is not added to; and,
- [c] the location of any existing ingress to or egress from the site is not substantially altered; and,
- [d] the ingress to or egress from the site is not from or to roads where there is no existing ingress or egress; and,
- [e] the amenity or likely future amenity of the locality is not, in the opinion of the Director of Planning and Development, adversely affected.

**Motel**

Any premises used or intended for use for the temporary accommodation of travellers, where such accommodation is provided in serviced guest rooms or suites each containing its own bathroom. The term includes a manager's unit and office, ancillary dining room and facilities for the provision of meals to such travellers and not the general public.

**Multiple Dwelling (max. 2 storeys)**

Any premises which comprise three or more self-contained dwelling units on any one allotment and do not exceed 2 storeys in height.

The definition does not include accommodation units, dwelling house >600 m<sup>2</sup> or dwelling house <600 m<sup>2</sup>, dual occupancy, relative's accommodation, integrated development, holiday apartments (max. 3 storeys), holiday apartments (max. 4 storeys), motel, caretaker's residence, display home, hotel, retirement village, host farm or tourist resort.

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### Multiple Dwelling (max. 3 storeys)

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Any premises which comprise three or more self-contained dwelling units on any one allotment and do not exceed 3 storeys in height.

The definition does not include accommodation units, dwelling house >600 m<sup>2</sup> or dwelling house <600 m<sup>2</sup>, dual occupancy, relative's accommodation, integrated development, holiday apartments (max. 3 storeys), holiday apartments (max. 4 storeys), motel, caretaker's residence, display home, hotel, retirement village, host farm or tourist resort.

### Multiple Dwelling (max. 4 storeys)

Any premises which comprise three or more self-contained dwelling units on any one allotment and do not exceed 4 storeys in height.

The definition does not include accommodation units, dwelling house >600 m<sup>2</sup> or dwelling house <600 m<sup>2</sup>, dual occupancy, relatives accommodation, integrated development, holiday apartments (max. 3 storeys), holiday apartments (max. 4 storeys), motel, caretakers residence, display home, hotel, retirement village, host farm or tourist resort.

### Niahtclub

Any premises used or intended for use as a cabaret or nightclub, where entertainment is regularly provided to members of the public and which is the subject of a licence under the provisions of the Liquor Act 1992 or successive legislation. The term includes the provision of music and dancing facilities for the persons attendant upon the premises. The term does not include a function centre, hotel, indoor entertainment or restaurant as herein defined.

### Niaht Tennis Court

An outdoor tennis court which is ancillary to a residential use on land or within common property that is at least 1000m<sup>2</sup> in area and which is provided with lighting to facilitate night play but which is not used for commercial purposes and is in accordance with Part D Section 3.12.

### Outdoor Entertainment

Any premises used or intended for use for any outdoor activity, purpose or pursuit for commercial purposes which affords or is calculated to afford interest or amusement to the general public and in the opinion of Council is likely to cause a nuisance or annoyance to persons or adversely affect properties not associated with the activity.

Without limiting the generality of the foregoing, the term includes the use of any premises for any of the activities, purposes or pursuits included in, but not limited to, Appendix 7 hereto and temporary facilities for providing refreshments to those engaged in the activity. The term does not include sport and recreation as herein defined.

### **APPENDIX 7**

Boating  
Circus  
Commercial or community swimming pool  
Coursing track  
court  
Drive in theatre  
Exhibition  
Fair  
Mini golf courses  
Model car, boat or aeroplane operation  
Museum  
Picnic race  
Pleasure fair  
Race track  
Rifle or other shooting range facility  
Showground  
Side show  
Speedway  
Sporting arena  
Stadium  
Theatre  
Trotting track  
Velodrome  
Waterslide  
Zoological garden



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**Outdoor Sales Premises**

Any premises used or intended for use for the display and retail sale of goods in a predominantly outdoor setting.

The term may include but is not limited to the display and retail sale of the goods listed in Appendix 8.

The term includes an ancillary office, servicing area and the ancillary indoor display and retail sale of goods.

The term does not include bulk landscape and garden supplies, plant nursery or showroom as herein defined.

**APPENDIX 8**

Agriculture equipment  
Boats  
Caravans  
Machinery  
Motor vehicles  
Modular swimming pools  
Trucks  
Trailers

**Park**

Any land which is normally open to the public without charge, which-

- [a] has been ornamentally laid out or prepared; and/or
- [b] is maintained so as to preserve or enhance its beauty, including its flora, fauna and geological or physiographical features; and/or
- [c] has been prepared or is maintained as a grassed area either with or without trees or shrubbery; and/or
- [d] has been prepared or is maintained other than according to [a] to [c] above, but in such a way as to be, in the opinion of the Council, suitable for informal outdoor recreation;

and which is used or intended for use for outdoor recreation.

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The term includes any of the following facilities, provided for the enjoyment or convenience of the public at such premises and any other buildings, structures or uses, which are ancillary to the predominant use -

- [i] kiosks for the supply of light refreshments to patrons on the premises;
- [ii] picnic places, scenic lookouts, routes for nature study, carparking areas;
- [iii] information and display areas for promotion of such land;
- [iv] shelters and other public conveniences;
- [v] children's play areas;
- [vi] structures, surfacing or equipment for informal sport or physical exercise;
- [vii] sculptures, fountains, ponds or other decorative devices;
- [viii] band stands.

The term also includes the occasional use of the premises for fairs, exhibitions and similar activities where such use is approved by the Council. The term does not include indoor entertainment or outdoor entertainment as herein defined.

### **Passenger Terminal**

Any premises used or intended to be used for the assembly and dispersal of passengers prior to or subsequent to their transportation irrespective of the mode of transport. The term includes facilities for providing refreshments and reading material to passengers, but does not include the storing, servicing or repairing of passenger transport vehicles or an airport as herein defined.

### **Place of Worship**

Any premises used or intended for use primarily for public religious activities of a religious organisation, community or association. The term includes any buildings, structures or other uses which are ancillary to the primary use, but does not include an educational establishment or institution as herein defined.

**Plant Nursery**

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Any premises used or intended for use for the propagation and sale by retail of plants, shrubs and trees suitable for use in gardening or landscaping. The term includes the ancillary use of such premises for the sale, or displaying or offering for sale of any one or more of the following where suitable for use in gardening or landscaping-

- [a] seeds or other propagative plant material;
- [b] landscaping materials where such material is stored in bins in quantities of less than 3 cubic metres and received in quantities not exceeding one cubic metre;
- [c] garden tools or equipment, where no such tool or item of equipment has a motor with an output of more than 1kW.

The term does not include bulk landscape and garden supplies or extractive industry, as herein defined, or the storage, servicing or maintenance of vehicles, plant or equipment used in the business of a landscaping contractor. The term also does not include the use of any earth moving machinery of any kind whatsoever no matter how large or small in conjunction with the business.

**Produce Store**

Any premises used or intended for use for the sale of grain, stockfeeds, agricultural chemicals and other goods used in agriculture.

The term does not include the sale of machinery.

**Public Building**

Any building or other structure used or intended for use for the purpose of a government department, statutory body representing the Crown or other corporate body under the authority of some Act (including the Council) as offices for administrative or for other like purposes. Any use for the purpose of a public building includes the use, not being for a purpose elsewhere specifically defined in this Part, of any land and any outbuilding or other structure within the curtilage of such building being ancillary to and for the enjoyment of such building as a building for office, administrative or other like purposes and any erection for that purpose shall be likewise construed.

**Public Purpose**

Any premises used or intended for use for any purpose included in but not limited to Appendix 9 hereto. The term does not include institution, local utilities or public utilities as herein defined.

**APPENDIX 9**

Federal government purposes  
Local government purposes  
State government purposes  
Statutory authority purposes  
Any other public purposes not separately defined in this Part

**Public Utilities**

Any premises used for a major public utility undertaking by a Government, Semi-Government, Statutory or Local Authority relating to the provision of water supply, sewerage, electricity, gas, telecommunications, transport, refuse disposal or drainage services and which does not comprise local utilities as herein defined.

**Recycling Collection Depot**

Any premises used or intended for use for the collection and storage of dry goods and materials expressly for the purpose of recycling and which are awaiting redistribution or transfer. The term does not include the storage of vegetable, rotting or decaying material and any other material that may give rise to offensive odours. Temporary storage in the context of this definition means not longer than 90 days. The term does not include a junk yard or a recycled material processing plant.

**Relative's Accommodation**

Any premises used or intended for use as a dwelling unit within the curtilage of a dwelling house where the dwelling unit is used or intended for use for occupation by a member or members of the immediate family and/or by personal staff or servants necessary for the health or wellbeing of, a member or members of the immediate family. Such a use is to be conducted in accordance with Part D Section 3.3.

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### **Restaurant**

Any premises used or intended for used for the preparation and sale of meals to the public, where those meals are consumed on the premises. The term includes the ancillary provision of entertainment or dancing and the ancillary sale of take away food for consumption other than on the premises. The term does not include a catering shop, hotel, indoor entertainment, nightclub or shop as defined herein.

### **Retirement Village**

Any premises used or intended for use as permanent residential accommodation by persons aged fifty years or over and which consists of a grouping of self-contained dwelling units and/or serviced units and/or nursing home accommodation together with ancillary facilities provided for use by residents or staff of the community and which may include staff accommodation, chapels, medical consulting rooms, meeting rooms, recreational facilities, therapy rooms, and meal preparation facilities.

