

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

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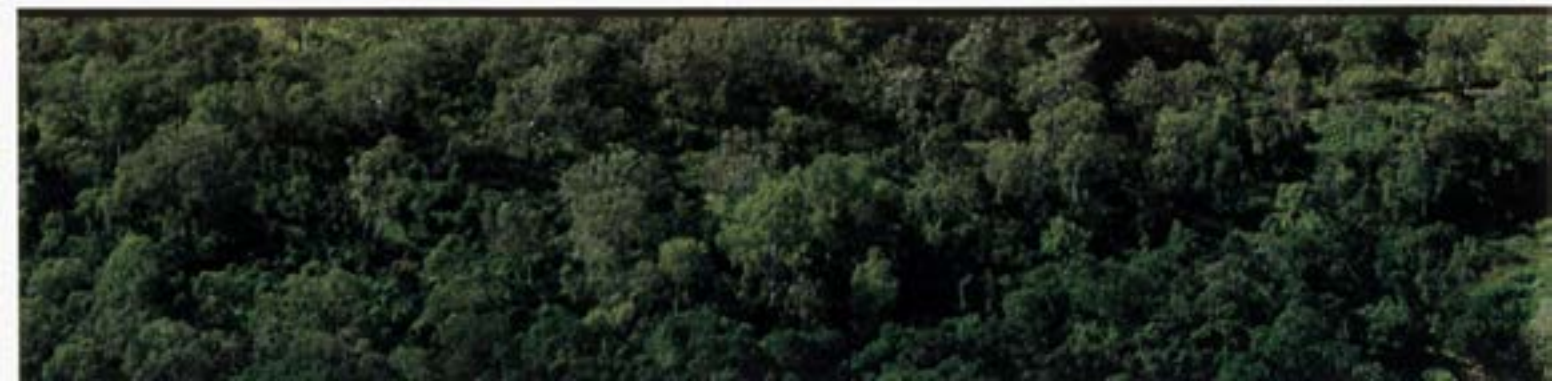
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# STRATEGIC PLAN



## **STRATEGIC PLAN FOR PART OF THE CITY OF CAIRNS**

This Strategic Plan forms part of the Planning Scheme for part of the City of Cairns. The Strategic Plan includes the Strategic Plan Map and is divided into the following :

1. INTRODUCTION
2. PREFERRED DOMINANT LAND USES
3. STATEMENT OF OBJECTIVES AND CRITERIA FOR IMPLEMENTATION
4. SPECIAL PROVISIONS OF THE PLAN

### **PLANNING STUDY**

The Planning Study provides supporting information which is contained in that document marked Strategic Plan - Planning Study, copies of the Study signed for identification by the Clerk of the Executive Council are held at the Office of the Department of Housing, Local Government and Planning and at the Office of the Cairns City Council. The Planning Study can be found in Part B of the Planning Scheme.

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## **1. INTRODUCTION**

The Strategic Plan is primarily concerned with matters affecting the future use of land within the [former] City of Cairns. The Strategic Plan deals with broad patterns of land use, taking into account the way they relate to the economy of the inner City and of the region, the transport system, the services infrastructure and the physical and social environments.

### **1.1 The Vision**

The vision which the Strategic Plan seeks to promote is a vital and cosmopolitan City expanding its role as the major city of Far North Queensland and adopting an even more significant role as the northern gateway to Australia and as a national and international tourist destination. Cairns acknowledges and promotes the features of the natural, cultural and built environments which combine to create the intrinsic character of Cairns : features such as the Esplanade; the wide city streets; the backdrop of steep, forested hillsides; and the tropical environment and lifestyle.

Cairns seeks to be a City which is well ordered and efficient and which maintains a comfortable balance between competing demands for the betterment of the entire community.

### **1.2 Overriding Principle**

The overriding principle of the Planning Scheme is the promotion of ecologically sustainable development. Ecologically sustainable development is development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.

The core objectives of ecologically sustainable development are :

- \* to enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations;
- \* to provide equity within and between generations;
- \* to protect biological diversity and maintain essential ecological processes and life support systems.

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 and cultural protection measures supported by relevant State and Federal Government agencies and intergovernmental 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 wastes;

- \* 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 State conditions of approval;
- \* promotion of 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.

### 1.3 Primary Aims

The primary aims of the Strategic Plan are :

- To protect and promote the economic well being of the inner City, recognising its role as the dominant economic, cultural and social centre of Far North Queensland and its role as a national and international tourist destination.
- To enhance the natural environment of the City through maintenance of ecological integrity and protection of environmental quality.
- To promote quality and equity, convenience and variety in the lifestyle opportunities available to the population.
- To promote the efficient provision of services to the population.

## 2. PREFERRED DOMINANT LAND USES

The Strategic Plan incorporates a map showing the Preferred Dominant Land Uses. While some of the land use designations are similar in name to some of the zones included in the Planning Scheme for part of the City, the Preferred Dominant Land uses are not zones and do not confer rights to use land. The designations show the Council's aims and objectives for the future and indicate where and how development should occur. The Strategic Plan provides an overall framework within which individual rezoning, consent, subdivision and other development applications can be assessed.

The Preferred Dominant Land Uses and the intent for each use are as follows.

### 2.1 Description and Intent of Designations

#### 2.1.1 **Low Density Residential**

This designation indicates the areas which are used or intended to be used for low density residential purposes, primarily in the form of single family detached dwellings. This area encompasses hillside land which is developed or is considered suitable for residential use on larger allotments as well as land which is used or is intended for use for development of detached dwellings on conventional (600m<sup>2</sup> - 800m<sup>2</sup>) allotments.

The maximum permitted density within the Low Density Residential areas will be 60 persons per hectare. However, not all areas are considered to be suitable for development to this density; that is, for conventional residential development. Development Control Plan 4 Hillside together with Development Control Plan 1 Residential Densities provides details of the areas suitable for conventional residential development and of the areas which are somewhat constrained and where future development is to be in the form of larger (minimum 5000m<sup>2</sup>) allotments.

Alternative or innovative housing developments such as cluster housing, small lot, AMCORD or Green Street developments are considered to be acceptable within unconstrained areas, provided the residential density does not exceed 60 persons per hectare and provided specific performance criteria are satisfied.

In addition to the dominant residential use, these areas may also include other uses which are required to service residential areas and are compatible with low density housing. These services include educational and child care facilities, local shops, health and medical facilities, emergency services, social and welfare facilities including some special residential uses, recreational and open space facilities and public utility services.

The scale of the Strategic Plan map does not permit all of these uses to be shown. Future detailed development shall be controlled through the rezoning, consent and subdivision of land processes.

Care must be taken in the design and location of these facilities and services to ensure that they will not adversely affect the amenity of existing or proposed residential areas.

### **2.1.2 Medium Density Residential**

This designation indicates the areas which are used or intended to be used for medium density residential purposes. The designation includes the areas which are designated Residential B (100 persons per hectare), Residential C (200 persons per hectare) and Residential D (400 persons per hectare) under Development Control Plan 1.

Residential development in these areas may include duplexes, town houses, flats, units, apartments and the like. Dual Occupancy developments will be encouraged in some areas. The actual nature and extent of development, including the allocation of the density designations, are detailed in Development Control Plan 1.

Medium density residential development within this designation is primarily intended to accommodate permanent residents. Accommodation for tourists should only take place on sites which have a high level of accessibility and in locations where permanent residents will not be adversely affected by the movement of taxis, tourist coaches, etc.

As with the Low Density Residential designation, other support and service uses may be located within these areas, subject to detailed consideration of their design and location.

### **2.1.3 High Density Residential**

This designation indicates areas which are used or intended to be used for the highest density of residential development considered to be acceptable within the inner City. The designation reflects the designation of Residential E (800 persons per hectare) under Development Control Plan 1 and generally includes the City area (Central Business District) and North Cairns.

Residential development in these areas may include units, apartments, hotels and motels in taller buildings as well as hostels. Residential development within this designation is intended to accommodate both permanent residents and tourists. Residential development for both permanent residents and tourists in the Central Business District is encouraged.

### **2.1.4 Tourist Facilities**

This designation indicates areas adjacent to the Central Business District which are intended to be the primary focus for tourist accommodation, shopping and associated services. The designation also includes the tourist lease on Green Island. The areas adjacent to the Central Business District within the designation include:

- the sites for the Casino and Convention Centre and associated hotels;
- the ferry and cruise liner terminals;
- several existing hotels which cater largely to tourists;
- the section of the Esplanade between Shields and Aplin Streets which accommodates backpacker hostels, restaurants and cafes.

It is acknowledged that tourist accommodation is located and encouraged throughout the Central Business District and North Cairns and that there are many other tourist facilities located throughout the inner City.

The intent of this designation is to indicate the area where the highest concentration of tourist accommodation and associated facilities is encouraged.

### **2.1.5 Central Business District**

This designation indicates the area which forms or has the potential to form the Central Business District. It is intended that the Central Business District should develop as the main shopping, business and administrative centre of Far North Queensland and as an important entertainment and cultural centre.

In addition to its role as the major shopping centre, the Central Business District is also intended to cater for tourist shopping and for the convenience shopping needs of workers and of residents of the Central Business District and adjacent areas.

### **2.1.6 Major Business Centre**

This designation indicates the areas which accommodate the sub-regional and/or district shopping and business centres. These centres are intended to complement the role of the Central Business District in providing higher order shopping facilities and to cater for the convenience needs of residents of adjacent areas.

In some cases there is potential for limited expansion of these business centres. However, major expansion will be considered only if there is a demonstrated need and demand for expansion.

It is intended that Major Business Centres may include retail, commercial, entertainment, medical and community facilities.

### **2.1.7 Neighbourhood Shopping Centre**

This designation indicates several existing and a proposed Neighbourhood Shopping Centres which are intended to provide convenience shopping and other associated commercial, medical and community facilities on a neighbourhood or local basis. The Neighbourhood Shopping Centres shown on the Strategic Plan are generally indicative. It is not intended that significant expansion of existing centres should occur. However, there may be limited opportunities in some locations for limited expansion to achieve a more legible centre or to improve the range of services within a centre.

### **2.1.8 Mixed Use Area**

This designation indicates a number of areas where a mix of business, commercial, service and, in some cases, residential uses is considered to be appropriate. It is intended to provide opportunities for a range of business and commercial uses which may prefer to locate, or be better located, outside the Central Business District and the Major Business Centres.

The designation also acknowledges that changes in land uses have occurred over time and that, in some locations, residential amenity has deteriorated.

The detailed provisions of the Plan set out the preferred range of uses for each particular area within the designation.



### **2.1.9 Industry**

This designation includes those areas which are used or intended to be used for industrial purposes. The major industrial area is located at Portsmith, generally to the south of Spence Street and includes all Port facilities except those related to tourist ferry vessels and cruise liners. An area in North Cairns between Rutherford Street and Moffatt Street; an area at Aeroglen, bounded by Johnston Street and Magazine Street; and an area at Manunda bounded by McCormack, West, MacDonnell and Cannon Streets have been identified as being suitable for industrial use in the form of commercial services and light industries.

The Department of Business Industry and Regional Development has identified an area at Portsmith as an area of regional significance for business and industry development. This area is delineated on the Strategic Plan map.

It is intended that the areas designated for industry should be used primarily for industrial purposes and that the development of commercial and retail uses within these areas should be limited.

Development Control Plan 5 Cairns Port and Major Industrial Area provides details of the preferred distribution of industrial uses within the Portsmith area.

### **2.1.10 Special Use**

This designation includes areas containing Federal, State and Local Government facilities as well as the Cairns International Airport, schools and private hospital facilities. It is intended that these areas should be used for their existing purposes.

### **2.1.11 Major Open Space**

This designation includes major parks and larger areas of open space, both existing and proposed. It is intended that these areas will be developed for open space and public parks and that the major linkages indicated on the Plan will form an integrated open space system.

It is also intended that public and private sporting and other recreational complexes may be developed in appropriate locations, providing that they are compatible with adjoining open space uses and with adjacent land uses and providing they do not preclude the development of the integrated open space network and public access to this network.

### **2.1.12 Conservation**

This designation includes areas which remain, for the most part, in their natural state and which contribute significantly to the image of Cairns. They include :

- wetland areas adjacent to Smith's Creek;
- wetland areas situated between Trinity Inlet and the Cairns International Airport;
- several areas known collectively as the Cairns Central Swamp as well as other small areas of tropical forest within the urban area; and
- Mount Whitfield Environmental Park and other areas of publicly and privately owned hillside land.

It is intended that these areas should remain in their existing state. Wherever possible, it is intended that the parts of these areas which are currently in private ownership should be transferred to public ownership and form part of the overall open space system. Where this is not possible, development options will be limited and significant areas of vegetation will be protected through the provisions of Council's Local Law relating to tree protection.

Development Control Plan 3 Cairns Central Swamp and Development Control Plan 4 Hillside establish more detailed provisions for some of the areas included in this designation.

### 2.1.13 Principal Transportation Routes

The principal road network for the inner City, comprised of arterial, sub-arterial and distributor/collector roads, is indicated on the Strategic Plan map. Other roads which are not shown as part of this hierarchy are classed as access roads.

The railway network is also indicated.

A major pedestrian and cycleway network which utilises the open space system is indicated. This network is intended to provide opportunities for recreation for residents and for tourists as well as opportunities for off road movement between residential areas and facilities such as shopping centres and schools. It should be noted that not all sections of the network shown are intended to function as part of a cycleway network. The link through the Mount Whitfield Environmental Park, across to Lake Morris Road and to the Chinaman Creek open space corridor is intended as a walking trail for recreational use by residents and tourists. It is considered that there is considerable potential for the development of such a trail linking to the Botanical Gardens and to the Esplanade and the waterfront.

## 2.2 Division of the City Area into Designations

The Preferred Dominant Land Use designations and the Principal Transport Routes described are indicated on the Strategic Plan Map with the colour or symbol set out in the table below :-

Preferred Dominant Land Use Designation/Principal Transport Route	Colour or Symbol
Low Density Residential	Light Brown
Medium Density Residential	Pink
High Density Residential	Maroon
Tourist Facilities	Brown
Central Business District	Dark Blue
Major Business District	Mid Blue
Neighbourhood Shopping Centre	Black "N" surrounded by Blue Circle
Mixed Use Area	Light Blue with Identifying Number
Industry	Purple
Special Use	Yellow
Major Open Space	Light Green
Conservation	Dark Green
Area of Regional Significance for Business and Industry Development	Long Dashed Black Line
Arterial Road	Thick Black Line
Sub-Arterial Road	Black Line
Distributor/Collector Road	Thin Black Line
Railway	Red Line
Major Pedestrian/Cycleway Network	Short Dashed Black Line

### **3. STATEMENT OF OBJECTIVES AND CRITERIA FOR IMPLEMENTATION**

#### **3.1 Residential**

##### **3.1.1 Objective 1**

To provide for a diversity of housing styles to meet the varied needs of the people.

##### **3.1.2 Implementation**

- (a) The Strategic Plan provides for a diversity of housing styles by designating areas for low, medium and high density residential use. It is intended that there should be a degree of flexibility in the types of residential development permitted in the Medium Density and High Density preferred dominant land use areas to encourage further diversity in housing styles, subject to maximum density and building height criteria being maintained.
- (b) Development Control Plan 1 Residential Densities contains more detailed provisions relating to residential development and the Development Control Plan together with the provisions of the Table of Zones and the Planning Scheme Provisions encourages a diversity in housing styles.
- (c) Residential development for permanent residents is encouraged within the Central Business District.
- (d) Council will support the development of AMCORD or Green Street and Dual Occupancy forms of residential development, subject to compliance with the density designations established by Development Control Plan 1 and to compliance with specific requirements.
- (e) Council will support residential developments proposed to be subdivided under the Building Units and Group Titles Act provided relevant performance criteria have been satisfied.
- (f) Applications for special forms of residential development such as retirement villages, hospices, residential care units for the intellectually and physically handicapped and crisis centres will be considered on their merits and according to the provisions of Development Control Plan 1 and requirements set out in the Planning Scheme Provisions.

##### **3.1.3 Objective 2**

To promote an intensification of population densities in specific areas with good accessibility to urban facilities.

##### **3.1.4 Implementation**

- (a) The Strategic Plan and, more particularly, Development Control Plan 1 provide for higher density residential development within the Central Business District and in areas adjacent to shopping and business centres, major employment centres and arterial roads.

Council will support applications for residential development which are in accordance with the Density Designations established by Development Control Plan 1.

- (b) The zoning provisions complement the Strategic Plan and Development Control Plan 1 by establishing the Residential Zone in which residential development up to 400 persons per hectare, is a consent use and by establishing the Medium Density Residential zone in which residential development up to 400 persons per hectare is a permitted use and residential development between 400 persons per hectare and 800 per hectare is a consent use. In all cases the density controls established by Development Control Plan 1 shall be observed.
- (c) High density residential development in the Central Business District is encouraged in accordance with the provisions of Development Control Plan 1 and Development Control Plan 2.

### **3.1.5 Objective 3**

To promote a high standard of amenity in residential areas, particularly by enhancing the qualities of quietness, safety, visual attractiveness and privacy and to protect the amenity of residential areas from the intrusion of incompatible land uses.

### **3.1.6 Implementation**

- (a) When considering any development proposals in or near existing or proposed residential areas, the Council will take into account the potential affects on residential amenity of the following :-
  - i. whether noise, dust, smells, or any other emission could result, that would be likely to affect the quality and/or safety of nearby residential areas, existing and proposed, and the likely effectiveness of measures (including, but not limited to, buffering and restrictions on hours of operation), that are proposed to eliminate or reduce detrimental effects;
  - ii. whether the proposal (including a road proposal) would introduce or significantly increase traffic levels on any residential streets;
  - iii. whether proposed buildings, structures, and/or other visible aspects of the development would be compatible with the existing or prospective scale and character of nearby residential areas, and the effectiveness of the proposed design and landscaping of the development, and/or of an intervening buffer area, in reducing any adverse potential visual impact.
- (b) Essential non-residential uses within residential areas should be located together and designed to reduce their impact on the amenity of nearby residences. The development of Neighbourhood Centres and Major Suburban Centres provides an ideal opportunity for the grouping of essential non-residential uses.
- (c) The Table of Zones identifies those forms of development which are incompatible with the amenity of residential areas. These are shown as prohibited purposes within the various residential zones. Generally these forms of development are industrial or commercial in nature and are not required for the direct provision of local services within residential areas.
- (d) The intention within the residential zones is to develop land for residential purposes, while allowing other development providing direct local services to the surrounding residential area. Development for other than residential purposes, where this would provide local services for residents, may be supported. Such support will be dependent on the type of development proposed and the maintenance of an acceptable level of residential amenity.

- (e) New residential areas shall be located and designed to eliminate or minimise the movement of through traffic and industrial traffic along residential streets. The Hierarchy of Roads concept will be used as a guide in co-ordinating and assessing proposals for residential subdivision. Priority routing, the widening of carriageways, and in some cases other forms of traffic control (for example road closures, medians, turning restrictions) will be used to implement this concept, where necessary, in established residential areas.

When assessing development proposals consideration should be given to the separation of pedestrian movement systems and cycleways from vehicular traffic.

- (f) All proposals for residential development on sites which are :
- located between the 20 and 40 Australian Noise Exposure Forecast Contours;
  - located with frontage to or adjacent to arterial or sub-arterial roads;

shall comply with the requirements set out in Development Control Plans 1 and Development Control Plan 2 in relation to the alleviation of exposure to aircraft and/or traffic noise.

- (g) The concept of planned, integrated housing, involving the combination of housing construction with land subdivision will be encouraged by the Council. This approach enables dwellings to be designed and constructed in relation to each other, landscaping to be co-ordinated and overall improvements to privacy and visual attractiveness to be achieved.
- (h) In considering such proposals the Council will require a high standard of site development in order to promote a high standard of amenity in residential areas. This will be implemented by adherence to the performance standards for residential development as contained within the Planning Scheme Provisions and any further requirements which the Council may reasonably or relevantly impose having regard to the particular circumstances of each case.

### **3.1.7 Objective 4**

To ensure an adequate and efficient provision of necessary infrastructure within residential areas.

### **3.1.8 Implementation**

- (a) The Strategic Plan Map designates residential development in those areas capable of being provided with a full range of urban infrastructure, particularly reticulated water, sewerage, electricity, telecommunications services, a road network of an appropriate standard and other transport infrastructure.
- (b) The Council will not approve applications for rezoning or subdivision of land to provide for residential development, including hillside residential development, which are not capable of being serviced with appropriate standards of infrastructure, including transport infrastructure.



## **3.2 Tourist Facilities**

### **3.2.1 Objective 1**

To acknowledge and promote the function of Cairns as a domestic and international tourist destination.

### **3.2.2 Implementation**

- (a) The Strategic Plan provides for the consolidation of tourist services and facilities by designating areas adjacent to the Central Business District and adjacent to the waterfront specifically for tourist related uses.
- (b) The zoning of this area for Tourist Facilities further reinforces the intent of the Strategic Plan to concentrate tourist activities in this area.
- (c) The proximity of the Central Business District confirms the tourist function of Cairns as a retail, service and accommodation centre. This mix of tourist uses is supported in the relevant parts of the Planning Scheme.
- (d) The proximity of the waterfront confirms the importance of water based tourism to Cairns. Water based tourist services and facilities such as ferry wharves and cruise liner terminals are considered appropriate land uses under this designation.

### **3.2.3 Objective 2**

To provide for a diversity of tourist activities and services and facilities adjacent to the Central Business District and adjacent to the waterfront.

### **3.2.4 Implementation**

- (a) Complementary activities, services and facilities are proposed for those areas designated Tourist Facilities in the Central Business District. It is intended through the Planning Scheme Provisions to limit land uses in the area designated Tourist Facilities specifically to those primarily related to the provision of accommodation and facilities for tourists.
- (b) Through the implementation of the CBD Landscape Master Plan it is proposed to integrate the waterfront, the tourist precinct and the Central Business District.
- (c) Council will support a mix of higher order tourist services and facilities in the area designated Tourist Facilities. It is acknowledged however that tourist accommodation will also be provided in other areas of the City and the High Density Residential Area of North Cairns.
- (d) The unique location of the area designated Tourist Facilities in proximity to the Central Business District and the waterfront is recognised. The importance of integrating any development successfully between these two key features is highlighted. Development within this area will be required to contribute towards the integration of these two areas through architectural design, landscaping, the provision of pedestrian linkages and public areas and compliance with the specific provisions of the Planning Scheme.

- (e) A range of tourist services and facilities will be supported in the area designated Tourist Facilities. Preferred forms of development are all appropriate forms of tourist accommodation retail facilities, restaurants, entertainment and supporting commercial services.
- (f) Maintaining public access along the waterfront and encouraging pedestrian linkages through the Central Business District to the Tourist Precinct and the waterfront is considered important. Any proposed tourist developments in the area designated Tourist Facilities are required to provide and maintain public access. The CBD Landscape Master Plan establishes requirements to achieve this.

### **3.2.5 Objective 3**

To encourage a concentration of tourist services and facilities within and adjacent to the Central Business District.

### **3.2.6 Implementation**

- (a) The highest level of intensity of tourist development is considered appropriate within and adjacent to the Central Business District and will be encouraged.
- (b) Direct benefits are seen in consolidating tourist services and facilities in one particular area of the City. Support will be given to tourist projects which complement existing tourist developments in the area.
- (c) Council, while encouraging the provision of tourist services and facilities within and adjacent to the Central Business District, also acknowledges and supports lower order tourist accommodation along the major arterial roads of Mulgrave Road and Sheridan Street and in proximity to other service centres such as Earlville Shopping Centre, Westcourt Plaza and Festival Faire.
- (d) Council will support applications for tourist developments where it can be demonstrated that the site is easily accessible and no adverse impact on adjacent land uses will result from regular taxi and tourist coach movements to and from the site. This issue is of particular importance where a tourist development is proposed in close proximity to permanent residential accommodation.
- (e) Council will not support applications for tourist developments within residential areas where the proposed development has the potential to affect the amenity of the residential area; where the proposed development is not consistent with the existing or proposed character of the residential area; or where the proposed development is likely to generate unacceptable forms or volumes of traffic.

### **3.2.7 Objective 4**

To acknowledge Green Island as a unique tropical island tourist destination providing services and facilities of a high standard for both local residents and tourists.

### **3.2.8 Implementation**

- (a) The provisions of Development Control Plan 6 provide for the development of the lease areas on Green Island to achieve a balance between providing a high level of services and facilities for local residents and tourists while maintaining the environmental integrity of the island.

## **3.3 Shopping and Business**

### **3.3.1 Objective 1**

To establish a hierarchy of shopping and business centres in order to enhance the role of the City as the major City of Far North Queensland and to provide a range of opportunities for shopping and business.

### **3.3.2 Implementation**

- (a) The key to implementing this objective is to promote a broad hierarchy of retailing and business centres based on the development of :-
- the City Centre as the dominant retailing centre in Far North Queensland;
  - major sub-regional/district centres at highly accessible locations; and
  - local and neighbourhood facilities distributed to maximize convenience.

This hierarchical structure will provide a range of shopping centres and shopping opportunities. The centres providing the most frequently purchased goods should be located conveniently for the purchasers. The less frequently purchased goods should be centrally located in major centres to serve a greater number of people.

The commercial zones contained within the Planning Scheme Provisions also complement this hierarchical structure.

- (b) Rezoning applications not in accordance with the hierarchy of retail and business centres will not be approved by Council.

### **3.3.3 Objective 2**

To promote consolidation within each of the three levels of the hierarchy of shopping and business centres.

### **3.3.4 Implementation**

- (a) Council will favour development within all shopping and business centres which will consolidate and compact the centre rather than expand the centre in a linear fashion.
- (b) To assist in the consolidation of the shopping and business centres Council will not support applications for rezoning to the Business and Local Shopping zones where they are not in accordance with this Plan. Council will support the establishment of support facilities adjacent to the shopping and business centres through the use of the Commercial zone and the Special Facilities zone, where necessary.

### **3.3.5 Objective3**

To provide a high level of accessibility to shopping and business centres.

### **3.3.6 Implementation**

- (a) Council will require the provision of carparking in association with all developments within shopping and business centres.
- (b) Wherever possible, the pedestrian and cycleway system will be linked to the shopping and business centres to provide opportunities for alternate modes of travel to the centres.
- (c) Council will encourage the improvement and use of public transport facilities to the shopping and business centres, particularly the Central Business District and the sub-regional and/or district shopping and business centres.

### **3.3.7 Objective4**

To encourage the development of complementary facilities such as commercial, recreational, professional, medical or other community facilities and some limited entertainment facilities adjacent to shopping and business centres or neighbourhood shopping facilities.

### **3.3.8 Implementation**

- (a) With the development of new or expanding residential areas, any new neighbourhood centres should be provided with a range of community facilities within an integrated framework.
- (b) In established areas these facilities will be encouraged to locate adjacent to existing shopping and business centres or neighbourhood shopping facilities.
- (c) Council will encourage the establishment of a range of community facilities such as child care centres, welfare clinics, medical centres within or adjacent to all shopping and business centres.

## **3.4 Mixed Use**

### **3.4.1 Objective 1**

To identify areas which are suitable for a specific mix of business, commercial, service and in some cases, residential uses.

### **3.4.2 Implementation**

- (a) The Strategic Plan Map designates 18 areas within the City for mixed use development. Each designated mixed use area is identified with a mixed use area number. Specific preferred uses have been identified for each mixed use area. The preferred uses for each mixed use area are outlined as follows:

<u>AREA</u>	<u>PREFERRED USES</u>
Mixed Use Area 1	Offices Showrooms Commercial Services Motor Vehicle Sales Indoor Entertainment
Mixed Use Area 2	Shops Offices Medical Centres Restaurants Accommodation Units Tourist Accommodation Indoor Entertainment Fast Food Outlets
Mixed Use Area 3	Offices Medical Centres Restaurants Accommodation Units Tourist Accommodation
Mixed Use Area 4	Offices Medical Centres Restaurants Tavern Service Station Tourist Accommodation
Mixed Use Area 5	Offices Medical Centres Restaurants Accommodation Units Dual Occupancy Single Room Occupancy Child Care Centre Commercial Services Dwelling Dwelling with "office"
Mixed Use Area 6	Offices Medical Centres Restaurants Accommodation Units Tourist Accommodation Dual Occupancy Single Room Occupancy Commercial Services Showrooms Motor Vehicle Sales
Mixed Use Area 7	Shops Showrooms Offices Medical Centres Restaurants Accommodation Units Tourist Accommodation Indoor Entertainment Commercial Services Service Station



ARFA

PREFERRED USES

Mixed Use Area 8

Showrooms  
Indoor Entertainment  
Offices  
Medical Centres  
Tavern  
Restaurants  
Fast Food Outlets

Mixed Use Area 9

Offices  
Medical Centres  
Accommodation Units  
Commercial Services  
Child Care Centres  
Service Station

Mixed Use Area 10

Commercial Services  
Light Industry  
Showrooms  
Offices  
Medical Centres  
Indoor Entertainment  
Service Station  
Motor Vehicle Sales

Mixed Use Area 11

Offices  
Medical Centres  
Tavern  
Restaurants  
Tourist Accommodation  
Indoor/Outdoor  
Entertainment  
Commercial Services

Mixed Use Area 12

Medical Centres  
Tourist Accommodation  
Showrooms  
Restaurants  
Fast Food Outlets

Mixed Use Area 13

Offices  
Medical Centres  
Restaurants  
Service Station  
Nursery

Mixed Use Area 14

Offices  
Medical Centres  
Accommodation Units

Mixed Use Area 15

Offices  
Medical Centres  
Restaurants  
Indoor Entertainment  
Veterinary Surgery

Mixed Use Area 16

Offices  
Indoor Entertainment  
Showrooms  
Commercial Services  
Shops

<u>AREA</u>	<u>PREFERRED USES</u>
Mixed Use Area 17	Offices Medical Centres Restaurants Take Away Food Nursery. Indoor Entertainment Commercial Services Outdoor Entertainment
Mixed Use Area 18	Offices Medical Centres Showrooms Accommodation Units

### **3.4.3 Objective 2**

To identify specific land uses which are preferred for each area designated as a mixed use area on the basis of the location of the area and the surrounding land use patterns.

### **3.4.4 Implementation**

- (a) The range of preferred uses specified in each mixed use area designation reflects the location of the mixed use area and surrounding land use activities. It is the intent of Council that the range of preferred uses identified in each area be limited and controlled.
- (b) Mixed use areas are predominantly located on major arterial roads and sub-arterial roads which have already suffered from a loss of amenity. In order to protect the existing amenity and not contribute to a further erosion of amenity all mixed use developments will be required to satisfy specific development provisions established in the Planning Scheme Provisions.
- (c) Any proposed development in a mixed use area for a use not specified in the list of preferred uses but is similar to those identified will be considered at Council's discretion.
- (d) Any proposed development in a mixed use area for a use not specified in the list of preferred uses or similar to those uses will not be supported by Council.

### **3.4.5 Objective 3**

To promote the orderly redevelopment of a mixed use area to achieve a high standard of development within these areas.

### **3.4.6 Implementation**

- (a) Due to the existing mix of unrelated land uses currently existing in most mixed use areas, Council requires the total redevelopment of any site proposed for a preferred mixed use. In addition, all relevant provisions of the Planning Scheme are required to be satisfied to ensure a high standard of development.

- (b) Council will not support the conversion of an existing building to a preferred use in a mixed use area unless the architectural merit of the building warrants its retention.
- (c) Any building considered suitable for conversion shall be required by Council to be upgraded to a high standard to reflect its intended use and to fully comply with all relevant provisions of the Planning Scheme.
- (d) In addition to full compliance with **all** relevant Council requirements the applicant of a redevelopment site in a mixed use area with frontage to a State-controlled Road is required to liaise with the Department of Main Roads in relation to transport issues; for example, traffic circulation, access requirements, noise and visual amelioration, public transport, provision for pedestrian and cyclists, etc.

### **3.5 Industry**

#### **3.5.1 Objective 1**

To provide suitably located areas for a range of industrial purposes and to distribute employment opportunities and services industries as widely as possible throughout the City.

#### **3.5.2 Implementation**

- (a) The Strategic Plan Map indicates the existing major industrial areas and several areas considered to be suitable for industrial use in the form of commercial services and light industries.
- (b) An area identified as being of regional significance for business and industry development is delineated on the Strategic Plan Map. Council will not approve rezoning, development or subdivision applications that would compromise its long-term development potential for such purposes.
- (c) Development Control Plan 5 Cairns Port and Major Industrial Area provides details of the preferred distribution of industrial uses within the major industrial area of Portsmith.
- (d) The Council will favourably consider applications for industrial development within the industrial areas indicated on the Strategic Plan map. Council will not support applications from industrial development outside these areas, with the exception of commercial services within specific Mixed Use Areas and within commercial areas in accordance with the provisions of the Table of Zones.
- (e) No provision has been made for a Hazardous, Noxious or Offensive Industry Zone. Applications for this type of industry will necessitate a rezoning to the Special Facilities zone. In considering applications for hazardous, noxious or offensive industries, Council will take account of the detailed requirements of Development Control Plan 5 and of the likely effects on the amenity of the surrounding area and of environmental impacts.
- (f) The Council will encourage, where appropriate, the use of Group Title and Building Unit Title Subdivisions to assist industrial uses requiring small premises provided relevant performance criteria have been satisfied.

#### **3.5.3 Objective 2**

To ensure that industrial uses are adequately buffered from incompatible uses.

### 3.5.4 Implementation

- (a) In most instances, the industrial areas indicated on the Strategic Plan are separated from residential and other incompatible land uses by other more compatible uses and by roads.

Development Control Plan 5 sets out specific requirements to achieve separation of incompatible land uses in the Portsmouth area or, where this is not possible, specific requirements for buffering of industrial uses.

- (b) When considering applications for industrial development, the Council shall have regard to the effects of such development on surrounding areas and *the* need for buffering and landscaping in order to :-
- i. reduce the visual impact of industrial buildings and activities;
  - ii. screen outdoor industrial activities, including the storage of materials;
  - iii. enhance the streetscape of industrial areas, particularly those with a frontage to major roads;
  - iv. reduce the impact of possible pollutants and noise emitted from the development.
- (c) Requirements for landscaping and screening of industrial uses are included within the performance standards for industrial development which are included in the Planning Scheme Provisions.

### 3.5.5 Objective 3

To ensure that the adverse effects of industrial wastes are minimised.

### 3.5.6 Implementation

- (a) The Council, by requiring pollution aspects to be addressed when Environmental Impact Statements are undertaken and by monitoring the type and quantity of waste and by encouraging pre-treatment of trade wastes, will assist State Government agencies to minimise pollution.
- (b) The Planning Scheme Provisions require that industrial areas are adequately serviced with sealed roads and parking areas, water supply, sewerage, refuse disposal and an electricity supply. Sealed roads and parking areas minimise dust problems and resultant air pollution, whilst provision of a water supply and sewerage service enables satisfactory washdown or dilution facilities to be installed prior to on-site pre-treatment of wastes and disposal to the sewerage system where final treatment is to be carried out.

The efficient storage, removal, conveyance and disposal of refuse will remove wastes thereby reducing contamination risk. The supply of electricity will improve efficiency and reduce air pollution from industrial operations by providing a 'clean' fuel supply.

- (c) Hazardous, Noxious or Offensive Industries are a prohibited use in all zones, except for the Special Facilities zone. Any alterations or additions to existing Hazardous, Noxious or Offensive industries will require the Council's Consent in accordance with the provisions for Existing Lawful Non-Conforming Uses.

### 3.6 Special Use

#### 3.6.1 Objective 1

To identify areas to allow for the exclusive use of land for particular government purposes and to preserve the integrity and operating efficiency of the particular purposes.

#### 3.6.2 Implementation

- (a) The Strategic Plan Map designates major areas required for the use of Federal, State and Local Government and other authorities and agencies. These areas include :-
- Cairns International Airport
  - Portsmith Railway Yards and Workshops
  - HMAS Cairns
  - Portsmith Refuse Tip
  - Cairns Base and Calvary Hospitals
  - Cemeteries
  - Council and Statutory Authority Works Depots
  - Educational Establishments
- (b) These areas will generally be protected from inappropriate development by including them in the Special Purposes zone in the Planning Scheme.
- (c) In considering applications for development in the vicinity of the Special Purpose areas, the Council will consider the proximity of the particular purpose and the compatibility or otherwise of the proposed development in the locality concerned.
- (d) Existing residential zoned land situated between Rutherford Street and Moffatt Street, North Cairns which is affected by the Cairns International Airport flight path is designated Industry and is intended to be developed for commercial services and light industrial use. New residential development in this area will not be supported.
- (e) Building heights are controlled by Development Control Plan 2 Height and Impact of Buildings. The Obstacle Limitation Surfaces established for the Cairns International Airport have been taken into account and the height limits specified by the Development Control Plan are below the Obstacle Limitation Surfaces. Any proposals to vary the height limits, particularly in the Central Business District and in North Cairns, the areas directly affected by flight paths, will not be approved.
- (f) Proposals for residential development on sites which are located between the 20 and 40 Australian Noise Exposure Forecast Contours shall satisfy the requirements set out in Development Control Plan 1 Residential Densities and Development Control Plan 2 Height and Impact of Buildings in relation to alleviating exposure to aircraft noise.

#### 3.6.3 Objective 2

To ensure that adequate provision is made to satisfy demand for future educational establishments.

#### 3.6.4 Implementation

- (a) The Special Use designation includes existing and proposed government and private schools. Additional sites for future educational facilities will be considered if demand establishes a need for additional sites.



- (b) Land committed for educational facilities will generally be protected from inappropriate development by inclusion in the Special Purposes zone in the Planning Scheme.

### **3.7 Open Space**

#### **3.7.1 Objective 1**

To provide for a comprehensive open space and recreation system to serve the anticipated needs of residents and visitors to the City which includes provision for both active and passive recreation, an integrated open space system throughout the City and the conservation of significant or remnant areas of vegetation and wetlands.

#### **3.7.2 Implementation**

- (a) The Strategic Plan indicates major areas of open space, both existing and proposed. These areas are to be developed as an integrated open space network with paths and cycleways providing links throughout the City.
- (b) Development Control Plan 3 Cairns Central Swamp sets out the future uses for the lands known as Cairns Central Swamp. The areas which are to be retained in their natural state are zoned Conservation to assist in achieving their protection.

The Council will pursue the declaration of appropriate reserves over these **areas** as proposed in the Development Control Plan to further assist in achieving their protection.

- (c) Development Control Plan 4 Hillside sets out details of the preferred future use of significant areas of hillside land. The areas which are in public ownership are zoned Conservation to assist in achieving their protection.

Wherever possible Council will require areas in private ownership to be transferred to public ownership in association with the future development of unconstrained areas within the same parcel/s of land.

Where this is not possible, development options will be limited through the Planning Scheme Provisions.

- (d) Significant areas of vegetation will be protected through the provisions of Council's Local law relating to tree protection.

### **3.8 Conservation**

#### **3.8.1 Objective 1**

To retain and protect in their natural state areas of significant vegetation, which contribute significantly to the image of Cairns as a tropical City.

#### **3.8.2 Implementation**

- (a) Areas of significant vegetation in public ownership will be retained by Council in their natural state and rehabilitated where necessary. No development which will detract from the existing amenity of the natural environment will be permitted.

- (b) Council will require areas of significant vegetation in private ownership to be transferred to public ownership as development occurs, however if this is not possible Council will limit development on privately owned land with significant vegetation in order to minimise any detrimental impacts of any proposed development.
- (c) Council identifies the value of areas of significant vegetation both as part of a larger open space system and also as unique remnants of the original vegetation of Cairns. Given the twofold importance of these areas Council has introduced provisions in Development Control Plan 3, Development Control Plan 4 and Development Control Plan 5 particularly, to protect these areas and to conserve their environmental integrity.

### **3.8.3 Objective 2**

To rehabilitate, where necessary, and utilise where appropriate, areas of significant vegetation which are valuable examples of the original natural environment of the City.

### **3.8.4 Implementation**

- (a) Council has introduced through Development Control Plan 3 and the Table of Zones in the Planning Scheme Provisions various mechanisms to ensure the protection and rehabilitation of areas of valuable environmental significance.
- (b) While Council supports maintaining and rehabilitating areas of valuable environmental significance, Council is also prepared to encourage passive, and in some instances more active, recreational use of these environmental areas, given their recreational value to residents of and visitors to the City.
- (c) Providing for linkages between conservation areas and open space areas is supported by Council to provide corridors for the movement of wildlife; to provide buffers between areas of urban development; and to provide areas for recreational use, where appropriate.

### **3.8.5 Objective 3**

To reinforce Council's commitment to the environment by designating significant wetland areas for conservation.

### **3.8.6 Implementation**

- (a) Significant wetland areas in proximity to the Cairns International Airport and Smiths Creek have been designated for conservation.
- (b) To further reinforce this designation these and other areas have been zoned Conservation.
- (c) Council will be prepared to support the rezoning and subsequent development of such areas at such time as it is demonstrated that :
  - a clear community need exists;
  - no reasonable alternatives are available;
  - the proposal is compatible with the overriding principle of management for Trinity Inlet;
  - there is evidence of broadly-based community support.
- (d) The drains/creeks.

### **3.9 Transport**

#### **3.9.1 Objective 1**

To provide an efficient road network which will serve local and regional needs and which will enable the safe and convenient movement of people and goods.

#### **3.9.2 Implementation**

- (a) The Strategic Plan Map indicates the road hierarchy for the City consisting of Arterial, Sub-Arterial, Distributor/Collector and Access roads.
- (b) The implementation of the road hierarchy will be carried out by Council, in the case of roads under the Council's control, and by the Department of Main Roads in consultation with Council, in the case of roads under the Department's control.

Council will implement the road hierarchy as funds become available by priority routing, signage, road widenings, installation of traffic signals and other traffic control devices, improvements to intersections and the introduction of Local Area Traffic Management Schemes.

- (c) In considering applications for rezoning, subdivision, consent or the development of land, Council will endeavour to ensure that :-
  - i. road capacities are not exceeded as a result of new development;
  - ii. major traffic generators are located on appropriately designed roads;
  - iii. through traffic is discouraged from using access roads with residential areas;
  - iv. industrial traffic is discouraged from travelling through residential areas;
  - v. pedestrian - vehicle conflicts are minimised.
- (d) Council may as a condition of approval of an application for rezoning, subdivision, consent or the development of land require road works to be constructed and/or a contribution to be paid towards the upgrading of the road network to ensure that the traffic generated by the development may be safely accommodated by the road network.
- (e) Council, in consultation with the Department of Main Roads, where appropriate, will safeguard the capacity of arterial roads by requiring direct frontage access to be limited, wherever possible, to specific intersections and other access points.
- (f) Council acknowledges the findings and recommendations of the Cairns-Mulgrave Regional Transport Study. Council will, subject to the requirements of the Trinity Inlet Management Plan, assist the Department of Main Roads to preserve and obtain, wherever possible, future road widenings or new routes for major roads.

#### **3.9.3 Objective 2**

To encourage the use of methods of transport other than the private motor vehicle.

### 3.9.4 Implementation

- (a) The Strategic Plan provides for the establishment of a number of sub-regional/district shopping and business centres and a number of Neighbourhood Shopping Centres so as to ensure a high level of accessibility to these facilities including accessibility by foot and by bicycle.
- (b) Development Control Plan 1 Residential Densities encourages higher density residential development within the Central Business District and in areas surrounding commercial nodes and transportation corridors in order to : facilitate residential development adjacent to centres of employment; facilitate access to shopping and business centres; facilitate the efficient provision of public transport.
- (c) Council will encourage the Departments of Transport and Main Roads to expand and improve public transport facilities, particularly bus services and to facilitate safer use of public roads by cyclists through road widening and other traffic control devices.
- (d) The Strategic Plan provides for the development of a major pedestrian and cycleway network linking various areas of the inner City, primarily via the open space system. Whenever possible, the network will be linked to shopping and business centres, schools and other activity nodes. The provision and development of a cycleway network shall be in accordance with Council's adopted Bikeway Strategy.

The Council will construct pathways throughout the open space system and will provide other linkages as funds become available.

The Council may require as a condition of approval of applications for rezoning, subdivision, consent or the development of land that an applicant construct an appropriate section of the pathway network.

Subdivision proposals, in particular, shall *take* into account the need to provide pedestrian and cycle paths and safe access to these paths in order to provide access for pedestrians and cyclists to major activity nodes.

- (e) Council will require the land containing cane tram lines to be transferred to public ownership at the time of subdivision or to other development to safeguard the potential for the use of the corridor for public transport or off-road movement.
- (f) Council will require the Spence Street rail corridor to be preserved to enable the corridor to be used for future public transport access to the Central Business District and, if possible, as part of the cycleway network.
- (g) Council in consultation with the Departments of Transport and Main Roads, where appropriate, will incorporate road widenings, intersection improvements, and other traffic control devices to facilitate methods of transport (including buses) other than private motor vehicles in implementing the road hierarchy.

### 3.9.5 Objective 3

To ensure the provision of adequate parking facilities.

### 3.9.6 Implementation

- (a) Council will require the provision of on-site carparking in all developments in accordance with the carparking standards contained in the Planning Scheme Provisions.
- (b) Council will encourage and may require the co-joint location of parking areas on adjacent developments and the provision of access between such parking areas, particularly on sites with frontage to **arterial** and sub-arterial roads, to ensure efficient use of parking areas and efficient movement of vehicles between parking areas.
- (c) Council may accept a contribution in lieu of the provision of carparking in association with developments in the Central Business District in order to achieve sufficient parking to satisfy the overall demand and in order to achieve a high level of accessibility to parking facilities. Monetary contributions shall only be used to provide parking facilities within the Central Business District within **an** appropriate time-frame.

### 3.9.7 Objective 4

To provide for the longer term (future) development of the Cairns International Airport.

### 3.9.8 Implementation

- (a) The Strategic Plan map and the zoning map designate the existing area of airport operations of the Cairns International Airport as Special Use and Special Purposes respectively. The balance of the airport land under the control of the Cairns Port Authority has been designated Conservation in recognition of existing wetland areas. It is planned that future airport operations will need to extend into part of this area.
- (b) Council recognises the economic importance of the Cairns International Airport to the City and the region and will seek to ensure its future operational viability is maintained.
- (c) Council will support the expansion of airport operations into parts of this area and support any necessary rezoning on the basis that the principles set out in the Trinity Inlet Management Plan, as amended from time to time, are observed; such principles currently are that:
  - a clear community need exists;
  - no reasonable alternatives are available;
  - the proposal is compatible with the overriding principles of management for Trinity Inlet; and
  - there is evidence of broadly-based community support.
- (d) Development Control Plan 2 - "Height and Impact of Buildings" recognises the importance of the airport by imposing height limits to ensure that the obstacle limitation surface of the airport is protected.
- (e) Development Control Plan 1 - "Residential Densities" and Development Control Plan 2 - "Height and Impact of Buildings" also require noise attenuation measures for development in close proximity to the airport.

## **4. SPECIAL PROVISIONS OF THE PLAN**

### **4.1 Future Industrial Areas**

The Strategic Plan Map designates several existing residential areas as suitable for Industrial development. These areas are located in North Cairns and Aeroglen. The area in North Cairns is bounded by Rutherford Street, Lake Street, Moffatt Street, Sheridan Street, O'Keefe Street and Seymour Street. The area in Aeroglen is bounded by Johnston Street, Arnold Street and Magazine Street.

It is the intent of Council that these areas be redeveloped over time for light industrial purposes.

Specific redevelopment criteria have been established in the Planning Scheme Provisions to control industrial development in these areas. These siting and design criteria have been introduced to protect the amenity of adjoining property owners during the transition from residential to industrial uses.

Council will not support **an** application for rezoning in either of these *two* designated areas which does not comply with the specific redevelopment criteria established in the Planning Scheme Provisions.

The site population density of any residential development which may occur on a site in these areas by virtue of the current zoning of the land shall not exceed the site population density for the site which was indicated on Development Control Plan 1 immediately prior to the appointed day.

### **4.2 Mixed Use Area No 5**

Mixed Use Area No 5 includes land which is likely to be exposed to unacceptable levels of risk for residential use by virtue of the location of the gas storage facility in Bunda Street. The preferred uses in this mixed use area include a range of residential uses.

Council will not support an application for residential development in this area unless it can be demonstrated that the site is not exposed to an unacceptable level of risk or unless the gas storage facility is removed **from** the Bunda Street site so that it has no effect on the mixed use area.

### **4.3 Mixed Use Area No 10**

Mixed Use Area No 10 includes an existing residential area. The preferred uses in this mixed use area include commercial services and light industry.

Specific redevelopment criteria have been established in the Planning Scheme Provisions to control industrial development in this area. These siting and design criteria have been introduced to protect the amenity of adjoining property owners during the transition from residential to industrial uses.

Council will not support **an** application for rezoning in this mixed use area which does not comply with the specific redevelopment criteria established in the Planning Scheme Provisions.

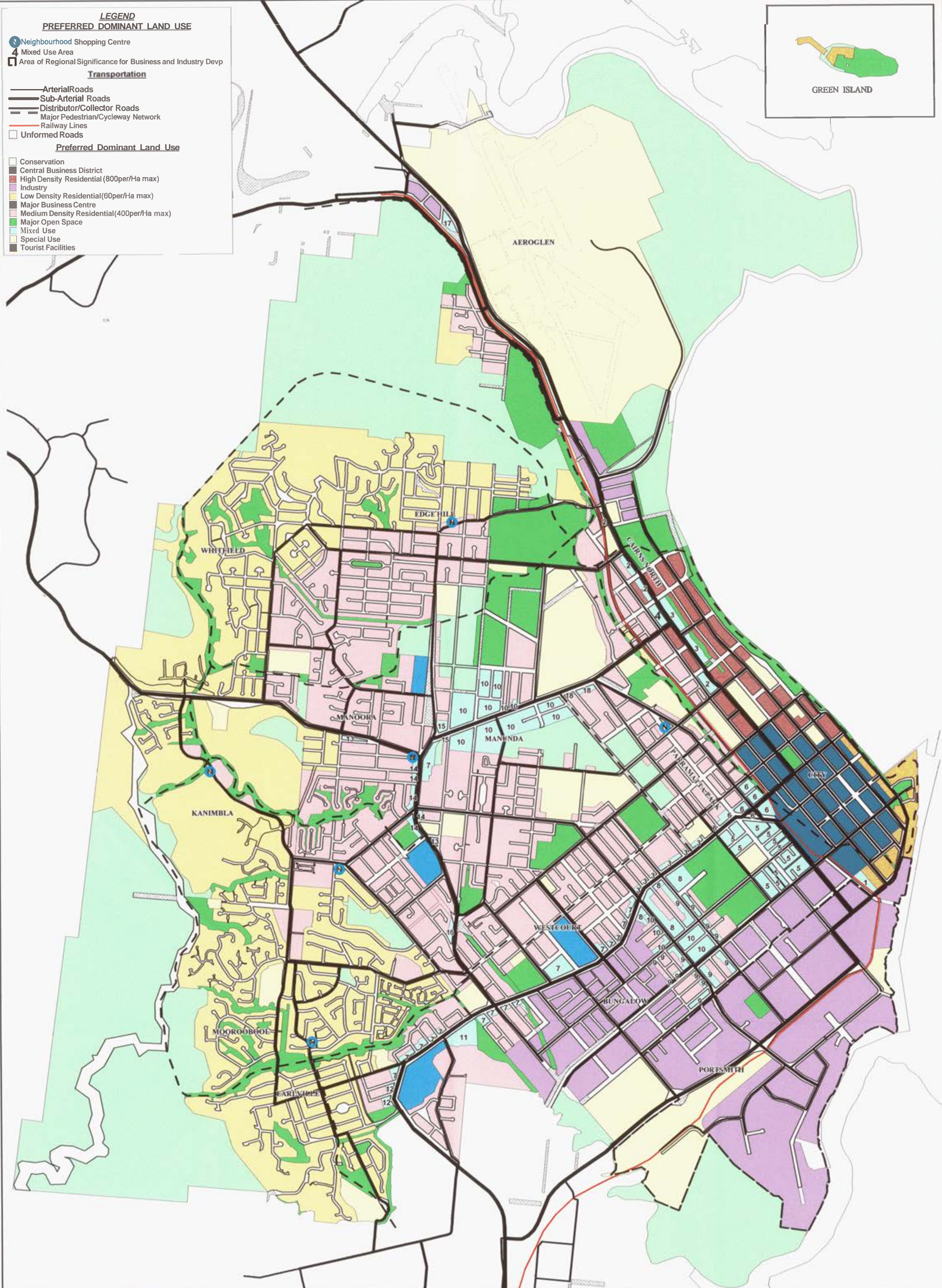
The site population density of any residential development which may occur on a site in these areas by virtue of the current zoning of the land shall not exceed the site population density for the site which was indicated on Development Control Plan 1 immediately prior to the appointed day.



**LEGEND**

**PREFERRED DOMINANT LAND USE**

- Neighbourhood Shopping Centre
  - Mixed Use Area
  - Area of Regional Significance for Business and Industry Devp
- Transportation**
- Arterial Roads
  - Sub-Arterial Roads
  - Distributor/Collector Roads
  - Major Pedestrian/Cycleway Network
  - Railway Lines
  - Unformed Roads
- Preferred Dominant Land Use**
- Conservation
  - Central Business District
  - High Density Residential (800per/Ha max)
  - Industry
  - Low Density Residential (60per/Ha max)
  - Major Business Centre
  - Medium Density Residential (400per/Ha max)
  - Major Open Space
  - Mixed Use
  - Special Use
  - Tourist Facilities







## PLANNING SCHEME PROVISIONS

Cairns City Council





# **PLANNING SCHEME PROVISIONS**

# PLANNING SCHEME PROVISIONS

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## **PLANNING SCHEME PROVISIONS**

### **1. INTRODUCTION**

The Planning Scheme Provisions outline the intent of the zones and the particular land use rights applicable within the zones, based on the land use definitions detailed in the document.

Performance standards have been established for various forms of development and these standards are set out in the document.

The administrative requirements that enable operation and implementation of the Planning Scheme and the statutory requirements of the Local Government [planning and Environment] Act are also outlined in the document.

### **2. DEFINITIONS**

#### **2.1 Administrative Definitions**

The following definitions are terms used in the Scheme that do not have a specific land use meaning in the Table of Zones.

##### **AMCORD**

The Australian Model Code for Residential Development.

##### **Access**

The practicable means of entry of persons and vehicles onto an allotment, either existing or proposed, from a road which abuts the frontage thereof.

##### **Access Strip**

That part of an allotment bounded by the frontage of that allotment, the side or rear boundaries of adjoining allotments and which is included in that allotment solely for the provision of access.

##### **Act**

The Local Government [Planning and Environment] Act, as amended, or any Act superseding this Act.

##### **Allotment**

A single parcel of land the current boundaries of which are defined on a plan of survey deposited in the relevant State Government Department or registered under the Real Property Acts. The term includes a parcel of land over or in respect of which a building units plan or a group titles plan (within the meaning of those terms in the Building Units and Group Titles Act) has been or is proposed to be registered, but does not include a lot in such a plan.

##### **Ancillary**

Associated with but incidental and subordinate to the principal use.

##### **Applicant**

Any person, group of persons, company, body corporate or unincorporated body who or which has made or is required to make any application to the Council (including applications of the kind referred to in Section 5) under this Scheme, whether or not the required application has in fact been made.

**Appointed Day**

The day upon which the Order in Council approving this Scheme is notified in the Gazette.

**Approved**

Approved by the Council.

**Bedroom**

A room which is used or intended for use or which in the opinion of the Council is capable of being used as a bedroom.

**Body Corporate**

A body corporate incorporated by the Building Units and Group Titles Act, as amended from time to time.

**Building**

Any fixed structure which is either wholly or partly enclosed by walls and which is roofed. The term includes any parts of a building where the context permits.

**Chief Executive Officer**

Has the meaning assigned to it by Part 3 of the Local Government Act, as amended.

**City**

The Area that constituted the City of Cairns prior to the amalgamation of the local governments of Cairns and Mulgrave and other associated boundary changes.

**City Engineer**

The Officer so appointed by the Council. The term includes the Officer for the time being responsible for the operations of the Council's Technical Services Department.

**City Planner**

The person appointed by the Council to be Planner of the City. The term includes a person from time to time authorised to carry out the duties of the City Planner for the purposes of this planning scheme.

**Community Facilities**

Community Facilities are facilities which Council in its absolute discretion determines : will enhance the social structure of the City; have broad applicability to the various socio-economic groups in the region; and will be of lasting benefit to the wider community.

**Council**

The Council of the City of Cairns.

**Deep 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.

### **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 residential use for the interest, enjoyment or protection of residents in the dwelling unit. The term does not include the keeping of venomous animals.

### **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 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.

### **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.

### **Family**

Any one person maintaining a household or a group of persons living together and maintaining a common household such that all members of the group have access to all parts of the dwelling unit or other unit or accommodation occupied by the group.

### **Fettered 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 be erected or used or land may be used only with consent of the Council.

### **Frontage**

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, multi-level carparking areas outside the building envelope, stairwells, toilets and other ancillary and service facilities, whether roofed or not) of all storeys of a building or buildings, excluding:-

- (a) the areas (inclusive of all walls and columns) at any topmost storey 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 natural ground level at any location measured from the underside of the slab, which forms the roof to the basement/semi-basement carparking area, to mean natural ground level. Should the ground level of a site be or be proposed to be substantially changed from its natural state, then the City Planner 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.

### **Group Title Lot**

A lot shown on a group titles plan registered pursuant to the Building Units and Group Titles Act.

### **Height**

The distance in metres measured from the mean natural ground level to the underside of the ceiling of the topmost level.

- (i) The Council at its discretion may exclude features it considers ancillary to the function of the building from the calculation of height, however the Council, whilst encouraging varied and interesting roof design and concealed lift towers, does not favour excessively tall parapets or roof features such as spires, domes, flag poles and the like.
- (ii) (a) For buildings with a height of 15 metres or more, features ancillary to the function of a building shall not exceed 5 metres in height unless otherwise approved by Council.
- (b) For buildings with a height less than 15 metres, features ancillary to the function of the building shall not exceed 3.5 metres in height.

### **Identified Historical Building**

A building nominated by the Council by resolution which is considered to represent the history or architectural history of the City and which in the opinion of Council warrants retention or a building entered in the Heritage Register pursuant to the provisions of the Queensland Heritage Act.

### **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 any 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.

### **Landscaping**

Landscaping is the treatment of the areas surrounding a building for the purpose of enhancing and/or protecting the amenity of the site containing the building as well as the amenity of adjoining properties and the streetscape.

Landscaping includes any combination of the following:-

- (a) planting of trees, hedges, shrubs and lawn;
- (b) laying out of gardens;
- (c) paving of pathways or courtyards;
- (d) water features.

### **Main Street Frontage**

The Main Street Frontage is the frontage to the widest road, or where both roads are the same width, the road frontage of the least length.

However, in the case where the site is irregular in shape, the frontage of the narrower leg of the site shall be deemed not to be the main street frontage unless otherwise approved by Council.

In the situation of a site with frontage to the Esplanade, the Esplanade shall be deemed to be the main street frontage.

### **Minimum Allotment Area**

The smallest site area upon which a tall building may be permitted.

### **Minor Building Work**

Means erection in relation to an existing building whereby the gross floor area of the modified existing building -

- (a) does not exceed the gross floor area of the existing building; or
- (b) exceeds the gross floor area of the existing building by less than 25 square metres or 10 per centum of the gross floor area of the existing building whichever is the lesser.

### **Net Lettable Area**

The sum of the areas (inclusive of columns, balconies, whether roofed or not) of all storeys of a building or buildings measured from the internal surface of a wall, excluding :-

- (a) All stairs, recessed doorways, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, smoke lobbies, tea rooms and other service areas, where all are provided as standard facilities in the building;
- (b) Lift lobbies in which lifts face other lifts, blank walls or areas excluded by subsection (a) above;
- (c) Areas set aside as public spaces or thoroughfares and not for the exclusive use of occupiers of the floor or building, such as access passageways in lift and service core areas;
- (d) Areas set aside for the provision of facilities or services such as electrical or telephone ducts and air-conditioning risers to the floor where such facilities are provided as a standard facility in the building;
- (e) Areas set aside for use by service vehicles and for delivery of goods and access ways thereto, where such areas are not for the exclusive use of occupiers of the floor or building;
- (f) Areas set aside for carparking and access ways thereto, where such areas are not for the exclusive use of occupiers of the floor or building;
- (g) Areas having less than 1.5 metres clear height above floor level. These areas are measured and recorded separately.

### **Plot Ratio**

Plot Ratio means the ratio between the gross floor area of a building and the area of the site upon which the building is located.

### **Premises**

Any land, building or other structure or any part thereof.

### **Public Transport**

Includes taxi, bus, rail, air and ferry modes which transport people via means other than the private vehicle.

### **Regularly Shaped Allotment**

Regularly Shaped Allotment means an allotment which is principally square or rectangular in configuration and which may be comprised of one or more parcels of land the subject of a development application.

### Relocatable Home

A relocatable dwelling unit or accommodation unit which complies with the provisions of the Building Act pertaining to Class I or Class III buildings respectively, and which is designed to be transported, after fabrication, upon its own wheels, upon removable wheels, or upon a vehicle or trailer.

### Residential Development

Any development which provides residential accommodation of any form. The term includes a detached dwelling.

### Residential Use

Includes the use of any premises for the purposes of an accommodation building, aged persons home, caravan park, caretaker's residence, dual occupancy, detached dwelling, relocatable home park or retirement village or the accommodation component of any hotel, motel or hostel.

### Risk Reduction Program

A written program which sets out measures to be implemented by an operator against a specified time frame for the reduction of risk of fatality associated with a particular development to a level considered acceptable by Council.

### Scheme

The Planning Scheme for part of the City of Cairns.

### Setback

The space, distance or dimension between the frontage of an allotment and the external wall of an existing or proposed building lying parallel to the frontage. Such space, distance or dimension is determined without reference to an eave, a roof surface or a shade structure over an unenclosed balcony.

### 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

The largest area of a site occupied by a building/s at any level projected on to a horizontal plane and expressed as a percentage of total site area.

In the calculation of site coverage, the area occupied by the building/s shall be calculated by measuring along the external perimeter of the building/s including all passageways, staircases and the like. Unenclosed private verandahs, balconies or patios accessible only from one accommodation unit, hotel room, motel room or the like shall be excluded from the calculation provided the depth of the verandah, balcony or patio measured from its back wall exceeds 1.25 metres but does not exceed 2.75 metres.

In all zones, the 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 (garages, carports, pergolas and the like).

For developments where several buildings of different storeys are proposed to be erected on the one site, the applicable site coverage for the entire development will be based on the particular site coverage requirements for the tallest building.

### **Site Population Density**

Site population density means the number of persons residing on a site calculated from the ratios set out below. The site population density shall be expressed in terms of persons per hectare.

Detached Dwelling - 3 persons per detached dwelling.

1 Bedroom Accommodation Unit or Holiday Apartment - 1.5 persons per unit or apartment.

2 Bedroom Accommodation Unit or Holiday Apartment - 3 persons per unit or apartment.

3 Bedroom Accommodation Unit or Holiday Apartment - 3.5 persons per unit or apartment.

Accommodation Units or Holiday Apartments with more than 3 bedrooms - 3.5 persons per unit or apartment plus 0.5 persons for each additional bedroom in excess of 3 bedrooms.

Single Room in a Hotel or Motel - 1.75 persons per room.

Suite in a Hotel or Motel comprising rooms not capable of separate letting - 1.75 persons per main bedroom plus 0.5 persons for each additional habitable room.

Hostel - 1 person per bed for each bed in a dormitory or in a communal room; 1.5 persons per separate bedroom.

Special Residential Use - 1 person per bed for each bed in a dormitory, a communal room, or a bedroom.

Boarding House, Serviced Rooms and the like - 1.25 persons per bedroom.

Single Room Occupancy - 1 person per occupancy unit.

Caravan Park - 2.5 persons per caravan, cabin or camping site.

Mobile Home Park - 2.5 persons per mobile home.