### **Ridina School**

Means any premises whether or not those premises include one or more stables, used or intended for use for:

- [a] the letting out or hire for riding of horses or the like; and
- [b] the provision, in return for payment and by the use of horses or the like, of instruction in riding.

### **Roadside Stall**

Any premises whether fixed or mobile not exceeding 20 m<sup>2</sup> in total use area, used or intended for use for the retail sale of local produce grown on the site. In this context, local produce includes goods produced from crops grown on the site.

### **Rural Industry**

Any industry that:-

- [a] is not a hazardous or offensive industry; and,
- [b] by its nature is more appropriately located close to rural rather than industrial land; and,
- [c] includes handling, treating, processing, or packing primary products; or

- [d] provides a necessary service to uses defined as Agriculture or Animal Husbandry herein.

### **Service Industry**

Any industry which does not;

- [a] require water supply in excess of 550 kl per annum per 1,000 square metres of site;
- [b] produce liquid or solid wastes that require special treatment or disposal of which would impose a load on Council's Sewage Treatment Plant in excess of that imposed by a dwelling house per 1,000 square metres;
- [c] generate traffic in excess of two (2) movements of vehicle over 4 tonne gross or total of twenty (20) movements of all types of vehicles per day.
- [d] generate noise measured at the site boundary in excess of 40 dB (A) Leq;
- [e] require buildings or structures with a height in excess of 7.5 m;
- [f] involve the employment permanently on site of more than four (4) people;
- [g] does not involve the use or storage of goods on site that are not prescribed as Minor Storage in accordance with the Australian Standard 1940-1988 The Storage & Handling of Flammable and Combustible Liquids; and/or require a gross floor area in excess of 200 m<sup>2</sup>.

The term may include but is not limited to uses listed in Appendix 10, and includes the ancillary sale of any articles related to the principal use.

### **APPENDIX 10**

Auction room  
 Barber shop  
 Cleaning contractor's establishment  
 Cleaning or detailing of motor vehicles  
 Computer services  
 Document copying  
 Dressmaking  
 Driving instruction establishment  
 Dry cleaning or dyeing

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Engraving by hand  
Hairdressing salon

The making of -

Bread, cakes and/or pastry  
Clothing and clothing accessories  
Confectionery  
Curtains  
Dental goods  
Footwear  
Jewellery  
Keys  
Leather goods  
Millinery  
Optical goods  
Soft furnishings  
Toys  
Photographic film developing and printing  
Photographic plate making, etching and like photographic processes  
Photographic sign making  
Photographic framing  
Picture framing  
Plan printing  
Printing

The repair or servicing of -

Bicycles  
Cameras  
Clocks and watches  
Clothing  
Electrical appliances for domestic or office use  
Footwear  
Jewellery  
Locks  
Mowers (including motor mowers)  
Musical instruments  
Office machines  
Portable office machinery or equipment  
Precision or scientific instruments  
Sewing machines  
Sporting goods  
Tools  
Toys

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Restoration of any of the following -

Antiques (other than furniture)  
Articles of historic or cultural interest (other than vehicles, machinery and plant and other non portable items)  
Works of art  
Screen printing  
Signwriting  
Tailoring  
Upholstering furniture

**Service Station**

Any premises used or intended for use for the fuelling of motor vehicles involving the sale by retail of motor fuel, whether or not the premises are also used or intended for use for any one or more of the following:

1. The sale by retail of-

- [a] motor fuel for boats;
- [b] lubricating oils and greases;
- [c] batteries;
- [d] tyres;
- [e] spare parts, tools and accessories for motor vehicles, motor cycles, boats, motor mowers or any of them;
- [f] power and lighting kerosene, or any of these
- [g] goods for the comfort and convenience of travellers by motor vehicle.

2. The carrying out of any or all of the following-

- [a] the removal, exchange and fitting of tyres;
- [b] minor repairs of tyres and tubes or either
- [c] the supply of air;
- [d] the charging of batteries;
- [e] the lubrication of motor vehicles;
- [f] the adjustment of carburettors;
- [g] the cleaning, adjustment and replacement of spark plugs;
- [h] the reception and return of tyres deposited for repair on other premises;
- [i] running repairs to motor vehicles and motor cycles being of a minor nature;
- [j] the installation of accessories for motor vehicles and motor cycles;
- [k] the washing of motor vehicles, motor cycles, boats and trailers, including an automatic mechanical carwash;



- [1] the hiring of trailers provided the capacity of each such trailer is not more than one tonne and are stored in a location satisfactory to the Council.

3. The rendering of minor services incidental to any of the foregoing.

### **Shop**

Any premises used or intended for use for the sale or displaying or offering for sale, of goods to members of the public where the gross floor area of any building used does not exceed 500 m<sup>2</sup>.

The term includes a video outlet and the ancillary storage of goods on the same premises **as** the shop but does not include a hardware store, shopping centre, major shopping development, or showroom as herein defined, or any other purpose elsewhere specifically defined herein.

### **Shopping Centre**

Any premises used or intended for use as a shop or group of shops in an integrated manner having a gross floor area exceeding 500m<sup>2</sup>, but less than that which constitutes a major shopping development as herein defined.

### **Showroom**

Any premises comprising a gross floor area greater than 300m<sup>2</sup> used or intended for the purpose of displaying and/or offering for sale to members of the public goods of a similar or bulky nature where the activity is conducted predominantly indoors. The term includes but is not limited to the uses listed in Appendix 11 hereto. The term does not include an outdoor sales premises as herein defined.

## **APPENDIX 11**

Carpet showrooms  
Caterer's supplies  
Electrical showrooms  
Furniture showrooms  
Hardware, handyman and tradesman supplies  
Liquor barns and wine cellars  
Motor accessories showrooms  
Produce stores  
Textile showrooms

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### **Sport and Recreation**

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Any premises used or intended for use for the enjoyment or convenience by way of active recreational use of the public who resort to such land or for the purposes of a sporting club or organised sporting activity and which, in the opinion of Council, is unlikely to cause nuisance or annoyance to persons or adversely affect properties not associated with the activity and is a purpose included in but not limited to Appendix 12 hereto. The term includes amenities, spectator facilities, equipment storage facilities and club facilities not requiring a liquor licence, but does not include an indoor entertainment or outdoor entertainment as herein defined.

### **APPENDIX 12**

Archery  
Athletics  
Baseball  
Basketball  
Boating  
Bowling (other than indoor bowling)  
Cricket  
Croquet  
Cycling  
Football  
Golf  
Hockey  
Lacrosse  
Rowing, sailing and yachting  
Swimming pool  
Tennis court (excluding private unlit tennis courts)

### **Temporary Land and House Sales Office**

Any premises, including a caravan, erected on land which has been subdivided and released as one estate and is used or intended for use for the purposes of promoting and selling the land comprised within that estate only. The premises shall only be permitted to be erected temporarily for a maximum period of twelve months. The term does not include commercial premises, commercial services or a display home as herein defined.

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### Tourist Attraction and Facilities

Any premises used or intended for use for any activity designed to primarily attract tourists which is included in but not limited to Appendix 13 hereto.

### **APPENDIX 13**

Artefacts display and sale  
Art Gallery  
Feature building  
Fun park  
Handweaving and sales  
Historic building or machinery reproduction  
Museum  
Pioneer Village  
Plantation (with tour facilities)  
Pottery works and sale  
Rural industry display and sale  
Sanctuary and animal park  
Tea House  
Tourist information centre  
Waterslide  
zoo

### Tourist Resort

Any premises used or intended for use for the purpose of accommodating holiday makers and members of the touring and travelling public and incorporating, but not limited to, three or more of the following:

- [a] tourist accommodation facilities - incorporating one or more of the following-
  - [i] accommodation building;
  - [ii] holiday cabins;
  - [iii] multiple dwelling;
  - [iv] motel;
- [b] tourist indoor entertainment;
- [c] tourist outdoor entertainment;
- [d] sports and recreation facilities;
- [e] an hotel;

[f] food and refreshment premises (for both resident guests and the general public); the design and criteria of which are subject to approval by Council;

[g] tourist restaurant: and

[h] tourist shopping;

The design and criteria of which are subject to approval by Council.

### **Transport & Equipment Depot**

Any premises used or intended to be used for the garaging, storing and maintenance of vehicles and equipment including trucks, buses, taxi fleets, earthmoving equipment or any other vehicle or equipment used for hire or reward. The term does not include a freight depot or trade storage as herein defined.

### **Vehicle Hire Premises**

Any premises used or intended for use for the hiring of motor vehicles. The term includes facilities for cleaning, servicing and effecting minor repairs to the motor vehicles available for hire from those premises.

### **Vehicle Repair Station**

Any premises used or intended for use for the purpose of carrying out, either with or without servicing, of repairs to motor vehicles, including motor cycles, trucks and buses, farm machinery, boats or motor mowers. The term includes the sale, fitting and maintenance of wheels and tyres, but does not include any panel beating which involves dismantling or spray painting other than of a minor touching up character.

### **Veterinary Clinic**

Any premises used or intended for use in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animal and household pet out-patients provided that no patients remain on the premises overnight, except for emergency cases.

### **Veterinary Hospital**

Any premises used or intended for use or in connection with the treatment of sick or injured animals where such animals are accommodated overnight or for longer periods in premises constructed of sound proof materials. The term does not include animal husbandry - general or animal husbandry - intensive as herein defined.

**Warehouse**

1

Any premises used or intended for use for storage of goods, merchandise or materials in large stocks whether or not such storage is required for an adjoining shop or other commercial premises. The term includes a milk depot and mini storage facilities.

# **PART H**

## **LOCAL AREA MANAGEMENT**

## **PART H - LOCAL AREA MANAGEMENT**

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## LOCAL AREA MANAGEMENT

### 1.0 INTRODUCTION

#### 1.1 OVERVIEW

In response to concerns regarding the provision and management of public sector services and facilities within urban areas, Council has implemented a number of Management Plans. These address the provisions and management of a range of urban services, including roadworks, stormwater drainage and public open space provision.

Each of these Management Plans identifies the broad objectives adopted by Council with respect to the issues sought to be managed by the particular Management Plan, and then identifies appropriate implementation mechanisms to ensure that these objectives are achieved.

The three sectors of urban public services currently addressed by Management Plans relate to traffic and transport, stormwater drainage and public open space. The basis for development of individual management plans within each of these three sectors is as set out below.

#### 1.2 TRAFFIC AND TRANSPORT

In order to provide for the establishment of appropriate traffic and transport hierarchies, the provision of public transport and cycle/pedestrian paths, Traffic Management Plans have been developed for the urban designated areas within the Plan Area. These areas will ultimately be developed for urban purposes and it is important that the Traffic Management Plans are established as early as possible to identify those corridors which are required to perform higher order functions and which should therefore have restricted access. This permits the identification of appropriate road corridor widths to cater for the future demands which will be imposed on particular roads. Traffic Management Plans are based on an identified catchment and assessment of ultimate land use within that catchment in accordance with the provisions of the Strategic Plan. Ultimate traffic volumes can then be predicted.

Road network capacities are then identified and the standard and cost of construction is estimated. This forms the basis for the establishment of contributions from development within the catchment which is serviced by the road network.

### **1.3 DRAINAGE AND FLOODING**

Drainage Management Plans for existing and likely future catchments within the Urban designated areas under the Strategic Plan are being developed. These will identify the ultimate developed catchment and therefore the works which are or will be required to accommodate for increased run-off and other effects resulting from urbanisation within the catchment. The extent of works required to mitigate the effects of urbanisation in each catchment are identified and appropriate contributions applied to development applications to ensure that sufficient funds are made available to provide for the future upgrading works required so that the ultimate extent of drainage works can be completed.

Drainage Management Plans enable the full extent of works to be identified and appropriate contributions to be acquired through the imposition of conditions of approval upon applications within each catchment. For any proposed development not within an Urban designated area under the Strategic Plan, Council requires that the impacts of that development, in terms of increased run-off and effects to fisheries habitat, concentration of flows etc and appropriate mitigation works, are fully assessed in the development application when submitted to Council.

### **1.4 OPEN SPACE**

Open Space Management Plans for existing and likely future catchments within the Urban designated areas under the Strategic Plan are being developed by Council. These plans are intended to ensure that public open space provision within each area, once fully developed, is sufficient to meet the needs and expectations of residents from within those areas.

Within each area covered by a Open Space Management Plan, the ultimate resident population has been determined. The ultimate recreation and open space needs of those residents, present and future, is then identified in terms of recreation, sporting, cultural, environmental and aesthetic functions. An assessment is then undertaken to determine the existing provision of open space facilities, thus allowing Council to identify shortfalls and to implement appropriate strategies and measures to assist Council to identify, acquire, manage and maintain appropriate open spaces within the plan area.

Each Open Space Management Plan presents a clear vision of the recreation and sporting areas and facilities required to service the plan area and its community, and have been formulated to ensure an Open Space network which:-

- supplies and sustains community needs;
- defines character, culture and visual amenity;
- protects and enhances the natural environment;
- connects with the wider regional Open Space network; and
- increases the quality of life for the city residents and visitors.

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## 2.0 TRAFFIC MANAGEMENT

### 2.1 OBJECTIVES

Council of the City of Cairns has developed Traffic Management Plans for areas of the Plan Area, having an "Urban" preferred dominant land use designation in the Strategic Plan. Each of these Plans is based upon consideration of the following issues:-

- road networks;
- road hierarchy;
- intersuburban links;
- public transport;
- tramway/transport corridors;
- interaction with the State-controlled arterial roads; and
- pedestrian/cyclepath networks.

Traffic Management Plans relate to those streets which perform a higher order function than a residential street (ie. collector roads, trunk collectors and distributor roads). These include roads in subdivision developments which perform the function of providing for traffic external to the particular subdivision, by providing links to community services, schools, commercial centres, etc, within an identified catchment, or which provide links to the major arterial (State-controlled) roads external to the catchment.

Council of the City of Cairns has adopted **Queensland Streets (Design Guidelines for Subdivisional Streets)** which identifies appropriate performance criteria for the design of streets in urban areas.

The goals and objectives of Queensland Streets is to promote and encourage design and construction practices which will provide an optimum combination of:

- safety;
- amenity;
- convenience; and
- economy

for the residents, street users and the community generally. These goals reveal the following primary objectives:

**Safety**

- Road accident prevention (obviously the major component in the case of streetworks design).
- Emergency and service vehicle access (fire, ambulance, garbage).
- Crime prevention (neighbourhood planning, safe pedestrian routes).

**Amenity**

- Traffic noise reduction, visual amenity, social planning.

**Convenience**

- Minimum travel distances to major destinations.
- Minimum travel times in low speed environments.
- Legible street layout.

**Economy**

- Capital cost of subdivision construction, maintenance cost, user costs.

**Queensland Streets** refers to design criteria for residential streets and it is appropriate that the Council of the City of Cairns has adopted the provisions of **Queensland Streets** in relation to the design of residential streets which perform the function of access streets and access places within residential areas. These provisions have been incorporated in the Development Manual.

In relation to higher order streets (ie. streets which provide for connection to major arterial roads and which are generally defined as sub-arterial, trunk collectors and collector streets) the objectives of **Queensland Streets** are consistent with the objectives of AMCORD (the Australian Model Code For Residential Development). These are as follows:

### **The Street System**

- To provide acceptable levels of access, safety and convenience for all street users in residential areas while ensuring acceptable levels of amenity and protection from the negative impact of traffic.
- To provide a network of streets with clear, physical distinctions between each type of street based on function, legibility, convenience, traffic volumes, vehicle speeds, public safety and amenity.
- To avoid streets within any residential neighbourhood from operating as through traffic routes for externally generated traffic.
- To control the maximum length of time travelled in a low speed environment.
- To provide for the safe and convenient movement of pedestrian and cyclists throughout the development.
- To provide for bus routes which are both accessible from all dwellings and activity centres and efficient to operate.
- To establish a street and pedestrian network which provides convenient linkages to activity centres.
- To provide the basis for a cost effective design and construction of the street network.

The overall objectives of Traffic Management Plans in relation to the higher order streets is as follows:

- To provide an efficient system of traffic routes external to the residential street system.

Traffic Management Plans are based on performance criteria for the establishment of a road hierarchy, in particular for the higher order roads catering for traffic external to residential development. Volumes of traffic which would be permitted as the maximum on streets with direct residential access (<5000 v.p.d.) also defines peak volumes for which no access streets will be required. The guiding principle used in the determination of road hierarchies within each Plan area has been the need to provide for the safe and efficient movement of traffic from within the catchment accessing community facilities and services, such as schools, commercial centres, etc, without the need to travel on main arterial roads.

Each Traffic Management Plan provides for the collection of contributions from individual developments, on a pro-rata basis, for the construction of the higher order road network within the areas covered by the plan. An appropriate road hierarchy is identified to enable for the safe and efficient movement of traffic within the catchment to access community facilities such as schools, commercial areas, etc, without the need for access onto the main arterial road.

## **2.2 TRAFFIC MANAGEMENT PLANS**

Traffic Management Plans have been developed for the following Urban designated areas:

- Marlin Coast
- Freshwater Valley/Redlynch
- Barron River (Stratford, Freshwater, Brinsmead)
- Edmonton to Red Hill (West of Bruce Highway)
- Edmonton to Red Hill (East of Bruce Highway)
- Bayview/White Rock
- Gordonvale/Goldsbrough Valley

## **2.3 DEPARTMENT OF TRANSPORT AND MAIN ROADS REQUIREMENTS**

As well as the requirements set out in the relevant Traffic Management Plans, The Queensland Department of Transport and Main Roads has particular requirements for developments in relation to noise and visual buffer requirements and also for monetary contributions towards State-controlled Roads infrastructure.

### 2.3.1 Noise and Visual Buffer Requirements

Development adjacent to arterial roads is to include sufficient noise attenuation and visual enhancement works to ameliorate any conflicts between the development and arterial traffic flows.

At least the following will be required along highway "frontages" of residential development adjacent to State-controlled arterial roads.

- a 10 metre wide buffer strip which is transferred to Council ownership;
- an earth sound mound to a minimum height of 2.7 metres above the existing natural surface level or any adjacent building platforms, whichever is higher; and
- landscaping of the mound to Council's requirements.

The Department of Transport and Main Roads is presently carrying out a noise assessment to determine if additional works are required (eg. a wall on top of the mound). Should buildings higher than single storey dwellings/units be proposed, additional measures (eg. appropriate building insulation and orientation) may be required for those buildings in the affected area.

### 2.3.2 Monetary Contributions Towards State-controlled Road Infrastructure

Contributions towards State-controlled road infrastructure have been established by The Department of Transport and Main Roads as follows:

- [a] Contributions towards roads.
  - [i] \$R per allotment. This shall be paid to The Department of Transport and Main Roads prior to Council sealing any plan of subdivision.
  - [ii] Where a single dwelling unit is constructed on an allotment, no further contribution is required at the building application stage.