### **Social Services**

Social Services are services which Council in its absolute discretion determines : will improve the social infrastructure of the City; have broad applicability to the various socio-economic groups in the region; and will be of lasting benefit to the wider community.

### **State-controlled Road**

A road or land, or part of land declared to be a State-controlled Road pursuant to the Transport Infrastructure Act.

### **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.

### **Suitably Qualified Expert**

A person and/or organisation with credentials acceptable to Council to undertake a safety and risk analysis of a particular development.

### Tall Building

A Tall Building is defined as any building or structure having a height in excess of eleven (11) metres.

### The Esplanade

The Esplanade means the road immediately fronting Trinity Bay and its adjoining parkland from the intersection with Spence Street to the intersection with Lily Street, including that length of Abbott Street from the intersection of Kerwin Street to the intersection of Upward Street.

### Total Development

Includes all development both existing on a site and proposed by an application before Council.

### Transport Infrastructure

Includes road, rail, port and miscellaneous transport infrastructure pursuant to the Transport Infrastructure Act.

### Use

In relation to land, includes the carrying out of excavation work 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 and necessarily associated with the lawful use of the relevant land.

### Zones

The divisions respectively into which the City is divided by this town planning scheme for the purpose thereof.

### Zoning 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 Director General of Housing, Local Government and Planning.

## 2.2 Land Use Definitions

The following definitions are terms used in the Scheme that have a specific land use meaning in the Table of Zones.

### Accommodation Units (High Density)

Any premises used or intended for use as apartments, flats, home units, town houses or villa houses and having a site population density exceeding 400 persons per hectare but not exceeding 800 persons per hectare.

### Accommodation Units (Medium Density)

Any premises used or intended for use as apartments, flats, home units, town houses or villa houses and having a site population density not exceeding 400 persons per hectare.

### Airport

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.

**Animal Husbandry**

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 the keeping of domestic pets as a use ancillary to a residential use.

**Automatic Mechanical Carwash**

Any premises used or intended for use for washing motor vehicles by an automatic or partly automatic process using mechanical brushes and/or washers, whether or not air jet dryers are also used.

**Bed and 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.

**Boarding House (High Density)**

Any premises used or intended for use to provide board and lodging to unrelated persons and having a site population density exceeding 400 persons per hectare but not exceeding 800 persons per hectare.

**Boarding House (Medium Density)**

Any premises used or intended for use to provide board and lodging to unrelated persons and having a site population density not exceeding 400 persons per hectare.

**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 to be used for the bulk storage of goods where the goods stored or to be 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 herein defined.

**Carpark**

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.

**Caravan Park**

Any premises used or intended for use for the parking of caravans and camper vehicles and/or the pitching of tents for the purpose of providing accommodation for travellers, tourists or the general public. The term includes the erection and use within the caravan park of a kiosk and/or amenity buildings for the exclusive use of occupants of the caravan park. The term also includes the erection of cabins providing overnight or short term holiday accommodation within the caravan park. The maximum number of such cabins in any particular caravan park shall be determined by Council. The term does not include a mobile home park as herein defined.

### **Caretakers 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.

### **Catering 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**

Cafes

Espresso bars

Kiosks

Milk bars

Snack Bars

Take-away food premises (unless considered by the Council to constitute a fast food outlet)

Tea gardens

Tea rooms

The term does not include fast food outlet, hotel or restaurant as herein defined.

### **Cemetery**

Any premises used or intended for use for the interment of the dead. 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.

### **Commercial Laundry**

Any premises used or intended for use for the mechanical washing, drying and ironing of clothing and materials on a large commercial scale 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 shop, local store, medical centre, restaurant, service station, shopping centre or showroom as herein defined.

### **Commercial Services**

Any premises used or intended for use for any of the purposes included in but not limited to Appendix 2 hereto being a purpose carried on in the course of a trade or business where:

- a) the gross floor area does not exceed 200 square metres; and
- b) such use of the premises does not in the opinion of the Council detrimentally affect the existing or prospective amenity of the area for reasons including but not limited to noise, odours, dust, fumes, vibration or hours of operation.

The term includes the ancillary sale of any articles related to the predominant use.

## APPENDIX 2

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  
Engraving by hand  
Hairdressing salon  
Laundering including a coin-operated laundromat

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



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

Screenprinting

Signwriting

Tailoring

Upholstering furniture

### 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.

### Detached Dwelling

Any premises used or intended for use as self contained accommodation for the exclusive use of one family on a single allotment of land and including any ancillary outbuildings.

### Display Home

Any premises designed for use as a detached dwelling 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 which comprises or is intended to comprise two detached dwellings and any ancillary outbuildings on a single allotment of land or an allotment which would have remained as a single allotment had it not been subdivided as part of the development.

### Educational Establishment

Any premises used or intended for use as a school, college, university, technical institute, academy, or other educational centre, lecture hall, art gallery (non-commercial) or museum. The term does not include a child care centre or an institution as herein defined.

### Family Day Care

That part of a detached dwelling or dual occupancy 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.

### Fast Food Outlet

Any premises used or intended for use for the purpose of preparing by cooling or otherwise and sale to members of the public of food, light refreshments and take-away meals whether or not provision is also made for the consumption of such food on the premises. The term includes premises which incorporate a drive-in take away facility. The term does not include a function room, hotel, restaurant or a shop as herein defined.

### Fast Food Delivery Service

Any premises used or intended for use for the preparation of food for delivery and sale by retail elsewhere to members of the public.

### **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 transport or container to another 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.

### **Function Centre**

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 his occupation. The term includes a mortuary, a funeral chapel or office/administration area used in connection with the funeral parlour.

### **Green Street Development**

A residential development designed and constructed in accordance with the principles of the Australian Model Code for Residential Development, (AMCORD).

### **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 machine, tools or other equipment;
- (b) any ancillary storage.

## **APPENDIX 3**

Building supplies  
Domestic hardware  
Fencing materials  
Painting and decorating products  
Plumbing supplies  
Timber

### **Heavy Vehicle Parking**

Any premises not elsewhere herein defined, used or intended for use for the storage, garaging or parking of heavy vehicles. The term includes running repairs, servicing and cleaning of such vehicles of a minor nature and a type which do not normally immobilise a vehicle for a period longer than 2 hours.

### **Holiday Apartments (High Density)**

Any premises used or intended for use as self contained accommodation for travellers or tourists on a short term basis and having a site population density exceeding 400 persons per hectare but not exceeding 800 persons per hectare. The term includes a manager's unit and office. The term does not include accommodation units, a boarding house, a hostel, a hotel, or a motel as herein defined.

### **Holiday Apartments (Medium Density)**

Any premises used or intended for use as self contained accommodation for travellers or tourists on a short term basis and having a site population density not exceeding 400 persons per hectare. The term includes a manager's unit and office. The term does not include accommodation units, a boarding house, a hostel, a hotel or a motel as herein defined.

### **Home Occupation**

Any occupation, vocation or profession (whether or not carried on for pecuniary gain) conducted within a detached dwelling or within the curtilage of the detached dwelling:-

- (a) the total use area of which 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 involves the presence on the premises of no more than 2 customers or clients at any one time;
- (d) which is conducted only by a resident or residents of the detached dwelling;
- (e) which imposes no greater load on any public utility than that imposed by the residential use of the detached dwelling;
- (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.

**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.

**Hostel (High Density)**

Any premises used or intended for use to provide shared accommodation to unrelated tourists or travellers in association with the use of communal kitchen, bathroom and laundry facilities and having a site population density exceeding 400 persons per hectare but not exceeding 800 persons per hectare. The premises may incorporate a limited number of individual bedrooms with or without ensuite bathrooms, provided that the maximum number of persons capable of being accommodated in the individual bedrooms shall not exceed 25% of the maximum number of persons capable of being accommodated in the hostel.

**Hostel (Medium Density)**

Any premises used or intended for use to provide shared accommodation to unrelated tourists or travellers in association with the use of communal kitchen, bathroom and laundry facilities and having a site population density not exceeding 400 persons per hectare. The premises may incorporate a limited number of individual bedrooms with or without ensuite bathrooms, provided that the maximum number of persons capable of being accommodated in the individual bedrooms shall not exceed 25% of the maximum number of persons capable of being accommodated in the hostel.

**Hotel (High Density)**

Any premises the subject of a General License issued under the Liquor Act and having a site population density exceeding 400 persons per hectare but not exceeding 800 persons per hectare. The term includes a mini-brewery and a TAB agency where these uses are ancillary to the hotel.

**Hotel (Medium Density)**

Any premises the subject of a General License issued under the Liquor Act and having a site population density not exceeding 400 persons per hectare. The term includes a mini-brewery and a TAB agency where these uses are ancillary to the hotel.

**Indoor Entertainment**

Any premises used or intended for use for

- a) a purpose listed in Appendix 4;
- b) viewing or partaking in a sport or game where the use is conducted primarily indoors;
- 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.

## APPENDIX 4

Amusement halls and parlours  
Art galleries  
Billiards saloons  
Bowling centre  
Cinemas  
Circuses (indoors)  
Concert halls  
Courts (covered)  
Indoor swimming pools (public)  
Dance halls  
Exhibitions (indoor)  
Gymnasiums  
Indoor Shooting Range  
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)  
Theatres (indoor)  
Youth centres

### Industry

Any "Light Industry", "General Industry", "Flammable Industry", "Noxious Offensive or Hazardous Industry", "Extractive Industry" or "Waterfront Industry".

1. "Light Industry"

Any industry which -

- (a) does not, in the opinion of the Council, detrimentally affect the amenity of neighbouring premises due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil or waste products;
- (b) is conducted only between the hours 7.00 am to 6.00 pm Mondays to Fridays, 7.00 am to 4.00 pm on Saturdays and not at all on Sunday and public holidays;
- (c) does not involve the generation of heavy vehicular traffic;
- (d) does not, in the opinion of the Council, impose any greater load on any public utility than that imposed by other uses in the locality in which the industry is carried on.

The term may include but is not limited to industries listed in Appendix 5 provided they comply with the preceding provisions of this definition.

## APPENDIX 5

Activities listed in Appendix 2 which do not comply with paragraphs (a) and (b) inclusive of the definition of "commercial services".

Bookbinding  
Glass cutting or silvering

Making any of the following -

Aids and appliances for disabled persons  
Artificial flowers  
Blinds  
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

## 2. "General Industry"

Any industry which because of the scale level *or* type of activity involved, its traffic generating potential or any other factor -

- (a) may, in the opinion of the Council, intermittently have some effect upon activities conducted on adjoining sites or in the immediate vicinity and would accordingly be, in the opinion of the Council, incompatible with the definition of "light industry";
- (b) is, in the opinion of the Council, so operated or conducted that the effect of the use is not detrimental to the working environment experienced on adjoining sites or in the immediate vicinity.

The term may include but is not limited to the industries listed in Appendix 6 provided they comply with the preceding provisions of this definition.

## APPENDIX 6

Industries listed in Appendix 3 or Appendix 4 but which do not comply with paragraphs (a) to (b) inclusive of the definition "commercial services" or with paragraphs (a) to (d) inclusive of the definition "light industry".

Asphaltic product works  
Battery works  
Boiler works  
Brewery  
Brick works  
Cannery  
Cement product works  
Concrete batching plant  
Concrete product manufacturing  
Cooperage  
Dairy goods production  
Dye and ink works  
Distillery  
Electric welding works  
Engineering works  
Felt goods manufacturing  
Fibrous plaster 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  
Paper mill  
Power house  
Recycled material processing plant  
Refrigeration factories  
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

### 3. "Flammable Industry"

Any industry that, because of the materials kept, the nature and volume of materials used or produced or any manufacturing process, may be injurious to health or a danger to life or property from fire or explosion.

### 4. "Noxious, Offensive or Hazardous Industry"

Any industry which, in the opinion of the Council, is or has the potential to be noxious, offensive or hazardous and would accordingly be, in the opinion of the Council, incompatible with the definitions of "light industry" and "general industry".

The term may include but is not limited to the industries in Appendix 7.

## APPENDIX 7

Cleaning, descaling or treatment 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

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, sheradising, 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

Manufacturing of -

Acids

Ammunition

Asbestos products

Bleaches

Calcium carbide

Celluloid or celluloid products

Cement or lime

Chemicals where there is 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

Flock

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)

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 hammermilling 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, slaughter house 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  
Woolscouring

**5. “Extractive Industry”**

Any industry involving or consisting of the extraction or quarrying of sand, gravel, rock, soil, stone or the like from land.

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 authorised by S.32(13) of the Local Government Act, as amended;
- (b) a mine or dredging as defined in the Mining Act;
- (c) the removal of material undertaken in association with or as a consequence of -
  - 1. an approval to subdivide land or to open a new road in accordance with the Act and this Scheme; or
  - ii. an approval under the Building Act to the extent that such works comply with the conditions of the approval.

**6. “Waterfront Industry”**

Any industry requiring direct access to Trinity Inlet as an essential part of its operations. The term may include but is not limited to industries listed in Appendix 8. The term does not include marina as herein defined.

**APPENDIX 8**

Boat building and repairing  
Fish and seafoods processing or storage  
Fishing gear manufacturing  
Marine engineering  
Naval architect or drafting service  
Slipways  
Warehouse associated with waterfront industry  
Wharf and dock

**Industrial Retail Premises**

Any premises used or intended for use for the display and retail sale of goods and products where such use is ancillary to the following industries -

- (a) building material, tools and equipment;
- (b) motor vehicles and machine parts;
- (c) mowers and accessories;
- (d) second hand furniture.

### **Industrial Showroom**

Any premises used or intended for use for the purpose of displaying examples of goods and products that are assembled, processed or manufactured on the same site as the use. The term does not include the retail sale of goods and products. The term does not include showroom or shop as herein defined.

### **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.

### **Junk Yard**

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.

### **Late Night Shop**

Any premises which would be a local store, except that the premises are open for business, whether or not infrequently, before 6.00 am or after 9.00 pm.

### **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.

### **Local Store**

Any premises used or intended for use for the sale or displaying 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 200m<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.

### 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 gross floor area greater than 50m<sup>2</sup> or a height greater than 5 metres; or
- (c) the use of land in excess of 800m<sup>2</sup> in area.

### Major Shopping Development

A development that includes or comprises -

- (a) the use of land exceeding 1.5 hectares in area or such other area as the Governor in Council prescribed from time to time by regulation; or
- (b) the erection or use of any building or other structure or part thereof where the building or other structure or part thereof has a gross floor area exceeding 4,000m<sup>2</sup> or such other area as the Governor in Council prescribes from time to time by regulation;

where the use of land or the erection or use of the building or other structure or part thereof is primarily for the purpose of shops.

### Manufacturers Shop

Any land, building or other structure forming part of manufacturing premises wherein is sold by retail sale, only those commodities, articles, or goods manufactured or used in such manufacture on such premises.

### 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 provisioning and trailers, for recreation and amenity and ancillary offices, chandlery, provision shop and caretaker's residence.

The term does not include any residential use of the premises except for caretaker's residence.

The term does not include major repairs to vessels.

### 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.

### Medical Centre

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, chiropodist, naturopath, chiropractor, dentist, medical practitioner, optometrist, pathologist, physiotherapist or radiologist, in the practice of that profession. The term does not include a home occupation, a hospital, an institution or a retirement village as herein defined.

### **Mobile Home Park**

Any premises used or intended for use for the parking or location thereon of two or more mobile homes for the purpose of providing residential accommodation. The term includes ancillary amenities buildings, a kiosk and recreational facilities for the exclusive use of occupants of the mobile home park. The term does not include a caravan park as herein defined.

### **Motel (High Density)**

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 and having a site population density exceeding 400 persons per hectare but not exceeding 800 persons per hectare. The term includes a manager's unit and office, dining room and facilities for the provision of meals to such travellers.

### **Motel (Medium Density)**

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 and having a site population density not exceeding 400 persons per hectare. The term includes a manager's unit and office, dining room and facilities for the provision of meals to such travellers.

### **Nightclub**

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. 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.

### **Night Tennis Court**

An outdoor tennis court which is associated with a residential use and which is provided with lighting to facilitate night play but which is not used for commercial purposes.

### **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. 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 9 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 9**

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  
Showground  
Side show

Ski slope  
Speedway  
Sporting arena  
Stadium  
Theatre  
Trotting track  
Velodrome  
Waterslide  
Zoological garden

### **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 10.

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 10**

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;
- (b) is maintained so as to preserve or enhance its beauty, including its flora, fauna and geological or physiographical features;
- (c) has been prepared or is maintained as a grassed area either with or without trees or shrubbery;
- (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 open-air recreation;

and which is used or intended for use for open-air recreation.

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 in the opinion of the Council, are ancillary to the predominant use -

- (a) kiosks for the supply of light refreshments to patrons on the premises;
- (b) picnic places, scenic lookouts, routes for nature study, carparking areas, cycleways and footways;
- (c) information and display areas for the promotion of such land;
- (d) shelters and other public conveniences;
- (e) children's play areas;

- (f) structures, surfacing or equipment for informal sport or physical exercise;
- (g) sculptures, fountains, ponds or other decorative devices;
- (h) 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 or landing as herein defined.

### **Place of Worship**

Any premises used or intended for use primarily for the public religious activities or a religious organisation, community or association. The term includes any buildings, structures or other uses which in the opinion of the Council are ancillary to the predominant use, but does not include an educational establishment or institution as herein defined.

### **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 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 in conjunction with the business.

### **Public Purpose**

Any premises used or intended for use for any purpose included in but not limited to Appendix 11 hereto. The term does not include institution, local utilities or public utilities as herein separately defined.

## **APPENDIX 11**

Federal government purposes  
Local government purposes  
State government purposes  
Statutory authority purposes  
Any other public purposes not separately defined in this clause

### **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 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, a recycling collection point or a recycled material processing plant.

### **Relatives' Accommodation**

A self contained unit which is located within or attached to a detached dwelling; is occupied or intended to be occupied by an aged, infirm or dependent relative of the resident of the detached dwelling; and which-

- has a gross floor area not exceeding 50m<sup>2</sup>;
- does not contain more than one bedroom; and
- has direct access to the detached dwelling.

### **Restaurant**

Any premises used or intended for use for the preparation of meals for sale to the public and for the consumption of meals while seated therein.

The term includes the ancillary provision of entertainment or dancing and the ancillary sale of take away food.

The term does not include fast food outlet, hotel, indoor entertainment, nightclub or shop as herein defined.

### **Restricted Premises**

Any premises used or intended for use for the purpose of selling, displaying or exhibiting any article or thing directly or indirectly associated with or used in a sexual practice or activity but which is not printed matter or an article or thing the primary concern or use of which is associated with a medically recognised purpose.

### **Retirement Village**

Any premises used or intended for use as permanent residential accommodation for 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 kiosk facilities.

### **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 kerosenes, 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, except in an automatic mechanical carwash
  - (l) 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 500m<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 shop, late night shop, major shopping development, shopping centre, 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 the form of an integrated development 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 use 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 12 hereto. The term does not include an outdoor sales premises as herein defined.

## **APPENDIX 12**

Carpet showrooms  
Caterer's supplies  
Electrical showrooms  
Furniture showrooms  
Hardware, handyman and tradesman supplies  
Liquor barns and wine cellars  
Motor accessories showrooms  
Motor vehicle showrooms  
Produce stores  
Textile showrooms



### **Single Room Occupancy**

Any premises used or intended for use to provide serviced rooms for the individual long term use of one person or a couple, where each room incorporates kitchen, bedroom and living facilities. Communal bathroom facilities and additional communal kitchen facilities, living areas and recreation areas shall be provided within the development for the use of residents. The term does not include a boarding house or hostel as herein defined.

### **Special Residential Use**

Any premises used or intended for use for residential purposes by a group of unrelated persons associated with a religious order or for social or community purposes intended to ensure the health and well-being of the occupants. The term includes a convent, a monastery, a respite care home, supervised short-term crisis accommodation and the like. The term does not include accommodation units, a boarding house or a hostel as herein defined.

### **Sport and Recreation**

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 for any purpose included in but not limited to Appendix 13 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 13**

Archery  
Athletics  
Baseball  
Basketball  
Boating  
Bowling (other than indoor bowling)  
Cricket  
Croquet  
Cycling  
Football  
Golf  
Hockey  
Lacrosse  
Rowing, sailing and yachting  
Softball  
Swimming pool  
Tennis (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.

### **Transport and 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 cars, trucks, motorcycles, mopeds, boats or other registered vehicles. The term includes facilities for cleaning, servicing and effecting minor repairs to the machinery available for hire.

### Vehicle Repair Station

Any premises used or intended for use for the carrying out, either 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 for 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 as herein defined.

### Warehouse

Any premises used or intended for use for the 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.

## 2.3 Interpretation

Where any term used in this Scheme is not defined herein but is defined in the Act or in a Local Law, the term shall, for the purposes of this Scheme and unless the context otherwise indicates or requires, have the meaning assigned to it by the Act or by Local Law.

The Council shall determine any question as to the appropriate definition or classification or any use or proposed use under this Scheme.

The Council may from time to time determine that a particular use should be re-defined or re-classified, having regard to any change which has occurred to the nature, scale or intensity of the use.

Wherever in this Scheme reference is made to any Act, Regulation, Australian Standard, to AMCORD, or to a State or Local Planning Policy, such reference shall be taken to include a reference to any amending or substituting instrument. The Council shall determine any question as to the relevant amending or substituting instrument.

With respect to the Table of Zones in this Scheme, the purposes for which development on land, the erection of a building or other structure on land or the use of land -

- \* may be undertaken or carried out without the Council's Consent in each zone are listed in *Column 1* of the relevant Table of Zones;
- \* may be undertaken or carried out only with the prior Consent of the Council in each zone are listed in *Column 2* of the relevant Table of Zones;
- \* may not be undertaken or carried out are listed in *Column 3* of the relevant Table of Zones.

Where any building or other structure or any land is used or intended for use for more than one purpose, it shall be deemed for the purposes of this Scheme to be used or intended for use for each of those purposes.

Where, by virtue of this Scheme -

- i. development on land, the erection of a building or other structure on land or the use of land may be undertaken or carried out without the Consent of the Council; or
- ii. because of an approval, decision or Consent given by the Council, development on land, the erection of a building or other structure on land or the use of land may be undertaken or carried out;

such development, building or use shall nevertheless -

- (a) be subject to all relevant laws and Local Laws; and
- (b) be subject to those provisions of this Scheme which are expressed to apply in such cases.

The obligation of compliance with this Scheme lies upon the applicant or, if there is no applicant, upon the person undertaking or carrying out or proposing to undertake or carry out development on land, the erection of a building or other structure on land or the use of land.

The Council may, by notice in writing, require the owner of any premises to which any provision of this Scheme applies to comply with that provision, or to make an application to the Council for an approval decision or Consent required to be given or made by it under this Scheme.

### 3. DMSION OF THE CITY INTO ZONES

The City is divided into eighteen zones. These zones are identified on the zoning maps and include all land within the Cairns City local authority area.

The Table of Zones outlines the allocation of land uses to each zone as follows :

- ~ Column 1 - identifies appropriate and compatible uses which are allowed **as** of right, subject to compliance with Council's relevant performance standards and also known in the plan as "Permitted Development";
- ~ Column 2 - identifies uses which are allowed with Council Consent and subject to compliance with Council's relevant performance standards and any relevant conditions imposed by Council at the time of approval and also known in the plan as "Permissible Development";
- ~ Column 3 - identifies uses which are prohibited and also known in the plan as "Prohibited Development".

Table 1 below lists the eighteen zones identified on the zoning maps and outlines the identifying code letters and colour designations of each zone.

TABLE 1

Code Letters	Name of Zone	Colour on Zoning Plans
<b>Nu</b>	Non Urban	Mid Brown
<b>HR</b>	Hillside Residential	Pink Crosshatch
<b>R</b>	<b>Residential</b>	Pink
<b>MDR</b>	Medium Density Residential	Dark Red
<b>TF</b>	Tourist Facilities	Tan
<b>CB</b>	Central Business	Dark Blue
<b>B</b>	Business	Mid Blue
<b>LS</b>	Local Shopping	Light Blue
<b>CM</b>	Commercial	Light Blue Crosshatch
<b>LI</b>	Light Industry	Mauve
<b>GI</b>	General Industry	Purple
<b>FI</b>	Flammable Industry	Mauve with Red Crosshatch
<b>WFI</b>	Water Front Industry	Mauve with Red Zig-Zag Hatch
<b>OS</b>	Open Space	Dark Green
<b>SR</b>	Sport & Recreation	Mid Green
<b>C</b>	Conservation	Light Green
<b>SP</b>	Special Purposes	Yellow
<b>SF</b>	Special Facilities	Yellow with a Red Border and Use Notated in Red

#### 3.1 General Intent

The intent of the zones is implemented through *the* Table of Zones and the zones are intended to provide for :

- the orderly growth and development of the City;
- establishment of an appropriate **mix** of land uses, generally in accordance with the intent of the zones and the intent of the Strategic Plan;

- 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;
- the maintenance and improvement of the existing and future amenity of all areas within the City;
- the conservation of biological diversity and maintenance of ecological integrity; and
- the protection of environmental quality.

### 3.2 Aim

It is the aim of each zone to segregate incompatible purposes of development with those which may establish in relative harmony with each other. Each zone, therefore, will comprise purposes of development which are either permitted, permissible or prohibited. Permissible developments 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.

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 City has been divided into zones. Any and every purpose of development as defined is thus able to be established in discrete parts of the City without compromising the urban amenity of that particular area.

### 3.3 Intent of Zones and Table of Zones

#### 3.3.1 Non-Urban Zone

##### Intent

The intent of the Non-Urban zone is to accommodate larger areas of land which are either not suitable for more intensive development because of constraints imposed by topography, geotechnical factors, economic provision of services and the like or, if they are suitable for some form of development, have not yet been proposed for development.

The nature of the most appropriate form of any development will depend on Council's forward planning intentions as expressed in the Strategic Plan and in relevant Development Control Plans. Any applications for development will be considered in relation to the requirements of these Plans.

Detached dwellings and associated uses are permitted.

Any development that may be permitted within the zone must not prejudice the future orderly development of the surrounding area and must take account of the existing uses and the preferred future use of the land in the surrounding area.

TABLE

Column 1 Permitted [as-of-right]	Development	Column 2 Permissible Development [requires Town Planning Consent]	Column 3 Prohibited Development
Detached Dwelling		Any purpose other than those referred to in Columns 1 & 3.	Accommodation Units (High Density)
Family Day Care			Accommodation Units (Medium Density)
Local Utilities			Airport
Park			Automatic Mechanical Carwash
Relatives' Accommodation			Boarding House (High Density)
			Boarding House (Medium Density)
			Bulk Landscape & Garden Supplies
			Bulk Store
			Carpark
			Caravan Park
			Caretakers Residence
			Catering Shop
			Cemetery
			Child Care Centre
			Commercial Laundry
			Commercial Premises
			Commercial Services
			Crematorium
			Display Home
			Dual Occupancy
			Educational Establishment
			Fast Food Outlet
			Fast Food Delivery Service
			Freight Depot
			Fuel Depot
			Function Centre
			Funeral Parlour
			Green Street Development
			Hardware Store

<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
		Heavy Vehicle Parking Holiday Apartments (High Density) Holiday Apartments (Medium Density) Hospital Hostel (High Density) Hostel (Medium Density) Hotel (High Density) Hotel (Medium Density) Indoor Entertainment Industry <ul style="list-style-type: none"><li>-Light</li><li>- General</li><li>- Flammable</li><li>- Noxious Offensive or Hazardous</li><li>- Waterfront</li></ul> Industrial Retail Premises Industrial Showroom Institution Junk Yard Late Night Shop Laundromat Local Store Major Shopping Development Manufacturers Shop Marina Market Medical Centre Mobile Home Park Motel (High Density) Motel (Medium Density) Nightclub Outdoor Entertainment Outdoor Sales Premises Passenger Terminal Place of Worship Recycling Collection Depot Restaurant Restricted Premises Retirement Village Service Station Shop Shopping Centre Showroom Single Room Occupancy Special Residential Use Sport & Recreation Temporary Land and House Sales Office Transport & Equipment Depot Vehicle Hire Premises Vehicle Repair Station Veterinary Clinic Veterinary Hospital Warehouse

### 3.3.2 Hillside Residential Zone

#### Intent

The intent of the Hillside Residential zone is to protect the visual quality and environmental values of the hillsides within Cairns City while allowing for low density residential development that is consistent with the protection of the hillsides. The hillsides are of special importance and any development will need to be carefully designed and managed to prevent any adverse impacts on the hillsides. It is envisaged that low intensity rural-residential style development will be the only form of development permitted in this zone, apart from uses such as Home Occupation and Bed and Breakfast Accommodation which may be associated with Detached Dwellings.

Special Residential Use may be permitted with Consent, providing the particular site is suitable for the particular Special Residential Use and providing the site population density satisfies the provisions of Development Control Plan 1.

Attached housing, medium density housing, commercial activities and industrial activities are contrary to the intent of the zone.

TABLE

<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
Detached Dwelling Family Day Care Local Utilities Park Relatives' Accommodation Temporary Land and House Sales Office	Any purpose other than those referred to in Columns 1 & 3.	Accommodation Units (High Density) Accommodation Units (Medium Density) Airport Animal Husbandry Automatic Mechanical Carwash Boarding House (High Density) Boarding House (Medium Density) Bulk Landscape & Garden Supplies Bulk Store Carpark Caravan Park Caretakers Residence Catering Shop Cemetery Child Care Centre Commercial Laundry Commercial Premises Commercial Services Crematorium Dual Occupancy Educational Establishment Fast Food Outlet Fast Food Delivery Service Freight Depot Fuel Depot Function Centre Funeral Parlour Green Street Development Hardware Store Heavy Vehicle Parking Holiday Apartments (High Density) Holiday Apartments (Medium Density) Hospital Hostel (High Density)



**Column 1**

Permitted Development  
[as-of-right]

**Column 2**

Permissible Development  
[requires Town Planning  
Consent]

**Column 3**

Prohibited Development

---

Hostel (Medium Density)  
Hotel (High Density)  
Hotel (Medium Density)  
Indoor Entertainment  
Industry

- Light
- General
- Flammable
- Noxious Offensive or Hazardous
- Extractive
- Waterfront

Industrial Retail Premises  
Industrial Showroom  
Institution  
Junk Yard  
Late Night Shop  
Laundromat  
Local Store  
Major Shopping Development  
Manufacturers Shop  
Marina  
Market  
Medical Centre  
Mobile Home Park  
Motel (High Density)  
Motel (Medium Density)  
Nightclub  
Outdoor Entertainment  
Outdoor Sales Premises  
Passenger Terminal  
Place of Worship  
Plant Nursery  
Recycling Collection Depot  
Restaurant  
Restricted Premises  
Retirement Village  
Service Station  
Shop  
Shopping Centre  
Showroom  
Single Room Occupancy  
Sport & Recreation  
Transport & Equipment Depot  
Vehicle Hire Premises  
Vehicle Repair Station  
Veterinary Clinic  
Veterinary Hospital  
Warehouse

### 3.3.3 Residential Zone

#### Intent

The intent of the Residential zone is to allow for low density residential development predominantly in the form of single family detached dwellings and, in some areas within the zone, for medium density residential development in the form of attached housing such as duplexes, townhouses, apartments and the like, subject to density controls.

Residential development within the zone shall be in accordance with the provisions of Development Control Plan 1. Council will not permit residential development of a form which is not consistent with the provisions of Development Control Plan 1 or to a density which exceeds the Density Designation for the particular site as indicated on the Development Control Plan 1 map.

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 zone in appropriate locations and subject to development criteria which will ensure a satisfactory form of development compatible with residential living.

Tourist accommodation such as Hostels, Holiday Apartments and Motels may be permitted in particular locations in the Residential zone which are highly accessible from the arterial road network and which are located in proximity to support facilities. The establishment of tourist accommodation, apart from Bed and Breakfast Accommodation, will not be supported in areas intended for permanent residential living.

TABLE

<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
Detached Dwelling Family Day Care Local Utilities Park Relatives' Accommodation Temporary Land and House Sales Office	Any purpose other than those referred to in Columns 1 & 3.	Accommodation Units (High Density) Airport Animal Husbandry Automatic Mechanical Carwash Boarding House (High Density) Bulk Landscape & Garden Supplies Bulk Store Carpark Catering Shop Cemetery Commercial Laundry Commercial Premises Commercial Services Crematorium Fast Food Outlet Fast Food Delivery Service Freight Depot Fuel Depot Function Centre Funeral Parlour Hardware Store Heavy Vehicle Parking

**Column 1**  
Permitted Development  
[as-of-right]

**Column 2**  
Permissible Development  
[requires Town Planning  
Consent]

**Column 3**  
Prohibited Development

---

Holiday Apartments (High Density)  
Hospital  
Hostel (High Density)  
Hotel (High Density)  
Indoor Entertainment  
Industry

- Light
- General
- Flammable
- Noxious Offensive or  
Hazardous
- Extractive
- Waterfront

Industrial Retail Premises  
Industrial Showroom  
Institution  
Junk Yard  
Late Night Shop  
Laundromat  
Major Shopping Development  
Manufacturers Shop  
Marina  
Market  
Medical Centre  
Motel (High Density)  
Nightclub  
Outdoor Entertainment  
Outdoor Sales Premises  
Passenger Terminal  
Plant Nursery  
Recycling Collection Depot  
Restaurant except in association with  
Hostel (Medium Density), Hotel  
(Medium Density) and Motel  
(Medium Density)  
Restricted Premises  
Service Station  
Shop  
Shopping Centre  
Showroom  
Sport & Recreation  
Transport & Equipment Depot  
Vehicle Hire Premises  
Vehicle Repair Station  
Veterinary Clinic  
Veterinary Hospital  
Warehouse

### 3.3.4 Medium Density Residential Zone

#### Intent

The intent of the Medium Density Residential zone is to allow for medium and higher density residential development in a range of accommodation types such as town houses, units, apartments, hostels, motels and hotels.

Residential development within the zone shall be in accordance with the provisions of Development Control Plan 1. Council will not permit residential development to a density which exceeds the Density Designation for the particular site as indicated on the Development Control Plan 1 map.

It is intended that support facilities and some commercial activities such as restaurants, tour booking offices and the like which are directly associated with and incorporated within accommodation facilities catering primarily for tourists or catering for specific groups of people will be permitted within this zone.

Tourist accommodation such as Hostels, Holiday Apartments, Hotels and Motels may be permitted in the North Cairns area and in other particular locations which are highly accessible from the arterial road network and which are located in proximity to support facilities. The establishment of tourist accommodation; apart from Bed and Breakfast Accommodation, will not be supported in areas intended for permanent residential living.

TABLE

<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
Accommodation Units (Medium Density) Bed and Breakfast Accommodation Boarding House (Medium Density) Detached Dwelling Family Day Care Holiday Apartments (Medium Density) Hostel (Medium Density) Local Utilities Motel (Medium Density) Park Relatives' Accommodation Retirement Village Temporary Land and House Sales Office	Any purpose other than those referred to in Columns 1 & 3.  Any purpose which involves the erection of a building defined as a tall building.	Airport Animal Husbandry Automatic Mechanical Carwash Bulk Landscape & Garden Supplies Bulk Store Carpark Catering Shop Cemetery Commercial Laundry Commercial Premises Commercial Services Crematorium Fast Food Outlet Fast Food Delivery Service Freight Depot Fuel Depot Function Centre Funeral Parlour Hardware Store Heavy Vehicle Parking Hospital Indoor Entertainment

**Column 1**  
Permitted Development  
[as-of-right]

**Column 2**  
Permissible Development  
[requires Town Planning  
Consent]

**Column 3**  
Prohibited Development

---

Industry

- Light
- General
- Flammable
- Noxious Offensive or Hazardous
- Extractive
- Waterfront

Industrial Retail Premises  
Industrial Showroom  
Institution  
Junk Yard  
Late Night Shop  
Lanndromat  
Major Shopping Development  
Manufacturers Shop  
Marina  
Market  
Medical Centre  
Nightclub  
Outdoor Entertainment  
Outdoor Sales Premises  
Passenger Terminal  
Plant Nursery  
Recycling Collection Depot  
Restaurant except in association with  
Hostel (Medium Density), Hostel (High Density), Hotel (Medium Density), Hotel (High Density), Motel (Medium Density), Motel (High Density)  
Restricted Premises  
Service Station  
Shop  
Shopping Centre  
Showroom  
Sport & Recreation  
Transport & Equipment Depot  
Vehicle Hire Premises  
Vehicle Repair Station  
Veterinary Clinic  
Veterinary Hospital  
Warehouse

### 3.3.5 Tourist Facilities Zone

#### Intent

The intent of the Tourism zone is to allow for the development of a range of accommodation and commercial facilities to cater primarily for tourists.

The zone is primarily intended to contain those areas which are located in close proximity to the Central Business District but whose dominant use is or is intended to be the provision of accommodation such as Hostels, Holiday Apartments, Hotels and Motels and associated retail outlets, restaurants and entertainment.

The leases on Green Island have been included in the Tourist Facilities zone because their primary purpose is the provision of facilities for tourists.

Residential development within the zone shall be in accordance with the provisions of Development Control Plan 1 and Development Control Plan 6, respectively. Council will not permit residential development to a density which exceeds the Density Designation for the particular site as indicated on the Development Control Plan 1 map or as specified in Development Control Plan 6, respectively.

TABLE

Column 1 Permitted Development [as-of-right]	Column 2 Permissible Development [requires Town Planning Consent]	Column 3 Prohibited Development
Catering Shop Fast Food Outlet Holiday Apartments (Medium Density) Hostel (Medium Density) Hotel (Medium Density) Late Night Shop Local Utilities Motel (Medium Density) Park Restaurant Shop	<p><b>Any</b> purpose other than those referred to in Columns 1 &amp; 3.</p> <p>Any purpose which involves the erection of a building defined as a tall building.</p>	Airport Animal Husbandry Automatic Mechanical Carwash Bed and Breakfast Accommodation Bulk Landscape & Garden Supplies Bulk Store Cemetery Child Care Centre Commercial Laundry Commercial Services Crematorium Detached Dwelling Display Home Dual Occupancy Educational Establishment Family Day Care Freight Depot Fuel Depot Funeral Parlour Green Street Development Hardware Store Heavy Vehicle Parking Home Occupation Hospital

**Column 1**  
Permitted Development  
[as-of-right]

**Column 2**  
Permissible Development  
[requires Town Planning  
Consent]

**Column 3**  
Prohibited Development

---

Industry

- Light
- General
- Flammable
- Noxious Offensive or Hazardous
- Extractive
- Waterfront

Industrial Retail Premises  
Industrial Showroom  
Institution  
Junk Yard  
Local Store  
Major Shopping Development  
Manufacturers Shop  
Medical Centre  
Mobile Home Park  
Night Tennis Court  
Outdoor Sales Premises  
Place of Worship  
Plant Nursery  
Public Utilities  
Recycling Collection Depot  
Relatives' Accommodation  
Restricted Premises  
Retirement Village  
Service Station  
Shopping Centre  
Showroom  
Single Room Occupancy  
Special Residential Use  
Temporary Land and House Sales Office  
Transport & Equipment Depot  
Vehicle Hire Premises  
Vehicle Repair Station  
Veterinary Clinic  
Veterinary Hospital  
Warehouse

### 3.3.6 Central Business Zone

#### Intent

The intent of the Central Business zone is to accommodate a broad range of commerce, retailing, tourism, accommodation and entertainment activities that are essential in ensuring the continuation and strengthening of the viability and functions of the Central City in its role as the regional centre for Far North Queensland and as a major centre within the 'Pacific Region'.

The development of accommodation for both tourists and permanent residents within the zone is in accordance with the intent of the zone and is encouraged.

Residential development within the zone shall be in accordance with the provisions of Development Control Plan 1. Council will not permit residential development to a density which exceeds the Density Designation for a particular site as indicated on the Development Control Plan 1 map.

Industrial uses other than those of a light or service nature are not intended to establish within the Central Business zone.

TABLE

Column 1 Permitted Development [as-of-right]	Column 2 Permissible Development [requires Town Planning Consent]	Column 3 Prohibited Development
Catering Shop Commercial Premises Commercial Services Fast Food Outlet Fast Food Delivery Service Late Night Shop Laundromat Local Utilities Market Medical Centre Park Public Purpose Restaurant Shop Shopping Centre Showrooin Veterinary Clinic	Any purpose other than those referred to in Columns 1 & 3.  Any purpose which involves the erection of a building defined as a tall building.	Airport Animal Husbandry Bulk Landscape & Garden Supplies Bulk Store Caravan Park Cemetery Crematorium Display Home Freight Depot Fuel Depot Green Street Development Heavy Vehicle Parking Industry - General - Flammable - Noxious Offensive or Hazardous - Extractive - Waterfront Industrial Retail Premises Industrial Showroom Institution Junk Yard Mobile Home Park Night Tennis Court Outdoor Sales Premises



**Column 1**  
Permitted Development  
[as-of-right]

**Column 2**  
Permissible Development  
[requires Town Planning  
Consent]

**Column 3**  
Prohibited Development

---

Plant Nursery  
Recycling Collection Depot  
Retirement Village  
Sport & Recreation  
Temporary Land and House Sales Office  
Transport & Equipment Depot  
Vehicle Repair Station  
Veterinary Hospital  
Warehouse

### 3.3.7 Business Zone

#### Intent

The intent of the Business zone is to provide sub-regional and district shopping facilities together with commercial, professional, medical and similar services and community facilities. The zone is intended to ensure that existing sub-regional or district centres develop into major community focal points providing a range of services. It is further intended that the existing shopping facilities within these centres should only be permitted to expand if there is a demonstrated need and demand for such expansion.

Medium density residential development may be permitted within the zone, provided it is in accordance with the provisions of Development Control Plan 1 and provided satisfactory residential amenity can be achieved. Council will not permit residential development to a density which exceeds the Density Designation for a particular site as indicated on the Development Control Plan 1 map.

Industrial uses other than those of a light or service nature are not intended to establish within the Business zone.

TABLE

<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
Catering Shop Commercial Premises Commercial Services Fast Food Outlet Fast Food Delivery Service Late Night Shop Laundromat Local Utilities Medical Centre Park Public Purpose Restaurant Shop Shopping Centre Showroom Veterinary Clinic	Any purpose other than those referred to in Columns 1 & 3.  Any purpose which involves the erection of a building defined as a tall building.	Airport Animal Husbandry Bulk Landscape & Garden Supplies Bulk Store Caravan Park Cemetery Crematorium Display Home Freight Depot Fuel Depot Green Street Development Heavy Vehicle Parking Hospital Industry <ul style="list-style-type: none"> <li>- General</li> <li>- Flammable</li> <li>- Noxious Offensive or Hazardous</li> <li>- Extractive</li> <li>- Waterfront</li> </ul> Industrial Showroom Institution Junk Yard Marina Mobile Home Park Nightclub Recycling Collection Depot Restricted Premises Retirement Village Sport & Recreation Temporary Land and House Sales Office Transport & Equipment Depot Warehouse

### 3.3.8 Local Shopping Zone

#### Intent

The intent of the Local Shopping zone is to provide local shopping facilities together with small scale business, professional and community services in convenient locations to serve the surrounding residential area.

Medium density residential and dual occupancy development may be permitted within the zone, provided it is in accordance with the provisions of Development Control Plan 1 and provided satisfactory residential amenity can be achieved. Council will not permit residential development to a density which exceeds the Density Designation for a particular site as indicated on the Development Control Plan 1 map.

Industrial uses are not intended to establish within the Local Shopping zone.

TABLE

<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
Shop Commercial Premises Laundromat Local Store Local Utilities Medical Centre Park Shop Veterinary Clinic	Any purpose other than those referred to in Columns 1 & 3.	Accommodation Units (High Density) Airport Animal Husbandry Automatic Mechanical Carwash Boarding House (High Density) Boarding House (Medium Density) Bulk Landscape & Garden Supplies Bulk Store Carpark Caravan Park Cemetery Commercial Laundry Crematorium Detached Dwelling Display Home Educational Establishment Fast Food Outlet Fast Food Delivery Service Freight Depot Fuel Depot Function Centre Funeral Parlour Green Street Development Hardware Store Heavy Vehicle Parking Holiday Apartments (High Density) Holiday Apartments (Medium Density) Hospital Hostel (High Density) Hostel (Medium Density) Hotel (High Density) Hotel (Medium Density) Indoor Entertainment

**Column 1**  
Permitted Development  
[as-of-right]

**Column 2**  
Permissible Development  
[requires Town Planning  
Consent]

**Column 3**  
Prohibited Development

---

Industry - Light  
- General  
- Flammable  
- Noxious Offensive or  
Hazardous  
- Extractive  
- Waterfront  
Industrial Retail Premises  
Industrial Showroom  
Institution  
Junk Yard  
Late Night Shop  
Major Shopping Development  
Manufacturers Shop  
Marina  
Market  
Mobile Home Park  
Motel (High Density)  
Motel (Medium Density)  
Nightclub  
Outdoor Entertainment  
Outdoor Sales Premises  
Passenger Terminal  
Place of Worship  
Plant Nursery  
Public Purpose Public Utilities  
Recycling Collection Depot  
Restricted Premises  
Retirement Village  
Showroom  
Single Room Occupancy  
Special Residential Use  
Sport & Recreation  
Temporary Land and House Sales Office  
Transport & Equipment Depot  
Vehicle Hire Premises  
Vehicle Repair Station  
Veterinary Hospital  
Warehouse

### 3.3.9 Commercial Zone

#### Intent

The intent of the Commercial zone is to provide for uses which sell products and services to customers in a similar manner to retail facilities but which exhibit some characteristics of industrial uses such as the production of goods and services, the requirement for relatively extensive land areas, storage of products and materials etc. This zone is located in close proximity to business areas or provides a buffer to other industrial zones. Areas zoned Commercial will have good vehicular access to the arterial road system.

Smaller scale professional services are considered to be appropriate within the zone.

Residential development may be permitted in the zone either in combination with commercial or professional services or independent of those services, providing it is in accordance with the provisions of Development Control Plan 1 and provided satisfactory residential amenity can be achieved. Council will not permit residential development to a density which exceeds the Density Designation for a particular site as indicated on the Development Control Plan 1 map.

Development conditions will be imposed in this zone to protect the amenity of any of the surrounding areas. These conditions may relate to the appropriate design of buildings and landscaping.

TABLE

<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
Automatic Mechanical Carwash Catering Shop Commercial Premises Commercial Services Fast Food Outlet Fast Food Delivery Service Hardware Store Home Occupation Industrial Retail Premises Laundromat Local Utilities Medical Centre Outdoor Sales Premises Park Showroom Vehicle Hire Premises Vehicle Repair Station Veterinary Clinic Warehouse	Any purpose other than those referred to in Columns 1 & 3.  Any purpose which involves the erection of a building defined as a tall building.	Accommodation Units (High Density) Airport Animal Husbandry Boarding House (High Density) Bulk Landscape & Garden Supplies Bulk Store Carpark Caravan Park Cemetery Crematorium Display Home Freight Depot Fuel Depot Green Street Development Heavy Vehicle Parking Holiday Apartments (High Density) Hospital Hostel (High Density) Hotel (High Density) Industry - General - Flammable - Noxious Offensive or Hazardous - Extractive - Waterfront

**Column 1**  
Permitted Development  
[as-of-right]

**Column 2**  
Permissible Development  
[requires Town Planning  
Consent]

**Column 3**  
Prohibited Development

---

Industrial Showroom  
Institution  
Junk Yard  
Major Shopping Development  
Marina  
Mobile Home Park  
Motel (High Density)  
Nightclub  
Outdoor Entertainment  
Plant Nursery  
Recycling Collection Depot  
Restricted Premises  
Retirement Village  
Shop  
Shopping Centre  
Sport & Recreation  
Temporary Land and House Sales Office

### 3.3.10 Light Industry Zone

#### Intent

The intent of the Light Industry zone is to provide for localised, small-scale and non-offensive industrial activities which can be located in proximity to commercial or business uses and which generally do not require large sites and can provide a buffer to other industrial zones where the scale of industrial activity is of a greater magnitude.

Development conditions will be imposed in this zone to protect the amenity of any surrounding commercial, business or residential areas. These conditions may relate, among other things, to the appropriate design of buildings, the provision of planted buffer areas and other landscaping.

TABLE

<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
Automatic Mechanical Carwash Bulk Landscape & Garden Supplies Bulk Store Carpark Caretakers Residence Commercial Laundry Commercial Premises Commercial Services Hardware Store Home Occupation Industrial Retail Premises Industrial Showroom Laundromat Light Industry Local Utilities Manufacturers Shop Outdoor Sales Premises Park Plant Nursery Public Purpose Public Utilities Transport & Equipment Depot Vehicle Hire Premises Vehicle Repair Station Warehouse	Any purpose other than those referred to in Columns 1 & 3.	Accommodation Units (High Density) Accommodation Units (Medium Density) Airport Bed & Breakfast Accommodation Boarding House (High Density) Boarding House (Medium Density) Caravan Park Cemetery Child Care Centre Crematorium Detached Dwelling Display Home Dual Occupancy Educational Establishment Fast Food Outlet Fuel Depot Function Centre Green Street Development Heavy Vehicle Parking Holiday Apartments (High Density) Holiday Apartments (Medium Density) Hospital Hostel (High Density) Hostel (Medium Density) Hotel (High Density) Hotel (Medium Density) Industry <ul style="list-style-type: none"> <li>- General</li> <li>- Flammable</li> <li>- Noxious Offensive or Hazardous</li> <li>- Extractive</li> <li>- Waterfront</li> </ul>

**Column 1**  
Permitted Development  
[as-of-right]

**Column 2**  
Permissible Development  
[requires Town Planning  
Consent]

**Column 3**  
Prohibited Development

---

Institution  
Junk Yard  
Late Night Shop  
Major Shopping Development  
Marina  
Market  
Mobile Home Park  
Motel (High Density)  
Motel (Medium Density)  
Nightclub  
Night Tennis Court  
Place of Worship  
Recycling Collection Depot  
Restaurant  
Restricted Premises  
Retirement Village  
Shop  
Shopping Centre  
Single Room Occupancy  
Special Residential Use  
Temporary Land and House Sales Office



### 3.3.11 General Industry Zone

#### Intent

The intent of the General Industry zone is to provide areas for heavy manufacturing, engineering and bulk storage, as well as for a broad range of other industrial activities.

Appropriate design requirements will apply to the development of land in this zone.

Offices are intended only to be permitted where directly associated with other activities permitted in the zone. Developments which attract the general public, such as intensive recreation, show rooms and vehicle sale yards will be prohibited. Through traffic will not be encouraged into areas zoned General Industry.

Hazardous or offensive industries are not permitted in the zone.

TABLE

<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
Automatic Mechanical Carwash Bulk Store Caretakers Residence Commercial Laundry Freight Depot General Industry Heavy Vehicle Parking Industrial Showroom Junk Yard Local Utilities Manufacturers Shop Park Public Purpose Public Utilities Recycling Collection Depot Transport & Equipment Depot Vehicle Repair Station Warehouse	Any purpose other than those referred to in Columns 1 & 3.	Accommodation Units (High Density) Accommodation Units (Medium Density) Airport Animal Husbandry Bed & Breakfast Accommodation Boarding House (High Density) Boarding House (Medium Density) Carpark Caravan Park Cemetery Child Care Centre Commercial Premises Commercial Services Crematorium Detached Dwelling Display Home Dual Occupancy Educational Establishment Family Day Care Fast Food Outlet Fast Food Delivery Service Fuel Depot Function Centre Funeral Parlour Green Street Development Hardware Store Holiday Apartments (High Density) Holiday Apartments (Medium Density) Home Occupation Hospital Hostel (High Density) Hostel (Medium Density) Hotel (High Density) Hotel (Medium Density)



### 3.3.12 Flammable Industry Zone

#### Intent

The intent of the Flammable Industry zone is to accommodate premises used or intended for use for the bulk storage and distribution of petroleum products or other flammable or combustible fuels or liquids. The general public will not be encouraged into areas zoned Flammable Industry and through traffic will be discouraged.

TABLE

<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
Local Utilities	Any purpose other than those referred to in Columns 1 & 3.	Accommodation Units (High Density) Accommodation Units (Medium Density) Airframe Automatic Mechanical Carwash Bar & Breakfast Accommodation Bed and Breakfast (High Density) Bed and Breakfast (Medium Density) Boarding Bulk Landscape & Garden Supplies Bulk Storage Carport Caravan Park Cottage Residence Cottage Shop Cemetery Child Care Centre Commercial Laundry Commercial Premises Commercial Services Crematorium Detached Dwelling Display Home Dual Occupancy Educational Establishment Family Day Care Fast Food Outlet Fast Food Delivery Service Freight Depot Function Centre Funeral Parlour Green Street Development Hardware Store Heavy Vehicle Parking Holiday Apartments (High Density) Holiday Apartments (Medium Density) Home Occupation Hospital Hostel (High Density) Hostel (Medium Density) Hotel (High Density) Hotel (Medium Density) Indoor Entertainment

**Column 1**

Permitted Development  
[as-of-right]

**Column 2**

Permissible Development  
[requires Town Planning  
Consent]

**Column 3**

Prohibited Development

---

Industry - Light  
- General  
- Noxious Offensive or  
Hazardous  
- Extractive  
- Waterfront

Industrial Retail Premises  
Industrial Showroom  
Institution  
Junk Yard  
Late Night Shop  
Laundromat  
Local Store  
Major Shopping Development  
Manufacturers Shop  
Marina  
Market  
Medical Centre  
Mobile Home Park  
Motel (High Density)  
Motel (Medium Density)  
Nightclub  
Night Tennis Court  
Outdoor Entertainment  
Outdoor Sales Premises  
Park  
Passenger Terminal  
Place of Worship  
Plant Nursery  
Public Purposes  
Public Utilities  
Recycling Collection Depot  
Relatives' Accommodation  
Restaurant  
Restricted Premises  
Retirement Village  
Shop  
Shopping Centre  
Showroom  
Single Room Occupancy  
Special Residential Use  
Sport & Recreation  
Temporary Land and House Sales Office  
Transport & Equipment Depot  
Vehicle Hire Premises  
Vehicle Repair Station  
Veterinary Clinic  
Veterinary Hospital  
Warehouse

### 3.3.13 Waterfront Industry Zone

#### Intent

The intent of the Waterfront Industry zone is to cater for water orientated industrial uses. Uses which are not water orientated will be discouraged from locating in this zone. This zone will have development conditions imposed to protect the visual appearance of the waterfront where necessary.

TABLE

<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
Freight Depot Local Utilities Park Public Purpose Waterfront Industry	Any purpose other than those referred to in Columns 1 & 3.	Accommodation Units (High Density) Accommodation Units (Medium Density) Airport Animal Husbandry Automatic Mechanical Carwash Bed & Breakfast Accommodation Boarding House (High Density) Boarding House (Medium Density) Bulk Landscape & Garden Supplies Carpark Caravan Park Cemetery Child Care Centre Commercial Laundry Commercial Premises Commercial Services Crematorium Detached Dwelling Display Home Dual Occupancy Educational Establishment Family Day Care Fast Food Outlet Fast Food Delivery Service Fuel Depot Function Centre Funeral Parlour Green Street Development Hardware Store Heavy Vehicle Parking Holiday Apartments (High Density) Holiday Apartments (Medium Density) Home Occupation Hospital Hostel (High Density) Hostel (Medium Density) Hotel (High Density) Hotel (Medium Density) Indoor Entertainment

**Column 1**  
Permitted Development  
[as-of-right]

**Column 2**  
Permissible Development  
[requires Town Planning  
Consent]

**Column 3**  
Prohibited Development

---

Industry      - Light  
                  - General  
                  - Flammable  
                  - Extractive

Industrial Retail Premises  
Industrial Showroom  
Institution  
Junk Yard  
Late Night Shop  
Laundromat  
Major Shopping Development  
Market  
Medical Centre  
Mobile Home Park  
Motel (High Density)  
Motel (Medium Density)  
Nightclub  
Night Tennis Court  
Outdoor Entertainment  
Outdoor Sales Premises  
Place of Worship  
Plant Nursery  
Recycling Collection Depot  
Relatives' Accommodation  
Restaurant  
Restricted Premises  
Retirement Village  
Shop  
Shopping Centre  
Showroom  
Single Room Occupancy  
Special Residential Use  
Temporary Land and House Sales Office  
Transport & Equipment Depot  
Vehicle Hire Premises  
Vehicle Repair Station  
Veterinary Clinic  
Veterinary Hospital  
Warehouse

### 3.3.14 Open Space Zone

#### Intent

The intent of Open Space zone is to provide areas which are available to the general public primarily for passive recreation. These areas include local and district parks, generally within residential areas, and major areas of park land such as Flecker Botanical Gardens, Centenary Lakes and The Esplanade.

Development which may have an adverse impact on surrounding areas by visual intrusion or generation of noise, light or traffic or which may have an adverse impact on the use of the area for passive recreation will generally be discouraged in this zone. Similarly, organised sporting activities and clubhouses will generally be discouraged in this zone.

TABLE

Column 1 Permitted Development [as-of-right]	Column 2 Permissible Development [requires Town Planning Consent]	Column 3 Prohibited Development
Local Utilities Park	Any purpose other than those referred to in Columns 1 & 3.	Accommodation Unit (High Density) Accommodation Unit (Medium Density) Airport Animal Husbandry Barber Shop Breakfast Accommodation Building (High Density) Building (Medium Density) Bulk Landscape & Garden Supplies Bulk Store Carpark Caravan Park Catering Shop Centre Child Care Centre Commercial Laundry Commercial Printing Commercial Services Detached Dwelling Display Home Dual Dwelling Educational Establishment Family Day Care Fast Food Outlet Fast Food Delivery Service Fuel Depot Fuel Station Green Street Parking Heavy Vehicle Parking High Density Apartments (High Density) High Density Apartments (Medium Density) Home Office Home Office (High Density) Home Office (Medium Density)

### 3.3.15 Sport and Recreation Zone

#### 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, among 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.

TABLE

<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
Local Utilities Park Sport & Recreation	Any purpose other than those referred to in Columns 1 & 3.	Accommodation Units (High Density) Accommodation Units (Medium Density) Airport Animal Husbandry Automatic Mechanical Carwash Bed & Breakfast Accommodation Boarding House (High Density) Boarding House (Medium Density) Bulk Landscape & Garden Supplies Bulk Store Carpark Caravan Park Cemetery Child Care Centre Commercial Laundry Commercial Premises Commercial Services Crematorium Detached Dwelling Display Home Dual Occupancy Educational Establishment Family Day Care Fast Food Outlet Fast Food Delivery Service Freight Depot Fuel Depot Funeral Parlour Green Street Development Hardware Store Heavy Vehicle Parking



**Column 1**

Permitted Development  
[as-of-right]

**Column 2**

Permissible Development  
[requires Town Planning  
Consent]

**Column 3**

Prohibited Development

---

Holiday Apartments (High Density)  
Holiday Apartments (Medium Density)  
Home Occupation  
Hospital  
Hostel (High Density)  
Hostel (Medium Density)  
Hotel (High Density)  
Hotel (Medium Density)  
Industry - Light  
- General  
- Flammable  
- Noxious Offensive or  
Hazardous  
- Extractive  
- Waterfront  
Industrial Retail Premises  
Industrial Showroom  
Institution  
Junk Yard  
Late Night Shop  
Laundromat  
Local Store  
Major Shopping Development  
Manufacturers Shop  
Marina  
Market  
Medical Centre  
Mobile Home Park  
Motel (High Density)  
Motel (Medium Density)  
Nightclub  
Night Tennis Court  
Outdoor Sales Premises  
Passenger Terminal  
Place of Worship  
Plant Nursery  
Public Purpose  
Public Utilities  
Recycling Collection Depot  
Relatives' Accommodation  
Restaurant  
Restricted Premises  
Retirement Village  
Service Station  
Shop  
Shopping Centre  
Showroom  
Single Room Occupancy  
Special Residential Use  
Temporary Land and House Sales Office  
Transport & Equipment Depot  
Vehicle Hire Premises  
Vehicle Repair Station  
Veterinary Clinic  
Veterinary Hospital  
Warehouse

**3.3.16 Conservation Zone**

Intent

The intent of the Conservation zone is to protect biological diversity and maintain ecological integrity by protecting natural areas from development. This zone applies to areas of high conservation value and includes areas of important natural vegetation such as wetlands and hillslopes, fauna habitat and linkages between natural areas.

Land in this zone is to be retained in its natural state and should not be subject to any modification which reduces its conservation values. Where appropriate, rehabilitation and restoration may be undertaken to remove existing or potential ecological threats and to enhance disturbed areas.

TABLE

<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
Park	Any purpose other than those referred to in Columns 1 & 3.	Accommodation Units (High Density) Accommodation Units (Medium Density) Airport Animal Husbandry Automatic Mechanical Carwash Bed & Breakfast Accommodation Boarding House (High Density) Boarding House (Medium Density) Bulk Landscape & Garden Supplies Bulk Store Carpark Caravan Park Caretakers Residence Catering Shop Cemetery Child Care Centre Commercial Laundry Commercial Premises Commercial Services Crematorium Detached Dwelling Display Home Dual Occupancy Educational Establishment Family Day Care Fast Food Outlet Fast Food Delivery Service Freight Depot Fuel Depot Function Centre Funeral Parlour Green Street Development Hardware Store Heavy Vehicle Parking Holiday Apartments (High Density) Holiday Apartments (Medium Density) Home Occupation Hospital Hostel (High Density) Hostel (Medium Density) Hotel (High Density) Hotel (Medium Density) Indoor Entertainment

**Column 1**  
Permitted Development  
[as-of-right]

**Column 2**  
Permissible Development  
[requires Town Planning  
Consent]

**Column 3**  
Prohibited Development

---

Industry

- Light
- General
- Flammable
- Noxious Offensive or Hazardous
- Extractive
- Waterfront

Industrial Retail Premises  
Industrial Showroom  
Institution  
Junk Yard  
Late Night Shop  
Laundromat  
Local Store  
Major Shopping Development  
Manufacturers Shop  
Marina  
Market  
Medical Centre  
Mobile Home Park  
Motel (High Density)  
Motel (Medium Density)  
Nightclub  
Night Tennis Court  
Outdoor Entertainment  
Outdoor Sales Premises  
Passenger Terminal  
Place of Worship  
Plant Nursery  
Public Purpose  
Public Utilities  
Recycling Collection Depot  
Relatives' Accommodation  
Restaurant  
Restricted Premises  
Retirement Village  
Service Station  
Shop  
Shopping Centre  
Showroom  
Single Room Occupancy  
Special Residential Use  
Sport & Recreation  
Temporary Land and House Sales Office  
Transport & Equipment Depot  
Vehicle Hire Premises  
Vehicle Repair Station  
Veterinary Clinic  
Veterinary Hospital  
Warehouse

### 3.3.17 Special Purposes Zone

#### Intent

The intent of the Special Purposes 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 Purposes 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.

TABLE

Column 1 Permitted Development [as-of-right]	Column 2 Permissible Development [requires Town Planning Consent]	Column 3 Prohibited Development
Airport Carpark Cemetery Crematorium Educational Establishment Hospital Local Utilities Park Passenger Terminal Public Purpose Public Utilities	Any purpose other than those referred to in Columns 1 & 3.	Accommodation Units (High Density) Accommodation Units (Medium Density) Animal Husbandry Automatic Mechanical Changeover Bed & Breakfast Accommodation Boarding House (High Density) Boarding House (Medium Density) Bulk Storage & Garden Bulk Storage Caravan Park Caravan Storage Caravan Washdown Caravan Yard Commercial Services Detached Dwelling Display Home Dual Occupancy Family Day Care Fast Food Outlet Fast Food Delivery Service Freight Depot Fuel Depot Fuel Storage Green Street Development Hardware Store Heavy Vehicle Parking High Density Apartments (High Density)

**Column 1**  
Permitted Development  
[as-of-right]

**Column 2**  
Permissible Development  
[requires Town Planning  
Consent]

**Column 3**  
Prohibited Development

---

Holiday Apartments (Medium Density)  
Home Occupation  
Hostel (High Density)  
Hostel (Medium Density)  
Hotel (High Density)  
Hotel (Medium Density)  
Industry

- Light
- General
- Flammable
- Noxious Offensive or Hazardous
- Extractive
- Waterfront

Industrial Retail Premises  
Industrial Showroom  
Institution  
Junk Yard  
Late Night Shop  
Laundromat  
Local Store  
Major Shopping Development  
Manufacturers Shop  
Marina  
Market  
Medical Centre  
Mobile Home Park  
Motel (High Density)  
Motel (Medium Density)  
Nightclub  
Night Tennis Court  
Outdoor Entertainment  
Outdoor Sales Premises  
Plant Nursery  
Recycling Collection Depot  
Relatives' Accommodation  
Restaurant  
Restricted Premises  
Service Station  
Shop  
Shopping Centre  
Showroom  
Single Room Occupancy  
Sport & Recreation  
Temporary Land and House Sales Office  
Transport & Equipment Depot  
Vehicle Hire Premises  
Vehicle Repair Station  
Veterinary Clinic  
Veterinary Hospital  
Warehouse

### 3.3.18 Special Facilities Zone

#### 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 combinations of uses which might not otherwise be allowed under the Schedule. The use of this zone is particularly appropriate for hazardous, noxious or offensive industries.