- [iii] Where a building application for other than a single dwelling unit is submitted (eg. duplex, multiple dwellings, group housing) to Council for approval, a further contribution is to be paid in accordance with the following formula:

$$\text{Further contribution} = (M \times U - 1.0) \times \$R$$

where M is the number of units/houses and U is defined as:

- 0.5 for a single bedroom unit;
- 0.75 for a two bedroom unit; and
- 1.0 for a three bedroom unit.

The contribution is to be paid to The Department of Transport and Main Roads prior to Council approving any building application.

All contribution amounts shall be re-calculated at the time of payment to reflect changes in The Department of Transport and Main Roads' Roadworks Input Cost Index (RICI).

- [b] Contributions towards walking and cycling paths located within the Arterial Road Reserves.
- [c] Contributions towards the construction of walking and cycling paths along and across/under/over the Arterial Road Reserve.

The level of contribution is to be determined by Council resolution.

In terms of determining the required contribution level for one, two and three bedroom units/houses, the same formula as specified in 2.3.2 [a] above shall be adopted.

## 2.4 CONTRIBUTIONS

Traffic Management Plans are based upon an identified catchment area and assessment of ultimate land use within that in accordance with the Strategic Plan. Ultimate traffic volumes are then predicted. The appropriate level of service and roadwork capacities are identified, corridor acquisition costs evaluated and the standard of construction and its cost estimated. This forms the basis for the establishment of contributions from within the catchment area which the road network will serve.

Contributions are established on the following basis.

**[a] Existing Roads**

The component of construction/upgrading required solely for the development should be funded by that particular developer. Additional upgrading requirements would be funded by contributions made to the network either by the particular developer involved or by other developers within the area.

**[b] Internal Roads**

Upgrading of internal roads over and above that required for the development due to the external traffic should be funded from the network contribution.

**[c] Higher Order Roads**

Contributions towards higher order roads within each Traffic Management Plan area shall be made in accordance with the following schedule:-

The traffic analysis for Traffic Management Plans is based on traffic generation rates of 8 daily trips and 0.8 trips in the peak hour per residential allotment. The road network capacities relate in large part to peak hour requirements. Traffic impacts for other uses are expressed as Equivalent Residential Lots on the relative peak period traffic generation. For non-residential uses this generation is sometimes development specific requiring consideration of the actual proposal. Uses in this category include shops, schools and extractive industry.

For the purposes of establishing contributions required under the relevant Local Area Traffic Management Plan the following equivalent uses should be adopted:

### EQUIVALENT RESIDENTIAL LOTS

<b>Use</b>	<b>Equiv Lots</b>
Detached dwelling or multiple dwelling,	1
Townhouse with 3 or more bedrooms	0.75
Multiple dwellings <3 bedrooms	0.5
Multiple dwellings <2 bedrooms	0.4
Retirement Villages per units	3.75/100 sq.m GFA
Office/Commercial	1.35/100 sq.m GFA
Light Industry	1/room
Hotel/Motel (Accommodation element)	To be determined by the
Other Uses	Director Technical Services

## **2.5 TIME FOR PAYMENT**

Unless Council decides otherwise, contributions required under a Traffic Management Plan shall either be made or secured in accordance with the following requirements:-

- Applications for rezoning - prior to the application being referred by Council to the Chief Executive Officer for approval by the Governor in Council.
- Application for Town Planning Consent Approval - prior to issue by Council of the Town Planning Consent Permit.
- Applications for Notification of Conditions - prior to the issue by Council of the building approval.
- Applications for Subdivision of Land - prior to the endorsement by Council of any Plan of Survey.

Where monetary contributions are required, the contribution shall be calculated at the rate current within the Planning Scheme at the time of payment or otherwise as may specified in any Development Agreement entered into between Council and the applicant.

If the payment is made at the time of endorsement of plans of subdivision, allowance shall be made for the likely ultimate number of equivalent dwellings to be developed on any single parcel of land. In the case where land has been subject of a development and contributions have been paid for traffic management works and a further application lodged, the new contribution shall be discounted by the value of any contributions previously paid to Council in relation to the subject land.

Where developers dedicate land for road corridors and/or carry out construction of links or intersections in the network, the value of such works and for land dedication, as estimated in the supporting documentation, shall be credited against contributions required under the Traffic Management Plan.

Credits for works or land dedication shall be applied at the time when contributions are due.

Where a developer proposes to dedicate land or carry out works with a value in excess of contributions applicable to a particular development, the value of works to be undertaken shall be approved by the Director Technical Services.

In the situation when the value of the land or works, as determined in the supporting documentation, exceeds contributions required under this policy from the subject land, the Council will refund the value of the works in excess of contributions required when sufficient funds are available from contributions received from other parties to whom the Traffic Management Plan applies.

## **2.6 REVIEW OF TRAFFIC MANAGEMENT PLANS**

A review of each Traffic Management Plan will be carried out annually by Council. This review will incorporate but not be limited to the following:

- change in the value of works due to increases in material costs and plant and labour charges;
- updated or new planning studies;
- works completed;

- proposed new works;
- revisions to the works programme and the financial programme; and/or
- other Council policies and decisions or Council or the Queensland Department of Transport and Main Roads

## 2.7 SUPPORTING INFORMATION

Traffic Management Plans are supported by Traffic Studies which include, but are not limited to, consideration of the following:-

- Assessment of the current and future proposed sub-arterial/collector road network and determination of modifications that may be appropriate including connection to adjoining subdivision and Department of Transport and Main Roads declared roads.
- Determination of road infrastructure costings including bridges, resumptions, etc, for the sub-arterial/collector networks and intersuburban links.
- The allocation of costs/contributions to individual catchments in accordance with the methodology determined.

Reference shall be made to the following documents in relation to supporting information to the individual Traffic Management Plans.

Reference: *Edmonton to Red Hill Traffic Study* - Pat Flanagan & Associates, Feb 1993 incorporating *Cairns, Red Hill, Edmonton LATM* - Eppell Consultants, Nov 1993.

### **3.0 DRAINAGE MANAGEMENT**

#### **3.1 OBJECTIVES**

The Council of the City of Cairns objectives in respect to the development of drainage for the urban designated areas of the Plan Area are that the drainage system should:-

- collect and convey stormwater from a catchment to its receiving waters with minimal nuisance, danger or damage and at a development and environmental cost which is acceptable to the community as a whole;
- limit flooding of public and private property both within the catchment and downstream to acceptable levels as defined by Council policy;
- to control and temporarily detain within each catchment as much incidental rainfall and runoff as possible to reduce the impact of urbanisation; and
- minimise pollutant inflows to receiving waters by controlling scour and depositional effects.

With regard to major stormwater flow systems such as natural creeks, gullies, etc, the Council of the City of Cairns objectives are as follows:-

- to prevent both short term and long term inundation of habitable dwellings within the catchment;
- to prevent damage to built and natural environments;
- to control flooding and enable access to allotments;
- to stabilise the land forms and erosion control;
- to provide stormwater system that utilises open space in a manner which does not detract from its principal function;
- to prevent the degradation of the built environment downstream of proposed residential development;
- to prevent the environmental degradation of receiving waters; and
- to maintain natural drainage lines.

It is Council's intention to develop a Drainage Management Plan for each significant catchment within the Urban designated areas of the Strategic Plan.

### 3.2 DRAINAGE MANAGEMENT PLANS

Drainage Management Plans are based upon an assessment of the ultimate development of individual catchments in accordance with the Strategic Plan, and an identification of works required to provide for increased run-off and other effects arising from that development. The extent of works required to mitigate the effects of urbanisation within the catchment is identified and forms the basis for the establishment of appropriate contributions. These are applied to development applications to ensure that funds are available to provide for the future upgrading works required and to ensure that the ultimate extent of drainage works required can be completed.

Each Drainage Management Plan is based upon an analysis of drainage catchments and creek systems, to determine existing flow capacity as well as design discharges for average recurrence intervals of 10, 50 and 100 years.

Existing control structures, service crossings, etc are identified and included in the analysis, together with the identification of proposed future control structures, such as service crossings.

The effects of urbanisation on flood flows and levels are then identified, including the impacts of flood flows and flood levels on existing development within the catchment.

Following analysis of stream flow, capacity and potential impacts, alternative works to mitigate the effects of development are identified. Works to mitigate the effects may include:

- acquisition of drainage reserves and easements;
- upgrading of cross sections;
- stream modification works;
- provision of linings;
- armouring of works;
- construction of outlet works;
- dissipation structures; /or
- retarding and retention basins.

- establishment of an adequate riparian zone;
- creation of flow retarding devices (e.g. meanders, riffles, settlement ponds) throughout and as high in Cairns regional catchments as possible.

The appropriate works identified and adopted by Council to mitigate the impacts of development should be consistent with Council's overall objectives for drainage works and in particular its specific objectives of maintaining natural drainage lines within the Plan Area.

Assessment is made of the contributions required from development applications on an area basis from contributing catchments upstream of each element of the flood mitigation works proposed.

Within each Drainage Management Plan area the Q100 flood levels that are anticipated subsequent to drainage works being implemented are identified.

Drainage management plans to be developed for drainage catchments within urban areas of the Strategic Plan are shown on the attached maps and include the following:-

1. Palm Cove
2. Delaney's Creek
3. Deadman's Gully
4. Deep Creek
5. Cayley Street Drain
6. Trinity Beach
7. Moore's Gully
8. Chinaman's Creek
9. Moon River/Half Moon Creek
10. Knight's Creek
11. Avondale Creek
12. Barron Delta
13. Stoney Creek
14. Kamerunga
15. Freshwater Creek
16. Clarke Creek
17. Gordon Creek
18. Cowley's Creek
19. Saw Pit Gully
20. Skeleton Creek
21. Blackfellow Creek
22. McKinnon Creek
23. O'Leary's Creek



In areas where a Drainage Management Study has not been completed or undertaken by Council, the applicant for development within the catchment will be required to undertake a Drainage Management Study. The costs for the conduct of the study will then be credited against contributions required from that development under the Drainage Management Plan once implemented.

For developments not within the Urban designated area of the Strategic Plan, it is a requirement of any application that the impact of development or stormwater run-off are identified in terms of increased run-off, conversion of flow etc and appropriate mitigation works are included in the development application when lodged with Council.

### **3.3 FLOODING AND DRAINAGE**

#### **3.3.1 Limit of Development**

Drainage Management Plans for identified catchments will identify the Q100 flood levels for existing and ultimate development subsequent to identified flood mitigation works being carried out. Development will not be permitted in areas below the identified Q100 flood line.

In the case of subdivision occurring adjacent to a stream, creek or water course that is a perennial stream, such as the Barron River, Redden Creek, Thomatis Creek, Freshwater Creek or Richters Creek, provision shall be made for a drainage reserve extending over the stream, creek or water course and for a distance of at least 20m beyond the high bank of such stream, creek or water course. In certain circumstances Council may decide that, due to the topography or vegetation existing in the area prior to the subdivision taking place, access for maintenance purposes etc. will be constrained to such an extent that the drainage reserve should extend a distance in excess of 20m from the high bank. In the case where an increased width is required, the Director Technical Services shall determine the required boundary of the drainage reserve, taking into consideration the nature of maintenance vehicles and equipment that may be required to use such area.

Provided always that the Council may determine that, where topographic situations suit and there is likely to be no adverse effect on streambank vegetation, the width of the drainage reserve so dedicated may be reduced to extend not less than 10m beyond the high bank of the creek, stream or water course.

Where a creek, stream or water course is adjacent to or passes through any land proposed to be subdivided and that stream, creek or water course is not perennial, provision shall be made for the dedication of a drainage reserve within the land to be subdivided extending over the full width of the creek, stream or water course and to align 10m beyond the high bank of the creek, stream or water course. Council may, in certain circumstances, decide that, due to the topography or vegetation existing in the area prior to the subdivision taking place, access for maintenance purposes etc. will be sufficiently constrained such that the drainage reserve should extend a distance in excess of 10m from the high bank. In the case where an increased width is required, the Director of Technical Services shall determine the required boundary of the drainage reserve, taking into consideration the nature of maintenance vehicles and equipment that may be required to use such area

### 3.3.2 Flood Immunity Levels

Council has established the following minimum flood immunity requirements for proposed and existing development.

#### **New Development (Requiring Rezoning, Subdivision or Town Planning Consent Approval)**

<b>Land Use</b>	<b>Fill Level</b>	<b>Floor Level</b>
[a] Residential, Tourist, Special Facilities	Immunity to 1 in 100 year A.R.I. Flood/Storm Tide Event	150mm above 1 in 100 year A.R.I. immunity
[b] Commercial, Industrial	Immunity to 1 in 100 year A.R.I. Flood/Storm Tide Event	Immunity 1 in 100 year A.R.I. Flood Event
[c] Road Access, Car Parks	Immunity to 1 in 5 year A.R.I. Flood/ Storm Tide Event	
[d] Recreational Parks and open space	Existing surface but to be free draining	

#### **Existing Development (Residential, Tourist, Commercial, Industrial)**

Existing development known to have a Flood/Storm Tide immunity of less than 1 in 100 years A.R.I. will be recorded on Council's rate search information. In the absence of studies sustaining the flood immunity of a particular area, owners and purchasers shall be responsible for ascertaining the flood risk of the property.

Council's Department of Technical Services retains information in relation to local and major flooding problems and this information is available upon request.

In addition to the above requirements and in areas below 4.5m AHD, within 60m of the toe of the frontal dune, below existing contour 2.50m AHD or within the Barron Delta, the following minimum levels shall apply to all residential, commercial, industrial and tourist development.

Location	Fill Level	Floor Level
a. Barron River Delta	Immunity from Q100 flood level as determined from Barron River Delta Flood Study (Connell Wagner Report).	150mm Freeboard from fill level
b. Within 60m of the toe the frontal dune or below existing contour 2.50m A.H.D.	3.40m A.H.D. (a)	3.55m A.H.D. (a)
c. Below existing Contour 4.50m A.H.D.	3.40m A.H.D. plus hydraulic grade effect	150mm Freeboard from fill level

NOTE (a) Erosion and structural matters to be considered with any proposed development in these areas.

Council requires to be submitted with any application for approval under the Local Law - Filling and Excavation of Land, rezoning, subdivision, town planning consent or an application for notification of conditions, sufficient survey information to enable accurate assessment of the elevation of the land in question to A.H.D.

Engineering advice is also required in respect to how the land in question will be drained and protected from the effects of inundation by water should mean sea level increase by 1.0 metres over a period of 100 years commencing from the year 1990.

This allowance is to be in addition to the determined flood height from other effects such as storm, tide, wave run-up, wave set-up, wave action, river and watercourse flooding (hydraulic grade). Table 1 sets out criteria for determining "still water" heights for coastal development inclusive of long term "greenhouse" predication. The additional effects of hydraulic grade, erosion control and structural considerations shall be assessed and determined by a suitably qualified professional engineer prior to submission to Council.

It shall be a condition of any approval that works identified as being necessary to protect the subject land and other affected land (if applicable) from inundation shall be carried out as part of the development.

### **3.3.3 Development in the Barron River Delta**

Council intends to control the management of future development within the Barron River Delta in particular the effects of flooding. It is intended that the findings of the Barron River Delta Study will form the basis on which Council will consider development proposals with regard to flooding.

The documents "Barron River Delta Flood Study - Development in the Delta" Parts A and B are a guide by which potential developers, consultants and other technical users can gain an understanding of how Council will deal with future development and provide protection to existing properties.

This shall apply to the development of all residential, commercial, industrial and tourist land within the Barron River Delta.

The "Barron River Delta Flood Study-Development in the Delta" Parts A and B (Revision A October 94) includes the following components.

#### **Part A - Technical Guide**

Part A explains the aims and results of the Study and describes the computer model which was developed as part of the study. Various drawings are included to provide information on design flows and flood levels.

#### **Part B - Rezoning, Subdivision and Building Policy**

This document sets out Council's policy on development in the Barron River Delta. Included with this document are details of the procedure to be followed in using the model in association with any development application or when undertaking detail design.

Council has adopted the numerical hydraulic model developed during the Barron River Flood Study and subsequently updated as the yardstick by which all development proposals are judged. The adoption of a single model operated and interpreted by those skilled in its development and use is intended to ensure that all proposals are dealt with in a consistent and objective manner.

Council policy is that individual development applications are to be considered in detail by Council's hydraulic engineers using the Barron Delta Flood Model so that the effects on flooding can be assessed both in respect to the project itself and to other areas within the delta.

### 3.4 CONTRIBUTIONS

Drainage Management Plans are supported by individual Drainage Studies which include, but are not limited to, consideration of the following:

- Assessment of the current and future development with the drainage catchment and determination of mitigation works that may be appropriate.
- Determination of costings including land, design and construction costs for mitigation of works within the catchment.
- The allocation of costs / contributions to individual catchments on a contributing area basis upstream of each control or mitigation structure or facility.

Contributions within individual drainage management plan areas have been established as follows:

**TABLE H-2**

Catchment	Subcatchment	Contribution \$/Ha
1	Palm Cove	*TBA
2	Delaney's Creek	"
3	Deadman's Gully	"
4	Deep Creek	"
5	Cayley Street Drain	"
6	Trinity Beach	"
7	Moore's Gully	"
8	Chinaman's Creek	"
9	Moon River/Half Moon Creek	"
10	Knight's Creek	"
11	Avondale Creek	"
12	Barron Delta	"
13	Stoney Creek	"
14	Kamerunga	"
15	Freshwater Creek	"
16	Clarke Creek	"
17	Gordon Creek	"
18	Cowleys Creek	"
19	Saw Pit Gully	"
20	Skeleton Creek	"
21	Blackfellow Creek	"
22	McKinnon Creek	"
23	O'Leary's Creek	"

**\*TBA**

The particular rate of contribution payable shall be as determined by Council resolution made from time to time.

### 3.5 TIME FOR PAYMENT

Unless Council decides otherwise, contributions required under a Drainage Management Plan shall either be made or secured in accordance with the following requirements:-

- Applications for rezoning
  - prior to the application being referred by Council to the Chief Executive Officer for approval by the Governor in Council.
- Application for Town Planning Consent Approval
  - prior to issue by Council of the Town Planning Consent Permit.
- Applications for Notification of Conditions
  - prior to the issue by Council of the building approval.
- Applications for Subdivision
  - prior to the endorsement by Council of any Plan of Survey.

Where monetary contributions are required, the contribution shall be calculated at the rate current within the Planning Scheme at the time of payment or otherwise as may specified in any Development Agreement entered into between Council and the applicant.

In the cases where land has been subject of a development and contributions have been paid for drainage management works and a further application lodged, the new contribution shall be discounted by the value of any contributions previously paid to Council in relation to the subject land.

Where developers dedicate land for drainage works and/or carry out construction of drainage works, the value of such works and land dedication, as estimated in the supporting documentation, shall be credited against contributions required under the Drainage Management Plan.