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TABLE

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<b>Column 1</b> Permitted Development [as-of-right]	<b>Column 2</b> Permissible Development [requires Town Planning Consent]	<b>Column 3</b> Prohibited Development
Local Utilities Park Purposes which are indicated in red lettering on the zoning maps and where a plan of development exists, which are also in accordance with that plan	No purposes	Any purpose other than those referred to in Column 1

**4. PERFORMANCE STANDARDS AND SPECIFIC PROVISIONS IN RELATION TO PARTICULAR DEVELOPMENTS AND ZONES**

**4.1 Preliminary**

The requirements of this Section shall apply to all development whether or not the consent 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 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 the 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.

**4.2 External Works and General Site Development Requirements**

**4.2.1 Roadworks**

Any development, except for Animal Husbandry, Detached Dwelling, Relatives' Accommodation or Park, commenced after the appointed day (whether or not the consent 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 have been provided or carried out at the expense of the owner or developer of the site. Alternatively, the Council may accept a contribution towards the carrying out of such works by Council in conjunction with a more extensive scheme of works planned and implemented by the Council.

Required external works refers to the full length of the frontage of the site and includes the construction of the following works to the requirements and satisfaction of the City Engineer :-

- (a) a formed and grassed and/or paved footpath,
- (b) kerb and channel on an alignment determined by the City Engineer;
- (c) sealed pavement between the existing or constructed kerb and channel and the existing sealed pavement;
- (d) where the road is not paved, construction of sealed pavement from the existing or constructed kerb and channel to the centre line of the carriageway or for a width of 6 metres, whichever is the greater;
- (e) such drainage as the City Engineer deems necessary to satisfactorily complete the pavement works including inlets and outlets as may be necessary clear of the frontage of the site;
- (f) any alterations necessary to public utilities, mains, services or installations rendered necessary by the construction of the works;

- (g) reinforced concrete industrial crossings at points of vehicular ingress and egress to the site across the full width of the footpath;
- (h) a bicycle path, where required.

#### **4.2.2 Drainage**

Stormwater drainage from roofed and sealed areas shall be discharged to a point where it may be lawfully discharged without nuisance or annoyance to other landowners.

Any external catchments discharging to the subject land shall be accepted and accommodated within the stormwater drainage system for the development.

The development shall not cause ponding of stormwater on adjoining land or roads.

Any drainage from the site shall be managed in accordance with Council's Erosion and Sediment Control Guidelines and Council's Drainage Waterway management Plan Best Practice Guidelines.

#### **4.2.3 Water Supply and Sewerage Services**

The development shall be connected to a reticulated water supply and sewerage system at full cost to the owner or developer of the site.

#### **4.2.4 Refuse Storage and Removal**

Provision shall be made for the storage and removal of refuse in accordance with the Refuse Management Regulations and to the satisfaction of the Chief Health Surveyor. The facilities for the storage and removal of refuse shall be located and screened to the satisfaction of the City Planner and the Chief Health Surveyor.

#### **4.2.5 Design and Construction**

Works required by virtue of this Planning Scheme and of any condition of approval for development shall be constructed to the satisfaction of the City Engineer in accordance with designs approved by the City Engineer prior to the commencement of construction.

#### **4.2.6 Dispensations**

Notwithstanding the requirements outlined above, the Council may dispense with or modify any or all of the requirements if it considers that such dispensation or modification is justified and, in the public interest, having regard to :-

- (a) whether a part only of the site is to be developed;
- (b) whether development constitutes an extension to existing premises;
- (c) the extent of the road frontage relative to the area of the site;
- (d) the programme of works of the Council or of the Department of Transport relative to the obligations of the owner or the developer of the site;
- (e) the nature of the road fronting the site;
- (f) whether the proposed use is of a minor nature.



### **4.3 Parking, Loading/Unloading and Access Requirements**

#### **4.3.1 Carparking Requirements**

Where land is developed and used for any purpose set out in Column 1 of Table 2 below, carparking spaces shall be provided in accordance with the requirements shown in Column 2 of the Table corresponding to the particular purpose and in accordance with the requirements of this Section.

Where the number of parking spaces calculated using Table 2 is not a whole number, the number required shall be the next highest whole number.

<b>COLUMN 1</b>	<b>COLUMN 2</b>
Purpose	Minimum Number of Parking Spaces
<b>Accommodation Units (High Density) &amp; Accommodation Units (Medium Density)</b>	
• situated within the Central Business zone	1 space per unit
• situated outside the Central Business zone	1¼ spaces per unit
<b>Airport</b>	As determined by Council
<b>Automatic Mechanical Carwash</b>	1 space per employee plus queuing space for 5 cars
<b>Bed and Breakfast Accommodation</b>	Normal to a detached dwelling plus 1 space per bedroom approved for bed and breakfast accommodation
<b>Boarding House (High Density) &amp; Boarding House (Medium Density)</b>	1 space per 2 bedrooms
<b>Bulk Landscape and Garden Supplies</b>	1 space per 50m <sup>2</sup> of gross floor area or 1 space per 500m <sup>2</sup> of site area whichever is the greater
<b>Bulk Store</b>	As determined by Council
<b>Bus Passenger Terminal</b>	As determined by Council
<b>Caravan Park</b>	1 space per caravan, cabin or tent site plus 1 visitor space per 5 sites
<b>Caretaker's Residence</b>	1 space

**COLUMN 1**

**COLUMN 2**

Purpose

Minimum Number of Parking Spaces

Catering Shop

- within the Central Business and Tourist Facilities zones

1 space per 30m<sup>2</sup> of net lettable area on ground floor level

1 space per 50m<sup>2</sup> of net lettable area on levels other than ground floor level

- outside the Central Business and Tourist Facilities zones

1 space per 25m<sup>2</sup> of net lettable area

Cemetery

As determined by Council

Child Care Centre

1 space per full time staff member plus a minimum of 3 spaces to be used for the setting down and picking up of children

Commercial Laundry

1 space per 90m<sup>2</sup> of net lettable area

Commercial Premises

- within the Central Business zone

1 space per 30m<sup>2</sup> of net lettable area on ground level

1 space per 50m<sup>2</sup> of net lettable area on levels other than ground floor level

- outside the Central Business zone

1 space per 25m<sup>2</sup> of net lettable area

Commercial Services

- within the Central Business zone

1 space per 30m<sup>2</sup> of net lettable area on ground level

1 space per 50m<sup>2</sup> of net lettable area on levels other than ground floor level

- outside the Central Business zone

1 space per 25m<sup>2</sup> of net lettable area

Crematorium

As determined by Council

Detached Dwelling

2 spaces which may be in tandem

Display Home

4 spaces of which 2 shall be permanent and may be in tandem

Dual Occupancy

2 spaces for each detached dwelling. The spaces for each dwelling may be in tandem

**COLUMN 1**

**COLUMN 2**

Purpose

Minimum Number of Parking Spaces

**Educational Establishment**

- (a) primary and secondary school
- (b) tertiary and further education
- (c) for all establishments

1 space per 2 staffmembers

1 space per 2 staff members plus 1 space per 10 students

Provision for loading and unloading of passengers in addition to the requirements above to the satisfaction of Council

**Fast Food Delivery Service**

1 space per 90m<sup>2</sup> of net lettable area

**Fast Food Outlet**

1 space per 10m<sup>2</sup> of net lettable area and, if a drive-in take away facility is provided, a queuing lane on site for at least 10 vehicles

**Freight Depot**

As determined by Council

**Fuel Depot**

As determined by Council

**Function Centre**

1 space per 20m<sup>2</sup> of net lettable area

**Funeral Parlour**

1 space per employee plus 1 space per 3 seats in any associated chapel

**Green Street Development**

2 spaces for each detached or semi-detached dwelling which may be in tandem plus 1 visitor space per 5 dwellings

**Hardware Store**

1 space per 30m<sup>2</sup> of net lettable area

**Heavy Vehicle Parking**

As determined by Council

**Holiday Apartments (High Density) & Holiday Apartments (Medium Density)**

1 space per apartment

**Home Occupation**

1 space in addition to parking required for a detached dwelliig

**Hospital**

1 space per 4 beds  
plus 1 space per 2 employees  
plus one space per staff doctor  
plus storage for emergency vehicles

**COLUMN 1**

**COLUMN 2**

Purpose

Minimum Number of Parking Spaces

**Hostel (High Density) & Hostel (Medium Density)**

- in Cairns City and North Cairns
- in all other locations

1 space per 10 beds plus a bus parking bay  
1 space per 5 beds plus a bus parking bay.

**Hotel (High Density) & Hotel (Medium Density)**

- 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 grossfloor area of liquor barn or bulk liquor sales area;
- plus if a drive-in bottle shop is provided, a queuing lane on site for 12 vehicles;
- plus 1 space per guest suite for the first 10 suites;
- 1 space per 3 guest suites for the remainder of the suites; and
- parking for restaurants and function centres as listed in this Table.
- A hotel having thirty or more units shall make provision on site for the loading and unloading of buses.

**Indoor Entertainment**

- squash court or another court game 4 spaces per court
- indoor cricket 25 spaces per cricket pitch
- ten pin bowling 3 spaces per bowling lane
- gymnasium 1 space per 15m<sup>2</sup> of net lettable area
- places of assembly including cinemas, theatres, public halls and meeting places 1 space per 15m<sup>2</sup> of net lettable area
- unlicensed clubrooms 1 space per 45m<sup>2</sup> of net lettable area
- licensed clubrooms 1 space per 15m<sup>2</sup> of net lettable area

**Industry**

- Light 1 space per 90m<sup>2</sup> of net lettable area
- General 1 space per 90m<sup>2</sup> of net lettable area
- Flammable 1 space per 90m<sup>2</sup> of net lettable area unless otherwise determined by Council

**COLUMN 1**

**COLUMN 2**

Purpose

Minimum Number of Parking Spaces

- Extractive
- Waterfront

As determined by Council

1 space per 90m<sup>2</sup> of net lettable area

**Industrial Retail Premises**

1 space per 50m<sup>2</sup> of net lettable area

**Industrial Showroom**

1 space per 50m<sup>2</sup> of net lettable area

**Institution**

As determined by Council

**Junk Yard**

1 space per 200m<sup>2</sup> of total use area, with a minimum provision of 5 spaces

**Late Night Shop**

- within the Central Business and Tourist Facilities zones

1 space per 30m<sup>2</sup> of net lettable area on ground floor level

1 space per 50m<sup>2</sup> of net lettable area on levels other than ground floor level

- outside the Central Business and Tourist Facilities zones

1 space per 25m<sup>2</sup> of net lettable area

**Laundromat**

1 space per two washing machines

**Local Store**

1 space per 25m<sup>2</sup> of net lettable area

**Major Shopping Development**

- within the Central Business zone

1 space per 30m<sup>2</sup> of net lettable area on ground floor level

1 space per 50m<sup>2</sup> of net lettable area on levels other than ground level

- outside the Central Business zone

1 space per 15m<sup>2</sup> of net lettable floor area

**Manufacturer's Shop**

1 space per 90m<sup>2</sup> of net lettable area

**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

**COLUMN 1**

**COLUMN 2**

Purpose

Minimum Number of Parking Spaces

**Medical Centre**

4 spaces per consulting room

**Mobile Home Park**

1 space per mobile home site plus 1 space per 5 mobile home sites for visitor parking

**Motel (High Density) & Motel (Medium Density)**

(a) self-contained units

1 space per unit including the manager's unit

(b) non self-contained units

1 space per unit for the first ten units;  
plus 1 space per 3 units for the remainder of the units;  
plus 1 space for the manager's unit.  
A motel having thirty or more units shall make provision on site for the loading and unloading of buses.

**Nightclub**

- within the Central Business and Tourist Facilities zones

1 space per 30m<sup>2</sup> of net lettable area on ground floor level

1 space per 50m<sup>2</sup> of net lettable area on levels other than ground floor level

- outside the Central Business and Tourist Facilities zones

1 space per 25m<sup>2</sup> of net lettable area

**Night Tennis Court**

As determined by Council.

**Outdoor Entertainment**

(a) coursing, horse racing, pacing or trotting

1 space per 5 seated spectators plus 1 space per 5m<sup>2</sup> of other spectator areas

(b) swimming pool

15 spaces plus 1 space per 100m<sup>2</sup> of useable site area

(c) otherwise

As determined by Council

**Outdoor Sales Premises**

1 space per 30m<sup>2</sup> of net lettable area with a minimum of 4 spaces or 1 space per 500m<sup>2</sup> of total use area

**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 net lettable area

**COLUMN 1**

**COLUMN 2**

Purpose

Minimum Number of Parking Spaces

**Plant Nursery**

1 space per 25m<sup>2</sup> of sales area plus 1 space per 200m<sup>2</sup> of nursery area

**Public Purpose**

As determined by Council

**Public Utilities**

As determined by Council

**Recycling Collection Depot**

1 space per employee plus the provision of truck loading, unloading and manoeuvring space on site as required by the use

**Relatives' Accommodation**

As determined by Council.

**Restaurant**

- within the Central Business and Tourist Facilities zones

1 space per 30m<sup>2</sup> of net lettable area on ground floor level

1 space per 50m<sup>2</sup> of net lettable area on levels other than the ground floor level

- outside the Central Business and Tourist Facilities zones

1 space per 25m<sup>2</sup> of net lettable area

**Restricted Premises**

1 space per 30m<sup>2</sup> of net lettable area on ground floor level

1 space per 50m<sup>2</sup> of net lettable area on levels on other than ground floor level

**Retirement Village**

1 space per dwelling unit plus 1 space per 4 dwelling units for visitor parking unless otherwise determined by Council

**Service Station**

4 spaces per service bay plus 1 space per 25m<sup>2</sup> of approved shop component plus 1 space per 25m<sup>2</sup> of restaurant component

**Shop**

- within the Central Business and Tourist Facilities zones

1 space per 30m<sup>2</sup> of net lettable area on ground floor level

1 space per 50m<sup>2</sup> of net lettable area on levels other than ground floor level

- outside the Central Business and Tourist Facilities zones

1 space per 25m<sup>2</sup> of net lettable area

**COLUMN 1**

**COLUMN 2**

Purpose

Minimum Number of Parking Spaces

**Shopping Centre**

- within the Central Business zone
  
- outside the Central Business zone

1 space per 30m<sup>2</sup> of net lettable area on ground floor level

1 space per 50m<sup>2</sup> of net lettable area on levels other than ground floor level

1 space per 25m<sup>2</sup> of net lettable area

**Showroom**

- for carpet, caterer's supplies, electrical goods, furniture, motor accessories, tiles and the like
  
- for boats, caravans, machinery, motor vehicles and the like

1 space per 50m<sup>2</sup> of net lettable area

1 space per 100m<sup>2</sup> of net lettable area

**Single Room Occupancy**

1 space per 5 single rooms;  
plus 1 space for the manager's unit;  
plus bicycle racks at the rate of two bicycle spaces per 5 single rooms

**Special Residential Use**

As determined by Council

**Sport and Recreation**

- (a) football
- (b) lawnbowls
- (c) swimming pool
- (d) tennis or other court
- (e) golf course
- (f) otherwise

50 spaces per field

30 spaces per green

15 spaces plus 1 space per 100m<sup>2</sup> of useable site area

4 spaces per court

4 spaces per tee on the course plus parking for club as per Indoor Entertainment

As determined by Council

**Temporary Land and House Sales Office**

1 space per 30m<sup>2</sup> of net lettable area with a minimum of 3 spaces

**Transport and Equipment Depot**

1 space per 25m<sup>2</sup> of office floor space plus the provision of truck loading, unloading and manoeuvring space on site as required by the use

**Vehicle Hire Premises**

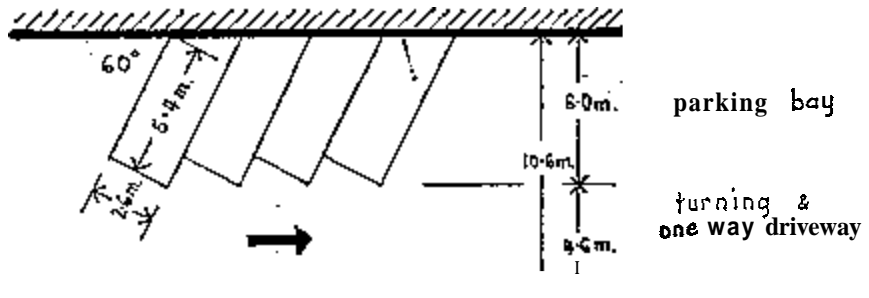
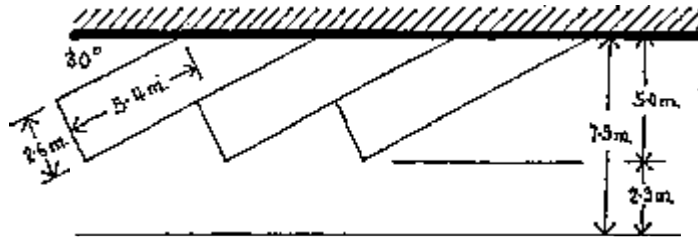
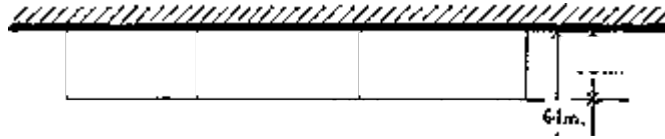
A minimum of 10 spaces for hire vehicles plus 1 space per 30m<sup>2</sup> of net lettable area



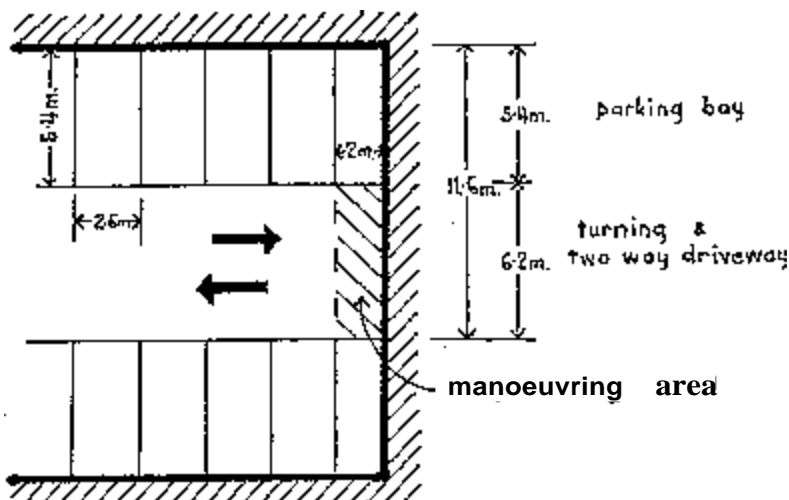
<b>COLUMN 1</b>	<b>COLUMN 2</b>
Purpose	Minimum Number of Parking Spaces
<b>Vehicle Repair Station</b>	5 spaces plus 1 space per 90m <sup>2</sup> of net lettable area
<b>Veterinary Clinic</b>	1 space per 25m <sup>2</sup> of net lettable area
<b>Veterinary Hospital</b>	1 space per 25m <sup>2</sup> of net lettable area
<b>Warehouse</b>	1 space per 90m <sup>2</sup> of net lettable area
<b>Any other purpose not specified in this Table</b>	Sufficient spaces to accommodate the amount of vehicular traffic likely, in the opinion of Council, to be generated by the particular development

#### **4.3.2 Carparking Standards**

- (a) Carparking spaces, access aisles, driveways and turning areas shall be designed in accordance with Australian Standard 2890 as illustrated in Figure 1.
- (b) Approval of any design not conforming to these standards shall be at the discretion of the City Planner.
- (c)
  - (i) Where an access driveway provides access to a maximum of 10 parking spaces, the minimum width of the driveway shall be 3.6 metres.
  - (ii) Where an access driveway provides access to more than 10 parking spaces, the minimum width of the driveway shall be 5.4 metres.
  - (iii) In the case of existing driveways, Council may approve a narrower width of driveway but in no case shall a driveway be less than 3 metres wide.
- (d)
  - (i) Where a parking space is contiguous to a wall, column or other obstruction on one side, the minimum width of the space shall be 2.8 metres.
  - (ii) Where a parking space is contiguous with a wall, column or other obstruction on both sides, the minimum width of the space shall be 3 metres.
- (e) Except as specified in Table 2, tandem parking will only be permitted where the minimum number of parking spaces required for the use are provided other than in tandem.
- (f) Where a parking area is permitted up to the boundary of a property, a dwarf wall or wheel stop shall be provided to prevent overhanging of vehicles beyond the property boundary.
- (g) Access to all parking areas shall have a minimum vertical clearance of 2.1 metres.

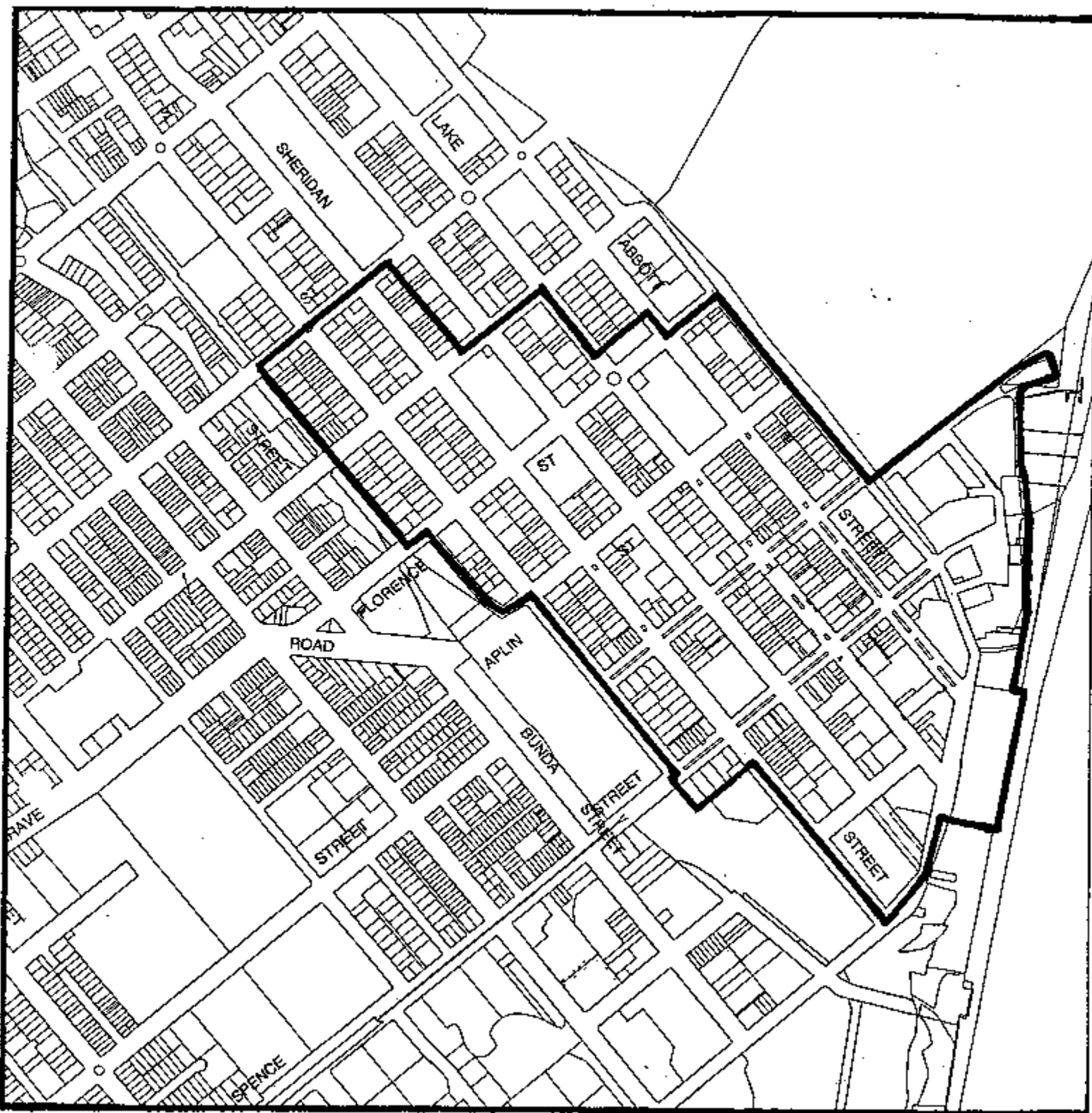


**60° ANGLE PARKING**



**90° ANGLE PARKING**

THESE ARE THE STANDARD BAY SIZES, TURNING, & DRIVEWAY WIDTHS REQUIRED IN THE CITY OF CAIRNS. APPROVAL OF THE CITY PLANNER MUST BE OBTAINED FOR DEVIATION FROM THIS STANDARD.



# CENTRAL BUSINESS DISTRICT

FIGURE 2

### 4.3.3 Design, Construction and Maintenance of Carparking Areas

- (a) A parking area as required by this sub-section shall be :-
- (i) Of such gradient as in the opinion of the City Planner to be suitable for vehicular parking but in any case not exceed 10%;
  - (ii) Laid out to the satisfaction of the City Planner in such manner as to provide adequate access to each parking space and to permit free circulation of vehicles entering, leaving and parking;
  - (iii) Laid out to the satisfaction of the City Planner so that vehicular and pedestrian traffic may conveniently connect with and travel through adjoining allotments where this is considered appropriate by Council.
  - (iv) Laid out to include provision for parking for disabled persons to the satisfaction of the City Planner. Such parking spaces should be clearly marked and readily accessible by disabled persons.
  - (v) Constructed, drained, sealed, marked, to standards required by the City Planner and maintained to the satisfaction of the City Planner, and continue as such until such time (if at all) as the Council permits a modification of such parking areas;
  - (vi) Readily accessible for vehicular use and so designed that vehicles can enter and leave the allotment in forward gear;
  - (vii) Indicated by means of a sign or signs to the satisfaction of the City Planner;
  - (viii) Not closer than three metres from the alignment of any structure, if in the Council's opinion, space is necessary for pedestrian traffic. If directed, a concrete kerb shall be erected at the boundary of a parking area;
  - (ix) Not closer than three metres to any boundary of the allotment or lot, if in the opinion of the Council, a buffer zone or pedestrian area is required in that location;
  - (x) Landscaped, screened and maintained to the satisfaction of the City Planner;
  - (xi) Provided with trolley bay areas and pedestrian walkways and devices to facilitate safe pedestrian circulation if required by the City Planner;
  - (xii) Provided with motorcycle and bicycle parking spaces to the requirements of the City Planner.
- (b) A parking area shall be located upon the allotment or lot upon which the use is to be conducted unless the Council approves of the parking area being located upon an adjoining allotment or common area or other allotments or lots so that such parking area is within reasonable walking distance from the allotment or lot upon which the building is to be erected and suitable arrangements exist to ensure the continued use of the parking area in connection with the proposed use for such time as the proposed use shall continue.
- (c) Open parking areas provided for Shopping Centres and Major Shopping Developments shall be planted with suitable trees and shrubs. Planters shall be provided in the ratio of at least one planter to every 10 parking spaces.

- (d) Parking areas provided for Shops, Shopping Centres and Major Shopping Developments shall be located to the satisfaction of the City Planner so as to be clearly visible from the road and so that pedestrian access is available directly from the parking area to the shops.
- (e) Council may permit roof-top parking in the Central Business and Business zones. Only in exceptional circumstances will Council permit roof-top parking in zones other than the Central Business and Business zones.
- (f) The Council, when considering a proposal involving the construction of a carparking area which does not, in the opinion of the City Planner, include the provision of road and pedestrian linkages with adjoining carparking facilities, may whether Council approves such a proposal or not, require the applicant to submit for Council's consideration a design indicating the provision of such linkages as may be reasonably required to best provide access to adjacent parcels of land.
- (g) The City Planner may require that access to the parking be provided from two dedicated roads.
- (h) In the case where a site has access to a State-controlled road, Council will encourage and may require access via a side road or long term intersection point.
- (i) 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.
- (j) When a parking area is required in respect of a development on a site in the Central Business District, as depicted on Figure 2, 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 in the Central Business District. The contribution shall be held in trust and expended only for the provision and/or improvement of public carparking facilities within 800 metres of the site. The amount of the contribution shall be determined by the Council by resolution from time to time and Council may determine particular contributions for particular sectors within the Central Business District.
- (k) Adequate space shall be provided within the site for the loading, unloading and fuelling of vehicles and for the parking of trailers if required, and for the picking up and setting down of passengers. Internal vehicle circulation shall be to the satisfaction of the City Planner.
- (l) 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 provision of any Development Control Plan affecting the site.
  - (x) to achieve the retention and/or the refurbishment of an Identified Historical Building;
  - (xi) to achieve the retention of significant trees, significant groups of trees and significant species of trees which are included in Council's Register of Significant Trees or the retention of areas containing trees, shrubs or other vegetation which are included in Council's Catalogue of Tree Preservation areas or the retention of other trees which, in the opinion of Council, are worthy of retention.
- (m) Subject to the requirements contained elsewhere herein concerning the provision of vehicular footpath crossings in relation to a particular development or use, exits and entrances for vehicles to and from the site, whether by way of an existing or proposed road shall be provided at an applicants cost and to the satisfaction of the City Planner.
  - (n) Where it is a requirement that vehicular footpath crossings or parking areas be provided, or that provision be made for the loading and unloading of vehicles, the location thereof shall be to the satisfaction of the City Planner. The construction of all road and drainage works, parking areas and industrial crossings shall be to the satisfaction of the City Planner.
  - (o) As a condition of approval the Council may require that kerb and channel, bitumen widening, footpaths, construction of roads, construction of bicycle paths, relocation of public utilities or other similar works to be provided by the applicant at his full cost.

#### **4.4 Amenity**

- (a) In order to protect and enhance the overall amenity of the City, a development shall not be carried out if, in the opinion of the Council, it would :-
  - (i) by its design, orientation or construction materials, have or be likely to have a detrimental effect on the amenity of the area or of adjoining development, or place undue restriction on the future development of land in the vicinity;
  - (ii) cause or be likely to cause interference with the amenity of the area from the operation of machinery or electrical equipment or from light, noise, shadow, vibration, smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, electrical interference or otherwise.

#### **4.5 Landscaping Requirements**

- (a) Where landscaping or fencing is required to be provided, it shall be designed to achieve the following objectives :-
  - (i) To maintain privacy between the proposed development and adjoining properties and between uses on site, where necessary;

- (ii) To screen incompatible uses from each other;
  - (iii) To integrate the proposed development with the existing or planned character of the area;
  - (iv) To aesthetically complement any buildings or structures erected or proposed to be erected on a site and thereby to enhance the attractiveness of the development;
  - (v) To screen unsightly elements of the proposed development, such as carparking, utility installations and outdoor storage areas from internal and external view points;
  - (vi) To create or maintain a pleasant streetscape by establishing landscaped areas adjoining the street frontages of a development;
  - (vii) To enhance the streetscape of the City through the implementation of the CBD Landscape Master Plan;
  - (viii) Wherever possible to retain existing vegetation when it can be suitably integrated into the new development;
  - (ix) To extend internal built spaces into passive recreation areas;
  - (x) To clearly delineate pedestrian movement systems and provide directional guidance for entries and exits;
  - (xi) To modify microclimates by the absorption of heat, glare and the reduction of wind, in particular by the provision of shade trees in carparks, and at western walls;
  - (xii) To aid in reducing the impact of noise, fumes and car headlight;
  - (xiii) To enable easy maintenance of established landscaping. In this respect the planting of indigenous Australian species is preferred;
  - (xiv) To conserve and/or enhance biological diversity by protecting and promoting the use of native species in landscaping.
- (b) To ensure that proposed landscaping and fencing is in accordance with the requirements for particular developments as set out in this Planning Scheme, any development which is required to have a landscaped area shall not be used unless :-
- (i) The landscaping and fencing requirements contained within the Planning Scheme including any Development Control Plans affecting the site, are met and any relevant statements of policy are taken into account;
  - (ii) All landscaped areas are landscaped and fenced in accordance with a landscaping layout that has been submitted to and approved by the City Planner prior to the determination of any application for building approval in respect of the proposed development. Unless otherwise determined by the City Planner, the landscaping layout shall be designed by an appropriately qualified and experienced designer. Any such landscaping layout shall include the following information unless otherwise determined by the City Planner :
    - location, size and name of existing vegetation;
    - location of drainage, sewerage and underground or overhead services;
    - contours and spot levels, both existing and proposed to all surfaces, including levels at the base of all existing vegetation to be retained, and surface levels of paved surfaces and exposed services such as manholes and the like;

- details of all materials, finished surface treatment, all fences and other such structures where applicable;
  - location and nature of all proposed vegetation, including a schedule of proposed plants giving details of botanical and common name, plant age and size at the time of planting, size at maturity and expected time to reach maturity;
  - soil type and moisture condition;
  - details of irrigation system to be installed; and
  - any other information which the City Planner may from time to time require.
- (iii) All landscaping and fencing is to be completed in accordance with the approved landscape plan prior to the use being commenced unless otherwise approved by the Council and shall be maintained at all times thereafter to the satisfaction of the City Planner.

## **4.6 Residential Development**

### **4.6.1 General**

- (a) Residential Development shall be designed and constructed to achieve the following objectives :-
- (i) To maintain a character and density of development commensurate with the intent of the zone in which the development is proposed;
  - (ii) To maintain and where possible to enhance residential amenity both internal and external to the site;
  - (iii) To provide reasonable internal and external privacy for occupants of all dwellings units and for the occupants of other nearby residential development;
  - (iv) To take advantage of pleasant views wherever possible, provided that this does not detract significantly from the achievement of objective (iii) above;
  - (v) To take proper account of the physical character of the site surrounds;
  - (vi) To provide for adequate daylighting, ventilation and natural climate control, in particular to ensure that, wherever possible, indoor living areas, courtyards and balconies have a northerly aspect;
  - (vii) To provide adequate and useable private open space for each dwelling unit;
  - (viii) To provide adequate and useable landscaped recreation space on the site;
  - (ix) To combine and co-ordinate architectural styles, building forms, building relationships and landscaping in order to achieve harmony within a development;
  - (x) To provide for convenient, safe and efficient movement of vehicles and pedestrians within the site as well as to and from the site;
  - (xi) To discourage unwarranted traffic entering the site by means such as narrow driveway widths and special surface treatment of driveways;



- (xii) To ensure an adequate provision of laundry, clothes drying, storage and refuse collection facilities;
  - (xiii) To meet the requirements for carparking, access and loading set out in 4.3 above;
  - (xiv) To meet the requirements for landscaping, fencing and amenity as set out in 4.5 above;
  - (xv) To meet the requirements for the provision of external works and general site development as required by this Planning Scheme.
- (b) Where a site proposed for residential development comprises more than one allotment, all allotments comprising the site shall be amalgamated by survey into one allotment before the development is commenced, unless otherwise approved by Council.
- (c) Premises used or intended for the purposes of Residential Development shall comply with the design parameters and requirements of Development Control Plan 1, Development Control Plan 2 and Development Control Plan 6.

#### **4.6.2 Detached Dwellings**

- (a) In the Hillside Residential zone :-
- (i) A detached dwelling shall not be erected on an allotment with an area less than 5000m<sup>2</sup> except where :
    - the allotment is a vacant allotment in an existing subdivision;
    - the erection of the detached dwelling is to replace a dwelling which is demolished or is destroyed by fire, natural disaster or force majeure;
  - (ii) No more than one detached dwelling shall be erected on an allotment except within an approved Group Title subdivision.
- (b) In the Residential and Medium Density Residential zones :-
- (i) A detached dwelling shall not be erected on an allotment with an area less than 600m<sup>2</sup> except where :-
    - the allotment is a vacant allotment in an existing subdivision;
    - the erection of the detached dwelling is to replace a dwelling which is demolished or is destroyed by fire, natural disaster or force majeure;
  - (ii) No more than one detached dwelling shall be erected on an allotment except within an approved Group Title subdivision or except to facilitate an approved Dual Occupancy development or an approved Green Street development.

#### **4.6.3 Relatives' Accommodation**

- (a) Premises shall not be erected or used for the purpose of relatives' accommodation unless the following requirements are satisfied :-
- (i) Relatives' accommodation shall have a maximum gross floor area of 50m<sup>2</sup> and shall include a maximum of one bedroom;

- (ii) Relatives' accommodation shall be directly connected to the detached dwelling. Direct access shall be provided between the relatives' accommodation and the detached dwelling;
- (iii) Relatives' accommodation shall be inspected and registered annually by Council's Health Department to ensure the use of the premises complies with the expressed definition.
- (iv) Relatives' accommodation shall not be rented as an accommodation unit.

#### **4.6.4 Dual Occupancy**

- (a) Dual Occupancy shall provide for the retention of an existing Older Queenslander style detached dwelling and the erection of an additional detached dwelling on the same allotment. The Dual Occupancy may be subdivided to provide for each detached dwelling to be accommodated on an individual allotment.
- (b) 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.
- (c) A Dual Occupancy development may also be established at the rear of two adjoining allotments subject to subdivision of the development site and the provision of access easements to each allotment created, where necessary.
- (d) Premises shall not be erected or used for the purpose of a 'Dual Occupancy unless the following requirements are satisfied :-
  - (i) The scale and proportion (wall heights and roof pitches) of the new detached dwelling shall be compatible with existing adjacent detached dwellings and in particular, with the existing detached dwelling on the proposed site;
  - (ii) The height of the new detached dwelling shall be similar to the height of the existing detached dwelling;
  - (iii) The design of the new detached dwelling shall be in character with the existing detached dwelling on the site;
  - (iv) The new detached dwelling shall incorporate the same or similar architectural features as the existing detached dwelling;
  - (v) The existing detached dwelling and the new detached dwelling shall be complementary in exterior finishes, colours and materials;
  - (vi) The upgrading of the existing dwelling shall be required, where necessary, to ensure the Dual Occupancy development is undertaken to a high standard and provides for the integration of the development in the existing streetscape;
  - (vii) The site shall be landscaped in accordance with a professionally prepared landscape plan;
  - (viii) The siting and design of the new detached dwelling shall ensure the privacy of the existing detached dwelling and neighbouring detached dwellings is maintained;
  - (ix) A minimum private open space area of 25m<sup>2</sup>, being of a regular shape, shall be provided for each detached dwelling;

- (x) A minimum service area of 10m<sup>2</sup> shall be provided for each detached dwelling;
  - (xi) Any outbuildings, such as garages/carports, shall be designed to complement the character of the detached dwellings and incorporate the same roof pitch and other architectural features as the detached dwellings;
  - (xii) A paved access driveway with a minimum width of 3 metres shall service the development. The access driveway shall not be paved with concrete or bitumen. The surface treatment of the driveway and hardstand areas shall be brick, concrete or grass pavers to maintain the domestic scale of the development;
  - (xiii) The provision of carparking is to comply with Council carparking requirements as stated in Section 4.3.1, 4.3.2 and 4.3.3 of the Planning Scheme Provisions.
  - (xiv) A minimum site area of 800m<sup>2</sup> is required outside the area designated on the Development Control Plan 1 map where the density designation is 100 persons per hectare or greater.
  - (xv) Screen fencing shall be provided to adjoining property boundaries. However, any fences to be erected between the detached dwellings within the Dual Occupancy development shall be of a domestic scale and complement the character of the dwellings.
- (e) Dwellings may be raised to allow Dual Occupancy developments in all areas of the City within the designated area and in all areas that have a density designation of 100 persons per hectare or greater under Development Control Plan 1 - 'Residential Densities'.

#### **4.6.5 Special Residential Use**

- (a) Premises shall not be erected or used for the purpose of a Special Residential Use unless the following requirements are satisfied :-
  - (i) Applications for a Special Residential Use shall comply with the provisions of Development Control Plan 1 - "Residential Densities".
  - (ii) A minimum land area of 800m<sup>2</sup> is required to establish such a use in a residential zone.
  - (iii) A minimum side boundary setback of 1.5 metres for a single storey building and 2 metres for a two storey or high set building is required in a residential zone.
  - (iv) Applications in other areas of the City not zoned residential shall be assessed on their merits, following consideration of all site specific issues of relevance and the assessment of a submission lodged by the applicant, the requirements of which, are outlined below.
  - (v) A detailed submission shall be submitted with an application for Special Residential Use lodged with Council. The detailed submission shall provide specific information from which site specific conditions can be determined if approval of the application is proposed. The detailed information shall include, but shall not be limited to the following where applicable :-
    - maximum number of persons (whether adult or children) to be accommodated on site;

- maximum number of staff members (whether permanent, part-time or temporary) to be accommodated on site;
  - anticipated average length of stay of short term occupants;
  - details of the type of facility and range of services offered;
  - specific hours of operation, including any proposed weekend or evening activities;
  - number, type and duration of meetings, counselling/therapy sessions, workshops or the like, if any, to be conducted on the premises;
  - details of any ancillary facilities or uses required to be provided on site, in association with the proposed use; and
  - type and number of vehicles to be utilized by both staff members and short term occupants of the premises.
- (b) **An** application for Special Residential Use shall not be assessed and shall not be approved unless the information required in the submission lodged with the application is provided in full.

#### 4.6.6 Single Room Occupancy

- (a) Premises shall not be erected or used for the purpose of a Single Room Occupancy unless the following requirements are satisfied :-
- (i) Single Room Occupancy development shall provide long term accommodation for an individual in a single room within a managed, serviced residential building.
  - (ii) Each single room shall contain the following :
    - abed
    - awardrobe
    - a table/bench and sitting area
    - a small kitchen incorporating a refrigerator, sink and microwave oven.
  - (iii) Each room may include a toilet, however this facility is optional. No other bathroom facilities shall be permitted in each single room.
  - (iv) Communal bathroom, toilet, laundry and kitchen facilities and dining/living and outdoor recreation areas shall be provided within the development. The communal facilities/areas shall be located within easy access to all single rooms.
  - (v) Communal facilities shall be provided in accordance with Council's Hostel provisions. Where no specific provisions are prescribed in relation to Hostels, each case shall be assessed on its merits, having regard to the following :
    - the layout of the proposed development;
    - the number of residents to be accommodated in the development;
    - the number of storeys contained within the development;
    - the ease of access for all residents to the communal facilities/areas.
  - (vi) To ensure that a Single Room Occupancy development provides long term accommodation for the target groups :

- low income earners;
- welfare recipients;
- the aged;
- the disadvantaged; and/or
- students,

the premises shall be registered with Council's Health Department and the permanent on-site manager shall maintain a register of residents and rent levels. The register shall be made available to Council Officers for inspection upon request.

(vii) Specific provisions relating to Single Room Occupancy include :

- Minimum Site Area of 1000m<sup>2</sup>.
- The manager shall live on site permanently and every single room shall be serviced on a regular weekly basis.
- A secured storage area shall be provided within the development for the storage of personal effects of residents. Storage shall be provided at the rate of 1m<sup>3</sup> for each single room.
- Outdoor recreation space shall be provided at the rate of 5m<sup>2</sup> per single room. The outdoor recreation space shall be provided in one area, of a regular shape, and shall be readily accessible to all residents of the development. The outdoor recreation space shall be landscaped in accordance with a professionally prepared landscape plan.

Council, at its discretion, may permit 20% of the total number of single rooms to accommodate two persons, provided the development complies with DCP 1 "Residential Densities" and provided the rooms to be so used are clearly identified on the concept plan/s and the subsequent building plan/s submitted at Building Application stage.

- The preferred location for the establishment of Single Room Occupancy development is :
  - in commercial areas in close proximity to the Central Business District and other commercial nodes;
  - in commercial areas in close proximity to public transport routes and other public facilities.

(viii) Single Room Occupancy Development will not be supported in well established residential areas with a high level of residential amenity.

#### **4.6.7 Caretaker's Residence**

- (a) Premises shall not be erected or used for the purpose of a caretaker's residence unless the following requirements have been satisfied :-
- (i) Each caretaker's residence shall have an unroofed outdoor recreation area with a minimum of 50m<sup>2</sup>, for the use of the occupants and provided in a location approved by the City Planner.
  - (ii) The outdoor recreation area is not required to be located on ground level, provided that the outdoor recreation area is considered readily accessible to the caretaker's residence to the satisfaction of the City Planner.

- (iii) The outdoor recreation area shall be landscaped and fenced, where necessary, to provide an acceptable level of amenity and privacy to the outdoor recreation area, to the satisfaction of the City Planner.
- (iv) Each caretaker's residence shall have an adjacent outdoor service court with an area of 5m<sup>2</sup> to facilitate clothes drying facilities, an area for general storage and an area for the storage of a garbage receptacle. The service court shall be screened to the satisfaction of the City Planner.

**4.6.8 Accommodation Units (Medium Density) and (High Density), Holiday Apartments (Medium Density) and (High Density) and Retirement Villages**

- (a) The development of Accommodation Units (Medium Density), Accommodation Units (High Density), Holiday Apartments (Medium Density), Holiday Apartments (High Density) and Retirement Villages shall be in accordance with the following specific provisions :-

- (i) Site Requirements

Accommodation Units or Holiday Apartments shall not be erected on an allotment :

- having a frontage less than 15 metres;
- having an area less than the area specified in Development Control Plan 1 for development to a particular site population density, namely :-
  - 100 persons per hectare (Residential B) - 800m<sup>2</sup>
  - 200 persons per hectare (Residential C) - 800m<sup>2</sup>
  - 400 persons per hectare (Residential D) - 1000m<sup>2</sup>
  - 800 persons per hectare (Residential E) - 1500m<sup>2</sup>

- (ii) Site Development Criteria

- The site development criteria specified in Development Control Plan 2 in relation to height of buildings, site coverage, plot ratio and setbacks shall be satisfied;
- In the case where Development Control Plan 2 does not specify setbacks, the following setbacks shall apply :-
  - setback from main street frontage - 6 metres
  - setback from secondary street frontage - 3 metres
  - setback from public open space - 4.5 metres
  - 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 of a metre for every 3 metres or part of 3 metres by which the building exceeds 7.5 metres in height

- (iii) Carparking Spaces

- Carparking spaces shall be provided in accordance with the requirements of Table 2 in this Section.

- In all zones other than the Central Business zone and the Tourist Facilities zone, parking spaces shall not be located within 6 metres of any road alignment; provided that parking spaces may be located less than 6 metres but not less than 3 metres from any road alignment if a properly constructed and deep planted landscape area is provided to screen such spaces.
- Garages and other carparking spaces shall not have direct access to any frontage road. Access to a frontage road shall be by means of an access driveway.
- Visitor parking spaces shall be located towards the front of a development or, in the case of a large development, shall be located throughout the development to the satisfaction of the City Planner. Visitor parking spaces shall be freely accessible to visitors.

(iv) Communal Landscaped Open Space

Communal landscaped open space shall be provided within one or more areas so that all units in the development have access to the open space. Wherever possible all units shall overlook communal open space. The area of communal landscaped open space shall :-

- a be provided at a minimum rate of :
  - 20m<sup>2</sup> per one bedroom unit
  - 30m<sup>2</sup> per two bedroom unit
  - 40m<sup>2</sup> per three bedroom unit
  - 40m<sup>2</sup> plus 10m<sup>2</sup> for each bedroom in excess of three in a unit containing more than three bedrooms.
- be provided such that at least 40% of the requirement is contained in one area with a maximum length to breadth of 2:1 and such that balconies, verandahs, covered walkway and the like do not encroach on this area;
- be screened by landscaping and/or fencing to maintain privacy, to the satisfaction of the City Planner;
- be exclusive of driveways, carparking, garbage collection points, clothes drying areas and other utilitarian uses;
- be properly designed and developed for recreation use to the satisfaction of the City Planner. The area may be developed to provide for a variety of passive and active outdoor recreation experiences; and
- be landscaped in accordance with the requirements of this Section, in particular to ensure that privacy, security and segregation of incompatible uses are achieved.

(v) Refuse Disposal

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 covered to the satisfaction of the City Planner.

(vi) Clothes Drying Area

Generally, access shall be available for each unit to a clothes drying area which shall be located and screened to the satisfaction of the City Planner.

(vii) Outbuildings

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.

(viii) Buildings on the Same Site

Where more than one building will 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 :

- the buildings are separated by a minimum distance of 9 metres;
- at ground level the minimum separation distance may be reduced to 3 metres provided that screen fencing to the satisfaction of the City Planner is constructed and windows are above 1.6 metres from the floor; or
- at ground level the minimum separation may be reduced to 6 metres provided that landscaped buffers are provided to the satisfaction of the City Planner.

**4.6.9 Hotels (Medium Density) and (High Density) Motels (Medium Density) and (High Density)**

(a) The development of Hotels (Medium Density), Hotels (High Density), Motels (Medium Density), Motels (High Density) shall be in accordance with the following specific provisions :-

(i) Site Requirements

Hotels or Motels shall not be erected on an allotment :

- having a frontage less than 20 metres;
- having an area less than 1000m<sup>2</sup> or, in the case where the site population density of the development exceeds 400 persons per hectare (Residential D), having an area less than 1500m<sup>2</sup> as specified in Development Control Plan 1;
- where the road providing frontage has a reserve width less than 20 metres.

(ii) Site Development Criteria

- The site development criteria specified in Development Control Plan 2 in relation to height of buildings, site coverage, plot ratio and setbacks shall be satisfied;
- In the case where Development Control Plan 2 does not specify setbacks, the following setbacks shall apply :-
  - setback from main street frontage - 6 metres
  - setback from secondary street frontage - 3 metres



- setback from public open space - 4.5 metres
- 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

(iii) Carparking Spaces

- Carparking spaces shall be provided in accordance with the requirements of Table 2 in this Section.
- In all zones other than the Central Business zone and the Tourist Facilities zone, parking spaces shall not be located within 6 metres of any road alignment; provided that parking spaces may be located less than 6 metres but not less than 3 metres from any road alignment if a properly constructed and deep planted landscape area is provided to screen such spaces.
- Garages and other carparking spaces shall not have direct access to any frontage road. Access to a frontage road shall be by means of an access driveway.

(iv) Landscaped Open Space

Landscaped open space shall be provided within one or more areas so that all units in the development have access to the open space. The area of landscaped open space shall :-

- be provided at a minimum rate of :
  - 10m<sup>2</sup> per hotel or motel room
  - 15m<sup>2</sup> per self-contained motel room or hotel suite
- be provided such that at least 40% of the requirement is contained in one area with a maximum length to breadth of 2:1 and such that balconies, verandahs, covered walkway and the like do not encroach on this area;
- be screened by landscaping and/or fencing to maintain privacy, to the satisfaction of the City Planner;
- be exclusive of driveways, carparking, garbage collection points, clothes drying areas and other utilitarian uses;
- be properly designed and developed for recreation use to the satisfaction of the City Planner. The area may be developed to provide for a variety of passive and active outdoor recreation experiences; and
- be landscaped in accordance with the requirements of this Section, in particular to ensure that privacy, security and segregation of incompatible uses are achieved.

(v) Refuse Disposal

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 covered to the satisfaction of the City Planner.

(vi) Outbuildings

Outbuildings, carports, garages and the like shall not occupy more than 15% of the balance area of the site which is unoccupied by the Hotel or Motel.

(vii) Buildings on the Same Site

Where more than one building will 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 :

- " the buildings are separated by a minimum distance of 9 metres;
- at ground level the minimum separation distance may be reduced to 3 metres provided that screen fencing to the satisfaction of the City Planner is constructed and windows are above 1.6 metres from the floor; or
- at ground level the minimum separation may be reduced to 6 metres provided that landscaped buffers are provided to the satisfaction of the City Planner.

**4.6.10 Boarding Houses (Medium Density) and (High Density) Hostels (Medium Density) and (High Density)**

(a) The development of Boarding Houses (Medium Density), Boarding Houses (High Density), Hostels (Medium Density), Hostels (High Density) shall be in accordance with the following provisions :-

(i) Boarding Houses or Hostels shall not be erected on an allotment :

- having a frontage less than 20 metres;
- " having an area less than 1000m<sup>2</sup> or, in the case where the site population density of the development exceeds 400 persons per hectare (Residential D), having an area less than 1500m<sup>2</sup> as specified in Development Control Plan 1;
- where the road providing frontage has a reserve width less than 20 metres.

(ii) Site Development Criteria

- For the construction of new buildings the site development criteria specified in Development Control Plan 2 in relation to height of buildings, site coverage, plot ratio and setbacks shall be satisfied;
- In the case where Development Control Plan 2 does not specify setbacks, the following setbacks shall apply for the construction of new buildings :-

- \* setback from main street frontage - 6 metres
  - \* setback from secondary street frontage – 3 metres
  - \* setback from public open space – 4.5 metres
- 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

- Where an existing building is proposed to be used for the development of Boarding Houses (Medium Density), Boarding Houses (High Density), Hostels (Medium Density), Hostels (High Density), Council may approve setbacks other than those specified above if it can be shown that :
  - \* The setbacks are consistent with the setbacks of surrounding buildings;
  - \* The setbacks do not adversely impact on visual amenity values;
  - \* The setbacks do not adversely impact on visibility or public safety (including ingress to the property and pedestrian movement); and
  - \* Other Town Planning and Engineering considerations are not adversely impacted, including provision of :
    - Landscaped open space;
    - Recreational facilities;
    - Carparking;
    - Stormwater drainage; and
    - Other services.

### (iii) Carparking Spaces

- Carparking spaces shall be provided in accordance with the requirements of Table 2 in this Section.
- In all zones other than the Central Business zone and the Tourist Facilities zone, parking spaces shall not be located within 6 metres of any road alignment; provided that parking spaces may be located less than 6 metres but not less than 3 metres from any road alignment if a properly constructed and deep planted landscape area is provided to screen such spaces.
- Carparking spaces shall not have direct access to any frontage road. Access to a frontage road shall be by means of an access driveway.
- Any visitor parking spaces shall be located towards the front of a development. Any visitor parking spaces shall be freely accessible to visitors.

### (iv) Communal Landscaped Open Space

Communal landscaped open space shall be provided within one or more areas so that all rooms in the development have access to the open space. The area of communal landscaped open space shall :-

- be provided at a minimum rate of :
  - 5m<sup>2</sup> per bed

- " be provided such that at least 40% of the requirement is contained in one area with a maximum length to breadth of 2:1 and such that balconies, verandahs, covered walkway and the like do not encroach on this area;
- be screened by landscaping and/or fencing to maintain privacy, to the satisfaction of the City Planner;
- be exclusive of driveways, carparking, garbage collection points, clothes drying areas and other utilitarian uses;
- be properly designed and developed for recreation use to the satisfaction of the City Planner. The area may be developed to provide for a variety of passive and active outdoor recreation experiences; and
- be landscaped in accordance with the requirements of this Section, in particular to ensure that privacy, security and segregation of incompatible uses are achieved.

(v) Refuse Disposal

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 covered to the satisfaction of the City Planner.

(vi) Clothes Drying Area

Access shall be available to a clothes drying area which shall be located and screened to the satisfaction of the City Planner.

(vii) Outbuildings

Outbuildings, carports, garages and the like shall not occupy more than 15% of the balance area of the site which is unoccupied by the Boarding House or Hostel.

(viii) Buildings on the Same Site

Where more ~~than~~ one building will 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 :

- " the buildings are separated by a minimum distance of 9 metres;
- at ground level the minimum separation distance may be reduced to 3 metres provided that screen fencing to the satisfaction of the City Planner is constructed and windows are above 1.6 metres from the floor; or
- at ground level the minimum separation may be reduced to 6 metres provided that landscaped buffers are provided to the satisfaction of the City Planner.

#### 4.6.11 Caravan Parks and Mobile Home Parks

- (a) The development of Caravan Parks or Mobile Home Parks shall be in accordance with the following specific provisions :-
- (i) Minimum Area & Siting Requirements

The minimum area of land which may be used for a Caravan Park or a Mobile Home Park is 1.5 hectares.

- The development shall comply with the provisions of Development Control Plan 1 "Residential Densities".

Landscaped buffers shall be provided to the site frontage and to the side and rear boundaries of the site. A 15 metre landscape buffer shall be provided to all boundaries of the site with road frontage. All other boundaries shall provide a 6 metre landscape buffer.

- The Council may permit, at its discretion, the erection of a manager's or caretaker's residence and where provided in conjunction with such residence an office, kiosk, storage facilities, recreational buildings or other structures, to within 10 metres of a road frontage, where the Council is satisfied that such structure or structures would not, by reason of location, design, orientation, or construction materials, have a detrimental effect on the amenity of the area. Additional landscaping shall be required to adequately screen such structures from the road.
- Consideration may be given to reducing the specified landscaped buffer widths where existing vegetation or landform satisfies the intent of such a buffer or where the proposal fully details the proposed method of achieving the intent, for example, earth mounding, constructed screening, dense tree planting, etc.
- Where it is intended to provide both short and long term occupancy within a Caravan Park separate areas shall be provided for each form of occupancy in accordance with a Park layout plan approved by the Council. Where application is made for a new caravan park or alterations to an existing Caravan Park the applicant shall provide a plan which clearly indicates the sites and areas proposed for short term occupancy and sites and areas proposed for long term occupancy. A landscaped buffer at least 6 metres wide shall be provided between the two areas in order to enhance the amenity of long term occupancy sites.
- No area or site which has been approved for short term occupancy shall be converted to use for long term occupancy unless the approval of the Council is obtained and all of the requirements for long term occupancy sites are adhered to.

(ii) Long Term Occupancy - (Caravan Parks & Mobile Home Parks)

The use of any site designated for long term occupancy within a Caravan Park or Mobile Home Park shall be in accordance with the following provisions.

- At least 1 sealed car space shall be provided within the area allotted to each Caravan or Mobile Home site.
- No part of any caravan or mobile home, or any annexe or other approved structure attached or ancillary thereto, or any car space, shall be situated within 2 metres of the side and rear boundaries and 3 metres of the internal road boundary of the area allotted to each site, except where the Council, at its discretion, may permit the erection on a site, or adjoining a common boundary, where the Council is satisfied that such car shelter would not be reason of location, design, orientation, or construction materials, have a detrimental effect on the amenity or internal streetscape of the development. Not more than one caravan or mobile home shall be parked or erected at any one time on an area or site so allotted.

- Each site shall contain a minimum private open space area, based as follows on the number of rooms, which in the opinion of the Council, may be used as bedrooms:-
  - One and two bedrooms - 20 square metres
  - In excess of two bedrooms - an additional 10 square metres per additional bedroom.
- Such areas shall be clear of all buildings, structures and car spaces and may be provided in a maximum of two parcels, with a minimum dimension of 3 metres. All clothes drying facilities contained within such areas shall be capable of retraction or removal so that the areas may be readily useable for private recreation purposes. The private open space areas may include the areas required for setback provisions as outlined above.
- Each site shall contain a minimum area of 250m<sup>2</sup>, with a minimum width of 15 metres and a minimum depth of 16 metres, provided that:-
  - For caravans and mobile homes exceeding 11 metres in length and 7 metres in width, proportionately larger sites shall be provided.
  - Sites which are situated on the corner of internal access roads or adjacent to a pedestrian path or a visitor parking area shall comprise an additional 1.5 metres in width.
- Each site shall be provided with underground services including drainage, sewerage connection, waste disposal, water supply, power and telephone to the requirements and satisfaction of the City Engineer.

(iii) Short Term Occupancy - (Caravan Parks)

- The use of any site designated for short term occupancy within a Caravan park shall be in accordance with the following provisions.
- 1 sealed car space shall be provided within the area allotted to each caravan, cabin or tent site.
- No part of any caravan or any annexe or other approved structure attached or ancillary thereto, or any car space shall be situated within 1.5 metres of any boundary of the area allotted to each site and not more than one caravan shall be parked or erected at any one time on an area so allotted.
- At its discretion, the Council may permit a certain number of sites to have:-
  - A minimum area of 60m<sup>2</sup> with a minimum width of 6 metres and a minimum depth of 10 metres to cater for camper vehicles and similar units without annexes; and
  - A minimum area of 90m<sup>2</sup> with dimensions of either 6 metres in width and 15 metres in depth or 10 metres in width and 9 metres in depth to cater for camper trailers without annexes and on-site caravans for hire without annexes provided that for on-site caravans exceeding 3 metres in width and 6 metres in length, proportionately larger sites shall be provided to maintain 1.5 metre setbacks to all site boundaries.

- The remainder of the sites shall contain a minimum area of 121m<sup>2</sup> with a minimum width and depth of 11 metres and no caravan parked thereon shall exceed 8 metres in length.
- Any site designated for short term occupancy which is situated on the corner of internal access roads or adjacent to a pedestrian path or a visitor parking area shall comprise a width which is 1.5 metres in addition to the requirements outlined above.
- Each site shall be provided with underground services including drainage, waste disposal, water supply, and power to the requirements and satisfaction of the City Engineer.
- Structures other than private amenities shall not be permitted on short term occupancy sites. Outbuildings or storage sheds shall not be permitted on these sites.

(iv) Recreation Area

- Not less than 10% of the total site area of the Caravan Park or Mobile Home Park shall be provided as a landscaped recreation area for the use of occupants, provided that the Council may, at its discretion having regard to the ratio between long and short term occupancy sites and the adequacy of other recreational facilities in the area surrounding the development require 15% of the total site area to be provided as the landscaped recreation area. This area shall be:-
  - except for recreational equipment, free of structures, roadways, parking areas, drying areas or other utilitarian purposes;
  - provided in addition to any public open space or recreational areas or any buffer strips; and
  - provided to the satisfaction of the Council, in one or more locations of not less than 500m<sup>2</sup> in area with a minimum dimension of 15 metres and with adequate access to a occupants of the development.
- Electric or gas powered bar-b-ques and a fenced children's playground shall be provided to the satisfaction of the City Planner within the recreation area. Children's playgrounds shall be suitably located to facilitate adult supervision and to ensure adequate safety.
- At the discretion of the Council, certain buildings or structures used solely for recreation purposes may be erected within the recreation area.
- All recreational facilities shall be located and designed to the satisfaction of the Council so as not to adversely affect the amenity of nearby residential sites both within and adjacent to the development.

(v) Landscaping

- The development shall be landscaped and fenced in accordance with a professional prepared landscape plan approved by the City Planner. Landscaping and fencing in accordance with the approved landscape plan shall be completed to the satisfaction of the City Planner prior to the commencement of use of the Caravan Park or Mobile Home Park or as otherwise determined by the Council. Such landscaping and fencing shall also be maintained thereafter to the satisfaction of the City Planner.

- Landscaping of the development shall be designed to achieve the following objectives:-
  - to provide dense landscaping around the perimeter of the site to present a visual screen in order to enhance privacy and to act as a barrier to noise, fumes, wind and car headlights;
  - to screen clothes drying areas and visitor parking areas;
  - to provide selective planting between individual sites to maintain the privacy of each site;
  - to provide planting along the internal roadways to aesthetically complement the development and break up the starkness of rows of vans; and
  - to aesthetically complement any buildings or structures erected on site.