Credits for works or land dedication shall be applied at the time when contributions are due.

Where a developer proposes to dedicate land or carry out works with a value in excess of contributions applicable to a proposed development, the value of works to be undertaken shall be approved by the Director of Technical Services.

In the situation when the value of the land or works, as determined in the supporting documentation, exceeds contributions required from the subject land, the Council will refund the value of the works in excess of contributions required when sufficient funds are available from contributions received from other parties to whom the Drainage Management Plan applies.

### **3.6 REVIEW OF DRAINAGE MANAGEMENT PLANS**

A review of each Drainage Management Plan will be carried out annually by Council. This review will incorporate, but not be limited to, the following:

- change in the value of works due to increase in materials costs, plant and labour charges;
- updated or new planning studies;
- works completed;
- proposed new works;
- revisions to the works programme and the financial programme; and/or
- other Council policies and decisions.

Any amendments to Drainage Management Plans arising from the annual review will be effective from 1 July of that year.



### 3.7 SUPPORTING INFORMATION

Reference shall be made to the following documents in relation to supporting information to the DMP.

*Refer to Drainage Studies completed*

*ie., Barron Delta Flood Study - Connell Wagner*

*McKinnon Creek Drainage Management Plan - McPherson MacLean*

*Wargon Chapman*

*Blackfellow Creek Drainage Management Plan - Kinhill Kramer*

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## **4.1 OPEN SPACE MANAGEMENT**

### **4.1.1 Introduction**

As part of planning for the City of Cairns' growth the Cairns City Council intends to ensure that all communities have sufficient access to public park land to cater for the diverse sporting and recreational needs of the community.

Including the need for public parkland at an early stage in planning and ensuring provision is timed to meet emergent demand is seen as critical in meeting this intent. In addition the Council recognises the role of open space in defining the city's image and protecting the natural and landscape values of the area.

To meet the need for planned provision of public parkland and the protection of natural areas of conservation, landscape and cultural significance, Cairns City Council proposes to develop an open space system for the city that will act as a framework for urban development.

To guide the provision of public park and the development of an open space system for the city Council has developed these provisions to provide explanation and guidance on achieving an integrated open space system..

### **4.1.2 Objectives**

Cairns City Council has defined the following objectives for the development of the open space system within the plan area.

The open space system will:

- ◆ Be fundamental in achieving a balanced provision of quality park based recreation, social, cultural and sporting opportunities appropriate to the needs of each district.
- ◆ Be planned and provided so that the cost to the community is minimised but without the quality of supply being compromised.
- ◆ Ensure that residents can participate in a variety of recreation, sporting, social and cultural activities.
- ◆ Protect natural areas of conservation and cultural significance including wetlands and waterways.

- ◆ Assist in maintaining or re-establishing connectivity between natural areas.
- ◆ Ensure that provision of public parkland is equitable and that all communities have safe and convenient access to parks and facilities.
- ◆ Encourage multiple use of parks through appropriate design, size and location.
- ◆ Identify a minimum standard of development and design that should apply to public parkland according to function and hierarchy.
- ◆ Ensure that local and citywide planning for an open space system and public parkland is integrated with other city and regional planning.
- ◆ Ensure a minimum level of provision of parkland based on performance criteria, which maintain or enhance existing levels of provision across the city.

#### **4.1.3 The Open Space System**

The city's open space system can contain the following components:

- ◆ public park land including sporting fields, informal parks and other public land used for sport and recreation.
- ◆ State owned reserves used for parks, recreation, conservation and other recreation or conservation related purposes.
- ◆ Council owned conservation areas, habitat reserves and protected natural areas
- ◆ Waterways, wetlands and rivers
- ◆ beaches and foreshores.

#### **4.2 LOCAL AREA OPEN SPACE MANAGEMENT PLANS**

To achieve the open space objectives, Council has developed the mechanism of Local Area Open Space Management Plans (LAOSMP). LAOSMP have been prepared for several catchments within the city and a program to prepare plans for the remaining catchments is ongoing.

The catchments within the plan area for the LAOSMP are:

- ◆ Northern Beaches (plan completed)
- ◆ Redlynch Valley (draft completed)
- ◆ White Rock – Edmonton (planning underway)
- ◆ Mt Peter Valley
- ◆ Rural South.

The catchments are shown on map one.

#### **4.2.1 Purpose of Local Area Open Space Management Plans**

LAOSMP detail Council's plan for the current and future provision of public park land to service existing and future communities within a defined catchment. LAOSMP identify a preferred system of public parks and sporting fields as well as areas of conservation, social, cultural or landscape significance.

To ensure that public park land is provided according to emerging community needs, Council requires a contribution from developers towards the development of the public park component of the open space system. A fundamental purpose of the LAOSMP is to guide this contribution, which may be provided in land, works, money or a combination of these.

The objectives for the preparation of LAOSMP are to:

- ◆ Ensure the level and quality of provision of public parks reflects Council's open space objectives and park planning performance criteria.
- ◆ Ensure design and location recognises opportunities for linkage with other social infrastructure.
- ◆ Identify and protect areas of environmental, landscape or cultural importance and identify opportunities for public parks to enhance this protection.
- ◆ Provide detailed guidance to Council Officers in planning and assessing development and in providing pre-lodgement advice to developers.
- ◆ Provide advice on the developer contribution for public park land for the catchment, including preferred sites and quantum of monetary contribution.

#### 4.2.2 Preparation of LAOSMP

The LAOSMP are prepared according to a defined process, which involves:

1. Study area overview.
2. Analysis of constraints and opportunities.
3. Analysis of existing open space values including form, function and potential of existing parks.
4. Assessment of existing community need and supply of open space.
5. Identification of areas where development must consider areas of environmental and cultural significance and other environmental issues (such as protection of waterways).
6. Establishing likely future urban form, demographics and anticipated community need.
7. Addressing anticipated demand and supply.
8. Identification of a preferred open space infrastructure plan for the catchment.
9. Calculation of the cost of providing the land for additional parks and sporting parks required.

#### 4.2.3 Review of LAOSMP

A full review of all LAOSMP shall be carried out every six years or at a lesser period as identified by Council. Annual reviews of the financial basis for the contribution amounts described in each LAOSMP will be undertaken by Council to ensure rates remain relevant to the real cost of acquiring land for public parks.

The six yearly reviews will include but are not limited to, consideration of the following:

- (a) change in value of works due to increase in materials, land and labour costs
- (b) update of new planning studies
- (c) works completed
- (d) proposed new works

- (e) revisions to works programs
- (f) progress in the development of the open space system including public parks
- (g) changes in Council's open space and park planning objectives.
- (h) Cost of land to be acquired for public parks

**4.3 PARK PLANNING PERFORMANCE CRITERIA**

The preparation of LAOSMP, assessment of development proposals and general park planning and development is guided by these performance criteria. The purpose of the performance criteria is to ensure that communities are provided with a minimum level of supply of public parkland that meets a range of passive and active needs.

**4.3.1 Summary of Performance Criteria**

The following table summarises the main criteria guiding the development of the park system. A more detailed discussion of the Park Planning Performance Criteria can be found in Cairns City Council's Development Manual (Section 4).