(vi) Internal Access Roads, Pedestrian Pathways and Car Parking

- Internal roadways shall:-
  - be not less than 10 metres in width of which a minimum of 6 metres in width shall be sealed for two-way traffic flow and a minimum of 4.5 metres in width shall be sealed for one-way traffic flow. The Council may, at its discretion, require additional roadway widths where it considers that such additional widths are warranted by the anticipated volume of traffic;
  - provide all-weather access to each individual caravan, relocatable home or cabin site;
  - be adapted to the topography of the site to ensure adequate drainage and the elimination of excessive grades;
  - be designed to permit adequate visibility for vehicles entering, leaving and manoeuvring within the site and for easy turning by vehicles towing caravans;
  - provide, where the Council deems necessary, for a turning area at the end of major roads and cul-de-sacs, such that service and emergency vehicles may complete a 180° turn in one manoeuvre. At the discretion of the Council, the use of T cul-de-sacs may be permitted to accommodate turning manoeuvres at the ends of minor roads; and
  - be constructed with a flexible or other pavement surfaced with a bituminous seal coat, asphaltic, other concrete or other approved material, maintained at all times to good engineering standards to the satisfaction of the City Engineer.
- Speed restriction devices and concrete edging or kerb and channelling shall also be provided to the satisfaction of the City Engineer.
- Adequate provision shall be made for the carrying off and disposal of surface waters within the caravan park to the satisfaction of the City Engineer and the Chief Health Surveyor.



- A forecourt drive-in holding area shall be provided adjacent to the reception area of a Caravan Park of sufficient dimensions for the parking of two caravans and attached towing vehicles clear of the general traffic movement.
- Internal street lighting shall be provided to the satisfaction of the City Engineer, such lighting shall be of a low profile, providing illumination for the internal roadways only and shall be designed and maintained so as not to affect the amenity of the caravan park occupants.
- Pedestrian pathways shall be provided to connect caravan, cabin, relocatable home and camping sites with the facilities provided by the Caravan Park or Mobile Home Park and to provide a clear and legible route to external access points.
- Pedestrian pathways should wherever possible provide a route through the site which is more direct than that via driveways.
- Visitor and staff car parking and car washing and repair bays shall be provided in accordance with the requirements of Table 2 of this Section and as follows :-
  - Where visitor parking spaces are provided other than in a central location, they shall be located-
    - in discrete areas of small clusters, generally of no more than 5 spaces;
    - at regular intervals; and
    - so that the majority are within 50 metres of long term occupancy sites, where applicable.
  - One concrete car repair space shall be provided for each 50 sites or part thereof.
  - One concrete car washing space shall be provided for each 50 sites or part thereof.
  - All parking areas (including car washing and repair bays) shall be located and screened to the satisfaction of the Council so that they do not adversely affect the amenity of occupants of the site or nearby properties.

(vii) Communal Facilities

- Toilet, ablution and laundry facilities shall be provided to the satisfaction of the Council in combined amenity buildings, except where the Council, at its discretion may permit such facilities to be provided in separate buildings. The amenity buildings shall be designed to complement the amenity of the site and surrounding locality with allowance being made for:-
  - adequate natural light;
  - privacy between the men's and women's sections and all areas external to the amenity buildings;
  - a paved walkway leading to an connecting all entrances and exits;
  - use by children and infants;

- power and electricity to provide adequate artificial lighting during the hours between sunset and sunrise;
- adequate and appropriate signposting;
- use by handicapped persons.
- Toilet and ablution facilities shall be provided to the satisfaction of the Council and shall comply with the following requirements:-
  - separate hand basins shall be provided in each shower block and each hand basin shall be provided with hot and cold reticulated water, an electric power point, a plug and a wall mirror; and
  - baby bath facilities shall be provided within the amenity buildings at a minimum rate of one such facility for each sex for every shower block or for every 50 sites or part thereof, whichever is the lesser.
- Laundry facilities shall be provided as follows :-
  - Two washing machines, one tub and two mechanical clothes dryers shall be provided for every 50 sites or part thereof;
  - Clothes drying areas shall be provided at the rate of two metres of clothes line per bay. Screened drying areas shall be strategically located throughout the park to service occupants of the development.
  - These requirements may be waived at the discretion of the City Engineer if Relocatable Home Parks contain internal or on-site (bay) laundry facilities.
- All automatic washing machines installed must be connected directly to a hot and cold water supply. Hot and cold water shall be reticulated to all washtubs.
- No caravan, cabin, mobile home or tent site shall be distant more than 100 metres from an amenities building nor shall any amenities building be closer than 6 metres to any caravan, cabin, mobile home or tent site. Such minimum distances shall not apply where on-site facilities are provided for each caravan, cabin, mobile home or tent.

(viii) Other Communal Facilities

- " The following additional facilities shall be provided within a Caravan Park or Mobile Home Park for the exclusive use of the occupants:-
  - an area shall be provided for centralised storage facilities within Caravan Parks containing sites which have been approved' for long term occupancy and Mobile Home Patrons. At the discretion of the Council the area may provide for individual storage units erected by residents or for the rental of units erected by the site management;
  - a recreation building which provides for both active and passive recreation;

- a kiosk; and
- public telephones
- The precise location, number and size of the facilities shall be as determined by the Council having regard to the nature of the particular development and the availability of existing facilities in the area.
- The Council may, at its discretion, dispense with or modify the requirements to provide these facilities in instances where there are, in the opinion of the Council, suitable existing facilities with adequate spare capacity within a walking distance of 800 metres of the development. All additional facilities shall be designed to complement the amenity of the development and surrounding locality with allowance being made for additional screen planting and fencing where deemed necessary by the Council.
- All communal facilities shall be located and designed as not to adversely affect the amenity of nearby residential sites both within and external to the Caravan Park or Mobile Home Park.

(ix) Miscellaneous

- Each site within a Caravan Park or Mobile Home Park shall be clearly delineated on the ground.
- All sites shall be suitably numbered and each number shall be prominently displayed on the site.
- Concrete pads for the stationing of a caravan or mobile home and the erection of an annexe shall be provided on every site within a caravan park provided that the Council may waive this requirement for the erection of a mobile home and for the provision of annexe slabs for approved sites designed for camper vehicles and similar units, camper trailers and on-site vans without annexes.
- Each caravan parking bay shall be provided with concrete mooring blocks having holding rings embedded in them, and cables with turn-buckles for the anchoring of a caravan, to the satisfaction of the Council.

Noise shall be controlled within the Caravan Park or Mobile Home Park so that no nuisance is caused to persons beyond the boundaries of the Caravan Park or Mobile Home Park. No amplified noise system shall be installed or permitted to be used.

A permanent manager's residence shall be established within the Caravan Park or Mobile Home Park to supervise, at all times, the operation of the Caravan Park or Mobile Home Park and to ensure compliance with the Council's requirements.

Provision shall be made for the storage and removal of refuse in accordance to the satisfaction of the Chief Health Surveyor. Facilities the storage and removal of refuse shall also be located and screened to the satisfaction the City Planner and Chief Health Surveyor.

- All external lighting including advertising shall be designed and maintained so that it does not affect the amenity of the occupants of the development as well as other nearby residents.

- A building permit shall be obtained in accordance with the provisions of the Building Act, as amended for any structure (other than a caravan or portable annexe attached thereto and which is not permanently and rigidly fixed to the ground) prior to erection or re-erection on any land within a Caravan Park or Mobile Home Park.
- Building applications for any structures to be erected in a Caravan Park or Mobile Home Park, lodged by the occupier or proposed occupier of a site within a Caravan Park or Mobile Home Park and who is not the owner of the Caravan Park or Mobile Home Park must be accompanied by a letter of authorisation from the owner.
- Where additions or extensions of rooms in the mobile home are proposed, these shall be constructed in a similar colour, materials and style to the existing mobile home.
- The following requirements shall apply with respect to the use of a Camping area:-
  - Communal toilet, ablution, laundry and clothes drying facilities shall be provided in accordance with the requirements above. Where separate tent sites are not delineated, a yield rate of 80m<sup>2</sup> per tent site shall be used to determine the number of sites for which provision for communal facilities shall be made.
  - Cold water shall be reticulated throughout the Camping area.
  - Electric or gas powered bar-b-ques shall be provided within, or adjacent to, the Camping area.
  - Additional basins with reticulated hot and cold water shall be provided within, adjacent to, the amenity building for the use of campers to wash eating utensils.

## **4.7 Business, Shopping and Commercial Development**

### **4.7.1 General**

- (a) Business, Shopping and Commercial development shall be designed and constructed to achieve the following objectives :-
  - (i) To ensure that business, shopping and commercial development is integrated into its surroundings and enhances the amenity of the area and, in particular, to:
    - create or maintain a pleasant streetscape through the design of buildings; by establishing landscaped areas adjoining street frontages of sites, where appropriate; and by establishing footpath landscaping;
    - screen unsightly elements associated with commercial development, in particular carparking and service areas;
    - provide buffers between incompatible uses and zones.
  - (ii) To enhance the environment on sites.

- (iii) To provide for convenience, safe and efficient movement of vehicles and pedestrians within the site as well as to and from the site.
- (iv) To retain any special local character in the area in which the development is proposed.
- (v) To take proper account of the physical character of the site and its surrounds.
- (vi) To meet the requirements for carparking, access and loading set out in 4.3 above.
- (vii) To meet the requirements for landscaping, fencing and amenity as set out in 4.5 above.
- (viii) To meet the requirements for the provision of external works and general site development as required by this Planning Scheme.
- (b) Where a site proposed for business, shopping or commercial development comprises more than one allotment, all allotments comprising the site shall be amalgamated by survey into one allotment before the development is commenced, unless otherwise approved by Council.
- (c) Premises used or intended for the purposes of business, shopping or commercial development shall comply with the design parameters and requirements of Development Control Plan 2.
- (d) If a detached dwelling or other residential development is located on the site of the proposed development, it shall :
  - (i) be demolished or removed prior to the commencement of the proposed development; or
  - (ii) be converted to a building suitable for the proposed use to the satisfaction of the City Planner; or
  - (iii) be converted to a caretaker's residence or other suitable form of residential use to the satisfaction of the City Planner.

#### 4.7.2 Development in the Central Business and Tourist Facilities Zones

- (a) Development in the Central Business zone and in those parts of the Tourist Facilities zone adjacent to or in proximity to the Central Business zone shall be in accordance with the following specific provisions :-
  - (i) A cantilever awning shall be erected over the footpath to the full frontage of the site and with a setback of 1 metre from the face of the kerb unless otherwise approved by Council.
  - (ii) The footpath to the full frontage of the site shall be paved for its full width in accordance with Council's Guidelines unless otherwise approved by Council.
  - (iii) Footpaths, verges and medians to the full frontage of the site shall be landscaped in accordance with the provisions of the CBD Landscape Master Plan.
  - (iv) Irrigation of landscaped areas shall be provided if a water connection point is available within the site frontage.

- (v) If a water connection point is not available, a contribution towards the connection of water supply and irrigation shall be paid before the development is commenced.
- (vi) Council may accept a contribution in lieu of the construction of the works. The contribution shall be held in trust and expended only for the provision of the required landscaping. The contribution shall be paid before the development is commenced.
- (vii) Carparking shall be provided in accordance with the requirements of Table 2 in this Section.

#### **4.7.3 Development in the Business and Local Shopping Zone**

- (a) Development in the Business and Local Shopping zones shall be in accordance with the following specific provisions :-
  - (i) Where buildings are constructed up to the road alignment, a cantilever awning shall be erected over the footpath to the full frontage of the site and with a setback of 1 metre from the face of the kerb unless otherwise approved by the Council.
  - (ii) The footpath to the full frontage of the site shall be paved for its full width in accordance with Council's guidelines unless otherwise approved by the Council.
  - (iii) Proposed buildings or other structures may be erected up to the road alignment provided that adequate provision is made for carparking to be clearly visible from the road as required by 4.3.3 above.
  - (iv) Unless otherwise specified in the provisions of Development Control Plan 2, buildings and other structures may be built up to the side and rear boundaries, provided they comply with all relevant requirements of the Building Act and the Standard Building By-laws.
  - (v) A minimum area of 10% of the area of the allotment shall be provided for landscaping to the satisfaction of the City Planner. This area shall not include any area used for vehicular access, manoeuvring or parking.
  - (vi) Carparking shall be provided in accordance with the requirement of Table 2 in this Section.,
  - (vii) Provision shall be made within the site for loading and unloading vehicles.

#### **4.7.4 Development in the Commercial Zone**

- (a) Development in the Commercial zone shall be in accordance with the following specific provisions :-
  - (i) Any proposed building or other structure shall be setback a minimum of 6 metres from the main street frontage of the site and, in the case of a site having more than one street frontage, a minimum of three metres from the other street frontage, unless otherwise approved by Council.
  - (ii) Unless otherwise specified in the provisions of Development Control Plan 2, buildings and other structures may be built up to the side and rear boundaries, provided they comply with all relevant requirements of the Building Act and the Standard Building By-laws.

- (iii) A minimum area of 10% of the area of the allotment shall be provided for landscaping to the satisfaction of the City Planner. This area shall not include any area used for vehicular access, manoeuvring or parking.
- (iv) A landscaped area at least 6 metres in depth shall be provided adjacent to the main street frontage of the site. Access to the remainder of the site may be provided through this landscaped area and this area may form all or part of the landscaped area required by (iii) above.
- (v) Carparking shall be provided in accordance with Table 2 of this Section.
- (vi) Provision shall be made within the site for loading and unloading of vehicles.

#### 4.7.5 Medical Centres

- (a) Premises shall not be erected or used for the purpose of a Medical Centre unless the following requirements are satisfied :-
  - (i) The establishment of Medical Centres in close proximity to the Cairns Base Hospital and Calvary Hospital may be supported subject to the lodgement of an Application to Amend the Town Planning Scheme by rezoning the site to the Special Facilities 'Medical Centre' zone.
  - (ii) The site of any proposed Medical Centre in close proximity to the Cairns Base Hospital and Calvary Hospital shall have :-
    - frontage to Lake Street between Minnie Street and Grove Street;
    - frontage to Upward Street between Abbott Street and Lake Street;
    - or
    - frontage to Minnie Street between The Esplanade and Lake Street.
  - (iii) The proposed development shall comply with the provisions of Development Control Plan 1 "Residential Densities" and Development Control Plan 2 "Height and Impact of Buildings".
  - (iv) No access driveway shall provide drive-through access underneath a high-set building where carparking is provided at the rear of the site except in the case where the building is specifically designed for the purpose or in the case where the building is designed to cantilever over the driveway or part of the driveway. All access driveways shall be kept clear of any building encroachments or overhangs.
  - (v) Any building shall be setback a minimum of 3 metres from the street alignment.
  - (vi) A minimum of 10% of the site shall be landscaped. The landscaped area shall include the 3 metre setback from the front alignment except for any areas required for pedestrian and/or vehicular access.
  - (vii) The redevelopment of a site for Medical Facilities shall provide for the total redevelopment of the site with the removal from the site of all existing buildings. Notwithstanding this requirement, Council may permit existing older style buildings to be retained and used for a Medical Centre or incorporated in a Medical Centre Development subject to the following :

- (viii) The retention of an existing older style building on the site to be incorporated in the Medical Centre, where it is proposed to also erect new buildings as part of the development, shall only be supported if the architectural features of the existing older style building are incorporated into the new buildings so that the Medical Centre exhibits an integrated architectural style.
- (ix) The retention of an existing older style building on the site to be converted to a Medical Centre shall only be supported if the existing building has individual architectural merit and complements the streetscape.
- (x) The retention of an existing older style building will not be supported if the performance criteria outlined above cannot be satisfied. Where the performance criteria cannot be satisfied, the existing older style building shall be resited on the site to achieve compliance or demolished or removed from the site to enable a new development to be proposed which fully complies with Council's performance criteria.

#### **4.7.6 Funeral Parlour including Mortuary**

- (a) Premises shall not be erected or used for the purpose of a Funeral Parlour including Mortuary unless the following requirements are satisfied :-
  - (i) The mortuary shall be physically separated from all public areas of the building in which it is situated but may be integral with the construction of the remainder of the buildings.
  - (ii) A body preparation room shall be provided in the mortuary. The body preparation room shall have a minimum floor area of 10m<sup>2</sup>.
  - (iii) Refrigerated body storage facilities having sufficient capacity for the storage of at least 2 adult bodies.
  - (iv) An enclosed vehicle reception area or garage shall be provided adjacent to and with direct access to the mortuary.
  - (v) The design of the enclosed vehicle reception area or agency shall ensure that the transfer of bodies to or from any vehicle is screened from public view.
  - (vi) Carparking shall be provided in accordance with the requirements of Table 1 in this Section.
  - (vii) The vehicle reception area shall accommodate the total number of hearses to be stored on the site in association with the funeral parlour.

#### **4.7.7 Child Care Centres**

- (a) Child Care Centres will be subject to the following locational criteria in order to protect the amenity of residential neighbourhoods :-
  - (i) Child Care Centres that are dependent upon a much wider catchment than the immediate residential area for their survival must not be located internally or within residential neighbourhoods. Such facilities should be externally located on roads which can accommodate the additional traffic generated by the use.



Sites for these larger facilities should be located in or adjacent to the retail or non-retail commercial areas or adjacent to other existing or planned non-retail uses (such as schools, community facilities etc.)

- (ii) Child Care Centres may only establish within residential neighbourhoods if the survival of the facility is not dependant upon attracting patronage from beyond the immediate residential area.

Sites for these smaller/local facilities should be located adjacent to other non-residential uses (such as local shop, etc.). This is so as to avoid such uses representing non-residential intrusions into purely residential neighbourhoods.

- (iii) Child Care Centres are encouraged to establish abutting/adjacent to higher order roads such as distributor/collector roads and sub-arterial roads to ensure any additional traffic movements generated are not significant given existing traffic volumes.
- (iv) Location of Child Care Centres abutting/adjacent to lower order roads such as local residential streets is not considered to be suitable.
- (b) Premises shall not be erected or used for the purpose of a Child Care Centre unless the following requirements are satisfied :-
- (i) The minimum site area for a child care centre shall be as follows-
- \* 900m<sup>2</sup> for a Child Care Centre accommodating up to 25 children
  - 1,500m<sup>2</sup> for a Child Care Centre accommodating up to 50 children
  - 2,000m<sup>2</sup> for a Child Care Centre accommodating over 50 children but not exceeding 75 children
- (ii) The Child Care Centre building shall be located so as to provide an efficient layout and to minimise adverse effects of the total development on adjoining property owners.
- (iii) In residential zones, Child Care Centres and all associated carparking and manoeuvring areas, shall be setback 6 metres from the front property boundary.
- (iv) Setbacks for Child Care Centres located within other areas of the city shall be a minimum of 3 metres unless otherwise approved by Council.
- (v) With regard to sites that have more than one street frontage, the Council may modify this provision to a minimum of 3 metres to any secondary road frontage.
- (vi) Within residential zones, all outdoor play areas shall be setback a minimum of 2 metres from adjoining properties, so as to provide a landscape buffer of advanced plant species. Council may allow a reduction of this landscape buffer under the following circumstances -
- where a 2 metre high substantial wall (e.g. a solid brick/block wall) is proposed to be located adjacent to the outdoor play areas, and where there will be minimum disturbance to adjoining properties.
- This is subject to the adjacent land use and the proximity of adjacent buildings.
- (vii) All setback areas required shall be fully landscaped to the satisfaction of the City Planner.

- (viii) The areas to be landscaped with trees, shrubs, lawn and other landscape features, shall be designed by a Landscape Architect, and a plan shall be submitted with the building application.
- (ix) Child Care Centres located within residential areas, shall erect a 1.8 metre high solid screen fence on all side and rear boundaries.
- (x) In all other zones within the city, fencing provisions for Child Care Centres shall be assessed on a specific basis.
- (xi) Within residential zones, signage shall be limited to one sign. The sign shall have an area no greater than 2m<sup>2</sup>.
- (xii) Signage associated with Child Care Centres located within all other zones shall be assessed on its merits.
- (xiii) Signage advising users of the Child Care Centre of access and carparking shall be provided on site.
- (xiv) Illuminated signs are only permitted within commercial zones.
- (xv) All security/night lighting shall be designated and constructed to the satisfaction of the City Planner so as to ensure that light emitted from the subject land does not, in the opinion of Council, cause nuisance or annoyance to residents in the immediate vicinity or to passing motorists.
- (xvi) Hours of operation for Child Care Centres located within residential zones shall be limited to :
  - Monday to Friday from 7.30 am to 6.00 pm (unless otherwise approved by Council)
- (xvii) Hours of operation for proposed Child Care Centres located within all other zones shall be advised to Council at consent application stage. Hours of operation shall be specified by Council at consent application stage.
- (xviii) The applicant must submit information which demonstrates that the road network is capable of accommodating the additional traffic generated by the proposal. Hierarchy, road widths, and configuration will be relevant considerations.

#### **4.7.8 Restricted Premises**

- (a) Restricted Premises shall be designed and constructed to achieve the following objectives :-
  - (i) The display window of the premises shall be completely screened to prohibit viewing into the interior of the premises where goods are on display.
  - (ii) A sign stating "Persons Under 18 Not Permitted" shall be clearly visible to the general public and located near the entrance to the premises.
  - (iii) Public access to the premises shall be limited to the main street frontage with one public point of access only to the premises.
  - (iv) One sign not exceeding 3 metres by 0.3 metres advertising the premises may be erected provided that the sign does not detract from the amenity of the locality.

- (v) Restricted premises shall not be located within 100 metres of a school or youth organisation.

#### **4.7.9 Service Stations**

- (a) Service Stations shall be designed and constructed to achieve the following objectives :-
- (i) The minimum frontage to a road or roads of any site on which a service station may be erected shall be :-
    - 30 metres to each road frontage in the case of a corner site;
    - 40 metres to the road frontage in the case of a site not on a corner.
  - (ii) Motor fuel pumps shall be setback not less than 7.5 metres from the road alignments and all buildings and other structures (other than motor fuel pumps and canopies) shall be setback not less than 13.5 metres from road alignments. Canopies shall be setback not less than 6 metres from road alignments.
  - (iii) Inlets to bulk storage fuel tanks shall be situated on the site to ensure that tankers, while discharging fuel into such tanks, are standing wholly within the site.
  - (iv) A landscaped strip of not less than 3 metres in width shall be provided and maintained on all road frontages of the site, except that access may be provided to the remainder of the site through this area.
  - (v) Any Liquid Petroleum Gas Tanks shall be located and screened to the satisfaction of the City Planner.
  - (vi) Where the site adjoins property included in a residential zone or used for residential purposes Council may require :-
    - A solid fence of a height and of materials satisfactory to Council to be constructed along the side and rear boundaries of the site;
    - A suitably planted landscaped strip not less than 3 metres in width to be provided and maintained along the side and rear boundaries of the site.

#### **4.7.10 Outdoor Sales Premises**

- (a) Outdoor Sales Premises shall be designed and constructed to achieve the following objectives :-
- (i) A minimum of 10% of the area of the site shall be landscaped.
  - (ii) • A 6 metre wide landscaped strip of not less than 6 metres in width shall be provided and maintained on all road frontages, except that:-
    - access may be provided to the remainder of the site through this area;
    - individual display areas may intrude into this strip provided that the total length of these display areas shall not exceed 50% of the length of the frontage and provided that the depth of these display areas within the landscaped strip does not exceed 3 metres.

- This landscaped strip may include part or all of the area required by paragraph (i) above.
- (iii) Landscaping within the landscaped strip adjacent to the road frontages may be of a nature which allows visibility of vehicles, equipment, etc for sale provided that grassed areas are minimised.

## **4.8 Industrial Development**

### **4.8.1 General**

- (a) Industrial development shall be designed and constructed to achieve the following objectives :-
- (i) To ensure that industrial development is integrated into its surroundings with minimal impact on amenity and, in particular, to :
    - create a pleasant streetscape by establishing landscaped areas adjoining the street frontages of sites;
    - screen unsightly elements associated with industrial development;
    - Provide buffers between incompatible uses and zones.
  - (ii) To enhance the working environment on sites.
  - (iii) To take proper account of the physical character of the site and its surrounds.
  - (iv) To provide for convenient, safe and efficient movement of vehicles and pedestrians within the site as well as to and from the site.
  - (v) To meet the requirements for carparking access and loading set out in **4.3** above.
  - (vi) To meet the requirements for landscaping, fencing and amenity as set out in **4.5** above.
  - (vii) To meet the requirements for the provision of external works and general site development as required by this Planning Scheme.
- (b) Where a site proposed for industrial development comprises more than one allotment, all allotments comprising the site shall be amalgamated by survey into one allotment before the development is commenced, unless otherwise approved by Council.
- (c) Premises used or intended for the purposes of industrial development shall comply with the design parameters and requirements of Development Control Plan 2 and Development Control Plan 5.
- (d) Unless otherwise specified, all industrial development shall comply with the requirements of this sub-section.

### **4.8.2 Specific Site Requirements**

- (a) If a detached dwelling or other residential development is located on the site of the proposed development, it shall :-
- (i) be demolished or removed prior to the commencement of the proposed development; or

- (ii) be converted to a building suitable for industrial use to the satisfaction of the City Planner; or
  - (iii) be converted to a caretaker's residence to the satisfaction of the City Planner.
- (b) Unless otherwise specified in the provisions of Development Control Plan 5, any proposed building or other structure shall be setback a minimum of 6 metres from the main street frontage of the site and, in the case of a site having more than one street frontage, a minimum of three metres from the other street frontage.
  - (c) Unless otherwise specified in the provisions of Development Control Plan 5, buildings and other structures may be built **up** to the side and rear boundaries, provided they comply with all relevant requirements of the Building Act and the Standard Building By-laws.
  - (d) The site coverage for an industrial building shall not exceed 60%.
  - (e) A minimum area of 15% of the area of the allotment shall be provided for recreational use and landscaping to the satisfaction of the City Planner. This area shall not include any area used for vehicular access, manoeuvring or parking.
  - (f) A landscaped area at least 6 metres in depth shall be provided adjacent to the main street frontage of the site. Access to the remainder of the site may be provided through this landscaped area and this area may form all or part of the landscaped area required by (e) above.
  - (g) Carparking shall be provided in accordance with the requirements of Table 2 in this Section.
  - (h) Provision shall be made within the site for loading and unloading vehicles.

#### **4.8.3 Dispensations**

Where a site has a frontage to a road of 10.5 metres or less, the Council may, in a particular case vary the amount of landscaping to be provided, and permit minor encroachments of the carparking into the landscaped area adjoining the main street frontage, if, in the opinion of the Council, it is necessary or expedient to do so for any of the following reasons :-

- (i) Difficulty in providing the required carparking resulting from the narrow frontage;
- (ii) Compliance with the provisions and Policies of the Council would reduce the actual site coverage below the 60% specified above.

#### **4.8.4 Particular Requirements Relating to Areas Designated for Industrial Development**

- (a) In considering application for the rezoning and development for industrial purposes of land designated Industry on the Strategic Plan and located in the vicinity of : Douglas Street and McCormack Street, Manunda; Rutherford Street and Moffatt Street, North Cairns; and Johnston and Magazine Streets, Aeroglen, Council may as a condition of approval of any rezoning, require the following specific requirements set out below to be satisfied :-

- (i) The minimum site area for industrial development shall be 1000m<sup>2</sup>. Only in exceptional circumstances and where it can be demonstrated to the satisfaction of Council that this area cannot be achieved because of the nature of development on adjoining sites or because of the unavailability of land will Council consider permitting the development of a site with an area less than 1000m<sup>2</sup>.
- (ii) If a detached dwelling or other residential development is located on the site, it shall be demolished or removed.
- (iii) The site shall be amalgamated by survey into one allotment.
- (iv) Any proposed building or other structure shall be setback a minimum of 2 metres from side and rear boundaries and solid fences and landscaped buffers shall be provided adjacent to side and rear boundaries to protect the amenity of adjoining properties. These areas may form part of the landscaped area required by (vii) below.
- (v) Any proposed building or other structure shall be setback a minimum of 6 metres from the main street frontage of the site and, in the case of a site having more than one street frontage, a minimum of three metres from other street frontages.
- (vi) The site coverage for an industrial building shall not exceed 60%.
- (vii) A minimum area of 15% of the area of the allotment shall be provided for recreational use and landscaping to the satisfaction of the City Planner. This area shall not include any area used for vehicular access, manoeuvring or parking.
- (viii) A landscaped area at least 6 metres in depth shall be provided adjacent to the main street frontage of the site. Access to the remainder of the site may be provided through this landscaped area and this area may form all or part of the landscaped area required by (vii) above.

#### **4.8.5 Particular Requirements Relating to Junk Yards**

- (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. Security 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 building.

## **4.9 Indoor Entertainment**

**4.9.1** Any proposal to establish an Indoor Entertainment on a site within the General Industry zone shall demonstrate to the satisfaction of Council that :

- (a) the establishment of the proposed use will not alienate the site and any building on the site from future use for industrial purposes;

and

- (b) the proposed use will not be exposed to unacceptable levels of risk by virtue of its proximity to land used for the storage of fuel or hazardous substances.

## **4.10 Miscellaneous Provisions**

### **4.10.1 Built Form**

- (a) The Council, when dealing with an application for development, where in its opinion the erection of a building or other structure would by its appearance or design adversely affect the amenity or the likely amenity of the neighbourhood, or the external appearance of a building or other structure would not be in keeping with the character of the neighbourhood, may require the redesign of the proposed building or structure or may refuse the application.

- (b) Council considers architectural and design features listed below to be representative of the vernacular architecture of North Queensland. The utilisation of some or all of these functional and/or decorative features in developments within the City is encouraged by Council; particularly in those areas of the City where existing examples of vernacular architecture are common place.

- |                    |                            |
|--------------------|----------------------------|
| - Awnings          | - Wide Eaves               |
| - Sunhoods         | - Louvred Windows/Openings |
| - Window Shades    | - Lattice Screens          |
| - Verandahs        | - Gabled Roofs             |
| - Balconies        | - Timber Fretwork, Finials |
| - Roof Ventilators | - and Balustrades          |

- (c) The utilisation of cross ventilation is recommended. A preference should also be given to utilising light coloured, light weight materials which are well insulated. The use of these design features is intended to enhance the visual amenity of a development and provide an integrated streetscape in areas where both old and new structures are located side by side, and generally throughout the City.

### **4.10.2 Access for Handicapped Persons**

- (a) Generally, provision shall be made in the design of all developments for access by handicapped or disabled persons.
- (b) Access for handicapped or disabled persons shall be designed and constructed to accord with AS 1428 - Code of Practice for Design Rules for Access by the Disabled.
- (c) Access for handicapped or disabled persons shall be appropriately signed where in the opinion of Council, such access is not readily visible.

#### **4.10.3 Footpath Queues**

- (a) Where development requires patrons to queue outside a building, such as automatic bank telling machines, Council may require that suitable signage be erected including footpath marking requesting patrons to queue parallel to the building line.

#### **4.10.4 Lighting**

- (a) No person shall install or cause to be installed on any residential site or on any site which abuts or is adjacent to a residential site any light source, not being an illuminated advertising device installed in compliance with Council's Local Laws, in such a manner that the level of vertical illumination, at a point 1.5 metres outside the boundary of the site, exceeds 8 lux measured at any level upwards of ground level, unless the Council approves a greater level of illumination in special circumstances.
- (b) Council may require screens, vegetation and other landscaping elements to be provided adjacent to the light source or specify the height and type of lighting to be provided in order to avoid any adverse effects of glare or direct light nuisance on passing vehicular traffic and nearby property owners.

#### **4.10.5 Setbacks from Boundaries abutting Access Restriction Strips**

- (a) Notwithstanding any other provisions of **this** Planning Scheme, all buildings shall be setback from boundaries that abut an access restriction strip by the distance required for setbacks from roads. The setback shall be measured from the alignment of the road adjacent to the access restriction strip.

#### **4.10.6 Temporary Development**

- (a) Notwithstanding any provisions of this Planning Scheme, Council may upon application being made to Council in writing, grant a special approval for temporary development on any premises in any zone provided :
  - the temporary development is not proposed to extend beyond any time limit set by Council in granting the approval; and
  - compliance with any reasonable and relevant conditions required by Council.
- (b) Without limiting the scope of any such conditions, any special approval shall be subject to Council being satisfied that suitable arrangements have been made for traffic and crowd control, refuse disposal and the provision of public conveniences and first aid facilities and that the temporary development will not in Council's opinion result in an undue traffic or noise problem to persons not connected with the proposed temporary development.

#### **4.10.7 Trinity Inlet Management Plan**

- (a) Council is a signatory to an agreement relating to the Trinity Inlet Management Plan and 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 City which in Council's opinion conflicts with the management principles detailed in the Trinity Inlet Management Plan, Council may require applicants to prepare a Statement of Impacts 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 Environment 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 may refuse 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.

#### **4.10.8 Drainage Problem Areas**

- (a) Where pursuant to the provisions of Council's Local laws an area within the Planning Scheme area has been declared a drainage problem area, all uses permitted without the Consent of the Council for particular zones shall cease to be permitted development and become permissible development, provided that all prohibited development shall remain prohibited development.

#### **4.10.9 Corner Truncations**

- (a) Wherever Council's approval, Consent or permission is required pursuant to the Planning Scheme, it shall be lawful for Council to require a truncation not greater than 6 metres on each frontage by three equal chords where the proposed use is located on an allotment which has two or more adjoining road frontages.
- (b) The land comprising the truncation shall be dedicated as new road before the use is commenced and all costs associated with the truncation, including the relocation of any public utility mains, services and structures, shall be borne by the applicant.

#### **4.10.10 Unzoned Land**

- (a) Development other than park and utility installation shall not be carried out on any unzoned land within the Planning Scheme area.
- (b) Where a person wishes to undertake development on unzoned land, then application shall be made to zone the land pursuant to Section 4.3 of the Act.

## 5. PROVISIONS FOR SUBDIVISION AND AMALGAMATION OF LAND

### 5.1 Preliminary

The provision of this Section are the provisions applying to the subdivision of land under the Act.

### 5.2 Allotment Size, Dimensions and Access

- (a) To ensure that allotments resulting from the subdivision of land have an area and dimensions suited to their intended development and are accessible to pedestrians and vehicles, the minimum area and dimensions for any proposed allotment within a particular planning scheme zone shall be in accordance with the relevant requirements of Table 3, as may be modified by the provisions of this sub-section and sub-section 5.3.

TABLE 3

Zone Code	Zone	Minimum Area	Minimum Frontage	Minimum Depth
	Non Urban	40 ha	300 metres	-
<i>HR</i>	Hillside Residential	*5000m <sup>2</sup>	40 metres	-
R	Residential	600m <sup>2</sup>	15 metres	40 metres
MDR	Medium Density Residential	800m <sup>2</sup>	15 metres	40 metres
TF	Tourist Facilities	800m <sup>2</sup>	15 metres	40 metres
CB	Central Business	200m <sup>2</sup>	10 metres	20 metres
B	Business	800m <sup>2</sup>	15 metres	25 metres
LS	Local Shopping	600m <sup>2</sup>	15 metres	25 metres
CM	Commercial	800m <sup>2</sup>	15 metres	25 metres
LI	Light Industry	1000m <sup>2</sup>	20 metres	40 metres
GI	General Industry	2000m <sup>2</sup>	30 metres	60 metres
FI	Flammable Industry	2000m <sup>2</sup>	30 metres	60 metres
WFI	Water Front Industry	1000m <sup>2</sup>	20 metres	40 metres
OS	Open Space	1		
SR	Sport & Recreation	1		
C	Conservation	] as determined by Council		
SP	Special Purposes	1		
SF	Special Facilities	1		

#### (b) Allotments in the Hillside Residential Zone

- (i) Each allotment must contain within it an area of 300 square metres with a minimum width of 10 metres which is capable of being used as a building area and has a slope of less than 25% before earthworks.
- (ii) An allotment at the blind end of a cul-de-sac may have a minimum frontage of 15 metres.
- (iii) A subdivision may incorporate rear allotments, provided :
  - the minimum area of the allotment exclusive of the access strip is 4000 square metres;
  - the access strip has a minimum width of 4.5 metres.

- (iv) \*Allotments with areas of less than 5000m<sup>2</sup> may be approved in cases where Council has entered into an agreement in association with the rezoning of land approved prior to the gazettal of this Planning Scheme.
- (c) Allotments in the Residential zone
- (i) An allotment at the blind end of a cul-de-sac may have a minimum frontage of 10 metres.
- (ii) A subdivision may incorporate rear allotments, provided :
- the minimum area of the allotment exclusive of the access strip is 600 square metres;
  - the access strip has a minimum width of 4.5 metres.
- (iii) Council may approve allotments where the frontage and area of allotments or either of them is less than the minimum prescribed in order to :
- facilitate the subdivision of a Dual Occupancy development;
  - facilitate a Green Street development.
- (d) Allotments in the Medium Density Residential zone
- (i) Council may approve allotments where the frontage and area of allotments or either of them is less than the minimum prescribed in order to :
- facilitate the subdivision of a Dual Occupancy development;
  - facilitate a Green Street Development.
- (e) Allotments in the Central Business, Business and Commercial zones.
- (i) Council may approve allotments where the frontage and area of allotments or either of them is less than the minimum prescribed in order to facilitate the subdivision of a Dual Occupancy development.
- (f) Allotments in the Light Industry, General Industry, Flammable Industry and Waterfront Industry Zones.
- (i) Council may approve allotments where the frontage and area of allotments or either of them is less than the minimum prescribed where Council considers such variation to be acceptable because of the location, size, shape or topography of the land proposed to be subdivided and where Council considers that the proposed allotments would be satisfactory for the use or uses permissible within the zone in which the land is included or where it considers the allotment or allotments to be created to be more desirable than the existing subdivision layout.
- (ii) A subdivision may incorporate rear allotments, provided :
- the minimum area of that section of the allotment exclusive of the access strip is equal to 90% of the minimum prescribed area for an allotment in the particular zone;
  - the access strip has a minimum width of 6 metres.
- (g) All proposed allotments in a subdivision shall be provided with suitable access to the satisfaction of the City Engineer.

Where rear allotments are proposed or where practical access is provided by way of easement, Council may require a suitable driveway to be constructed within the access strip or within the easement to the satisfaction of the City Engineer.

### **5.3 Green Street Development**

Notwithstanding the minimum standards for area and dimensions of proposed allotments set out in this section, Council may approve a subdivision to create allotments with lesser area and dimensions to provide for an integrated house and land development.

Council shall be satisfied that the development is in a location where the subdivision of land into allotments less than 600 square metres in area will not prejudicially affect the amenity of the neighbourhood or result in development out of character with the neighbourhood or prejudicially affect the provision of public utilities or services to the land or to the locality generally. In particular, the following requirements shall be satisfied :-

- (a) The parcel of land proposed to be subdivided shall have an area of not less than 2000m<sup>2</sup>;
- (b) Development shall be subject to a Plan of Development which shall show details of all allotments, roads, building layout and orientation, open spaces and landscaping to Council's satisfaction. Such plan shall be identified by a number and date, and submitted for Council's approval;
- (c) In preparing a Plan of Development, the following matters shall be taken into account :
  - the topography of the land
  - the shape of the site
  - the availability of services
  - access to the site
  - housing demand in the area
  - existing and likely future development in the locality
  - the proposed landscaping and open space areas
  - the relevant subdivision requirements of this planning scheme
  - the relevant objectives and performance criteria contained within Part B of AMCORD
    - any policy of Council relating to AMCORD
- (d) All buildings shall be designed, sited and constructed, and allotments shall be surveyed, in accordance with the Plan of Development.
- (e) An integrated housing design and construction programme shall be undertaken as part of the subdivision.
- (f) An integrated landscaping plan prepared by a landscape architect and approved by Council shall be implemented.
- (g) Where required by Council security to the satisfaction of Council shall be provided to ensure completion of an integrated housing development in association with the subdivision.
- (h) Special facilities for parking and turning of vehicles shall be provided by the subdivider in accordance with any policy of the Council.
- (i) The electricity supply to each of the allotments in the subdivision shall be underground.
- (j) No stage development shall be approved unless the Council is satisfied that any staging shall not compromise the implementation of the overall concept for an integrated house and land development project.
- (k) The Council may approve of minor amendments to the Plan of Development provided that any such amendment shall not include :
  - an increase in the number of dwellings proposed for the site;

- an increase in the number of storeys proposed for any building on the site, unless Council is satisfied that any such increase will not be likely to result in any undesirable overlooking, overshadowing or other adverse impact;
- any change conflicting with the objectives and performance criteria contained within Part B of AMCÖRD or any relevant Council policy;
- a substantial relocation of the proposed vehicle access to the site;
- any change of use proposed for the site; or
- any change which would be likely to adversely affect the amenity of the locality.

#### **5.4 Staged Subdivision**

An application for a staged subdivision shall provide details of:

- the boundaries of each proposed stage;
- the numerical order of the proposed stages to indicate the order of development;
- the indicative timing for the commencement and completion of each proposed stage.

If it approves the staged subdivision, the Council shall determine the conditions which will apply to the subdivision of the whole of the area the subject of the staged subdivision.

#### **5.5 Corner Truncations**

- (a) Where a proposed subdivision involves a corner allotment whether it includes the opening of a road or a corner allotment on an existing road provision shall be made for the corner truncation of allotments abutting the road, unless otherwise determined by Council.
- (b) Corner truncations at right angled corners shall be 6 metres by three equal chords unless a longer truncation is required by the City Engineer having regard to :
  - sight distances for vehicles and pedestrians;
  - existing and future traffic flows;
  - the design and location of the intersection and adjoining roads;
  - provision for footways and public utility services within the road reserve at the intersection.
- (c) Corner truncation at other than right angled corners shall be provided as required by the City Engineer.
- (d) The land comprising the truncation shall be dedicated as new road at no cost to Council.
- (e) All fences, trees and other obstructions within the truncation shall be removed and any public utility mains services, and structures within the truncation shall be relocated as required by the City Engineer prior to the endorsement of the Plan of Survey and an authorised surveyor shall provide Council with a signed certificate stating that such obstructions have been removed and such services relocated.

## **5.6 Access Restriction Strips**

Where required to control access, any access restriction strips shall be transferred to Council in fee simple.

Any required access restriction strip shall be 0.1 metres in width unless otherwise determined by the Council.

Where the Council requires that any existing access restriction strips adjacent to an existing road be dedicated and constructed as road, the dedication and construction shall be at no cost to Council.

## **5.7 Easements**

Where easements are required for stormwater drainage, water supply, sewerage or other purposes, the easements shall be granted in favour of Council or other relevant authority at no cost to Council.

The Council shall not endorse the Plan of Survey until it is satisfied that arrangements are in place for the granting of the required easements.

## **5.8 Alterations to Public Utilities**

Any alteration to or relocation of public utilities, services or installations which are required in connection with a proposed subdivision shall be carried out at no cost to Council prior to the endorsement of the Plan of Survey.

## **5.9 Road Design and Construction**

The design of new roads shall take account of Council's Road Hierarchy, any proposed road network for a locality and the location and function of existing roads.

The design of residential streets is to discourage through traffic movement, by way of route selection, street layout, traffic management techniques and traffic calming or speed control measures, and is to create an interesting residential environment through detailed design and streetscaping measures.

Road design is to maximise vehicle and pedestrian safety and vehicular circulation and, particularly in residential areas, to provide for an interesting street environment, having regard to the following elements :-

- four-way intersections are to be avoided where possible and appropriately treated with traffic control devices where not;
- road junctions are only to be planned where sufficient visibility exists for safe traffic movement;
- road junctions are to form right angles where possible.

The minimum width of road reserves and carriageways shall be as set out in Council's Local Planning Policy, provided that Council may modify the requirements for widths of reserves and carriageways having regard to the particular circumstances of a proposed subdivision.

The minimum width of pathways shall be **4** metres.

All road intersections shall be located and designed to the satisfaction of the City Engineer.

Any new road intersection, whether of a new road with another new road or a new road with an existing road shall be provided with any one or more of the following if required by the City Engineer :-

- roundabout; or
  - traffic signalisation and co-ordination where applicable with existing traffic signals; or
- other traffic control devices which in the opinion of the City Engineer are necessary for safe and efficient traffic control at the intersection.

Any person who desires to subdivide land shall provide the following at no cost to the Council :-

construct all roads including kerb and channel and footways in accordance with the provisions of this Section and to the satisfaction of the City Engineer;

install, as directed by the City Engineer, any conduits of a public utility undertaking including water reticulation conduits for which the Council is responsible in the new road. All such installations shall be to the requirements and satisfaction of the City Engineer;

- construct turnouts (including all associated works) from any proposed road to an external road abutting the subdivision to the same standards as prescribed for the internal road; and
- construct traffic islands and traffic calming devices as required by the City Engineer in the new road to the requirements and satisfaction of the City Engineer.

All footways shall be formed in accordance with the Council's requirements and shall incorporate pram ramps at all road intersections to the satisfaction of the City Engineer.

All road surfaces in all subdivisions shall be asphaltic concrete sealed pavement or other surface treatment as approved by the Council.

The gradient of any proposed road shall not be steeper than 1 in 6 and the maximum length of road at maximum grade shall be 100 metres, provided that the City Engineer may vary the maximum grade and/or maximum length of road at maximum grade in special circumstances.

Unless otherwise specified in this Scheme, the design of all roads and associated works shall be to the satisfaction of the City Engineer and in accordance with Council's specifications.

Where a proposed subdivision has frontage to an existing road, Council may require the following works to be constructed out within the existing road to the frontage of the land to the satisfaction of the City Engineer :-

- kerb and channel on an appropriate alignment;  
pavement sealed with asphaltic concrete or other surface treatment approved by the City Engineer;
- road tapers external to the subdivision;  
bikeways and footways incorporating pram ramps at road intersections if required.

## 5.10 Stormwater Drainage

Adequate provision shall be made to drain every road and every allotment in a proposed subdivision and such drainage shall be collected on site and carried in a manner which is satisfactory to the City Engineer and in accordance with an approved design to a point at which it may be lawfully discharged.

A lawful point of discharge shall be the sea, a watercourse or any place within the City drainage system where, in the opinion of the City Engineer, stormwater may be accommodated and disposed of without causing flooding or nuisance.

Where drainage is to be carried through land not under the same ownership as the land the subject of the proposed subdivision :-

It shall be demonstrated to the satisfaction of Council that an easement in favour of Council may be obtained for drainage through that land to a place where drainage may be lawfully discharged into an approved drainage system and for support for any necessary drainage pipes in that land; or

- in the event that difficulty is experienced by the subdivider in securing the necessary drainage easements from the land owners concerned, Council may agree to mediate between the parties so as to secure such an easement or easements; or
- in the event that it is not possible to obtain an easement through that land, Council may at its discretion purchase or acquire land for the purpose of drainage in accordance with the Act.

All stormwater flowpaths which traverse land the subject of a proposed subdivision, shall be improved at no cost to Council and to the requirements of the City Engineer as determined by calculations which shall be provided with the design and engineering drawings, provided that the Council may determine that a stormwater flowpath shall be retained in an unimproved state because of its natural characteristics or environmental qualities.

All pipelines and culverts discharging onto land the subject of a proposed subdivision shall be extended across or through the land as required by the City Engineer and be continued within easements created by the subdivider in accordance with Council's requirements.

All existing enclosed stormwater systems that traverse land the subject of a proposed subdivision shall be upgraded as required by the City Engineer.

The Council may require the subdivider to carry out works to an existing drainage system between the land and the lawful point of discharge to ensure that stormwater from the proposed subdivision may be accommodated by the drainage system without causing flooding or nuisance. Alternatively, the Council may require a contribution towards the cost of constructing improvements within an existing drainage system between the land and the lawful point of discharge.

Where required by the Council, the subdivider shall :-

- transfer free of cost to the Crown, with Council as Trustee, any land for drainage reserve for either underground or overland stormwater flow or for a retardation basin area; and
- grant free of cost to Council any drainage easement.

Where the finished levels of a proposed allotment are such that stormwater from all or part of the allotment discharges towards the rear or side boundaries, an underground drainage line or a suitable surface drain shall be constructed to discharge the stormwater to the satisfaction of the City Engineer.

An easement shall be granted to Council at no cost to Council over the underground drainage or surface drain.



## **5.11 Infrastructure**

### **5.11.1 Utility Services**

The subdivider shall demonstrate to the Council's satisfaction, that the supply of electricity and/or other energy sources and telecommunications services will be connected to each and every allotment within the proposed subdivision within the time period specified in the Act.

The subdivider shall, by arrangement with the electricity supply authority, provide for the undergrounding of the supply of electricity within a subdivision at no cost to Council, provided that Council may approve the overhead supply of electricity where :-

- The subdivision is in an established area and no new roads are created in the subdivision and the overhead supply of electricity exists to the frontage of the land;
- The land is zoned Hillside Residential and it is not feasible to provide an underground supply.

The subdivider shall contribute towards the capital cost of street lighting to be provided in the existing roads or new roads to serve the subdivision. The subdivider shall pay the required capital contribution associated with the installation of street lights to the electricity supply authority.

Public utility conduits and markers for such conduits shall be installed in all subdivisions to the requirements of the City Engineer and to the requirements of the relevant authority. Utilities may be laid in shared trenches and conduits.

### **5.11.2 Water Supply**

Water reticulation shall be provided to each and every allotment in a subdivision and provision shall be made for connection to adjoining land in accordance with Council's specifications.

The subdivider shall be responsible for all costs involved with the connection to the existing Council water supply mains.

At its discretion, the Council may enter into an agreement with the subdivider for the supply of materials and performance of works in connection with the provision of water reticulation for the subdivision at the subdivider's expense.

The subdivider shall contribute towards the cost of the provision of a water supply in accordance with Council's Local Planning Policy and the Act.

### **5.11.3 Sewerage**

Adequate sewerage reticulation shall be provided to each and every allotment in a subdivision and provision shall be made for connection to adjoining land in accordance with Council's specifications.

The subdivider shall be responsible for all costs involved with the connection to the existing Council sewer main.

At its discretion, the Council may enter into an agreement with the subdivider for the supply of materials and performance of works in connection with the provision of sewerage reticulation for the subdivision at the subdivider's expense.

Where a subdivision is located remote from the existing or proposed sewerage system, pumping stations shall be provided as required by the City Engineer to convey sewage to an approved connection point at the subdivider's expense.

The subdivider shall contribute towards the cost of provision of sewerage in accordance with Council's Local Planning Policy and the Act.

## **5.12 Public Parks and the City's Open Space System**

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.

### **5.12.1 Open Space 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.

### **5.12.2 Components of 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.

### **5.12.3 Local Area Open Space Management Plans (LAOSMP)**

Council intends to prepare LAOSMP for the plan area. These will be based on two catchments :

- ◆ Central City (CBD)
- ◆ City Suburbs

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 Councils 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.

Detail on the process of preparing LAOSMP is contained in the report titled “Local Area Open Space Management Plans” Cairns City Council ( April 1999).

A full review of all LAOSMF’ 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 LAOSMF’ 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

#### **5.12.4 Development contribution for public park land**

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)<sup>1</sup>.

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.

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<sup>1</sup> While operating under the transitional scheme.

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.

#### **5.12.5 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<sup>2</sup> ( 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.

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<sup>2</sup> The Park Planning Performance Criteria are contained in Part 4 of the Development Manual for the City of Cairns

### **5.12.6 Contribution rates**

The quantum of contribution is determined by Planning Scheme Policy No 6 and any relevant LAOSMP adopted by Council.

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.

### **5.12.6 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.

### **5.12.7 Land contribution for public parkland :-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.

### **5.12.8 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.

### 5.12.9 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:
  - 4 It is agreed that there is a complementary benefit to existing or proposed open space.
  - 4 The size and design of the basin allows active recreation.
  - 4 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.
  - 4 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.
  - 4 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.
  - 4 The basin is designed and landscaped as to look like a park.
  - 4 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).
- (b) **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.
- (c) 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.

- (d) 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.

#### **5.12.10 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 10m wide.
- ◆ Land comprising stormwater drainage of a highly constructed nature (eg concrete culverts, gross pollutant traps).

#### **5.12.11 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.

### **5.13 Retention of Vegetation**

- (a) Any person who proposes to subdivide land shall identify, in the proposal plan or on a separate plan, all significant trees and plant communities comprising trees and understorey, riparian vegetation and rainforest on the subject land.
- (b) In considering an application for subdivision, the Council may require amendments to the proposal plan or impose conditions relating to modifications to allotment layout, road layout, drainage, location of parks, water supply and sewerage provision so as to minimise the loss of tree or plant communities. Council may also specify areas such as future parks, drainage lines and public areas where no clearing is to be carried out or where clearing is to be minimised.
- (c) Where an application for subdivision is approved by Council and trees are to be removed, Council may require the planting of advanced specimens of a suitable species elsewhere on the land.
- (d) Vegetation is to be retained on all natural drainage lines and watercourses, unless otherwise approved by Council.

### **5.14 Pedestrian and Cyclist Facilities**

The subdivider shall, for the benefit of the local community, contribute to the extension of the City's footway and bikeway systems by constructing, as part of the subdivision, footways and bikeways within any subdivision or adjoining road reserve.

Footways shall be constructed within pathways to provide access to open space or to any shopping or community facilities located within or adjoining the subdivision and within open space as required by Council.

Bikeways shall be constructed in accordance with a Bikeways Plan adopted by Council.

The design and location of bikeways shall be in accordance with the provisions of a Bikeways Plan adopted by Council.

### **5.15 Subdivision by Lease**

In the case of an application for approval of a subdivision where the subdivision is by lease (other than a lease with a term not exceeding 5 years without right of renewal) and the Council approves the subdivision, it may do so subject to the conditions which would apply had the subdivision been a subdivision other than a subdivision by lease.

Where the application for approval of a lease subdivision or the lease document indicates that the subject land is proposed to be leased for a purpose requiring the town planning consent of Council under this Planning Scheme, the Council may defer consideration of the application until an application for town planning consent for the proposed use is lodged and the application determined. If the use proposed is one which is prohibited by this Planning Scheme, approval of the proposed subdivision shall be refused.

Notwithstanding the minimum frontages and areas prescribed by this Section for the Subdivision of Land, the Council shall have a discretion to approve an application in respect of a subdivision by lease where the frontage and area of land proposed to be leased or either of them is less than the minimum prescribed by this Section, if in the particular circumstances of any such proposal, the Council considers it reasonable to do so. In exercising its discretion, the Council shall have regard to whether the lease requires or permits a building to be erected on the leased area, the period of the lease, and whether in the circumstances the erection of a building on the leased area would, having regard to the frontage and area of such land, constitute undesirable development.

## **5.16 Amalgamation of Land**

Any person proposing to amalgamate existing allotments or lots may be required to carry out the following works to the satisfaction of the City Planner prior to the endorsement of the Plan of Survey of the amalgamation:-

- disconnect or relocate water supply and sewerage connection points and conduits;
- remove or relocate vehicle access points;
- relocate any electricity supply mains to the satisfaction of the relevant statutory authority;
- relocate or disconnect stormwater drainage lines;
- remove any building or other structure to ensure compliance with this Planning Scheme.

## **5.17 Group Title Subdivision**

### **5.17.1 General**

- (a) Except as otherwise provided in this section, the provisions of Section 5.1 shall apply, with any necessary changes, to any group titles subdivision as if
  - 
  - a proposal in respect of a group titles subdivision were a proposed subdivision referred to in Section 5.1; and
  - a lot and common property were each an allotment; and
  - an approval for group titles subdivision, whether or not subject to conditions were an approval in accordance with Section 6 of this Planning Scheme.
- (b) Group titles subdivision may be carried out in the Non Urban, Hillside Residential, Residential, Medium Density Residential, Tourist Facilities, Central Business, Business, Commercial, Local shopping, Light Industry, General Industry and Waterfront Industry zones.
- (c) The design of a proposed group titles subdivision shall be to the satisfaction of Council having regard to the fact that the Body Corporate may, at some future date, resolve to have the group titles plan extinguished.

### 5.17.2 Common Property

- (a) The area provided for common property shall :-
- be suitable, in Council's opinion, for its intended purpose having regard to its size, shape, dimensions, topography and requirements for vehicular and pedestrian access;
  - be developed, in Council's opinion, to a standard suitable for its intended purpose including, but not limited to, the provision where required of sealed pavement, lighting, footways and facilities required to enable the area to perform its intended function;
  - be in addition to any area required for park.
- (b) Unless otherwise approved by Council, the common area shall comprise **50%** of the total area of the allotment to be subdivided.

### 5.17.3 Provision of Access and Carparking

- (a) Each proposed lot in a proposed group title subdivision shall abut common property and have vehicular access to an accessway which :-
- is located within the common property; and
  - joins to a dedicated, constructed road.
- (b) Vehicular access to a dedicated, constructed road from land the subject of a group titles subdivision shall be limited to one access point provided that the Council may permit additional access points having regard to :-
- (i) the number of roads to which the land has frontage and their classification under the road hierarchy schedule; and
  - (ii) the size and shape of the land; and
  - (iii) the number of lots contained within the proposal plan; and
  - (iv) the geometry and layout of the roads to which access is proposed.
- (c) All accessways, carpark areas and vehicle standing areas shall be located, designed, sealed, drained and constructed to the satisfaction of the City Engineer.
- (d) Vehicle parking spaces required by this Planning Scheme shall be provided within each lot or within the common property to the satisfaction of the City Planner provided that :-
- (i) the required carparking for visitors or loading areas shall be provided within the common property; and
  - (ii) the required carparking for development on any particular lot shall not be provided on any other lot.
- (e) Accessways proposed to serve residential development shall be constructed in accordance with the following provisions :-
- (i) where the accessway is to serve less than 4 lots, the minimum width of sealed pavement shall be **3.6** metres; and

- (ii) where the accessway is to serve a minimum of 4 lots up to a maximum of 10 lots, the minimum width of sealed pavement shall be 4.5 metres; and
- (iii) where the accessway is to serve a minimum of 11 up to a maximum of 30 lots, the minimum width of sealed pavement shall be 5.4 metres; and
- (iv) where the accessway is to serve more than 30 lots, the minimum width of sealed pavement shall be 7.0 metres; and
- (v) provision of a verge area adjoining each side of the sealed pavement with a minimum width of 1.5 metres to provide for pedestrian movement and landscape planting to the satisfaction of the City Planner, provided that the City Planner may relax this provision having regard to :-
  - the number of lots served by the accessway; and
  - the size of the lots; and
  - location of common property adjoining the accessway; and
  - the geometry and layout of the accessway.
- (f) The minimum width of sealed pavement for accessways other than those specified in (e) above shall be in accordance with the relevant provisions of this Planning Scheme in respect of access to the development proposed on the land or otherwise as determined by the Council have regard to the following :-
  - (i) potential traffic volumes on the accessway; and
  - (ii) the nature of traffic likely to use the accessway; and
  - (iii) relevant provisions of this Planning Scheme; and
  - (iv) any other matter considered relevant by the Council.

#### 5.17.4 Lots

- (a) (i) The number of lots in a proposed group titles subdivision to provide for the future development of detached dwellings in the Non Urban, Hillside Residential, Residential and Medium Density Residential Zones shall not exceed the number of lots that could be achieved by subdivision in accordance with Table 3.
- (ii) In this case, the minimum area of lots shall be as set out below :-

Non Urban zone	1000m <sup>2</sup>
Hillside Residential zone	1000m <sup>2</sup>
Residential zone	300m <sup>2</sup>
Medium Density Residential zone	300m <sup>2</sup>
- (b) (i) The number of lots in a proposed group titles subdivision to provide for the development of detached dwellings to a density greater than 60 persons per hectare shall not exceed the number of detached dwellings which may be erected on the land calculated in accordance with the provisions of Development Control Plan 1.
- (ii) In this case the minimum area of lots shall be as set out below :-

Residential zone	200m <sup>2</sup>
Medium Density Residential zone	200m <sup>2</sup>

- (c) Council may permit the group titles subdivision of an approved development of Accommodation Units, Holiday Apartments, Retirement Village or similar development in order to provide separate title to the units within the development.
- (d) Council may permit a group titles subdivision in the Tourist Facilities, Central Business, Business, Commercial, Local Shopping, Light Industry, General Industry and Waterfront Industry zones where :-
  - (i) a site has been developed and Council is satisfied that a group titles subdivision of the existing development will not adversely affect the provision of access, parking, loading facilities, landscaping, or other requirements of this Planning Scheme.
  - (ii) a plan for the development of a site is submitted to and approved by Council at the same time as the proposal for group titles subdivision and Council is satisfied that the group titles subdivision will not adversely affect the proposed development or the provision of access, parking, loading facilities, landscaping or other requirements of this Planning Scheme.

## 6. ADMINISTRATION

### 6.1 Intent and Application of this Section

This Section is intended to set out the procedures and obligations of applicants and the Council with respect to applications and other matters to which the Planning Scheme relates.

Applications to which this Planning Scheme relates are not to be lodged except in accordance with this Section.

Some of the provisions of this Section repeat the provisions of Section 4 of the Local Government [planning and Environment] Act in the interests of providing clear guidelines to applicants. In the event that amendments to the Act create conflict between information set down in this Section, the Act takes precedence.

### 6.2 Matters Applicable to all Applications

**An** application made to the Council under this Section is to be lodged in the manner required and accompanied by the appropriate fee prescribed in the Council's Schedule of Fees as determined by resolution. The Schedule of Fees may prescribe different fees for different types of applications.

All applications are to be :-

- (a) in writing, addressed to the Chief Executive Officer;
- (b) signed by the applicant/s or in the case of a partnership, company, incorporated or unincorporated association or a body corporate, by an authorised officer thereof and under a company seal, where applicable;
- (c) authorised in writing by the owner/s of the site if the applicant is not the owner;
- (d) accompanied by the information prescribed under the Regulations to the Act relating to the particular type of application and, where not specified therein, **an** accurate statement of the following :-
  - (i) the name and postal address of the applicant;
  - (ii) the name of the registered proprietor of the site or, if the site is leased from the Crown, the registered lessee;
  - (iii) the postal address and real property description of the site;
  - (iv) the area of the site;
  - (v) the length of the road frontage or frontages;
  - (vi) the use being made of the site at the time of making the application, including details of existing buildings and structures and the use being made thereof;
  - (vii) the nature of the proposal;
  - (viii) circumstances giving rise to the application;
  - (ix) any other information required by the subsequent sub-sections of this Section or required by the Council to enable a full appreciation of the proposal.
- (e) accompanied by the following where required by this Planning Scheme and its provisions to assist in the implementation of the Scheme, a State Planning Policy, the Council or the Act:-
  - (i) plans of a type specified in the Sub-Section relating to the type of application;
  - (ii) an environmental impact statement;
  - (iii) a geotechnical report;
  - (iv) a traffic study;

- (v) a site contamination report;
- (vi) any other report as required by the Council on any relevant matter including but not limited to, wind effects, visual impact, solar reflections, shadow impacts or land stability.

Where additional information is required to accompany an application under the Act, by *this* Section or by Council, an application will be deemed not to have been made until that information is provided.

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.

An application is deemed not to have been made unless all of the requirements of this Section have been satisfied in full.

The applicant is responsible for any advertising of the proposal required by the Act.

### **6.3 Applications for Amendment of the Planning Scheme**

Applications to which this Sub-section applies are:-

- (a) the zoning or rezoning of land, including the rezoning of land in stages;
- (b) the amendment of conditions attached to an approval of a rezoning application or other application for amendment of the scheme;
- (c) the amendment of a use specified on a zoning map as relating to a Special Facilities zone or otherwise shown on a zoning map as relating to a specific site or zone;
- (d) the amendment of a regulatory map or regulatory line on zoning map;
- (e) the amendment of a Development Control Plan map where the map confers use rights.

In addition to the information required under Sub-section 6.2, an application to amend the Planning Scheme is to be accompanied by:-

- (a) where the amendment is required to enable development to proceed and such development may be carried out without having to obtain a further development or subdivision approval, a site development plan prepared in accordance with Sub-section 6.2.
- (b) where the amendment is required to enable development to proceed and such development may only be carried out after obtaining a further development or subdivision approval, site plans and details conveying general information about the proposal.
- (c) with respect to an application for rezoning or rezoning in stages, where the boundaries of proposed zones do not coincide with existing property boundaries, the metes and bounds of those zone boundaries.
- (d) with respect to an application for rezoning in stages, the zone(s) in which the site is currently included and into which it is proposed to be included.

An application for the rezoning of land in stages is to be made in accordance with Sections 4.6 and 4.9 of the Act.