**Table 1: Summary of Performance Criteria for Park Planning**



Criteria	Performance measurement		Comment
	Internal parks	Starting Parks	
Space	<ul style="list-style-type: none"> <li>1. Short narrow</li> <li>2. Long narrow</li> <li>3. Wide open</li> <li>4. Unusable</li> <li>5. Minimal space</li> <li>6. Minimal</li> <li>7. Accessible</li> <li>8. Well lit</li> </ul>	<ul style="list-style-type: none"> <li>1. Regular</li> <li>2. Shape</li> <li>3. Area</li> <li>4. Minimal</li> <li>5. Substantial</li> <li>6. Available</li> <li>7. Well lit</li> <li>8. Well lit</li> <li>9. Well lit</li> <li>10. Well lit</li> <li>11. Well lit</li> <li>12. Well lit</li> <li>13. Well lit</li> <li>14. Well lit</li> <li>15. Well lit</li> <li>16. Well lit</li> <li>17. Well lit</li> <li>18. Well lit</li> <li>19. Well lit</li> <li>20. Well lit</li> <li>21. Well lit</li> <li>22. Well lit</li> <li>23. Well lit</li> <li>24. Well lit</li> <li>25. Well lit</li> <li>26. Well lit</li> <li>27. Well lit</li> <li>28. Well lit</li> <li>29. Well lit</li> <li>30. Well lit</li> <li>31. Well lit</li> <li>32. Well lit</li> <li>33. Well lit</li> <li>34. Well lit</li> <li>35. Well lit</li> <li>36. Well lit</li> <li>37. Well lit</li> <li>38. Well lit</li> <li>39. Well lit</li> <li>40. Well lit</li> <li>41. Well lit</li> <li>42. Well lit</li> <li>43. Well lit</li> <li>44. Well lit</li> <li>45. Well lit</li> <li>46. Well lit</li> <li>47. Well lit</li> <li>48. Well lit</li> <li>49. Well lit</li> <li>50. Well lit</li> <li>51. Well lit</li> <li>52. Well lit</li> <li>53. Well lit</li> <li>54. Well lit</li> <li>55. Well lit</li> <li>56. Well lit</li> <li>57. Well lit</li> <li>58. Well lit</li> <li>59. Well lit</li> <li>60. Well lit</li> <li>61. Well lit</li> <li>62. Well lit</li> <li>63. Well lit</li> <li>64. Well lit</li> <li>65. Well lit</li> <li>66. Well lit</li> <li>67. Well lit</li> <li>68. Well lit</li> <li>69. Well lit</li> <li>70. Well lit</li> <li>71. Well lit</li> <li>72. Well lit</li> <li>73. Well lit</li> <li>74. Well lit</li> <li>75. Well lit</li> <li>76. Well lit</li> <li>77. Well lit</li> <li>78. Well lit</li> <li>79. Well lit</li> <li>80. Well lit</li> <li>81. Well lit</li> <li>82. Well lit</li> <li>83. Well lit</li> <li>84. Well lit</li> <li>85. Well lit</li> <li>86. Well lit</li> <li>87. Well lit</li> <li>88. Well lit</li> <li>89. Well lit</li> <li>90. Well lit</li> <li>91. Well lit</li> <li>92. Well lit</li> <li>93. Well lit</li> <li>94. Well lit</li> <li>95. Well lit</li> <li>96. Well lit</li> <li>97. Well lit</li> <li>98. Well lit</li> <li>99. Well lit</li> <li>100. Well lit</li> </ul>	<ul style="list-style-type: none"> <li>1. Long narrow</li> <li>2. Parks are</li> <li>3. Generally</li> <li>4. Acceptable</li> <li>5. Distance</li> <li>6. Suitable for</li> <li>7. Activities</li> <li>8. Which may be</li> <li>9. Improved</li> <li>10. Improved</li> <li>11. Improved</li> <li>12. Improved</li> <li>13. Improved</li> <li>14. Improved</li> <li>15. Improved</li> <li>16. Improved</li> <li>17. Improved</li> <li>18. Improved</li> <li>19. Improved</li> <li>20. Improved</li> <li>21. Improved</li> <li>22. Improved</li> <li>23. Improved</li> <li>24. Improved</li> <li>25. Improved</li> <li>26. Improved</li> <li>27. Improved</li> <li>28. Improved</li> <li>29. Improved</li> <li>30. Improved</li> <li>31. Improved</li> <li>32. Improved</li> <li>33. Improved</li> <li>34. Improved</li> <li>35. Improved</li> <li>36. Improved</li> <li>37. Improved</li> <li>38. Improved</li> <li>39. Improved</li> <li>40. Improved</li> <li>41. Improved</li> <li>42. Improved</li> <li>43. Improved</li> <li>44. Improved</li> <li>45. Improved</li> <li>46. Improved</li> <li>47. Improved</li> <li>48. Improved</li> <li>49. Improved</li> <li>50. Improved</li> <li>51. Improved</li> <li>52. Improved</li> <li>53. Improved</li> <li>54. Improved</li> <li>55. Improved</li> <li>56. Improved</li> <li>57. Improved</li> <li>58. Improved</li> <li>59. Improved</li> <li>60. Improved</li> <li>61. Improved</li> <li>62. Improved</li> <li>63. Improved</li> <li>64. Improved</li> <li>65. Improved</li> <li>66. Improved</li> <li>67. Improved</li> <li>68. Improved</li> <li>69. Improved</li> <li>70. Improved</li> <li>71. Improved</li> <li>72. Improved</li> <li>73. Improved</li> <li>74. Improved</li> <li>75. Improved</li> <li>76. Improved</li> <li>77. Improved</li> <li>78. Improved</li> <li>79. Improved</li> <li>80. Improved</li> <li>81. Improved</li> <li>82. Improved</li> <li>83. Improved</li> <li>84. Improved</li> <li>85. Improved</li> <li>86. Improved</li> <li>87. Improved</li> <li>88. Improved</li> <li>89. Improved</li> <li>90. Improved</li> <li>91. Improved</li> <li>92. Improved</li> <li>93. Improved</li> <li>94. Improved</li> <li>95. Improved</li> <li>96. Improved</li> <li>97. Improved</li> <li>98. Improved</li> <li>99. Improved</li> <li>100. Improved</li> </ul>



Criteria	Performance measurement		Comments
	Informal parks	Sportsparks	
Land quality	<ul style="list-style-type: none"> <li>a. Maximum open space</li> <li>b. Land cannot be constrained by rezoning for public use conservation contribution</li> <li>c. Land is not available for residential development</li> <li>d. Land is not available for commercial development</li> <li>e. Land is not available for industrial development</li> <li>f. Land is not available for other uses</li> </ul>	<ul style="list-style-type: none"> <li>a. Maximum open space</li> <li>b. Land cannot be constrained by rezoning for public use conservation contribution</li> <li>c. Land is not available for residential development</li> <li>d. Land is not available for commercial development</li> <li>e. Land is not available for industrial development</li> <li>f. Land is not available for other uses</li> </ul>	<ul style="list-style-type: none"> <li>a. Special provisions apply to land quality and will contain constraints that may be acceptable at this stage</li> <li>b. The quality and condition of the land will be a consideration in development</li> <li>c. The quality and condition of the land will be a consideration in development</li> <li>d. The quality and condition of the land will be a consideration in development</li> <li>e. The quality and condition of the land will be a consideration in development</li> <li>f. The quality and condition of the land will be a consideration in development</li> </ul>





## **4.3.2 Notes Regarding Performance Criteria**

### **4.3.2.1 Minimum Level of Supply**

The minimum level of supply acts as a broad measure to determine the adequacy of supply for a defined population. It is not intended to operate as a single measure of adequate supply as the other performance criteria have substantial impact on quality of supply. For example, this broad measure does not establish how accessible the parks are, how useable they are or how numerous they are. A single park of 40 ha 3 km from a suburb of 10 000 people would not be seen as sufficient.

The figure of 4 ha per 1 000 persons (2 ha informal park and 2 ha Sporting park) has been determined by a review of other planning standards and criteria and an estimate of current supply levels across the city. Council has determined a minimum level of supply to ensure that there is equitable provision of parkland for all communities. However, to be effective in meeting community needs, this supply of parkland must be safe, accessible, provide a diverse range of opportunities and be affordable to maintain.

### **4.3.2.2 Minimum Size**

In general the minimum sizes should be taken to be the higher of the range outlined in the table. These minimums are important as they allow parks to be developed in a way that optimises cost savings to the community. A larger local park is cheaper to develop and maintain than two smaller ones. District parks must service a larger population and require more area. The most effective design for a district park is one that allows a range of uses, multiple access points and sharing of services and facilities between use nodes.

In the case of sporting parks the minimum 1.2 ha refers to actual space for a multi-use field (a full multi-use field supporting senior level sport would require 1.6 ha). If you consider the need for buffering around the field, shade, parking and facilities such as toilets or change rooms the 2 ha size is a more realistic minimum.

It is acknowledged that where good urban design proposes a well-integrated open space system that adjacent park and other open space components (eg creeks) can provide some of these functions.

Therefore the lower figure in the range may be considered where this is the case.

#### **4.3.2.3 Access and Visibility**

To provide effectively for a community's park needs, parkland must be safe and easily accessible. This means that a minimum distance should apply to access a park. For local parks pedestrian and cycle access is critical. To ensure access is reasonable criteria regarding minimum road frontage and access corridor widths have been developed. The potential constraints on access from creeks, major roads, residential boundaries, drainage works and other elements must be considered when choosing park locations.

In addition it is desirable that local parks have high visibility from surrounding houses. This visibility is important in an aesthetic sense but is mandatory if issues of personal and community safety are to be addressed. Part 4 of the Development Manual (Landscaping) provides more detail on specific design issues and outlines Council's CPTED ("Crime Prevention Through Environmental Design") policy.

Access to the park for maintenance vehicles is also important. Selection of main and secondary entry points should consider the size, weight and operation of service vehicles.

#### **4.3.2.4 Shape**

Shape of the park area has a major impact both on development and maintenance costs and on functionality of the park. In sporting parks it is particularly important to have a shape that allows an efficient use of the space. In general regular shapes perform best allowing for multi-use fields or spaces. For example an oval with a radius of 80 m (2 ha) will enable most field sports at senior level and 60 m (1.2 ha) will enable most junior sports. In addition the shape should consider the presence of constrained portions of the land or the intrusion of other open space elements (eg drainage reserves, flood constraints, road buffers).

#### **4.3.2.5 Land Quality**

The quality of the land to be used for park purposes is a critical factor. Suitable land does not have to be the best land available but it does have to be suitable for the intended use. Often a mix of localised conditions will represent the best result. To minimise acquisition cost to the community, opportunities to use constrained land should be pursued. However this must be balanced with the likely development costs.

Land for district sporting uses must be able to provide some stable, flood free land to allow for the development of shared club facilities or built sporting facilities. The topography of the site is also critical with flat land more suitable as it minimises development costs.

In some circumstances sub-standard land may be considered a suitable location but will require significant work before it meets quality criteria.

#### **4.3.2.6 Diversity of Settings**

To ensure the community is adequately provided for with a public park system, the development of a range of park – outdoor recreation settings is essential. This range should encompass highly natural- undeveloped settings through to developed – structured settings. The park estate should allow for passive – informal activity (eg bushwalking) through to active – organised activity (eg organised sport).

A diverse land base also provides for a greater range of response to changing community needs. Ensuring that park land is of good quality and not constrained means that future costs to the community are minimised. Responding to changing demands of existing populations will normally mean reconfiguring existing park rather than purchasing additional land.

#### **4.3.2.7 Minimising Cost**

It is important to consider the costs to the community associated with park land. The location, shape, quality and use of parkland has significant impact on development and maintenance costs.

The cost impact of the various performance criteria are discussed under each criteria.