#### **6.4 Applications for Consent**

This Sub-section applies to applications for purposes which may be carried out only with the Council's Consent and fall within Column 2 in the respective Tables of Zones.

In addition to information required under Sub-section 6.2, an application for Consent is to be accompanied by:-

- (a) details conveying the nature of building proposed to be erected or used in connection with the proposal, including the gross floor area and dimensions of each building and of the development as a whole and the number of storeys and height in metres of each building;
- (b) the number of persons proposed to be engaged on the premises and the number of persons likely to be resident on the premises;
- (c) the number of motor vehicles for which parking is to be provided;
- (d) the type of machinery proposed to be employed;
- (e) the total connected load of any mechanical power proposed to be employed;

#### **6.5 Combined Applications**

An application may be made for the Council's approval at the one time of two or more applications where the applications relate to the same land. Applications are to be lodged and processed in accordance with section 4.1 1 of the Act.

The information submitted with applications is to be the same as that required for each of the applications as if they were lodged individually.

#### **6.6 Applications for Relaxation or Modification of Scheme Provisions**

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.

In addition to the information required under Sub-section 6.2 an application for relaxation or modification of scheme provisions, is to be accompanied by:-

- (a) the grounds upon which the application is made and the facts and circumstances in support of those grounds; and
- (b) a concept plan in accordance with Sub-section 6.2 including an elevation of any building or other structure proposed to be erected or existing on the site.

#### **6.7 Applications for Modification of Applications and Approvals**

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.

In addition to the information required under Sub-section 6.2 an application for a modification of an application as approved is to be accompanied by:-



- (a) full details of any modifications desired to be made to the proposal to enable assessment of the requirements of the Act; and
- (b) copies of development plans in accordance with Sub-section 6.2 including an elevation, or any building or other structures proposed to be erected or existing on the site.

## **6.8 Applications for Subdivision**

### General Provisions for Applications for Subdivision

Any person who desires to subdivide land, including a staged subdivision, subdivision incorporating a lake, canal or harbour, subdivision by lease which is for a longer period than 5 years and the creation of an access easement, or to open any road 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 Schedule of Fees determined by the Council by resolution. In the Schedule of Fees, different fees may be determined for different classes of application.

In addition to the information required under Sub-section 6.2, an application for subdivision, is to be accompanied by the following particulars to the extent that they are relevant to the proposal:-

- (a) the number of allotments, if any, into which the land is proposed to be subdivided; and
- (b) if applicable, the use desired to be made of the land following subdivision; and
- (c) the area to be surrendered to the Crown for use as parks; and
- (d) particulars of any existing easement over the land and its purpose; and
- (e) particulars of any proposed easement over the land and its purpose; and
- (f) whether the land is affected by any road realignment; and
- (g) the length, width and area of any road proposed to be opened together with particulars of the type or types of such road; and
- (h) whether the application relates to staged development or subdivision for lease purposes; and
- (i) details of any proposal to fill the subject land and the nature of the filling; and
- (j) details of any encumbrances which may affect the subject land; and
- (k) if required by the Act or a Local Planning Policy of Council - an Environmental Impact Statement.

The application shall be accompanied by a proposal plan which shall:-

- (a) be properly drafted, prepared, 3 copies submitted 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:-
- (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 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 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
  - (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 or Australian Height Datum; and
  - (viii) where applicable, the highest recorded flood level on the subject land drainage patterns and catchment areas; and
  - (ix) details of stormwater and wastewater management measures proposed for the development in accordance with the Development Guidelines;
  - (x) 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
  - (xi) in the case of 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
  - (xii) all existing and proposed new roads, truncations, lanes, pathways, easements and reserves, within an on the boundaries of the subject land; and
  - (xiii) the extent of filling and excavation proposed to be carried out on the subject land; and
  - (xiv) if applicable, the area to be dedicated for park shall be shown in the location proposed by the applicant; and
  - (xv) details and locations of significant vegetation on site. Including shrubs and undergrowth when these are located together with larger trees and which in total represent an ecologically viable habitat unit or corridor; and
  - (xvi) a schedule of proposed road names taken from Council's List of Historical Street Names; and

- (xvii) any separate ownerships indicated clearly by light shading; and
- (xviii) areas of the subject land which are subject to subsidence, slip or erosion.

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 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 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 Chief Executive Officer or the Council.

#### Further Provisions for Subdivision Incorporating a Lake

In addition to the provisions of Sub-Section 6.2 an application to subdivide land which provides for any of the allotments included in the proposal plan to be used in association with a common lake area shall include the following information:-

- (a) the proposed use of the lake; and
- (b) the method to be used in maintaining the top water level in the lake and the source of water supply thereto; and
- (c) the capacity of the outlet structure (if any) from the lake; and
- (d) the measures to be taken to protect the lake from pollution; and
- (e) the adequacy of measures to be taken pursuant to provision (iv) above to prohibit on land within a distance of four (4) metres from the top water level of the lake:-
  - (i) the erection of a building or other structure; and
  - (ii) the parking of vehicles; and
  - (iii) the placing (otherwise than temporarily) thereon of materials, goods, filling or refuse of any kind; and
  - (iv) any excavation thereof; and
- (f) the measures to be taken for the monitoring of water quality and for the maintenance in the lake of water quality and whether those measures *are* adequate; and
- (g) the methods to be adopted for the general maintenance of the common lake area; and
- (h) an Environmental Impact Statement in accordance with the Act.

#### Further Provisions for Subdivision Incorporating a Canal or Harbour

In addition to the provisions of Sub-section 6.2 an application to subdivide land where the proposal plan incorporates a canal or harbour shall comply with all relevant requirements of the Canals Act or the Harbours Act.

Approval by the relevant State Government agencies shall be required for subdivisions that come within the scope of the Canals Act or the Harbours Act. Such agencies may require the applicant to lodge engineering plans that have been signed by the Council showing work to be carried out below high water mark. Such plans shall not be signed by the Council until detailed checking of the plans has been completed by the Council having regard to the requirements of the relevant authorities.

The applicant shall submit a proposal plan that clearly indicates the proposed intention to subdivide the land. The proposal plan shall indicate the proposed allotment layout, road network and road hierarchy and clearly indicate the method of collection and discharge of sewage, water supply and stormwater drainage facilities.

The applicant is to supply suitable supporting information to identify the proposed land to be developed under a subdivision incorporating canals, to ensure the proposed subdivision does comply with any relevant Government requirements relating to development of artificial tidal waterways.

The proposed canal subdivision is to make provision for adequate access from a road or park to enable access to the waterway or floor base and side profile of the canal or foreshore, by Council for future maintenance.

#### Further Provisions for a Subdivision by Lease

In addition to the provisions of Sub-section 6.2 Council requires an application to be made to subdivide land by lease if the lease is to be for a longer period of time than 5 years. Such an application 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.

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.

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.

#### Further Provisions for Creation of an Access Easement

In addition to the provisions of Sub-section 6.2, an application to create an access easement shall:-

- (a) be accompanied by three (3) copies of the access easement documents duly endorsed by all owners of land subject to the easement; and
- (b) set forth the grounds upon which the application is made.

Application deemed not to be made

An application made pursuant to this Sub-Section shall be deemed not to have been made unless the provisions of this Section and the Act have been complied with in full:

Subdivisions involving works

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 or subdivision approval to the satisfaction of the City Engineer.

An application 6.2 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 of the site to be used by haulage vehicles; and
- (c) be accompanied by a report from a soil testing organisation acceptable to the City Engineer 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) where applicable, 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 an application fee of an amount in accordance with a Schedule of Fees determined by the Council by resolution.

After submission of an application, the City Engineer may, in writing, request the submission of calculations or of additional or amended engineering drawings or specifications.

In accordance with the Act, the Council herein delegates its powers to make decisions to the City Engineer 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 (Roads) Act, such approval shall not be granted until any necessary approval has been obtained from the Department of Transport/Main Roads and such approval shall include any conditions imposed by the Department of Transport/Main Roads which are considered reasonable and relevant; and

- (b) no works shall be commenced until approval of the engineering drawings and specification has been granted.

Any works required to be carried out in respect of any 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.

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 City Engineer. In granting such approval the Council may impose conditions necessary to ensure the satisfactory staging and completion of such works.

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 number 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
- (f) an invitation to the City Engineer, or his representative, to attend the pre-start Construction Conference as an observer.

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 to the satisfaction of the City Engineer, a certificate of practical completion.

Upon completion of the engineering works for a subdivision, "Works-as-Executed Drawings" shall be submitted to the Council before the original plan of survey is sealed by the Council. The "Works-as-Executed Drawings" or data capture methods as required by the Council shall have the certification signed by a Registered Surveyor on every drawing and shall be to an appropriate standard as required by the City Engineer.

#### Lapsed Approval

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 to 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.

#### Security for uncompleted works

At its discretion the Council may accept security for uncompleted works required to be carried out in respect of an approval granted for 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 uncompleted works plus 25 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 of 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.

Acceptance by the Council of uncompleted works shall be subject to:-

- (a) completion of the following works to the satisfaction of the City Engineer:-
  - (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, where applicable; 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 City Engineer being satisfied that all required works will be completed within the specified period from the date upon which the agreement is executed by the Council; and
- (c) the provisions of the Act.

The Council shall not seal any plan of survey until any agreement required has been duly executed.

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 survey and such work is certified in writing by a licensed surveyor.

### Sealing of Plans of Survey

Upon satisfactory completion of any works required to be undertaken or lodgement of satisfactory security the applicant shall submit to the Council an accurate plan of survey for the subdivision within the relevant time period specified by the Act.

The plan of survey 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; and
- (d) be accompanied by a sealing fee of an amount in accordance with a Schedule of Fees determined by resolution of the Council.

Prior to the submission of a plan of survey the applicant shall 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

Prior to the sealing of a plan of survey by the Council for subdivision involving works, the applicant shall provide security for maintenance of the works during the maintenance period.

The Council shall note its approval under seal on the original plan of survey in accordance with the requirements for the Registrar of Titles provided it is satisfied that:-

- (a) the relevant provisions of this Section and other Sections of this document and any other relevant provisions of the Town Planning Scheme, 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.

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.

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 plan.

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.

### Security for Maintenance of Works

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 comply with all relevant clauses of this Sub-Section. Security in a form satisfactory to Council and of an amount equal to a minimum of 5 percent of the cost of the works, as approved by the City Engineer, shall be provided against any defects in material or construction which may develop or become apparent during a maintenance period of a minimum of 12 months from the date of acceptance of the works on maintenance by the Council.



## **6.9 Applications for Group Titles Subdivision**

Any person who desires to subdivide or resubdivide 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 Schedule of Fees determined by the Council by resolution.

In addition to the information required under Sub-section 6.8, an application for group title subdivision or resubdivision shall be accompanied by the following particulars :-

- (a) the area of the land proposed as common property, if any; and
- (b) the length and width of any access way proposed.

The application shall be accompanied by a proposal plan which shall show the information required under Sub-section 6.8 and in addition, the following :-

- (a) the proposed common property, and the approximate measures and area thereof as determined by preliminary survey and design; and

The Chief Executive Officer may require further information to be submitted in accordance with Sub-section 6.8.

## **6.10 Applications for Amalgamation of Land Under the Act**

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 relevant Clauses of Sub-section 6.8.
- (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 Schedule of Fees determined by the Council by resolution; and
- (c) in any case, the applicant shall undertake the following works as required by Council;

Any person wishing to amalgamate existing allotments or lots shall, at the discretion of the City Engineer:-

- (a) disconnect or relocate water supply and sewerage connection points and conduits;
- (b) remove or relocate vehicle access points;
- (c) relocate any electricity supply mains to the satisfaction of the relevant statutory authority;
- (d) where necessary relocate or disconnect stormwater drainage lines;
- (e) 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 City Engineer.

For the purposes of this Clause 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.

The application shall be in accordance with the relevant provisions of Sub-section 6.8.

### **6.11 Applications for Town Planning Certificates**

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.

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.

### **6.12 Plans and Reports Required with Applications**

Where applications are required to be accompanied by a plan, that plan is to be numbered and dated and is to include the following information :-

- (a) a suitably scaled site plan containing a north point and showing -
  - site boundaries, with metes and bounds;
  - if the site forms part of an allotment or allotments, the boundaries, with metes and bounds, of that allotment or allotments;
  - if the site comprises more than one allotment, the boundaries of all allotments included in the site;
  - the road(s) to which the site has frontage or, if the site has no road frontage, the road(s) from which it obtains access;
  - the location and outline of all existing and proposed buildings and structures, including the distance of those buildings and structures closest to boundaries and those inside the setbacks specified in this planning scheme or elsewhere;
- (b) details of the internal layout of any existing and proposed building to which the proposal relates;
- (c) the location and layout of vehicular accessways;
- (d) the location and general details of landscaping in sufficient detail to convey its intended function;
- (e) topographical information, including spot levels and contours if necessary, of sufficient detail to convey the effect it may have on the site's potential to accommodate the proposed use;
- (f) the location of buildings, structures and activity areas on adjoining land to the extent that they are relevant to the impact of the proposal;
- (g) any other information that would assist the Council in assessing the implications of that proposal.

### **6.13 Determination of Applications**

In respect of applications outlined in this Section, the Council is to :-

- (a) approve the application;
- (b) approve the application subject to reasonable and relevant conditions; or
- (c) refuse the application.

With respect to an application for a certificate of compliance, the City Planner is to:-

- (a) issue a certificate;
- (b) issues a certificate subject to reasonable and relevant conditions; or
- (c) refuse to issue a certificate;

within 14 days of the application being lodged or such longer period as the City Planner considers reasonable having regard to the assessment procedure demanded by the application. The applicant is to be advised in writing of any extension of time.

#### **6.14 Compliance with Conditions and Requirements Imposed by Council**

A person shall not contravene nor fail to comply with any condition or requirement imposed by the Council in determining an application made under this Section.

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 is complied with.

#### **6.15 Register of Existing Lawful Non-Conforming Uses**

A 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 registered in accordance with this Sub-section.

The Council shall cause to be kept a register to be called the "Register of Existing Lawful Non-conforming Uses" wherein shall be kept particulars of uses of premises currently registered under this Sub-section and such register shall be open to inspection.

An application made pursuant to (a) or (b) above shall :-

- (a) be made in writing, in the prescribed form;
- (b) include such particulars and other information relative to the application as required by the Council;
- (c) be accompanied by :-
  - an application fee of an amount as determined by the Council by resolution;
  - a plan of the site, which :-
    - (i) is numbered and dated,
    - (ii) contains a north point,
    - (iii) is drawn to a metric scale of 1:100, 1:200, 1:500, or such other scale as may be approved by the City Planner,
    - (iv) shows the boundaries of the land to which the application relates or applies referred to their lengths in metres and bearings (if possible) and the street or streets to which the land or any part thereof abuts (where the land comprises part of an allotment or part of more than one allotment or more than one allotment, the boundaries of that allotment or those allotments shall also be shown),
    - (v) shows details of all buildings or other structures 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 land,
    - (vi) shows details of any areas other than buildings or other structures which are used as part of the existing lawful non-conforming use,

- (vii) includes, where requested by the City Planner, the Chief Executive Officer or the Council, details of the internal layout of all buildings or other structures to which the application relates, and
- (viii) includes such other information relative to the application as may be requested by the City Planner, the Chief Executive Officer or the Council.
  - the particulars by way of documentary evidence or **as** otherwise relied on to support the claim that the use particularised is an existing lawful non-conforming use which has been contained to the date of the application; and
  - include such other information relative to the application as may be requested by the City Planner, the Chief Executive Officer or the Council.
- (d) An application made pursuant to this Sub-section shall be deemed not to have been made unless all the requirements and information required above have been satisfied and complied with in full.
- (e) **An** application shall, if it complies with the requirements outlined above and the Act, be the subject of a report and recommendation by the City Planner. 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 and this Sub-section decide the application.
- (f) Upon the application being referred to Council pursuant to this Sub-section the Council may :-
  - (i) approve the application;
  - (ii) approve the application subject to the alteration of one or more particulars, or subject to limitations on the extent of the area which the Council is prepared to register as an existing lawful non-conforming use; or
  - (iii) refuse to approve the application.
- (g) If an applicant fails to furnish the information or particulars required above within the time so specified by the City Planner, the Chief Executive Officer or the Council, the Council may, without further proceedings, refuse to approve the application or may hold the application in abeyance until such time as the applicant shall furnish such information or particulars, but without prejudice to the right of the Council to refuse to approve the application at any future time if the applicant has not then furnished such information or particulars.
- (h) Where an application pursuant to this Sub-section is made within six months of the date of the Town Planning Scheme coming into effect or if, in the opinion of the Council, the application made does not give a full description of the land or state precisely and fully the nature of the non-conforming use or the plan does not properly delineate any buildings or other structures in relation to the boundaries, the Council may direct the Chief Executive Officer to serve notice on the owner and occupier of the subject land of particulars of the non-conforming use which the Council decides to be the true and correct information relating thereto and which the Council proposes to enter in the said Register.
- (i) Where an entry is not made in The Register of Existing Lawful Non-Conforming Uses in respect of any land or any building or other structures thereon, the onus of proving that there was a non-conforming use being lawfully carried out on that land or in that building or other structure at the appointed day, the precise nature of that non-conforming use and the precise extent of the land, building or other structure on or in which it was being carried on, is upon the person alleging the existence of the lawful non-conforming use.

- (j) Where the Council grants any consent in relation to any non-conforming use under a Town Planning Scheme as aforesaid, it shall cause particulars thereof to be entered in the Register of Existing Lawful Non-Conforming Uses.

#### **6.16 Register of Existing Lawful Fettered Uses**

A person -

- (a) claiming to be lawfully using any premises for an existing lawful fettered use; or
- (b) who is the owner of premises which he or she claims are being lawfully used for an existing lawful fettered use;

may make application to the Council for the use of those premises to be registered in accordance with this Sub-section.

The Council shall cause to be kept a register to be called the "Register of Existing Lawful Fettered Uses" wherein shall be kept particulars of uses of premises currently registered under this Sub-section and such register shall be open to inspection.

An application made pursuant to (a) or (b) above shall :-

- (a) be made in writing, in the prescribed form;
- (b) include such particulars and other information relative to the application as required by the Council;
- (c) be accompanied by :-
- an application fee of an amount as determined by the Council by resolution;
  - a plan of the site, which :-
    - (i) is numbered and dated,
    - (ii) contains a north point,
    - (iii) is drawn to a metric scale of 1:100, 1:200, 1:500, or such other scale as may be approved by the City Planner,
    - (iv) shows the boundaries of the land to which the application relates or applies referred to their lengths in metres and bearings (if possible) and the street or streets to which the land or any part thereof abuts (where the land comprises part of an allotment or part of more than one allotment or more than one allotment, the boundaries of that allotment or those allotments shall also be shown),
    - (v) shows details of all buildings or other structures 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 land,
    - (vi) shows details of any areas other than buildings or other structures which are used as part of the existing lawful fettered use,
    - (vii) includes, where requested by the City Planner, the Chief Executive Officer or the Council, details of the internal layout of all buildings or other structures to which the application relates, and
    - (viii) includes such other information relative to the application as may be requested by the City Planner, the Chief Executive Officer or the Council.

### **6.17 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.

(00006)

## **DEVELOPMENT CONTROL PLAN 3**

### **RESIDENTIAL DENSITIES**

This Development Control Plan applies to the area shown on the Development Control Plan map marked Development Control Plan 1 Residential Densities and to any other areas included by way of amendment. This Plan should be read in conjunction with the Planning Scheme for the part of the City of Cairns and is supplementary to that Scheme.

Nothing in this Development Control Plan should be construed to confer any rights to use land for any purpose. Such rights remain vested in the provisions of the Zoning Maps and the Planning Scheme Provisions of the Planning Scheme for the part of the City of Cairns.

The Development Control Plan includes the map described as Development Control Plan 1 Residential Densities and is divided into the following :

1. Introduction
2. Definitions
3. Aim
4. Objectives and Implementation Criteria
5. Special Provisions

### **PLANNING STUDY**

The Planning Study provides supporting information which is contained in that document marked Development Control Plan 1 - Planning Study, copies of the Study signed for identification by the Clerk of the Executive Council are held at the office of the Director of Housing, Local Government and Planning and at the office of the Cairns City Council. The Planning Study can be found in Part B of the Planning Scheme.

**December 1996**

# **DEVELOPMENT CONTROL PLAN 1**

## **RESIDENTIAL DENSITIES**

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## 1. INTRODUCTION

The first Development Control Plan 1 Residential Densities was gazetted in 1983. The broad aim of that Plan was to identify areas within the City where residential development to a certain density could take place. The planning provisions embodied in that Plan were effective in achieving that broad aim.

In reviewing the Development Control Plan, cognisance has been taken of the broad aim and contemporary objectives and implementation criteria have been introduced. These objectives and implementation criteria are relevant to the changing trends and development patterns influencing residential development within the City.

The original Plan approach - to increase the population densities around commercial growth nodes and corridors - is to be maintained and a number of areas within the City will be redesignated to a higher density designation to provide an opportunity to consolidate residential development in strategic locations.

This Development Control Plan and the Development Control Plan map reflect Council's intentions with regard to the designation of residential densities which are considered appropriate and suitable for those areas of the [former] City where residential development may occur. In association with Development Control Plan 2 Height and Impact of Buildings and other relevant planning provisions, this Development Control Plan is intended to direct the form and density of residential development throughout part of the City of Cairns.

## 2. DEFINITIONS

### **Accommodation Units (high density)**

Any premises used or intended for use as apartments, flats, home units, town houses or villa houses and having a site population density exceeding 400 persons per hectare but not exceeding 800 persons per hectare.

### **Accommodation Units (medium density)**

Any premises used or intended for use as apartments, flats, home units, town houses or villa houses and having a site population density not exceeding 400 persons per hectare.

### **Boarding House**

Any premises used or intended for use to provide board and lodging to unrelated persons.

### Caravan Park

Any premises used or intended for use for the parking of caravans and camper vehicles and/or the pitching of tents for the purpose of providing accommodation for travellers, tourists or the general public. The term includes the erection and use within the caravan park of a kiosk and/or amenity buildings for the exclusive use of occupants of the caravan park. The term also includes the erection of cabins providing overnight or short term holiday accommodation within the caravan park. The maximum number of such cabins in any particular caravan park shall be determined by Council. The term does not include a mobile home park as herein defined.

### Community Facilities

Community Facilities are facilities which Council in its absolute discretion determines : will enhance the social structure of the City; have broad applicability to the various socio-economic groups in the region; and will be of lasting benefit to the wider community.

### Detached Dwelling

Any premises used or intended for use as self contained accommodation for the exclusive use of one family on a single allotment of land and including any ancillary outbuildings.

### Dual Occupancy

Any premises which comprises or is intended to comprise two detached dwellings and any ancillary outbuildings on a single allotment of land or an allotment which would have remained as a single allotment had it not been subdivided as part of the development.

### Green Street Development

A residential development designed and constructed in accordance with the principles of the Australian Model Code for Residential Development, (AMCORD).

### Holiday Apartments (high density)

Any premises used or intended for use as self contained accommodation for travellers or tourists on a short term basis and having a site population density exceeding 400 persons per hectare but not exceeding 800 persons per hectare. The term includes a manager's unit and office. The term does not include accommodation units, a boarding house, a hostel, a hotel, or a motel as herein defined.

### Holiday Apartments (medium density)

Any premises used or intended for use as self contained accommodation for travellers or tourists on a short term basis and having a site population density not exceeding 400 persons per hectare. The term includes a manager's unit and office. The term does not include accommodation units, a boarding house, a hostel, a hotel or a motel as herein defined.

**Hostel**

Any premises used or intended for use to provide shared accommodation to unrelated tourists or travellers in association with the use of communal kitchen, bathroom and laundry facilities. The premises may incorporate a limited number of individual bedrooms with or without ensuite bathrooms, provided that the maximum number of persons capable of being accommodated in the individual bedrooms shall not exceed 25% of the maximum number of persons capable of being accommodated in the hostel.

**Hotel**

Any premises the subject of a single general license issued under the Liquor Act. The term includes a mini-brewery and a TAB agency where these uses are ancillary to the hotel.

**Mobile Home Park**

Any premises used or intended for use for the parking or location thereon of two or more mobile homes for the purpose of providing residential accommodation. The term includes ancillary amenities buildings, a kiosk and recreational facilities for the exclusive use of occupants of the mobile home park. The term does not include a caravan park as herein defined.'

**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, dining room and facilities for the provision of meals to such travellers.

**Relatives' Accommodation**

A self contained unit which is located within or attached to a detached dwelling; is occupied or intended to be occupied by an aged, infirm or dependent relative of the resident of the detached dwelling; and which:-

- has a gross floor area not exceeding 50m<sup>2</sup>;
- does not contain more than one bedroom; and
- has direct access to the detached dwelling.

**Residential Development**

Any development which provides residential accommodation of any form. The term includes a detached dwelling.

### **Retirement Village**

Any premises used or intended for use as permanent residential accommodation for 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 kiosk facilities.

### **Site Population Density**

Site population density means the number of persons residing on a site calculated from the ratios set out below. The site population density shall be expressed in terms of persons per hectare.

Detached Dwelling - 3 persons per detached dwelling.

1 Bedroom Accommodation Unit or Holiday Apartment - 1.5 persons per unit or apartment.

2 Bedroom Accommodation Unit or Holiday Apartment - 3 persons per unit or apartment.

3 Bedroom Accommodation Unit or Holiday Apartment - 3.5 persons per unit or apartment.

Accommodation Units or Holiday Apartments with more than 3 bedrooms - 3.5 persons per unit or apartment plus 0.5 persons for each additional bedroom in excess of 3 bedrooms.

Single Room in a Hotel or Motel - 1.75 persons per room.

Suite in a Hotel or Motel comprising rooms not capable of separate letting - 1.75 persons per main bedroom plus 0.5 persons for each additional habitable room.

Hostel - 1 person per bed for each bed in a dormitory or in a communal room; 1.5 persons per separate bedroom.

Special Residential Use - 1 person per bed for each bed in a dormitory, a communal room or a bedroom.

Boarding House, Serviced Rooms and the like - 1.25 persons per bedroom.

Single Room Occupancy - 1 person per occupancy unit.

Caravan Park - 2.5 persons per caravan, cabin or camping site.

Mobile Home Park - 2.5 persons per mobile home.

### **Single Room Occupancy**

Any premises used or intended for use to provide serviced rooms for the individual long term use of one person or a couple, where each room incorporates kitchen, bedroom and living facilities. Communal bathroom facilities and additional communal kitchen facilities, living areas and recreation areas shall be provided within the development for the use of residents. The term does not include a boarding house or hostel as herein defined.

### **Social Services**

Social Services are services which Council in its absolute discretion determines : will improve the social infrastructure of the City; have broad applicability to the various socio-economic groups in the region; and will be of lasting benefit to the wider community.

### **Special Residential Use**

Any premises used or intended for use for residential purposes by a group of unrelated persons associated with a religious order or for social or community purposes intended to ensure the health and well-being of the occupants. The term includes a convent, a monastery, a respite care home, supervised short-term crisis accommodation and the like. The term does not include accommodation units, a boarding house or a hostel as herein defined.

### 3. AIM

The aim of this Development Control Plan is to direct the form and density of residential development in parts of the City which are suitable for residential development so that urban efficiency, environmental quality and housing needs can be appropriately met.

Consequently, the Development Control Plan is intended to provide direction to : the urban structure of the City; the planning of infrastructure; and the determination of land use applications.

Elements central to the aim are :

- confidence - in the future form and direction of residential development.
- amenity - the desire to maintain or enhance the quality of urban residential living.
- efficiency - to ensure that the broadest possible range of housing needs can be met in suitable locations to which appropriate urban services are available or can be provided at reasonable cost.

The aim is given effect principally through a set of objectives supported by implementation criteria and through the information shown on the Development Control Plan map.

#### 4. OBJECTIVES AND IMPLEMENTATION CRITERIA

Five objectives are established to give effect to the aim of the Development Control Plan.

##### 4.1 Objective 1

To direct the orderly development of the Residential zones and other zones in which residential development may occur in order to :

- promote a range of residential densities to accommodate the various forms of residential development sought by residents of and visitors to the City;
- promote the consolidation of the existing urban structure to improve urban efficiency;

ensure that the location of residential development has regard to environmental constraints; the capacity of infrastructure such as roads, water supply, sewerage and drainage requirements; and the availability of community facilities and social services.

##### 4.1.1 Implementation Criteria

- (a) For the purposes of this Development Control Plan six Density Designations are established and are indicated on the Development Control Plan map. The Density Designations are :-

Residential A1	-	maximum site population density of 6 persons per hectare.
Residential A	-	maximum site population density of 60 persons per hectare
Residential B	-	maximum site population density of 100 persons per hectare
Residential C	-	maximum site population density of 200 persons per hectare
Residential D	-	maximum site population density of 400 persons per hectare
Residential E	-	maximum site population density of 800 persons per hectare

- (b) The site population density of a residential development on a site shall not exceed the maximum site population density for that site as indicated on the Development Control Plan map.
- (c) The only forms of residential development which the Council will permit on sites with the Density Designations of Residential A1 and Residential A are :

- o a detached dwelling
- o relatives' accommodation
- o bed and breakfast accommodation
- o special residential use

In determining whether to permit the establishment of a special residential use on a site with a Density Designation of Residential A1 or Residential A, Council will have regard to the following matters, amongst other things :

- (i) the nature of the special residential use which shall be such that the use is capable of existing in harmony with the normal activities associated with the use of a detached dwelling and such that the use is indiscernible from the use of a detached dwelling;
  - (ii) the likely impacts upon adjoining or adjacent uses arising from the built form and development intensity of the special residential use;
  - (iii) the suitability of the site in terms of:
    - o satisfying the requirement for a minimum site area for a special residential use;
    - o topography, shape and utility;
  - (iv) the capacity of existing services (water, sewerage, drainage, road network) to accept the development together with the potential for augmentation;
  - (v) the effects the development may have upon existing residential amenity (eg. streetscape, compatible built form, privacy, breezes, views and the like);
  - (vi) the nature and volume of traffic likely to be generated by the development and the effects the nature and volume of traffic may have upon existing residential amenity;
  - (vii) whether a need exists for the development in the location having regard for the suitability of the site and the availability of suitable land elsewhere.
- (d) Council will favourably consider applications for residential development in the form of:
- o applications for the subdivision of land;
  - o applications for town planning consent;
  - o applications for amendment of the Planning Scheme (rezoning of land);
  - o combined applications;

which are in accordance with the Density Designations indicated on the Development Control Plan map and which satisfy the other provisions of this Development Control Plan and the relevant provisions of the other components of the Planning Scheme.



While this Development Control Plan establishes six Density Designations and specifies a maximum site population density for each Density Designation, the maximum site population may not be achieved as any proposed residential development must satisfy other provisions of the Planning Scheme which relate to issues such as :

- o site coverage
- o plotratio
- o setbacks
- o height of buildings
- o provision of landscaping
- o provision of carparking

## 4.2 Objective 2

To ensure that an appropriate separation of residential densities is maintained so as to achieve direct benefits to residents in terms of:

- . standards of development;
- . residential amenity;
- . community confidence and well-being.

### 4.2.1 Implementation Criteria

- (a) To achieve residential development to the site population density specified for each of the six Density Designations, the minimum site area shall be :-

6 persons per hectare (Residential A1) - - 5000 square metres

60 persons per hectare (Residential A) - - 600 square metres

100 persons per hectare (Residential B) - - 800 square metres

200 persons per hectare (Residential C) - - 800 square metres

400 persons per hectare (Residential D) - - 1,000 square metres

800 persons per hectare (Residential E) - - 1,500 square metres

- (b) Notwithstanding the minimum allotment area specified in (a) for residential development within the Residential A1 designation :

- i. **A** detached dwelling may be erected on an allotment with an area less than 5000m<sup>2</sup> where :

- the allotment is a vacant allotment in an existing subdivision;
  - the erection of the detached dwelling is to replace a dwelling which is demolished or is destroyed by fire, natural disaster or force majeure.
- ii. Relatives' accommodation may be included within a detached dwelling on an allotment with an area less than 5000m<sup>2</sup>.
- iii. The Council may permit the establishment of bed and breakfast accommodation within a detached dwelling on an allotment with an area less than 5000m<sup>2</sup>.
- (c) Notwithstanding the minimum allotment area specified in (a) for residential development within the Residential A, B, C, D and E Density Designations :
- i. A detached dwelling may be erected on an allotment with an area less than 600m<sup>2</sup> where :
- the allotment is a vacant allotment in ~~an~~ existing subdivision;
  - the erection of the detached dwelling is to replace a dwelling which is demolished or is destroyed by fire, natural disaster or force majeure.
- ii. Relatives' accommodation may be included within a detached dwelling on an allotment with an area less than 600m<sup>2</sup>.
- iii. The Council may permit the establishment of bed and breakfast accommodation within a detached dwelling on an allotment with an area less than 600m<sup>2</sup>.
- iv. The Council may permit the erection of a detached dwelling on an allotment with an area less than 600m<sup>2</sup>:
- to facilitate a Green Street development
  - to facilitate dual occupancy development
- (d) The minimum site areas set out in (a) above are required to achieve residential development at the respective site population densities. The Planning Scheme Provisions specify minimum site areas for particular forms of residential development. To determine whether a particular form of residential development can potentially be established on a particular site suitable for residential development cognisance should be taken of the requirements as outlined in this Development Control Plan in association with all other relevant provisions established in the Planning Scheme Provisions and other relevant Development Control Plans.

- (e) Council recognises that incongruities between building types, and densities may occur within a single Density Designation as development/redevelopment occur. To minimise the extent or severity of adverse impacts arising from such circumstances, Council may require special design features within a development. In considering development proposals in such circumstances, Council shall have regard to the following matters :-
- the suitability of the site in terms of its topography, size, shape and utility;
  - the nature of adjoining uses, particularly with respect to the long term use or continuance of use;
  - the maintenance of privacy from overlooking or visual access from the proposed development to internal and external spaces within the adjoining use;
  - the maintenance of noise levels to standards acceptable in the context of the existing land uses, by the careful siting and design of noise sources within a residential development and by the design of the development to take account of external noise sources such as vehicular traffic and aircraft,
  - the avoidance of intrusion from night lighting by using directional or other special lighting treatments, careful siting of lighting standards, and restricting lighting to levels generally suitable in the context of the setting;
  - the existing traffic environment and the capacity to accept increased or different flows, the effects upon adjoining uses of carparking, access points and service vehicle activity; and
  - any other matter relevant to the situation and use of the surrounding land, and the nature of the proposed development.

### **4.3 Objective 3**

To establish a residential density gradient with densities reducing with distance from key activity areas so that :

- . optimal levels of convenience to services and facilities may be attained;
- . opportunities for urban consolidation may be achieved;
- . the costs of provision and maintenance of infrastructure may be more efficiently apportioned;
- . environmental constraints are acknowledged.

#### **4.3.1 Implementation Criteria**

- (a) The Development Control Plan promotes higher residential densities in the vicinity of activity centres such as the Central Business District, sub-regional shopping centres, district shopping centres, arterial roads and major employment centres. Council will encourage residential development up to the Density Designation indicated on the Development Control Plan map provided the other provisions of the Development Control Plan and the relevant provisions of the other components of the Planning Scheme are satisfied.
- (b) Council will not approve applications for residential development which propose a site population density higher than that indicated on the Development Control Plan map for a particular site.

#### **4.4 Objective 4**

To provide opportunities for the development of a broad range of housing and tourist accommodation so as to satisfy the housing needs of the residents of the City and the accommodation needs of visitors to the City.

##### **4.4.1 Implementation Criteria**

- (a) A wide range of housing types is supported by this Development Control Plan and there is the potential for housing trends to continue to evolve. In order to provide adequate guidance in the event of further change to housing types, the definitions relied upon are intentionally broad. The Council will maintain a flexible approach to the assessment of such proposals.
- (b) In assessing proposals for alternative housing types, Council will favourably consider those proposals which observe the aim and objectives of this Development Control Plan, particularly with respect to population density, amenity, and impact upon adjoining uses.
- (c) When assessing applications for residential development Council will have regard to the level of need for particular housing types resulting from emerging demographic trends. Proposals which best respond to contemporary housing needs will be preferred.
- (d) Council may permit dual occupancy developments in accordance with the requirements of the Planning Scheme Provisions within the area delineated on the Development Control Plan map.

## **4.5 Objective 5**

To ensure that residential development has regard to the provision of physical infrastructure, and social infrastructure.

### **4.5.1 Implementation Criteria**

- (a) Council may approve applications for residential development (subdivision, town planning consent, rezoning or combined applications) only when :
  - water supply, sewerage and stormwater drainage services are constructed with sufficient capacity to serve the land and/or form of development the subject of the application;
  - and/or
  - a contribution/s is made for the upgrading of the service or services.
- (b) Council is prepared to consider the use of engineered or technological solutions where it can be established that the operation and maintenance of such solutions will not place an unnecessary or unreasonable load upon the community's resources.
- (c) Council may require the provision of community facilities and/or social services or a contribution towards the provision of community facilities and/or social services as a condition of approval of any residential development.

## **5. SPECIAL PROVISIONS**

### **5.1 Special Development Site**

Notwithstanding any provisions of this Development Control Plan to the contrary, the site which is indicated as a Special Development Site on the Development Control Plan map and which is described as Lot 551 on Registered Plan 724042, Parish of Cairns and is situated at 30-60 Kingsford Street, Moorooloolool may be developed with accommodation units to a maximum site population density of 155 persons per hectare in accordance with specific requirements of Council.

### **5.2 Noise Attenuation**

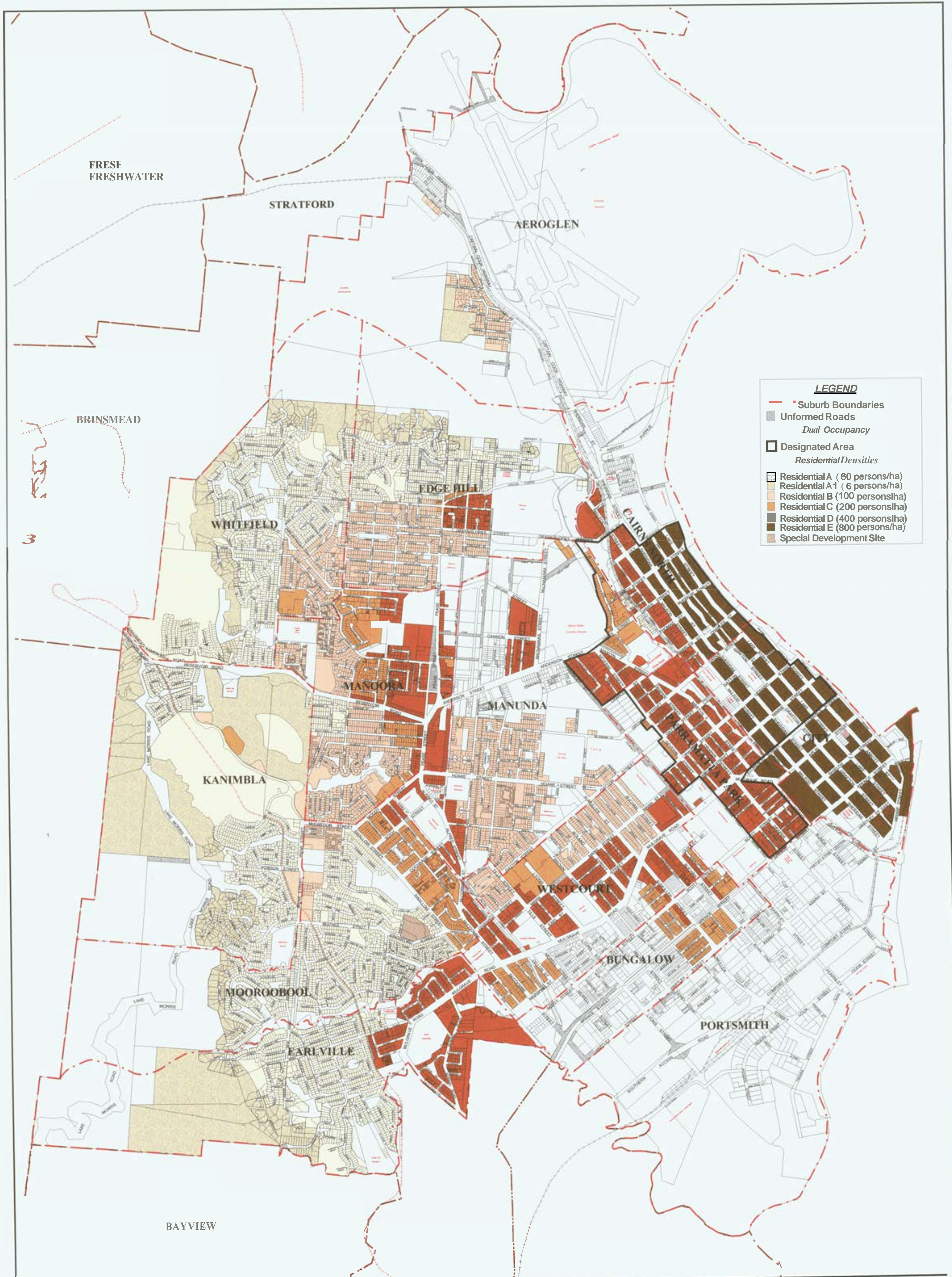
All proposals for residential development, except a proposal for the construction of a detached dwelling on an individual allotment, on sites which are :

- ◊ located between the 20 and 40 Australian Noise Exposure Forecast Contours
- ◊ located with frontage to or adjacent to arterial, sub-arterial or State controlled roads

shall be accompanied by a report prepared by a qualified acoustics engineer.

This report is to identify sound control measures that shall form part of the approved building plan and shall be incorporated in the building to alleviate exposure to aircraft noise and/or traffic noise to the satisfaction of Council. The report shall have regard to Australian Standards Code AS 2021 as revised.





**LEGEND**

- Suburb Boundaries
- Unformed Roads
- Dual Occupancy*
- Designated Area
- Residential Densities*
- Residential A (60 persons/ha)
- Residential A1 (6 persons/ha)
- Residential B (100 persons/ha)
- Residential C (200 persons/ha)
- Residential D (400 persons/ha)
- Residential E (800 persons/ha)
- Special Development Site

Note: - Digital Cadastral data Base Data is subject to copyright, Queensland (Department of Lands) 1992. This map is a product of CitySystems Council's Land Information

**DO NOT SCALE**

P.O. Box 359 Cairns, Qld  
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Part of City of CAIRNS  
Development Control Plan 1 - Residential Densities

400 200 0 400 800 1,200 1,600  
Scale: 1 : 20,000

Author: NFB | Date: December, 1996



**DCP1\_R**  
Sheet 1 of 1  
Revision  
DCP1/1 12/01/19



(00008)

## **DEVELOPMENT CONTROL PLAN 2**

### **HEIGHT AND IMPACT OF BUILDINGS**

This Development Control Plan applies to the area shown on the Development Control Plan map marked Development Control Plan 2 Height and Impact of Buildings and to any other areas included by way of amendment. This Plan should be read in conjunction with the Planning Scheme for part of the City of Cairns and is supplementary to that Scheme.

Nothing in this Development Control Plan should be construed to confer any rights to use land for any purpose. Such rights remain vested in the provisions of the Zoning Maps and the Planning Scheme Provisions for part of the City of Cairns.

The Development Control Plan includes the map described as Development Control Plan 2 Height and Impact of Buildings and is divided into the following :

1. ***Aim***
2. Definitions
3. Objectives
4. Implementation

### **PLANNING STUDY**

The Planning Study provides supporting information which is contained in that document marked Development Control Plan 2 - Planning Study, copies of the Study signed for identification by the Clerk of the Executive Council are held at the *office* of the Director of Housing, Local Government and Planning and at the office of the Cairns City Council. The Planning Study can be found in Part B of the Planning Scheme.

**December 1996**



## **DEVELOPMENT CONTROL PLAN 2**

### **HEIGHT & IMPACT OF BUILDINGS**

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## 1. AIM

It is the broad aim of this Development Control Plan to provide measures of control concerning the height and impact of all buildings. Control measures apply to all areas shown on the Map and the Development Control Plan provides varying controls which encourage appropriate and desirable forms of development for identified precincts throughout this area.

## 2. DEFINITIONS

For the purposes of this Development Control Plan the following definitions apply:-

### **Community Facility**

Community Facilities are facilities which Council in its absolute discretion determines will enhance the social structure of the City; have broad applicability to the various socioeconomic groups in the region; and will be of lasting benefit to the wider community.

### **Deep Planting**

Deep Planting is the planting of large shrubs and trees within natural ground.

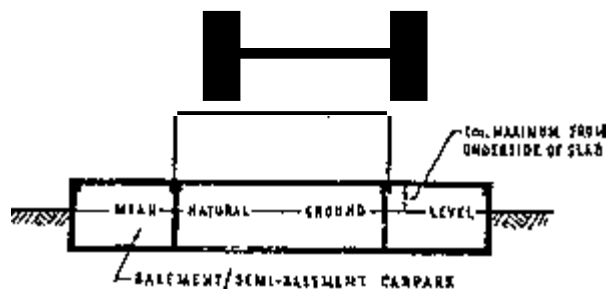
### **Dense Planting**

Dense Planting is the massed planting of shrubs and trees to provide privacy, screening and a landscaped buffer.

### **Gross Floor Area**

The sum of the areas (inclusive of all walls, columns, balconies, stairwells, toilets and other ancillary and service facilities, whether roofed or not) of all storeys of a building or buildings, excluding:-

- (a) the areas (inclusive of all walls and columns) at any topmost storey 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 natural ground level at any location measured from the underside of the slab, which forms the roof to the basement/semi-basement carpark area, to mean natural ground level. Should the ground level of a site be or be proposed to be substantially changed from its natural state, then the City Planner 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.

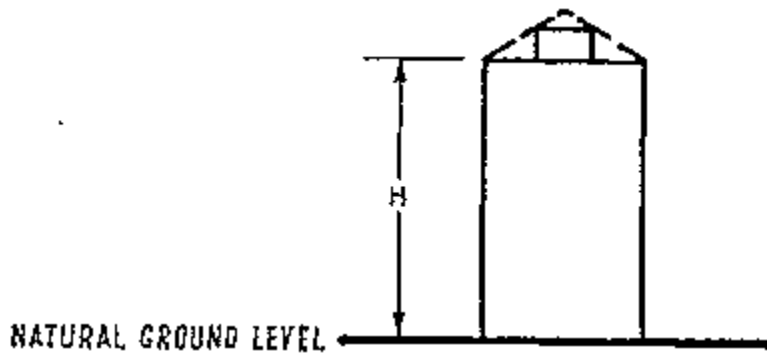


- (d) ground level parking and parking areas within the envelope of the building and associated vehicular access areas; multi-level parking areas outside the building envelope shall not be excluded.

### **Height**

The distance in metres measured from the mean natural ground level to the underside of the ceiling of the topmost level.

- (i) The Council at its discretion may exclude features it considers ancillary to the function of the building from the calculation of height, however the Council, whilst encouraging varied and interesting roof design and concealed lift towers, does not favour excessively tall parapets or roof features such as spires, domes, flag poles and the like.
- (ii)
  - (a) For buildings with a height of 15 metres or more, features ancillary to the function of a building shall not exceed 5 metres in height unless otherwise approved by Council.
  - (b) For buildings with a height less than 15 metres, features ancillary to the function of the building shall not exceed 3.5 metres in height.



### **Identified Historical Building**

A building nominated by the Council by resolution which is considered to represent the history or architectural history of the City and which *in* the opinion of Council warrants retention or a building entered in the Heritage Register pursuant to the provisions of the Queensland Heritage Act.

### **Landscaping**

Landscaping is the treatment of the areas surrounding a building for the purpose of enhancing and/or protecting the amenity of the site containing the building as well as the amenity of adjoining properties and the streetscape.

Landscaping includes any combination of the following:-

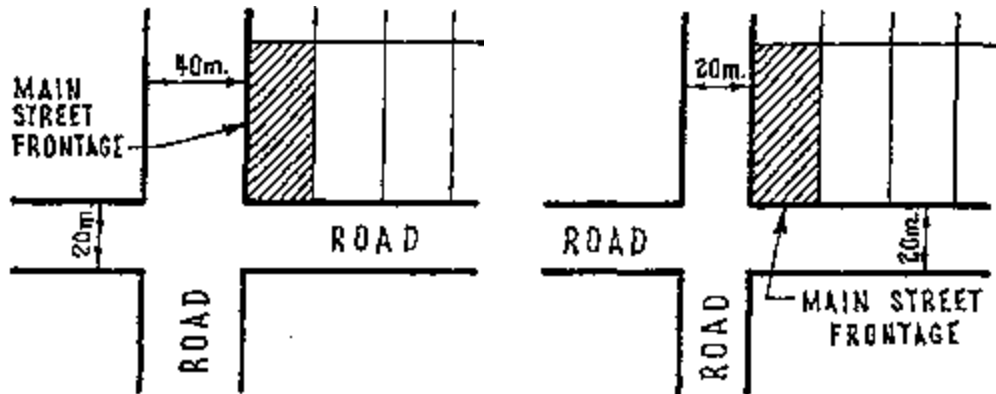
- a) planting of trees, hedges, shrubs and lawn;
- b) laying out of gardens;
- c) paving of pathways or courtyards;
- d) water features.

**Main Street Frontage**

The Main Street Frontage is the frontage to the widest road, or where both roads are the same width, the road frontage of the least length.

However, in the case where the site is irregular in shape, the *frontage* of the narrower leg of the site shall be deemed not to be the Main Street Frontage unless otherwise approved by Council.

In the situation of a site with frontage to the Esplanade, the Esplanade shall be deemed to be the Main Street Frontage.



**Minimum Allotment Area**

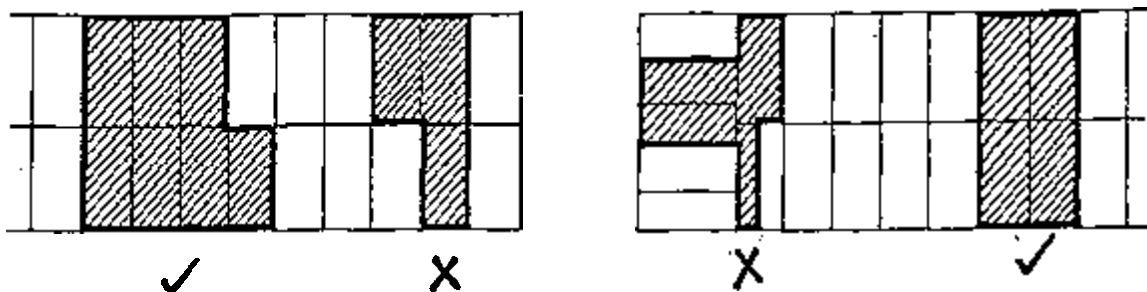
The smallest site area upon which a tall building may be permitted.

**Plot Ratio**

Plot Ratio means the ratio between the gross floor area of a building and the area of the site upon which the building is located.

**Regularly Shaped Allotment**

Regularly Shaped Allotment means an allotment which is principally square or rectangular in configuration and which may be comprised of one or more parcels of land the subject of a development application.



### **Site Coverage**

The largest area of a site occupied by a building/s at any level projected on to a horizontal plane and expressed as a percentage of total site area.

In the calculation of site coverage, the area occupied by the building/s shall be calculated by measuring along the external perimeter of the building/ including all passageways, staircases and the like. Unenclosed private verandahs, balconies or patios accessible only from one accommodation units, hotel room, motel room or the like shall be excluded from the calculation provided the depth of the verandah, balcony or patio measured from its back wall exceeds 1.25 metres but does not exceed 2.75 metres.

In all zones, the 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 (garages, carports, pergolas and the like).

For developments where several buildings of different storeys *are* proposed to be erected on the one site, the applicable site coverage for the entire development will be based on the particular site coverage requirements for the tallest building.

### **Social Services**

Social Services are services which Council in its absolute discretion determines : will improve the social infrastructure of the City; have broad applicability to the various socio-economic groups in the region; and will be of lasting benefit to the wider community.

### **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.

### **Tall Building**

A Tall Building is defined as any building or structure having a height in excess of eleven (11) metres.

### **The Esplanade**

For the purposes of *this* Development Control Plan, the Esplanade means the road immediately fronting Trinity Bay and its adjoining parkland from the intersection with Spence Street to the intersection with Lily Street, including that length of Abbott Street from the intersection of Kerwin Street to the intersection of Upward Street.

### 3. OBJECTIVES

- To retain the existing low rise character of the residential suburbs of Cairns.
- To contain the development of tall buildings within the areas most suitable for this form of development.
- To encourage the highest intensity of development within the core area of the Central Business District.
- To provide a transition of building forms and activity from the Central Business District and other commercial nodes to the suburbs.
- To maintain and enhance the tropical landscape of Cairns.
- To protect and enhance the image of the Central Business District,
- To encourage the retention of historical buildings.
- To encourage complementary architectural styles in appropriate areas and the development of a vernacular architecture.
- To provide for the establishment of clearly recognisable district commercial nodes.

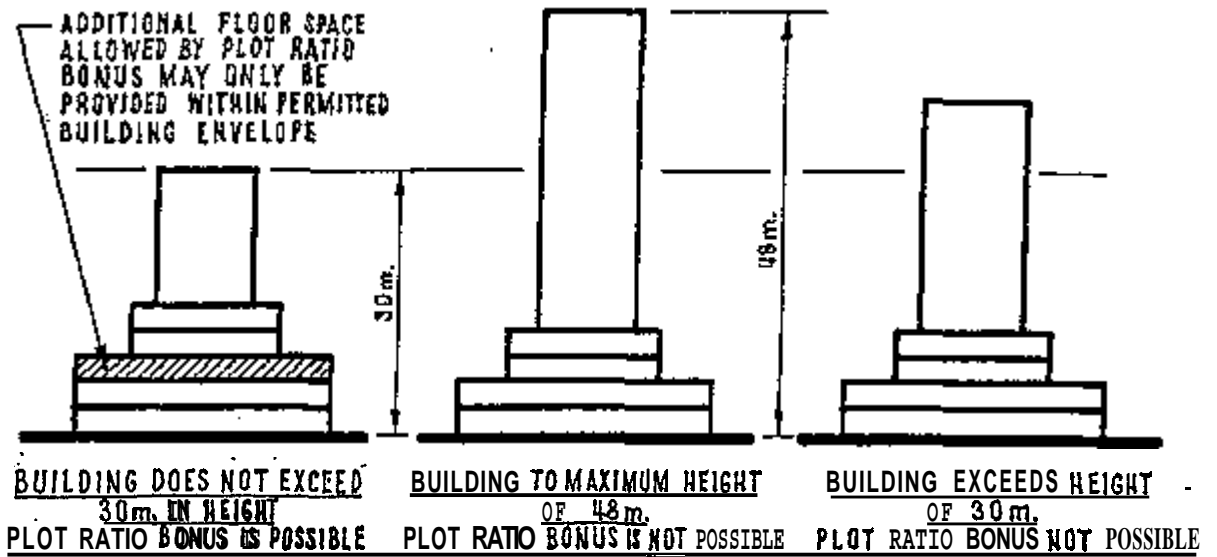
### 4. IMPLEMENTATION

For the purposes of this Development Control Plan, the plan area has been categorised into eight specific precincts, the boundaries of which are displayed on the Development Control Plan map.

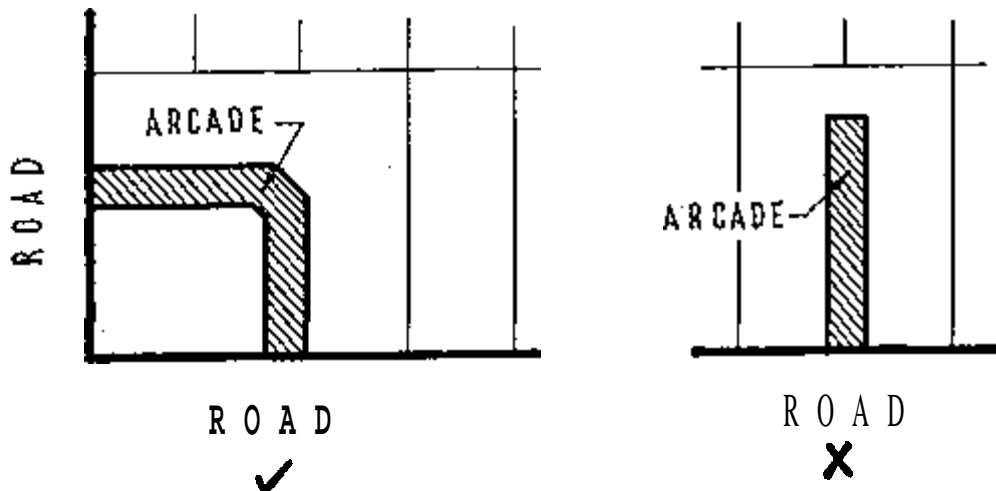
Implementation provisions have been established for each of the eight precincts. The development of any building or structure shall comply with the development provisions of the applicable precinct.

#### 4.1 Precinct 1

- (A) Minimum Site Area - none specified.
- (B) Shape of Site - none specified.
- (C) Site Coverage - The site coverage of a particular level of a building shall not exceed the maximum site coverage for that level as specified below:
- |       |   |      |
|-------|---|------|
| (i)   | Levels up to a height of 11 metres  | 100% |
| (ii)  | Levels between a height of 11 metres and a height of 18 metres  | 50%  |
| (iii) | Levels above a height of 18 metres  | 30%  |
| (iv)  | Council may relax the site coverage requirements specified above to facilitate the construction of a multi-storey carparking station. |      |
- (D) Plot Ratio - The base plot ratio for all buildings shall be 4:1. Council may, at its absolute discretion, permit a higher plot ratio in some circumstances. These circumstances are as follows:-
- (i) Where a tall building is proposed and the maximum height of the building does not exceed 30 metres, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council but shall not exceed the ratio of 1:1.



- (ii) Where an identified historical building is to be retained and renovated, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.
- (iii) Where an arcade which links two different streets or pedestrian/park areas or links a street to a pedestrian/park area is provided, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.



- (iv) Where footpath widenings are dedicated to the Council as road reserve or are legally secured to the Council's satisfaction, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.
- (v) Where a landscaped public courtyard is provided within a development, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.

- (vi) Where community facilities and/or social services are proposed in association with a development, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council. In assessing the desirability of granting an increase in floor space for a community facility and/or social service, the Council shall consider :-
- o the financial objectives of the organisation or company which will operate the facility/service;
  - o the nature of the facility/service;
  - o the mechanisms available to Council to ensure that the facility/service will continue to operate in a form acceptable to Council.

Council may impose a condition/s on the approval of the development to ensure the facility/service has lasting benefit to the wider community.

- (vii) In order to facilitate the construction of a multi-storey carparking station.

Any increase in plot ratio shall not exceed 2:1 so that the absolute maximum plot ratio shall not exceed 6:1, except in the case of the construction of a multi-storey carparking station.

- (E) Height - The overall height, measured to the uppermost projection of any building or structure, shall not exceed the height permitted by the Obstacle Limitation Surface for the Cairns International Airport; provided that, if the Obstacle Limitation Surface permits a height, as defined by this Planning Scheme, greater than 48 metres, then the height of any building or structure shall not exceed 48 metres.

(F) Setbacks

- (i) For all buildings, the setback of those levels up to a height of 11 metres from the road alignment/alignments of the site shall be zero unless otherwise approved by Council.
- (ii) In the case where a development includes a site cover up to 50% for those levels between a height of 11 metres and a height of 18 metres :
- (a) The setbacks for the levels between a height of 11 metres and a height of 18 metres shall be :
- o a minimum of 6 metres from the main street frontage.
  - o a minimum of 4 metres from other street frontage/s.
  - o a minimum of 2 metres from the side and rear boundaries.
- (b) Setbacks for the levels above a height of 18 metres shall be
- o a minimum of one half of the height of all levels above a height of 11 metres, from the main street frontage.
  - o a minimum of one third of the height of all levels above a height of 11 metres, from other street frontage/s.
  - o a minimum of one quarter of the height of all levels above a height of 11 metres, from the side and rear boundaries.

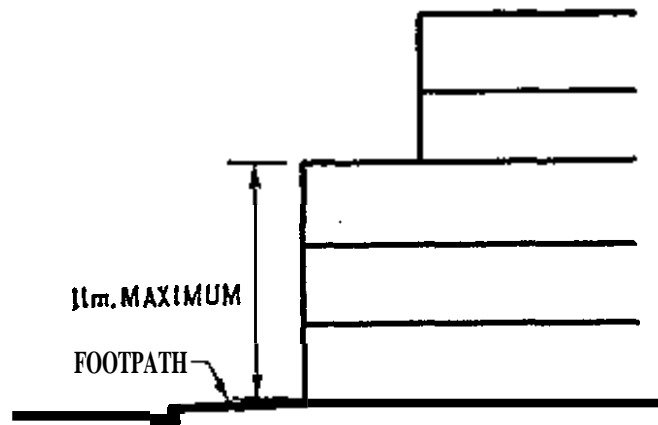


(iii) In the case where a development includes a site cover up to 30% for all levels above a height of 11 metres, the setbacks for these levels shall be :

- a minimum of one half of the height of all levels above a height of 11 metres, from the main street frontage.
- a minimum of one third of the height of all levels above a height of 11 metres, from other street frontage/s.
- a minimum of one quarter of the height of all levels above a height of 11 metres, from the side and rear boundaries.

(iv) . Council may relax the setback requirements specified above to facilitate the construction of a multi-storey carparking station.

(G) Podium - In *the* case where *the* podium of a tall building may cover 100% of a site, the podium shall not exceed 11 metres in height. The height of the podium shall be measured from the existing mean footpath level at the boundary of the site.



Council may allow the podium to be a greater height where the circumstances of the case so warrant. The consideration of such circumstances shall be restricted to :-

- (i) where the podium height so determined assists in maintaining or enhancing the particular cityscape or heritage characteristics of that development or other adjoining development in the vicinity;
- (ii) where it is desirable to match the heights of adjoining buildings.

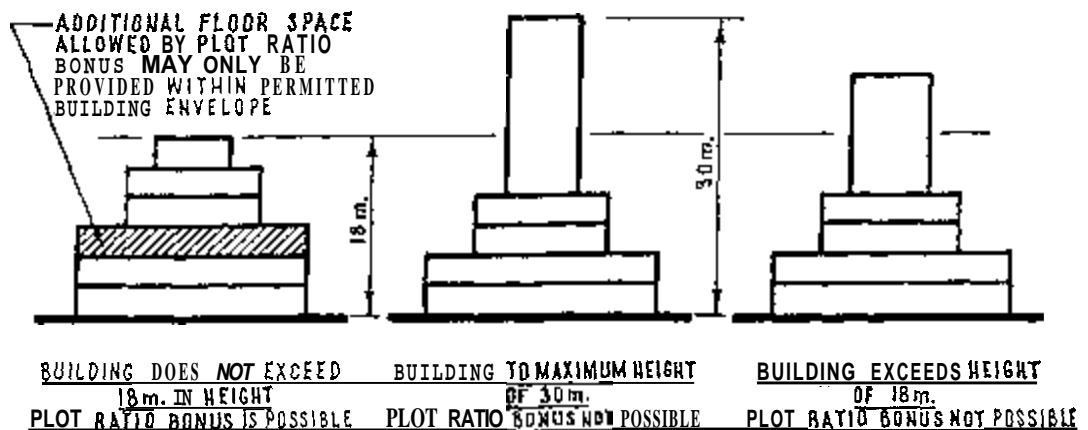
(H) Landscaping

- (i) Council may require the retention or relocation of vegetation *determined* by Council to be significant and may impose conditions on any approval to secure such retention or relocation of the significant vegetation.
- (ii) Council may vary the requirements of C and/or F above in order to facilitate the retention of significant vegetation.
- (iii) Council shall require the provision of or contribution towards the landscaping of streets and other public areas. The location and standard of construction shall be in accordance the CBD Landscape Master Plan adopted by the Council or as otherwise determined by Council from time to time.

- (I) **City Image** - Development proposals within this precinct shall be designed to respond to the image, streetscape, building alignment, orientation, scale and amenity of the Central Business District and shall also be designed to complement the tropical character and climate of the City as required by the Council.
- (J) **Noise Attenuation** - Residential development proposals in those parts of this precinct which are located between the 20 and 40 Australian Noise Exposure Forecast Contours, as revised *from* time to time, shall be accompanied by a report prepared by a qualified acoustics engineer. This report is to identify sound control measures that shall form part of the approved building plan and shall be incorporated in the building to alleviate aircraft noise exposure. The report shall have regard to Australian Standards Code AS2021 as revised.
- (K) Any development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

**4.2 Precinct Two**

- (A) **Minimum Site Area** - for a tall building shall be 1500m<sup>2</sup>.
- (B) **Shape of Site** - none specified.
- (C) **Site Coverage** - The site coverage of a particular level of a building shall not exceed the maximum site coverage for that level as specified below:
  - (i) Levels up to a height of 11 metres 100%
  - (ii) Levels between a height of 11 metres and a height of 18 metres 50%
  - (iii) Levels above a height of 18 metres 30%
  - (iv) Council may relax the site coverage requirements specified above to facilitate the construction of a multi-storey carparking station.
- (D) **Plot Ratio** - The base plot ratio for all buildings shall be 2:1. Council may, at its absolute discretion, permit a higher plot ratio in some circumstances. These circumstances *are* as follows:-
  - (i) Where a tall building is proposed on a site capable of accommodating a tall building and the maximum height of the building does not exceed 18 metres, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council but shall not exceed the ratio of 1:1.



- (ii) Where an identified historical building is to be retained and renovated, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.
- (iii) Where an arcade which links two different streets or pedestrian/park areas or links a street to a pedestrian/park area is provided, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.
- (iv) Where footpath widenings are dedicated to the Council as road reserve or are legally secured to the Council's satisfaction, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.
- (v) Where a landscaped public courtyard is provided within a development, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.
- (vi) Where community facilities and/or social services are proposed in association with a development, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council. In assessing the desirability of granting an increase in floor space for a community facility and/or social service, the Council shall consider :-
  - o the financial objectives of the organisation or company which will operate the facility/service;
  - o the nature of the facility/service;
  - o the mechanisms available to Council to ensure that the facility/service will continue to operate in a form acceptable to Council.

Council may impose a condition/s on the approval of the development to ensure the facility/service has lasting benefit to the wider community.
- (vii) In order to facilitate the construction of a multi-storey carparking station.

Any increase in plot ratio shall not exceed 2:1 so that the absolute maximum plot ratio shall not exceed 4:1, except in the case of the construction of a multi-storey carparking station.

(E) Height - shall not exceed 30 metres.

(F) Setbacks

- (i) For all buildings, the setback of those levels up to a height of 11 metres from the road alignment/alignments of the site shall be zero unless otherwise approved by Council.
- (ii) In the case where a development includes a site cover up to 50% for those levels between a height of 11 metres and a height of 18 metres :
  - (a) The setbacks for the levels between a height of 11 metres and a height of 18 metres shall be :

- o a minimum of 6 metres from the main street frontage.
  - o a minimum of 4 metres from other street frontage/s.
  - o a minimum of 2 metres from the side and rear boundaries.
- (b) Setbacks for the levels above a height of 18 metres shall be
  - o a minimum of one half of the height of all levels above a height of 11 metres, from the main street frontage.
  - o a minimum of one third of the height of all levels above a height of 11 metres, from other street frontage/s.
  - o a minimum of one quarter of the height of all levels above a height of 11 metres, from the side and rear boundaries.
- (iii) In the case where a development includes a site cover up to **30%** for all levels above a height of 11 metres, the setbacks for these levels shall be :
  - o a minimum of one half of the height of all levels above a height of 11 metres, from the main street frontage.
  - o a minimum of one third of the height of all levels above a height of 11 metres, from other street frontage/s.
  - o a minimum of one quarter of the height of all levels above a height of 11 metres, from the side and rear boundaries.
- (iv) Council may relax the setback requirements specified above to facilitate the construction of a multi-storey carparking station and the construction of a convention centre.
- (G) Podium - In the case where the podium of a tall building may cover 100% of a site, the podium shall not exceed 11 metres in height. The height of the podium shall be measured from the existing mean footpath level at the boundary of the site.

Council may allow the podium to be a greater height where the circumstances of the case so warrant. The consideration of such circumstances shall be restricted to :

  - (i) where the podium height so determined assists in maintaining or enhancing the particular cityscape or heritage characteristics of that development or other adjoining development in the vicinity;
  - (ii) where it is desirable to match the heights of adjoining buildings.
- (H) Landscaping
  - (i) Council may require the retention or relocation of vegetation determined by Council to be significant and may impose conditions on any approval to secure such retention or relocation of the significant vegetation.
  - (ii) Council may vary the requirements of C and/or F above in order to facilitate the retention of significant vegetation.

- (iii) Council shall require the provision of or contribution towards the landscaping of streets and other public areas. The location and standard of construction shall be in accordance with the CBD Landscape Master Plan adopted by the Council or as otherwise determined by Council from time to time.
- (I) City Image - Development proposals within *this* precinct shall be designed to respond to the image, streetscape, building alignment, orientation, scale and amenity of the Central Business District and shall also be designed to complement the tropical character and climate of the City as required by the Council.
- (J) Noise Attenuation - Residential development proposals in those parts of this precinct which are located between the 20 and 40 Australian Noise Exposure Forecast Contours, as revised from time to time, shall be accompanied by a report prepared by a qualified acoustics engineer. This report is to identify sound control measures that shall form part of the approved building plan and shall be incorporated in the building to alleviate aircraft noise exposure. The report shall have regard to Australian Standards Code AS2021 as revised.
- (K) Any development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and **as** specified in Section 4.9 of this Development Control Plan.
- (L) Notwithstanding the height limit specified in Clause (E) above and the setbacks specified *in* Clause (F) above, a maximum height of 48 metres, subject to any constraint imposed by the Obstacle Limitation Surface for the Cairns International Airport, and reduced setbacks, as set out in an agreement between the Queensland Government and Council, may apply for the site bounded by Abbott Street, Shields Street and the Esplanade described as being R 1242, Parish of Cairns and containing the historical Cairns Court House which shall be retained for heritage purposes if the land is redeveloped for other purposes.

#### 4.3 Precinct Three

- (A) Minimum Site Area - for a tall building shall be 2000m<sup>2</sup>.
- (B) Shape of Site - The site for a tall building shall be regularly shaped unless otherwise approved by Council. Council may exercise a discretion to permit a tall building to be developed on a site other than a regularly shaped allotment provided the predominant part **of** the site is regularly shaped and the design of the overall development is sensitive to surrounding properties and the streetscape.
- (C) Site Coverage - for all buildings within this precinct, the site coverage of a particular level of a building shall not exceed the maximum site coverage for that level as specified below:
  - (i) one storey building 40%
  - (ii) two storey building 35%
  - (iii) buildings in excess of 2 storeys:
    - Levels 1, 2 and 3 35%
    - Levels 4, 5 and 6 25%
- (D) Plot Ratio - shall not exceed 1.75:1.
- (E) Height - shall not exceed 18 metres.

(F) Setbacks - for tall buildings shall be a minimum of:

- (i) one half the height of the building from the main street frontage and a **minimum** of 6 metres;
- (ii) one-third of the height from other street frontage/s and a minimum of 6 metres; and
- (iii) one-quarter of the height from the side and rear boundaries.

For all buildings having frontage to the Esplanade, the setback shall be a **minimum** of 15 metres from the Esplanade.

(G) Landscaping

- (i) All developments fronting Sheridan Street shall provide a 6 metre wide strip of landscaping along the frontage unless otherwise approved by the Council.

- (ii) The landscaped open space area to be developed in conjunction with residential tall building developments shall incorporate the following:

10% of the site area shall be set aside for deep planting. The location of this area shall be to the satisfaction of Council or the City Planner.

6 metres of dense landscaping adjacent to all road boundaries.

3 metres of dense landscaping adjacent to side and rear boundaries.

dense landscaping shall be clear of structures except paths and driveways necessary to obtain access to the site or to provide for the enjoyment of the landscaped area by residents.

- (iii) Council may require the retention or relocation of vegetation determined by Council to be significant and may impose conditions on any approval to secure such retention or relocation of the significant vegetation.
- (iv) Council may vary the requirements of C and/or F above in order to facilitate the retention of significant vegetation.

(H) City Image - Development proposals within this precinct shall be designed to respond to the image, streetscape, building alignment, orientation, scale and amenity of the precinct and shall also be designed to complement the tropical character and climate of the City as required by the Council.

(I) Basement Carparking - a structure containing basement or semi-basement carparking shall be set back a minimum of 3 metres from all street frontages and a **minimum** of 2 metres from side and rear boundaries.

- (J) Noise Attenuation - Residential development proposals in this precinct shall be accompanied by a report prepared by a qualified acoustics engineer. This report is to identify sound control measures that shall form part of the approved building plan and shall be incorporated in the building to alleviate aircraft noise exposure. The report shall have regard to Australian Standards Code **AS2021** as revised.
- (K) Any development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

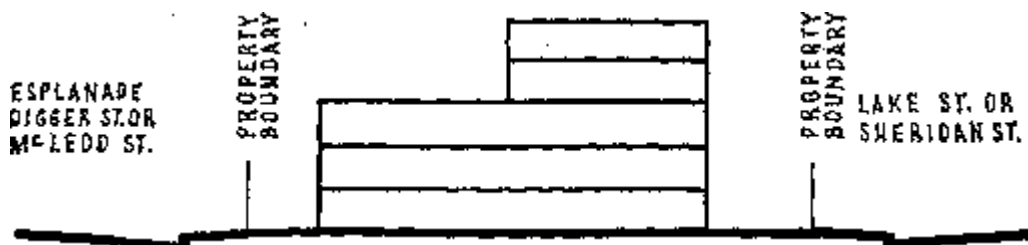
4.4 **Precinct Four**

- (A) Minimum Site Area - for a tall building shall be 3000m<sup>2</sup>.
- (B) Shape of Site - The site for a tall building shall be regularly shaped unless otherwise approved by Council. Council may exercise a discretion to permit a tall building to be developed on a site other than a regularly shaped allotment provided the predominant part of the site is regularly shaped and the design of the overall development is sensitive to surrounding properties and the streetscape.
- (C) Site Coverage - for accommodation units and all tall buildings within this precinct shall not exceed:

(i)	one storey building	40%
(ii)	two storey building	35%
(iii)	<b>buildings</b> in excess of 2 storeys:	
	Levels 1, 2 and 3	35%
	Levels 4 and 5	25%

In the case where a mixed use development includes accommodation units, the site coverage of the accommodation component shall comply with the requirements of provisions (i), (ii) and (iii) as outlined above.

- (D) Plot Ratio - shall not exceed 1.5:1.
- (E) Height -
  - (i) Subject to (ii) below, the height shall not exceed 15 metres.
  - (ii) Notwithstanding (i) above, a building shall not exceed 10 metres in height unless it is proposed to be developed on a regularly shaped allotment approved by Council that has frontage to either Sheridan Street or Lake Street provided that any part of the building in excess of 10 metres shall be substantially located towards the Lake or Sheridan Street alignment, as applicable.



- (F) Setbacks - for tall buildings shall be a minimum of:
- (i) one half the height of the building from the main street frontage and a minimum of **6** metres;
  - (ii) one-third of the height from other street frontage/s and a minimum of **6** metres; and
  - (iii) one-quarter of the height from the side and rear boundaries.
  - (iv) Where any boundary of land zoned Business, Local Shopping or Commercial abuts land zoned Medium Density Residential the setback for all buildings from the relevant side and rear boundaries shall be one quarter of the height, or 2 metres whichever is the greater and be landscaped to the satisfaction of the City Planner, unless otherwise approved by Council.

For all buildings having frontage to the Esplanade, the setback shall be a minimum of 15 metres from the Esplanade.

(G) Landscaping

- (i) All developments fronting Sheridan Street shall provide a **6** metre wide strip of landscaping along the frontage unless otherwise approved by the Council.
- (ii) The landscaped open space area to be developed in conjunction with residential tall building developments shall incorporate the following:
  - 10% of the site area shall be set aside for deep planting. The location of this area shall be to the satisfaction of Council or the City Planner.
  - 6** metres of dense landscaping adjacent to all road boundaries.
  - 3** metres of dense landscaping adjacent to side and rear boundaries.
  - dense landscaping shall be clear of structures except paths and driveways necessary to obtain access to the site or to provide for the enjoyment of the landscaped area by residents.
- (iii) Council may require the retention or relocation of vegetation determined by Council to be significant and may impose conditions on any approval to secure such retention or relocation of the significant vegetation.
- (iv) Council may vary the requirements of C and/or F above in order to facilitate the retention of significant vegetation.

- (H) City Image - Development proposals within this precinct shall be designed to respond to the image, streetscape, building alignment, orientation, scale and amenity of the precinct and shall also be designed to complement the tropical character and climate of the City as required by the Council.



- (I) Basement Carparking - a structure containing basement or semi-basement carparking shall be set back a minimum of 3 metres from all street frontages and a minimum of 2 metres from side and rear boundaries.
- (J) Noise Attenuation - Residential development proposals in this precinct shall be accompanied by a report prepared by a qualified acoustics engineer. This report is to identify sound control measures that shall form **part** of the approved building plan and shall be incorporated in the building to alleviate aircraft noise exposure. The report shall have regard to Australian Standards Code AS2021 as revised.
- (K) **Any** development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

#### 45 Precinct Five

- (A) Site Coverage - Site Coverage for accommodation units shall not exceed:
  - a) one storey building 40%
  - b) two or three storey building 35%
- (B) Plot Ratio  
Plot ratio shall not exceed :
  - (i) for accommodation units 1.0: 1; and
  - (ii) for non-residential or composite building proposals 1.5:1.
- (C) Height - The height of any building or structure shall not exceed 10 metres. Council may permit a building to exceed 10 metres if it is satisfied that increase in height provides a visually interesting roof line.
- (D) Setbacks  
Where any boundary of land zoned Business, Local Shopping or Commercial abuts land zoned Residential or Medium Density Residential, the setbacks for all buildings from the relevant side and rear boundaries shall be one quarter of the height, or 2 metres whichever is the greater unless otherwise approved by Council. Such setback areas shall be landscaped to the satisfaction of the City Planner.
- (E) Landscaping  
All developments fronting Sheridan Street shall provide a 6 metre wide strip of landscaping along the frontage unless otherwise approved by Council.
- (F) City Image - The design of all buildings within this precinct shall complement the tropical character and climate of Cairns. In particular, dwellings and accommodation units proposed to be developed in Parramatta Park and North Cairns shall incorporate the vernacular architectural characteristics of those suburbs, unless otherwise approved by the Council.

- (G) Basement Carparking
- (i) Subject to (ii) below a structure containing basement or semi-basement carparking shall be set back a minimum of 3 metres from all street frontages and a minimum of 2 metres from side and rear boundaries.
  - (ii) On land zoned Business, Local Shopping, Commercial, Light Industry or General Industry a structure containing basement or semi-basement carparking may have a zero setback from side and rear boundaries excepting where any boundary of the land abuts land zoned Residential or Medium Density Residential, in which case a 2 metre setback requirement shall apply.
- (H) Noise Attenuation - Residential development proposals in those parts of this precinct which are located between the 20 and 40 Australian Noise Exposure Forecast Contours shall be accompanied by a report prepared by a qualified acoustics engineer. This report is to identify sound control measures that shall form part of the approved building plan and shall be incorporated in the building to alleviate aircraft noise exposure. The report shall have regard to Australian Standards Code AS2021 as revised.
- (I) **Any** development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

#### 4.6 Precinct Six

- (A) Site Coverage - Site Coverage for accommodation units shall not exceed:
- |    |                     |     |
|----|---------------------|-----|
| a) | one storey building | 40% |
| b) | two storey building | 35% |
- (B) Plot Ratio
- Plot ratio shall not exceed :
- (i) for accommodation units 0.7:1; and
  - (ii) for non-residential or composite building proposals 1.5:1.
- (C) Height - The height of any building or structure shall not exceed 7.5 metres. Council may permit a building to exceed 7.5 metres if it is satisfied that an increase in height provides a visually interesting roof line.
- (D) Setbacks
- Where any boundary of land zoned Business, Local Shopping or Commercial abuts land zoned Residential or Medium Density Residential, the setbacks for all buildings from the relevant side and rear boundaries shall be one quarter of the height, or 2 metres whichever is the greater unless otherwise approved by Council. Such setback areas shall be landscaped to the satisfaction of the City Planner.

(E) Landscaping

All developments fronting Sheridan Street shall provide a 6 metre wide strip of landscaping along the frontage unless otherwise approved by Council.

(F) City Image - The design of all buildings within this precinct shall complement the tropical character and climate of Cairns or as otherwise approved by Council. In particular, dwellings and accommodation units proposed to be developed in Edge Hill and Aeroglen shall incorporate the vernacular architectural characteristics of those suburbs, unless otherwise approved by the Council.

(G) Basement Carparking

(i) Subject to (ii) below a structure containing basement or semi-basement carparking shall be set back a minimum of 3 metres from all street frontages and a minimum of 2 metres from side and rear boundaries.

(ii) On land zoned Business, Local Shopping, Commercial, Light Industry or General Industry a structure containing basement or semi-basement carparking may have a zero setback from side and rear boundaries excepting where any boundary of the land abuts land zoned Residential or Medium Density Residential, in which case a 2 metre setback requirement shall apply.

(H) Noise Attenuation - Residential development proposals in those parts of this precinct which are located between the 20 and 40 Australian Noise Exposure Forecast contours shall be accompanied by a report prepared by a qualified acoustics engineer. This report is to identify sound control measures that shall form part of the approved building plan and shall be incorporated in the building to alleviate aircraft noise exposure. The report shall have regard to Australian Standards Code AS2021 as revised.

(I) Hillsides - Dwellings and accommodation units proposed on steeply sloping or hillside sites shall comply with the requirements outlined in (C). However, Council may approve a variation to the measurement of the height of a building if it is satisfied that the **amenity** and outlook of neighbouring properties is not adversely affected.

(J) Any development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

#### 4.7 Precinct Seven

(A) Plot Ratio - Plot ratio shall not exceed 1.5:1. In this precinct, those levels of a carpark above ground level shall be included in the calculation of gross floor area.

(B) **Height** - The height of a building or structure within this precinct shall not exceed **15** metres unless otherwise approved by Council. Council may only permit a minor variation to the maximum specified height to allow for the inclusion of architectural features, ornamental features, flagpoles, tent structures and the like.

(C) **Setbacks**

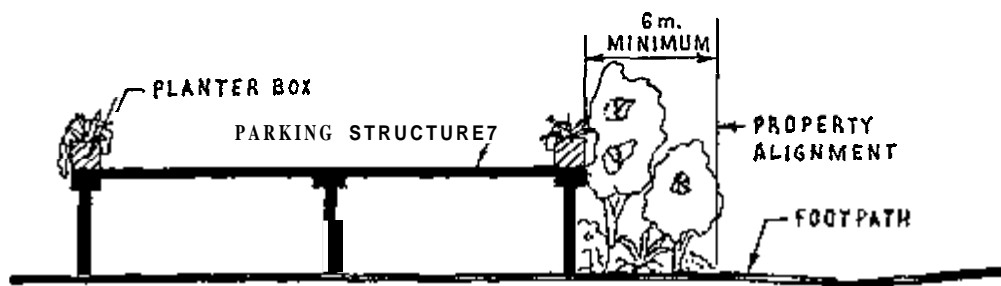
Where any boundary of land zoned Business, Local Shopping or Commercial abuts land zoned Residential or Medium Density Residential, the setbacks for all buildings from the relevant side and rear boundaries shall be one quarter of the height; or 2 metres whichever is the greater unless otherwise approved by Council. Such setback areas shall be landscaped to the satisfaction of the City Planner.

(D) **Basement Carparking**

(i) Subject to (ii) below a structure containing basement or semi-basement carparking shall be set back a minimum of **3** metres from all street frontages and a minimum of 2 metres from side and rear boundaries.

(ii) On land zoned Business, Local Shopping or Commercial, a structure containing basement or semi-basement carparking may have a zero setback from side and rear boundaries excepting where any boundary of the land abuts land zoned Residential or Medium Density Residential, in which case a 2 metre setback requirement shall apply.

(E) **Multi-Level Carparks** - Multi-level carparks shall be set back 6m from each road frontage and the design shall complement the tropical character and climate of Cairns. Council encourages the use of irrigated planter boxes on all edges of the carpark structure and requires the provision of landscaping at ground level of 6m width between the carpark structure and all road alignments.



(F) Any development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

#### 4.8 Precinct Eight

(A) Plot Ratio

Plot ratio shall not exceed 1.5:1.

(B) Height - The height of any building or structure shall not exceed 15 metres unless the Council is satisfied that the greater height is required for an industrial process and/or function. Buildings or structures ancillary to the industrial process or function shall not exceed 15 metres in height.

(C) Any development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

#### 4.9 General Provisions Applicable to All Precincts

The following provisions apply to precincts where appropriate:

(1) Applications for tall buildings shall be accompanied by:

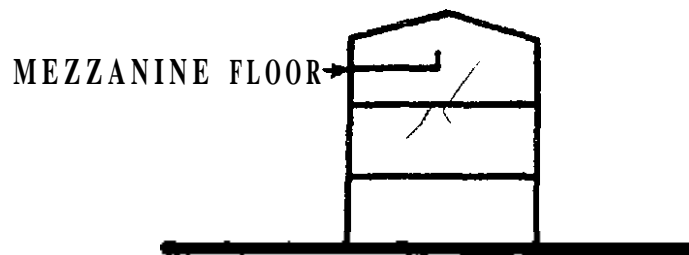
- a) Dimensioned plans drawn at a suitable scale indicating the site layout, typical floor layout, each elevation of the building and a section through the longest axis of the building.
- b) Shadow diagrams which show the shadow cast by the building at 9.00 am, midday, and 4.00 pm on the 21 June, 21 September and 22 December and such a plan shall show ALL affected properties.
- c) A Traffic Study Report prepared by a Registered Professional Engineer. The Council may refuse an application if it is of the opinion that the volume of vehicular traffic generated by the development will be unable to be accommodated in the existing street and traffic system.
- d) A Planning Report prepared by a Town Planner which provides details of the existing environment, the proposed development and the way in which the environment will be modified by the proposed development. The statement shall consider as a minimum, the following criteria: existing land use, terrain, existing and proposed service infrastructure, vehicular and pedestrian traffic generation, proximity to community facilities, aesthetics, effect on the amenity of the immediate area. Upon assessment of such a Report, the Council may decide to require the provision of an Environmental Impact Statement prepared in accordance with the State Government guidelines .
- e) A signed statement certifying that the proposed development has been designed by a Registered Architect.
- f) A certificate from the Cairns Port Authority (or other authority, as the case may be, responsible for flight path determination) certifying that the height of the proposed structure complies with the requirements pertaining to Obstacle Limitation Surface requirements.

- (2) The Council, upon consideration of the Traffic Study Report required by 1(c) above may require as a condition of approval of a consent, rezoning or combined application, a contribution and/or works for the augmentation of the traffic system.
- (3) In all residential developments or developments adjoining residential properties, it is the Council's desire that the orientation of the building should be such that maximum outlook and visual privacy are achieved. Accordingly, the arrangement of units affording a front and rear outlook is encouraged.

The positioning of buildings on an angled axis to the site boundaries may also achieve satisfactory outlook and visual privacy.

Should Council consider that the attainment of a front and rear outlook is impractical, Council shall require the applicant to demonstrate how privacy will be maximised and effect such works as required by the Council to ensure such privacy is maintained.

- (4) Council does not support the use of large expanses of reflective glass as a cladding to the external facades of buildings.
- (5) All buildings having more than three storeys shall provide at least one elevator (lift). Where such an elevator is provided, it shall serve all floors of the building provided that where a storey contains a mezzanine level or one accommodation or commercial unit is of a two storey nature, it shall be sufficient to serve only one of these two levels.



NO LIFT REQUIRED - THREE STOREY BUILDING

- (6) The Council reserves the right to require the redesign of buildings which exhibit excessive blank wall distances without sufficient architectural relief.
- (7) Where more than one building is proposed to be erected on one development site, the spacing between the buildings shall be determined as if each building is sited on separate allotments and the setback provisions of this Development Control Plan shall apply.
- (8) All developments shall comply with the requirements of State and Federal Government Departments and Statutory Authorities as they apply to particular forms of development.
- (9) Tall Building Developments having frontage to the Esplanade, Marlin Parade, those sections of Lake and Shields Streets bounded by Abbott, Aplin, Grafton and Spence Streets, and to Digger Street shall not provide physical vehicle access and setdown areas to those streets unless otherwise approved by the Council.

- (10) Council encourages the use of the services of Registered Architects in the design of development proposals, particularly where the development is to be situated in a visually prominent location or where the development, by virtue of its size, would be enhanced by input from a Registered Architect.

Council reserves the right to require a proposed development to be designed by a Registered Architect or to require the design of a proposed development to be reviewed by a Registered Architect.

- (11) The Council may refuse an application that does not comply with the provisions of this Development Control Plan.

- (12) Notwithstanding any provisions of **this** Development Control Plan to the contrary, the Council may, at its absolute discretion, allow a greater site coverage and a greater plot ratio than those specified to permit expansion and/or redevelopment of the Cairns Base Hospital, the Calvary Hospital, the Cairns Civic Centre, the Bethlehem, Nazareth, Farnorha and Carpentaria Freemasons nursing homes and schools existing at the date of gazettal of this Development Control Plan, provided that the institutional public nature of these facilities is maintained in any expansion or redevelopment.

Any development is to be carried out in accordance with the requirements **of** the General Provisions (where applicable), and as specified in Section **4.9** of this Development Control Plan.









**DEVELOPMENT CONTROL PLAN 3  
CAIRNS CENTRAL SWAMP**



Cairns City Council



## **DEVELOPMENT CONTROL PLAN - 3**

### **CAIRNS CENTRAL SWAMP**

This Development Control Plan applies to the area shown on the Development Control Plan map marked Development Control Plan 3 Cairns Central Swamp and to any other areas included by way of amendment. This Plan should be read in conjunction with the Planning Scheme for part of the City of Cairns and is supplementary to that Scheme.

Nothing in this Development Control Plan should be construed to confer any rights to use land for any purpose. Such rights remain vested in the provisions of the Zoning Maps and the Planning Scheme Provisions for part of the City of Cairns.

The Development Control Plan includes the map described as Development Control Plan 3 Cairns Central Swamp and is divided into the following :

1. Introduction
2. Aim
3. Objectives and Implementation Criteria
4. Precincts

### **PLANNING STUDY**

The Planning Study provides supporting information which is contained in that document marked Development Control Plan 3 - Planning Study, copies of the Study signed for identification by the Clerk of the Executive Council are held at the office of the Director of Housing, Local Government and Planning and at the office of the Cairns City Council. The Planning Study can be found in Part B of the Planning Scheme.



# DEVELOPMENT CONTROL PLAN 3 CAIRNS CENTRAL SWAMP

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## DEVELOPMENT CONTROL PLAN MAP

## **1. INTRODUCTION**

The Plan Area constitutes examples of the original landscape and landform of much of the [former] Cairns City area. It has been the subject of past investigations by local authorities, government agencies and community groups. This level of interest in the final use of the Plan Area, the Plan Area's location within the Cairns City environs, and the changed community perceptions of the value of natural areas, all combine to make the preparation of this Plan of particular importance in the history of land use planning control in the Cairns City Council local authority area.

The document has been prepared by both the Council and the Lands Department. This, in itself, highlights the uniqueness of the Plan and, despite statutory limitations to the level of town planning control applicable to Crown Lands, highlights the level of certainty that should be attributed to the Plan's recommendations.

Supported by an Environmental Study, prepared in association with this Development Control Plan, the Plan indicates the preferred dominant land use activities for the Central Swamp areas. The Plan establishes guidelines for the future management of those parts of the Plan Area of environmental significance. The Plan also provides clear guidelines for the type of development identified as appropriate in those parts of the Plan Area of lesser environmental significance.

## **2. AIM**

The aim of this Development Control Plan is to provide for the management of the future land use of all areas contained within the Plan Area. The management shall facilitate the maintenance and/or enhancement of the biological diversity and ecological integrity of the ecosystems occurring within the Plan Area. The natural areas and associated ecosystems are to be protected through the management of development and other activities which have the potential to impact on the Cairns Central Swamp.

The Aim is based on a number of principals which are as follows :-

- (a) The Cairns Central Swamp has significant conservation value and is representative of the pre-European environment of the area. The protection of the area is important for ecological, social, cultural, aesthetic, scientific and historical reasons;
- (b) To outline an approach to the management and maintenance of the Plan Area which is appropriate to the Plan Area's environmental significance and its proximity to a major urban area;
- (c) Facilitate the maintenance and/or enhancement of the natural environment of the Plan Area while providing for appropriate land use and activities on designated low conservation value areas.

### **3. OBJECTIVES AND IMPLEMENTATION CRITERIA**

#### **3.1 Objective 1**

To protect the ecological, visual and recreational values of the Plan Area.

##### **3.1.1 Implementation Criteria**

- (a) The Council and the Lands Department acknowledge the need to maintain and rehabilitate those parts of the Plan Area designated "Preservation" on the Development Control Plan Map and will pursue the inclusion of those parts of the Plan Area into an appropriate tenure ensuring environmental protection.
- (b) The Council and the Lands Department acknowledge the need for, and support the preparation of, an Environmental Management Plan for the Plan Area and its environs. A programme will be initiated to effect the preparation of this plan.
- (c) The Council and the Lands Department acknowledge the need for, and support the preparation of, a Hydrology and Drainage Plan for the Plan Area and its drainage systems. A programme will be initiated to effect the preparation of this plan.
- (d) The Council and the Lands Department will allow access to those parts of the Plan Area to be set aside for environmental protection, provided such access does not have the potential to adversely affect the environmental values of the Plan Area. Access to and use of the Plan Area will only be supported for activities which are directly associated with the Cairns Central Swamp and are consistent with the objectives of this Plan.
- (e) Where appropriate, the Council will encourage the incorporation of the Plan Area into the existing urban and recreational structure of the Cairns City local authority area, by facilitating linkages to the Centenary Lakes and Botanic Gardens and where practicable, to the Cairns Central Business District, tourist accommodation areas and also to campus' of education.  
  
This will be facilitated by the improvement of circulation corridors, by appropriate landscape and engineering treatment. Contributions for these works may be imposed as conditions of approval of development or lease applications, subject to this Plan.
- (f) The Council and the Lands Department acknowledge the importance of the interface of the Plan Area to the surrounding and adjoining land uses. The Council and the Lands Department may impose appropriate conditions at the time of approval of development applications or lease applications, subject to the provisions of this Plan, to ensure that the importance of the interface is protected.
- (g) Contributions towards the funding of implementation programmes of the plans, the subject of clauses (b) and (c) and/or specific works, may be imposed as conditions of approval of development or lease applications, made subject to this Plan.

- (h) The Council and the Lands Department support the closure of all roads contained within the Plan Area and adjoining road reserves, identified in the Planning Study. In association with the Lands Department, the Council is pursuing the appropriate statutory course of action to facilitate such closures and to incorporate any closed roads within the "Preservation" designation in an appropriate tenure, ensuring environmental protection.
- (i) The Council and the Lands Department recognise the environmental importance of the Department of Transport Reserve, adjoining Precinct 3, and will negotiate with the Department of Transport for the inclusion of any land, in excess of that required by the Department of Transport, in an appropriate tenure ensuring environmental protection. A conservation agreement may be an appropriate means of protection the unused portion of the land.

### **3.2 Objective 2**

To identify development opportunities within the Plan Area subject to the need to protect the environmental values of the Plan Area.

#### **3.2.1 Implementation Criteria**

- (a) The Council and the Lands Department will consider appropriate development or lease applications for the use of those parts of the Plan Area designated "Limited Development" on the Development Control Plan Map.
- (b) The Council and the Lands Department will refuse development applications or lease applications which do not comply with the objectives of this Plan. In particular, applications which, in the opinion of the Council or the Lands Department, are unsympathetic to the landscape and environmental significance of the Plan Area, will not be approved.
- (c) The Council and the Lands Department will not approve any development or lease applications which will detrimentally affect the environmental values of the Plan Area. These values include its biological diversity, ecological integrity, habitat, landscape, visual amenity, hydrological, drainage and any other relevant values.
- (d) The Council and the Lands Department will impose conditions of approval on development or lease applications, that will ensure that the use subject of the development or lease application, complies with the other objectives of this Plan.

### **3.3 Objective 3**

To provide a clear indication of the preferred dominant land use activities for the Plan Area.

The elements of the designations displayed on the Development Control Plan map are summarised as follows:

- o Preservation Land Use Designation - The intent of this designation is to recognise those areas which are of greatest ecological importance and are to be given the highest level of protection. These areas will be retained in their natural state. Where appropriate, rehabilitation and restoration of disturbed areas will be undertaken.

Subject to the protection of environmental values, limited passive recreational and education/interpretive activities which are directly related to the Cairns Central Swamp may be undertaken. Any activities which have the potential to adversely affect this designation will not be permitted.

- o Limited Development Land Use Designation - The intent of this designation is to identify areas appropriate for community purposes or active recreational purposes. Such purposes should not have any adverse impact on the Plan Area with particular regard to the biological diversity, ecological integrity, hydrology, drainage, landscape and visual amenity.

### **3.3.1 Implementation Criteria**

- (a) The Council and the Lands Department will only approve development or lease applications for community purposes or active recreational purposes, in those parts of the Plan Area designated "Limited Development", on the Development Control Plan Map.
- (b) The Council and the Lands Department will not approve development or lease applications for community purposes; active recreational purposes; or any other urban purposes, in those parts of the Plan Area designated "Preservation", on the Development Control Plan Map.
- (c) The possible siting of an interpretive centre within the Plan Area shall be assessed in association with the preparation of an Environmental Management Plan for the Plan Area. In determining a possible location, only the degraded areas of the Plan Area shall be considered. The development of an interpretive centre shall only be considered if the centre and any ancillary facilities, such as car parking, are sited and constructed in harmony with the surrounding environment.

## **3.4 Objective 4**

To recognise the need for differing performance criteria having regard to the localised planning context of parts of the Plan Area.

This will be achieved by dividing the Plan Area into precincts. The precincts are identified on the Development Control Plan Map.

### **3.4.1 Implementation Criteria**

- (a) The use of land in the Plan Area will only be considered, and development applications or lease applications will only be approved, if the proposed use in either case is :-
  - in accordance with the intent of each precinct, herein described, and the particular criteria appropriate to that precinct;
  - complies with the relevant provisions of the Council's Planning Scheme, Local Laws and Policies; and
  - in accordance with sound town planning principles and sound environmental planning principles.

The Council and the Lands Department shall refuse any proposal that does not comply with these criteria.

## 4. PRECINCTS

Seven precincts have been delineated within the Plan Area. Five precincts have been designated for preservation and two precincts have been designated for limited development.

### 4.1 Precinct 1

#### 4.1.1 Intent

It is intended that Precinct 1 be retained and rehabilitated as a Reserve for Park, excluding the existing drain, and the principal function of the precinct be that associated with its preservation designation. Some minimal recreational activities or facilities, such as a walking track or interpretive signage, may be encouraged, in accordance with an Environmental Management Plan. The emphasis on the use of this precinct will be upon the enhancement of the natural environment.

#### 4.1.2 Performance Criteria

- (a) The location of any recreational activities and/or facilities, shall be restricted to disturbed areas within the precinct;
- (b) Public comment shall be sought by Council, prior to the introduction of any recreational activities and/or facilities within the precinct.
- (c) Any recreational activities or facilities proposed for the precinct shall be minimal, and undertaken only after issues of siting, scale and type of activity and/or facility have been approved by Council and any other relevant authority;
- (d) The design of any recreational facilities shall reflect the tropical landscape character of Cairns;
- (e) Any intact vegetation located adjacent to a disturbed area, which is intended to be developed for recreational activities and/or facilities, shall be protected and maintained in its existing condition;
- (f) All pedestrian access points and circulation areas shall be landscaped in sympathy with the intact vegetation within the precinct;
- (g) All pedestrian access points, circulation areas and recreation areas shall be landscaped, in accordance with a landscape plan, prepared by a professional landscape architect and approved by Council;
- (l) Council shall encourage physical and environmental linkages between Precincts 1 and 2.

### 4.2 Precinct 2

#### 4.2.1 Intent

It is intended that Precinct 2 be retained and rehabilitated as a Reserve for Park, excluding the existing drain, and the principal function of the precinct be that associated with its preservation designation. Some minimal recreational activities and/or facilities, such as a walking track or interpretive signage, may be encouraged, in accordance with an Environmental Management Plan. The emphasis on the use of this precinct will be upon the enhancement of the natural environment.



#### **4.2.2 Performance Criteria**

- (a) The location of any recreational activities and/or facilities, shall be restricted to disturbed areas within the precinct;
- (b) Public comment shall be sought by Council, prior to the introduction of any recreational activities and/or facilities within the precinct.
- (c) Any recreational activities or facilities proposed for the precinct shall be minimal, and undertaken only after issues of siting, scale and type of activity and/or facility have been approved by Council and any other relevant authority;
- (d) The design of any recreational facilities shall reflect the tropical landscape character of Cairns;
- (e) Any intact vegetation located adjacent to a disturbed area, which is intended to be developed for recreational activities and/or facilities, shall be protected and maintained in its existing condition;
- (f) All pedestrian access points and circulation areas shall be landscaped in sympathy with the intact vegetation within the precinct;
- (g) All pedestrian access points, circulation areas and recreation areas shall be landscaped, in accordance with a landscape plan, prepared by a professional landscape architect and approved by Council;
- (h) Council shall encourage physical and environmental linkages between Precincts 1, 2 and 3.

### **4.3 Precinct 3**

#### **4.3.1 Intent**

It is intended that Precinct 3 be retained and rehabilitated as a Reserve for Park, excluding the existing drain, and the principal function of the precinct be that associated with its preservation designation. Some minimal recreational, educational and interpretive activities and/or facilities may be permitted, on a small part of the precinct, in accordance with an Environmental Management Plan. The emphasis on the use of this precinct will be upon the enhancement of the natural environment.

#### **4.3.2 Performance Criteria**

- (a) The location of any recreational, educational or interpretive activities and/or facilities, including ancillary facilities, shall be restricted to disturbed areas within the precinct;
- (b) Public comment shall be sought by Council, prior to the introduction of any recreational, educational or interpretive activities and/or facilities within the precinct.
- (c) Any development proposed for the precinct shall be minimal, and undertaken only after issues of siting, scale and type of activity and/or facility have been approved by Council and any other relevant authority;
- (d) The design of any recreational, educational or interpretive activities and/or facilities, including any ancillary facilities, shall reflect the tropical landscape character of Cairns;

- (e) Any intact vegetation located adjacent to a disturbed area, which is intended to be developed for recreational educational or interpretive activities and/or facilities, including any ancillary facilities, shall be protected and maintained in its existing condition;
- (f) All pedestrian access points and circulation areas shall be landscaped in sympathy with the intact vegetation within the precinct;
- (g) All pedestrian access points, circulation areas, recreation areas, interpretive or educational activities and/or facilities, including any ancillary facilities, shall be landscaped in accordance with a landscape plan, prepared by a professional landscape architect and approved by Council;
- (h) Council shall encourage physical and environmental linkages between Precincts 2 and 3;
- (i) Any recreational, interpretive or educational facilities and activities and/or any ancillary facilities, such as carparking, shall be restricted to disturbed areas within the precinct;
- (j) The design of any educational or interpretive facility, shall reflect the tropical landscape character of Cairns and be designed and sited in harmony with the surrounding landscape;
- (k) Access to any educational or interpretive facility shall be from Willunson Street.

#### **4.4 Precinct 4**

##### **4.4.1 Intent**

It is intended that Precinct 4 be used for community/community residential purposes. Uses associated with community interest groups may be considered, provided such uses are sympathetic to the environmental resources of adjoining Precinct 5.

##### **4.4.2 Performance Criteria**

- (a) Community facilities such as meeting halls, training facilities, community centres and residential uses associated with community organisations are considered appropriate.
- (b) A variable building alignment is favoured, together with an architectural design that reflects the tropical landscape character of Cairns.
- (c) The design of any structure shall be sympathetic to the proximity of this precinct to Precinct 5.
- (d) Relocation of vegetation to assist in the rehabilitation of other precincts will be encouraged and may be imposed as a condition of approval, of development applications or lease applications.
- (e) Residential density shall not exceed 200 persons per hectare.
- (f) Vehicular access to the precinct shall be limited to the north-eastern or north-western corners of the precinct.
- (g) Any development proposal shall be accompanied by a landscape plan prepared by a professional landscape architect.

## **4.5 Precinct 5**

### **4.5.1 Intent**

It is intended that Precinct 5 be retained and rehabilitated as a Reserve for Park, excluding the existing drain, and the principal function of the precinct be that associated with its preservation designation. Some minimal recreational activities and/or facilities, such as a walking track or interpretive signage, may be encouraged in accordance with an Environmental Management Plan. The emphasis on the use of this precinct will be upon the enhancement of the natural environment.

### **4.5.2 Performance Criteria**

- (a) The location of any recreational activities and/or facilities, shall be restricted to disturbed areas within the precinct;
- (b) Public comment shall be sought by Council, prior to the introduction of any recreational activities and/or facilities within the precinct.
- (c) Any recreational activities or facilities proposed for the precinct shall be minimal, and undertaken only after issues of siting, scale and type of activity and/or facility have been approved by Council and any other relevant authority;
- (d) The design of any recreational facilities shall reflect the tropical landscape character of Cairns;
- (e) Any intact vegetation located adjacent to a disturbed area, which is intended to be developed for recreational activities and/or facilities, shall be protected and maintained in its existing condition;
- (f) All pedestrian access points and circulation areas shall be landscaped in sympathy with the intact vegetation within the precinct;
- (g) All pedestrian access points, circulation areas and recreation areas shall be landscaped, in accordance with a landscape plan, prepared by a professional landscape architect and approved by Council;
- (h) Council shall encourage physical and environmental linkages between Precincts 5, 6 and 7.

## **4.6 Precinct 6**

### **4.6.1 Intent**

It is intended that Precinct 6 be used for active recreational purposes, preferably in association with sporting club activities, occurring on land adjacent to the precinct. The development of the precinct for active recreational purposes, shall in no way be allowed to negatively impact on adjacent precincts designated for preservation. It is intended that the precinct be included in a Reserve for Recreation.

### **4.6.2 Performance Criteria**

- (a) The predominant land use of the precinct shall be restricted to recreational activities and/or facilities, preferably in association with adjacent sporting club activities. Ancillary facilities associated with adjoining active recreational uses shall be permitted with Council approval;

- (b) Public comment shall be sought by Council, prior to the introduction of any recreational activities and/or facilities within the precinct.
- (c) Any recreational development or ancillary facilities, proposed for the precinct shall be undertaken only after issues of siting, scale and type of development have been approved by Council and any other relevant authorities;
- (d) The design of any recreational facilities, including any ancillary facilities, shall reflect the tropical landscape character of Cairns;
- (e) A 10 metre wide landscape buffer shall be provided, to extend along the western boundary of the precinct along the McCormack Street drain, to enhance the environmental amenity of the adjacent Precinct 5 which is designated for preservation;
- (f) The existing bike path which extends along the McCormack Street drain shall be realigned, east of the landscape buffer;
- (g) Any development within the precinct shall be setback from the McCormack Street drain, for a distance of at least 15 metres;
- (h) Built development associated with an active recreational activity within the precinct, shall be setback 10 metres from [final] road alignments;
- (i) Any development proposal shall be accompanied by a landscape plan prepared by a professional landscape architect.
- (j) Setback areas within the precinct shall be included in leased or development areas;
- (k) Landscaped areas, setback and buffer areas within the precinct, shall be landscaped, in accordance with a landscape plan, prepared by a professional landscape architect and approved by Council;
- (l) Landscaping within the precinct shall be sympathetic to, and in keeping with, the vegetation of the adjacent Precinct 5;
- (m) Council shall encourage physical and environmental linkages between Precincts 5, 6 and 7.

## **4.7 Precinct 7**

### **4.7.1 Intent**

It is intended that Precinct 7 be retained and rehabilitated as a Reserve for Park, and its principal function be that associated with its preservation designation. Some minimal recreational, educational and interpretive activities and/or facilities may be permitted, on a small part of the precinct, in accordance with an Environmental Management Plan. The emphasis on the use of this precinct will be upon the enhancement of the natural environment.

### **4.7.2 Performance Criteria**

- (a) The location of any recreational, educational or interpretive activities and/or facilities, including any ancillary facilities, shall be restricted to disturbed areas within the precinct;
- (b) Public comment shall be sought by Council, prior to the introduction of any recreational, educational or interpretive activities and/or facilities within the precinct.

- (c) Any development proposed for the precinct shall be minimal, and undertaken only after issues of siting, scale and type of activity and/or facility have been approved by Council and any other relevant authority;
- (d) The design of any recreational, educational or interpretive facilities, including any ancillary facilities, shall reflect the tropical landscape character of Cairns;
- (e) Any intact vegetation located adjacent to a disturbed area, which is intended to be developed for recreational educational or interpretive activities and/or facilities, including any ancillary facilities, shall be protected and maintained in its existing condition;
- (f) All pedestrian access points and circulation areas shall be landscaped in sympathy with the intact vegetation within the precinct;
- (g) All pedestrian access points, circulation areas, recreation areas, interpretive or educational activities *and/or* facilities, including any ancillary facilities, shall be landscaped in accordance with a landscape plan, prepared by a professional landscape architect and approved by Council;
- (h) Council shall encourage physical and environmental linkages between Precincts 5 and 7;
- (i) Any recreational, interpretive or educational activities *and/or* facilities and any ancillary facilities such as carparking, shall be restricted to disturbed areas within the precinct;
- (j) The design of any educational or interpretive facility, shall reflect the tropical landscape character of Cairns and be designed and sited in harmony with the surrounding landscape;
- (k) Access to any educational or interpretive facility shall be from Russell Street.

## **5. SPECIAL PROVISIONS**

### **5.1 Drainage**

#### **5.1.1 Intent**

Existing drainage in Precincts 1, 2, 3, 5 and 7 will be maintained by Council in order to manage the hydrological function of the Cairns Central Swamp. This will require an area covered by the bed and banks of each drain and an area beyond each bank to accommodate Council maintenance vehicles along the full length of the drains.

#### **5.1.2 Performance Criteria**

- (a) The natural roles of the Cairns Central Swamp as a retention area for run-off storage and as providing drainage subject to tidal flux shall not contribute to any inundation of urban areas;
- (b) The existing drains and associated cleared lands shall be maintained according to Council's Drainage Waterway Management Plan Best Practice Guidelines;
- (c) Vegetation in the existing drainage shall encourage fauna habitat without inhibiting the hydrological function of the Cairns Central Swamp;
- (d) The existing drains and cleared lands present opportunities for recreational and educational/interpretational uses by the public and shall accommodate these uses without inhibiting the hydrological function of the Cairns Central swamp;
- (e) Saltwater intrusions shall be limited as far as is possible in accordance with the provisions of the Hydrology and Drainage Plan.
- (f) Treatment of the drains will be in accordance with Department of Primary Industries Fisheries Plan Best Practice for Drainage Waterways wherever practical subject to maintenance of drainage flows and flood prevention.
- (g) Where installed, tidal flaps and water control structures will be designed in accordance to Department of Primary Industries Fisheries advice relating to requirements for enhancement or limitation of marine biota access.

### **5.2 Guidelines for Development Applications and Site Evaluation**

To ensure the maintenance and/or enhancement of the biological diversity and ecological integrity of the Cairns Central Swamp the following information will be required as part of any application to Council for development with the DCP area.

#### **5.2.1 Site Evaluation**

- (a) Describe the existing environment :-

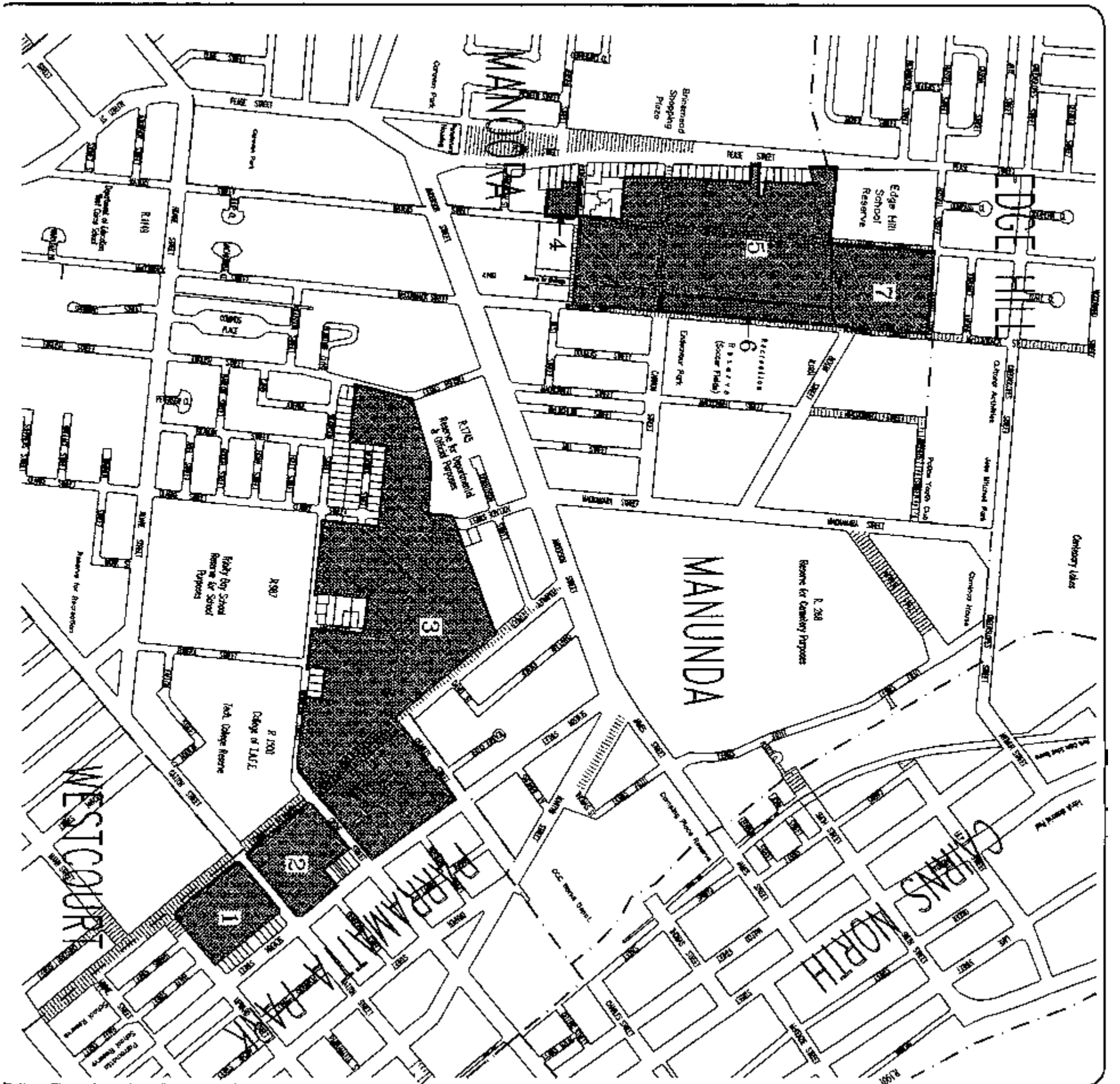
- Identify important species and communities. Importance relates to:
    - \* stability of the ecosystem
    - \* threatened species
    - \* area of distribution
    - \* social/cultural
  - Identify the condition of the existing environment
  - Quantify the diversity of the existing environment
  - Describe the environment in terms of the significance criteria [refer to (e) below]
- (b) Identify the types of natural communities and their extent within the area.
- (c) Describe the key features of the physical environment (eg hydrology) that relate to the area.
- (d) Describe the area in relation to surrounding landscape in terms of ecology.
- (e) Assess the significance of the ecological communities in terms of :
- other natural areas within the ecological district
  - catchment boundaries
  - the region, State of nation if appropriate

The following criteria should be used in making the assessment :-






- \* Threatened Species - endangered, rare, vulnerable, indeterminate.
- \* Special Features - bird colonies, geographic limit of range, rarity or abundance of particular features, breeding grounds, etc.
- \* Diversity
  - special richness
  - community and habitat richness
  - endemism
- \* Naturalness - extent of modification from natural condition; potential naturalness.
- \* Representativeness
  - characteristic of an ecological district
  - represents diversity of a district (or former diversity)
- \* Uniqueness
  - unusual combinations of species, physical features, etc.

- \* Long-term sustainability
    - ability to self-sustain
    - resilience
  - \* Spatial context
    - buffer zones
    - shape
    - surrounding landscape
  - \* Area of natural community.
  - \* Cultural value
    - scientific and educational value
    - recreational
    - economic
    - archaeological
- (f) Assess the nature and extent of likely impacts :
- the type and extent of impact of the ecological system
  - the type and extent of impact on each natural community (or habitat).





DEVELOPMENT CONTROL PLAN 3  
 CAIRNS CENTRAL SWAMP  
 LAND USE DESIGNATIONS

-  Preservation
-  Limited Development
-  Suburb
-  Suburb Boundary
-  Unformed Road



Scale 1 : 10,000  
 DO NOT SCALE

December, 1996



**DEVELOPMENT CONTROL PLAN 4  
HILLSIDES**



*Cairns City Council*





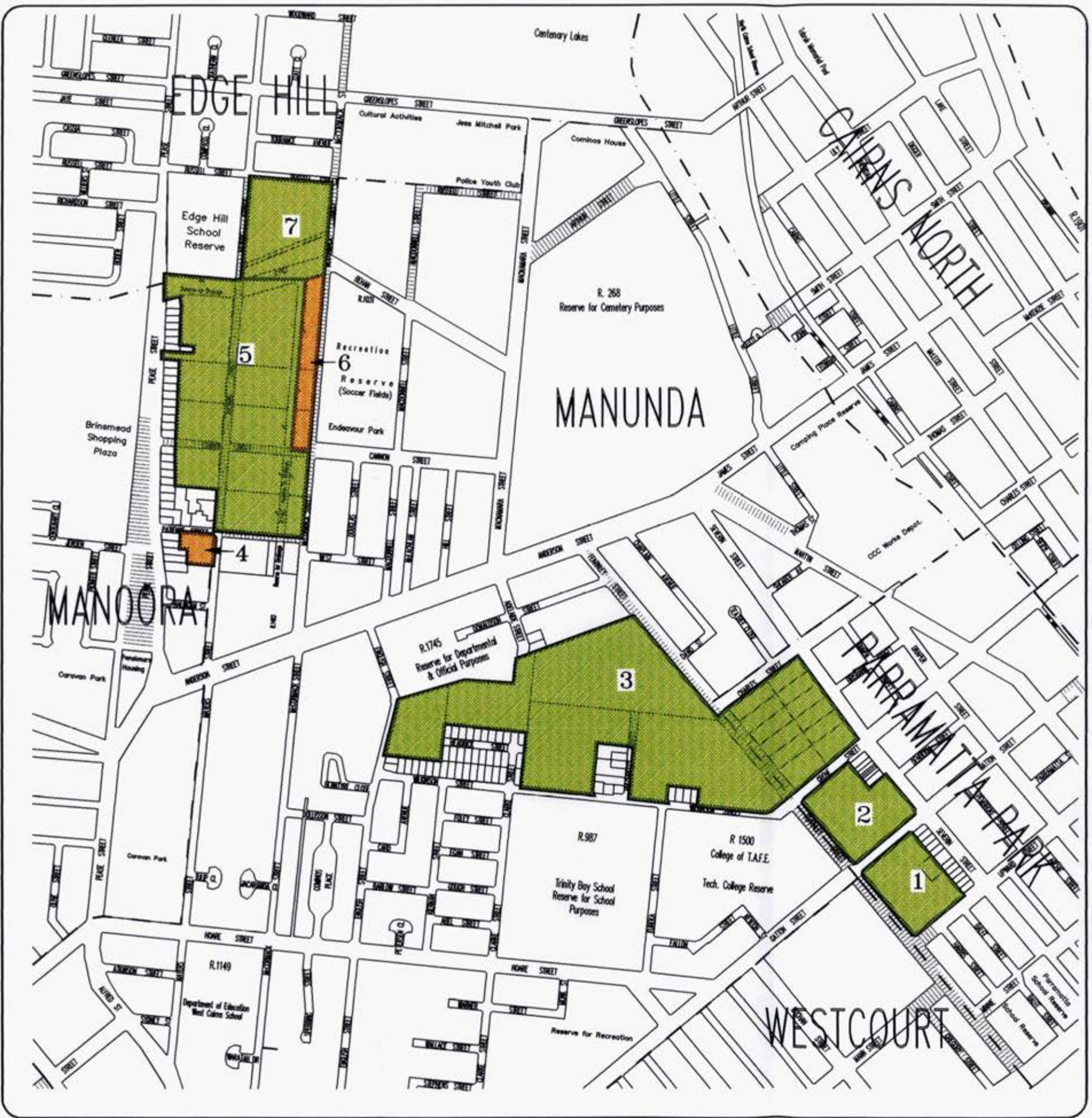
DEVELOPMENT CONTROL PLAN 3  
 CAIRNS CENTRAL SWAMP  
 LAND USE DESIGNATIONS

-  Preservation
-  Limited Development
-  Precinct Boundary
-  Suburb Boundary
-  Unformed Road



Scale 1 : 10,000  
 DO NOT SCALE

December, 1996



## **DEVELOPMENT CONTROL PLAN 4**

### **HILLSIDES**

This Development Control Plan applies to the area shown on the Development Control Plan map marked Development Control Plan 4 HillSides and to any other areas included by way of amendment. This Plan should be read in conjunction with the Planning Scheme for part of the City of Cairns and is supplementary to that Scheme.

Nothing in this Development Control Plan shall be construed to confer any rights to use land for **any** purpose. Such rights remain vested in the provisions of the Zoning Maps and the Planning Scheme Provisions for part of the City of Cairns.

The Development Control Plan includes the map described as Development Control Plan 4 HillSides and is divided into the following :-

1. General Intent
2. Aim
3. Objectives
4. Preferred Dominant Land Uses and Precincts
5. Implementation

### **PLANNING STUDY**

The Planning Study provides supporting information which is contained in that document marked Development Control Plan 4 - HillSides, copies of the Study signed for identification by the Clerk of the Executive Council are held at the office of the Department of Housing, Local Government and Planning and at the office of the Cairns City Council. The Planning Study can be found in Part B of the Planning Scheme.

# DEVELOPMENT CONTROL PLAN 4

## HILLSIDES

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## 1. GENERAL INTENT

The general intent of this Development Control Plan is to maintain, protect and enhance the natural integrity of the hillsides.

Cairns City Council recognises the unique ecological values and visual qualities of the hillsides and their importance as natural habitat and as a visual backdrop to the City. The hillsides are an integral component of the tropical image of the City and are considered to be a valuable natural resource to the City and surrounding districts.

This Plan identifies preferred dominant land uses for the hillsides, general provisions applicable to development within the Plan area and specific provisions applicable to development within each of the preferred dominant land use designations. These provisions are designed to ensure the protection and enhancement of the ecological values and visual qualities of the hillsides and to maintain and enhance the tropical image of the City.

## 2. AIM

This Development Control Plan is intended to achieve the following broad aim:

'To identify, protect maintain and enhance the unique landscape and ecological values of the hillsides by ensuring that any development occurring on the hillsides is sensitive to, and in harmony with, the natural environment and has no adverse impact on the ecological integrity and landscape value of the hillsides'.

This aim is to be achieved through the identification of land within the Plan area which is of environmental, visual, aesthetic or geological significance. On the basis of the opportunities or constraints identified, preferred dominant land uses are identified for the Plan area. Appropriate general and specific provisions are established to guide and control all proposed development, redevelopment and revegetation within the Plan area.

### **3. OBJECTIVES**

#### **3.1 Objective 1**

##### **To retain the hillsides as a natural visual backdrop to the City**

- To ensure that any development on the hillsides is undertaken in a manner sympathetic and sensitive to the Surrounding natural environment.
- To require the revegetation of visually prominent but degraded areas of the hillsides.
- To limit or prohibit development in areas considered to be important in maintaining the visual integrity of the hillsides.
- To ensure appropriate planting of indigenous species to adequately screen buildings and outbuildings from neighbours, nearby public spaces and key vantage points.

#### **3.2 Objective 2**

##### **To maintain and/or enhance the biological diversity and ecological integrity of the hillsides**

- To protect areas of natural vegetation and habitat.
- To rehabilitate and restore disturbed areas through revegetation and other appropriate measures.
- To maintain and/or enhance nature conservation corridors.
- To minimise disturbance to natural drainage and hydrological patterns.
- To minimise soil erosion and sedimentation.
- To minimise the disturbance of natural areas by development and promote appropriate mitigation measures such as revegetation and sediment control.

#### **3.3 Objective 3**

##### **To identify those areas considered to be unsuitable for intensive development**

- To categorize and assess the environmental, visual, vegetative, and slope features and the ecological significance, particularly wildlife habitat values, of the hillsides in order to identify those areas unsuitable for intensive development.
- To specify the type of development, if any, which is considered appropriate in those areas unsuitable for intensive development.
- To maintain and protect in a natural state those areas unsuitable for any form of development.
- To ensure that those areas where limited development is permitted are developed in a manner sympathetic and sensitive to the surrounding natural environment.

#### **3.4 Objective 4**

##### **To identify areas considered suitable for specified types of development**

- To specify types of development suitable for particular areas of the Plan area.

- To provide detailed specifications for specific types of development to ensure the visual impact of any development on the hillsides is minimized.
- To require a comprehensive site assessment in association with any development application lodged for consideration by Council.

### 3.5 Objective 5

To provide development criteria for **all** land within the **Plan** area

- To encourage subdivision layouts which acknowledge local area constraints and opportunities and yet achieve innovative design, integrate natural features into the design, and create diversity and interest in allotment size and patterns.
- To require the undergrounding and grouping of all public utility services within easily accessible trenches and shared easements.
- To adequately cater for the fire hazard which exists within the Plan area and to ensure that new residential developments are afforded protection from these hazards.
- To enhance the character and amenity of the Plan area by appropriate design and integration of roads, driveways, pedestrian and bicycle paths and carparks having proper regard for local environmental qualities.
- To protect the local environment by stringent controls on all excavation and landfill works and require the planting of suitable endemic species after development has occurred.
- To ensure all buildings and outbuildings are sited below ridge lines with roof lines and building heights of a low profile and form.
- To promote innovative and creative design in all new buildings, taking into consideration the shapes, forms, colours and natural attributes of the local environment.
- To require the use of exterior building materials, finishes and colours which complement rather than contrast with the colours and textures of the local natural environment.
- To ensure that fencing and retaining walls do not inadvertently add to the apparent height and mass of built structures on a single allotment or over more than one allotment as viewed from a distance.



## **4. PREFERRED DOMINANT LAND USES AND PRECINCTS**

It is intended to achieve the Aim and Objectives of the Plan through the identification of preferred dominant land use areas and the implementation of a series of intents and development criteria for these designated areas which will be used to guide consideration of any development proposals.

The location of the preferred dominant land uses, as described below, is shown on the Development Control Plan map.

### **4.1 Intent of Designations**

#### **4.1.1 Conservation Designation**

This designation identifies land which is generally so constrained by various factors, principally landscape quality and visual resource value, 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 necessary.

Publicly owned areas within this designation may be used for low intensity recreational activities.

In some cases where privately owned land is included in this designation, there is no potential for subdivision or other development by virtue of the designation over the whole or greater part of the land and by virtue of the designation on the Strategic Plan and of the zoning of the land. In these cases it is intended that development should be limited to a detached dwelling on each existing allotment, providing this is compatible with the visual and environmental values of the land. Rezoning of the land and further subdivision will not be supported.