The main objective of this criteria is to ensure that land provided by developers for parkland or land purchased for parkland represents land of good quality. The land should not require unreasonable expenditure to be developed to a standard suitable for community use and that this land is not impeded or constrained in such a way so as to make ongoing cost of maintenance or future redevelopment unreasonable.

## 4.4 DEVELOPMENT CONTRIBUTION FOR PARKS

### 4.4.1 Introduction

The community has a recognised a need for public park land, which provides a range of recreational opportunities and visual amenity at local, district and metropolitan levels. Public parks are part of a city wide open space system.

Council intends to ensure that sufficient, conveniently located and suitable quality park is provided to meet the needs of the community. To achieve this and to ensure that parkland is available for communities when need arises, Council may require a contribution from developers as a condition of any application for reconfiguration of a lot (subdivision).

The need for parkland arises from a range of development activities. New urban and residential areas need park land for recreation and sport and as part of an open space system that enhances the local environment. Commercial areas need parks for casual use by staff, shoppers and visitors as well as to beautify the commercial area. Industrial areas need parks for the use of workers and to provide relief from the industrial landscape.

Redevelopment and renewal of areas, particularly where residential densities are being increased creates need for upgrading of existing parkland or additional land. In some cases additional land is not feasible and therefore facilities have to be improved to cope with demand generated by the proposed development.

In order to satisfy the need for public parkland generated by the increased population as a result of development it is reasonable to require a contribution. This contribution will take the place of land, works, money or a combination of these.

To ensure that the development of a network of public parks occurs according to Council's objectives and performance criteria, land required for public park should be identified during planning for the development and provided at the time of final approvals relating to the development (in most cases plan sealing).

Acquiring land through developer contribution (either as a direct land contribution or as a contribution to the purchase price of appropriate land), is seen as the most efficient way to provide the land base for a network of public parks.

The alternative of purchasing land (where available) after developments are completed and homes built, is not feasible as acquisition costs would be multiplied, residents would have had no opportunity to choose blocks on the basis of park location and servicing the park would be more difficult once development was complete. This approach would also limit the use of integrated urban design in providing equitable access to quality park land.

#### **4.4.1.1 Determination of Contribution**

In determining an application for reconfiguration of a lot by way of subdivision Council may require that in accordance with section 5.6 of the LGP&E Act 1990:

- (a) an area of land be transferred to Council for use as park land
- (b) a monetary contribution be paid in lieu of that land
- (c) works be provided for the improvement of land to be used as a park
- (d) any combination of (a), (b), and (c).

In determining whether to accept land, works, money or a combination of these, Council will consider:

- (a) compliance with any LAOSMP affecting the subject land
- (b) compliance with the Park Planning Performance Criteria ( as detailed in the Development Manual) and the Land Contribution for public park- performance criteria (section 1.8)
- (c) the quantum of land offered
- (d) existing provision of parkland in the area
- (e) the possibility of connecting the proposed park with the existing or proposed open space system
- (f) the type and style of development and likely demand generated
- (g) the size of the block to be developed.
- (h) The location of preferred areas of major open space indicated in the Strategic Plan and in Development Control Plan 4.
- (i) Section 5.6 of the LGP&E Act 1990
- (j) Any planning scheme policy prepared regarding this matter.

#### **4.4.2 Contribution Rates**

The quantum of contribution is determined by Planning Scheme Policy No 6 and any relevant LAOSMP. Any land contribution proposed by the applicant or requested by Council is subject to Park Contribution Performance Criteria and relevant LAOSMP as detailed later in this section.



Any works proposed as part of a contribution towards public park land must be undertaken in accordance with a Landscape Plan which has been endorsed by Council or its delegate.

#### **4.4.3 Time for Payment**

Unless Council decides otherwise, all contributions required, whether monetary, works or land shall either be made or secured prior to the Council's approval of the plan of subdivision.

#### **4.5 LAND CONTRIBUTION FOR PUBLIC PARKLAND (PARK CONTRIBUTION PERFORMANCE CRITERIA)**

In regard to land contribution, the land must be suitable for the purpose intended by the LAOSMP (if applicable) or purpose agreed to by Council. The land must comply with the Park Planning Performance Criteria which assists in determining suitability. Should sub-standard land be proposed, any works required to develop the land to a suitable standard would not be included in the calculation of the contribution. The following performance criteria for land contributions will also apply.

##### **4.5.1 Flooding and Waterways**

Flood liable land will only be considered as suitable for a public park land contribution where Council agrees this would result in significant recreational benefit. In general land within the waterway corridor is not acceptable as parkland and would normally be considered part of a drainage reserve or other open space component.

Unless indicated otherwise on an LAOSMP or according to any Planning Scheme Policy or other strategy adopted by Council, a waterway corridor is deemed to be that land which includes the waterway itself and an amount of land forming a 20 m corridor on from the top of each bank.

Land adjacent to waterways or subject to flooding may be considered suitable if it:

- ◆ is identified as desirable for parkland in an LAOSMP
- ◆ is free of regular inundation being generally above the Q 5 level
- ◆ can be demonstrated to provide useful recreation opportunity
- ◆ does not comprise part of a high velocity overland flow path, which would pose a danger to the public or require higher levels of maintenance and development due to flood damage, and does not consist of areas required for long duration storage of flood waters
- ◆ does not comprise the total contribution of land

- ◆ does not represent a need for costly development and maintenance standards
- ◆ integrates with an existing or proposed parks and open space system.

#### **4.5.2 Land with Limited Utility as Parkland**

Part of a land contribution may be comprised of land with limited utility as parkland providing that this is agreed to by Council and that such part does not represent a greater amount than 30% of the total area to be contributed.

Such land, which is deemed to be substandard by the Land Contribution for Public Parkland Performance Criteria, may be accepted on a discounted basis. Such acceptability and rate of discount to be determined by:

- (a) A detention basin may be accepted at a discounted rate of 50% of the actual area provided that:
  - ◆ It is agreed that there is a complementary benefit to existing or proposed open space.
  - ◆ The size and design of the basin allows active recreation.
  - ◆ The design provides for the water level to rise to a maximum in no less than 60 minutes and to drain in no longer than 2- 3 hours after rain has ceased.
  - ◆ Underground drainage is provided to at least Q 1 and suitable sub-surface drainage has been provided to ensure that the surface can be drained and dry within 24 hours of a rain event.
  - ◆ Slopes are generally less than 1:6. In some cases a mix of treatments may be used but several access and egress points must be provided along all boundaries.
  - ◆ The basin is designed and landscaped as to look like a park.
  - ◆ The basin is constructed according to a landscape plan which has had prior endorsement from Council (such endorsement to be no greater than six months prior).

- (a) A water body may be acceptable at a rate of 50% of the total area providing that it is able to comply with water quality criteria established for the proposal by Council. Any water body will not be accepted until a reasonable period of compliance with water quality criteria has been demonstrated. In general the minimum period would be two years after construction has been completed. Any water body can only be included as part of a larger park area (ie. there must be a substantial land component) and appropriate treatment of any and all stormwater and run-off affecting the water body must be constructed. The cost of such construction is not included in any calculation of park contribution.
- (b) Land below Q 5 may be accepted at a rate of 10% of the area (below Q 5) to be contributed. In most cases this will be considered if the land is part of a planned open space system and is not comprised of modified waterways and drains. Naturally vegetated, unmodified and rehabilitated waterways are likely to be considered.
- (c) Any land steeper than 1:4 may be accepted at a rate of 50% of the area affected providing that Council determines there is benefit in doing so. Such benefit may arise from protecting significant landscape features and areas of natural vegetation.

#### **4.5.3 Land Unsuitable as Park**

Some types of land should never be considered as suitable for park contribution. Council may decide to accept the land under other requirements or at the request of the applicant but the area of land will not be considered as part of a park contribution. The following areas are considered unsuitable for parkland:

- ◆ Land likely to serve primarily as a buffer to a transport corridor.
- ◆ Land affected by powerlines, in particular high voltage transmission lines. A buffer of at least 50 m from the lines would be appropriate for any land proposed adjacent to such affected land.
- ◆ Land affected by contamination of any sort.
- ◆ Areas of land less than 10 m wide.
- ◆ Land comprising stormwater drainage of a highly constructed nature (eg concrete culverts, gross pollutant traps).

#### 4.5.4 Condition of Land Upon Transfer to Council

Applicants must make every effort to protect the values of the land proposed for park contribution. Any works proposed for the land (including any remediation or rehabilitation) must be carried out according to an approved landscape plan (details on the preparation of landscape plans can be found in part 4, section 2.5 of Council's development manual).

The following general conditions apply to all land to be provided as park contribution:

- (a) Existing natural vegetation and in particular mature trees are to be retained.
- (b) No modification of the topography, soil or landform.
- (c) The park area is not to be used for storage of materials, machinery or equipment during construction. Fencing of the area during construction to avoid damage is advised.
- (d) Water is to be provided to the boundaries of the park on the basis of one 40 mm connection per every 2 000 square metres of park.
- (e) Power is to be provided to boundaries on the basis of one connection per every 4 000 square meters of park.
- (f) The park must be adequately fenced with bollards or top rails so as to prevent vehicular access.
- (g) No landscape works or modification is to take place unless according to a landscape plan approved by Council
- (h) The park must be maintained to a reasonable standard and for a duration determined by Council in the assessment of the application. At the least clearing of weed species and mowing of grassed areas would be required prior to hand-over.

Applicants not complying with these conditions will be bonded for an amount equal to the works required to be completed. Such bond to be expended on their behalf if works are not completed within 1 year.