In other cases where privately owned land is included in this designation, there is the potential for further subdivision of the balance area of the land by virtue of the particular designation of the balance area on the DCP map and of the zoning of the land. In these cases it is intended that the area designated Conservation should be transferred to public ownership when subdivision of the balance area of the land takes place.

#### **4.1.2 Major Open Space and Linkages Designation**

This designation identifies the existing and proposed major areas of open space and major linkages. The intent of this designation is to retain existing areas of open space and to identify major areas and linkages which are required to be transferred to public ownership as open space as development occurs.

#### **4.1.3 Hillside Residential Designation**

This designation identifies land which is generally considered to be suitable for low intensity residential development, subject to detailed consideration of the constraints which affect a particular site. The intent of the designation is to identify those areas which are generally suitable for the form of development permitted in the Hillside Residential zone, subject to compliance with the development criteria established for the designation.

#### **4.1.4 Residential Designation**

This designation identifies land which is generally considered to be suitable for conventional residential development and for those uses normally associated with residential development. The intent of the designation is to identify those areas which may be developed for residential and associated uses, subject to compliance with the development criteria established for the particular Residential Precinct.

#### **4.1.5 Special Use Designation**

This designation shows areas which are developed, committed or required for institutional or public purposes. They include a number of Council reservoir sites, a primary school site in Irene Street and the site in Collins Avenue, Edge Hill which contains the old oil tanks, now being developed for community purposes.

The intent of the designation is to retain the existing areas and to identify additional areas which are required for public purposes to serve development within the Plan area. The designation identifies the notional location of sites for additional reservoirs and identifies the notional boundary for expansion of the White's Gap reservoir site.

### **4.2 Division of Development Control Plan Area into Designations**

For the purposes of this Development Control Plan the Preferred Dominant Land Use designations described are indicated on the Development Control Plan Map with the colour and/or hatching set out in the table below :

Preferred Dominant Land Use	Colour or Hatching
Conservation	Light Green
Major Open Space & Linkages	Green
Hillside Residential	Dark Pink
Residential	Pink
Special Use	Yellow

### **4.3 Division of Residential Designation into Precincts**

The Preferred Dominant Land Use Designation of Residential is subdivided into three Precincts to assist in the practical implementation of the Aim and Objectives of the Plan.

The Residential Precincts are indicated on the Plan. The Precincts are numbered from 1 to 3 with a prefix of "R".

Residential Precinct 1 includes the Chapman's Quarry and Two World Holiday Pty. Ltd. sites and the higher land, predominantly in the Edge Hill and Whitfield areas. Residential Precinct 2 generally includes land which is generally moderately sloping and which is highly visible from many parts of the City. Residential Precinct 3 includes the lower, flatter land at the base of the hillsides.

## 5. IMPLEMENTATION

### 5.1 General Provisions

- (A) Future use and development of all land within the Plan area shall be in accordance with :
  - o the preferred dominant land use designations indicated on the Development Control Plan map;
  - o the intent of each of the preferred dominant land use designations;
  - o the development criteria specified for each of the preferred dominant land use designations and specified for the precincts established within the Residential preferred dominant land use designation.
- (B) Council will not approve applications for rezoning, subdivision, consent or the development of land which are not in accordance with the preferred dominant land use designations indicated on the Development Control Plan map.
- (C) Council will not approve applications for rezoning, subdivision, consent, building approval or the development of land which do not comply with the development criteria applicable to the particular site or area of land.

### 5.2 Conservation Designation

- (A) Land in this designation shall be retained in its existing state or rehabilitated, where necessary.
- (B) Land in public ownership within *this* designation may be used for low intensity recreational activities such as walking tracks, lookouts and the like.
- (C) Any facilities developed to support low intensity recreational activities shall satisfy the following requirements :
  - i. Facilities shall respect the shapes, forms, colours and natural attributes of the local environment;
  - ii. Structures shall generally be limited to a single storey no greater than 5 metres measured to the roof line, above natural ground level;
  - iii. Facilities shall be sited so as to have no detrimental impact on the local environment.
- (D) Council may require the rehabilitation, or a contribution towards the rehabilitation, of land designated Conservation as a condition of approval of an application for rezoning, subdivision, consent or the development of land within the Plan area.
- (E) Where rezoning and/or subdivision of a parcel of land containing land designated Conservation is approved by Council, the land designated Conservation shall be transferred to public ownership as open space at the appropriate time.
- (F) i. Where land designated Conservation has no potential for rezoning and further subdivision, development shall be limited to a detached dwelling on an existing allotment.

- ii. Any proposal for the construction of a detached dwelling on an existing allotment shall comply with the development criteria specified for the Hillside Residential designation in relation to; Geotechnical Assessment; Access and Parking; Excavation and Fill; Siting and Design of Buildings and Outbuildings; Building Materials, Colours and Textures; Vegetation; and Fencing.

### **5.3 Major Open Space and Linkages Designation**

- (A) Where rezoning and/or subdivision of a parcel of land containing land designated Major Open Space and Linkages is approved by Council, the land designated Major Open Space and Linkages shall be transferred to public ownership as open space at the appropriate time.
- (B) Council may require the rehabilitation, or a contribution towards the rehabilitation, of land designated Major Open Space and Linkages as a condition of approval of an application for rezoning, subdivision or consent or the development of land within the Plan area.
- (C) Any recreational facilities constructed within land designated Major Open Space and Linkages shall satisfy the following requirements :
  - i. Facilities shall respect the shapes, forms, colours and natural attributes of the local environment;
  - ii. Structures shall generally be limited to a single storey no greater than 5 metres measured to the roof line, above natural ground level;
  - iii. Facilities shall be sited so as to have no detrimental impact on the local environment.

### **5.4 Hillside Residential Designation**

- (A) All applications for rezoning, subdivision, consent or the development of land shall be accompanied by a Site Evaluation and a Visual Assessment Report as detailed in Section 5.9.
- (B) Geotechnical Assessment
  - i. All applications for rezoning, subdivision, consent or the development of land shall be accompanied by a geotechnical report prepared by a qualified geotechnical engineer. The report shall provide a thorough assessment of the geotechnical conditions of the site and shall indicate the measures to be adopted to control soil and rock movement from future weathering and saturated conditions. The report shall also indicate design matters to be taken into account during the construction of private and public roads, construction of house sites or pads and the provisions of any structure or work involving the excavation or filling of any natural ground.
  - ii. Notwithstanding the above requirement, Council may waive the provision of the report for the following proposals:-
    - (a) for the erection of a single detached dwelling;
    - (b) in subdivisions not requiring the construction of a public road;
    - (c) group title subdivision where an existing fully constructed access road, satisfactory to the City Engineer, is to be utilised;

where the Council, after consideration of advice from the City Engineer, considers such waiver to be acceptable, having regard to the known existing geological and geotechnical conditions of the subject land, or where such reports have been submitted for a previous application relating to the site.

(C) Subdivision and Design Layout

- i. All allotments shall comply with the specifications for allotments in the Hillside Residential zone.
- ii. The design and layout of all new subdivisions shall ensure harmony between subdivision patterns and natural and man-made features of the landscape, such that :
  - \* subdivision is designed to accommodate the natural features and contours of the site;
  - \* development occurs with minimum disturbance to the natural surface and surface levels;
  - \* natural drainage patterns are retained.
- iii. Divisions between allotments and natural areas shall be softened by appropriate landscaping in order to establish a buffer between the urban development and the natural bushland. Local endemic species are to be the predominant use for landscaping.
- iv. Where appropriate, Hillside Residential subdivisions shall be provided with firebreaks. Such firebreaks shall be situated downslope of the residential 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.

Council may refer any application to the Queensland Fire Services Authority for comment and shall consider those comments when considering the development application.

(D) Access and Parking

- i. Roadway alignments shall, as far as is practicable, follow the natural contours of the land and the flattest gradients thus minimising cut and fill requirements.
- ii. 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 plantings shall be used to soften driveway impacts.
- iii. Practical access shall be provided for conventional vehicles to all allotments.
- iv. Sealed driveways shall be constructed at the time of subdivision.
- v. Effective drainage shall be planned for all works prior to construction.

- vi. 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, providing critical engineering and safety factors can be maintained and providing roads are trafficable by service vehicles such as garbage trucks.
- vii. 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.

(E) Excavation and Fill

1. All excavation and fill slopes shall be revegetated with endemic 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.
- ii. Earth fills and cuts exceeding 1.5m in height to accommodate building construction shall not be approved except with the approval of the Director of Planning and Development upon receipt of detailed supportive documentation. Buildings shall be designed and sited to blend into the landscape with minimal excavation and fill.
- iii. 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.
- iv. A comprehensive "clear water" erosion control programme shall be established prior to the commencement of subdivision or building works, using a combination of temporary and permanent control measures. Clear water shall be diverted away from work areas to the nearest natural stream channel, while dirty water is to be controlled and treated through a system of sediment traps and settling ponds.
- v. Effective revegetation techniques shall be utilised in the erosion control programme.

(F) Services

- i. All new subdivisions shall incorporate underground power reticulation.
- ii. Aerial Bundle Conductors (ABC) are to be utilised where possible if underground reticulation is not feasible. Planting of compatible indigenous species within overhead powerline corridors shall be undertaken in accordance with a professionally prepared landscape plan approved by Council, subject to the requirements of the Far North Queensland Electricity Board.

(G) Siting and Design of Buildings and Outbuildings

- i. No building shall be greater than 7.5 metres in height above natural ground level. Where slope gradients exceed 15%, split level buildings shall be used as an alternative to standard two-storey construction and as an alternative to single storey construction to minimise building bulk; to minimise benching of sites; and to create an attractive built form.

- ii. Generally, no ridge line of any building shall rise above ridge top treelines, interrupting the natural skyline viewed from main roads and public reserves, where the natural treeline remains. Where no natural treeline remains, building ridge lines shall not rise above the ridge top unless an approved landscape plan demonstrates that a treeline adequate to obscure the building ridge lines will develop in a reasonable time and a mechanism for maintenance of vegetation exists.
- iii. Generally, no roof shall have a pitch greater than 15° degrees.
- iv. Ridge lines of buildings generally shall be parallel with contours of the land on sites with an average slope greater than 1 in 10.
- v. Buildings and associated roads shall not be constructed in areas with slope greater than 33%.
- vi. 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.

(H) Building Materials, Colours and Textures

- i. Exterior building colours and materials shall be non-reflective and blend with the natural colours of the surrounding environment. Suitable colours and tones are :  
  
Moderately dark to darker shades of olive green,  
blue green,  
grey green,  
blue grey,  
blue,  
purple blue,  
purple,  
red purple,  
red,  
green yellow,  
green,  
moderate to darker wood stains that blend well with lower colour values and the hues of surrounding forest colours are recommended.
- ii. 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.
- iii. 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.
- iv. Broad expanses of a single colour are not desirable and are, where possible, to be broken up by other colours or design elements.
- v. The use of white and other light colours for exterior trims and highlighting of architectural features may be permitted.

(I) Vegetation

- i. Clearing and disturbance of vegetation along proposed road reserves, driveways, or accesses 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.
- ii. Trees along roads at foot or top of cut and fill slopes shall be protected with the use of bin walls and sensitive earth removal.
- iii. Tree clearing within 30 metres of all street and creek banks shall be prohibited, unless approved by the responsible authority.
- iv. A planting strip of at least 2 metres width shall be provided to separate parallel retaining walls and be planted with approved endemic species.
- v. Where houses on large allotments are sited on high ground and are visually prominent within the surrounding viewshed, planting with endemic species, shall be used to screen the building from neighbouring properties and all public roads. Filtered views out of houses should be maintained with appropriately selected plants.

(J) Fencing

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

**5.5 Residential Designation - Precinct 1**

- (A) All applications for rezoning, subdivision, consent or the development of land shall be accompanied by a Site Evaluation and a Visual Assessment Report as detailed in Section 5.9.
- (B) Geotechnical Assessment
- i. All applications for rezoning, subdivision, consent or the development of land shall be accompanied by a geotechnical report prepared by a qualified geotechnical engineer. The report shall provide a thorough assessment of the geotechnical conditions of the site and shall indicate the measures to be adopted to control soil and rock movement from future weathering and saturated conditions. The report shall also indicate design matters to be taken into account during the construction of private and public roads, the construction of house sites or pads and the provisions of any structure or work involving the excavation or filling of any natural ground.
  - ii. Notwithstanding the above requirement, Council may waive the provision of the report for the following proposals:-
    - (a) for the erection of a single detached dwelling;
    - (b) in subdivisions not requiring the construction of a public road;
    - (c) group title subdivision where an existing fully constructed access road, satisfactory to the City Engineer, is to be utilised;



where the Council, after consideration of advice from the City Engineer, considers such waiver to be acceptable, having regard to the known existing geological and geotechnical conditions of the subject land, or where such reports have been submitted for a previous application relating to the site.

(C) Subdivision and Design Layout

- i. All allotments shall comply with the specifications for allotments in the Residential zone.
- ii. The design and layout of all new subdivisions shall ensure harmony between subdivision patterns and natural and man-made features of the landscape, such that :
  - \* subdivision is designed to accommodate the natural features and contours of the site;
  - \* development occurs with minimum disturbance to the natural surface and surface levels;
  - \* natural drainage patterns are retained.
- iii. Divisions between allotments and natural areas shall be softened by appropriate landscaping in order to establish a buffer between the urban development and the natural bushland.
- iv. Where appropriate, Residential subdivisions shall be provided with firebreaks. Such firebreaks shall be situated downslope of the residential 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.

Council may refer any application to the Queensland Fire Services Authority for comment and shall consider those comments when considering the development application.

(D) Access and Parking

- i. Roadway alignments shall, as far as is practicable, follow the natural contours of the land and the flattest gradients thus minimising cut and fill requirements.
- ii. 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 plantings shall be used to soften driveway impacts.
- iii. Practical access shall be provided for conventional vehicles to all allotments.
- iv. Sealed driveways shall be constructed at the time of subdivision.
- v. Effective drainage shall be planned for all works prior to construction.
- vi. 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, providing critical engineering and safety factors can be maintained and providing roads are trafficable by service vehicles such as garbage trucks.

- vii. 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.

(E) Excavation and Fill

- i. All excavation and fill slopes shall be revegetated with endemic 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.
- ii. Earth fills and cuts exceeding 1.5m in height to accommodate building construction shall not be approved except with the approval of the Director of Planning and Development upon receipt of detailed supportive documentation. Buildings shall be designed and sited to blend into the landscape with minimal excavation and fill.
- iii. 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.
- iv. A comprehensive "clear water" erosion control programme shall be established prior to the commencement of subdivision or building works, using a combination of temporary and permanent control measures. Clear water shall be diverted away from work areas to the nearest natural stream channel, while dirty water is to be controlled and treated through a system of sediment traps and settling ponds.
- v. Effective revegetation techniques shall be utilised in the erosion control programme.

(F) Services

- i. All new subdivisions shall incorporate underground power reticulation.

(G) Siting and Design of Buildings and Outbuildings

- i. No building shall be greater than 7.5 metres in height above natural ground level. Where slope gradients exceed 15%, split level buildings shall be used as an alternative to standard two-storey and as an alternative to single storey construction to minimise building bulk; to minimise benching of sites; and to create an attractive built form.
- ii. Generally, no ridge line of any building shall rise above ridge top treelines, interrupting the natural skyline viewed from main roads and public reserves, where the natural treeline remains. Where no natural treeline remains, building ridge lines shall not rise above the ridge top unless an approved landscape plan demonstrates that a treeline adequate to obscure the building ridge lines will develop in a reasonable time and a mechanism for maintenance of vegetation exists.
- iii. Generally, no roof shall have a pitch greater than 15° degrees.
- iv. Ridge lines of buildings generally shall be parallel with contours of the land on sites with an average slope greater than 1 in 10.
- v. Buildings and associated roads shall not be constructed in areas with slope greater than 33%.

- vi. 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.

(H) Building Materials, Colours and Textures

- i. Exterior building colours and materials shall be non-reflective and blend with the natural colours of the surrounding environment. Suitable colours and tones are :

Moderately dark to darker shades of olive green,  
blue green,  
grey green,  
blue grey,  
blue,  
purple blue,  
purple,  
red purple,  
red,  
green yellow,  
green,  
moderate to darker wood stains that blend well with lower colour values and the hues of surrounding forest colours are recommended.

- ii. 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.
- iii. 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.
- iv. Broad expanses of a single colour are not desirable and are, where possible, to be broken up by other colours or design elements.
- v. The use of white and other light colours for exterior trims and highlighting of architectural features may be permitted.

**(I)** Vegetation

- 1. Clearing and disturbance of vegetation along proposed road reserves, driveways, or accesses 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.
- ii. Trees along roads at foot or top of cut and fill slopes shall be protected with the use of bin walls and sensitive earth removal.
- iii. Tree clearing within 30 metres of all street and creek banks shall be prohibited, unless approved by the responsible authority.
- iv. A planting strip of at least 2 metres width shall be provided separate parallel retaining walls and be planted with approved endemic species.
- v. Where houses are sited on high ground and are visually prominent within the surrounding viewshed, planting with endemic species, shall be used to screen the building from neighbouring properties and all public roads. Filtered views out of houses should be maintained with appropriately selected plants.

(J) Fencing

- i. Fencing and gate design and construction shall be compatible with the natural beauty of the site and of the natural environment.
- ii. Generally, no retaining wall shall be higher than 1.5 metres above natural ground level.

**5.6 Residential Designation - Precinct 2**

(A) All applications for rezoning, subdivision, consent or the development of land shall be accompanied by a Site Evaluation and a Visual Assessment Report as detailed in Section 5.9.

(B) Subdivision and Design Layout

- i. All allotments shall comply with the specifications for allotments in the Residential zone.
- ii. The design and layout of all new subdivisions shall ensure harmony between subdivision patterns and natural and man-made features of the landscape, such that :
  - \* subdivision is designed to accommodate the natural features and contours of the site;
  - \* development occurs with minimum disturbance to the natural surface and surface levels;
  - \* natural drainage patterns are retained.
- iii. Divisions between allotments and natural areas shall be softened by appropriate landscaping in order to establish a buffer between the urban development and the natural bushland.

(C) Access and Parking

- i. Roadway alignments shall, as far as is practicable, follow the natural contours of the land and the flattest gradients thus minimising cut and fill requirements.
- ii. 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 plantings shall be used to soften driveway impacts.
- iii. Practical access shall be provided for conventional vehicles to all allotments.
- iv. Sealed driveways shall be constructed at the time of subdivision.
- v. Effective drainage shall be planned for all works prior to construction.
- vi. Use of flexible design criteria for *minimum* grades, road radius limits, roadway 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, providing critical engineering and safety factors can be maintained and providing roads are trafficable by service vehicles such as garbage trucks.

- vii. 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.

(D) Excavation and Fill

- i. All excavation and fill slopes shall be revegetated with endemic 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.
- ii. Earth fills and cuts exceeding 1.5m in height to accommodate building construction shall not be approved except with the approval of the Director of Planning and Development upon receipt of detailed supportive documentation. Buildings shall be designed and sited to blend into the landscape with minimal excavation and fill.
- iii. 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.
- iv. A comprehensive "clear water" erosion control programme shall be established prior to the commencement of subdivision or building works, using a combination of temporary and permanent control measures. Clear water shall be diverted away from work areas to the nearest natural stream channel, while dirty water is to be controlled and treated through a system of sediment traps and settling ponds.
- v. Effective revegetation techniques shall be utilised in the erosion control programme.

(E) Services

- i. All new subdivisions shall incorporate underground power reticulation.

(F) Siting and Design of Buildings and Outbuildings

- i. No building shall be greater than 7.5 metres in height above natural ground level. Where slope gradients exceed 15%, split level buildings shall be used as an alternative to standard two-storey construction and as an alternative to single storey construction to minimise building bulk; to minimise benching of sites; and to create an attractive built form.
- ii. Generally, no ridge line of any building shall rise above ridge top treelines, interrupting the natural skyline viewed from main roads and public reserves, where the natural treeline remains. Where no natural treeline remains, building ridge lines shall not rise above the ridge top unless an approved landscape plan demonstrates that a treeline adequate to obscure the building ridge lines will develop in a reasonable time and a mechanism for maintenance of vegetation exists.
- iii. Generally, no roof shall have a pitch greater than 15° degrees.
- iv. Ridge lines of buildings generally shall be parallel with contours of the land on sites with an average slope greater than 1 in 10.
- v. Buildings and associated roads shall not be constructed in areas with slope greater than 33%.

- vi. 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.

(G) Building Materials, Colours and Textures

- i. Exterior building colours and materials shall be non-reflective and blend with the natural colours of the surrounding environment. Suitable colours and tones are :  
  
Moderately dark to darker shades of olive green,  
blue green,  
grey green,  
blue grey,  
blue,  
purple blue,  
purple,  
red purple,  
red,  
green yellow,  
green,  
moderate to darker wood stains that blend well with lower colour values and the hues of surrounding forest colours are recommended.
- ii. 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.
- iii. 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.
- iv. Broad expanses of a single colour are not desirable and are, where possible, to be broken up by other colours or design elements.
- v. The use of white and other light colours for exterior trims and highlighting of architectural features may be permitted.

(H) Vegetation

- i. Clearing and disturbance of vegetation along proposed road reserves, driveways, or accesses 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.
- ii. Trees along roads at foot or top of cut and fill slopes shall be protected with the use of bin walls and sensitive earth removal.
- iii. Tree clearing within 30 metres of all street and creek banks shall be prohibited, unless approved by the responsible authority.
- iv. A planting strip of at least 2 metres width shall be provided separate parallel retaining walls and be planted with approved endemic species.
- v. Where houses are sited on high ground and are visually prominent within the surrounding viewshed, planting with endemic species, shall be used to screen the building from neighbouring properties and all public roads. Filtered views out of houses should be maintained with appropriately selected plants.

(I) Fencing

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

**5.7 Residential Designation - Precinct 3**

(A) Subdivision and Design Layout

- i. All allotments shall comply with the specifications for allotments in the Residential zone.
- ii. The design and layout of all new subdivisions shall ensure harmony between subdivision patterns and natural and man-made features of the landscape, such that :
  - \* subdivision is designed to accommodate the natural features and contours of the site;
  - \* development occurs with minimum disturbance to the natural surface and surface levels;
  - \* natural drainage patterns are retained.
- iii. Divisions between allotments and natural areas shall be softened by appropriate landscaping in order to establish a buffer between the urban development and the natural bushland.

(B) Excavation and Fill

- i. All excavation and fill slopes shall be revegetated with endemic 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.
- ii. Earth fills and cuts exceeding 1.5m in height to accommodate building construction shall not be approved except with the approval of the Director of Planning and Development upon receipt of detailed supportive documentation. Buildings shall be designed and sited to blend into the landscape with minimal excavation and fill.
- iii. A comprehensive "clear water" erosion control programme shall be established prior to the commencement of subdivision or building works, using a combination of temporary and permanent control measures. Clear water shall be diverted away from work areas to the nearest natural stream channel, while dirty water is to be controlled and treated through a system of sediment traps and settling ponds.
- iv. Effective revegetation techniques shall be utilised in the erosion control programme.

(C) Services

- i. All new subdivisions shall incorporate underground power reticulation.

(D) **Siting and Design of Buildings and Outbuildings**

- i. No building shall be greater than 7.5 metres in height above natural ground level. Where slope gradients exceed 15%, split level buildings shall be used as an alternative to standard two-storey construction and as an alternative to single storey construction to minimise building bulk; to minimise benching of sites; and to create an attractive built form.
- ii. 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.

(E) **Vegetation**

- i. Clearing and disturbance of vegetation along proposed road reserves, driveways, or accesses 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.
- ii. Trees along roads at foot or top of cut and fill slopes shall be protected with the use of bin walls and sensitive earth removal.
- iii. Tree clearing within 30 metres of all street and creek banks shall be prohibited, unless approved by the responsible authority.
- iv. A planting strip of at least 2 metres width shall be provided to separate parallel retaining walls and be planted with approved endemic species.

**5.8 Special Use Designation**

- (A) Sites for additional reservoirs shall be made available as subdivision of the adjacent lands takes place and the reservoirs shall be constructed, as necessary, to provide water supply to new residential development.
- (B) The design and siting of above ground water storage tanks and reservoirs shall ensure, as far as is possible, that tanks and reservoirs are not visible from adjacent public roads and significant viewing points.
- (C) Above ground water storage tanks shall be painted so that they blend with the surrounding landscape.
- (D) Sites containing above ground water storage tanks and reservoirs shall be landscaped with indigenous species to screen the tanks and reservoirs from view from adjacent public roads and significant viewing points.

**5.9 Special Provisions**

- (A) i. Council is prepared to consider a proposal for the development of a public restaurant on a site within the Plan area which commands a panoramic view of the City.
- ii. Any proposal shall be the subject of an appropriate rezoning application.



- iii. Any proposal shall :-
- o comply with the development criteria specified for the Hillside Residential designation in relation to; Geotechnical Assessment; Access and Parking; Excavation and Fill; Siting and Design of Buildings and Outbuildings; Building Materials, Colours and Textures; Vegetation; and Fencing;
  - o comply with the requirements of the Planning Scheme Provisions in relation to restaurants;
  - o not have any adverse effect on the amenity of existing or proposed residential development;
  - o not obtain vehicular access from streets within existing or proposed residential areas.
  - Lighting shall be designed to limit visual impact.

**(B) Site Evaluation**

To ensure the maintenance and/or enhancement of the biological diversity and ecological integrity of the hillsides the following information will be required as part of any application to Council for development within any part of the DCP area, except for those areas included within Precinct 3 of the Residential designation.

- i. Describe the existing environment
- o Identify important species and communities. Importance relates to:
    - stability of the ecosystem
    - threatened species
    - area of distribution
    - social/cultural
  - o Identify the condition of the existing environment
  - o Quantify the diversity of the existing environment
  - o Describe the environment in terms of the significance criteria (refer to (v) below)
- ii. Identify the types of natural communities and their extent within the area.
- iii. Describe the key features of the physical environment (eg hydrology) that relate to the area.
- iv. Describe the area in relation to surrounding landscape in terms of ecology.
- v. Assess the significance of the ecological communities in terms of:
- o other natural areas within the ecological district
  - o catchment boundaries
  - o the region, state or nation if appropriate

The following criteria should be used in making the assessment :

- o Threatened Species - endangered, rare, vulnerable, indeterminate.
- o Special Features - bird colonies, geographic limit of range, rarity or abundance of particular features, breeding grounds, etc.
- o Diversity
  - species richness
  - community and habitat richness
  - endemism
- o Naturalness - extent of modification from natural condition; potential naturalness
- o Representativeness
  - characteristic of an ecological district
  - represents diversity of a district (or former diversity)
- o Uniqueness
  - unusual combinations of species, physical features, etc.
- o Long-term sustainability
  - ability to self-sustain
  - resilience
- o Spatial context
  - buffer zones
  - shape
  - surrounding landscape
- o Area of natural community
- o Cultural value
  - scientific and educational value
  - recreational
  - economic
  - archaeological
- o Assess the nature and extent of likely impacts :
  - the type and extent of impact of the ecological system
  - the type and extent of impact on each natural community (or habitat)

(C) **Visual Assessment Report**

A report, prepared by a qualified Landscape Architect or an approved professional, which deals with the likely visual effects of any proposed development within any part of the DCP area, except for those areas included within Precinct 3 of the Residential designation shall be submitted as part of any application to Council. This report shall include, but not be limited to, the following details and discussions.

- i. Location plan and site identification details, including :
  - site location.
- ii. Site survey plan.
- iii. 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);

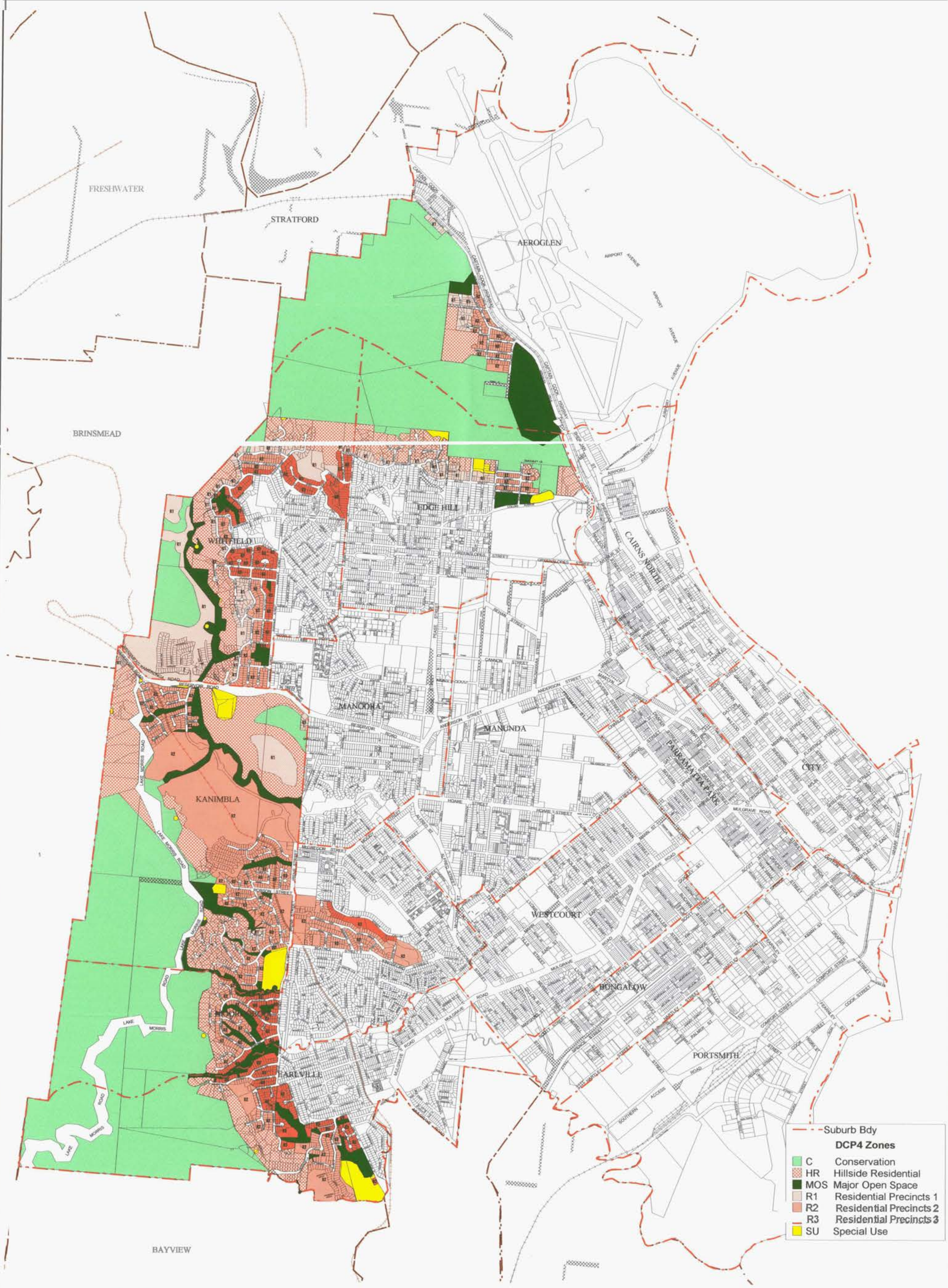
- maintenance programme especially for any effluent system and landscaping;
  - photographs of the site from significant public viewing points indicating the relative visibility of the site.
- iv. How the proposal accords with Council's Local Planning Policy - Hillslope Visual Assessment Handbook.

**(D) Hillslope Visual Assessment Panel**

The interpretation and application of the visual requirements described in this DCP may be referred to the Hillslope Visual Assessment Panel, constituted for the purpose of maintaining continuity, consistency and quality in the protection of the visual integrity of the hillslopes.

The Panel shall be comprised of five members, these being the Director of Planning and Development and nominees from the following professional bodies : Royal Australian Institute of Architects; Royal Australian Institute of Landscape Architects; Royal Australian Planning Institute and Institution of Engineers. The Panel will provide advice to the Council at the time the development application is presented to Council for its consideration.





- - - Suburb Bdy
- DCP4 Zones**
- C Conservation
- HR Hillside Residential
- MOS Major Open Space
- R1 Residential Precincts 1
- R2 Residential Precincts 2
- R3 Residential Precincts 3
- SU Special Use

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Part of City of CAIRNS  
 Development Control Plan 4 - Hillside



DCP4\_RA  
 Sheet 1 of 1

Revision  
 DCP4/1 24/04/2002

Author: RJB Date: April, 2002





**DEVELOPMENT CONTROL PLAN 5  
CAIRNS PORT AND MAJOR INDUSTRIAL AREA**



**Cairns City Council**

(0014)

## **DEVELOPMENT CONTROL PLAN 5 CAIRNS PORT AND MAJOR INDUSTRIAL AREA**

This Development Control Plan applies to the area shown on the Development Control Plan map, marked Development Control Plan 5 Cairns Port and Major Industrial Area and to any other areas included by way of amendment. This Plan Should be read in conjunction with the Planning Scheme for part of the City of Cairns and is supplementary to that Scheme.

Nothing in this Development Control Plan shall be construed to confer any rights to use land for any purpose. Such rights remain vested in the provisions of the Zoning Maps and the Planning Scheme Provisions for part of the City of Cairns.

The Development Control Plan includes the map described as Development Control Plan 5 Cairns Port and Major Industrial Area and is divided into the following :-

1. Introduction
2. Definitions
- 3 Aim**
- 4 Preferred Dominant Land Uses
- 5 Objectives and Implementation Provisions
- 6 Special Provisions**
- 7 Information to be provided by Applicants

### **PLANNING STUDY**

The Planning Study provides supporting information which is contained in that document marked Development Control Plan 5 - Planning Study, copies of the Study signed for identification by the Clerk of the Executive Council are held at the office of the Director of Housing, Local Government and Planning and at the office of the Cairns City Council. The Planning Study can be found in Part B of the Planning Scheme.

**December 1996**

**DEVELOPMENT CONTROL PLAN 5**  
**CAIRNS PORT AND MAJOR INDUSTRIAL AREA**

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## 1. INTRODUCTION

In 1985 the Cairns Area Development Strategy was released which recommended that, for the proper long term management of Trinity Inlet and Trinity Bay, the preparation of a management plan was a high priority. A strategy covering various issues including: conservation and management of mangrove areas and habitats; port expansion; and port related activities was to be formulated.

Furthermore, it was recommended that it would be desirable to resolve land use conflict in the Portsmouth area and to provide for and protect land for waterfront industrial activities and rail and road corridors.

The implementation proposed by these recommendations was similar and considered to be integral. It required the preparation of a preferred strategy and Development Control Plan, followed by implementation, including declaration of reserves for various purposes. In order to complement the Trinity Inlet Management Plan, this Development Control Plan for the Cairns Port and Major Industrial Area has been prepared.

## 2. DEFINITIONS

In this Development Control Plan, unless the context otherwise indicates or requires, the following terms have the meaning respectively assigned, provided that these terms are applicable in addition to definitions contained in the Planning Provisions of the Planning Scheme for part of the City of Cairns, as follows :

***“Risk reduction program”*** - A written program which sets out measures to be implemented by an operator against a specified time frame for the reduction of risk of fatality associated with a particular development to a level considered acceptable by Council.

***“Suitably qualified expert”*** - A person and/or organisation with credentials acceptable to Council, to undertake a safety and risk analysis of a particular development.

***“Total Development”*** - Includes all development both existing on a site and proposed within an application before Council.

### 3. AIM

This Development Control Plan is intended to achieve the following :

- To consolidate and rationalise existing and future land uses, in order to reduce potential land use conflicts;
- To ensure that this area continues to develop and redevelop as the principal industrial locality for the City and region, within the constraints imposed by the Trinity Inlet Management Program;
- To improve the economic and employment bases of the City, whilst ensuring high environmental standards for industry;
- To encourage industrial development which has a high standard of amenity and functionality;
- To encourage the orderly and proper development of industry, in accordance with the Strategic Plan;
- To encourage industrial diversity;
- To promote the efficient use of industrial land; and
- To improve the image of industrial areas and industry;

It is intended to achieve this aim through the identification of preferred dominant land use areas and the implementation of a series of intents and development criteria, for these designated areas, which will be used to guide consideration of any development proposals.

#### **4. PREFERRED DOMINANT LAND USES**

The location of preferred dominant land uses as described hereunder, is shown on the Development Control Plan map.

##### **4.1 Intent of Designations**

###### **4.1.1 Light/Service Industry Designation**

These areas are located generally to the north of Hartley Street. It is intended these areas will provide a buffer area between the General Industry areas located in the Development Control Plan area and other non-residential uses located in Parramatta Park and Bungalow, outside the Development Control Plan area. Uses of a light or service industrial nature which conform with relevant development criteria as set out in the Planning Scheme Provisions, will be permitted in this designated area.

###### **4.1.2 General Industry Designation**

This designation identifies land suitable for the development of the bulk of industrial uses. It will also cater for those uses which cannot meet the development criteria set out for development of light/service industries.

###### **4.1.3 Waterfront Industry Designation**

It is intended that land designated Waterfront Industry and located along Trinity Inlet and Smiths Creek will provide for industries which are water orientated. Where an industry does not require direct access to the water, it will not be permitted to establish on land within this designated area.

###### **4.1.4 Flammable Industry Designation**

This designation identifies areas which are currently occupied by fuel storage tanks and associated facilities and with which a known degree of risk exists.

Council recognises that these uses will continue to operate on the sites as indicated in the medium term (i.e. up to the year 2019). It is intended that any expansion of these uses shall conform with measures required to ensure that acceptable degrees of risk, associated with the facilities, are complied with at all times.

###### **4.1.5 Conservation Designation**

This designation is intended to allow for the implementation of the relevant recommendations of the Trinity Inlet Management Plan, by recognising and protecting the large tracts of existing mangroves in the Portsmouth area. Development within this designation will generally be precluded.

###### **4.1.6 Buffer Area Designation**

The buffer area designated on the Development Control Plan map is intended to be established to provide a visual barrier between the Cairns Central Business District and the Development Control Plan area which is predominantly an industrial area.

It is intended that the land shown as buffer will be under the control of Council and that landscaping of the area will take place to further provide visual screening.

#### 4.1.7 Special Uses Designation

Special Uses located within the Development Control Plan area include the Council's Refuse Disposal Area, Queensland Railways' shunting yards and HMAS Cairns. It is intended that development in these areas will be limited to the purposes for which the lands are currently used.

#### 4.1.8 Road Hierarchy

The hierarchy of the road transport system is shown on Map 3, which is contained in the document marked Development Control Plan 5 - Planning Study.

#### 4.1.9 Railway/Possible Future Public Transport Corridor

The location of the Spence Street [former] rail corridor, the railway line from the shunting yards to central Cairns and the extension of the line to Woree are shown on the Development Control Plan map.

#### 4.1.10 Landscape Strip

The Development Control Plan map indicates a landscape strip on either side of the Southern Access Road west of Aumuller Street. It is intended the strip of land will be intensively planted to screen adjacent industrial activities.

### 4.2 Division of Development Control Plan Area into Designations

For the purposes of this Development Control Plan the preferred Dominant Land Use designations described are indicated on the Development Control Plan map with the colour and/or hatching set out in the table below :

Preferred Dominant Land Use Designation	Colour of Hatching
Light/Service Industry	Light Purple
General Industry	Dark Purple
Waterfront Industry	Light Blue
Flammable Industry	Red
Conservation	Light Green
Buffer Area	Dark Green
Special Uses	Yellow
Southern Access Road	Full black line
Railway/Possible Future Public Transport Corridor	Long dashed red lines
Landscape Strip	Dashed black line

## **5. OBJECTIVES AND IMPLEMENTATION PROVISIONS**

### **5.1 Light/Service Industry Designation**

#### **5.1.1 Objectives**

- (a) To provide specific areas for the establishment of industrial uses of a light and/or service nature, as defined by the Planning Scheme for part of the City of Cairns.
- (b) To ensure orderly and functionally efficient development which is readily accessible.
- (c) To locate light/service industrial uses such that they form a transition from general industries to the primarily non-industrial/commercial uses located adjacent to Mulgrave Road, thereby buffering non-industrial uses to the north of the Development Control Plan area.
- (d) To identify the location of the Gas Works and limit expansion of the operations in order that any risk associated with the operations of the works is not exacerbated.
- (e) To create effective buffers between industrial and residential areas by separating , by distance, the more incompatible activities and by requiring the provision of screen planting and landscaping around industrial buildings and on industrial sites. On street planting will also be required.
- (f) To promote the upgrading of existing industrial activities, with unacceptable environmental performance, located close to residences.
- (g) To encourage industrial diversity by providing an area for the location of service based industries.
- (h) To provide a visually attractive built and natural environment within this industrial area.
- (i) To protect the amenity of adjoining and nearby residential areas.
- (j) To ensure that vehicular traffic generated by industry does not conflict with local or through traffic, or cause detriment within the immediate vicinity or to the general community.
- (k) To provide a program of improvements to industrial streets and on-street tree planting.

#### **5.1.2 Implementation**

- (a) The Development Control Plan map shows areas considered suitable for development for light and/or service industries which facilitate the fulfilment of the above objectives.

It is intended that land in this area will be used for light/service industrial type uses, providing a transition area between the commercial uses located outside the Development Control Plan area, adjacent to Mulgrave Road, and the general industrial uses located generally south of Hartley Street.

Land in this designation is zoned for light and service industries due to the smaller allotment sizes in this area. Applications for general industries shall not be approved as insufficient area is available on these smaller sites to buffer them from neighbouring land.

- (b) Other more intensive industrial uses which require larger sites will not be permitted to establish in this designated area, in order that existing smaller units of similar style industrial activities are not adversely affected.
- (c) This designation includes the site currently developed with the Gas Works. It is Council's intention that the Gas Works should be relocated from its present site. This intention is based on the high degree of risk associated with the location of the existing works. It may be that the risk of fatality will increase when redevelopment of the Cairns Railway Station site is undertaken, depending on the location of uses within that redevelopment.

Council shall not approve expansion of the existing facility. Any application for rationalisation (but not expansion) of the use will be accompanied by a detailed Risk Analysis Report prepared by a suitably qualified expert which shall specify appropriate risk reduction measures, in the form of a risk reduction program.

Any application which will increase the risk associated with the works will not be approved.

- (d) Where a site in the Light/Service Industry Designation has a common boundary with the land in a Residential zone, Sport and Recreation zone, Conservation zone or Open Space zone :
  - no part of any building or structure above the level of adjoining ground shall be within a distance measured on a horizontal plane of:
    - 2.5 metres; or
    - equivalent to half the height of that part, whichever is the greater, from a side boundary of the site;
  - no part of any building or structure above the level of adjoining ground shall be within a distance measured on a horizontal plane of 6 metres from the rear boundary of the site
- (e) Where a site in the Light/Service Industry Designation has a common boundary with a street that abuts a Residential zone, land zoned for Sport and Recreation, an Open Space zone or a Buffer area :
  - no part of any building or structure shall be located within a 6 metres setback from the street; and
  - the setback shall be densely landscaped with advanced trees and shrubs.
- (f) Other development provisions to be satisfied are contained in the Planning Scheme Provisions and relevant Local Laws.

## **5.2 General Industry Designation**

### **5.2.1 Objectives**

- (a) To ensure orderly and functionally efficient development which is readily accessible.
- (b) To protect from encroachment by non-industrial uses or less intensive industrial uses, land which is designated to provide for the establishment of general industries.
- (c) To recognise the existing CIG storage facility and provide controls which ensure that risk associated with operations of the facility will not be exacerbated.

- (d) To limit any potentially adverse effects of general industrial development on land adjoining areas designated for conservation.
- (e) To accommodate a wide range of industrial and related developments as specified in the Planning Scheme for part of the City of Cairns.
- (f) To improve the image of general industry areas and industry.
- (g) To protect the amenity of adjoining residential areas.
- (h) To provide a program of improvements to industrial streets and on-street tree planting.

### 5.2.2 Implementation

- (a) This designation includes the majority of land available for the establishment of general industries and forms the core area for the development and continuation of general industry for the City of Cairns.

Land in this designation shall not be used for purposes which in Council's opinion would be more appropriately located in other areas providing for less intensive industrial development, such as areas designated for light/service industry or commercial areas.

- (b) Non-industrial uses will not be permitted to establish, as specified in the Planning Scheme Provisions.
- (c) Council may give consideration to applications for rezoning to allow Hazardous or Offensive Industries, subject to the results and conclusions of an Environmental Impact Statement, showing that a proposed use would not cause unreasonable detriment to the amenity of existing or likely future surrounding land uses and the area generally.
- (d) Council may also permit the establishment of High-Tech Industries in this designation, subject to the relevant provisions of the Town Planning Scheme for part of the City of Cairns.
- (e) Council will not permit the establishment of any uses which in Council's opinion generate the movement of unnecessary traffic into or through the designated area.
- (f) Where land adjoins wetland areas designated for conservation, development shall not detrimentally affect neighbouring conservation areas by way of contaminated runoff, spillage, emissions and use of material etc. likely to pollute the immediate environment.

Where proposals adjoin wetland areas, Council may subject developments to the following types of requirements :

- fencing
- bunding
- landscaped buffering
- management of toxic and hazardous wastes
- perimeter interception drains
- setbacks

Proposals may also require approval from the Trinity Inlet Management Program and the submission of an Environmental Impact Statement may also be required.

- (g) The designated area includes the site currently developed with the CIG facility. Council does not favour expansion of the current facility on this site due to the limited site area available and the degree of risk to adjacent land associated with the existing facility.

Favourable consideration may be given to rationalisation (but not expansion) of the existing facility, where an application to Council is accompanied by a detailed report prepared by a suitably qualified expert which analyses risk associated with the total development on the site and specifies an appropriate risk reduction program to the level of risk which Council considers is acceptable. Depending on the scale of the proposed works, an Environmental Impact Statement may also be required.

- (h) Where a site in the General Industry Designation has a common boundary with land in a Conservation zone, Sport and Recreation zone or Open Space zone :
- no part of any building or structure above the level of adjoining ground shall be within a distance measured on a horizontal plane of:
    - 2.5 metres; or
    - equivalent to half the height of that part, whichever is the greater, from a side boundary of the site;
  - no part of any building or structure above the level of adjoining ground shall be within a distance measured on a horizontal plane of 6 metres from the rear boundary of the site.
- (i) Where a site in the General Industry designation has a common boundary with a street that abuts a Residential zone, land zoned for Sport and Recreation, an Open Space zone or a Buffer Area :
- no part of any building or structure shall be located within a 6 metre setback from the street; and
  - the setback shall be densely landscaped with advanced trees and shrubs.
- (j) Other development provisions to be satisfied are contained in the Planning Scheme Provisions and relevant Local Laws.

### **5.3 Waterfront Industry Designation**

#### **5.3.1 Objectives**

- (a) To provide for the establishment of industrial uses which require direct access or frontage to the waterfront of the Port of Cairns.
- (b) To ensure that the limited supply of land with direct water frontage is not alienated by uses not requiring such frontage.
- (c) To prevent any potentially adverse effects the development of waterfront land may have on Trinity Inlet and Smith's Creek.
- (d) To encourage the adoption and achievement of high environmental and health performance standards.
- (e) To ensure orderly and functionally efficient development which is readily acceptable.
- (f) To provide a program of improvements to industrial streets and on-street tree planting.



### 5.3.2 Implementation

- (a) Land in this designation shall only be available for water oriented industrial uses. Other uses, including other industrial uses, which do not require direct frontage to the water shall not be permitted to establish on land in this designation.
- (b) Developers and operators of waterfront industries fronting Trinity Inlet and Smith's Creek shall not permit any action or operation to occur which will detrimentally affect such adjoining watercourse and/or the conservation area. Council may impose specific conditions to ensure that neither watercourses or the conservation area are detrimentally affected.
- (c) Council may require developments within the Waterfront Industry designation to obtain approval from the Trinity Inlet Management Program and to submit an Environmental Impact Statement.

Where land adjoins wetland areas designated for conservation, development shall not detrimentally affect neighbouring conservation areas, Trinity Inlet, Smiths and Chinaman Creeks by way of contaminated run-off, spillage, emissions, and use of materials etc. likely to pollute the immediate environment.

Where proposals adjoin wetland areas, Council may subject developments to the following types of requirements:-

- \* fencing
- bunding
- landscaped buffering
- management of toxic and hazardous wastes
- perimeter interceptor drains
- setbacks

If a particular development does not satisfy the requirements of an Environmental Impact Statement or the requirements of the Trinity Inlet Management Program, Department of Environment and Heritage, and Council, with regard to the possible impact on Trinity Inlet, Smiths and Chinaman Creeks, the proposal shall not obtain approval to locate within this area.

- (d) Where a site in the Waterfront Industry Designation has a common boundary with land in a Conservation zone or the Buffer Area:
  - no part of any building or structure above the level of adjoining ground, shall be within a distance measured on a horizontal plan of :-
    - 6 metres; or
    - equivalent to half the height of that part, whichever is the greater from the boundary of the site;
  - the setback shall be densely landscaped with mature trees.
- (e) Where a site in the Waterfront Industry Designation has a common boundary with Trinity Inlet and/or Smiths Creek :-
  - no part of any building shall be:
    - within a distance of 10 metres from the point of the highest astronomical tide;
  - the setback shall be landscaped with advanced trees and shrubs.
- (f) Council may vary these setbacks at its discretion, however, documentation shall be submitted providing reasons to substantiate the variation.

- (g) Other development provisions to be satisfied are contained in the Planning Scheme Provisions and relevant Local Laws.
- (h) All development proposals shall be referred to the Technical Committee of the Trinity Inlet Management Program for consideration and the recommendations of the Trinity Inlet Management Program will be taken into account by Council when considering the proposal.

## **5.4 Flammable Industry Designation**

### **5.4.1. Objectives**

- (a) To identify the location of existing fuel storage facilities.
- (b) To ensure risk associated with fuel storage facilities is acceptable.
- (c) To require the implementation of risk management/reduction programs.
- (d) To encourage the adoption and achievement of high environmental and health performance standards.
- (e) To provide a program of improvements to industrial streets and on-street tree planting.

### **5.4.2 Implementation**

- (a) Council recognises the existence of the fuel storage facilities in the area bounded by Hartley, Bunda, Kenny and Dutton Streets and by the railway line.
- (b) Council shall not permit the establishment in this area of any use other than the storage of fuel and those uses ancillary to and necessarily associated with the storage of fuel.

- (c) Development which involves :

- the expansion, extension or rationalisation of existing fuel storage facilities; or
- the establishment, expansion or extension of uses which are ancillary to or associated with existing fuel storage facilities; or
- the establishment of new fuel storage facilities;

shall only be approved by Council where :

- an application is accompanied by a detailed Risk Analysis Report, prepared by a suitably qualified expert, which analyses the risk associated with the total development on the site and specifies an appropriate risk reduction program which will reduce the risk of fatality to a level which Council considers acceptable;
- the proposal complies with the provisions of this Development Control Plan and the Council's Planning Scheme, Local Laws and Policies; and
- Council is satisfied, having given consideration to the matters set out in the Planning Scheme, that the impact of any proposal will not be so detrimental to surrounding land uses as to warrant the refusal of the application.

- (d) Council may require, **as** a condition of approval, that an annual audit of fuel storage facilities and other flammable facilities be undertaken, to ensure compliance with all requirements.
- (e) All development proposals shall be referred to the Technical Committee of the Trinity Inlet Management Program for consideration and the recommendations of the Trinity Inlet Management Program will be taken into account by Council when considering the proposal.

## **5.5 Conservation Designation**

### **5.5.1 Objectives**

- (a) To protect the existing wetland areas which fringe Smiths and Chinaman Creeks from encroachment by industrial development;
- (b) To implement the provisions of the Trinity Inlet Management Plan, insofar **as** they relate to existing undisturbed wetland areas.

### **5.5.2 Implementation**

- (a) Council will not approve industrial development in the area designated as Conservation.
- (b) Notwithstanding (a) above, Council may approve minor developments such as interpretive walks or interpretive centres where Council is satisfied that the wetland area will not suffer deleteriously from any proposed construction.
- (c) Wetland areas within the area designated as Conservation shall not be cleared nor shall filling be placed on any wetland areas, except pursuant to any approval issued by Council pursuant to (b) above.
- (d) Developments such as those specified in Section 5.5.2.(b) shall be referred to the Technical Committee of the Trinity Inlet Management Program for consideration and the recommendations of the Trinity Inlet Management Program will be taken into account by Council when considering the proposal.

## **5.6 Buffer Area**

### **5.6.1 Objectives**

- (a) To provide an area of visual screening between the Central Business District and industrial development, located within the Development Control Plan area.
- (b) To delineate an identifiable boundary beyond which the business area shall not intrude into the principle industrial area of the City.
- (c) To improve the visual image of industrial areas.
- (d) To provide a program of improvements to industrial streets and on-street tree planting.

### **5.6.2 Implementation**

- (a) It is Council's intention that control of a strip of land, with a minimum width of 8 metres and located generally adjacent to the eastern boundary of Dutton Street between Kenny Street and Spence Street, should be transferred to Council.

The area shall be planted and landscaped to provide a visual and physical buffer between industrial uses to the west and the Central Business District to the east. The area between Dutton Street and the new alignment of the railway line, between Kenny Street and Spence Street, is a suitable location for this section of the Buffer Area.

- (b) A strip of land, with a minimum width of 6 metres and located at the frontage of the properties to Kenny Street/Wharf Street and across the northern edge of the Development Control Plan area, as shown on the Development Control Plan map, shall be provided as a landscaped buffer between the port operations and the Central Business District. Council may require or negotiate the transfer of this land to Council's control.

## **5.7 Traffic and Transportation**

### **5.7.1. Objectives**

- (a) To ensure high standards of mobility and accessibility within and through the Development Control Plan area.
- (b) To ensure a proper relationship between the type and intensity of land use and the existing and future road and rail systems.
- (c) To maintain the integrity of the Cairns Southern Access Road.
- (d) To minimise on-street carparking, by ensuring adequate off-street carparking.
- (e) To ensure that vehicular traffic generated by industry does not conflict with local or through traffic, or cause detriment within the immediate vicinity or to the general community.
- (f) To ensure the preservation of the Spence Street rail corridor.

### **5.7.2 Implementation**

- (a) Map 3, contained in the document marked Development Control Plan 5 - Planning Study, identifies the preferred hierarchy for roads within the Development Control Plan area.
- (b) Council intends to safeguard the existing and future capacity of the road system, within the Development Control Plan area, by limiting and controlling vehicle access from sites fronting heavily trafficked roads and by restricting the layout and intensity of development along such roads.
- (c) The need for the provision of adequate on-site parking is recognised and required by the Planning Scheme Provisions. The design and layout of manoeuvring and parking areas shall ensure that such areas are attractive to use. A significant proportion of the required amount of parking for commercial and industrial development shall be provided at a visible location at the front or side of the site.
- (d) The Development Control Plan map identifies the Woree to Cairns route of the Main North Line of the Queensland Railways. This line will service the marshalling yards located west of Aumuller Street and the Port area generally.
- (e) The Development Control Plan map identifies the Spence Street [former] rail corridor. This corridor is to be preserved to enable future public transport access to the Central Business District.

- (f) The Development Control Plan map identifies the Cairns Southern Access Road (CSAR) which connects the Central Business District to the Bruce Highway at Woree. Wherever possible, Council will require development with frontage to this road to gain access via alternative streets. In this way, and by requiring combined access points, Council will endeavour to limit direct access onto this road.
  
- (g) It shall be a requirement of all development on land west of Aumuller Street and with frontage to the Cairns Southern Access Road, that a six (6) metre wide landscape area shall be established across the whole of the frontage of the land. The landscape area shall be planted and maintained to Council's satisfaction, in accordance with a landscape plan prepared by a suitably qualified landscape architect, and approved by Council at the time of issuing a building approval.

6.

6.1 \_\_\_\_\_

Land Use	Risk of fatality criteria per million per person per year
Hospitals, schools, old age housing and child care facilities	Up to 0.5
Residential	up to 1
Open Space - Passive - Active	up to 10 up to 5
Commercial	up to 5
Public Roads	up to 20
Industrial	Up to 50 per employee

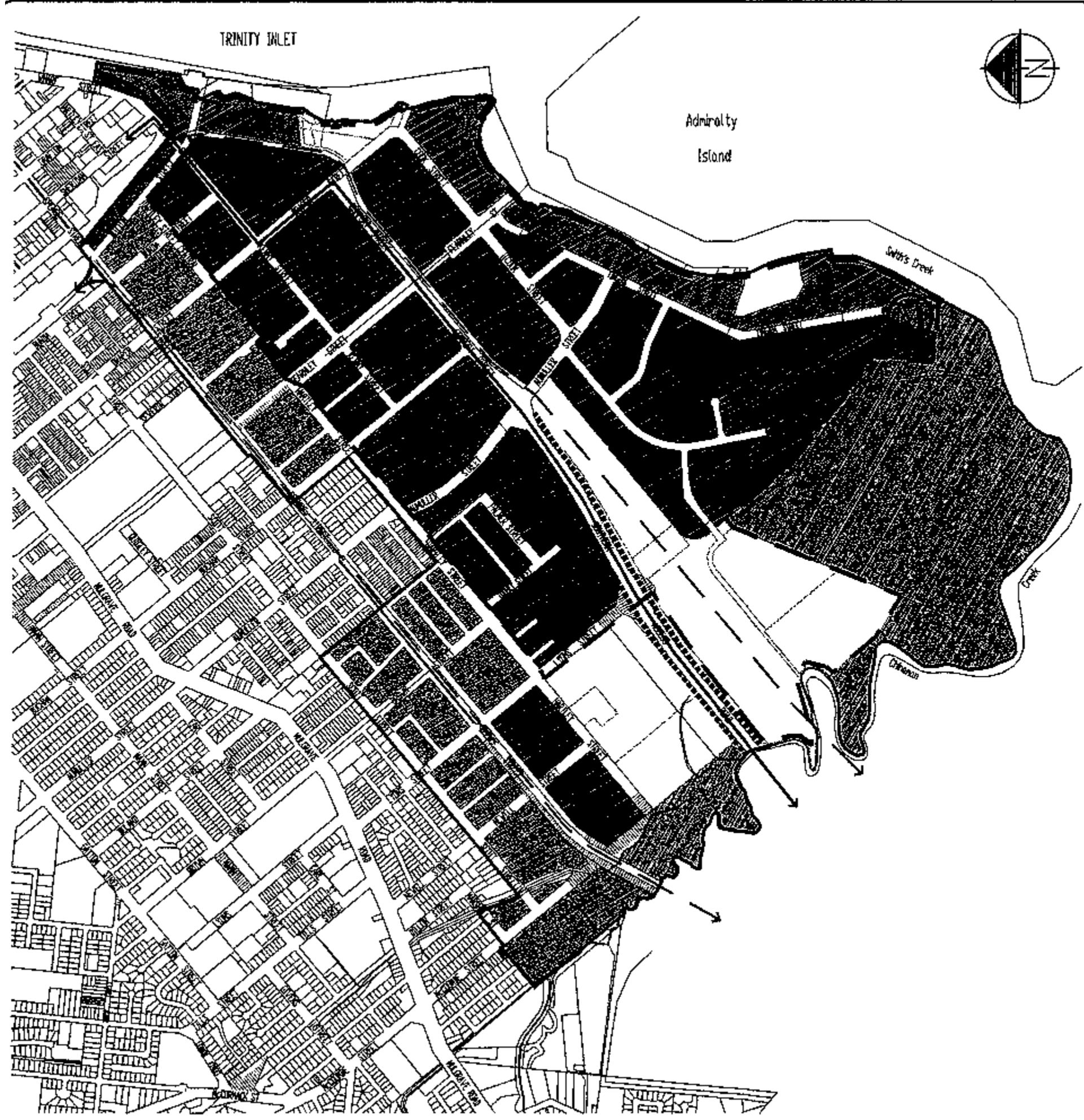
In detail, the criteria are as follows :-

- (a) Hospitals, schools, child-care facilities and old age housing development should not be exposed to individual fatality risk levels in excess of half in one million per year.
- (b) Residential developments and places of continuous occupancy, such as hotels and tourist resorts should not be exposed to individual fatality risk levels in excess of one in one million per year.
- (c) Commercial developments, including offices, retail centres, warehouses with showrooms, restaurants and entertainment centres, should not be exposed to individual fatality risk levels in excess of five in one million per year.
- (d) Sporting complexes and active open space areas should not be exposed to individual fatality risk levels in excess of ten in one million per year.
- (e) Individual fatality risk levels for industrial sites at levels of 50 in one million per year should, as a target, be contained within the boundaries of the site where applicable.

## 7. INFORMATION TO BE PROVIDED BY APPLICANTS







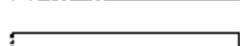


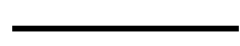



- ~ Five (5) copies of site layout plan, showing details of all buildings and works, both existing and proposed.
- ~ Internal layout of all buildings showing plant and equipment.
- ~ Details and plans, where applicable, of any emissions either to *air*, water or land, including means of discharge and control.
- ~ Complete details of the total operation or processes carried out, including materials used, products produced and any by-products produced, including details of the method of their disposal and/or treatment.
- ~ Details of any potential risk or hazard in either the processes carried on or materials stored or ultimately produced.
- ~ Hours of operation.
- ~ Numbers of staff, including office, manufacturing, warehouse, sales representatives and the like.
- ~ Details of the transportation of raw materials, finished products, by-products or waste to and from the site, including the means of transport and the frequency of vehicle movements.
- ~ Any example of a similar activity or process operating elsewhere which could be inspected by Council if need be.
- ~ If relocating from elsewhere, the location and zoning of the exiting site and the reasons for relocation.
- ~ Details of any discussions held with other authorities, such as Department of Environment and Heritage or Department of Primary Industries, regarding this application.
- ~ Details (if any) of ultimate scale of development proposed for the site.
- ~ Any other comment or information that you consider would assist Council in the determination of the application.
- ~ Any additional documentation specified within the Development Control Plan.

Upon receipt of the above information, the application together with the material supplied, may be referred to a number of relevant authorities, including the Department of Environment and Heritage and the Trinity Inlet Management Program, for advice on the proposal.



DEVELOPMENT CONTROL PLAN 5  
**CAIRNS PORT AND  
 MAJOR INDUSTRIAL AREA**

**LEGEND**

-  DCP Area
-  Light/Service Industry
-  General Industry
-  Waterfront Industry
-  Flammable Industry
-  Conservation
-  Buffer Area
-  Special Use
-  Area of Regional Significance for Business and Industry Development
-  Southern Access Road
-  Landscape Strip
-  Railway/Possible Future Public Transport Corridor
-  Possible Future Marina Site

**LAND USE  
 DESIGNATIONS**

100 0 100 200 300 400 500 600  
 Scale 1 : 15,000  
 DO NOT SCALE

December, 1996

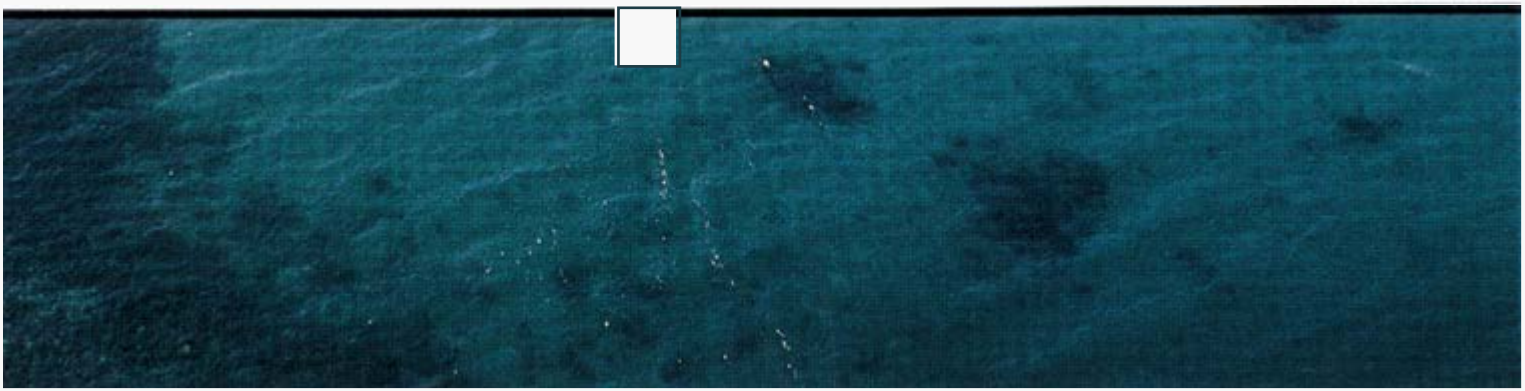




**DEVELOPMENT CONTROL PLAN 6  
GREEN ISLAND**



**Cairns City Council**



## **DEVELOPMENT CONTROL PLAN 6**

### **GREEN ISLAND**

This Development Control Plan applies to the area shown on the Development Control Plan map marked Development Control Plan 6 Green Island and to any other areas included by way of amendment. This Plan should be read in conjunction with the Planning Scheme for part of the City of Cairns and is supplementary to that Scheme.

Nothing in this Development Control Plan should be construed to confer any rights to use land for any purpose. Such rights remain vested in the provisions of the Zoning Maps and the Planning Scheme Provisions for part of the City of Cairns.

This Development Control Plan includes the map described as Development Control Plan 6 Green Island and is divided into the following :-

1. Introduction
2. Aim
3. Objectives
4. Precincts
5. Performance Criteria Applicable to All Precincts
6. Special Provisions

Appendix I - Suitable Endemic Species for Green Island Landscaping

### **PLANNING STUDY**

The Planning Study provides supporting information which is contained in that document marked Development Control Plan 6 - Planning Study, copies of the Study signed for identification by the Clerk of the Executive Council are held at the office of the Director of Housing, Local Government and Planning and at the office of the Cairns City Council. The Planning Study can be found in Part B of the Planning Scheme.

**DEVELOPMENT CONTROL PLAN 6**  
**GREEN ISLAND**

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**APPENDIX I - SUITABLE ENDEMIC SPECIES FOR GREEN ISLAND LANDSCAPING**

## 1. INTRODUCTION

Green Island is a small coral cay approximately 27 kilometres off-shore from Cairns at latitude 16°46' south and longitude 145°58' east. It has achieved wide renown over several decades as an accessible and attractive example of the natural beauties of the Great Barrier Reef. The Island is located within the Great Barrier Reef World Heritage Area.

This small Island has been, and is still, a major attraction for both domestic and international tourists. However, as a result of human activity and natural influences, Green Island has suffered impacts, such as erosion, which have damaged the natural attractiveness of the Island and have threatened the integrity of structures and facilities.

## 2. AIM

The aim of the Development Control Plan is to guide the future use of the Island and to correct existing imbalances by providing guidelines and criteria for refurbishment and redevelopment of tourist orientated activities on the Island. The guidelines are consistent with the enhancement of the Island's special character derived from its physical setting and historical development as a popular overnight and day-trippertourism destination.

In order to convert the aim of the Development Control Plan into practical planning controls and guidelines, implementation criteria have been grouped, where appropriate, under 4 precincts, namely : recreation; environment; tourism; and infrastructure. The precincts contain areas which are of a similar existing or desired future character, or which have particular development constraints.

## 3. OBJECTIVES

The preparation of town planning controls to guide the future use of the Island and to guide any development/redevelopment proposals is intended to satisfy the following objectives :

- To ensure that the ecological values of Green Island are not compromised by continued tourist activities;
- To encourage visitors to appreciate and respect the fragile environment of the Island;
- To encourage a form of development that recognises both the location and regional context of the Island;
- To minimise the impact of built structures, thereby allowing the natural landscape to predominate;
- To encourage the design of climatically responsive buildings; and
- To minimise the mass and bulk of buildings.

## 4. PRECINCTS

Four precincts have been delineated which cover various parts of the Island as shown on the Development Control Plan Map.

### 4.1 Intent of Precincts

#### 4.1.1 Recreation Precinct

This precinct covers the majority of the Esplanade and adjacent beach area. It is presently free of buildings except for a storage building associated with a beach hire facility.

It is intended to provide for recreational use and enjoyment of the Island, with built structures limited to relocatable facilities of low key design, except for the Jetty. Such structures shall be designed, located and/or screened so as to be aesthetically pleasing and in keeping with the natural setting.

#### 4.1.2 Environment Precinct

This precinct covers all of the National Park area and part of the Esplanade area.

It is intended to maintain the area within this precinct in as near a natural state as possible, free from permanent structures and facilities.

#### 4.1.3 Tourism Precinct

This precinct covers almost all of the tourist lease areas and an existing State Government Reserve for Departmental and Official Purposes.

It is intended to provide for the development of permanent structures and facilities associated with Island tourism, education and recreation within this precinct. Unrestricted public accessways shall be provided throughout this area, where it is considered desirable by Council. However, the siting of buildings and walkways shall ensure that access to and impact on the Environment Precinct is strictly controlled.

#### 4.1.4 Infrastructure Precinct

This precinct covers the Jetty, telecommunications tower and a dedicated area for sewerage, water and electricity services.

It is intended to provide for the development of permanently fixed structures associated with the public berthing and mooring of all vessels at the Jetty, sewage treatment, electricity generation, fresh water storage, fuel and oil storage and telecommunications.

**Any** construction associated with the existing Jetty or a new Jetty shall only be permitted if it has the approval of Council and all other relevant authorities.

### 4.2 Implementation Provisions

#### 4.2.1 Recreation Precinct

The location of beach shelter and platform structures shall be limited to beach areas within the Recreation Precinct.

Simple suspension structures, that can be taken down and stored in extreme weather conditions, are preferred.

To maximise shade area with low angle sun, the long axis of the canopy should be aligned east/west. (Figure 1)

A storage shelter used for the purposes of hire of beach equipment shall be provided adjacent to the beach. A single operation on the beach front for the hire of recreational equipment will be permitted. (Figure 2)

A small hire facility similar to the shade shelters will be permitted closer to the water line.

Picnic tables shall be located close to pathways within the Recreation Precinct. Shade provided by natural vegetation should be utilized when siting picnic tables.

#### **4.2.2 Environment Precinct**

Picnic tables within the Environment Precinct shall be located close to pathways and towards the edge of the forest canopy. No picnic tables will be permitted further into the main forest area. Shade provided by natural vegetation shall be utilized when siting picnic tables.

#### **4.2.3 Tourism Precinct**

##### **(a) Plot Ratio**

###### **Main Lease**

The plot ratio for all buildings constructed on the main lease within this Precinct shall not exceed **0.3:1**. (Figure 3)

###### **Minor Leases**

The plot ratio for all buildings constructed on a minor lease within this Precinct shall not exceed 0.65:1, based on that individual lease area.

##### **(b) Site Cover**

###### **Main Lease**

The site cover of all buildings constructed on the main lease shall not exceed 22.5% (Figure 3), excepting that balconies, pergolas or other roofed **areas** covering outdoor dining areas, bar areas and the like may constitute an additional 7.5% site cover.

The overall site cover shall not exceed 30% and the total of each of the components of the overall site cover shall not exceed the respective maximums of 22.5% and 7.5%.

These calculations shall be based on that area of the main lease covered by the Tourism Precinct.

Covered walkways providing a protected link between buildings and which do not exceed 2.5m in width are excluded from site cover calculations. Similarly, pergolas for landscaping and ornamental purposes are excluded from site cover.



LIGHTWEIGHT, DEMOUNTABLE SHADE STRUCTURE

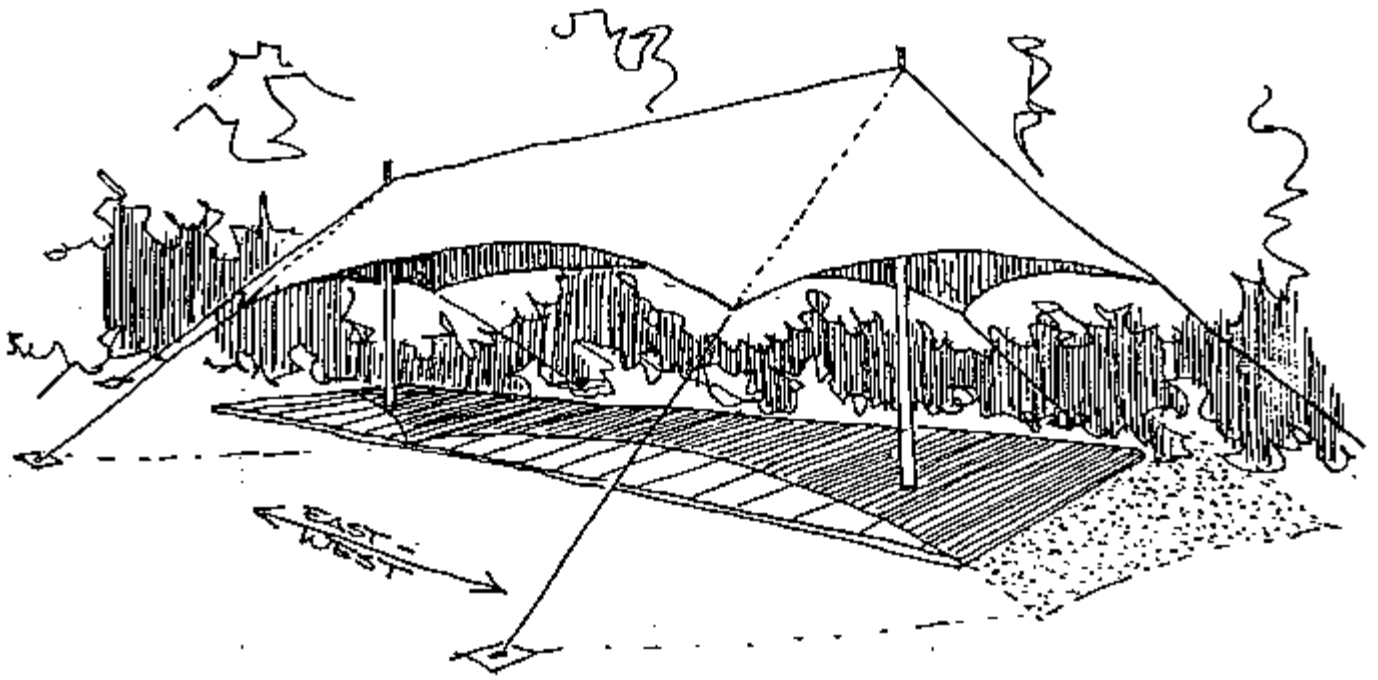
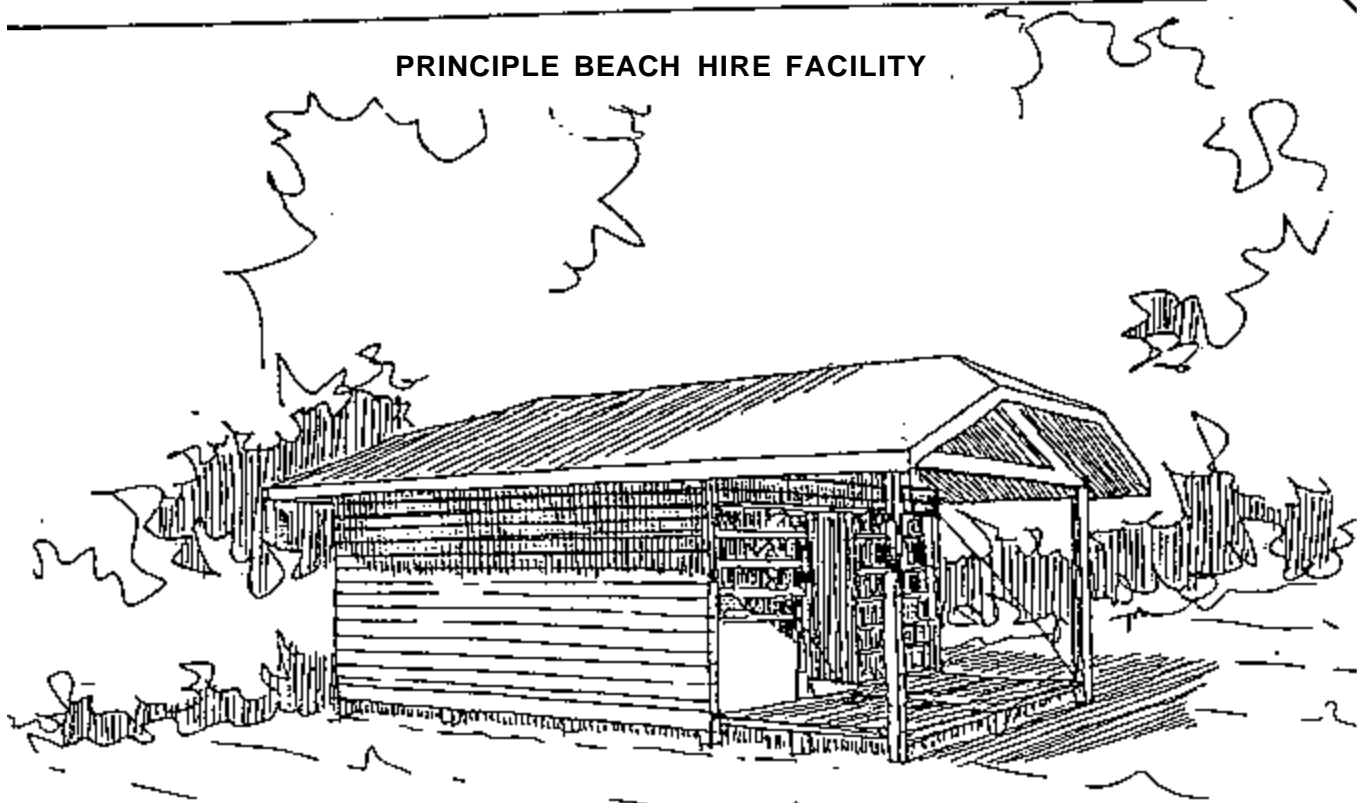


FIGURE 1

PRINCIPLE BEACH HIRE FACILITY

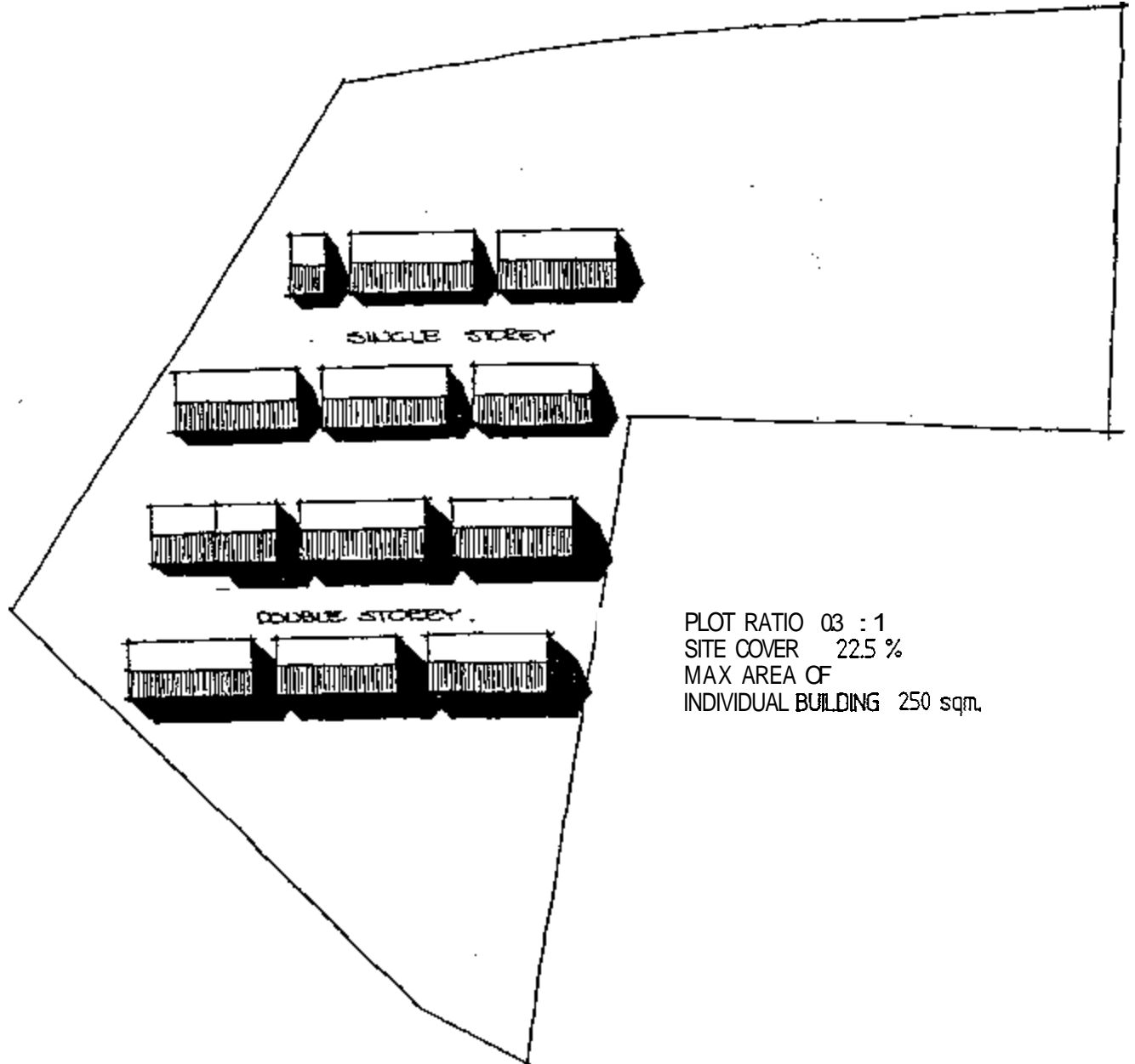


--A

FIGURE 2

**MAXIMUM PLOT RATIO, SITE COVER &**

**INDIVIDUAL BUILDING AREA LIMITS**



**FIGURE 3**



#### Main Lease

- To the Recreation Precinct 6m.
- To the Environment Precinct 1m.
- To the Infrastructure Precinct - no minimum setback requirements.
- To adjoining minor leases 1.5m for single storey and 2m for two storey buildings. Screening may be required by Council to protect the amenity of adjoining properties.

#### Minor Leases

- To the Recreation Precinct 6m.
- To the Environment Precinct 1m.
- To the Infrastructure Precinct - no minimum setback requirements.
- To adjoining main lease 1.5m for single storey and 2m for two storey buildings. Screening may be required by Council to protect the amenity of adjoining property.

Council may exempt structures from the Esplanade setback requirement where they do not adjoin or will not impact upon the area to the landward side of the revetment wall or do not adjoin areas of significant vegetation. Council shall be satisfied that the amenity of the area and the use of the Esplanade will not be adversely affected by a lesser setback. All setback areas shall be landscaped and maintained to the satisfaction of Council.

#### (e) Height Limits

The maximum height of all buildings and structures, measured from natural ground level, shall be limited to 7.5m to the eaves and to 10m to the highest point of the roof. No structure shall exceed 2 storeys in height. (Figure 4)

Council may exempt a single observation tower or a tree canopy walkway from these height restrictions.

#### (f) Visitor Information and Interpretive Centre

A building of this nature and the displays within it, should enhance the visitor's appreciation of the Island. A concept design for the building is provided. (Figure 5)

It is essential that the building is located on a major pedestrian route, so that a visit is almost inevitable.

This facility shall be designed and sited to the satisfaction of Council.

#### (g) Multi Purpose Building

A design concept for a possible development has been prepared, based on certain assumptions, namely :

- Provision of overnight accommodation;
- Maintenance of the existing Northern Fisheries Research Centre; and

- Provision of a general purpose work area for the Queensland National Parks and Wildlife Service and other bodies including, The Great Barrier Reef Marine Park Authority, and Cairns City Council.

The sketch design is intended to provide the basic design parameters for this building. (Figures 6[a] & [b]) This facility shall be designed and sited to the satisfaction of Council.

(h) Other Facilities

A maximum of two swimming pools may be permitted within this precinct, provided that the location, design and size of the pools satisfy the objective of the Plan "to minimise the impact of the built structures, thereby allowing the natural landscape to predominate".

Specifically, any swimming pools shall be located such that one shall be situated within the day-visitors' area and shall be available for the use of the general public and resort guests alike and the other pool shall be situated within the resort accommodation area and be available for the use of resort guests only. The surface area of the pool in the day-visitor's area shall not exceed 210 square metres. If a pool is to be located within the resort accommodation area, the surface area of the pool shall not exceed 90 square metres and the construction of the pool shall not involve the removal of any existing mature vegetation.

The method of treatment of the pool water shall be such that there will be no detrimental effect on the environment of the Island from discharge or treatment of pool water.

Any construction associated with **the existing** underwater observatory or a new underwater observatory shall only be permitted if it **has** the approval of all relevant authorities.

(i) Guest Numbers

A maximum of 90 guests may be accommodated within this precinct on any one night. This number of guests does not include any allocation for staff or other persons associated with the operation of facilities within this precinct.

#### 4.2.4 Infrastructure Precinct

(a) Electrical Power and Energy Use

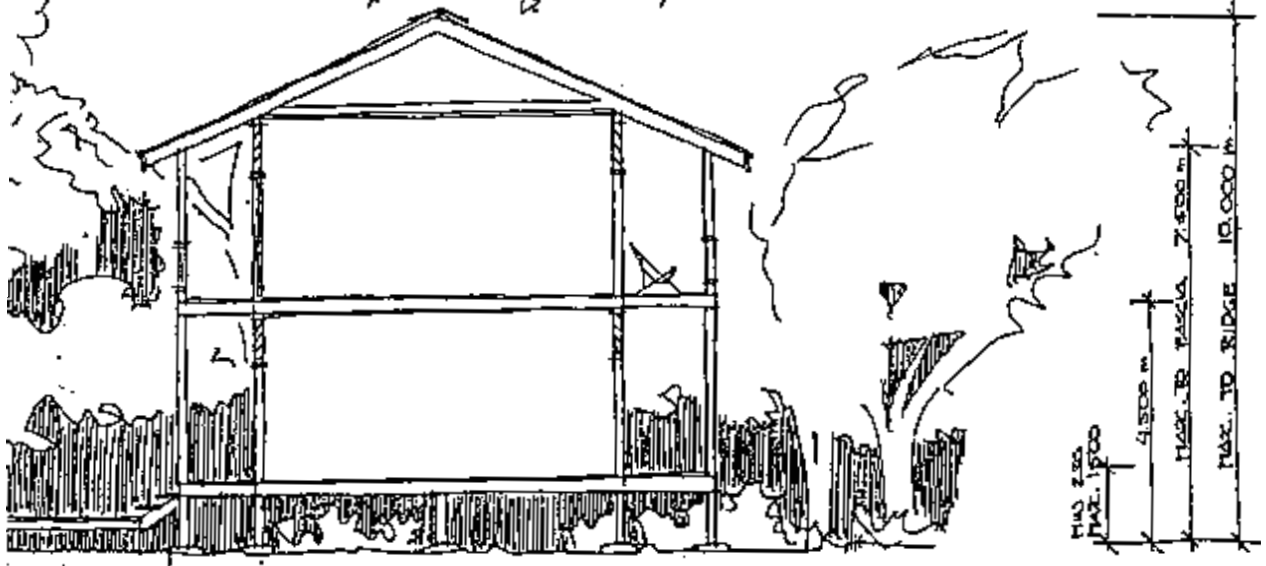
A single location within this precinct shall be provided for fuel oil generator equipment.

Supply to other users and all external lighting shall be reticulated underground and shall be provided from this source. Lighting shall be provided to the Esplanade and the Jetty areas by the operator of the main tourist lease at the time.

The system of reticulation and system of payment by users shall be determined by Council.

In the case where fuel oil is stored in above ground tanks, the tanks shall be located on an impervious base and shall be provided with a bund wall system with a minimum capacity of 115% of the storage capacity of the tanks.

MAXIMUM BUILDING HEIGHTS



Section

FIGURE 4

VISITOR INFORMATION & INTERPRETIVE CENTRE

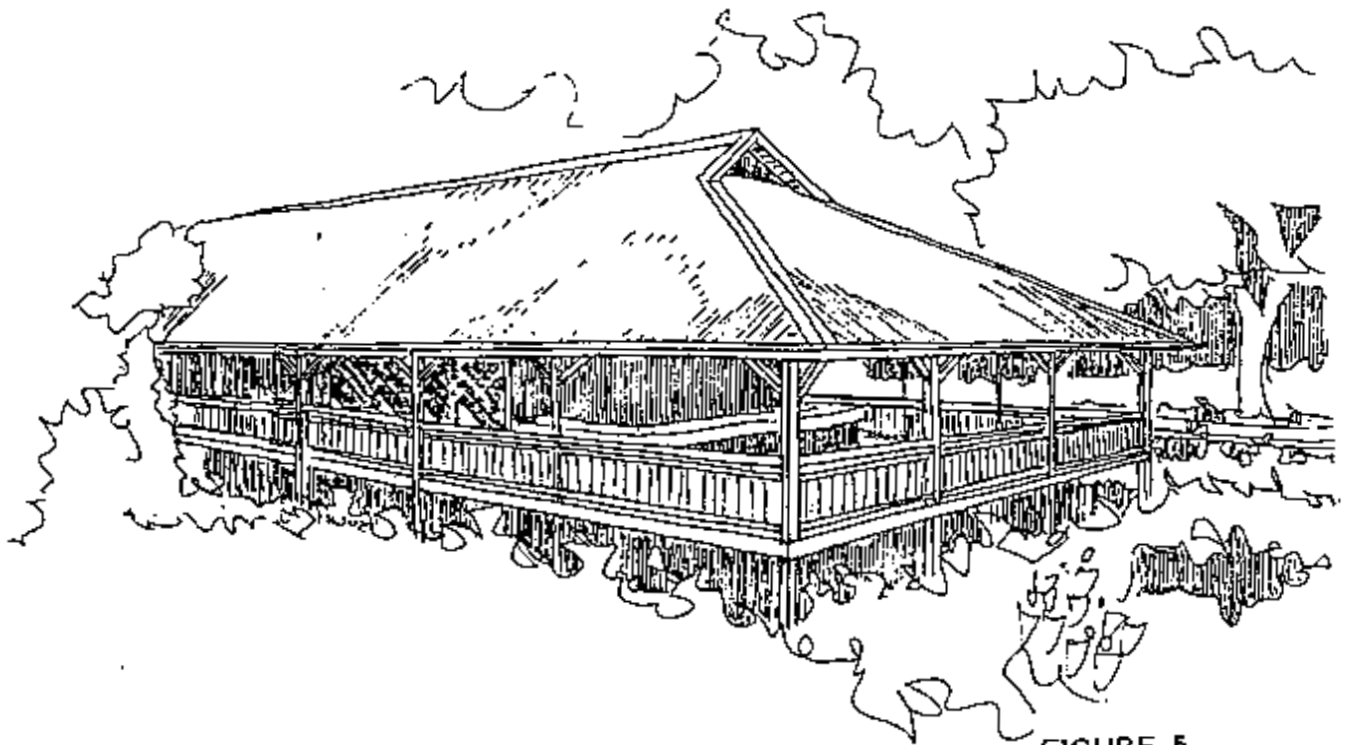


FIGURE 5

### MULTI-PURPOSE BUILDING

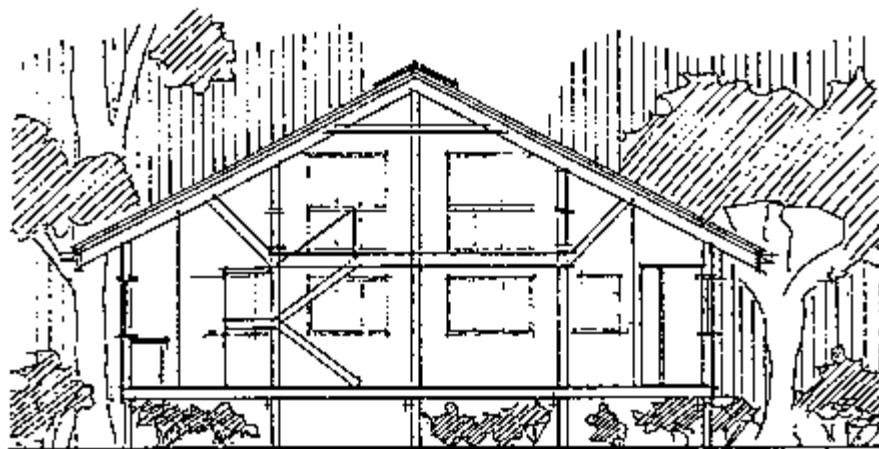
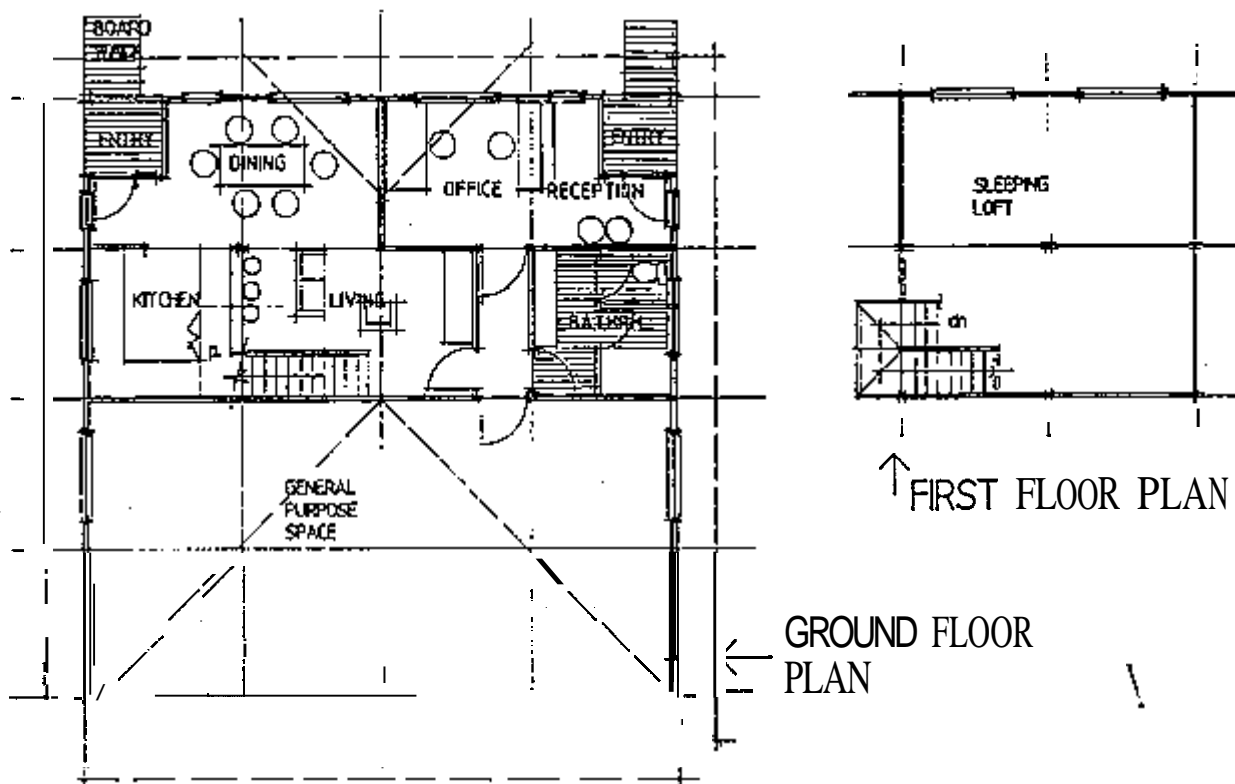
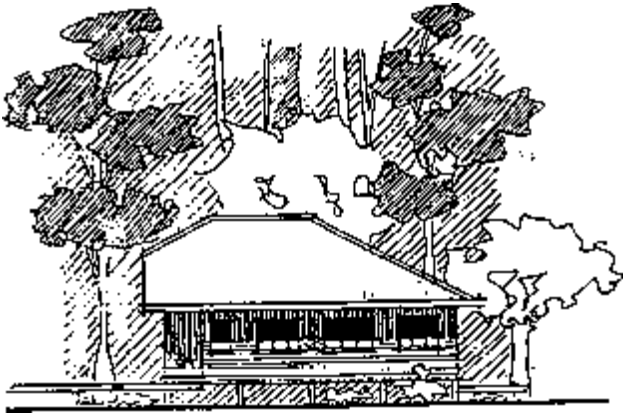


FIGURE 6(a)

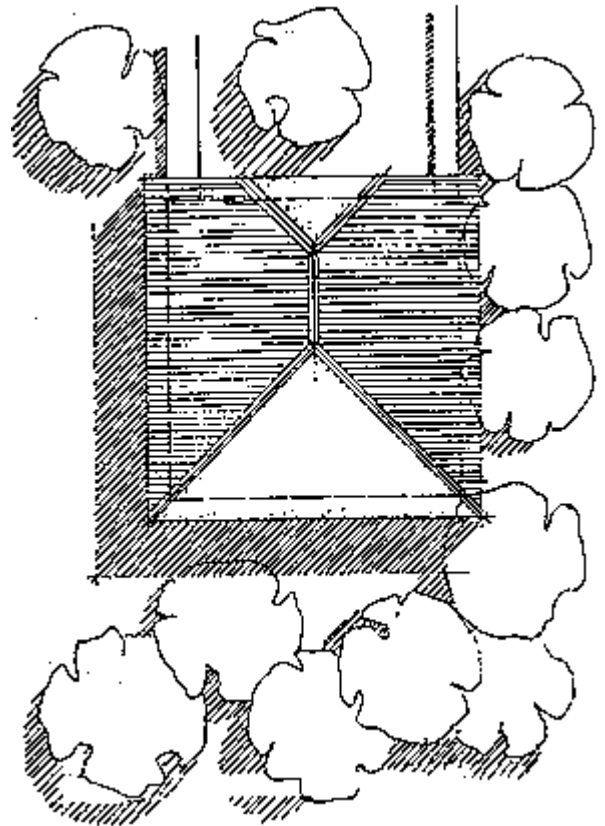
MULTI-PURPOSE BUILDING



WEST ELEVATION



NORTH ELEVATION



SITE PLAN

RESERVE FOR DEPARTMENTAL AND OFFICIAL PURPOSES.

FIGURE 6(b)

The system of transfer of fuel oil from the supply vessel to the storage tanks shall be approved by all relevant authorities.

All buildings and systems shall be designed to minimise the use of electrical energy provided by fuel oil generator.

Preferred systems to minimise reliance on fuel oil generated electrical energy, include :

- Solar heating of all hot water requirements;
- Use of bottled gas for cooking;
- External lighting by self-contained solar power units; and
- Climatically responsive building design.

(b) Fresh Water Supply

All fresh water shall be transferred to the Island by a method approved by all relevant authorities and shall be stored in a suitable reservoir within the designated area.

Supply to other users, including lease areas and public facilities shall be provided from this source.

The system of reticulation and the system of payment by users shall be determined by Council.

(c) Sewerage

All sewage shall be reticulated to a single tertiary treatment plant located within the designated area.

The system of treatment and the system of reticulation shall be approved by Council.

(d) Height Limits

The maximum height of all buildings and structures measured from natural ground level, shall be limited to 5.5 metres. Council may exempt certain structures from this height restriction where it is satisfied that the greater height is required for a bona-fide infrastructure operation.

(e) Setbacks

The setbacks for all buildings or structures in the Precinct shall be :-

- 1m from the Environment Precinct, excepting a 2m setback on the eastern end of the common support facilities area.
- 4m from Lot **143** on Plan NR 6655 in the Tourism Precinct.

All setback areas shall be landscaped and maintained to the satisfaction of Council.

## 5. PERFORMANCE CRITERIA APPLICABLE TO ALL PRECINCTS

### 5.1 Vehicle Limitations

Only vehicles required for essential servicing and maintenance purposes will be permitted on Green Island to ensure that the special character of the Island is maintained and to ensure that air and noise pollution are minimised.

Essential servicing involving the use of vehicles shall be restricted to the transfer of luggage, supplies, equipment, refuse and waste materials between the Jetty or any other approved landing point and the leases. The actual number of vehicles and the purpose for which the vehicles are to be used shall be approved by Council.

### 5.2 Building Form and Construction

The design of buildings shall comply with the following criteria :

- The use of techniques and materials appropriate to an Island location;
- Recognition of the regional context and the continuing tradition of North Queensland architecture;
- Climatically responsive building design, minimising energy usage;
- Building forms that minimise the impact of development on the environment; and
- Planning layouts that minimise mass and bulk of buildings.

Framed structures with suspended ground floors are preferred. Raised ground floors, supported on short concrete piers or timber poles, will reduce the effect of building on natural drainage to the aquifer and will also reduce the risk of flood damage in the event of a storm surge. Natural ventilation is also improved. (Figures 7[a] & [b])

### 5.3 Stormwater Discharge

All stormwater shall be returned to the Island system. Collection of rainwater from roofed areas shall not be permitted.

Gutterless detailing is preferred. A limited use of guttering will be permitted at entries and in other areas where gutterless detailing creates practical difficulties.

These requirements are designed to minimise the impact of man made structures on the natural aquifer system of the Island.

### 5.4 Building Materials

The criteria for selection of building materials shall be based on :

- Ease of transportation to an Island location;
- Suitability for use in a tropical island climate; and
- Materials that reflect the continuing tradition of North Queensland architecture.

### Minor Leases

The site cover of all buildings constructed on a minor lease within this Precinct shall not exceed 40%, based on that individual lease area.

(c) Individual Building Area Limits

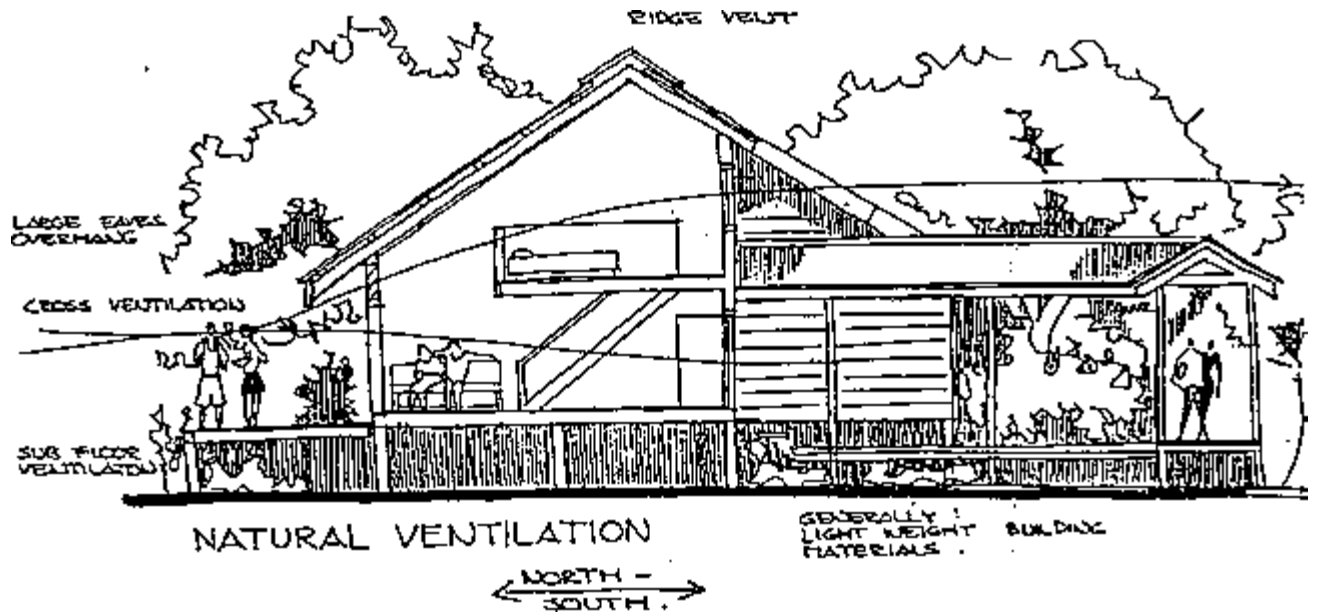
The maximum area of any one floor, of any one building, shall be limited to 250m<sup>2</sup>; excluding open verandahs, covered ways and links to adjoining buildings. (Figure 3)

(d) Setbacks

The clearance between the outermost projection of any part of a building and the boundary of a site shall be in accordance with the following criteria.

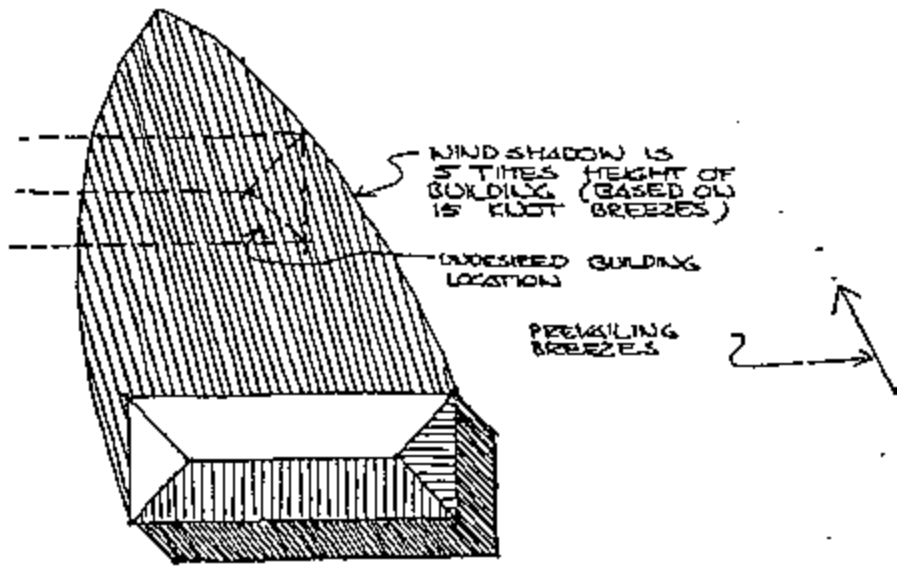


BUILDING FORM & CONSTRUCTION



NATURAL VENTILATION

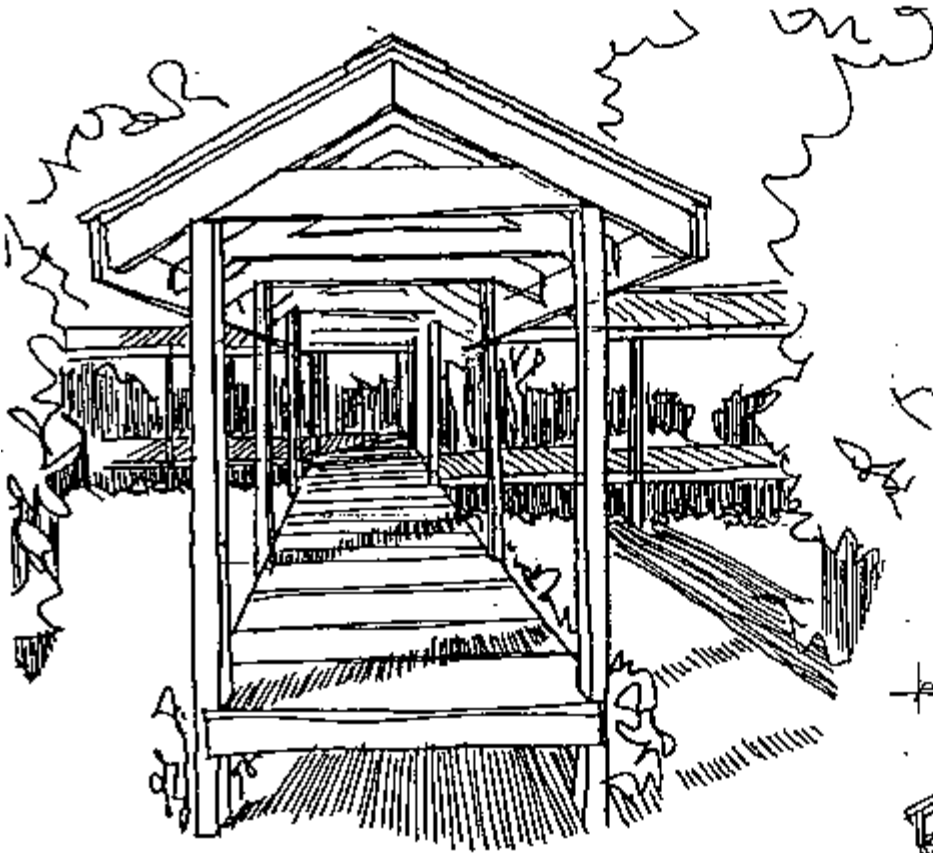
NORTH - SOUTH



WIND SHADOWS .

FIGURE 7(a)

BUILDING FORM & CONSTRUCTION



**BOARDWALKS AND  
COVERED WALKWAYS  
( Some Covered Pedestrian  
Circulation May Be  
Provided . )**

**EAVES OVERHANG  
AND VERANDAHS  
( Shading Walls &  
Openings )**

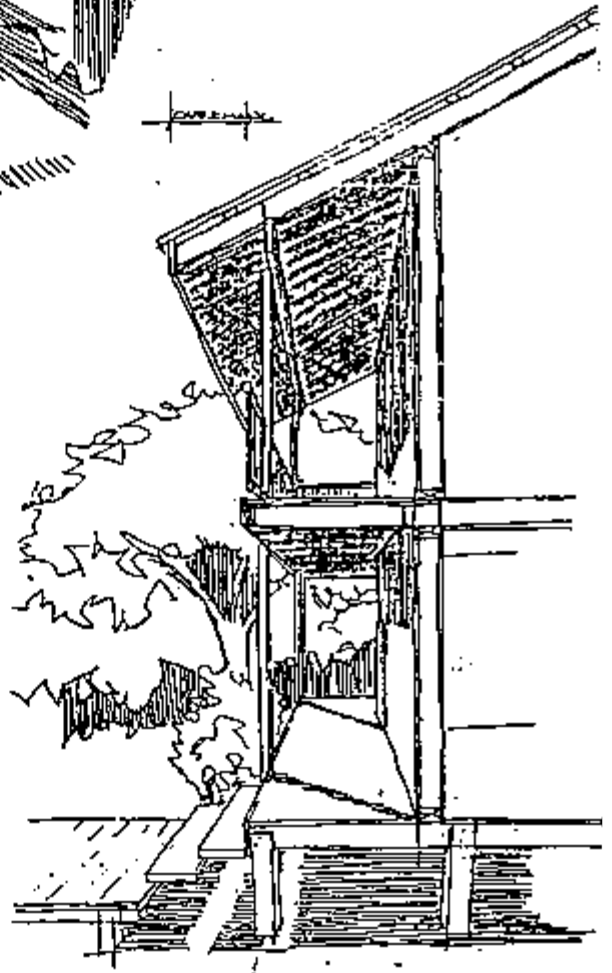


FIGURE 7(b)

Preferred materials include, but are not limited to :

- Timber: used both as structure and cladding;
- Steel: suitably protected against corrosion, used both as structure, cladding and roofing; and
- Glass: suitably shaded to avoid excessive solar heat gain; reflective glass shall not be approved.

Materials that shall be limited in their use, and used principally as footings and in pier supports include :

- Mass concrete;
- Precast concrete; and
- Masonry with brickwork.

## **5.5 Building Colours**

The following criteria shall apply in the selection of colour schemes for all external walls and roofs of buildings :

- Colours that blend with the background landscape and are of the same or similar tone as the sand, groundcover and vegetation found on the Island.
- Colours that are very light and neutral; and
- Cool colours and colours that do not fade excessively in the harsh sunlight.

Strong bright colours may be used, but should be limited in extent.

These criteria may appear to conflict. However, the intention is to contrast the darker greens and browns used to blend with the landscape, with off-white and pale neutral colours, in order to avoid a dark and oppressive environment.

The following accent colours shall be used for relatively small areas to establish visual clarity and structure of buildings e.g. fascia boards, windows etc.:

- clear finished timber;
- middle and dark greens;
- middle and dark browns.

The following colours shall be used for large areas such as external walls and roofs etc.:

- clear finished timber;
- light green, light moss green;
- sand colour, off-white, coral sand colour.

Light pink, purple, apricot, pale blue and green-blue colours are not considered suitable.

## **5.6 Construction of Pathways**

Boardwalks are the preferred form of pathway for high use areas.

This form of wallway has become associated with environmental protection, and it is considered more likely that visitors will follow paths and refrain from trampling the understorey if this type of pathway is constructed.

Some ramping to allow use of the pathways by wheelchairs will be necessary,

A three tier hierarchy and approximate location of pathways has been determined and consists of:

- natural pedestrian pathway;
- raised pedestrian boardwalk;
- combined pedestrian/vehicular raised boardwalk.

Final routes shall be determined on site to minimise destruction of existing vegetation.

It is considered desirable in terms of the "Island experience" to allow visitors to walk along the shoreline and not on boardwalks. The preferred form of pathway at the beach interface, is one constructed using treated hardwood planks, linked with stainless steel cables. This form of pathway will be simple to relocate as required.

### **5.7 Signage**

Signage shall not be visually dominant, but shall be clearly legible and serve the purpose of guidance, identification and information.

Signage shall be compatible with the natural environment of the Island and with the built form of development on the leases.

Illumination of signage should not generally be necessary. If illumination of signage is necessary, the source of illumination shall be separate from the sign. Internally illuminated signage is not considered to be acceptable.

### **5.8 Landscape Design**

The species used in landscaping and in any revegetation shall be endemic species, preferably propagated from seed or plants originating on the Island. A list of suitable species is set out in Appendix I.

All existing vegetation shall be suitably protected from damage during any development or redevelopment.

Exotic species shall be removed from the Island in accordance with a programme approved by Council and the Queensland National Parks and Wildlife Service.

### **5.9 Disaster Plan**

A disaster plan conforming to the requirements of the Cairns/Mulgrave Counter Disaster Committee shall be maintained by the operator of the main lease. The Disaster Plan shall deal with procedures for evacuation and with the provision of emergency shelter for the number of persons required by the Counter Disaster Committee.

### **5.10 Termite Protection**

If the treatment of subterranean termites is necessary the treatment shall not be carried out by the use of the following chemicals:

- Heptachlor
- Chlordane
- Chlorpyrifos; or
- Any Organochloride or Organophosphate compounds

Treatment for subterranean termites shall be by way of the introduction of one of the following measures:-

- the use of stainless steel mesh around footings or in foundations.
- the use of granite granules around footings or in foundations.
- Other methods outlined and described in the Australian Standard AS3660 - 1993 for the termite protection of buildings on ground level or piers.

### **5.11 Chemical Storage**

The storage of any chemicals associated with the operation and maintenance of lease areas shall be contained within a building or part of a building which is isolated from other buildings or other parts of the building. The location of any chemical store shall be clearly designated on any plans submitted to Council.

Pool chemicals shall be stored separately from other chemicals and shall be stored so that they are isolated within a building or part of a building.

## **6. SPECIAL PROVISIONS**

Any application submitted for the approval of the Council shall include :

- (a) Dimensioned plans drawn to scale, and indicating the site layout, typical floor layout, each elevation of the building, and sections through the building.  
The elevations shall indicate the materials and colours proposed;
- (b) A signed statement certifying that the proposed development has been designed by an Architect, registered in Queensland;
- (c) A landscape plan prepared by a qualified Landscape Architect, conforming to the guidelines prepared for Green Island by Queensland National Parks and Wildlife Service and Cairns City Council; and
- (d) Notwithstanding the provisions of (b) and (c) above, in the case of proposals for minor works Council may accept plans from designers who are not registered Architects or qualified Landscape Architects provided such designers are able to demonstrate their competence to the satisfaction of Council.

**APPENDIX I**  
**SUITABLE ENDEMIC SPECIES FOR GREEN I! AND LANDSCAPING**

<b>Family / Growth Form</b>	<b>Species / Common Name</b>	<b>Notes</b>
ANACARDIACEAE TREE	Buchanania arborescens	Small-medium bushy tree, decorative new foliage, flowers and edible fruit.
ANNONACEAE TREE	Miliusa brahei	Large bushy tree, unusual flowers.
ANNONACEAE TREE	Polyalthia nit idissima / Canary Beech	Medium forest tree, glossy dark green leaves, brownish purple new growth, mass of scented yellow flowers, small red fruit, hardy. Butterfly plant.
APOCYNACEAE TREE	Alstonia scholaris / Milky Pine	Fast growing forest tree, open layered habit, mass of creamy white flowers, glossy dark green leaves.
APOCYNACEAE TREE	Cerbera manghas	Medium bushy forest tree, bright green foliage, perfumed white flowers.
ARECACEAE PALM	Arenga australasica / Arenga <b>Palm</b>	Clumping forest palm.
ARECACEAE PALM	Ptychosperma elegans / Elegant Palm	Attractive forest palm.
ASTERACEAE SHRUB / GROUND COVER	Melanthera biflora / Native Wedelia	Low mounding herbaceous shrub with decorative foliage and yellow flowers. Tolerates partial shade.
BORAGINACEAE SHRUB	Argusia argentea / Octopus Bush	Dense salt tolerant strand shrub.
BORAGINACEAE TREE	Cordia subcordata / Sea Trumpet	Medium-large bushy tree, hardy and fast growing. Colourful orange flowers.
BURSERACEAE TREE	Canarium australianum / Melulle Island White Beach	Large forest tree.
BURSERACEAE TREE	Canarium vitiense	Large forest tree, tall open habit, colourful new growth.
CASUARINACEAE TREE	Casuarina equisetifolia / Sheoak	Weeping salt tolerant strand tree.
CELASTRACEAE TREE	Elaeodendron melanocarpum	Forest tree.
CLUSIACEAE TREE	Calophyllum inophyllum / Alexandrian Laurel	Large tree, dense canopy, grows from strand to forest.

<u>Family/ Growth Form</u>	<u>Species/Common Name</u>	<u>Notes</u>
CLUSIACEAE TREE	Calophyllum sil	Small, slow growing tree. Pink new growth decorative bark.
COMBRETACEAE TREE	Terminalia arenicola/Beach Almond	Large shady strand tree, leaves bronze before deciduation.
COMBRETACEAE TREE	Terminalia catappa/Indian Almond	As above, with larger leaves, branches more lateral.
COMBRETACEAE TREE	Terminalia sericocarpa/Damson	Large tree layered growth habit.
CONVOL- VULACEAE VINE	Ipomoea macrantha! Native Moon Flower	A vine with glossy leaves and large nocturnal flowers.
CONVOL- VULACEAE VINE	Ipomoea pes-caprae/ Goatsfoot	Trailing salt tolerant coloniser, attractive pink flowers.
CONVOL- VULACEAE VINE	Opercilina reiedeliana	A vine with large leaves A vine with large leaves and showy flowers.
EBENACEAE TREE	Diospyros ferrea/ Sea Ebony	Small forest tree.
EUPHOREZACEAE TREE	Endospermum myrmecophilum / Toywood	Medium open tree with decorative foliage (very large). Very rare and restricted species.
FABACEAE TREE	Archidendron grandiflorum / Lace- flower tree	Large forest tree, masses of pink and white flowers.
FABACEAE GROUND COVER	Canavaliarosea / Coastal Jack Bean	Prostrate twining creeper with decorative bright green foliage and mature <b>pink</b> flowers.
FABACEAE VINE	Derris trifoliata / Northern Dems	Bushy twiner with glossy dark green leaves and white flowers.
FABACEAE TREE	Erythrina variegata / Coral Tree	Large forest tree, attractive bark and orange flowers.
FABACEAE TREE	Pongamia pinnata / Indian Beach	Small forest tree, masses of pink flowers, semi-deciduous.
FABACEAE SHRUB	Sophoratomentosa / Silver Bush	Mid-dense strand shrub, yellow flowers, dark green leaves.
FABACEAE GROUND COVER	Vigna marina	Prostrate twining creeper with dark green foliage and yellow flowers.
FLAGELL- ARIACEAE VINE	Flagellaria indica / Supplejack	Bamboo-like climber with strap leaves.
GOODENIACEAE SHRUB	Scaevola sericea / Cardwell cabbage	Dense strand shrub, bright green shiny leaves.

<b>Family/ Growth Form</b>	<b>Species/Common Name</b>	<b>Notes</b>
HERNANDIACEAE TREE	Hernandiapeltata / Sea Hearse	Small tree, attractive shiny leaves, good as a pot plant.
ICACINACEAE TREE	Gomphandra australiana	Small-medium tree with decorative pink fruit.
LAURACEAE TREE	Cryptocarya cunninghamii / Coconut Laurel	Medium forest tree. Coconut scented foliage.
LAURACEAE TREE	Cryptocaryahypospodia / White Walnut	Large forest tree, tough glossy leaves, reddish new growth, black fruit attractive to birds.
MALVACEAE SHRUB	Abutilon albescens / Native Chinese Lantern	Small shrub with decorative flowers downy foliage and wheel like orange seed capsules.
MALVACEAE TREE	Hibiscus tiliaceus / Cotton-wood	Small sprawling strand tree, attractive yellow flowers.
MALVACEAE TREE	Thespesia populnea / Portia	Large bushy tree with large colourful flowers (yellow hibiscus).
MALVACEAE TREE	Vavaea amicorum	Small-medium tree with hairy leaves.
MELIACEAE TREE	Aglaia eleagnoidea / Coastal Boodyarra	Medium-large bushy tree decorative foliage and bark textures (curling strips).
MELIACEAE TREE	Anthocarapa nitidula / Incense Wood	Medium bushy tree, scented flowers attract butterflies, decorative foliage.
MELIACEAE TREE	Dysoxylum muelleri / Miva Mahogany.	Medium tree, large compound leaves.
MORACEAE TREE	Ficus drupacea / Hairy Fig	Large fig tree with hairy leaves, showy orange fruit.
MORACEAE TREE	Ficus microcarpa / Fig	Large forest tree, good as a pot plant when young.
MORACEAE TREE	Ficus obliqua / Var Petiolaris	Large fig tree.
MORACEAE TREE	Ficus virens / Fig	Large forest tree, good as a pot plant when young.
MYRISTICACEAE TREE	Myristica insipida / Native Nutmeg	Medium bushy forest tree, dark green glossy leaves pale beneath, red fruit attractive to birds.
MYRTACEAE TREE	Eugenia reinwardtiana	Small bushy tree, bright red new growth, hardy.



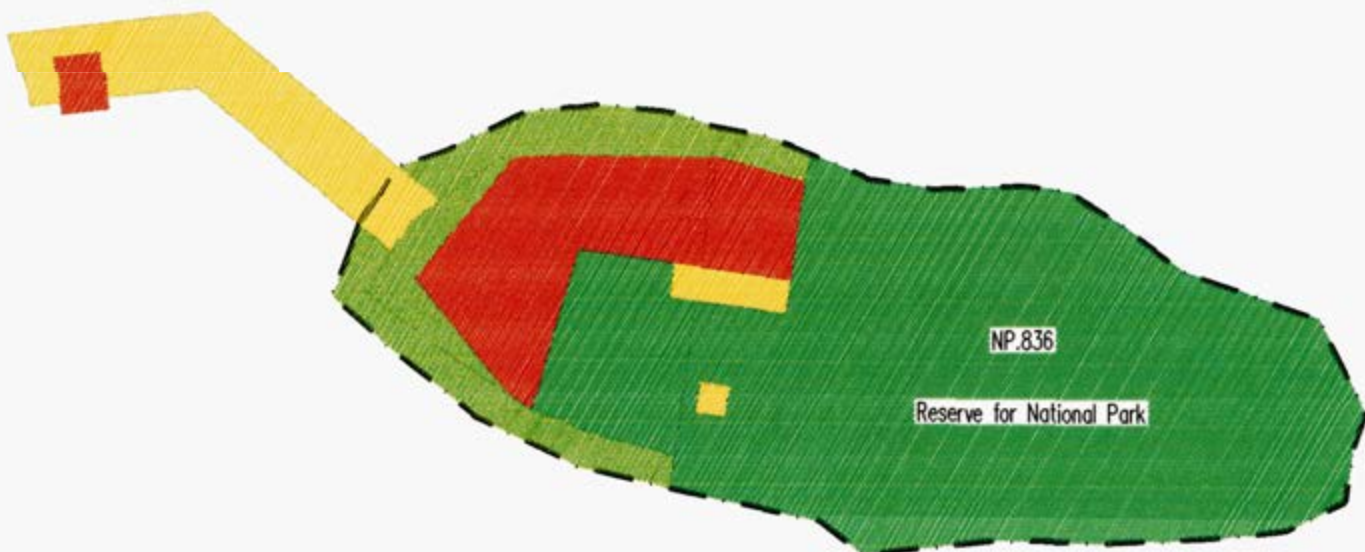
<b>Family / Growth Form</b>	<b>Species / Common Name</b>	<b>Notes</b>
OLEACEAE TREE	Chionanthus ramiflorus / Native Olive	Medium bushy tree drab appearance but attracts birds. Hardy and fast growing.
OLEACEAE SHRUB	Jasminum aemulum /Native Jasmine	Scrambling shrub, sweetly scented white flowers.
PANDANACEAE TREE	Pandanus tectorius / Pandanus	Attractive, palm like strand tree with stilt roots.
POACEAE GROUND COVER	Thuarea involuta / Bird's Beak Grass	Low creeping, dense mat plant with velvety leaves. Potential lawn species.
PODOCARPACEAE TREE	Podocarpus grayi /North Brown Pine	Small slow growing forest tree with long slender leaves and red new growth.
RHAMNACEAE SHRUB / VINE	Colubrina asiatica	Bushy rambler with glossy dark green leaves.
RHIZO- PHORACEAE TREE	Carallia brachiata / Corkwood	Hardy forest tree, glossy leaves, masses of small red berries, corky bark. 4 o'clock moth plant.
RUBIACEAE SHRUB	Guettarda speciosa / Guettarda	Large strand shrub, attractive ovate leaves.
RUBIACEAE SHRUB	Ixora klanderiana /Native Ixora	Medium bushy shrub massed white flowers.
RUBIACEAE SHRUB / TREE	Morinda citrifolia / Cheese Fruit	Large shrub-small tree. Large decorative glossy leaves, unusual white flower cones. Squashy, smelly ripe fruits restrict use near buildings and walkways. Requires grooming.
RUTACEAE SHRUB	Glycosmis pentaphylla / Pink Lime	Medium forest shrub with perfumed white flowers. Butterfly plant.
RUTACEAE SHRUB	Micromelum minutum	Hardy medium forest shrub with soft pale green leaves, small white flowers in large heads and red berries. Butterfly plant.
SAPINDACEAE TREE	Cupaneopsis anacardioides	Forest tree.
SAPINDACEAE SHRUB	Dodonea visosa / Hop Bush	Medium shrub with bright green foliage and interesting seed capsules.
SAPINDACEAE TREE	Ganophyllum falcatum / Scaly Ash	Hardy medium-large open tree with colourful fruit (red) and bark (reddish/purple/flaky).

<b>Family / Growth Form</b>	<b>Species / Common Name</b>	<b>Notes</b>
SAPOTACEAE TREE	Mimusops elengi / Red Coondoo	Small tree with dense rounded canopy. Grows from strand to forest.
SAPOTACEAE TREE	Palaquium galactoxylum/ Cairns Pencil Cedar	Medium bushy tree with decorative new growth.
SAPOTACEAE TREE	Planchonella obovata/ Yellow Box	Large forest tree with mid-dense canopy.
STERCULIACEAE TREE	Sterculia quadrifida / Peanut Tree	Hardy small forest shade tree. Fast growing with bright red fruit.
TACCACEAE SHRUB	Tacca leontepetaloides/ Native Bat Plant	Herbaceous tuber. Large compound leaves with unusual flowers.



# GREEN ISLAND

NP.1495  
Reserve for Green Island Marine National Park



NP.1495  
Reserve for Green Island Marine National Park

## DEVELOPMENT CONTROL PLAN 6 GREEN ISLAND - MAP 1

### PLANNING PRECINCTS

December, 1996



Scale 1 : 5,000

DO NOT SCALE

- |                |  |
|----------------|--|
| Recreation     |  |
| Environment    |  |
| Tourism        |  |
| Infrastructure |  |